

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, April 12, 2019** at Town Hall, 104 Tidewaters, Henlopen Acres, Delaware.

PRESENT:

Joni Reich	Mayor
Frank Jamison	Commissioner
Andrew Brittingham	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
Henry De Witt	55 Fields End
Leigh Jamison	90 Tidewaters
Jeffrey Jacobs	24 Rolling Road

EXCUSED: Tim Hidell 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-January 11, 2019

A **motion** to approve the minutes from the January 11, 2019 Quarterly Meeting was made by Commissioner Richard Thompson and seconded by Commissioner Andrew Brittingham. **Motion** passed unanimously.

3. Treasurer's Report

A copy of the current financials and fiscal year end forecast were included in the meeting packet. Revenue continues to remain above budget and the Town is expected to end the fiscal year with approximately a \$40,000 surplus. Two expenses that exceeded budget were Town Hall maintenance and street beautification due to additional landscaping at Town Hall and both Town entrances twice a year. The Capital budget shows transfer tax below budget by \$22,000 and both the new Vac machine and Tidewaters drainage project exceeding budgeted costs. Both Mayor Reich and Commissioner Thompson commended Mr. Roth on the excellent job he does managing the budget.

4. Town Manager's Report

A copy of the Town Managers report for March is included in the packet. There are 11 trees being planted this spring and an Arbor Day celebration scheduled in May. The maintenance department built and installed 3 new rescue ladders at the marina. Mr. Roth also noted that the first quarter water usage was below normal and there were no leaks. Mr. Roth also gave an update on the Asset Management Program. KCI is reviewing our policies, procedures and documentation and laying out a written maintenance and operations plan for the water plant. He also shared with the Commissioners a digital mapping of the Town's water system on GPS created by KCI. It shows all piping, wells and meters throughout town to allow the maintenance department to easily locate them through Google Earth. KCI worked in conjunction with the Delaware State Fire Marshall to evaluate the Town for installation of fire hydrants. According to the State guidelines, the Town should install 12 hydrants in various locations throughout Town at the approximate cost of \$750, 000. The evaluation did note that there is no mandate requiring the installation fire hydrants. The addition of hydrants would benefit homeowners with increased property values and decreased home owners' insurance premiums. The Commissioners had an extensive discussion on the cost vs benefits of fire hydrants in Town. Mayor Reich would like to meet with KCI to discuss the report and possible options. Mr. Roth will investigate if putting hydrants and upgraded piping throughout Town over time, instead of all at once, is an option.

5. Unfinished Business

a. Tidewaters Storm Water project

The Tidewaters Storm Water project was started on February 25, 2019 and is expected to be completed by May 17, 2019.

6. New Business

a. Review and possible action on selection of external auditor

As discussed at the last meeting, Mr. Roth and the Audit Committee are unhappy with the current auditor. Mr. Roth contacted three accounting firms and received a response from only one, PKS & Company, Inc. Their written proposal is included in the packet. Mr. Jeffrey Jacobs spoke as a member of the Audit Committee. He reviewed the last three years of audited financials and also the comments provided by the current auditor. Mr. Jacobs felt the Town's financials are in impeccable shape and the comments made the last two years by the current auditor were insignificant and the cost of implementation would far outweigh any benefit provided to the Town. He felt the proposal made by PKS & Company was well presented and the Audit Committee recommends engaging PKS & Company for audit services. **Motion** to authorize the Audit Committee to engage with PKS & Company for audit services was made by Commissioner John Staffier and seconded by Commissioner Paddy Richards. **Motion** passed unanimously.

b. Review and possible approval of consulting contract

As has been discussed over several months by the Commissioners, the Town is seeking permits to dredge the marina and beneficial use of dredging spoils. The Town met with State officials about one year ago but have not been able to obtain an agreement to secure a disposal site.

The Town would like to employ Tony Pratt as a consultant to negotiate a contract and disposal location with the State. Mr. Pratt's contract proposal is included in the meeting packet. He anticipates spending approximately 10 hours of his time and believes he can help more the process along. A **motion** to engage in a contract with Mr. Tony Pratt was made by Mr. Staffier and seconded by Mr. Thompson. **Motion** passed unanimously.

c. Ratify action taken on 457 Retirement Plan from January 11, 2019 meeting

A **motion** to approve Commissioner Frank Jamison and Commissioner Tim Hidell as trustees for the 457 Retirement Plan was made Mr. Thompson and seconded by Mr. Staffier. **Motion** passed unanimously.

d. Discussion of property maintenance standards

Included in the meeting packet is a draft ordinance by Mr. Roth to address property maintenance issues. The Town has several properties in states of disrepair, including rotting wood siding, shutters falling off, outside showers in need of repair, roofs and siding full of mildew. Many other coastal towns currently have maintenance standards in place.

Leigh Jamison-90 Tidewaters

Mrs. Jamison feels that unattended and run down properties decreased property values throughout the Town. She would like the ordinance to include upkeep on the yard as well as the dwelling. She also feels those who use homes as rental properties do less maintenance on their homes.

Mayor Reich realizes this is a sensitive issue and would like comments from all the Commissioners on how to proceed. Mr. Thompson is concerned that if a new ordinance is adopted, would you be able to enforce those homes already in violation. Mr. Mandalas said you could and would need to give property owners a timeline for when the home had to be brought up to the new standards. Enforcement could be by issuing citations to those homes not up to the new standards and collection would have to be done through JP Court. The Zoning officer would be the one in charge of enforcing the new standards. Mr. Staffier also suggested including the adherence to the new standards as a requirement in obtaining a rental license. This would require amending the rental license section of the Code to state that adherence to the Maintenance Code is a requirement for obtaining a rental license. Homes would be inspected prior to issuing the rental license each year. Mayor Reich would like to have comments from the public before making a decision on the draft Ordinance. Since a public hearing is not required, the draft Ordinance will be included with the May newsletter requesting comments be sent in to Town hall or presented at the next Commissioner meeting in June.

e. Reappointment of one member to the Planning Commission

Mayor Reich recommended Wendy Jacobs for reappointment to the Planning Commissioner for a 5 year term. A **motion** to approve Wendy Jacobs reappointment to the Planning Commission was made by Mr. Staffier and seconded by Commissioner Frank Jamison. **Motion** passed unanimously.

7. Any other business that may come before the Commissioners

Ms. Richards inquired on the status of the 5 year review of the Town's Comprehensive Plan. Mr. Roth stated that the Planning Commission has made changes to be recommended to the Commissioners. Both Mr. Roth and Mr. Mandalas discussed the Town has the option of sending a letter to the State notifying them that the Town has reviewed the Plan and is not making any changes. This information will be shared with the Planning Commission and they can decide how they would like to proceed. Mayor Reich would like a summary of the changes recommended by the Planning Commission. Mr. Roth will forward them to her.

Mr. Jamison requested the Commissioners consider changing the rental guidelines to limit the number of weeks a home can be rented within a given year. He feels some homes that are only used as rentals could be considered businesses and not residential properties as they are zoned. Mayor Reich asked Mr. Mandalas if there would be any legal ramifications to this type of restriction. Mr. Mandalas doesn't know of any other Town that currently has this type of restriction but he will research and discuss further at the next meeting.

8. Adjournment

A **motion** to adjourn was made at 11:12am by Mrs. Richards and seconded by Mr. Thompson.

Approved 07/12/19