

Town of Henlopen Acres

104 Tidewaters
Henlopen Acres, DE 19971

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

MINUTES: The Board of Commissioners of the Town of Henlopen Acres held their Quarterly Meeting at **10:00am on Friday, April 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
Tim Hidell	Commissioner
Thomas Roth	Town Manager
Lisa Michaels	Town Clerk
Glenn Mandalas, Esq.	Town Solicitor
Christine Moore	14 Tidewaters
Martin Clark	59 Tidewaters
Henry DeWitt	55 Fields End
Bob Stevens	66 Fields End
Lynda Moses	39 Pine Reach
Ryan Mavity	Cape Gazette

EXCUSED: Andrew Brittingham Commissioner

[Minutes are Not Verbatim]

1. Call to Order, Pledge of Allegiance

The Meeting was called to order by Mayor David Lyons at 10:01 am.

2. Appointment to the Board of Commissioners

Mayor Lyons appointed Tim Hidell to the Board of Commissioners. A **motion** to approve the appointment was made by Commissioner Joni Reich and seconded by Commissioner Paddy Richards. **Motion** passed.

Mr. Thomas Roth administered the Oath of Office to Commissioner Tim Hidell.

3. Approval of Minutes

a. Public Hearing-October 10, 2014

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

b. Quarterly Meeting- January 9, 2015.

Motion to approve the minutes was made by Ms. Reich and seconded by Mr. Staffier. **Motion** passed.

c. Commissioners Meeting- March 13, 2015

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

4. Treasurer's Report

Ms. Reich gave a financial summary to the Board reviewing the projected last quarter of the fiscal year. Higher transfer tax receipts will result in a break- even year while the original budget showed a deficit.

5. Maintenance Report

There was not a report in the meeting packet but Mr. Roth reviewed the issues that arose over the past few months, with the biggest one being 10 residential water leaks. It's estimated the Town lost 400,000 gallons of water. One leak took nearly two weeks to find and was only found after the Town borrowed a listening device from Delaware Rural Water. The Town has since purchased a listening device in place of the pipe camera originally in the budget.

6. Security Report

The Security report is included in the meeting packet. Security officer Ernie Mason retired in March after 15 years with the Town. He was given a retirement luncheon that was attended by the staff and some residents. His full time position has been filled from within and the Security Department now has four full time and four part time employees.

7. Town Manager's Report

The Town Manager's report is included in the meeting packet. Mr. Roth reviewed the report. FEMA approved the Town's updated Flood Plain Regulations. A new Hazardous Chemical Policy is in place ahead of the Federal requirement of June 2016. New radios have been ordered for the Streets department to alleviate them using their personal cell phones. The marina ground has been tilled up and the soil is being retested. The next step will be to lay topsoil and seed. The Town received a County Infrastructure Grant in the amount of \$10,000. This is being used to replace the handicap walkway at the marina and install a new walkway to the kayak storage. The Town will also be purchasing picnic tables and benches for the marina. Materials will be delivered the week of April 13 to start the Phase V paving project. The first half of the project is on target to be finished by May 15. The second half will be done after September 15.

8. Unfinished Business

a. Delaware Mutual Aid and Assistance Agreement

Town Solicitor Glen Mandalas, Esq. commented that these type of agreements are becoming more prevalent so that details can be worked out in advance of a natural disaster allowing towns to get the help they need. His one concern was that some towns have unions that have negotiated much higher wages, but he still

recommends Henlopen Acres enter into the agreement. The fact that the Town is so small it is obvious we would need help in the event of an emergency. Mr. Jamison made a **motion** to approve entering into the Delaware Mutual Aid and Assistance Agreement and Ms. Reich seconded it. **Motion** passed.

b. Yard Clean Up

i. Solid Waste; Town Code Chapter 103

As a result of discussion at the previous meeting, Mr. Roth has updated the language to clarify the definition of solid waste and changed the violation from a criminal to civil offense. Ms. Reich asked where the Code clarifies the obligations of the property owner to which Mr. Roth responded that it currently doesn't. Mr. Mandalas suggested the Town consider adopting the International Property Maintenance Codes of 2013. The Commissioners should review them or consider adopting a smaller version. Mayor Lyons inquired whether Rehoboth or Lewes adopted these codes. Mr. Mandalas stated that both towns have. Ms. Reich questioned whether any changes made would need to be reviewed by the Planning Commission. Mr. Mandalas suggested that be done. Mayor Lyons would prefer to make the original changes presented today by Mr. Roth instead of introducing new documents such as the International Rules. Mr. Staffier asked if the Town was intending to impose an obligation on the property owners to collect their leaves and if so, then how often? Mr. Jamison suggested enforcing one leaf clean up a year and Ms. Reich agreed. Mayor Lyons wouldn't want the Town to start fining residents for not keeping their lots cleaned. Mr. Staffier is concerned the language, as it stands, isn't clear enough to enforce any kind of yard clean up and recommends the Commissioners consider this issue further before making a decision.

Henry DeWitt-55 Fields End

Mr. DeWitt feels an exception should be made for people who own vacant lots.

Bob Reed-35 Pine Reach

An exception for vacant lots that want to be kept in a "natural state" should also include homes that want that same look because not all property owners want to grow grass.

