

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, April 8, 2016** at Town Hall, 104 Tidewaters, Henlopen Acres, Delaware.

PRESENT:

Frank Jamison	President Pro Tempore
Joni Reich	Commissioner
Andrew Brittingham	Commissioner
Tim Hidell	Commissioner
Beatrix Richards	Commissioner
Thomas Roth	Town Manager
Glenn Mandalas, Esq.	Town Solicitor
Lisa Michaels	Town Clerk
Maurice Lewis	65 Pine Reach
Henry DeWitt	55 Fields End
John Morris	7 Broad Hollow
Nathalie McGregor	3 Pine Reach

Excused:

David Lyons Sr.	Mayor
John Staffier	Commissioner

[Minutes are Not Verbatim]

1. Call to Order, Pledge of Allegiance

The meeting was called to order by Commissioner Frank Jamison at 10:00 am.

2. Approval of Minutes

a. Quarterly Meeting-January 8, 2016

Motion to approve the minutes was made by Commissioner Joni Reich and seconded by Commissioner Tim Hidell. **Motion** passed unanimously.

b. Board of Commissioner's Meeting-March 4, 2016

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

3. Treasurer's Report

Ms. Reich reviewed the financials included in the meeting packet. Overall, the Town is in good financial shape. Some expense items are over budget for unexpected repairs of equipment and the water plant. Transfer tax income will exceed the budget.

4. Maintenance Report

A water report was included in the meeting packet. The monthly water usage is being tracked in a different format to keep a closer watch on usage and allows for quicker

detection of water leaks. The main water distribution meter at the water plant was replaced on Wednesday April 6. A representative from Delaware Rural Water was on hand to help with the replacement and the Town water was shut off for approximately 2 hours. Leaks were the main cause of the high readings in the last quarter of 2015.

4. Security Report

A security report was included in the packet. There were no major issues over the past 3 months. Security hired another part time officer which brings the total to four part time and four full time security officers. This allows for better vacation and holiday coverage.

5. Town Manager's Report

A written report is included in the meeting packet. Mr. Roth included a PowerPoint presentation from the SCAT Legislative Breakfast that he and Mayor Lyons attended. This gives the Commissioners an idea of the role of SCAT within the Sussex County and the State. While at the SCAT meeting, Mr. Roth and Mayor Lyons spoke to Senator Lopez and there is money available for a storm water grant that will be used to address standing waters issues at the marina. The walkway in front of Town Hall will be replaced this Spring to comply with ADA regulations. Sussex County will complete the work on the sewer lift stations by Memorial Day. Mr. Roth will meet with FEMA to apply for reimbursement of damages to the Town during the January storm. Mr. Jamison inquired about the denial of a pool at 85 Tidewaters. Mr. Roth noted that the zoning officer, Mr. Kollar, is still working with the homeowner to have the pool meet all the setback requirements. The homeowner has already notified the Town they will apply to the Board of Adjustments if they are unable to get approval from Town Hall.

6. Unfinished Business

a. Discussion and possible action on cable TV franchise agreement, Town Code §A134

Mr. Mandalas reviewed the Franchise Agreement with the Commissioners. Most of the issues discussed previously by the Commissioners have been addressed in the new agreement. It will be a 10 year agreement that renews automatically for an additional five years. The franchise fee will increase from 3% to 5%. Internet service will continue to be supplied to Town Hall for 3 more years under a separate agreement. A **motion** to authorize the Mayor sign the Franchise agreement as presented was made by Ms. Reich and seconded by Commissioner Paddy Richards. **Motion** passed unanimously.

7. New Business

a. Review and possible action on an amendment to Chapter 114 Trees.

Ms. Nathalie McGregor of the Tree Committee brought the Commissioners up to date on what the Tree Committee has done so far. The committee would like the Town to apply for "Tree City USA" designation. In order to meet all the requirements, the Town must have a Tree ordinance, celebrate Arbor Day and spend \$2/per person on trees annually. The committee along with Mr. Roth are working with the Delaware Forest Service to draft a Tree ordinance. The Town

just received a Tree grant from the State which it will use to replace some of the Town trees lost in the last storm.

Maurice Lewis-65 Pine Reach

Mr. Lewis was concerned with what the Tree Committee's main goal is. He again discussed what happened at his house when a tree from a neighbor's property fell on his garage during the last storm. He feels the committee needs to review and make recommendations about trees that look dead or near the end of the life cycle before they become a hazard.

Commissioner Reich feels the Town needs to have an arborist on retainer to help evaluate all tree and give guidance as to what steps to follow. She feels the Tree Committee needs very specific direction from the Commissioners and any guidelines or rules set in place by the Tree Committee must be comfortable for the homeowner to follow and still meet the goals of the Town. Mr. Mandalas briefly discussed Rehoboth Beach's Tree Ordinance, and suggested the Tree Committee continue working on a Tree Ordinance draft that could be presented to the Commissioners at the July Quarterly meeting.

b. Appointment of one member of the Planning Commission

Mayor Lyons submitted Bob Reed, 36 Pine Reach, for reappointment to the Planning Committee. **Motion** to approve reappointment made by Ms. Reich and seconded by Commissioner Andrew Brittingham. Motion passed unanimously.

c. Appointment of three members to the Board of Elections

Mayor Lyons submitted Tiffany Derrickson, 54 Rolling Road, Bruce Moore, 14 Tidewaters, and Mimi Peters, 30 Pine Reach for reappointment to the Board of Elections. **Motion** to approve the reappointments made by Ms. Richards and seconded by Mr. Hidell. **Motion** passed unanimously.

d. Appointment of three members to be Election Officers

Mayor Lyons submitted Barbara Shortley, 59 Pine Reach for reappointment as Inspector of Elections and Sarah Sunderland, 71 Fields End and Elinore Boyce, 11 Tidewaters for reappointment as Judges of Elections. **Motion** to approve the reappointments was made by Mr. Hidell and seconded by Mr. Brittingham. **Motion** passed unanimously.

8. Any other business that may come before the Commissioners

John Morris-7 Broad Hollow

Mr. Morris wanted to make the Commissioners aware of an overgrowth of bamboo coming from his neighbor's yard invading his and surrounding properties. He feels it is a public nuisance since several other properties are involved. He has spoken to the neighbor but didn't get a resolution. Mayor Lyons has looked at the properties in question and hopes to get the homeowners involved to sit down and resolve the issue. And while Mr. Morris does have a private claim it is not a Town issue. Mr. Jamison noted Mr. Morris's concerns for the record.

Mr. Mandalas reminded the Commissioners that this is a neighbor to neighbor issue.

9. Executive session for the purpose of preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property, in accordance with 29. Del. C. §10004(b)(2)

A **motion** to go into executive session for preliminary discussion on disposition of real property was made by Mr. Hidell and seconded by Ms. Richards at 10:53am.

A **motion** to come out of executive session was made by Ms. Reich and seconded by Mr. Hidell at 11:07am.

A **motion** to remove the asphalt paving and restore the easement between 68 and 70 Pine Reach was made by Mr. Hidell and seconded by Ms. Richards. **Motion** passed unanimously.

11. Town Solicitors Report

Mr. Mandalas had nothing to report.

12. Adjournment

A **motion** to adjourn was made by Ms. Reich and seconded by Mr. Brittingham. The meeting was adjourned at 11:08am.

Approved 07/08/16