

MINUTES: Special Meeting of the Board of Commissioners of the Town of Henlopen Acres held on Friday, May 25, 2012 at 10:00 a.m. at Town Hall, 104 Tidewaters in Henlopen Acres, Delaware.

PRESENT:

Wanda Davis	Mayor
David Hill	Commissioner
David Lyons	Commissioner
Winifred W. Kee	Commissioner
John Staffier	Commissioner
Beatrice Richards	Commissioner
Thomas A. Roth	Town Manager
Glen Mandalas	Town Solicitor
Sharon Karl	Town Clerk
Rob Whitford	Precision Marine Construction
Diana Beebe	Rehoboth Art League
Shaw Wilgis	32 Tidewaters
David Boyce	11 Tidewaters
John Scheurer	62 Tidewaters
Henry DeWitt	55 Fields End
Marcia DeWitt	55 Fields End
John Barto	68 Fields End
Robert Branson	69 Tidewaters
Patricia Branson	69 Tidewaters
Tina Manatos	1 Tidewaters
Dorothy Weber	1 Tidewaters
Martin Clark	59 Tidewaters
Sallie McGrath	36 Tidewaters
Ryan Mavity	Cape Gazette

EXCUSED: Frank Jamison Commissioner

1. Call to order

Mayor Davis called the meeting to order at 10:00 a.m. and led the Pledge of Allegiance

2. Marina Dredging

Mayor Davis introduced Mr. Whitford of Precision Marine Construction, Inc. the company that will dredge the marina. Mr. Whitford said at the request of the Mayor they have surveyed the marina to find out what the controlling depths are today compared to what there were when his company dredged the marina in 2003, when the marina was dredged to a mean average depth of 4 feet. From 2003 to now the marina has realized a 4'2" increase of fill. Precision Marine prepared two options for consideration. Also, Precision Marine would be dredging North Shores at the same time as Henlopen Acres, so the \$20,000 cost of mobilization can be shared, providing a net savings of \$10,000.

Mr. Whitford continued by explaining that the dredged material will be pumped into a product called a geo tube unlike 2003 when they were pumped into an open air hole to dry. Today we add a chemical polymer and pump it into the slurry; the polymer solution is based on a sample, we take three samples that we send off to Aqua Source in Minneapolis they tell us what polymer prescription is. It is a bio degradable polymer. It's approved by fish and wildlife and DNREC. The bags will sweat and the water comes out onto the plastic and is crystal clear as it goes back into the canal. The polymer acts like a binder. The suspended silt binds with the polymer and fall to the bottom, which accelerates the drying process. He will remove the dry crusted layer periodically from the bags and dispose of it to an approved site along the Broadkill River.

John Scheurer, 62 Tidewaters asked how long before the marina would fill in again after dredging. Mr. Whitford responded most likely eight to ten years. Commissioner Staffier asked if there was anything that could be done to prevent this from happening or to slow it down. Mr. Whitford responded that there is nothing that has been proven to be effective. Mr. Staffier and Mr. Shaw Wilgis, 32 Tidewaters, asked how long a period of time from when you begin dredging until the spoils are hauled away. Mr. Whitford responded, hopefully by Memorial Day. Mr. Whitford said that his window for dredging is September 15 – December 31st.

Commissioners Hill said that the town was given two proposals. One is \$40,000 more than the other. If Henlopen Acres selects the higher dollar proposal how does this benefit the town? Mr. Whitford estimated an additional four years before the need to dredge again. Commissioner Kee asked if the dredging was deeper would it buy more time. Mr. Whitford stated by law he can only dredge to the level of the canal.

Mr. Staffier made a motion to accept the 4,000 cubic yard proposal. Ms. Richards seconded the motion. Mr. Hill said that the proposal then would become a contract subject to the Town's Solicitors review with all the standard provisions to protect the town, concerning liability insurance, etc. with payments made monthly. Motion passed unanimously.

3. §130-19 Lot and Building Requirements

Mr. Roth requested clarification of a section of Code §130-19 F. "The maximum square footage of the total floor area of a dwelling unit and all other structures on a lot shall not exceed 6,000 square feet, including all that which is under roof". He referred to an example he prepared showing three stories with balcony "A", mid balcony "B" and "C" ground level. The concern being is the area marked "B", a deck under a deck to be counted in square footage. "A" would not count because it is totally uncovered. "B" is a symmetric deck under a deck. Is deck under roof if it is covered? As undefined terms he and the zoning officer are requesting clarification. Mr. Roth said that he would not count the item marked "C" which is an area covered by a deck but is an unimproved area, it is grass or dirt, and there is no foundation or patio.

Ms. Kee expressed that "roof" needs to be clarified and to her it means to make the floor (of "C") above so it is weatherproof to area "B". Mr. Staffier stated that in order to count "B" as square footage the words in the regulation need to be adjusted. Mayor Davis said that she is concerned with "C" (the lowest level), even though they may have grass and pebbles, why is that not at garage. Mr. Roth stated that if it is shown to be a parking structure it is counted as square footage.

The consensus of the Board was if area "B", (middle level), is finished to be weatherproof above then it is to be counted as square footage. Mayor Davis asked Mr. Roth to work on a draft as a clarification in §130-19 and then forward to Mr. Mandalas for his review.

4. Executive Session

Mr. Hill made a motion that the Board move to executive session to discuss potential litigation. Mr. Lyons seconded the motion. Motion was unanimous.

Board entered executive session at 11:15 am.

The Board came out of executive session at 12:55 pm.

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

No action was taken.

6. Adjournment

Having no other business, the Mayor adjourned the meeting was adjourned at 12:55 pm

Approved: _____, 2012