

**MINUTES:** The Special Meeting of the Board of Commissioners of the Town of Henlopen Acres held on Friday, June 14, 2013 in Town Hall, 104 Tidewaters in Henlopen Acres, Delaware.

**PRESENT:**

David L. Hill	Mayor
Andrew Brittingham	Commissioner
Frank Jamison	Commissioner
Beatrix Richards	Commissioner
David Lyons	Commissioner
Thomas A. Roth	Town Manager
Sharon Karl	Town Clerk
Barbara Shortley	59 Pine Reach
Christine Moore	14 Tidewaters
Le Rowell	4 Broad Hollow
Diane Beebe	Rehoboth Art League
Marcia P. DeWitt	55 Fields End
Henry DeWitt	55 Fields End
Gail McDermott	7 Pine Reach
Herb Wilgis	35 Pine Reach

**ABSENT:**

Winifred W. Kee	Commissioner
John Staffier	Commissioner

**1. Call to Order, Pledge of Allegiance**

Mayor Hill called the Special Meeting of the Board of Commissioners to order at 10:00 am. Mr. Hill changed the order of agenda without objection.

**2. Proclamation for Rehoboth Art League 75<sup>th</sup> Anniversary**

Mayor Hill identified a Proclamation he has signed as Mayor recognizing this year as the Rehoboth Art Leagues Diamond Anniversary Celebration year. If there were no objections, he would like to make it part of the record of the Town of Henlopen Acres. There were no objections.

**5. Proposed Amendment to §130-37.B, Zoning certificate expiration and extension**

Mr. Roth explained that currently §130-37 places a time limit on a building permit to one year for completion and allows two three month extensions. The current remedy is to go before the Board of Adjustments. Mr. Roth said that they do not see the rationale of someone who has a house 90% complete stopping work in order to go to the BOA, taking even more time to complete a project that the BOA will more than likely let them complete. Mr. Roth said that they suggest changing §130-37.B to read “the town manager may grant extensions of three months each until the completion of the construction.” The Commissioners would need to set the fees for the extensions. It still has the provision if the owner or builder does not get an extension, they can be fined or the work stopped. Mr. Roth said that the zoning officer suggested increasing the fees for extensions enough to encourage them to get the work done as quickly as possible.

Discussion ensued. Mayor Hill said that it was appropriate to get the BOA out of the equation and to adjust the fees for a speedy completion of the project. Mrs. Richards voiced her concern for neighbors who have to be inconvenienced by projects that seem to go on and on and of the huge vehicle traffic and wear and tear on the town streets. Mr. Jamison made a **motion** to authorize the Town Solicitor to prepare the Notice for a Public Hearing for this amendment to the zoning code. Mrs. Richards seconded the motion. Motion passed.

## **6. Appointments to Audit Committee**

Mr. Hill proposed that Barry Hale, 37 Pine Reach who is a current member, be reappointed and that Robert Moltz, 62 Pine Reach and John Talbott, 41 Rolling Road be appointed as members of the Audit Committee. Mr. Lyons made a **motion** to confirm the appointments. Mr. Jamison seconded the motion. Motion passed.

## **7. Appointment to Board of Adjustment**

Mr. Hill proposed that Marshall Jones, 31 Rolling Road, be reappointed for a three year term and Kathy McGuinness, 6 Broad Hollow be appointed for a three year term to replace Wilkes Coleman who resigned when he moved last year.

Mr. Lyons made a **motion** to confirm the appointments. Mr. Jamison seconded the motion. Motion passed.

## **3. Proposed Budget for Fiscal Year July 1, 2013 through June 30, 2014**

Mr. Lyons began by stating he is not recommending a tax increase. He referenced the Budget Draft for 2013-2014 and explained that the accounts with footnotes are discussed on the pages marked Budget Notes included in the packet. Mr. Roth said that the budget reflects the new fee structures being proposed. Mr. Roth suggested that the basis of the marina slip rental rates be converted from boat length to slip width as it would result in a more equitable slip rental charge. Mr. Jamison questioned the increase in the minimum rental rate. Mr. Roth responded that our rates are low compared to other marinas. Mr. Jamison asked why would we raise rates if the marina is not full. Mr. Jamison agreed with the change to a width rate but not raising the minimum rental rate. More discussion followed and it was decided to go with \$112 per foot of slip width and not to change minimum of \$1,500.

Mr. Lyons said that we are also proposing an increase in the building permit rates to a flat percentage based on construction cost. Proposed for 2013-2014 is 2% of cost. We have not been charging anywhere near what other towns around us are charging. Discussion followed. Mayor Hill said that there is a need for some adjustment to the fee because there is more demand on our Zoning Officer. Maybe it can be phased in over a longer period of time. Mr. Jamison said that he wants everyone to be mindful that this would be a significant increase. Mrs. Richards asked about cost overruns. Mr. Roth said that the Zoning Officer suggests the owner/builder has to submit a complete cost as a condition of issuing a certificate of occupancy. It was decided that the permit fee for 2013-2014 will be 1.5% of cost.

Discussion of the Budget continued. It was decided to purchase a new security vehicle which North Shores would share in the cost. Mr. Roth said that the dredging bags will not be removed until September. This cost will carry over to the new budget year. The delays will not result in an increase in cost. Mr. Roth said that a section of fence behind the water plant needs to be replaced. Also it was decided to replace the 1991 Ford F350 Chipper Truck. Mayor Hill said that they will delay Phase V of street resurfacing for the first block of Zwaanendael and Broad Hollow. Also the Dodd's Lane entrance needs to be refurbished.

Mr. Jamison made a **motion** to approve the proposed budget as adjusted. Mrs. Richards seconded the motion. The motion passed.

## **4. Adoption of Tax Rate, Water Rates and Fee Schedule**

Discussion on the fee schedule ensued. It was decided that Business License fees will be increased proportionally to \$40, \$80 and \$120. The marina fee will be change to a fee based on slip width. Building permits will be a flat fee of 1.5% of cost.

Mr. Jamison made a **motion** to approve the Fee Schedule as amended. Mrs. Richards seconded the motion. The motion passed.

**8. Executive Session for the purpose of discussing personnel matters, in accordance with 29 Del. C. § 10004(b)(9)**

Mr. Jamison made a **motion** to go into executive session at 10:56 am to discuss personnel matters. Mr. Lyons seconded the motion. The motion passed.

Mr. Jamison made a motion to come out of executive session, seconded by Mr. Brittingham. The Board came out of executive session at 11:50 am.

Mr. Lyons made a **motion** to approve the personnel matters discussed in executive session. Mr. Jamison seconded the motion, which passed without opposition.

**9. Any other business that may come before the Commissioners**

Mayor Hill, in response to suggestion from several Board members proposed that the town should recognize Wanda Davis' service to the town. Several ideas were discussed.

**13. Adjournment**

Mr. Lyons made a **motion** to adjourn at 11:59 am. Mr. Jamison seconded the motion. The motion passed.

Approved: 7/12/13