

**MINUTES OF THE SPECIAL MEETING OF THE WARDEN AND BOARD OF BURGESSES  
ON THURSDAY, JANUARY 30, 2020 AT  
4 NIBANG AVENUE, FENWICK, CONNECTICUT**

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

**MEMBERS OF THE PUBLIC:** Chuck Chadwick, Cindy Patterson.

The Warden called the Meeting to Order at 5:02PM.

**Approval of the Minutes**

A Motion was made by Frank Keeney seconded by Ann Pulver to approve the December 16, 2019 Minutes as presented.

**PASSED UNANIMOUSLY.**

The Warden requested a moment of silence in memory of Olivia Christensen and Mercedes Stanners.

**Floor Opened for Public Comment:** Chuck Chadwick asked, regarding the public comment portion of Burgess meetings, whether the Burgesses have been able to “reconcile” a prior comment. He said a “commenter” may raise an issue, action may be taken, and then the “commenter” would have to wait until the next meeting to object to the action. The Warden replied that public comments can pertain to any matter, not necessarily what is on a particular meeting’s agenda. He added that the Burgesses also often allow members of the public to comment during the course of the meeting, after the public comment portion, though the Burgesses are not obligated to allow such input. Frank Keeney commented that the Burgesses might not always respond at the time of a comment by a member of the public and, in fact, may place the topic raised by such comment on the agenda for the next meeting and address it then.

The Warden read the following email into the record:

**From:** Ethel Davis <mateyd@gmail.com>

**Date:** January 24, 2020 at 11:04:37 AM EST

**To:** Newt Brainard <warden@fenwicknews.com>, Chuck Chadwick <cmchadwick@earthlink.net>

**Subject:** short term house usage

I think it would be wise to have some conversations at both your groups clarifying what is a short term rental. If I loan my house to friends or neighbors and they reimburse me for cleaning is that a rental? Also is there a process for renting a house(s) for a special occasion ie wedding, family reunion especially off season. Patricia's wedding is a perfect example of an occasion which was greatly enhanced by having key players all in the Borough. With the new regs this could not happen especially with the unrelated bridesmaids staying in one house and groomsmen staying in another. I think we need to be very careful we don't turn into a police state. Just a thought. Happy to have this read into the record for your public comment time. Thanks, Ethel

There was brief discussion of short-term rentals. Julie LeBlanc said that she believed grandfathering was the bigger issue. Ann Pulver asked if there could be slightly different rules for residents renting to other residents than for residents renting to outsiders. The Warden stated his continued belief that most residents would adhere to the new rules and that the Burgesses should wait and see what happens this season regarding short-term rentals before making any major decisions.

#### **General Manager's Report**

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

**-Club Prophet Systems (CPS):** The transition to CPS is in the works. 1-2-1 Marketing is working on the website. The target date for the website to go live is April 1. If necessary, CPS will come on site to assist in the transition. Overall, CPS has been much easier to work with than EZ Links.

**-Office Transition:** Everyone in the office has been working hard to go through old business and personnel files and organize them properly. Marcy and Kris are putting together a Standard Operating Procedure Manual. Frank Keeney asked if a letter had been sent out regarding new office staff. The Warden stated he would be sending one out.

**-QuickBooks:** The auditor's end of year entries were received and the conversion to the new chart of accounts is complete.

**-Credit Cards:** The credit card issue has been resolved by switching from Bank of America to Capital One.

**-Pier:** GNCB Consulting Engineers have reported that the structural integrity of the pier has been compromised. They recommend injecting a specific type of concrete into the holes to shore it up for about 15 years. After injection of the concrete, the Borough would resurface the top of the pier. GNCB would charge \$7,500 to design, specify and oversee the proposed pier project. The Warden has asked them to put it together, bid it out and perform the contract administration. The Warden recommended that GNCB proceed with the design as a first step. He stated the cost for all phases of design would amount to approximately

\$4,500. Zoning Enforcement Officer (ZEO) Marilyn Ozols stated that the Borough needs to obtain permits as well. The Warden stated the General Manager could address that. The Warden stated that the Harbor Management Commission needs to be informed about the project.

**A Motion was made by Frank Keeney seconded by Ann Pulver to approve up to \$4,500 to GNCB Consulting Engineers for the purposes of consulting and design services for the pier. PASSED UNANIMOUSLY**

**-Playground:** Daryl is coordinating the project with John LaRue.

**-Keys:** As discussed at the December meeting, dozens of residents' house keys are still being held in the office. The Warden stated he would be sending an email informing residents to pick up their keys over the next 30 days and that any keys not claimed would be destroyed.

**-Internet/Phone Service at 4 Nibang Ave.:** The cost for installing service would be approximately \$400. The monthly fee thereafter for internet and phone service would be \$50 for the first year. The rate after the first year is unavailable at this time. There was brief discussion about the service. Jeff Champion will investigate models of hardware, specifically hardware for conference calls.

