

## 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 a Board Meeting at **10:00am on Friday, November 8, 2019** at Town Hall, 104 Tidewaters, Henlopen Acres, Delaware.

**PRESENT:**

Joni Reich	Mayor
Beatrix Richards	Commissioner
Richard Thompson	Commissioner
John Staffier	Commissioner
Glen Mandalas	Solicitor
Thomas Roth	Town Manager
Lisa Michaels	Town Clerk

**EXCUSED:**

Tim Hidell	Commissioner
Frank Jamison	Commissioner
Andrew Brittingham	Commissioner

### **[Minutes are Not Verbatim]**

**1. Call to order, Pledge of Allegiance**

The meeting was called to order at 10:01am by Mayor Joni Reich.

**2. Review and Possible approval of Audited Financial Statements-presentation by PKS & Company PA**

A copy of the draft audited financial statements for the fiscal year ending June 30, 2019 were included in the meeting packet. Mr. Michael Kleger and Ms. Maggie Vincent, from PKS & Company reviewed the financial statements with the Commissioners. The Town's financials received an unmodified clean opinion, which is the highest opinion that can be given by the auditors. The Town's financial policy and procedures meet all Federal guidelines for municipalities and there are no compliance issues to report. There were two recommendations made by the auditors. One was to separate the current investment portfolio into three separate accounts (currently two). These accounts should be designated for transfer tax, water and unrestricted. The other recommendation is for the Town to implement Federal Procurement standards in the event that it receives Federal funds in excess of \$750,000. The Town will implement both recommendations.

A **motion** to approve the audited financial statements was made Commissioner Richard Thompson and seconded by Commissioner John Staffier. **Motion** passed unanimously.

**3. Presentation on Resilient Communities by KCI Technologies**

A power point presentation was included in the packet. Debbie Pfeil and Chris Rubino from KCI Technologies reviewed the Resilient Community Partnership that Henlopen Acres is a part of, along with six other coastal towns. KCI is a working partner with DNREC on this project. The partnership is evaluating impervious surfaces throughout the towns and initiating Best Management Practices to increase the use of pervious surfaces. The presentation gave twelve examples of Best Management Practices that may benefit Henlopen Acres. The goal is to slow down and filter storm water run-off. KCI will continue to work with Town Manager Thomas Roth on the project and update the Commissioners with progress on the project. A copy of the Power Point presentation will be placed on the Town's website.

**4. Review of Commercial Insurance Proposals**

Information on insurance policy renewals included in the packet. The Town is considering switching insurance carriers for Worker's Comp coverage to become part of the DFit program. DFit is a self-funded self-insured Worker's Comp Insurance Program sanctioned by the State of Delaware. It currently has 27 municipalities participating. The annual premium is substantially lower and there is the opportunity for premium rebates. Mr. Roth feels it's a well-run program. The program has already done a safety inspection in Town and found no issues. Mr. Roth recommends switching the Town's Worker's Comp coverage to the DFit program. Glenn Mandalas, Esq. the Town Solicitor stated that the other towns he represents who have joined De Fit have been very happy with the coverage and service. All other insurance policies will remain with the current insurance carrier. Mayor Reich stated that Mr. Roth exercised due diligence in evaluating our insurance needs and exploring other insurance carriers. Mayor Reich agrees the move to DFit for the Town's Worker's Comp coverage is the right decision. All the Commissioners agreed.

**5. Review and Possible Action on an amendment to Chapter 114 Trees relating to minimum tree density**

The Commissioners are voting to ratify the Ordinance to amend Chapter 114 Trees that was approved last meeting, now in proper Ordinance form. A **motion** to ratify the previously approved Amendment to Chapter 114, Trees relating to Minimum Tree Density was made by Mr. Staffier and seconded by Mr. Thompson. **Motion** passed unanimously.

