

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, January 13, 2017** at Town Hall, 104 Tidewaters, Henlopen Acres, Delaware.

PRESENT:

David Lyons Sr.	Mayor
John Staffier	Commissioner
Joni Reich	Commissioner
Andrew Brittingham	Commissioner
Frank Jamison	Commissioner
Beatrix Richards	Commissioner
Tim Hidell	Commissioner
Thomas Roth	Town Manager
Lisa Michaels	Town Clerk
Glenn Mandalas, Esq.	Town Solicitor
Louise Montgomery	80 Pine Reach
John Morris	7 Broad Hollow
Le Rowell	4 Broad Hollow
Bob Stevens	66 Fields End

[Minutes are Not Verbatim]

1. Call to Order, Pledge of Allegiance

The meeting was called to order by Mayor David Lyons at 10:03 am.

2. Approval of Minutes

a. Quarterly Meeting-October 7, 2016

A **motion** to approve the October 7, 2016 minutes was made by Commissioner John Staffier and seconded by Commissioner Paddy Richards. **Motion** passed unanimously.

3. Treasurer's Report

Commissioner Joni Reich reviewed the fiscal year to date and the budget is on track with a projected surplus of \$20,000. An adjustment to the original budget for building permits has been made, reducing it from \$100,000 to \$75,000. Property transfers appear to be on track for the year. A discussion of the Commissioners occurred regarding the possibility of the State taking a larger portion of the property transfer tax and if it would cause the Town to raise property taxes. The situation will continue to be monitored by Mayor Lyons and Town Manager Thomas Roth. Mayor Lyons also wanted to thank Senator Lopez for the grant the Town received to install a new drain at the Marina.

4. Town Manager's Report

A written report is included in the meeting packet. The water report shows average water usage for this time of the year. The Town has a leak that is currently being investigated. There have been a few maintenance issues at the water plant but nothing that affects the residents' water supply. There is nothing to report from security except what is included in the packet. There is a Tree Committee report included in the packet that shows 33 new trees were planted in 2016 and removal of dead Town trees and pruning of others. The meeting packet also includes an increase in Comcast fees for all residents. Mr. Roth wanted to commend the streets department for the great job they are doing keeping up on all yard debris pick-ups. On January 26 there will be an initial meeting with KCI to discuss the asset management grant. We will begin inventory and evaluation of the water plant equipment. Mr. Roth also announced that the Town has been without a Workers Comp. incident since August 2012. There is also an update from AECOM on the Marina project included in the packet. Mr. Roth would like to explore possibly adding more kayak storage at the Marina. The current storage remains filled each year and there is the opportunity to rent to more people if the space was available.

5. Unfinished Business

a. Review and possible action on an ordinance to adopt a new official zoning map by amending Chapter 130, section 130-6 and 130-7

Mr. Mandalas wanted to acknowledge the letter received from Gail McDermott regarding the zoning map change. A **motion** to adopt the ordinance amending Chapter 130, section 130-6 and 130-7 was made by Mr. Staffier and seconded by Ms. Richards. Since it is a zoning change, Mr. Mandalas polled each Commissioner and requested they give their vote and the reason for it. Commissioner Staffier-yes-He believes the new map is more detailed, locating all property lots and it would conform the Zoning Code to the Comprehensive Plan. Commissioner Brittingham-yes- for the same reasons as stated by Mr. Staffier. Commissioner Reich-yes-for the reasons already stated. Commissioner Hidell-yes-for the reasons already stated. Commissioner Jamison-yes-for the reasons already stated. Commissioner Richards-yes-In the interest of conformity to the Code. Mayor Lyons-yes-to conform the Zoning Code to the Comprehensive Plan. The **motion** passed unanimously and Mr. Mandalas reminded the Commissioners that the zoning amendment update must be published as a Public Notice.

b. Discussion and possible action on a Resolution declaring bamboo a public nuisance

Mayor Lyons discussed that the bamboo originally the issue has all been removed and will be maintained annually by Envirotech.

John Morris-7 Broad Hollow

Mr. Morris inquired how new bamboo growth on his property and adjacent properties will be addressed.

Mayor Lyons has been assured by the homeowners where the bamboo originated that it will be monitored and addressed as needed. Mayor Lyons will continue to monitor the situation as well.

Commissioner Frank Jamison commended Mayor Lyons for the work he did mediating the situation and ultimately orchestrating a resolution.

6. **New Business**

a. **Review and possible amendment to Chapter 127, Private Wells**

The Town Manager proposed changing the language in Chapter 127, Private Wells to be consistent with Chapter 124, Water, on the requirements of private wells in Town. The Commissioners and Solicitor agreed. A **motion** to adopt the changes as recommended was made by Ms. Reich and seconded by Mr. Jamison. **Motion** passed unanimously. Mr. Mandalas will prepare the approved amendment in proper form for signature.

b. **Review and possible amendment to Chapter 35, Animals**

Mayor Lyons is concerned about the increasing number of dogs in Town not on leashes. There are several residents that consistently walk their dogs without leashes and tickets are not being given out on a regular basis by security. Mayor Lyons was also concerned about “wireless leashes”, which are being used by a few residents in Town. He thinks it may be time to update the current ordinance, change violations to a civil offense from a criminal offense and also be more specific about the type and length of leashes that are acceptable. Mr. Mandalas will draft a new Ordinance for review.

c. **Approval of Audited Financial Statements**

A **motion** to approve the Audited Financial Statements was made by Mr. Jamison and seconded by Commissioner Andrew Brittingham. **Motion** passed unanimously.

d. **Appointment of one member to the Board of Adjustment**

Mayor Lyons recommended Carrie Lingo for appointment to the Board of Adjustment to complete the term of Mr. Maurice Lewis. **Motion** to appoint Carrie Lingo to the Board of Adjustment was made by Mr. Staffier and seconded by Ms. Reich. **Motion** passed unanimously.

7. **Any other business that may come before the Commissioners**

The deer harvesting has netted four deer so far that have been donated to feed the homeless. Mayor Lyons realizes the Town will not be able to get to the goal of 15 by the end of deer hunting season and is considering seeking crop damage permits from DNREC which would extend the season. During every Town hunt, the neighbors adjacent to the hunt are notified and all DNREC guidelines are followed.

8. **Town Solicitors Report**

Mr. Mandalas discussed a recent court decision that upholds the pending ordinance doctrine related to future Zoning changes..

9. **Adjournment**

A **motion** to adjourn was made by Ms. Richards and seconded by Mr. Jamison. The meeting was adjourned at 10:50am. .

Approved 04/21/17