

Town of Henlopen Acres

104 Tidewaters
Henlopen Acres, DE 19971

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MINUTES: The Board of Commissioners of the Town of Henlopen Acres held their Quarterly Meeting at **10:00am on Friday, July 10, 2015** at Town Hall, 104 Tidewaters, Henlopen Acres, Delaware.

PRESENT:

David Lyons Sr.	Mayor
Joni Reich	Commissioner
Frank Jamison	Commissioner
Beatrix Richards	Commissioner
John Staffier	Commissioner
Andrew Brittingham	Commissioner
Thomas Roth	Town Manager
Lisa Michaels	Town Clerk
Glenn Mandalas, Esq.	Town Solicitor
Henry DeWitt	55 Fields End
Sheila Bravo	Rehoboth Art League
Harriet Hertrich	7 Dodds Lane
Betsy Wilgis	32 Tidewaters
Ann Cameron Stephenson	5 Broad Hollow
Nathalie McGregor	3 Pine Reach
Mary Jane Lyons	103 Tidewaters
Charles and Carol Smith	8 Pine Reach
Ryan Mavity	Cape Gazette

EXCUSED: Tim Hidell Commissioner

[Minutes are Not Verbatim]

1. Call to Order, Pledge of Allegiance

The Meeting was called to order by Mayor David Lyons at 10:02 am.

2. Approval of Minutes

a. Quarterly Meeting-April 10, 2015

Motion to approve the minutes was made by Commissioner John Staffier and seconded by Commissioner Joni Reich. **Motion** passed.

b. Budget Meeting- June 5, 2015.

Motion to approve the minutes was made by Commissioner Beatrix Richards and seconded by Commissioner Frank Jamison. **Motion** passed.

3. Treasurer's Report

Included in the meeting packet is an updated balance sheet and income statement from June 30, 2015. Ms. Reich gave an overview stating that Town assets grew \$20,000 from

last year. The Town has moved \$860,000 to Brown Advisory for investment. Capital expenses were break even for the year. Ms. Reich commended Mr. Roth, Town Manager, for the meticulous job he does at staying on top of the budget throughout the year. She also stated it is a pleasure to work with him. Mayor Lyons commented the Town needs to keep an eye on what the general assembly is doing in regards to taking away the Town's transfer tax. He feels the State will be looking for ways to overcome a 160 million dollar budget shortfall.

4. Maintenance Report

There is a water usage report in the meeting packet. Mr. Roth explained that water usage is up, as expected for this time of the year. There was a broken pipe at well 5 where the town lost a few thousand gallons before being fixed. The maintenance department will be working on trimming low hanging branches on Town trees.

5. Security Report

The Security report is included in the meeting packet. Mr. Roth added that there was additional security for the 4th of July weekend on Block W and they turned away several non-residents from the beach. Mayor Lyons also discussed the issue of dogs not on leashes throughout Town. He wants security to have a zero tolerance and ticket anyone whose dog is not on a leash. It's a Town and Sussex County Ordinance. He mentioned a serious accident that occurred requiring one resident to get surgery to repair a broken arm. Ms. Reich suggested sending a notice out to all residents reminding them about the Ordinance. Mayor Lyons also noted there seems to be more incidents of contractors working on the weekends and wants security to be more vigilant in not allowing that to happen.

6. Town Manager's Report

The Town Manager's report is included in the meeting packet. Mr. Roth reviewed the details of the report. The county will be working on replacing the sewer lifts on Tidewaters. They are concerned they may need to dig up the road if they cannot access the current electric wiring. While the marina has grass growing well, there are still drainage problems that need to be addressed. There will be another dog waste container added at the Rolling Road cul-de-sac. A Rolling Road street sign was stolen over the 4th of July weekend. Town hall recently had its annual safety inspection and the inspector found no issues. Mr. Roth is also preparing for the annual financial audit. He discussed that House Bill 145 passed which increased the threshold on prevailing wage requirements. Mayor Lyons commented on the drainage issues that have arisen from the newly completed paving project. Mr. Roth responded that the newly installed drainage system works properly but the property owners are not happy with how it looks. He is working with the zoning officer and the engineer to address the problem.

7. Unfinished Business

a. Review and possible action on Comprehensive Plan Update

Mr. Staffier would like the newly drafted Ordinance to include the clause "whereas the Planning Commission has approved the Comprehensive Plan". Mr.

