

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

PRESENT:	David Lyons Sr.	Mayor
	John Staffier	Commissioner
	Andrew Brittingham	Commissioner
	Beatrix Richards	Commissioner
	Joni Reich	Commissioner
	Tim Hidell	Commissioner
	Thomas Roth	Town Manager
	Lisa Michaels	Town Clerk
	Betsy Wilgis	32 Tidewaters
	Barbara Shortley	59 Pine Reach
	Freddie Nolan	44 Pine Reach
	Sherril Moon	80 Pine Reach
EXCUSED:	Frank Jamison	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 after a Public Hearing.

2. Presentation by AECOM on Marina Sediment Study

A representative from AECOM was unable to attend due to a family emergency. The Commissioners received a report from AECOM prior to the meeting. The report detailed several options to slow down the sediment building up in the marina. It should also be noted that the marina will need to be dredged again within the next three years. Mayor Lyons and Town Manager Tom Roth continue to participate in ACT(Association of Coastal Towns) meetings. The goal is to raise awareness of the need to dredge the local water ways and the effects the silting is having on tourism. This dredging will need to be funded by the local and federal government.

AECOM compared several options and their cost and effectiveness in their report with the lowest option estimated at \$275,000. AECOM does feel the Town would be able to secure permits to spray any dredging spoils across the marina in the wetlands. This would significantly lower the dredging costs. Commissioner John Staffier suggested the Town begin work on securing those permits in anticipation of the future need. Mr. Roth will also contact AECOM and Evelyn Maurmeyer from Coastal and Estuarine Research to schedule a meeting on Friday November 17 with the Commissioners.

3. Approval of Minutes

a. Quarterly Meeting July 14, 2017

A **motion** to approve the July 14, 2017, Quarterly meeting minutes was made by Commissioner Joni Reich and seconded by Commissioner Tim Hidell. **Motion** passed unanimously.

b. Organizational Meeting September 5, 2017

A **motion** to approve the September 5, 2017 Organizational meeting minutes was made by Ms. Reich and seconded by Mr. Hidell. **Motion** passed unanimously.

4. Treasurer's Report

Ms. Reich discussed the financial reports included in the meeting packet. With the first quarter of the fiscal year complete the budget is as expected on the expense side and an increase in income due to Transfer Tax. Mr. Roth also discussed a few updates to the budget including removing the cost of replacing the fencing along the bridle path along St Michaels Place since he doesn't expect those residents to clean up their side of the fence. He also noted there has been an increase in income from investment gains and engineering expenses from the marina have been carried over from last year.

5. Town Manager's Report

A written report is included in the meeting packet. The Town has now joined Miss Utility which notifies Town whenever someone is planning excavation on their property. This allows us to mark our water lines. The draft audit report has been given to the Town's Audit Committee for their review. Sussex County is conducting an infrastructure study and Mr. Roth has requested cross walks on Duneway. The Town has removed all the trees at Sandy Bottoms which allowed Sussex Conservation to remove the phragmites. Beacon Engineering will submit an estimate for the permitting and excavating of the ditch at Sandy Bottoms so that DelDot can repair the storm inlet on Duneway. Mr. Roth also reminded the Commissioners that the Ocean Outfall project is set to begin. The Town will keep the residents up to date on the progress and road closings. There is a link to Rehoboth's website on the Town's website that updates the project as well.

6. Unfinished Business

a. Review and Possible action on Amendment to 130-17.D (1) Permitted Uses and 130-4.B (2) Accessory Use, Cooking Facilities.

A **motion** to adopt the Amendment to 130-17.D (1) and 130-4.B (2) was made by Ms. Reich and seconded by Mr. Hidell. Mr. Mandalas reminded the Commissioners that since this will be a Zoning change it requires a roll call vote. Each Commissioner must state how they vote and why:

Commissioner Joni Reich voted-**Yes**-she want homeowners to be able to enjoy their property.

Commissioner Andrew Brittingham voted-**Yes**-for the same reason stated by Ms. Reich.

Commissioner John Staffier voted-**Yes**-for the same reason previously stated.

Commissioner Tim Hidell voted-**Yes**-for the same reason previously stated.

Commissioner Paddy Richards voted-**Yes**- for the same reason previously stated

Mayor David Lyons voted-**Yes**-he believes this changes brings Henlopen Acres in line with what other Towns are allowing.

