

Town of Henlopen Acres

104 Tidewaters
Henlopen Acres, DE 19971

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MINUTES: The Commissioners of the Town of Henlopen Acres held a Board Meeting at **10:00am on Friday, June 8, 2018** at Town Hall, 104 Tidewaters, Henlopen Acres, Delaware.

PRESENT:	Joni Reich	Mayor
	John Staffier	Commissioner
	Andrew Brittingham	Commissioner
	Frank Jamison	Commissioner
	Tim Hidell	Commissioner
	Beatrix Richards	Commissioner
	Richard Thompson	Commissioner
	Thomas Roth	Town Manager
	Lisa Michaels	Town Clerk
	Glenn Mandalas, Esq.	Town Solicitor
	Barbara Shortley	59 Pine Reach
	Wendy Jacobs	24 Rolling Rd
	John Scheurer	62 Tidewaters
	Karyn Bolland	5 Dodds Lane
	Chris Flood	Cape Gazette

[Minutes are Not Verbatim]

1. Call to Order, Pledge of Allegiance

The meeting was called to order by Mayor Joni Reich at 10:15 am after the close of the Public Hearing.

2. Nominations and appointment of a Commissioner to fill a vacancy on the Board of Commissioners

Mayor Reich requested nominations to fill the vacancy on the Board of Commissioners. Commissioner John Staffier nominated Richard Thompson of 44 Rolling Road and Commissioner Frank Jamison seconded the nomination. A **motion** to appoint Richard Thompson to the Board of Commissioner passed unanimously. Commissioner Thompson's term will run through September 2019.

3. Administration of the Oath of Office to the newly appointed Commissioner

Town Manager Thomas Roth administered the Oath of Office to Commissioner Richard Thompson.

4. Appointment of a Commissioner to serve as Treasurer

Mayor Reich recommended Commissioner Timothy Hidell to be appointed as Treasurer. A **motion** to approve the recommendation of the appointment of Mr. Hidell as Treasurer was made by Commissioner Paddy Richards and seconded by Commissioner Andrew Brittingham. **Motion** passed unanimously.

5. Appointment of two members to the Planning Commission

Mayor Reich recommended Wendy Jacobs of 24 Rolling Road for appointment to the Planning Commission. Mrs. Jacobs will replace Mary Janes Lyons who resigned from the Planning Commission in May. A **motion** to approve recommendation of Wendy Jacobs for appointment to the Planning Commission was made by Commissioner Richard Thompson and seconded by Mr. Jamison. **Motion** passed unanimously and Mrs. Jacobs's term will run through March 31, 2019.

Mayor Reich also recommended Tim Lyons of 43 Pine Reach for appointment to the Planning Commission to replace Richard Thompson who has been appointed to the Board of Commissioners. A **motion** to approve the recommendation of Tim Lyons for appointment to the Planning Commission was made by Commissioner Tim Hidell and seconded by Mr. Jamison. **Motion** passed unanimously and Mr. Lyons term runs through March 31, 2023.

6. Review and possible action on the amendment to §130-12 Nonconforming buildings, maintenance, repair alteration and expansion (fencing)

Mayor Reich opened the discussion to the Commissioners concerning the proposed Ordinance and the comments received at the Public Hearing. Mr. Thompson discussed his support for the proposed Ordinance by agreeing that homes with existing fences need to have the ability to repair and/or replace their fence. As a former member of the Planning Commission he feels he has an in-depth understanding of the issue. Ms. Richards asked if the Code defines a point at which a fence is damaged to a certain percent it cannot be repaired. Mr. Roth answered 80%. Mr. Staffier wanted to clarify that the proposed Ordinance would allow an existing non-conforming fence to not only be repaired but also replaced at the owner's discretion as long as the materials were approved by the ERC. Mr. Roth answered yes. Mr. Hidell questioned whether allowing an existing non-conforming fence to be repaired or replaced doesn't make the fence conforming by virtue of allowing the change. He also questioned if a current property owner had a pool and a fence around the pool then decides to fill the pool in, would they be able to keep the fence. Mr. Mandalas answered yes. Mr. Mandalas reminded the Commissioners the current Code is written to eventually bring all non-conforming structures into compliance by stating any non-conforming structure over 80% damaged must go away. Mayor Reich voiced her opposition to the current proposed Ordinance. She does not feel the Town should change an ordinance for such a small percentage of the properties (11 homes). She feels a better approach is to address the topic of fences on a broader basis that would affect the entire Town. Mr. Jamison voiced his support of the proposed Ordinance because he believes it is in the best interest of the Town to allow the existing fences to stay in good condition. Mr. Staffier feels not only should the material be approved by the ERC but also the design of the fence prior to being approved for repair or replacement.