**-Junior Program:** Income exceeded expenses by \$13,679.43. The program was well managed, especially considering the low number of participants in July.

**-Trees:** Per Superintendent Daryl Aresco's report, an additional \$5,000 is needed for pruning and cabling of several trees, as well as removal of dead trees and recurring fertilization and/or treatments for diseased trees. Cindy Patterson, speaking on behalf of the Lynde Point Land Trust (LPLT) asked that the Borough inform the LPLT whenever trees are to be removed. She added that originally only 3 trees were coming down and now 6 are. The Warden stated that the easement over the golf course states that routine necessary maintenance, which would include removal of dead or diseased trees, is permitted, but he advised open communication with the LPLT as long as it doesn't create undue work for Borough staff. Cindy Patterson added that the LPLT has enough money in a restricted fund for 2 more trees. Frank Keeney stated photos of the trees to be removed would be sent to LPLT. He added that some of the trees that were originally scheduled for removal would be pruned/cabled instead. This would require a more specialized arborist such as Bartlett. He stated the Norway maple behind the 7<sup>th</sup> green has a large crack but will be treated to try to save it. Additionally, the Norway maple to the left of the red tees on the 1<sup>st</sup> hole is targeted for removal. There are also 2 or 3 trees which require major cabling work. Frank Keeney suggested tabling the matter until the next meeting and the Warden agreed.

**-Borough Parking Lot Entrance:** The Connecticut Department of Transportation (DOT) has requested Borough compliance with the original permit for the new buildings, i.e. reducing the number of entrances into the lot from 3 to 2. To that end, the first driveway on

Maple Avenue as approached from east to west will be blocked off. This will affect available parking, storage of topsoil piles, and golf cart storage. The Warden asked if the Park Commission has addressed/endorsed the plan. Frank Keeney replied no. The Warden requested the Park Commission analyze the plan and endorse it if they concur. The General Manager stated the project would be done this spring, if possible.

**-Staffing changes:** The Superintendent's employee, Henry Nevins, will be leaving his position.

The Warden briefly addressed the park monitor position. He stated the Borough could save money by hiring a beach guard to take over some of the current park monitor duties. Frank Keeney agreed with the idea and stated the need to establish firm rules for public access to the beach. The cost for a daily pass may need review. Someone will likely challenge the policy and the Borough needs to be prepared.

### **Treasurer's Report**

Financial reports were briefly discussed. The General Manager (GM) stated that there is a \$4,000 tax variance due to numerous tax appeals and adjustments. The Warden asked if 100% of taxes were collected and the GM replied yes. The Warden asked if playground and/or tee boxes should be categorized as capital expenditures. The GM replied that the auditor recommends keeping the current categorization. The GM stated that labor expenses were in check. Water expense appears high. The Superintendent is investigating possible causes. Greens fees are trending high, though season ticket sales are slightly behind where they usually are at this time of year. The Warden suggested possibly selling a 15-pack of daily passes with a 10% discount. The GM reported that higher starter wages were offset by decrease in cost of benefits and by extra golf revenue.

Jonathan Gengras departed the meeting at 6:14PM.

Frank Keeney read into the record the attached Treasurer's Report he received from Bob Gay.

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

The ZEO reported the following Board/Committee vacancies: Historic District Commission and Zoning Board of Appeals each require an alternate.

The Warden asked the ZEO for an update on the dune project. The ZEO reported that the Certificate of Permission from DEEP has been issued. The Army Corps of Engineers (ACE) had a few issues with the plan. As soon they receive a revised plan, they will give 60-day notification and, if there are no problems, the project can possibly be done this spring. Andy Fisk from the CT River Conservancy is creating bid documents and will attend the next meeting. The Warden asked the ZEO's best estimate for cost. The ZEO stated it would

likely be between \$500,000 and \$1,000,000. Cindy Patterson stated that the grant match has been met. Frank Keeney stated his belief that all Fenwick residents should become members of the CT River Conservancy, especially in light of all the work Andy Fisk has performed. The Warden stated that once the project is completed, the Borough will thank Andy Fisk appropriately. Julie LeBlanc asked how long the project would take. Cindy Patterson replied that the engineers have estimated 3 months.

**-Planning & Zoning Commission:** The ZEO stated that front yard setback regulations were discussed. The Warden asked if the ZEO expects that the Van Itallie grandfathering application will come up again. She replied no. Frank Keeney stated that based upon the withdrawal of the request, one would assume compliance, but that's not necessarily the case.

**-Zoning Board of Appeals:** The ZEO reported that the variances for the Frankel property were approved.

**-Historic District Commission:** The ZEO reported that the HDC approved the Frankel elevator, Keller decks, and windows, Davis outdoor shower and awnings.

