

MINUTES: The Quarterly Meeting of the Board of Commissioners of the Town of Henlopen Acres held following a Public Hearing on Friday, July 12, 2013 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
Thomas A. Roth	Town Manager
Sharon Karl	Town Clerk
Glenn Mandalas	Town Solicitor
Barbara Shortley	59 Pine Reach
Diana Beebe	Rehoboth Art League
Maurice Lewis	65 Pine Reach
Julie Lewis	65 Pine Reach
Herb Wilgis	35 Pine Reach
Henry DeWitt	55 Fields End
John Scheurer	62 Tidewaters
Bob Reed	36 Pine Reach
Connie Boland	45 Pine Reach
Ryan Mavity	Cape Gazette

ABSENT:

Winifred W. Kee	Commissioner
Frank Jamison	Commissioner

1. Call to Order, Pledge of Allegiance

Mayor Hill called the Quarterly Meeting of the Board of Commissioners to order at 10:10 am.

Mayor Hill said that public participation in Commissioners meetings should be encouraged; we are a very small town. Looking back over recent meetings the comments need to be helpful to the Commissioners to give us information that will help in whatever decision making is on the table. The hearing room is no place for personal attacks on Commissioners or other members of the public. Mayor Hill said that he was going to continue the tradition of entertaining comments from people here in attendance but please try to adhere to these very simple guidelines giving the Commissioners the opportunity to address the issues first then we will be happy to entertain comments from the public.

2. Approval of Minutes

a. Public Hearing – April 12, 2013

Commissioner Lyons made a **motion** to approve the minutes as corrected. Commissioner Richards seconded the motion. Motion passed.

b. Quarterly Meeting – April 12, 2013

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

c. Special Budget Meeting – June 14, 2013

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

3. Treasurer's report

Mr. Lyons said that we are almost finished the year end with a few accrued expenses that need to be made. It will then be forwarded to the accountants and then to our Audit Committee.

Mayor Hill in summarizing, we were \$10,000 over budget in respect to revenue and about \$30,000 under on expenses. Mr. Roth and all of the town employees are to be commended.

4. Maintenance report

Mr. Roth said that the Water Report shows water use down for April, May and June. There were a couple of leaks, but nothing that went undetected for any length of time. All the water mains were flushed in April.

5. Security report

Mayor Hill said looking at the June report, there was an unruly pedestrian, boat fire, vehicle accident where a contractor hit a vehicle. Mr. Roth said that the unruly pedestrian was making comments to a resident as he was walking by. The man could not be found by the time it was reported to security.

6. Town Manager's report

Mr. Roth said the highlight of his report was all the transfer taxes. We had four settlements in the second quarter of the year and we have two so far for July. Mr. Roth said that he spoke to Rob Whitford about the dredging spoils and he feels it will be ready to be removed in September. We are working on a resolution to storm water problems at 38 Tidewaters and 85 Tidewaters.

7. UNFINISHED BUSINESS

a. Amendment to §130-37.B Zoning certificate require; expiration; extension

Mayor Hill said this amendment would permit the Town Manager to grant continued extensions for building permits with good cause. He felt it made sense to eliminate the Board of Adjustment from the extension process. It is important to emphasize that the builders are expected to move forward as quickly as they can to get the project complete because it does cause a lot of disruption especially to neighbors. There can come a point in time and the builders need to know they will be denied an extension if they do not man the project daily. Mr. Mandalas agreed it gives the Town the flexibility to grant extensions, for good cause shown, providing more efficiency.

Mrs. Richards was concerned that extensions could continue indefinitely, without limit. Mayor Hill responded that the Zoning Officer, will need to emphasize that they must show good cause in order to receive an extension. Mr. Staffier added we also do not want an unfinished project sitting there so it seems to make sense.

Mr. Staffier made a **motion** to approve the amendment for the reasons articulated by the Town Solicitor. Mr. Lyons seconded the motion for the same reasons. Mrs. Richards voted yes because it is helpful and efficient. Mr. Lyons, Mr. Staffier and Mr. Brittingham voted yes for reasons stated by the Town Solicitor. Mayor Hill voted yes for the same reasons. Motion passed unanimously.

b. Charter amendment, Chapter C-5, Qualifications of voters

Mayor Hill stated that we approved in January 2012 Charter changes that were sent to the State Legislature which would have eliminated entity voting. The one exception was revocable trusts where the grantors/trustees are identical. Corporation, LLC's and other trusts would have no longer been permitted to vote in municipal elections. Objections at the State Legislature resulted in the Charter being tabled. The State Legislature ended and the Charter change has not been reintroduced. At the April meeting there were objections from the public indicating there should be further hearings.