Mr. Staffier made a **motion** to amend the proposed Ordinance to include the words “and design” to section 1 F (2) to read:

Any change in fence material and design shall be approved by the Environmental Approval Committee.

Motion to amend the Ordinance was seconded by Mrs. Richards. **Motion** passed unanimously.

A **motion** to adopt the Ordinance as amended was made by Mr. Staffier and seconded by Mr. Jamison. Because this is a Zoning Ordinance, Mr. Mandalas said it is required that each Commissioner be polled separately and they must give their vote and the reason for their vote.

Mr. Staffier-**yes**-he wants current fence owners to have the ability to keep their fences in good repair without allowing new fences to be erected on other properties.

Mr. Brittingham-**yes**-he feels the fence repairs should meet the needs of the Town as well as the homeowner

Mr. Thompson-**yes**-he believes that repairing/replacing dilapidated fences enhances the look of the Town

Mr. Jamison-**yes**-for the reasons previously mentioned

Mr. Hidell-**yes**- for the reasons previously mentioned

Ms. Richards-**yes**- for the reasons previously mentioned

Mayor Reich-**no**-for reasons stated earlier

Motion passed 6-1. Ordinance as amended is adopted.

7. Review and possible action on proposed budget for Fiscal Year July 1, 2018 through June 30, 2019

A copy of the proposed budget for 2018-2019 was included in the meeting packet. The operating budget has an increase of 5% over the 2017-2018 budget with slightly higher income and a 2% increase in expenses related to payroll increases. There will be no increase in health care costs this fiscal year. There is a projected \$30,000 surplus in the operating budget. The proposed capital budget is showing a deficit of \$56,000 but Mayor Reich feels the budget will remain balanced and that the projected deficit is due to an overestimating of the cost of some of the capital expenses. Proposed capital expenses include: upgrading the flooring and bathrooms in Town Hall, new overhead doors for the maintenance building, finishing the Tidewaters drainage project and the Sandy Bottoms project and also the purchase of a new security car. A **motion** to approve the proposed 2018-2019 budget was made by Mr. Hidell and seconded by Mr. Jamison. **Motion** passed unanimously.

8. Adoption of the Tax Rate, Water Rates and Fee Schedule

There will be no changes to the tax rate, or water rate for the 2018-2019 fiscal year.

There is a proposal to change the fee schedule for the Marina slip rental. A simplified fee schedule was included in the packet. For boats up to 22 feet the cost will be \$1600 for the season, boats 22.1 feet to 25.9 feet the cost will be \$1900 and boats 26 feet and above the cost will be \$2200. A **motion** to adopt the tax rate, water rate and fee schedule with

changes in Marina slip rental fees for 2018-2019 was made by Mr. Staffier and seconded by Mr. Hidell. **Motion** passed unanimously

9. Executive Session for the purpose of discussing personnel matters, in accordance with 29 Del. C. § 10004 (b)(9)

A **motion** to enter Executive Session to discuss personnel matters was made by Mrs. Richards and seconded by Mr. Staffier at 10:55am.

A **motion** to come out of Executive Session was made at 11:22am by Mr. Hidell and seconded by Mr. Brittingham.

A **motion** to approve actions taken in Executive Session was made by Mr. Staffier and seconded by Mr. Hidell.

10. Any other business that may come before the Commissioners

There continues to be issues between two residents due to their outdoor lighting. Mr. Mandalas originally sent both parties letters encouraging them to work out a solution between themselves. The Town will send each party a letter making specific suggestions how to remedy the problem. Mr. Roth will draft the letter and have it reviewed by Mr. Mandalas.

There was also a brief discussion about the wedding that was held at the Rehoboth Art League on Saturday June 2, 2018.

11. Adjournment

A motion to adjourn was made by Mr. Thompson and seconded by Mr. Brittingham. The meeting was adjourned at 11:29am.

Approved 07/13/2018