Motion passed unanimously.

b. Review and discussion of Planning Commission draft changes to 130-147.G Permitted Uses, Fences

The Planning Commission has been approached by several residents requesting a change in the Code to allow fences. Currently the Code only allows fences if there is a pool or if the yard had a fence prior to the existing Code. Homes that have a pool are currently only allowed to fence the back yard within the side lines of the house. Homes that have an existing fence are only permitted to repair their fence not replace it. The Commissioners discussed fences in general and the consensus was that allowing homeowners to arbitrarily fence their back yards would significantly change the whole look and feel of the Town and not for the better. The Commissioners may consider an amendment that would allowing existing fences to be replaced as well as repaired with approval from the ERC and possibly allowing homes with pools to fence a larger portion of their back yard. Any homeowner that feels they have a hardship or exceptional practical difficulty that would require a fence may apply to the Board of Adjustment for a variance. This item will be sent to Planning Commission for consideration.

c. Meeting Schedule

At the September Organizational meeting, it was suggested the 2018 September Organizational meeting be moved to Friday September 7. All the Commissioners agreed on that date. The meeting schedule will be updated and distributed to the Commissioners and posted at Town Hall and on the website.

7. New Business

a. Discussion and possible action on Chapter 43-6 Hours of Construction (pile driving)

The Town does not currently have any restrictions on pile driving. It has been proposed to change the Code to eliminate pile driving from Memorial Day to Labor Day to decrease the disturbance to residents during the summer season. Currently most surrounding Towns have similar limitations. Mr. Mandalas will prepare an Ordinance to be voted on at the January 2018 meeting. Residents will be notified of the possible change in the next Town newsletter.

b. Discussion and possible action on Tidewaters storm water improvements

There have been storm water drainage issues at 85 and 87 Tidewaters since 2000. The current owners of 85 Tidewaters have documented the property damage they have suffered as a result of the drainage issues. They have requested the Town address the issues. The drainage problems were evaluated by Beacon Engineering and they concluded that recent construction on surrounding properties and the fact that there are no storm drains on Fields End have exacerbated the existing problem. It is estimated the solution will cost approximately \$94,000. The final construction contract will have to go out to bid because it is over \$30,000. The Commissioners agreed the problem must be addressed and a **motion** was made to engage Beacon Engineering to produce drawings and bid documents for the remediation of storm

water at 85 Tidewaters. **Motion** made by Mr. Staffier and seconded by Ms. Reich. **Motion** passed unanimously.

c. Appointment of one member to the Environmental Review Committee

Mayor Lyons nominated Lynda Moses for reappointment to the Environmental Review Committee. A **motion** to approve Lynda Moses for reappointment to the Environmental Review Committee was made by Mr. Hidell and seconded by Mr. Staffier. **Motion** passed unanimously.

8. Possible Executive Session for the purpose of discussing potential litigation, in accordance with 29 Del. C §10004 (b)(4) and for the purpose of discussing personnel matters, in accordance with 29 Del. C §10004 (b)(9)

Executive session not needed.

9. Any other business that may come before the Commissioners

Mr. Roth discussed that at the next City Manager's meeting on November 2, Karen Brittingham from the State of Delaware will discuss the upcoming changes to Municipal Street Aid. Mr. Roth also updated the Commissioners on his findings related to the Town accepting credit card payments. After reviewing the fees associated with credit card payments from Fulton Bank, M & T Bank and Quickbooks software, it is cost prohibitive to accept credit card payments for anything except business licenses. Quickbooks will be the simplest and most cost effective method. The Commissioners agreed and the Town will start taking credit card payments for business license fees only.

Mr. Roth then directed two issues to Mr. Mandalas. He first discussed how the State recently changed their Code to remove the need for notarization of any absentee ballots and questioned whether the Town should do the same. Mr. Mandalas agreed the Town should, and will draft an Ordinance to be voted on at the January 2018 Quarterly meeting. Mr. Roth then asked Mr. Mandalas if there was any liability on the part of the Town when a homeowner incorrectly answers questions about the Town's easements or homeowners association on a seller's disclosure. Mr. Mandalas stated there was not, the only liability is on the part of the seller who completed the report.

10. Town Solicitor's report

Mr. Mandalas had nothing to report.

11. Adjournment

A **motion** to adjourn the meeting was made by Ms. Reich and seconded by Ms. Richards. Meeting adjourned at 11:06am.

Approved 01/12/18