

MINUTES OF THE SPECIAL MEETING OF THE WARDEN AND BOARD OF BURGESSES ON MONDAY, NOVEMBER 4, 2019 AT 4 NIBANG AVENUE, FENWICK, CONNECTICUT

PRESENT: Warden Newt Brainard, Jonathan Gengras, Pam Christensen, Frank Keeney, Julie LeBlanc (via telephone), General Manager Jeff Champion, and Zoning Enforcement Officer/Land Use Administrator Marilyn Ozols.

MEMBERS OF THE PUBLIC: Charlie Robertson, Chuck Chadwick.

The Warden called the Meeting to Order at 5:04PM.

Approval of the Minutes

A Motion was made by Pam Christensen seconded by Frank Keeney to approve the September 19, 2019 Minutes as presented.
PASSED UNANIMOUSLY.

Floor Opened for Public Comment

Charlie Robertson of 20 Fenwick Avenue stated that the pending litigation regarding short-term rentals highlights the concerns of many residents regarding such rentals. He added that he and other residents had consulted with separate attorneys and he believes that an ordinance restricting short-term rentals is in order. He further stated that there is an urgent need for the Burgesses to enact an ordinance because the litigation, if decided in favor of the plaintiffs, could result in there being no restrictions at all and the issue would be “back to zero”. He stated that he believes there are five key items that need to be addressed:

1. Define commercial activity;
2. Prohibit advertising and digital signage;
3. Limit use to single-family or approved use;
4. Hotel taxes / recreational taxes; and
5. Mandatory public posting of renters’ names.

He stated that if Burgesses don’t put an ordinance in place, the situation could spiral to a dangerous level. He asked if this matter would be discussed in Executive Session. The Warden stated that the litigation would not be discussed in Executive Session, as Attorney Zizka, who represents the Planning & Zoning Commission, is waiting until the November 12th return date of the litigation to act on the matter.

General Manager’s Report

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

-**Club Prophet Systems:** Atty. Campbell Hudson has the contract for review. This program would cost approximately \$8,000 per year and would provide customized software for the Borough's particular needs. The Warden asked what the upfront cost is. Jeff Champion replied it is about \$2,500 for hardware, with a monthly fee after that. He added that, after attorney review, the contract should be signed and the new system put in place as soon as possible to avoid being behind next season.

-**Golf Carts:** Golf cart revenue was \$2,860. It was a worthwhile experiment and was well received. Carts will be available for rental again in 2020. The Warden asked if golf cart availability brought in golfers who otherwise wouldn't have played in Fenwick and Jeff Champion replied yes.

-**Office Transition:** The Borough is now using the accounting firm of Tom Barron & Associates. They will be handling payroll and reconciliation, among other things. The office space is in the process of being reconfigured to maximize efficiency. The Warden stated that office matters would be discussed further in Executive Session.

-**Golf Course:** Tee leveling project finished on time and just under budget at \$49,000. The Warden asked that the leveled tees be roped off for the winter and Jeff Champion agreed.

-**Pier:** Test holes have been dug and the end of pier has some deterioration. Daryl Aresco went with Keith Neilson to observe work being performed at Old Black Point. The Warden asked if there were photos available and Jeff Champion replied yes. Pam Christensen asked the location of the deterioration and Jeff Champion stated it is in the interior of the structure. Jeff added that some sizable boulders had fallen out and water was flowing through the resulting gaps. Chuck Chadwick urged that the Burgesses keep in mind that the pier is a "singular stone mason construction and if you can keep it, you should try." The Warden stated that he reviewed a proposal from GNCB Consulting Engineers for \$2,800 to provide observations, conditions and evaluation.

A Motion was made by Frank Keeney seconded by Pam Christensen to engage GNCB Consulting Engineers for no more than \$2,800 for evaluation of the pier. PASSED UNANIMOUSLY.

Jeff Champion reported that a motion and a copy of the minutes reflecting the motion are required for him to be authorized on the credit card account.

A Motion was made by Jonathan Gengras seconded by Frank Keeney to remove Rita Barrett from the credit card account and replace her with Jeff Champion. PASSED UNANIMOUSLY.

Treasurer's Report

The Warden read the attached Treasurer's Report into the record.

Board, Commission and Committee Reports

Resolution Adopting the Old Saybrook and Fenwick Multi-Hazard Mitigation Plan:

The Warden read A Resolution Adopting the Old Saybrook & Fenwick Multi-Hazard Mitigation Plan, which the Zoning Enforcement Officer (ZEO) had previously distributed to the Burgesses.

A Motion was made by Pam Christensen seconded by Frank Keeney to approve and adopt A Resolution Adopting the Old Saybrook & Fenwick Multi-Hazard Mitigation Plan.

PASSED UNANIMOUSLY.

