

**BOROUGH OF FENWICK
BOARD OF WARDEN AND BURGESSES
SPECIAL MEETING
FRIDAY, NOVEMBER 4, 2016 AT 4 PM**

APPROVED

PRESENT: Warden Fran Adams, Frank Keeney, Arthur Wright, Pamela Christensen, Ethel Davis, Valerie Bulkeley, Jonathan Gengras, General Manager Larry DeBlasiis, ZEO Marilyn Ozols, Daryl Aresco.

Others Present: Tim Gerrish Golf Course Architect, Peter Bulkeley, Robert Boody.

The Warden called the meeting to order at 4 PM. He then requested a Moment of Silence for the passing of Mark Gengras.

The Warden opened the floor for Public Comment. There were no comments.

**A Motion was made by Pam Christensen seconded by Valerie Bulkeley to accept the Burgess Minutes from October 7, 2016 as presented.
PASSED UNANIMOUSLY.**

General Manager's Report

Larry DeBlasiis started the meeting with the introduction of Tim Gerrish, the golf course architect who was hired to work with Peter Bulkeley, Frank Keeney, Daryl Aresco and himself to take the Master Plan for the golf course and produce a tactical plan. Mr. Gerrish presented to the Burgesses a detailed hole by hole plan for improvements. The preliminary plan focused on irrigation (modernize, improve), bunkers, greens, drainage, and maintenance. The Committee prioritized the items to focus on a six year plan to target the greens and bunkers. The Bunker work would focus on new sand, new grass, stimulate strategy and aesthetics. Focus on the greens would include improved irrigation and ease of maintenance along with quality turf. Tim Gerrish stated that the goals of the Plan were to play to the modern game, an easier course to maintain and make it fun to play. The potential work would be done by outside contractors and in house when possible. The preliminary discussions with the Burgesses included cost estimates, impact on handicapping the holes and design questions. At this point in the process, the Committee was not asking for funding for the Plan. This was a preliminary design that supports the Master Plan Narrative. There is no commitment to starting the Project but it is necessary to approve the "Road Map" of actionable items that need to be approved so that future Committees and Boards will have the approved Plan for when funding is available and that it becomes a part of the Capital Budgeting Plan. As the Plan becomes more finalized, it will be presented to the Community.

The financial report was provided to the Burgesses noting that golf course income rebounded in October. It was determined that the September numbers were off due to a calendar shift this year. There were two fewer days in September this year that amounted to \$4000. Another reason for the dip in income could be that surrounding golf courses were advertising packages to play at lower rates and benefits and the condition of Fenwick due to the drought were not good. At this time, the Warden provided the Treasurer's report who was not at the meeting, that reported revenues for the course were running \$17,000 behind last year's record pace through October and that half this amount was due to member guest. He also reported that meeting the budget will be tight and an exceptional winter is needed to break even.

The 1st and 9th Fairway Project is completed. After the last rainstorm, the new drainage worked as expected and areas that needed a little more fine tuning will be repaired.

Congratulations to Daryl Aresco for finding a \$7000 water bill correction which will be coming back to the Borough most likely as a credit to future bills.

Finally, a thank you to Jennifer McCann for her donation of the 420 Sailboat that will be kept at the Fenwick Yacht Club. It was mentioned in the meeting that two optimists are still at the Pier along with a Sunfish. They need to be removed by the owners.

\$5500 in taxes is coming back to the Borough from two properties.

Board, Commission and Committee Reports

Park Commission: Frank Keeney reported on the condition of trees in the Borough. Dan Bartlett, tree expert, and Daryl Aresco surveyed trees in the Borough and provided a status report. Thirteen trees were considered "red" meaning that they were a real hazard to the community and needed to be removed immediately. Twelve trees were considered "yellow" that meant they needed to be addressed in one to two years. Ten trees were considered "orange" that required to be pruned and treated to save. Norway maples could not be saved due to canker and root disease. Presently, there is no budget to take care of any of these issues and that includes replanting. Cost estimates are up to \$10,000. Red Maple and Pin Oak trees were recommended for replanting. Mr. Keeney is going to share the report with Lynde Point Land Trust and will hope that they can assist in the sharing of the cost.

HDC: Valerie Bulkeley reported that they are meeting tomorrow and they have a full Agenda.

LPLT: Pam Christensen reported that they are hiring an arborist to review trees that are on easements. The easements report has been completed and it was noted that

the Secret Garden no longer looks the way it was originally conceived. Tom Riggio will be asked to speak to the Burgesses about the area.

FIF: Arthur Wright reported that the revised Bylaws were adopted to include new members on the Board and that classes were created on the Board so that there would be a natural evolution of members only serving two terms for three years. Also, the Annual Appeal would be going out soon. Finally, there is \$99,000 in the account of which 50% are restricted funds.

Nominating Committee: Jonathan Gengras reported that the slate should be finalized this week.

Warden's Report

The Warden read the following update on the two Piece of Paradise ("POP") cases dealing with the west lot of the former Hepburn property from the Borough attorney Lewis Wise.

1. POP v ZBA. This is the appeal of the denial of the variances in which we prevailed at the Superior Court level. POP appealed that decision to the Appellate Court where it is now pending. Several weeks ago at a court mandated settlement conference Mr. Sciamme told the presiding judge that he would seek an amendment to the remediation site plan ordered by the Planning and Zoning Commission in order to allow a residence to be built in the event variances were ever granted. However, his attorney informed me recently that Mr. Sciamme changed his mind and they will be proceeding with the appeal. I believe their brief is due in December and ours forty-five days later. They can then file a Reply brief. After that comes oral argument before the court.
2. POP v Borough of Fenwick et al. In this case, POP claims that the denial of variances constitutes a taking because it destroys the value of the lot. Our position in a nutshell is that the variances were properly denied for several reasons and no taking has occurred because the lot was never a building lot to begin with. The suit was filed in state court and seeks damages for an "inverse condemnation" under both the state and federal constitutions. We have removed the case to federal court. POP has just filed a motion to return the case to state court.

The Warden stated that the attorney fees are not reimbursed if the Borough prevails in both cases. The legal fees need to be in the next budget.

The Borough has been approached by a landowner to purchase Borough property adjacent to their property. In the past, both parties would attain appraisals and a price would be established with the buyer paying for all legal fees. The Warden requested that a Policy be created concerning the "Purchase of Borough Property". There are considerations to be discussed with this issue such as: should other bids be allowed and if the property is under easement.

The Warden reported that a Committee has been put together to research the issues and develop policies for the Junior Program. The research for the Committee is being done by Larry DeBlasiis and Margaret Wade, Carolyn Agee and the Warden are the members of the Committee. The Junior Program is a function of the Borough and is responsible for the coverage of the volunteers, and the employees of the Program should meet all of the Borough staff requirements. The Burgesses will review the Policy when completed.

The last item to be discussed was the ongoing funding for maintenance for donated items to the Borough. The issue is difficult given the generosity of the donor, however, some items directly affect the operating costs for the Borough and when analyzing whether to accept items, the operating costs should be reviewed. The issue will be further discussed at another Burgess meeting.

Other Business

A Status Report for the Policy for Activities on Borough property is forthcoming.

Light posts are still available if the resident pays for the installation and the Borough will pay for the light.

NEXT MEETING: Friday, December 16, 2016 at 4 PM.

**Being no further business, at 6:20PM, a Motion was made by Valerie Bulkeley seconded by Frank Keeney to adjourn the meeting.
PASSED UNANIMOUSLY.**

Respectfully Submitted,

Julie G. LeBlanc, Clerk