

# **Minutes of the Special Meeting of the Board of Warden and Burgesses of the Borough of Fenwick Saturday, August 11, 2018 at 4 Nibang, Fenwick, Ct.**

**Present:** Warden Newt Brainard, David Savin, Arthur Wright, Frank Keeney, Pam Christensen, Jonathan Gengras, Robert Gay, General Manager Jeff Champion, ZEO Marilyn Ozols.

**Not Present:** Peter Brainard

**Members of Public:** Thirty Six Members of the Community attended the Open Discussion of the Short Term Rentals. The following attended the Burgess Meeting portion: Jessica Gay, Bill Webster, Chuck Chadwick, Duby McDowell.

## **Approval of Minutes**

**A Motion was made by Frank Keeney seconded by Jonathan Gengras to approve the July 20, 2018 Minutes as presented.  
PASSED UNANIMOUSLY.**

## **General Manager's Report**

Jeff Champion provided his Report to the Burgesses at the Meeting and reviewed the following issues:

-T&M is providing a quote for refurbishing the current golf cart that the Park Monitor is using. It is the least expensive option. Also discussed were a new uniform that would present as more professional for people to view him as an authority figure. The new Golf cart will be in operation in two weeks.

-At the last Burgess Meeting, the garbage and recycling schedule was reviewed. Jeff Champion analyzed the current operation and it was determined that the only option would be to put a temporary dumpster for recyclables behind 4 Nibang for the summer season for Residents to use. Campbell Hudson is reviewing this option and it will also have to be approved by LPLT. Discussion took place on other options such as Residents purchasing their own additional recyclable bin or Residents taking their overflow recyclables to the transfer station in Town.

## **Treasurer's Report**

Bob Gay reported that golf course revenues are down \$10,000 from the beginning of the fiscal year. The surplus from last year is gone. He felt that the Borough has higher priorities for funds than to refurbish the golf cart and that this expense was unnecessary.

Discussion took place in determining the type of cash management vehicle to choose for capital and operating funds.

**A Motion was made by David Savin seconded by Art Wright to invest \$150,000 of the Capital Reserve Account and \$300,000 from the Operating Account into a cash management account that invests in Treasury Bills.  
PASSED UNANIMOUSLY.**

Signers on the account will be General Manager Jeff Champion, Bob Gay and the Warden. It was noted that any redemptions from the Fund are only to be returned to the Borough bank account for security purposes. It was noted that the Burgesses need to continue to review the quarterly expenditures of the Borough accounts.

At this point in the Meeting (9AM), the Burgess Meeting paused to start the open discussion with Residents concerning Short term Rentals within the Borough. Mike Zizka, Borough land use attorney gave a short introduction about the current laws in the state of Connecticut and the Borough's current regulations.

### **Key Issues:**

- Residential Use vs Non residential Use is not clear cut.
- If the Law for Short term Rentals is ambiguous which they are in the Borough, the Court will most likely side with the landowner.
- New Regulation for "non conforming uses" may not take away a landowner's right to rent for a short term if they have been renting and have set a precedent. For a precedent to be established: the rental was lawfully established before the regulation came into effect therefore it is legally non conforming if the rental was "generally known in the neighborhood".
- Mr. Zizka encouraged the community to "buy in" with whatever "new regulation" is enacted in that enforcement is difficult.
- Discussion centered around Ordinance vs zoning regulation: which is enforceable? Better manageable?
- the need to define "short term rental" in the regulation.

The Meeting was then opened up to the Public for Comments-Questions and Discussion included:

- Should the regulation be only in effect for the summer season?
- Define what it is the issue for the community? safety? Not knowing the renters? Disturbing the ecosystem that makes Fenwick the community it is? Party house? Too many people in the home (20-30 people)? Rotating people?
- Why is a one week rental not a commercial use of the property?
- Rental Community in the Borough has changed. Renting for longer than one week is difficult given women in the workforce and cost.

