

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

PRESENT:

Joni Reich	Mayor
Tim Hidell	Commissioner
Frank Jamison	Commissioner
Beatrix Richards	Commissioner
Richard Thompson	Commissioner
John Staffier	Commissioner
Thomas Roth	Town Manager
Lisa Michaels	Town Clerk
Glenn Mandalas, Esq.	Town Solicitor
Chris Flood	Cape Gazette
Robert Hammond	85 Tidewaters
Betsy Wilgis	32 Tidewaters
Gail McDermott	7 Pine Reach

EXCUSED: Andrew Brittingham Commissioner

[Minutes are Not Verbatim]

1. Call to Order, Pledge of Allegiance

The meeting was called to order by Mayor Joni Reich at 10:00 am.

2. Approval of Minutes

a. Board of Commissioner's Quarterly Meeting-July 13, 2018

A **motion** to approve the minutes from the July 13, 2018 Quarterly Meeting was made by Commissioner Richard Thompson and seconded by Commissioner Frank Jamison. **Motion** passed unanimously.

b. Board of Commissioner's Meeting-September 7, 2018

A **motion** to approve the minutes from the September 7, 2018 Commissioners Meeting was made by Commissioner Paddy Richards and seconded by Commissioner Tim Hidell. **Motion** passed unanimously.

3. Treasurer's Report

A copy of the current financials through the end of September 2018 were included in the meeting packet. Both Town Manager Thomas Roth and Treasurer Tim Hidell commented that the current budget is right on track.

4. Town Manager's Report

A copy of the Town Managers report for September is included in the packet. Mr. Roth also informed the Commissioners that the draft audited financial statements have been sent to the Audit Committee for their review.

Mr. Roth sent out a letter to 23 property owners adjacent to one of the properties under construction this past summer and asked for any comments or suggestions on how to better address the issues that go along with construction. We only received 7 responses, 2 of which were complimentary on how the Town handled the construction issues. Tom reviewed the responses with the Commissioners and also noted that the property owners that were the most vocal during construction, did not respond to the letter.

Mr. Roth also updated the Commissioners on the status of the Sandy Bottoms drainage project. The Town has all the needed permits, the phragmites needs to be mowed down again and then the Sussex Conservation district can dig out the ditch to allow the water to flow from the Ocean Drive inlets to the marina.

Mr. Roth discussed some of the budget items approved for this fiscal year: the streets department has ordered a new snow plow, Town Hall upgrades are being evaluated, the maintenance building had all the overhead doors serviced and one will be replaced, and a new security vehicle should be purchased in the next week.

Mr. Roth met with Dan String from KCI and discussed the recommendations they made on their last report. We have completed several of them including having the clear well inspected, which didn't show any leaks. Mr. String will meet with the Delaware Fire Marshall's office to review the criteria for location and quantity of fire hydrants installed in the Town, and then he and Mr. Roth will meet with the City of Rehoboth to explore the possibility of connecting to their water system.

Mr. Roth also touched on the meeting he and the Mayor had with Tony Pratt regarding the marina and the meeting of the Resilient Communities to discuss reducing impervious surfaces.

Mr. Roth also noted the Town received an 18% credit on their Worker's Comp premium due in part to having no reportable accidents in 6 years.

Mr. Roth and the Commissioners then had an extensive discussion regarding the Tidewaters storm water drainage project. Mr. Roth began by stating that the Town now has the needed permits from the Army Corp of Engineers and also an easement from Mr. Robert Hammond of 85 Tidewaters. There are currently two contractors that will bid the project with a projected construction start date at the end of November lasting approximately three weeks. This project is to address the long standing issue of storm water running down Field Ends draining down Tidewaters, especially onto 85 Tidewaters. The Town has been unsuccessful in previous attempts to control the storm water run-off.

Robert Hammond-85 Tidewaters

Mr. Hammond explained to the Commissioners how extensive the water swale is that runs through his property during a heavy rain. He also told the Commissioners that he hired his own engineer, Duffield Associates, to evaluate the drainage problem and they agreed with the plan

proposed by the Town. He also gave an accounting of the money he spent due to the water damage from water on his property.

Mr. Roth explained that the solution proposed by the Town appears to be the best solution, but there is no guarantee that anything will solve 100% of the storm water especially considering how low 85 Tidewaters sits in relation to the street. The Commissioners expressed their desire to solve the problem.

5. Unfinished Business

There was no unfinished business to discuss.

6. New Business

a. Appointment of one person to the Environmental Review Committee

Mayor Reich recommended Lynda Hertrich, 52 Rolling Rd, for appointment to the Environmental Review Committee for a three-year term to replace Carol Smith whose term ends October 31, 2018.

b. Appointment of two members to the Tree Committee

Mayor Reich recommends Kate Lyons, 43 Pine Reach and Lee Raesly, 57 Pine Reach, for appointment to the Tree Committee to replace Nathalie McGregor and Freddie Noland whose terms expire October 31, 2018. Mayor Reich also recommends Henry DeWitt for reappointment to the Tree Committee. A motion to approve all the recommended appointments as proposed by Mayor Reich was made by Commissioner John Staffier and seconded by Mr. Thompson. Mrs. Lyons and Mr. Raesly will all be appointed for a three-year term and Mr. DeWitt's reappointment is for a two-year term. **Motion** passed unanimously.

c. Henlopen Acres Property Owners Corporation billing

The President of the Henlopen Acres Property Owners Corporation (HAPOC), John Scheurer, has requested the Town take over billing the annual HAPOC dues as part of the Town's annual tax billing. An example of the new tax invoice showing a separate line item for the HAPOC dues was included in the meeting packet. Mr. Roth didn't feel it would be a problem for Town staff, as long as the Town would not be responsible for collecting unpaid dues. The Commissioners agreed. Mayor Reich and Mr. Mandalas felt the Town and HAPOC should have a formal agreement drawn up that specifies what the Town will be responsible for. Mr. Mandalas will verify that there aren't any legal ramifications with the Town doing the HAPOC billing, and if not he will create a contract for both parties to sign. This item was deferred.

7. Any other business that may come before the Commissioners

There was no other business to discuss.

8. Executive Session for the purpose of discussing possible litigation, in accordance with 29 Del. C §10004(b)(4)

A **motion** to go into Executive Session was made at 10:34am by Mr. Staffier and seconded by Mr. Thompson.

A **motion** to come out of Executive Session was made at 11:40am by Mr. Thompson and seconded by Ms. Richards,

9. Review and possible action on matters discussed in Executive Session.

No action taken.

10. Adjournment

A **motion** to adjourn was made at 11:40am by Ms. Richards and seconded by Mr. Jamison.

Approved 01/11/2019