

**MINUTES:** The Quarterly Meeting of the Board of Commissioners of the Town of Henlopen Acres held on Friday, April 11, 2014 in Town Hall, 104 Tidewaters in Henlopen Acres, Delaware.

**PRESENT:**

David L. Hill	Mayor
Andrew Brittingham	Commissioner
David Lyons	Commissioner
John Staffier	Commissioner
Beatrix Richards	Commissioner
Winifred Kee	Commissioner
Thomas Roth	Town Manager
Sharon Karl	Town Clerk
Glenn Mandalas	Town Solicitor
Diana Beebe	Rehoboth Art League
Shaw Wilgis	32 Pine Reach
Sue Rinker	99 Tidewaters
Henry DeWitt	55 Fields End

**ABSENT:** Frank Jamison Commissioner

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

Mayor Hill called the Quarterly Meeting of the Board of Commissioners to order at 10:00 am followed by the Pledge of Allegiance.

**2. Approval of Minutes Quarterly Meeting – January 17, 2014**

Commissioner Richards made a **motion** to approve the minutes. Commissioner Kee seconded the motion. Motion passed.

**3. Treasurer's report**

Commissioner Lyons said the new security car has been purchased and is in use. All property taxes are paid with the exception of one due upon settlement. Transfer taxes are 300% of what was budgeted. Mayor Hill added that we will begin the budget process in May.

**4. Maintenance report**

Mr. Roth said there were quite a few broken pipes this winter that explains the higher water usage. The street department will be getting a new truck next week.

**5. Security report**

Mr. Roth said that the monthly reports are in the information packet. Not a lot of activity to report.

**6. Town Manager's report**

Mr. Roth said that he distributed to the Planning Commission a copy of the Comprehensive Plan working draft. A meeting will be held on May 5.

Mr. Roth met with Enviro-Tech to discuss ways to slow down the marina silting. They have suggested building a rip-rap wall along the near side canal wall to prevent scouring and deposition of silt. Mr. Roth added, in viewing historical photographs, he's not convinced that that their theory of cause and remedy is accurate. He will seek another opinion.

Mr. Roth reported that the town has received proposed revised flood insurance rate maps for the town and its property owners to review. There is a period for persons to appeal the proposed maps. Part of this process includes the town's flood plan regulations to be reviewed by the State. In the past our regulations have been found to be above standard.

We are still working on several storm sewer problems at 38 Tidewaters, 85 Tidewaters and 37 Pine Reach.

## **7. UNFINISHED BUSINESS**

### **a. Charter amendment, Chapter C-5, Qualifications of voters, Treasurer, Town Manager**

Mr. Mandalas stated that he received a call that the Charter amendments are going to be reviewed in the Community/County Affairs Committee in the Senate. Mayor Hill attended and answered the committee's questions. The amendments subsequently passed in Committee on April 1<sup>st</sup> and were approved by the Senate on April 9<sup>th</sup>. They were introduced in the House and assigned to their Administrative Committee. After approval by the House committee and full House, the Governor will have 10 days to sign them into law.

### **b. Convert Criminal Offenses to Civil**

#### **i. Chapter 43, Building Construction**

At the last meeting an amendment to Chapter 43 was approved dealing with lighting. At that time the Board recognized that criminal sanctions currently applied to all sections of §43. This amendment changes the building code criminal sanctions, to a civil assessment.

Commissioner Lyons made a motion to approve the Ordinance. Commissioner Brittingham seconded. The Motion passed.

#### **ii. Chapter 112, Parking of Trailers**

Mr. Roth presented a draft amendment of Chapter 112 that will update the ordinance by removing references to manufactured homes and better define trailers and construction equipment. This would also convert the penalty to civil from criminal. Mr. Staffier added that section 112.2, still includes the phrase, "boat trailer, with or without a boat", which was removed in 112.3. Mayor Hill agreed that should be deleted. Mr. Mandalas added, the wording, "the Article" should be changed to "this Chapter" and in the final sentence "to" should be changed to "committed".

Mrs. Richards made a **motion** authorizing Mr. Mandalas to put in proper form for next meeting. Commissioner Staffier seconded. Motion passed.

## **8. NEW BUSINESS**

### **a. Appointments to Board of Elections and election officers**

Mayor Hill nominated the following for reappointment as election officers: Barbara Shortly, Inspector of Elections; Elinor Boyce, Judge of Elections and Sarah Sunderland, Judge of Elections. Mr. Staffier made a **motion** in favor of the appointments. Mr. Lyons seconded. Motion passed.