Mayor Hill said that he has looked at the recent changes in ownership of property in the town that highlights the need to address this issue in a comprehensive way.

Discussion ensued. Mr. DeWitt, 55 Fields End said that the individuals that will lose the right to vote should be personally notified. Mr. Scheurer, 62 Tidewaters said that in most cases the trustee of the trust does not reside at the address and the original owners are non-residents which mean there will be no vote for that address. Mr. Reed, 36 Pine Reach queried suppose a property names a dozen individuals as owners can they all vote. Mayor Hill responded under the present and proposed changes the answer is yes. Mayor Hill added that he feels there should be at least a fifty percent ownership in a property that would allow only two people the right to vote. Mr. Staffier said to limit the number of non-resident votes per property, in the case of entities just say that there is allowed only one entity vote for any one property. Mayor Hill said that one vote per entity is the standard now.

Mayor Hill said that the general objection to eliminating entity voting is the concern about disenfranchising once it has been permitted. He said he will work with Mr. Mandalas and draft a letter asking for comments from the residents and then by the October 2013 meeting we can have a proposal to either vote up or down and then send to the State Legislature in January. All agreed.

c. Personal Policies - §5.9 Vacation

Mayor Hill said that this change would allow employees to carry forward five vacation days to the next benefit year. If that five day carry forward is not used within the next year they could still only carry forward a maximum of five days. Mr. Roth added that the cost of days carried forward would be accrued in the year earned, not carried over into the next year. Mayor Hill said that this would be effective January 1, 2014. Mr. Staffier made a **motion** to approve the change to section 5-9 Vacation of the Employee Manual. Mr. Lyon's seconded the motion. Motion passed unanimously.

d. Process for evaluating Rehoboth Art League status, possible changes - questionnaire

Mayor Hill said that he would like to continue forward with Mr. Staffier and Mr. Mandalas looking at what the legal status is, what flexibility we have as a municipality and trying to determine what the real issues are that need to be addressed and how the Town can address them. We openly invite the Art League to consult in this process.

8. NEW BUSINESS

a. Ratification of Budget, Tax Rate, Water Rate and Fee Schedule

Mr. Lyons stated that the new fee changes, and salary adjustments are incorporated into this budget. Mr. Lyons said the biggest changes are that Phase V of the road paving is being deferred and the change to the fees for building permits. It is a tight and balanced budget.

Mr. Lewis, 65 Pine Reach asked what happens to the \$40,000 excess at the end of this year. Mr. Roth said that it remains undesignated general funds.

Mr. Staffier made a **motion** to ratify the budget to including the tax and water rate. Mrs. Richards seconded the motion. Motion passed unanimously.

Mr. Staffier made a **motion** to approve the revised Fee Schedule. Mrs. Richards seconded the motion. Motion passed unanimously.

b. Appointment to Environmental Approval Committee

Mayor Hill requested the approval of the appointment of Mr. Herb Wilgis, 35 Pine Reach to the Environmental Approval Committee, whose terms ends in October to serve three more years. Mrs. Richards made a **motion** to approve the appointment of Herb Wilgis. Mr. Staffier seconded the motion and the motion passed unanimously

c. Amendment to §43.5.E.(3) Building criteria, Roofing

Mayor Hill said that there is an error in §43.5 of the Building Code the word “singles” should be “shingles”. Mr. Staffier made a **motion** to approve the correction. Mrs. Richards seconded the motion. Motion passed unanimously.

d. Removal of registrants from voting roll

Mr. Roth said by Code he is required to submit a list of voters no longer eligible to vote either because they are deceased or have sold their property and no longer lives in Henlopen Acres.

Mr. Staffier made a **motion** to approve the deletion of these persons from the voting roll. Mrs. Richards seconded the motion. Motion passed unanimously.

e. Event Parking

Mayor Hill said that the Outdoor Art Show is going to be next month. We have an event parking committee that has been helpful and he asked Mr. Brittingham, being a resident, help with that committee.

9. Any other business that may come before the Commissioners

The Board discussed possible recognition for Wanda Davis for her many years of service to the town.

10. Town Solicitor’s report

No comments.

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

Mrs. Richards made a **motion** to go into executive session to discuss a personnel matter. The motion was seconded by Mr. Staffier. The motion passed unanimously. The Board went into executive session at 11:28 am.

Mr. Lyons made a **motion** to come out of executive session, which was seconded by Mr. Brittingham. The Board came out of executive session at 11:56 am.

12. Consideration and/or action on matters discussed in Executive Session

No action taken

13. Adjournment

Having no other business, the meeting was adjourned by Mayor Hill at 12:00 pm.

Approved: October 11, 2013