

# Town of Henlopen Acres

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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 11, 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

**ABSENT:** 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 10:59 am after a Public Workshop.

### **2. Administration of the Oath of Office**

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

### **3. Approval of Minutes**

#### **a. Board of Commissioner's Quarterly Meeting-July 12, 2019**

Mayor Joni Reich made two corrections. On page 2 under 6a Unfinished Business, Ratify amendments to the budget approved June 7, 2019 Mayor Reich wanted to add that the amendments to the financials were due to increases in employee compensation. On page 3 under 7a New Business, Review and possible action on license agreement for the bridle path, there was a grammatical error. A **motion** to approve the minutes as corrected from the July 12, 2019, Quarterly Meeting, was made by Commissioner Richard Thompson and seconded by Commissioner Frank Jamison. **Motion** passed unanimously

#### **b. Board of Commissioner's Organizational Meeting-September 6, 2019**

A **motion** to approve the minutes from the September 6, 2019, Organizational Meeting, was made by Commissioner John Staffier and seconded by Mr. Thompson. **Motion** passed unanimously.

#### **4. Treasurer's Report**

A copy of the current financials were included in the meeting packet. At the end of the first quarter of the fiscal year, everything remains on budget. The Town has already received most of the budgeted transfer tax. There remains one unpaid property tax. The investments are up in the first quarter. The large tree planting project on Rolling Road will be covered in the operating budget. Mayor Reich also commented that the operating budget is set up to break even at the end of the fiscal year. The capital budget is expected to have a surplus by the end of the year.

#### **5. Town Manager's Report**

A copy of the Town Manager's report is included in the packet. Mr. Roth noted that he and Mayor Reich met with DNREC to discuss dredging at the marina. He felt the meeting went well and DNREC has agreed to some data collection that they originally declined to do. Mayor Reich then spoke and gave the Commissioners an update on the possible solutions to slow down the silting in the marina and also dredging strategies. Mr. Roth was also able to speak to DNREC about planting Dune Grass on Block W. The marina field will be aerated and seeded this fall. Mr. Roth continues to work on the proposed memorial park at the marina. North Shores now has a full time community manager who has met with Mr. Roth. He also updated the Commissioners on the DeFit Insurance program. This is a self-insured Worker's Comp. Program that has been endorsed by the State of Delaware. He will be meeting with representatives from the program and will update the Commissioners at the next meeting. Mr. Roth asked Mr. Mandalas if the Town should have a small cell wireless ordinance and Mr. Mandalas felt it was a good idea and suggested the Town use the City of Lewes as an example.

#### **6. Unfinished Business**

##### **a. Review of Chapter 95 Rental Property**

Mayor Reich thought that the public workshop went well and appreciated all the comments received. Mr. Thompson felt the consensus among the Commissioners was that something needed to be done to protect the Town's residential nature. Is there a way to distinguish between a property that is being purchased solely as a rental versus one that is being purchased for personal use with minimal rental activity? He asked Mr. Mandalas whether the Town had any legal right to require anyone purchasing a home in the Acres to disclose if they plan to use it as a rental property. Mr. Mandalas suggested creating a new zoning ordinance that specifically defines when a home passes the residential criteria and becomes a commercial property by the amount of rental activity it has. Mayor Reich spoke to the rental manager at Jack Lingo Realty, Joann Bacher, to get an idea of the rental activity in Town. Ms. Bacher told Mayor Reich that the most popular rental period locally is one week. If Henlopen Acres increased their minimum rental period to two weeks it would certainly limit the rental ability and therefore rental income. Mayor Reich suggested setting a limit of eight rental occurrences a year (with one occurrence equaling a minimum of one week). Commissioner Frank Jamison felt that eight was too high and that rental occurrences should be limited to 4 or 6 per year.

Commissioner Paddy Richards would like to see another document created that a new property owner would sign before settlement agreeing that the property won't be

used as a commercial property once the Town defines commercial property. Mr. Mandalas will work on defining the line between residential and commercial and will make some recommendations of reasonable use of a rental property. Mr. Mandalas and Mr. Roth agree that no changes can be made for the 2020 rental season as rentals have already been booked. Mr. Staffier suggests requiring homeowners to submit each individual rental contract if they rent on their own and the Town can't require the use of a local realtor.

## 7. New Business

### a. Discussion on Proposed Minimum Tree Density Ordinance

A draft ordinance is included in the meeting packet. The proposed ordinance requires a minimum tree density for each parcel of land based on required open space and replacing trees removed during construction. Currently there is no requirements for either. The goal is to preserve the Town's tree canopy and all the Commissioners agree that the proposed ordinance sets a reasonable minimum tree requirement. After an extensive discussion, the Commissioners would like to amend the proposed ordinance and remove item C under section 1 that reads: Any project that includes the removal of a tree with a caliber greater than 6 inches. A **motion** to adopt the Minimum Tree Density Ordinance as amended was made by Ms. Richards and seconded by Mr. Thompson. **Motion** passed unanimously. At the next Commissioners meeting, November 8, the Commissioners will ratify the formal Ordinance.

Mr. Roth discussed the upcoming Rolling Road tree planting project. The proposal from Cypress Tree Care is included in the meeting packet. There will be a total of 24 trees planted in the first block of Rolling Road on the Town easements. The cost estimate is \$13,200. The Commissioners unanimously approved the planting plan. A follow up letter with the specific tree specimens and locations will be sent to all the homeowners on that block.

### b. Appointment of one member to the Environmental Review Committee

Mayor Reich recommended Jennifer Lamson for reappointment to the Environmental Review Committee. A **motion** to approve Jennifer Lamson for reappointment to the Environmental Review Committee was made by Mr. Staffier and seconded by Ms Richards. **Motion** passed unanimously.

### c. Appointment of one member to the Tree Committee

Mayor Reich recommended Lynda Moses for reappointment to the Tree Committee. A **motion** to approve Lynda Moses for reappointment to the Tree Committee was made by Mr. Staffier and seconded by Ms. Richards. **Motion** passed unanimously.

### d. Review and Possible Approval of the Audited Financial Statements

Mr. Roth is still waiting for written comments from the Audit Committee. The auditors will attend the meeting in November to review the Audited Financial Statements with the Commissioners. No action taken.

**8. Any other business that may come before the Commissioners**

There was no other business.

**9. Executive Session for the purpose of discussion of potential litigation and discussion of sale or lease of real property in accordance with 29 Del. C §10004(b)(4) and §10004(b)(2).**

A **motion** to go into Executive Session was made at 12:10pm by Mr. Thompson and seconded by Mrs. Richards.

A **motion** to come out of Executive Session was made at 12:38pm by Mrs. Richards and seconded by Commissioner Andrew Brittingham.

**10. Review and possible action on matters discussed in Executive Session**

No action taken

**11. Adjournment**

A motion to adjourn was made at 12:39pm by Mrs. Richards and seconded by Mr. Staffier

Also in Attendance:	Chris Flood	Cape Gazette
	Henry DeWitt	55 Fields End
	Jeff Jacobs	24 Rolling Road
	John Scheurer	62 Tidewaters
	Gail McDermott	7 Pine Reach
	Louise Montgomery	80 Pine Reach
	Lynn Sirinek	60 Pine Reach
	Ted Stevenson	40 Rolling Road

**Approved 01/10/2020**