

**Borough of Fenwick
Harbor Management Commission
Special Meeting – February 28, 2015**

The Special Meeting of the Borough of Fenwick Harbor Management Commission was held on Saturday, February 28, 2015 at 9:00 a.m. at 4 Nibang Avenue.

MEMBERS PRESENT: Jamie Gay, Frank Keeney, Sam Scatterday, Bruce Arneill, Charlie Renshaw (Alternate).

MEMBERS ABSENT: Sam Jones, Jonathan Bulkeley (Alternate), Newton Brainard (Alternate).

OTHERS PRESENT: Marilyn Ozols, Land Use Administrator.

1. Call to Order.

Chairman Gay called the meeting to order at 9:08 a.m. C. Renshaw was seated as a voting member.

2. Approval of Minutes of Previous Meetings (August 20, 2014).

F. Keeney moved to approve the minutes of the August 20th meeting as submitted. B. Arneill seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Gay, Keeney, Scatterday, Arneill, Renshaw

Against: None

Abstained: None

3. Review for Consistency with Harbor Management Plan: Possible Sale of Eastern Portion of Maintenance Area Property as Building Lot.

Members reviewed the plan showing the potential division line with a possible house footprint. F. Keeney explained that the possible sale is under discussion but no decision has been made; the lot is outside the Historic District, but the Borough can place restrictions on the sale that would require compliance with HDC standards; the lot would be subject to all Borough zoning; and the only other likely use of the property would be for additional golf course parking. He noted that this is a land asset that the Borough holds and they can either hold it as a land asset or sell it and put the money in the bank for present or future capital projects. He added that there are essentially only four options for the property: 1) do nothing (retain the land as is), 2) determine that there is a need for additional parking and use the land for that purpose, 3) determine that there is a need for additional maintenance space and use the land for that purpose, or 4) sell the land for residential use. S. Scatterday suggested that the Borough should determine the capacity of the golf course and the potential parking need before making a decision. He also noted that any future application for a dock will need to come before the HMC. Chairman Gay noted that relative to impact from the water, any construction would have to meet the 50' setback required by zoning, which is the same as was required for the maintenance building and that building does not appear to have a negative impact on the waterway. It was further noted that there are a number of outside agencies and Borough commissions that will have to review any proposed development on the property.

During discussion of the possibility of a dock on the property, it was suggested that the HMC might want to reconsider the prohibition on docks in the Harbor Management Plan in order to extend it to more than the current area.

F. Keeney made a motion that based on what was presented, the FHMC does not see that the possible sale of the eastern portion of the Maintenance Area as a residential building lot is inconsistent with the goals of the Harbor Management Plan; however the FHMC reserves the right to review any final determination relative to the property. S. Scatterday seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Gay, Keeney, Scatterday, Arneill, Renshaw
Against: None
Abstained: None

4. Review for Consistency with Harbor Management Plan: Proposed Improvements to Sequassen and Nibang Avenues.

Members reviewed the plans and proposed construction details. It was noted that the intent of the proposal was to protect the roadway from flooding (10 year storm) and prevent further erosion. S. Scatterday noted that the view from the water will be slightly changed but the improvements make sense from the point of road stability and safety. Chairman Gay noted that reducing the potential for erosion will be better for the Cove.

After further discussion, **F. Keeney made a motion that the FHMC endorses the plans as presented for improvements to Nibang and Sequassen Avenues. S. Scatterday seconded the motion and it was approved unanimously.**

Approved 5-0-0

For: Gay, Keeney, Scatterday, Arneill, Renshaw
Against: None
Abstained: None

5. Review for Consistency with Harbor Management Plan and Recommendation to Burgesses: Repair of West Side of Pier.

Members review the three options presented by the General Manager:

(1) Continue to bandaid. Cost would be about \$5,000 - \$6,000. It is getting more and more difficult to bandaid because of rotting lumber.

(2) Completely remove all remaining CCA (pressure treated lumber) piles, wave wall, decking, etc., and replace with all Greenheart piles, Greenheart framing, Greenheart wave wall and removable Ipe deck panels. Cost would be \$98,000.00. All specs would be the same as existing west side and east side Greenheart jobs.

(3) Remove all CCA piles, wave wall and decking, etc. and replace with new CCA pilings, wave wall, framing, decking, etc. Cost would be \$71,000.00. Option 3 (CCA) does not include removable deck panels - likely because of longevity and wear and tear using the softer lumber as relating to taking the fasteners off and on a repeated basis.

It was noted that the swimming areas were done with Greenheart and Ipe in order to remove all pressure treated lumber, but the remaining area is used exclusively by boats and the chemicals currently used for CCA are different from the ones in old CCA. Members agreed that they would definitely prefer to see the pier finished in the same manner as the rest of the pier and that Option 2 is the ideal method, but because of budgetary concerns, they could reluctantly accept the "bandaid" approach for this year. It should be clear, however, that a more permanent solution would be required in the near future.

F. Keeney made a motion that the FHMC finds the repair of the west side of the pier consistent with the goals of the Harbor Management Plan, and notes that it would be the desire of the FHMC to finish the west side of the pier consistent with the work done on the rest of the pier, but for budgetary reasons, the Borough may need to continue to bandaid at this time. C. Renshaw seconded the motion and it was approved unanimously.

Approved 5-0-0

For: Gay, Keeney, Scatterday, Arneill, Renshaw
Against: None
Abstained: None

6. Other Business.

- 1) Hunting Below the High Tide Line. Chairman Gay noted that he had been made aware that in-season duck hunting is legal below the High Tide Line in the Borough provided that the hunter is more than 200' from an occupied dwelling and has the proper permits. He added that, according to the DEEP website, there are some offshore areas in the state that prohibit hunting. Members agreed that hunting from the beach seems to be contrary to the spirit of prohibition of all hunting in the Borough, and further that, since the duck hunting season begins in September when a number of Borough residents are present, it could present a dangerous situation. They requested that Chairman Gay look into the process for prohibiting hunting from the areas below the High Tide Line and report his findings for discussion and possible action at a future meeting.
- 2) Dock Prohibition. Based on the discussion in Item 3, members requested that Chairman Gay contact their HMP consultant, Geoff Steadman, regarding the possibility of amending the HMP amendment that restricts pier construction. Once his response is received, the Commission will further discuss extending the prohibition to the entire Fenwick coastline.
- 3) Breakwater. F. Keeney noted that the breakwater was briefly discussed at the last Burgess meeting and there are differing opinions as to whether work on the breakwater should be a Borough responsibility. This item will be carried on a future HMC agenda for further discussion.

7. Adjournment.

Chairman Gay moved to adjourn the meeting at 10:27 a.m. F. Keeney seconded the motion and it was approved unanimously. (Gay, Keeney, Scatterday, Arneill, Renshaw)

Respectfully submitted,

Marilyn M. Ozols
Acting Recording Secretary