

**MINUTES OF THE SPECIAL MEETING OF THE WARDEN AND BOARD OF
BURGESSES ON THURSDAY, SEPTEMBER 19, 2019 AT
4 NIBANG AVENUE, FENWICK, CONNECTICUT**

PRESENT: Warden Newt Brainard, Arthur Wright, Frank Keeney, Julie LeBlanc (via telephone), Robert Gay, General Manager Jeff Champion, and Zoning Enforcement Officer/Land Use Administrator Marilyn Ozols.

MEMBERS OF THE PUBLIC: David Savin, Charlie Robertson, Kristen Robertson.

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

Approval of the Minutes

A Motion was made by Frank Keeney seconded by Arthur Wright to approve the August 22, 2019 Minutes with 2 minor changes noted by Marilyn Ozols.
PASSED UNANIMOUSLY.

Floor Opened for Public Comment

David Savin stated that since the Planning & Zoning Commission adopted the new short-term rentals regulation, many residents he has talked to have voiced their dissatisfaction with the regulation. He and these residents believe 1) the regulation is not restrictive enough; 2) the members of the Commission who had a financial interest in the outcome of the discussion should have recused themselves for ethical if not legal reasons; and 3) the grandfathering provision is unsatisfactory. Savin stated that Attorney Zizka has advised him that the choices for changing the short-term rental rules are for the Planning & Zoning Commission to pass a new regulation or for the Burgesses to pass an ordinance. Savin further stated that he hoped the Burgesses would investigate and consider passing an ordinance banning or restricting short-term rentals. The Warden noted that Attorney Campbell Hudson has advised that the quickest route to further restricting or banning such rentals would be for the Planning & Zoning Commission to change the regulation. He added that he believes the present regulation is a good first step, and the Burgesses and residents should wait and see what happens when it takes effect 10/1/19.

Charlie Robertson stated that on 9/16/19 he sent the Zoning Enforcement Officer (ZEO) notice that 4 Fenwick properties were listed for rental online for between 2-7 days which is contrary to the new regulation's 14-day minimum rental. The ZEO replied that it is not against the regulation to advertise for shorter stays. Robertson also asked if it was correct that as of 8/8/19 any short-term rentals existing prior to 7/20/19 would be honored. The

ZEO replied that she sent that information to everyone on the Borough email list. She presently has only 1 lease for a 1-week period for next year. The Warden said he would send a reminder to owners of properties listed on VRBO or Airbnb that it is not proper to advertise rentals they can't honor and also reminding them to inform the ZEO promptly who their renters are. The ZEO stated that she currently assumes that no one is signed up to rent other than the one lease previously mentioned. Charlie Robertson expressed his disappointment in the Planning & Zoning Commission's passing of the regulation and his belief that the Commission's minutes of the 7/20/19 meeting are inaccurate in their reference to the number of people present at the public hearing who were against short-term rentals.

General Manager's Report

Jeff Champion provided his Report to the Burgesses prior to the Meeting. He discussed the following items:

-**EZ Links**: Atty. Campbell Hudson has sent a termination letter to EZ Links. In the meantime, some of the starters are investigating replacement systems. A new system will most likely be selected by 10/31/19.

-**Golf Carts**: Golfers are pleased to have the option of a golf cart. The average number of cart rentals has been 4.5/day, which is basically the break even number. Frank Keeney stated he would like to see a change to gas carts, despite their increased noise, as they require much less maintenance. The General Manager stated that golf cart rental will end by 11/1/19 and resume 4/1/20.

-**Golf Course**: Tee leveling has begun and should be completed by the first week in October. The greens have also been recently aerated.

-**Pier**: CT River Dock & Dredge will cut test holes in the pier on Columbus Day. Once the holes are cut, the situation will be assessed and a report will be provided to the Burgesses.

-**Beach Area**: The umbrellas have been put away until next season. A couple of tables are still at the beach for residents' use.

The General Manager thanked Frank Keeney for cleaning up the interior of 4 Nibang Avenue.

Treasurer's Report

Treasurer Bob Gay stated that there is almost \$100,000 available for new projects, one of which is the pier. The General Manager stated the pier repair is likely to cost less than that amount. The Treasurer stated there is approximately \$153,000 in the capital reserve account. It is a favorable time to perform work on the entrance to the Borough. Frank Keeney noted

the possible negative impact on construction equipment entering/exiting the Borough during the entrance project. The Warden stated that emergency vehicles must be able to enter and exit the Borough while work is being performed.

The Treasurer stated that cash flow is fine, golf is a little better than usual. The General Manager asked that the Burgesses keep the playground project in mind. The Warden stated he will check on the funding progress of that project. Arthur Wright said that the FIF expects it will not be necessary to expend its funds on the playground.

The Treasurer stated that \$450,000 has been raised for dune restoration and it needs to be used or it will be lost. The ZEO stated that the applications regarding the restoration have been submitted to the Army Corps of Engineers and CT DEEP.

Review of Hammer Law: The Warden tabled this matter until the next meeting.

Warden Report: The Warden stated he had nothing to report that had not already been covered at this meeting.

Board, Commission and Committee Reports

Park Commission: Frank Keeney reported that he, the Warden, Bob Gay, and Jeff Champion would be meeting to review the Superintendent's plan for Borough land from a maintenance perspective.

Planning and Zoning: Art Wright stated there has been no Planning and Zoning meeting since the last Burgess meeting.

FIF: Art Wright stated FIF will contribute \$20,000 toward the tee leveling project. The playground project will be run through the FIF but will be independently funded. Frank Keeney thanked Art for "going to bat" on those projects.

Lynde Point Land Trust: No report.

Concerns Committee: No report.

Harbor Management Commission: No report.

Zoning Board of Appeals: No report.

Historic District Commission: Marilyn Ozols reported that the Commission approved the new playground. The Commission denied the cabana at 6 Mohegan Avenue.

The Warden requested that a parking management plan be provided regarding the construction trailer and other construction vehicles at 11 Pettipaug Avenue. The ZEO said she will request it.

Next Meeting: The Warden will send out possible dates to the Burgesses.

A Motion was made at 4:45PM by Frank Keeney, seconded by Art Wright, to keep the Burgess meeting open, move into Executive Session and invite Jeff Champion to attend, for the purpose of human resources discussion.

**There being no further business, A Motion was made by Art Wright, seconded by Frank Keeney to adjourn the meeting at 5:15PM.
PASSED UNANIMOUSLY.**

Respectfully submitted,

Suzanne M. Stanners