

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, April 6, 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
John Staffier	Commissioner
Thomas Roth	Town Manager
Lisa Michaels	Town Clerk
Glenn Mandalas, Esq.	Town Solicitor
Julie Lewis	65 Pine Reach
Wendy Jacobs	24 Rolling Rd
Betsy Wilgis	32 Tidewaters
Sara Ganter	Rehoboth Art League
Henry DeWitt	55 Fields End
Gail McDermott	7 Pine Reach
Mayor Paul Kuhns	City of Rehoboth
Sharon Lynn	City of Rehoboth
Krys Johnson	City of Rehoboth
Evan Miller	City of Rehoboth

[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. Update of Ocean Outfall-Hon. Paul Kuhns, Mayor, City of Rehoboth Beach

Mayor Paul Kuhns from the City of Rehoboth Beach gave an in depth update on the timeline of the Ocean Outfall project. He started by introducing his staff, Sharon Lynn, City Manager, Chris Johnson and Evan Miller, all who were available to take questions. Mayor Kuhns explained that weather delays have been the biggest issue affecting the project's timeline both in and out of the water. This has caused the City of Rehoboth to get permit extensions from the Army Corps of Engineers. The work in the ocean must be complete by May 23 and the existing outfall must be removed from the canal by June 1st. Mayor Kuhns also expects all work on Henlopen Avenue to be complete by June 1st with two crews working daily, one at each end. The work at Deauville Beach will be complete and the beach open to visitors by May 23. Mayor Kuhns and Mayor Lyons discussed how not only Rehoboth Beach but also Henlopen Acres, North Shores and Dewey Beach benefit from the outfall to dispose of their treated effluent processed in partnership with Sussex County. The County has been involved in the project throughout the entire process. Mayor

Kuhns expressed how pleased he was with the project and its progress and expects they will meet all required deadlines.

Commissioner John Staffier asked if the new outfall is being built with the ability for expansion in the future. Ms. Lynn answered that it was but noted the current outfall is not being used at full capacity even during the summer months.

3. Approval of Minutes

a. Quarterly Meeting-January 12, 2018

A **motion** to approve the January 12, 2018 Quarterly Meeting minutes was made by Commissioner Joni Reich and seconded by Commissioner Tim Hidell. **Motion** passed unanimously.

4. Treasurer's Report

A copy of the financial report is included in the packet for the 3rd quarter and projected 4th quarter. Ms. Reich began by complimenting Mr. Roth on how well he consistently manages the Town budget. The operating budget has an \$80,000 surplus with all revenue sources doing well and expenses \$20,000 under budget. The capital budget has a \$25,000 surplus with a few budget items not acted upon to offset some of the \$97,000 for the upcoming Tidewaters drainage project.

5. Town Manager's Report

A written report is included in the meeting packet. Plans for demolition and new construction have been submitted for 13 Rolling Road. The vac machine is back and the streets department cleaned all leaves and branches prior to the Easter holiday. Mr. Roth would like to purchase a new vac machine by next fall and keep the current one as a backup. The Town is waiting for permits from the Army Corp for the Tidewaters drainage project. The dredging at Sandy Bottoms will be postponed until fall. The water plant will be shut down for approximately 8 hours on Tuesday April 10 starting at 7pm to replace the Booster system. Mayor Lyons questions if there will be any debris in the water once the system is turned back on. Mr. Roth said it's possible but the system will be extensively flushed prior to turning the water back on. Mr. Roth also noted the last delinquent property tax bill has been paid. He will be scheduling two days of tree trimming the week of April 16th. This will complete the work west of the marina on Tidewaters and also all of Fields End. Commissioners Reich and Jamison pointed out trees that concerned them on Zwaanendael and Fields End. Mr. Roth will evaluate and take any needed actions. Finally Mr. Roth noted that a transformer at the marina will need to be replaced by Delmarva Power in the near future. It was damaged when a tree fell during the last nor'easter. It is possible there will be some power outages while the work is being done.

6. Unfinished Business

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

Mayor Lyons discussed his continued participation in ACT (Association of Coastal Towns) meetings to continue to address the need for dredging the canals. In order to get that done, the State will need to receive federal funding.

