

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, October 7, 2016** at Town Hall, 104 Tidewaters, Henlopen Acres, Delaware.

PRESENT:

David Lyons Sr.	Mayor
John Staffier	Commissioner
Joni Reich	Commissioner
Beatrix Richards	Commissioner
Thomas Roth	Town Manager
Glenn Mandalas, Esq.	Town Solicitor
Lisa Michaels	Town Clerk
Emily Boyd	DNREC Wildlife Management
Barbara Shortley	59 Pine Reach
John Morris	7 Broad Hollow
Gail McDermott	7 Pine Reach
Eileen & Martin Clark	59 Tidewaters
Bonnie Staffier	58 Pine Reach
Gene Wilson	10 Tidewaters
Roger & Charlene Kramer	11 Pine Reach
Linda Moses	39 Pine Reach
Murray Padgett	97 Tidewaters

EXCUSED:

Frank Jamison	Commissioner
Andrew Brittingham	Commissioner
Tim Hidell	Commissioner

[Minutes are Not Verbatim]

1. Call to Order, Pledge of Allegiance

The meeting was called to order by Mayor David Lyons at 10:00 am.

2. Presentation by Emily Boyd, DNREC

Mayor Lyons has received numerous complaints from residents due to the increasing deer population in Town and property damage that is occurring. He feels there are between 40-50 deer in Town at any given time. Mayor Lyons introduced Emily Boyd from DNREC Wildlife Management to discuss the increasing deer population in Town and options to address the issue. Ms. Boyd explained that there is currently deer overpopulation in Delaware. The setting of Henlopen Acres make it favorable for overpopulation of deer. With overpopulation comes property damage, vehicle/deer collisions and Lyme disease. She presented a wide range of deer management options starting with non-lethal options. She explained each; relocation, deer-resistant plants, scare tactics, repellants and fencing

private yards. Ms. Boyd gave reasons why each of these options don't work. She shared that many people are in favor of relocation because they feel it's the most humane, but don't realize that 80% of relocated deer die due to the stress of relocation. She then discussed the lethal option of community level hunts. These are done with master level hunters using cross bows. DNREC has partnered with a program called sportsmen against hunger. Deer that are killed in community hunts are donated to DNREC's program to feed the hungry. The harvested deer are taken to Sussex County Correction Institute where inmates are training to be butchers. The butchered meat is then donated to local food banks in Sussex County to feed the underprivileged. Mr. Staffier questioned if the State Parks do any deer control? Ms. Boyd responded they use master hunters to control the deer population. Mr. Lyons added that when the hunts are done in State parks such as nearby Gordon's Pond, more deer will come into Town for refuge, which will exacerbate the existing problem. Ms. Reich asked if the State is promoting the idea of deer population control through the community hunts. Ms. Boyd responded yes, it's a process that must continue every year to see real benefits but there is a deer problem in Delaware that needs to be addressed. Mr. Lyons reminded the Commissioners that there are no natural predators in Town and since Ms. Boyd already mentioned the favorability for deer to remain, the only option to control the deer population is the community hunt. Mr. Lyons laid out his plan to do a community hunt after December 1st. He has several homeowners who have offered their property as a hunt site plus he would suggest using Bock W. The hunters would use cross bows and remain within 50 feet of the deer. He also has licensed hunters who are interested in participating. All Town residents would be notified in advance and safety would be the first priority. By partnering with the State program, it's a win/win for all involved. Ms. Richards asked who would decide how many deer to remove? Ms. Boyd answered the Town can make that decision as long as all State regulations are followed.

Bonnie Staffier-58 Pine Reach

Mrs. Staffier wants to make sure the Town will use the most humane way possible to remove the deer.

Mr. Lyons explained the procedure of cross bow hunting and why it will be the quickest way to remove the deer. Ms. Boyd also explained to the Commissioners and homeowners that many deer will die over the winter due to a decrease in food supply and colder temperatures if the deer population isn't reduced.

Gail McDermott-7 Pine Reach

Ms. McDermott is concerned about safety. She inquired about how close to houses the hunting would occur and if the homeowners will be notified in advance.

Mr. Lyons responded that the hunting would only take place in certain locations as previously mentioned and all the homeowners would be notified well in advance. The hunting would only take place at a certain time of the day specified ahead of time. He again reiterated the accuracy and safety of using a cross bow. Mr. Lyons may also reach out to North Shores and see if they are interested in participating in the hunt as well.