-Hardship to families who need to rent to pay the tax bill to the Borough if they cannot rent out their home.

-Stress as the community has to find a balance that suits the majority of homeowners.

-How do you define a “single family unit”? Usually individuals are related by blood but should be defined in the regulation.

-Should define the regulation around top concerns of the community.

-Set a term limit: minimum rental-two weeks-continuity in the community.

-Homeowner should educate the renter as to the rules and regulations in the Community such as: golf cart rules, traffic concerns, responsibilities.

-“Guidelines for Rentals” should be created for rentals and distributed.

-“Guidelines for Rentals” should be same for the owners. No differentiation should be made between the two.

-Who should be responsible for collecting the Borough recreation fee? The homeowner or the Borough office?

-If there are issues with a rental property, call the Old Saybrook Police.

-Standard Lease for all Rentals-or have the homeowner add an addendum with Borough Rules and Regulation.

-It is the activity in the house that is the issue not the duration.

-Should the use of advertising on VRBO or Air B&B be banned?

-Timing of enacting regulation: summer rentals for next year are already booked so the need to grandfather is required if regulation is in effect by next season.

-Investigate the option of creating a “Special Permit”-certain activities are allowed and other uses are only allowed through “Special Permit”....if there is no consensus this option allows exceptions to the rule and only can occur one time. Use only for Renters?

The Open Forum concluded at 10:30 AM.

The Warden would like the Burgesses to come to the next Meeting with administrative and content ideas for the regulation of Short Term Rentals. Mike Zizka will be at the Meeting to guide the Burgesses in a recommendation that will be sent to P & Z for review. Guidelines and Restrictions are clearly needed such as no special events for short term rentals and maximum number of people in a home.

### **Warden's Report**

**A Motion was made by Frank Keeney seconded by David Savin to accept the Nominating Committee: Chair Duby McDowell, Jonathan Gengras, Jim Wade, Laurie Goldsmith, Andrea Jones, Sue Webster, Ethel Davis. PASSED UNANIMOUSLY.**

The Target Date to deliver the Nominating Slate is Columbus Day.

The Warden appointed Julie LeBlanc to the Road Committee to represent the West End.

**A Motion was made by Jonathan Gengras seconded by Pam Christensen to approve Parking Cars at 4 Nibang on September 15th for the Reynolds Wedding. PASSED UNANIMOUSLY.**

The Warden met with Carl Fortuna and discussed opportunities where the Borough and Town could further cooperate. Discussion included: CIRMA: a local risk Management Association that may be helpful to the Borough, Gateway Commission opening and potential resident for the appointment, and the construction and funding of the Borough entrance. Mr. Fortuna was amenable to the concept of assisting the Borough in funding the Entrance Project as part of the Project is on State and Town Roads. Discussions will continue.

The Warden and Frank Keeney met with Campbell Hudson and the following issues were discussed. The FYC Lease will be reviewed and forwarded to Jessica Gay for her review. The documentation for the Reversionary Clause for the potential sale of the of the Maintenance lot is in process and when completed will be sent to Peter Bulkeley for approval. This does not mean the lot is for sale but provides the paperwork that if it is deemed appropriate to sell the lot in the future the Borough has the right.

### **Board, Commission and Committee Reports**

P&Z has a Public Hearing scheduled for August 22.

Park Commission Meeting scheduled for this coming Friday. Updated information from EZ Links will be discussed and a recommendation from the Commission will be ready for the Burgesses to review at the next Meeting. Golf Course July Revenue was flat and August is not promising given the loss of revenue from the Member Guest Tournament and the Rain this Weekend.

**NEXT MEETING:** August 20, 2018 at 6 PM.

**Being no further business, at 11:28 AM a Motion was made by Jonathan Gengras seconded by Pam Christensen to close the Meeting. PASSED UNANIMOUSLY.**

Respectfully Submitted,

Julie G. LeBlanc, Clerk