The Warden asked the status of the dunes, etc. after recent storms. The ZEO stated that the DEEP would be coming back to essentially redo the emergency work. The Warden asked if DEEP expects to make it sturdier so that it lasts through the winter. The ZEO replied yes. There was brief discussion about the creek and dunes. The ZEO stated that the permit currently before DEEP and the Army Corps of Engineers will be for dune work and moving the creek. She added that Andy Fisk of Connecticut River Conservancy is taking care of the grants. The Warden stated that he recently accepted a \$37,000 grant for the Land Trust from the Middlesex Community Foundation.

Request of Thomas & Darlene Ryder for Use of Borough Property: The Warden read the subject application for use of Borough property which had been previously distributed to the Burgesses. There was brief discussion.

A Motion was made by Pam Christensen seconded by Jonathan Gengras to grant the request of Thomas & Darlene Ryder to use Borough property from 6/26/2020-6/28/2020 for events related to a wedding on their property at 30 Fenwick Avenue.
PASSED UNANIMOUSLY.

The Warden asked the ZEO to get more specifics regarding the use of the property several months in advance of the use. The ZEO agreed and added that there are deadlines already in place that the applicants are aware of.

Frank Keeney stated that the Burgesses had previously discussed the possibility of further limiting the time that the Borough land is available for use other than for Borough-wide use, e.g., extending it to run from the weekend before the Fourth of July through the weekend after Labor Day. The Warden stated it would be discussed at the next meeting.

Park Commission: Frank Keeney reported that he recently met with Rick Neely of Fenwick Improvement Fund (FIF) and \$99,000 has been raised to date for the new playground, with more to come. A \$35,000 payment to Big Toys (50% of the invoice) is due before December 1, 2019. The contract with the assembly company, ProBuilt, has been sent to Jeff Champion and needs to be signed. The cost for assembly is \$27,500.00, due upon completion.

Frank Keeney stated that the Borough received an email from Phil and Nancy Cahill, Fenwood residents whose property borders the grove. They are concerned about 12 large trees on Borough property that appear to be dead or dying and pose a potential threat to the Cahill property. Frank Keeney, Jeff Champion and Daryl Aresco will evaluate the situation. Pam Christensen mentioned a concern that approximately 20 years ago, the Cahills or previous owners of their property may have been clear cutting parts of Borough property without authorization.

Lynde Point Land Trust: Pam Christensen stated that the Land Trust recently approved up to \$2,900 for materials for work being done due to the last breach.

Concerns Committee: Pam Christensen reported that the Committee met with the electric company regarding bringing power to the location of the proposed west gate. The Committee is having difficulty getting quotes on the fencing. So far, only Eagle Fence has provided a quote of \$20,000.

Harbor Management Commission: No report.

Zoning Board of Appeals: No report.

Historic District Commission: The Commission met November 2nd and approved HVAC for the Reynolds property. The Keller application was incomplete and therefore denied.

The Warden asked the ZEO for an update on construction projects. The ZEO stated that site work on the Wilson property was recently initiated and construction will begin soon; the Arnault property is undergoing exploratory demolition; and the Zubretsky property is well under way.

Pam Christensen stated that the Historic District Commission needs another member. The ZEO stated that the Zoning Board of Appeals will also need a replacement for Jill Bornstein.

Hammer Law: The Clerk read an email from Jessica Gay which requested that the Burgesses consider banning leaf blowers from July 1 through Labor Day and banning the landing of seaplanes and helicopters July 1 through Labor Day. Frank Keeney stated that the Burgesses do not have jurisdiction when it comes to seaplanes.

There was brief discussion of the 2015 survey regarding the Hammer Law as well as the draft revision of the Hammer Law. There are concerns regarding not only noise, but also large commercial vehicles driving through the Borough and parking in roads, creating safety hazards. The ZEO stated that property owners are responsible for informing contractors that they must park off the road. The ZEO further stated that amending the ordinance would require a public hearing. The Warden stated a public hearing could be held in March or April, 2020. The draft revision will be submitted as is for the public hearing and amended as necessary thereafter.

Borough Entrance Reconstruction: The Warden stated that he received a comprehensive engineering proposal from Geoff Jacobson for the project. To get the drawings done and the project out to bid would cost \$38,000.

Jonathan Gengras asked, regarding short-term rentals, when would be the proper time to address an ordinance versus other options. The Warden stated that he still believes the Burgesses should wait and see how residents comply with the recent regulation before further action. Frank Keeney stated that all online Fenwick rental information appears to have been updated to reflect the new 2-week minimum.

Next Meeting: Monday, December 16, 2019, 5:00PM.

A Motion was made at 7:04PM by Frank Keeney, seconded by Pam Christensen, to keep the Burgess meeting open, move into Executive Session and invite Jeff Champion to attend, for the purpose of discussion of general human resources structure.

A Motion was made at 7:22PM by Jonathan Gengras, seconded by Pam Christensen, to adjourn from Executive Session.

There being no further business, Motion was made by Frank Keeney, seconded by Jonathan Gengras, to adjourn the meeting at 7:23PM.

PASSED UNANIMOUSLY.

Respectfully submitted,

Suzanne M. Stanners