

Town of Henlopen Acres

104 Tidewaters
Henlopen Acres, DE 19971

302-227-6411
fax: 302-227-3978

MINUTES: The Commissioners of the Town of Henlopen Acres held their Quarterly Meeting at 10:00am on Friday, July 18, 2014, at Town Hall, 104 Tidewaters, Henlopen Acres Delaware

PRESENT:	Winnie Kee	President Pro Tempore
	David Lyons Sr.	Commissioner
	Paddy Richards	Commissioner
	Andrew Brittingham	Commissioner
	John Staffier	Commissioner
	Frank Jamison	Commissioner
	Joni Reich	Commissioner
	Glen Mandalas Esq.	Town Solicitor
	Tom Roth	Town Manager
	Lisa Michaels	Town Clerk
	John Scheurer	62 Tidewaters
	Henry Dewitt	55 Fields End
	Barbara Shortley	59 Pine Reach
	Christine Moore	14 Tidewaters
	Connie Boland	45 Pine Reach
	Diana Beebe	Rehoboth Art League
	Ryan Mavity	Cape Gazette
	Paul Kuhns	President, Rehoboth Historical Society

[The Minutes are Not Verbatim]

1. Call to Order-Pledge of Allegiance

The meeting was called to order at 10:00 am by President Pro-Tem Winnie Kee. After the Pledge of Allegiance the floor was turned over to Commissioner David Lyons who introduced Mr. Paul Kuhns.

2. Presentation by Paul Kuhns-President of the Rehoboth Historical Society

Mr. Kuhns was present to explain the offer of land to local non-profits by the Lingo and Townsend families to build a new multi-use facility in the Lewes area. Currently the Rehoboth Film Society uses the Midway Theater for their annual film festival with the Derrickson family donating the space free of charge. The Derrickson family is no longer able to donate space at Midway, so the Film Society has been looking for other venues. The Lingo/Townsend families have offered 10 acres of property to be zoned commercial along King’s Highway that will accommodate an approximately 35,000 square foot building to create an Art Center for Sussex County. The venue would be open to different types of cultural art organizations that could rent space, such as the Rehoboth Art League. The project is still in the early stages with concerns being raised by residents in the Lewes area.

3. Approval of Minutes

a. Quarterly Meeting-April 11,2014

A motion to approve the April 11, 2014 minutes was made by Commissioner Joni Reich and was seconded by Mr. Lyons. Motion passed.

b. Special Meeting-May 30, 2014

A motion to approve the May 30, 2014 minutes was made by Commissioner Paddy Richards and seconded by Mr. Lyons. Motion passed.

c. Special Meeting-June 13, 2014

A motion to approve the June 13, 2014 minutes was made by Ms. Reich and seconded by Mr. Lyons. Motion passed.

4. Treasurer's Report

Mr. Lyons discussed the proposed 2014-2015 budget. The only change he made was to decrease the amount of revenue expected from Transfer Taxes. Ms. Reich asked Mr. Roth about the start of Retirement Plans for Henlopen Acre employees. Mr. Roth said that it is included in the proposed budget.

A motion to pass the 2014-2015 Budget was made by Mr. Lyons and seconded by Ms. Richards. Motion passed and Budget was approved.

5. Maintenance Report

The Town water report was included in the meeting packet. The water mains were flushed in May 2014. Bob Ribinsky is now certified to rebuild the chemical feed pumps at the town water plant.

6. Security Report

The monthly security reports are included in the meeting packet. Overall the summer has been relatively quiet in Henlopen Acres. The fireworks for July 4th were handled well by the security department. Ms. Reich noted that the fireworks, in general, were not as troubling for the Town as expected. The Town residents were especially appreciative of the lights and crossing guards posted at the crosswalks to the beach. Security plans to do the same thing next year.

7. Town Manager's Report

The Town Manger's written report is included in the meeting packet. Mr. Roth wanted to make special mention of the thank you note from Wanda Davis for the commemorative stone and plaque.

8. Unfinished Business

a. Charter amendment, chapter C-5, Qualifications of voters, Treasurer, Town Manager

Mr. Glen Mandalas updated the Board that the Charter amendment was approved by the General Assembly and signed by the Governor on June 10, 2014.

b. Convert Criminal Offenses to Civil

i. Chapter 112, Parking of Trailers

Manufactured homes will be removed from the definition of trailers and the offense will be changed from criminal to civil. A motion was made by Commissioner Frank Jamison and seconded by Mr. Lyons. Motion passed.

c. Amendment to §95 Rental Property

The language was brought up to date and the offense will be changed from criminal to civil. A motion was made by Ms. Reich and seconded by Mr. Jamison. Motion passed.

