

**MINUTES OF THE SPECIAL MEETING OF THE WARDEN AND BOARD OF BURGESSES ON
MONDAY MAY 11, 2020
VIRTUAL MEETING, 4:00 PM**

A Special Meeting of the Warden and Board of Burgesses was held using the Zoom meeting format on Monday, May 11, 2020. Notice of the meeting was posted in a timely manner on the Fenwick kiosk and on the website.

PRESENT: Warden Newt Brainard, Jonathan Gengras, Frank Keeney, Julie LeBlanc, Pam Christensen, Ann Pulver, Art Wright, General Manager Jeff Champion, and Zoning Enforcement Officer/Land Use Administrator Marilyn Ozols.

MEMBERS OF THE PUBLIC: A number of members of the public were also in attendance via Zoom.

The Warden called the Meeting to Order at 4:03PM.

Approval of the Minutes

**A Motion was made by Jonathan Gengras, seconded by Pam Christensen, to approve the April 29, 2020 Minutes as presented.
PASSED UNANIMOUSLY.**

Floor Opened for Public Comment: Charlie Millard thanked the Warden and Burgesses for an interesting meeting on 4/29/20. He added that he and the Warden spoke with Campbell Hudson and that the hiring of a constable would be a direct response to the previous letter from Atty. Shimelman specifying that the Borough could not have a traffic authority without a police/constabulary force. Charlie Millard stated that the Burgesses have the authority to hire a constable. The Warden noted that J.D. Rehm had distributed a detailed job description.

General Manager's Report

- **Budget Discussion**

General Manager (GM) Jeff Champion provided his report and the proposed 2020-2021 Budget to the Warden and Burgesses prior to the Meeting.

Overall there has been a modest increase in income from last year, as well as expenses. The tax side is pretty flat. Expense-wise the Borough is getting hit by the minimum wage increase, which has led to substantial increase in wages for the starters and for the Superintendent's staff. There are also some incremental increases, such as a slight increase in the park monitor wage. There has been an increase in IT costs stemming from the rearrangement of the office and service at 4 Nibang.

The Warden commented that the projected surplus, as it were, for the end of June amounts to approximately \$193,000 and is largely the result of two exploding revenue categories, greens fees and building permits. Those categories are not likely to see similar revenue next year, so the proposed budget shows more typical averages. The aim is a balanced budget that could yield a \$50,000 surplus.

Art Wright asked if the generator was included in the budget. The GM answered that it is in the 2019-2020 budget and will end up going in below the line as a capital expense.

Pam Christensen stated that at the last meeting, up to \$25,000 was approved for a constable salary and asked if that amount was in the budget. The Warden replied that he preferred to wait until there is a clearer idea of what the salary would be. He added it could be a recurring amount of anywhere from \$5,000-\$75,000. The higher end would obviously require more thought and discussion on how to pay that amount. He also stated that the Borough has the funds for next year to pay for a constable but for future years it could require a tax increase. Pam Christensen asked the basis for the \$13,000 park monitor amount. The Warden stated he asked for a 60% increase just to increase coverage at the beach, etc.

Art Wright asked if enough money has been budgeted for legal expenses, including legal aspects of Planning and Zoning Commission. The ZEO stated the budget included ongoing legal expenses but not those related to a lawsuit. The Warden added that he has spoken with Atty. Zizka regarding litigation and Atty. Zizka does not think things are going to "explode" anytime soon.

Julie LeBlanc asked if there are funds available for the purchase of recycle bins for the pier and tennis courts. The Warden replied yes, and asked for someone to take the lead and research what is aesthetically and operationally appropriate, and determine if FIF might want to contribute. Julie LeBlanc said she would investigate and the GM said he would share catalogs and available options.

The Warden stated that the proposed budget was a working document that would be voted on in the future.

Treasurer's Report – No report.

Board, Commission and Committee Reports

-Use of Borough Property

A Motion was made by Pam Christensen, seconded by Ann Pulver, that the Burgesses approve the revised dates for use of Borough property by Kelly Andrew, Jon Hopper and Darlene Ryder as presented in the Amended Agenda.

PASSED UNANIMOUSLY.

-Proposal Regarding Memorial Garden

A Motion was made by Frank Keeney, seconded by Pam Christensen, that the area around the flagpole and evergreen within the traffic circle on Fenwick Avenue in the Borough of Fenwick be designated as "Cynthia's Garden" in memory of Cynthia Rehm, with the Rehm family responsible for financing the design, planting, and maintenance of the garden.

There was brief discussion of the Motion.

IN FAVOR: Frank Keeney, Pam Christensen, Ann Pulver, Jonathan Gengras, Julie LeBlanc

OPPOSED: None

ABSTAINING: Art Wright

MOTION CARRIED 5-0-1.

