

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, January 12, 2018** at Town Hall, 104 Tidewaters, Henlopen Acres, Delaware.

PRESENT:

David Lyons Sr.	Mayor
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

EXCUSED: John Staffier 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. Mayor Lyons then commended the Town's Maintenance staff on a job well done clearing the streets after the snow storm. He also mentioned the increased giving by residents this year to the employee holiday fund.

2. Approval of Minutes

- a. Public Hearing Meeting-October 13, 2017**
- b. Quarterly Meeting-October 13, 2017**
- c. Special Meeting-November 17, 2017**

A **motion** to approve the October 13, 2017 Public Hearing and Quarterly Meeting minutes and the November 17, 2017 Special Meeting minutes was made by Commissioner Joni Reich and seconded by Commissioner Paddy Richards. **Motion** passed unanimously.

3. Treasurer's Report

A copy of the financial report is included in the packet. Ms. Reich reviewed the Operating Budget for the first half of the fiscal year. There is a surplus of \$51,000 which is better than projected due to increases in marina rental fees and zoning fees. Operating expenses are also \$13,000 less than originally projected. Building permit fees have already exceeded the budget and business licenses and marina rental fees are expected to exceed the budget as well. The Capital Budget is still expected to have a surplus of approximately \$50,000 but expenses will increase because of the Tidewaters drainage project.

4. Town Manager's Report

A written report is included in the meeting packet. There is still one boat in the marina. There have been numerous water leaks in Town with three found recently after the snow storm. Mr. Roth and Mr. Mandalas then discussed possible upcoming legislative changes. House Bill No. 75 would change FOIA laws to allow residents outside Delaware to request public records from government offices. The Board of Commissioners took a unified stance to oppose the change. There is also possible changes in the State of Delaware's Lodging tax that would increase the gross receipts tax by 3% payable to the State. Mr. Roth had the Forest Service out to review the trees on Block W. Also attending was representative from DNREC that evaluated the area for invasive species. He will prepare a report on the invasive species in Block W.

5. Unfinished Business

a. Discussion and possible action on amendment to Chapter 43-6 Building Construction, Hours of Construction (Pile Driving)

A **motion** to approve the Ordinance to amend Chapter 43-6 to prohibit pile driving between Memorial Day and Labor Day was made by Ms. Reich and seconded by Ms. Richards. **Motion** passed unanimously. Mr. Mandalas will prepare the approved amendment in proper form for signature.

b. Discussion and possible action on remedial solutions to marina sedimentation

Included in the meeting packet is Mr. Roth's analysis of the marina solutions as presented by AECOM. Mr. Roth has also been corresponding with Evelyn Maurmeyer of Delaware Coastal and Estuarine Research to see if it would be possible to get DNREC permits to spray the spoils from marina dredging across the marina to the glade. Mr. Roth will continue to work with Ms. Maurmeyer to explore dredging options for the marina. No action was taken.

6. New Business

a. Discussion and possible action on an amendment to Chapter 16-10 Elections, affidavits for absentee ballots

The proposed change would amend the Town's Code to be in line with the State's Code that no longer requires a notarized affidavit to request and absentee ballot. A **motion** to adopt the changes as recommended was made by Ms. Reich and seconded by Commissioner Frank Jamison. **Motion** passed unanimously. Mr. Mandalas will prepare the approved amendment in proper form for signature.

b. Approval of Audited Financial Statements

Comments received from the Audit Committee are included in the meeting packet. There were no concerns from the Commissioners and a **motion** to adopt the Audited Financial Statements was made by Ms. Reich and seconded by Mr. Jamison. **Motion** passed unanimously.

c. Appointment of one member to the Planning Commission

Mayor Lyons recommended Dick Thompson, 44 Rolling Road, for re-appointment to the Planning Commission. **Motion** to re-appoint Dick Thompson to the Planning Commission was made by Ms. Richards and seconded by Commissioner Tim Hidell. **Motion** passed unanimously.

7. Any other business that may come before the Commissioners

Mr. Roth discussed an issue between two neighbors involving outside lighting and uses of the bridle paths. Both parties involved wrote letters to Town Hall which are included in the meeting packet. Mr. Roth attempted to offer a solution to the parties which they did not follow. Mr. Mandalas offered to send letters to both parties advising they are in violation of the Code and need to reorient their outside lighting or face a fine. He will also explain the acceptable uses of the bridle paths. The Commissioners agreed.

Mr. Roth also brought to the attention of the Commissioners and Mr. Mandalas that the Town Code currently allows for property owners to keep chickens, cows, and various farm animals on their property. Most agreed that the Code needs to be updated to prohibit such animals. Mr. Mandalas will draft an amendment to the Code for review.

Mayor Lyons also asked about changing the Code to classify Bamboo as a nuisance. Mr. Mandalas will draft an Amendment to the Code for review.

Mayor Lyons has discussed with John Scheurer the need for a Planning Commission meeting to address fences. Mr. Scheurer will work on getting something scheduled.

Mr. Roth updated the Commissioners on the status of the town projects at Sandy Bottoms and Tidewaters. Both are awaiting DNREC permits.

8. Town Solicitors Report

Mr. Mandalas discussed with the Commissioners that both Rehoboth and Lewes are working on their Comprehensive Plan updates. He suggested the Town consider beginning their update as well. He also offered to take anyone interested on a tour of the new Rehoboth Beach Town Hall.

9. Adjournment

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

Approved 4/06/18