Mandalas agreed and read the Ordinance to Adopt the Comprehensive Plan in its entirety. A **motion** to adopt the Ordinance was made by Mr. Staffier and seconded by Ms. Richards. **Motion** passed unanimously.

- b. Discussion and possible action on Yard Clean Up Town Code Chapter §103**

Mr. Roth reminded the Commissioners at last meeting the discussion was how to encourage residents/property owners to clean up their lots. There didn't seem to be a clear way to force property owners to clean up their leaves each year. Mr. Jamison suggested drafting a stronger Ordinance. Mr. Staffier recommended putting a warning or strong encouragement in the next newsletter in preparation for the fall. Mayor Lyons wants to make sure the Town is prepared to handle all the leaves and yard waste this fall and winter. If needed, the Town should bring in an outside contractor to help. Mr. Roth wanted to address another issue along the same lines that has come up. Trash cans that can be seen from the street. There have been several complaints by residents that trash cans are not being properly concealed. Current language in the Code is ambiguous.

Harriet Hertrich-7 Dodds Lane

Ms. Hertrich added that she has complained several times about neighbors' trash cans being seen from the street. She feels the Town needs to make stronger rules and suggestions on what to do with the trash cans.

Ms. Reich agrees there should be a minimum standard that all Town residents must adhere to. Mayor Lyons suggests drafting a letter to the residents currently violating the Ordinance. Include a copy of the Ordinance and also some suggestions on how to conceal their trash cans. Mr. Staffier felt a letter to all Town residents/property owners might be a better idea. Mayor Lyons agreed and would like Town Hall to send a letter to all residents/property owners separate from the newsletter that addresses trash cans, dogs off leashes and contractors working on the weekends.

- c. Review and possible amendment on Removal of Trees; Town Code §130-37, §130-38**

Mr. Staffier questioned what is the objective of changing the current Code. Does the Town want to legislate what property owners can do about just Town trees or all trees on their property. He would also like to see the definition of a tree and what steps homeowners can take to get approval for the removal of a tree included in the amendments. Ms. Reich suggests creating a separate tree committee who can review other town ordinances, including Rehoboth Beach and make suggestions to the Commissioners. Mr. Staffier also wants the issue of upkeep of current trees as they age to be addressed. Mayor Lyons agrees we should start with a tree committee and come up with suggestions for the Commissioners.

8. New Business

- a. Right of Way; Town Code §96**

Discussed under agenda item 7c. No action taken.

b. Appointments to the Audit Committee

Mayor Lyons recommended the reappointment of John Talbott, Barry Hale and Robert Moltz to the Audit Committee. A **motion** to approve the appointments was made by Mr. Staffier and seconded by Ms. Reich. **Motion** passed.

c. Removal of Registrants from voting roll

Mr. Roth presented a list of registrants to be removed from the voting roll and recommended the Commissioners remove them with the exception of Donald Poole, who is still a property owner. **Motion** to remove the registrants as amended made by Ms. Reich and seconded by Ms. Richards. **Motion** passed

d. Review and possible amendment to the Rental Property, Town Code §95

The Commissioners had an extensive discussion concerning rental properties. The major issues discussed were: minimum rental periods, occupancy limits, definitions of a group rental and what constitutes a bedroom. The Town is clear they do not want to take away the ability of a homeowner to rent their home. They agreed to update the rental license application to include more detailed questions about occupancy and bedrooms. Mayor Lyons would like a draft Ordinance done to be reviewed at the September meeting. The expectation is changes would be in place before the 2016 rental season begins.

e. Review of meeting procedures

This agenda item was deferred to the next meeting.

9. Executive session to review executive session minutes pursuant to 29 Del. C §10004(b)(6)

A **motion** to go into executive session was made at 11:30am by Mr. Staffier and seconded by Mr. Brittingham to review executive session minutes.

A **motion** to come out of executive session was made at 11:37am by Ms. Reich and seconded by Mr. Staffier.

10. Possible action on executive session minutes

A **motion** to approve the executive session minutes from July 18, 2014, March 13, 2015 and June 5, 2015 was made by Mr. Staffier and seconded by Mr. Jamison. **Motion** passed.

11. Any other business that may come before the Commissioners

A resident raised a concern about bamboo spreading onto his property from a neighbor's property, The Commissioners agreed that is a neighbor to neighbor issue.

12. Town Solicitor's Report

Mr. Mandalas had nothing to report.

13. Adjournment

A **motion** to adjourn was made by Mr. Brittingham and seconded by Ms. Reich. The meeting was adjourned at 11:48am.

Approved 10/092015