-Constable / Traffic Authority: J.D. Rehm distributed the draft constable job description to the Warden and Burgesses prior to the meeting. Pam Christensen stated that, in the opinion of Atty. Zizka, the Borough does not need an ordinance in order to hire a constable and have the Warden be the Traffic Authority. An ordinance is possible, but not required, as the Special Act outlines the Borough authority. The Warden noted that if and when there is a constable, the Borough needs to ask the DOT to recognize the Warden as the traffic authority. Pam Christensen suggested having Atty. Zizka represent the Borough and make that approach on its behalf. She also asked if the GM could reach out to the insurance company regarding liability insurance. The GM replied he would. The Warden asked that the job description be finalized before the GM approaches the insurance company. Pam Christensen suggested it would be helpful for the Burgesses to review the job description and send their feedback to the Concerns Committee so that they could finalize the description. Frank Keeney asked where the role of constable ends and the role of the Old Saybrook Police Department (OSPD) begins. He also stressed the importance of maintaining the Borough's good relationship with the Town and its officials. Pam Christensen replied that Atty. Zizka has advised that the constable would be the traffic person and enforcer of ordinances. Any violent crime or a matter regarding State law would be handled by OSPD. Frank Keeney asked what about matters relating to Town law. Pam Christensen replied she would ask Atty. Zizka for an answer to that. J.D. Rehm stated that the Concerns Committee envisions the constable enforcing Borough ordinances. The Committee is unsure if or how that conflicts with Old Saybrook ordinances, so legal input is an important part of this. He added that the role of constable can be as narrowly or widely defined as the Borough wants it to be. Pam Christensen asked the Warden and Burgesses to email any questions to her and she would pass them along to Atty. Zizka. The Warden stated he would like to confer further with Atty. Zizka, the Concerns Committee, and Frank Keeney and asked Pam Christensen to set up a call with Atty. Zizka.

-Gilhool Road Transfer Request: The Warden stated that several years ago, the portion of Sequin Avenue east of the Gilhool property and Bulkeley Avenue to the west of the Gilhool property was offered to owners of the Keeney, Bradin and Jones properties. The portions adjacent to the Gilhool property are still in Borough hands and the Gilhools have requested that they be transferred to them, especially considering that their septic system is on a portion of that Borough land. He added that Atty. Campbell Hudson is putting together

the paperwork for the transfer and that he hoped to have it available for the next Burgess meeting.

-Board and Commission Vacancies / Term Expirations: Slates are not yet complete, so the Warden stated he'd like to approve them all at one time once they are available, noting that the deadline is July 1.

-Hammer Law Exceptions: The ZEO asked if there are any possible one-time exceptions to the Hammer Law. The Zubretskys and the Wilsons have requested such exceptions because of delays related to the pandemic. Regarding the Zubretsky property, the Warden asked if a certificate of occupancy (CO) could be granted with the house in its current condition. The ZEO replied she believed a CO could be granted. There was brief discussion of the matter. The Warden stated that while he has compassion for the homeowners, residents have basically two months to enjoy the Borough and continued construction / improvements through the summer would interfere with such enjoyment. Pam Christensen stated that if exceptions were granted it could set an unwanted precedent. The Warden agreed but added that he would be happy to have a vote if a motion were made. Frank Keeney asked the ZEO to investigate the scope and time requirements for the two projects and suggested the Warden and Burgesses could address the matter in a few weeks.

Warden Report:

-Old Saybrook Fire Department (OSFD): Frank Keeney reported that the Borough usually donates use of the golf course for two charity golf tournaments each year, one held by the OSFD and one held by the Monkey Farm. The OSFD tournament, which is their largest fundraiser, has been canceled due to the pandemic. He suggested that the Borough make a donation to the OSFD to help make up for their loss, especially considering that the Borough would have unanticipated revenue that day.

A Motion was made by Frank Keeney, seconded by Pam Christensen, to approve an expenditure of \$2,000.00 to be donated to the Old Saybrook Fire Department to help offset what the Department has lost from not being able to hold its golf tournament this year.

There was brief discussion of the Motion.

PASSED UNANIMOUSLY.

Other Business: The Warden stated that he would be writing a Warden's letter outlining challenges faced by the Borough due to the pandemic and the Borough's anticipated response to such challenges. He added that he spoke with Richard Chmiel and Member-Guest would be canceled this year with refunds provided to those who have paid. The Warden also reported that the Governor has approved day camps for this summer so Playclass is likely a go. He asked the GM if there were any issues on the employment front. The GM replied no.

There was discussion regarding cancellation of the Annual Residents Meeting. The Warden stated Zoom meetings with large numbers of people can be unwieldy and unproductive. Frank Keeney suggested that the Burgesses set the mill rate and adopt the budget without holding a residents meeting, as currently allowed by the Governor's order; but as soon as larger gatherings of people are allowed, hold a modified residents meeting in the chapel.

A Motion was made by Frank Keeney, seconded by Art Wright, to cancel the Annual Residents Meeting scheduled for May 23, 2020.

There was brief discussion of the Motion.

PASSED UNANIMOUSLY

Frank Keeney stated that there was the potential for a serious tick problem, especially at the point, this summer due to the mild winter. The Superintendent has been working with Mosquito Joe regarding spraying. Andy Fiske has suggested it might be better to mow in from the roads out at the point.

Next Meeting: Virtual meeting via Zoom, Thursday, June 4, 2020 at 4:30 p.m.

Human Resources – Executive Session: The Warden stated no Executive Session is necessary.

There being no further business, Motion was made by Jonathan Gengras, seconded by Frank Keeney, to adjourn the meeting at 5:57 p.m.

PASSED UNANIMOUSLY.

Respectfully submitted,

Suzanne M. Stanners