9. New Business

a. Ratification of the Budget

See item 4.

b. Appointments to the Audit Committee

Ms. Kee nominated for reappointment to the Audit Committee: Barry Hale-37 Pine Reach, Robert Moltz-62 Pine Reach and John Talbott-41 Rolling Road. A motion was made by Mr. Lyons to appoint the three nominees and was seconded by Mr. Jamison. Motion passed.

c. Recommendations from the Planning Commission

i. §130-20 Building Setbacks-

The Planning Commission has proposed changing the language for front yard setbacks. Minimum setback of houses would be 20ft or the average of setback of two lots on either side but not required to be more than 40ft. Commissioner John Staffier has requested more straightforward language in the explanation of the setback requirements. Mr. Mandalas will edit the language prior to holding a Public Hearing. A motion was made to conduct a Public Hearing by Mr. Staffier and seconded by Mr. Jamison. Motion passed.

ii. §130-4.B.2 Cooking Facilities-

The Planning Commission felt language was antiquated. Original intent of Code was to prohibit a second living quarters with full kitchen on the property. New recommendation is to permit unenclosed outside cooking facilities. Mr. Staffier would prefer a better definition of "unenclosed". Will go back to Planning Commission for revision.

iii. §130-19 Lot and Building Requirements, Garages

Proposal is to allow the square footage of one garage bay exempt from the 6000 sq. ft. under cover building limit. Planning Commission Chairman John Scheurer noted that new construction in Town appears to be limiting garages in favor of more square footage in the house. Ms. Richards questioned whether there would need to be a change in the percentage of

the lot coverage from the current 40% allowance. Will go back to Planning Commission for further discussion including possible change in total lot coverage allowance.

Diana Beebe from the Rehoboth Art League (RAL) requested to address the Board. She wanted to make sure Board understood that the RAL has no intention of expanding on their current site. Ms. Beebe is thankful for the Planning Commission's commitment to clarify the zoning of the RAL. The RAL's only desire is the ability to maintain their current property. She thanked Mr. Scheurer for all the work he has done.

d. Amendment to §71 Floodplain Management

Mr. Roth explained there are new Flood Rate Maps and draft Flood Plain regulations for Henlopen Acres from FEMA. The FEMA changes would revise our Flood Plain Ordinance from 8 pages to 30+ pages. A DNREC consultant reviewed the new draft ordinance and made three small suggested changes. FEMA has not set a deadline for new plans to be in effect. Mr. Mandalas suggested adoption be postponed until Sussex County has completed their plan to make sure there are no conflicts. Topic tabled until October meeting.

e. Easement adjacent to 70 Pine Reach-

There is a map and letter granting permission to current owners' parents in meeting packet. Home now on the market and realtor requesting clarification if agreement will transfer to new owners. Henlopen Acres has 2 wells on the property that they need to maintain and have unobstructed access to that were not there when original letter of easement was granted. Several scenarios were discussed including allowing new owners same agreement only if home stays as is, negotiating new easement with new owners, and Town taking the position that agreement was with current owner only and is non-transferable. Final decision was that home should be sold from property line to property line and the agreement is not included and will not transfer to new owner. Mr. Roth to draft letter and Mr. Mandalas will review it and it will be sent to current home owners.

f. Removal of Registrants from voting roll-

List of ineligible voters included in meeting packet. This consists of residents who have passed away or sold property. Letters have been sent informing them they are no longer eligible to vote in Henlopen Acres elections. Motion was made by Ms. Reich to remove them from the voting roll and was seconded by Mr. Brittingham. Motion approved.

10. Executive Session to review Executive Session Minutes Pursuant to 29 Del. C. §10004(b)(6)

A motion was made by Mr. Brittingham to go into Executive Session to review Executive Session minutes and seconded by Ms. Richards at 12:00 pm. Motion approved.

A motion was made at 12:07 pm to come out of Executive Session by Mr. Staffer and seconded by Mr. Jamison. Motion approved.

11. Possible Action on Executive Session Minutes

A motion was made by Mr. Staffier to approve the Executive Session minutes from October 11, 2013 and June 13, 2014 and were seconded by Mr. Brittingham. Motion approved.

12. Any Other Business that Comes Before the Commissioners-

Ms. Kee brought up the need for replacing some of the maintenance equipment including a dump truck. Mr. Jamison questioned whether we should consider buying a used truck instead. Mr. Brittingham asked what the cost of the last new truck. Mr. Roth said approximately \$40,000. Mr. Staffier asked Mr. Roth to look over several options and present them to the Board.

The Annual Art show of the Rehoboth Art League was discussed. The concern was traffic and parking. The show is supposed to be limited to 120 vendors and RAL is supposed to keep the traffic controlled. Parking will be permitted on the street by the Marina down Tidewater.

Mr. Roth presented the Board with an old hand drawn picture by Turpin Bannister, the nephew of Col. Corkran, that he would like to use as the Town Seal.

Mr. Lyons discussed the increase in the deer population in the Town. He is concerned about the safety of the residents and the damage being done to the foliage on individual properties. No action taken at this time.

13. Town Solicitor's Report-

Mr. Mandalas had nothing to report.

14. Adjournment

A motion was made at 12:30pm to adjourn by Mr. Lyons and seconded by Mr. Brittingham. Meeting was adjourned.

Approved: October 10, 2014