Mayor Hill nominated the following for reappointment to the Board of Elections: Tiffany Derrickson, Bruce Moore and Mimi Peters. Mr. Lyons made a **motion** in favor of the appointments. Mr. Staffier seconded. Motion passed.

### **b. Appointment to the Environmental Approval Committee**

Mayor Hill nominated Carol Smith, 8 Pine Reach for appointment to the Environmental Approval Committee to replace Bryce Lingo, for the unexpired term ending October 31, 2015. Mr. Staffier made a **motion** to approve the appointment. Mrs. Richards seconded. Motion passed.

**c. Appointment to the Planning Commission**

Mayor Hill nominated Mary Jane Lyons for reappointment to the Planning Commission. Mr. Staffier made a **motion** to approve the appointment. Ms. Kee seconded the motion. Motion passed.

**d. Amendment to §108 Gross Receipts**

Mr. Roth, in reviewing the annual rental (§95) and gross receipt tax (§108) ordinances, found a need to update the form due to smoke detector regulations. Chapter 108, in section §108-20 includes the detail of the form that requires completion by the property owner. He suggested eliminating the form detail and consolidate it instead of bringing to the Board every time it needs to be changed. After a discussion it was decided that §108.20 read as follows, “The form as required by §108-18 shall be furnished by the Town Manager and may be amended from time to time as may be necessary.” Mr. Staffier made a **motion** to adopt the amendment with revised wording as discussed. Mr. Lyons seconded. Motion passed.

**e. Amendment to §95 Rental Property**

Mr. Mandalas stated Chapter 95 is the actual rental unit license. §95-4 includes items that the Town Manager can investigate. One is, whether or not the number of persons in a leased dwelling unit is in compliance with the Housing Code and other codes. This gives the Town Manager the authority to ask the questions, in anticipating, if there is a problem he has the power to investigate it. Mr. Roth said that he has not experienced problems with rentals. Discussion continued on occupancy.

Mr. Mandalas added there are items in Chapter 95 that are not relevant to today’s world. The entire chapter deals with rental license so Mr. Roth has stricken wording that is not applicable in order to simplify this section.

Mr. Staffier made a **motion** authorizing Mr. Mandalas to revise Chapter 95 Rental Property and prepare an amendment in proper form for the next meeting. Ms. Richards seconded. Motion passed.

**f. Cash Management**

Mayor Hill began discussion on cash management by stating we should be conservative when it comes to the Town’s money. With the low interest rates the question has arisen, whether we invest in something other than FDIC accounts. Mr. Hill said he reviewed the Charter and Code. Under Treasurer; they have the authority to deposit receipts in a banking institution. General authority under the Charter is broad. This is reviewed every year by the Audit Committee. During a discussion with the auditors at the last review, they expressed that security of principal was more important than return. We do not have the capacity to manage outside investments. Should we move in another direction other than the FDIC insured account? We need guidance from our Audit Committee. Discussion ensued. Mr. Staffier asked Mr. Mandalas what other town’s do with their money. Mr. Mandalas said that before they invest they go through a full investment policy process producing a document in conjunction with the Auditors. Accountants work with them to prepare this document. Generally they are very conservative, relatively low yield type investments. Mr. Lyons added that the FDIC insurance limit of \$250,000 has made it necessary for us to move the money around to different banks; perhaps we should look into State of Delaware tax free bonds. Mayor Hill said that he will put it back on the table with the Audit Committee.

**g. Personnel – Deferred Income Plan**

Mr. Roth stated that last year during budget and employee review time we briefly discussed a retirement plan for employees. He added he met with David Baker with Ameriprise. He has made two suggestions; a 457 plan and a simple IRA.

Mayor Hill felt this would be a positive aspect to retain our employees. The Board discussed the plans and possible employer matching. Mr. Lyons suggested we review matching along with salaries during the budget process. The item was deferred until budget preparation.

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

Mr. Lyons discussed memorializing our first mayor, Mr. J. Edward Murphy by naming something in his honor. Mrs. Richards suggest that a highly visible bronze plaque recognizing all past mayors for their service to the town.

**10. Town Solicitor's report**

Mr. Mandalas said that he received a call from the State Solicitor. The Attorney General's Office has been promising to do a "Road Show Presentation" on the Freedom of Information Act. He suggested we attend a presentation at Lewes or Rehoboth rather than they come to one of our meetings. Mr. Mandalas will advise of the dates as they near.

**11. Adjournment**

Mr. Staffier made a **motion** to adjourn at 11:13 am. Mrs. Richards seconded. Motion passed.

**Approved: July 18, 2014**