Martin Clark-59 Tidewaters

Mr. Clark asked Ms. Boyd about other animals, such as foxes and raccoons since they have had trouble with both on their property. Ms. Boyd explained it is up to the homeowner to hire a licensed trapper to remove them at the owner's expense. The State doesn't remove them.

Mayor Lyons will continue working on a plan for deer removal with a target of early December.

3. Presentation and Proposal by Waste Industries

Pat Luce and Bryan Kastor from Waste Industries came to present a proposal for being either the preferred vendor or the exclusive vendor of trash/recycling pickup in Town. Included in the meeting packet were the pricing options and services included. Currently, Waste Industries is servicing approximately 65 homes in Town. To receive the preferred pricing for homeowners, Waste Industries would have to get 60% of the homes in Town and for exclusive pricing, 95% of the homes. There will be several services options, including seasonal, all would be valet back door service as required by the Town. The only option not presented was having twice a week pickup and several Commissioners felt that should be included. Mr. Luce and Mr. Kastor will work up that price and send it Mr. Roth. The Commissioners felt it would be a good idea to pass this information on to the homeowners and survey their interest. A survey will be included in the upcoming November newsletter to each homeowner and the results will be discussed at the next meeting.

4. Approval of Minutes

a. Quarterly Meeting-July 8, 2016

Motion to approve the minutes was made by Commissioner John Staffier and seconded by Commissioner Paddy Richards. **Motion** passed unanimously.

b. Board of Commissioner's Organizational Meeting-September 6, 2016

Motion to approve was made by Mr. Staffier and seconded by Ms. Richards. **Motion** passed unanimously.

5. Treasurer's Report

Commissioner Joni Reich reviewed the first three months of the fiscal year and the budget is on track. The Town purchased a new security vehicle, a Jeep Patriot, well under budget.

6. Maintenance Report

A water report is included in the packet. The monthly water usage appears on track for this time of the year. The landscaping at the front entrance is being redone. The azalea bushes will be trimmed and some other bushes will be removed. All the bridle paths will be cleaned up. The Tree Committee also compiled a list of Town trees that need trimming and they are being taken care of by the maintenance department. There will be new loblolly pines planted on Town easements this fall. Mayor Lyons reminded Mr. Roth to have maintenance place the snow fences again this year.

7. Security Report

A security report is included in the packet. There were no other incidents to report.

8. Town Manager's Report

A written report is included in the meeting packet. All the Town property taxes have been paid. We received a letter from the State acknowledging their receipt of our annual report on the Comprehensive Plan. The Town also received an 18% credit on our Worker's Comp. Insurance premiums after our annual inspection and there were no recommendations for changes. The water plant was recently power washed and Town Hall will be done after the new ADA walkway is completed. The traffic pattern for the upcoming Rehoboth Seawitch festival has been modified and should no longer affect getting in and out of Town. The Town received a tree grant from the State of Delaware.

9. Unfinished Business

a. Review and possible resolution on an amendment to Chapter 130-19D

Garage/Storage area allowance

The Planning Commission asked the Commissioners to review the new language written as it pertains to Chapter 130-19D specifically the addition of a sliding scale based on lot size for the allowance of a 250 sq. ft. storage area. The Commissioners are still uncertain how much of a need there is for this allowance. Mr. Mandalas reminded the Commissioners that the final decision on any changes to Chapter 130-19D will be made by them. Mr. Lyons inquired if the new homes being constructed in Town include garages. Mr. Roth responded about 50% included garages. Mr. Staffier felt an existing home should have to show a real need for the additional storage and that each case should be evaluated individually. Ms. Reich voiced her opposition to the entire idea. Mr. Mandalas suggested changing the current Code to require all new home construction include 250 sq. ft. of storage within the 6000 sq. ft. allowance. Mayor Lyons agreed with Mr. Mandalas and suggests sending that recommendation back to the Planning Commission. A **motion** to send this item back to the Planning Commission with new recommendations was made by Ms. Reich and seconded by Mr. Staffier. **Motion** passed unanimously.

b. Review and possible resolution on an amendment to Chapter 130-4(2) Zoning, Definitions, Unenclosed cooking facilities