Christine Moore-14 Tidewaters

Ms. Moore states that her neighbor does rake their leaves but feels they sit too long waiting for Town personnel to pick them up. Mr. Roth noted that during the peak of leaf season it is difficult for the maintenance crew to keep up.

Mayor Lyons suggests the Town may need to hire an outside company to help with the leaf pick-up and possibly pass the cost on to the homeowner. Mayor Lyons would like to defer this topic until next meeting.

ii. Trees; Town Code Chapter 114

This topic was discussed under 9a, New Business.

c. Fourth of July Parade

Mayor Lyons discussed the plans for the Fourth of July parade. The children of the Town are encouraged to decorate their bikes and/or dress up and meet at the marina at 830am with the Parade route starting down Tidewaters to Zwaanandael to Rolling Road then Dodds Lane back to the marina. The parade is expected to be finished by 930am. The children will be judged by 2 age brackets and prizes are being donated courtesy of Bill Lingo. The rain date is July 5th. The security officer on duty will lead the parade and every child must be accompanied by an adult and wearing a helmet if they are riding a bike. Ms. Richards questioned who would be the event chair as she felt someone had to be the point person if residents had questions. Mayor Lyons said he would be and will work closely with Town Hall to work out all the details.

9. New Business

a. Removal of Trees; Town Code §130-37, §130-38

Based on discussion at the previous meeting, Mr. Roth draft a change to the permit approval process sections to reinforce that removal of trees is part of that process. There would need to be a Public Hearing in order to approve this amendment.

Bob Stevens-66 Fields End

Mr. Stevens commented that the first twenty feet of the front yard belongs to the Town (the easement) yet all new construction is clear cutting the lots including the Town trees. He would like to see the property owner have to prove a true need before they are able to cut any trees down.

Mr. Staffier felt Mr. Stevens's suggestion may be a little too restrictive.

Ms. Reich inquired of Mr. Roth whether he agreed with Mr. Stevens observation that all the Town trees were being cut down.

Mr. Roth responded that he did not agree with Mr. Stevens. He noted that the ERC has a hard time not approving renovation plans (i.e. for a new driveway) because a tree is being removed.

Mr. Roth felt the ERC would need more definitive direction form the Commissioners.

Mayor Lyons would like to refer the issue back to the ERC to recommend solutions. They also need to address the natural tree loss that occurs from storms and age.

Mr. Staffier would also like the Town to be thinking about proactively planting new trees. Mayor Lyons agreed.

The Town Manager and Town Solicitor will work together to review the Rights of Way Chapter and clarify this issue.

b. Parks; Town Code Chapter §89

Code Chapter §89, Parks, already memorializes Deakyne Way and should be amended to memorialize Wanda Davis Grove. A **motion** to amend Chapter §89 was made by Mr. Staffier and seconded by Mr. Jamison. **Motion** passed.

c. Appointment of one member to the Environmental Approval Committee

No action taken

d. Appointment of one member to the Board of Adjustment

No action taken

e. Appointment of one member to the Planning Commission

Mayor Lyons recommended reappointment of Gordon Kaiser to the Planning Commission. A **motion** to approve the reappointment was made by Ms. Reich and seconded by Mr. Staffier. **Motion** passed.

f. Appointment of three members to the Board of Elections

Mayor Lyons recommended reappointment of Tiffany Derrickson, Bruce Moore and Mimi Peters to the Board of Elections. A **motion** to approve the appointments was made by Mr. Jamison and seconded by Mr. Staffier. **Motion** passed.

g. Appointment of three members to be Election Officers

Mayor Lyons recommended reappointment of Barbara Shortley, Elinor Boyce and Sarah Sunderland to be Election Officers. A **motion** to approve the appointments was made by Mr. Staffier and seconded by Mr. Jamison. **Motion** passed.

10. Any other business that may come before the Commissioners

Ms. Richards suggested the Town be updated on the status of the Comprehensive Plan.

She thought this could be done in either the next newsletter or a Town wide mailing.

Mayor Lyons would like all the updated Comprehensive Plan information, including the State's comments put on the Town's website.

Ms. Richards added that people are especially concerned about comments made by Connie Holland from the State's Planning Office that if we don't have a certified Comp Plan we could not receive State funding in the event of an emergency.

Mr. Staffier asked if the Town is required to respond to the State's comments.

Mr. Roth said yes at some point, and added that he is currently working on updating the Plan based on the State's comments.

Mr. Jamison asked if the MOU presented to the Rehoboth Art League was included in the Comp Plan that was sent to the State. Mr. Roth responded that it was.

Mr. Staffier asked if the MOU is currently on the website and Mr. Roth again responded that it was. Mr. Roth will make sure the website has all updated information as requested.

Mayor Lyons stated that the Commissioners will need to vote at the June meeting to send the Comp Plan back to the Planning Commission for review the State comments.

11. Town Solicitor's Report

Mr. Mandalas had nothing to report.

12. Adjournment

A motion to adjourn was made by Ms. Richards and seconded by Ms. Reich. The meeting was adjourned at 11:04am.

Approved 07/10/2015