**6. Review and Possible Action on an amendment to Chapter 95 Rentals adding a requirement for rental properties to comply with Chapter 91 Building and Property Maintenance Requirements**

A **motion** to approve the Ordinance amending Chapter 95 Rentals, adding the requirement for Rental Properties to comply with Chapter 91 Building and Property Maintenance Ordinance was made by Mr. Thompson and seconded by Commissioner Paddy Richards. **Motion** passed unanimously.

**7. Executive Session for the Mayor and Commissioners to receive legal advice from the Town Solicitor regarding potential litigation as permitted by 29 Del. C 10004(b)(4), and for preliminary discussion on the sale or lease of real property as permitted by 29 Del. C §10004(b)(2)**

A **motion** to enter Executive Session was made at 11:20 am by Ms. Richards and seconded by Mr. Thompson.

A **motion** to come out of Executive Session was made at 11:45am by Mr. Thompson and seconded by Mr. Staffier.

**8. Discussion and possible vote on licensing or enforcement measures relating to driveway encroachment on the bridle path at 57 Tidewaters**

Mr. Mandalas reviewed the issue with the driveway at 57 Tidewaters. In June 2019 the Town became aware that the driveway of the newly built home was constructed two feet in the bridle path. The Town immediately notified the homeowners. The homeowners asked for permission to keep the driveway. At the Commissioners meeting on September 6, 2019, the homeowners, along with their attorney, presented their case for allowing the driveway to remain in the bridle path. The homeowner also presented a licensing agreement prepared by their attorney giving them the right to keep the driveway and lease the land from the Town. Mr. Mandalas tasked the Commissioners with deciding if in fact they were going to enter into a licensing agreement with the homeowners allowing them to keep the driveway or issue a notice of violation requiring removal of the driveway within thirty days and cease using the bridle path.

Mr. Staffier wanted several facts stated for the record. First, the location of the driveway is in contrast to the location shown on the plans and survey presented with the building permit application. The same plans were reviewed and approved by the Zoning Officer and Environmental Review Committee. The Town Solicitor and Commissioners researched the arguments presented by the homeowner on September 6 and found them to be without merit. Mr. Staffier also wanted it noted that several Commissioners reached out to the homeowners in an effort to amicably resolve the situation without success.

Mr. Staffier made a **motion** to deny the licensing agreement allowing the homeowners at 57 Tidewaters to keep their driveway in the bridle path. Mr. Thompson seconded the **motion**. The **motion** passed unanimously.

A **motion** to issue a notice of violation to the homeowners at 57 Tidewaters was made by Mr. Thompson and seconded by Ms. Richards. **Motion** passed unanimously. A copy of the notice of violation will be made part of the permanent record. Mr. Mandalas reminded the Commissioners that if the notice of violation is not complied with the Town will move forward with legal action.

A **motion** to approve Mr. Mandalas to move forward with legal action in Chancery Court if the notice of violation is not complied with in the 30 day time period was

made by Mr. Staffier and seconded by Mr. Thompson. **Motion** passed unanimously.

**9. Review and Possible Action on other matters discussed in Executive Session**

None

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

None

**11. Adjournment**

A **motion** to adjourn was made at 11:53am by Mr. Thompson and seconded by Ms. Richards.

The meeting was reconvened at 11:55 am by Mr. Mandalas to discuss whether the Town should have a formal statement prepared if legal action is taken against the homeowners of 57 Tidewaters. Mr. Mandalas and Mr. Staffier will draft a formal statement that should be issued if necessary. The drafted statement will only be issued through Mr. Mandalas.

A **motion** to adjourn was made at 12:03pm by Ms. Richards and seconded by Mr. Staffier.

<b>Also in Attendance:</b>	Chris Flood	Cape Gazette
	Michael Kleger	PKS & Company
	Maggie Vincent	PKS & Company
	Debbie Pfeil	KCI Technologies
	Chris Rubino	KCI Technologies
	Henry DeWitt	55 Fields End
	Jeff Jacobs	24 Rolling Road
	Nathalie McGregor	3 Pine Reach
	Lynn Sirinek	60 Pine Reach
	Barry Hale	37 Pine Reach
	Betsy Wilgis	32 Tidewaters

**Approved 01/10/2020**