No action was taken.

c. Discussion and possible action on Invasive species (bamboo)

Mayor Lyons addressed the issue of bamboo that is currently in eight locations within Town. The largest area is at 5 Broad Hollow and has spread to four surrounding homes and Town property (bridle path). The Town has now received complaints from each of the four affected homeowners and Mayor Lyons has reached out to the Cameron family, the owners of 5 Broad Hollow, several times to try and facilitate a solution. While he is reluctant to get the Town involved, he feels with the complaints on file the issue needs to be addressed. Mr. Staffier noted that the Town Charter, section C-28 addresses the removal of obstructions and nuisances and feels bamboo would qualify. Mr. Mandalas advised that the Commissioners would need to act by Resolution to declare the area at 5 Broad

Hollow a nuisance according to the Charter, then the Town could act to rectify it at the expense of the Cameron family. Mayor Lyons would like to reach out to the Cameron family one more time with the premise that if a solution isn't agreed upon, the Town will be forced to act. Mr. Mandalas will prepare the resolution for the January Quarterly meeting, if needed.

10. New Business

a. Review and possible resolution for public hearing to Chapter 130-6 Zoning Map

The Board discussed updating the Town Zoning map which predates the Comprehensive Plan. Mr. Mandalas stated it is required to hold a public hearing in order to adopt the Zoning Map included in the Comprehensive Plan as the official Zoning Map. A **motion** to adopt a Resolution proposing a public hearing be held on the subject of amending Chapter 130 of the Zoning Code on January 13, 2017 was made by Mr. Staffier and seconded by Ms. Reich. **Motion** passed unanimously.

b. Review and possible action on renewal of right-of-way license with US Army Corps of Engineers

The meeting packet included the five year lease renewal with US Army Corps of Engineers for the road behind the cemetery to Grove Park. There were no issue with the lease renewal. A **motion** to authorize Mayor Lyons to sign the renewal was made by Mr. Staffier and seconded by Ms. Richards. **Motion** passed unanimously. Mayor Lyons signed the five year lease renewal.

c. Review and possible amendment to Chapter 116 Vehicles and traffic

An ordinance was included in the meeting packet that address vehicle idling in Town per Comprehensive Plan recommendations. This ordinance would limit all vehicle idling to under 5 minutes. Mr. Mandalas recommended changing violation of the ordinance from a criminal to civil offense. A **motion** to adopt the Ordinance with the changes per Mr. Mandalas was made by Mr. Staffier and seconded by Ms. Reich. **Motion** passed unanimously. The rules that accompany all business licenses will be updated to include the new ordinance.

d. Appointment of one member to the Environmental Approval Committee

Mayor Lyons recommended Jennifer Lamson for reappointment to the Environmental Approval Committee. **Motion** to reappointment Jennifer Lamson to the Environmental Approval Committee wade made by Ms. Richards and seconded by Mr. Staffier. **Motion** passed unanimously.

11. Any other business that may come before the Commissioners

Mayor Lyons briefly discussed replacing the sign posts throughout Town. He shared a picture of one possible option and would like to continue to research styles and present them at a future meeting in anticipation for next fiscal year.

Mr. Roth discussed the possibility of getting a Town credit card for purchases as opposed to using his personal credit card and submitting for reimbursement as he is currently doing. The Commissioners agreed and Mr. Roth will pursue it. Mr. Roth also mentioned to the Commissioners that he is obtaining quotes for adding electric to more slips at the Marina. He will discuss with them in more detail once the price quotes are received.

12. Executive Session to review executive session minutes pursuant to 29 Del. C. §10004(b)(6)

A **motion** to go into executive session was made by Ms. Reich and seconded by Mr. Staffier at 11:53am. A motion to come out of executive session was made by Mr. Staffier and seconded by Ms. Richards at 12:02pm

13. Possible action on executive session minutes

A **motion** to approve the minutes discussed in executive session was made by Ms. Richards and seconded by Ms. Reich. **Motion** passed unanimously.

14. Town Solicitors Report

Mr. Mandalas had nothing to report.

15. Adjournment

A **motion** to adjourn was made by Mr. Staffier and seconded by Ms. Reich. The meeting was adjourned at 12:05pm.

Approved 01/13/2017