**-Park Commission:** No meeting since last Burgess meeting. Frank Keeney reported a recent \$3,000 day on the golf course followed by a \$1,500 day, both of which are extremely high for January. He also stated that with the DOT requesting the change in the entrance to Borough parking lot, the dirt piles would have to be relocated. The Borough may approach the LPLT regarding relocation of the piles to behind 4 Nibang Avenue. He added that with so many ongoing projects in the Borough (e.g. pier, playground, parking lot entrances, etc.) perhaps the changes to the Borough entrance should be put off until after summer 2020. The Warden agreed but stated the Burgesses should get all of the information and then decide.

Frank Keeney stated that, while he agreed that telephone and internet service were needed at 4 Nibang Avenue, he had reservations about Board and Commission members calling in to meetings rather than attending in person. He said he believed certain commissions required viewing of drawings, pictures, models, etc. He asked the Burgesses to consider that if a member is not physically present at meetings, perhaps he/she is not entirely engaged in the proceedings.

There was brief discussion regarding the need for a Borough policy regarding memorials to deceased residents.

**Lynde Point Land Trust:** No report.

**Concerns Committee:** No report.

**Harbor Management Commission:** No report.

**Warden's Report**

The Warden stated that Richard Chmiel would be running Member Guest, which will be August 7-9, 2020. Julie LeBlanc stated that the Warden needs to appoint Richard Chmiel to chair the event. The Warden stated that the matter was not on the agenda for this meeting but would be placed on the next meeting's agenda.

**-Borough Entrance Reconstruction:** The Warden has reviewed the preliminary design. The final design should be ready in 1-2 weeks and go out to permitting and bids in the next 60 days.

**-Limitations on Use of Borough Land for Private Events:** The Warden stated he believed the policy should remain as is for now. He asked for comments. There were none. He stated if the policy becomes problematic in the future the Burgesses could address it then.

The Warden asked that the Hammer Law be placed on the next meetings agenda so that a public hearing can be set. The ZEO stated that the language that the Board recommended at the last meeting needs to be slightly revised.

**Next Meeting:** Thursday, March 5, 2020, 5:00PM.

**Pending Litigation:** The Warden stated there would be no executive session as there is nothing new to report regarding the litigation.

**There being no further business, a Motion was made by Julie LeBlanc, seconded by Frank Keeney, to adjourn the meeting at 6:57PM.  
PASSED UNANIMOUSLY.**

Respectfully submitted,

Suzanne M. Stanners

**Borough of Fenwick**

**580 Maple Avenue, PO Box 126**

**Old Saybrook, Connecticut 06475**

To: Board of Warden and Burgesses

From: Treasurer

Date: January 30, 2020

Current Fiscal Year. By this time each year, we begin to have a closer estimate how much money is still available from the operating budget for projects that we may wish to complete this fiscal year. We already have dedicated some of the planned operating surplus of \$50,000 to accelerating the refurbishment of the tee boxes on the golf course. Some other expenses (utilities, maintenance, gasoline, office reorganization) as noted the in General Manager's report, are running above budget for various reasons. None of the cost overruns are large, but collectively they gobble up a substantial amount of the remaining planned surplus. However, thanks to excellent golf revenues and an extraordinary amount of building activity, the Borough is likely to end the fiscal year with a surplus as large as \$120,000. For example, revenues from building permits already exceed our budget plan by \$100,000 with little change in actual expenditures by Commissions. Similarly, greens fees from nonresidents are only about \$80,000 short of the budget plan of \$295,000, and during the remaining months of the fiscal year. these revenues bring in at least and additional \$100,000. Recall as well that we are carrying over operating surpluses from both of the previous two years. That is why the balance of our operating account at RBC, which we invest in Treasury bills, is unusually large for this time of year at \$443,378 (see account balances in the General Manager's report). We also still have \$153,000 in our contingency reserve fund at RBC. The latter amount is quite puny for a municipality, but it has been a source of comfort in case of adverse events. This year, by contrast, we have been blessed with several windfalls.

What to Do with the Money. Governments invariably find ways to spend budget surpluses, often in wasteful ways. The Burgesses, however, have long recognized that the Borough has several infrastructure projects that cannot be accomplished piecemeal and are too expensive to put in an annual budget. They are not 'popular' projects like playground equipment but are critical to the survival to the Borough as we know it. Those projects include elevating and reconfiguring the entrance, rebuilding the breakwater that protects the beach/playground, and of course the shoreline projects at Hepburn Preserve, the eastern shoreline along Sequassen and Scum Beach. In my opinion, it is critical that we complete some to these crucial infrastructure projects while we are fortunate to have some public funds to do so.

Account changes. We now have completed the update of our chart of accounts and will be providing now financial tables from Quickbooks. This change will save Jeff a lot of time. However, we are not yet able to provide comparisons of year-to-date figures for the previous fiscal year which still is based on the old chart of accounts. I find these comparisons to be the most useful way to look at the current year, and we will begin to report those comparisons next fiscal year.

Respectfully submitted,

Robert Gay, Treasurer