Mr. Roth then distributed information from Evelyn Maurmeyer. Mr. Roth and Ms. Maurmeyer have a meeting scheduled with DNREC, the Army Corps of Engineers and the State Parks Department on April 19 to apply for permits to layer spray a dredging materials from the marina over into the marsh across the canal. Mr. Roth gave an overview of her presentation on the project. If the State approves the Town's project, the State would supply the equipment and workers that the Town could rent instead of having to hire a private contractor. The Commissioners had an extensive conversation about the marina and the solutions previously presented by AECOM and the need to dredge the marina again so quickly after dredging in 2012. Mr. Roth would like the Commissioners to hold off on making any decisions until after the meeting on April 19th. The Commissioners agreed.

7. New Business

a. Discussion and possible action on an amendment to Chapter 35-4 Animals running at large

The current Code allows for property owners to have cows, chickens and goats in an enclosure on their property. Mr. Mandalas submitted new language to amend Chapter 35-4 to disallow all other animals in Town except household cats and dogs. **Motion** to adopt Ordinance to amend Chapter 35-4 was made by Ms. Reich and seconded by Commissioner John Staffier. **Motion** passed unanimously.

b. Discussion on possible amendment to the regulations of fences

A draft of permitted uses for fences is included in the meeting packet. There are two separate issues to address with respect to fences. The first would be to allow existing grandfathered fences to be replaced instead of only repaired and the second is expanding the allowance of fences for other circumstances in addition to homes that have pools. The Commissioners had a robust discuss on permitted uses of fences. Mayor Lyons would like to have the Commissioners consider the issues separately beginning with allowing existing fences to be replaced instead of solely repaired (section 130-12 of the current Code). This change would require a Public Hearing. A **motion** to send Section 130-12 only to a Public Hearing on Friday June 8, 2018 was made by Mr. Staffier and seconded by Commissioner Paddy Richards. **Motion** passed unanimously.

c. Appointment of three members to the Board of Elections

Mayor Lyons recommended Tiffany Derrickson, 54 Rolling Rd, Bruce Moore, 14 Tidewaters, and Mimi Peters, 30 Pine Reach for re-appointment to the Board of Elections. **Motion** to re-appoint Tiffany Derrickson, Bruce Moore and Mimi Peters to the Board of Elections was made by Mr. Staffier and seconded by Commissioner Andrew Brittingham. **Motion** passed unanimously.

d. Appointment of three persons to serve as Election Officers.

Mayor Lyons recommended Barbara Shortley, 59 Pine Reach, Elinor Boyce, 11 Tidewaters, and Sara Sunderland, 71 Fields End for re-appointment as Election Officers. **Motion** to re-appoint Barbara Shortley, Elinor Boyce and Sara Sunderland as Election Officers was made by Ms. Reich and seconded by Mr. Staffier. **Motion** passed unanimously

8. Executive Session for the purpose of discussing potential litigation, and reviewing executive session minutes in accordance with 29 Del. C. §100004(b)(4) and §100004(b)(6) respectfully.

A **motion** to go into Executive Session to discuss potential litigation and review executive session minutes was made at 11:10am by Ms. Reich and seconded by Mr. Staffier.

A **motion** to come out of Executive Session was made at 11:50am by Ms. Reich and seconded by Ms. Richards.

9. Consideration and/or action on matters discussed in Executive Session

A **motion** to approve the Executive Session minutes from October 7, 2016 and June 9, 2017 was made by Ms. Reich and seconded by Mr. Hidell. **Motion** passed unanimously.

10. Any other business that may come before the Commissioners

Sussex County has asked for the Town's comments on their Comprehensive Plan. Mayor Lyons would like to add this as an agenda item for the June Quarterly meeting.

There has been no further communication from either of the property owners involved in the outdoor lighting dispute since Mr. Mandalas sent them both a letter from the Town. Mr. Roth brought to the attention of the Commissioners that it appears 22 Tidewaters is being sold privately without the seller executing the proper documentation with the Town. The Town has already been approached by an architect about building plans from the new owner even though the current owner denies the house is being sold. The current owner recently transferred the property ownership to an LLC. Mr. Mandalas will look into the situation and contact the attorney involved in the property transfer.

11. Town Solicitors Report

Mr. Mandalas had nothing to report.

12. Adjournment

A **motion** to adjourn was made by Mr. Staffier and seconded by Mr. Hidell. The meeting was adjourned at 11:58am. .

Approved 07/13/18