

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, March 13, 2020** at Town Hall, 104 Tidewaters, Henlopen Acres, Delaware.

PRESENT:

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

EXCUSED:

Tim Hidell	Commissioner
Frank Jamison	Commissioner
John Staffier	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 changes to the Investment Policy as presented by Gordon Kaiser

Mayor Reich introduced Mr Gordon Kaiser, Chairman of the Investment Committee, to discuss the recommended updates for the Investment Policy. Mr. Kaiser explained the recommended changes will bring added structure and more options for fixed income securities. The changes will create an enhanced strategy on diversifying the portfolio and will cap individual securities at 5%. Mr Kaiser also recapped that the Town's investments were moved from Brown Advisory to Farr Miller the beginning of the year. A **motion** to approve the changes to the Investment Policy as presented was made by Commissioner Paddy Richards and seconded by Commissioner Richard Thompson. **Motion** passed unanimously.

3. Update on the 50th Anniversary Celebration by Kate Lyons

Co-chairs of the Anniversary Celebration Committee Kate Lyons and Joan Donnelly updated the Commissioners on the planning of the 50th Anniversary Celebration. The party will be a tented cocktail party to be held at the marina on Saturday, September 5 with the rain date on Sunday, September 6. There will be heavy hors d'oeuvre and an open bar catered by Mermaid Kitchen. All tables, chairs and tents are being supplied

through Dover Rentals. There will also be live music and room for dancing. The ladies recommended a two person per household limit with additional guests, over 21, being charged a fee to keep the cost to the Town down. Mayor Reich also mentioned there will be several awards given out recognizing longtime residents of the Town. The co-chairs will continue to keep the Commissioners updated as the plans continue to be made. There were no questions.

4. Update on Marina Dredging

Mr. Roth updated the Commissioners on the dredging of the marina. The Town has received the permits from the Army Corp. to dredge up to 6500 cubic yards from the marina. The Town also has a permitted disposal site in Lewes. There is still some uncertainty on how the dredge material will be transported to Lewes. Mr. Roth and Mayor Reich have meetings scheduled with two dredging contractors over the next week. More details will follow as they become available.

5. Update on Rental Ordinance and resident comments

Mayor Reich began by updating the Commissioners on the status of the resident comments received so far in advance of the April 17 Public Hearing on the proposed changes to the Rental Ordinance.

Barbara Crosby-71 Pine Reach

Mrs. Crosby interrupted Mayor Reich to request to speak. Both Mayor Reich and Glen Mandalas Esq. suggested the time for public comments is at the April 17, Public Hearing or in written form at any time, to Town Hall. Mrs. Crosby continued, stating that she invested a quarter million dollars into her Henlopen Acres property to upgrade it and that she pays property taxes just like all other residents. She feels because she is a remote owner, her opinion is not being considered.

Joe Hawley-92 Tidewaters

Mr. Hawley expressed confusion as to whether the Rental Ordinance that has been proposed has already been passed. Mayor Reich explained that there has not been a decision on the proposed changes yet. She sent out a letter in mid-February outlining the proposed changes to the Rental Ordinance, along with the notice of Public hearing for April 17 and a copy of the draft Ordinance. She explained that the Public Hearing is the time for the Commissioners to hear from residents, and also by written comments any time prior to the Public Hearing. The Commissioners will then discuss and possibly make a decision after the Public Hearing at their Quarterly meeting.

Nathalie McGregor-3 Pine Reach

Mrs. McGregor questioned if homeowners opinions are going to be heard and considered by the Commissioners. Mayor Reich reiterated that all property owners are encouraged to put any comments in writing and/or attend the Public Hearing in April.

Barbara Crosby-71 Pine Reach

Mrs. Crosby requested copies of all comments received so far. Mr. Mandalas responded by explaining the FOIA procedure and suggested Mrs. Crosby make a formal FOIA request.

Patty Branson-69 Tidewaters

Mrs. Branson suggested e-mailing all Town residents requesting a comment from each one regarding the proposed Rental Ordinance. Mr. Roth explained the Town doesn't have the email address of all residents, hence the reason Mayor Reich mailed out her letter with a copy of the proposed Ordinance to every property owner.

Barbara Crosby-71 Pine Reach

Mrs. Crosby asked if there could be a Town vote on the issue. Mr. Roth explained the Town Charter does not have a provision for such a vote, called a referendum, so that is not an option.

Mr. Roth then discussed the proposed amendment to the Rental Ordinance that addresses rental properties whose online listing is contrary to the Town's Rental Ordinance. This change would also specify the penalty up to and including revocation of a rental license for any property not in compliance. Mr. Roth and Mr. Mandalas will work on the amendment.

6. 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),

A **motion** to go into Executive Session was made at 10:36 am by Mr. Thompson and seconded by Mrs. Richards.

A **motion** to come out of Executive Session was made at 11:13 am by Mr. Thompson and seconded by Mrs. Richards.

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

The Commissioners have decided to keep the public comment period open two weeks after the April 17 Public Hearing and defer any decision on the proposed Rental Ordinance until the June 12, 2020 meeting. A **motion** to keep the public comment period open two weeks after the April 17 Public Hearing and to defer any decision on the Rental Ordinance until the June 12 meeting was made by Mr. Thompson and seconded by Mrs. Richards. **Motion** passed unanimously.

8. Any other business that may come before the Commissioners

None

9. Adjournment

A **motion** to adjourn was made at 11:14am by Mrs Richards and seconded by Commissioner Andrew Brittingham.

Also in Attendance: Nathalie McGregor 3 Pine Reach
Melissa and Scott Riegel 17 Tidewaters
Patty Branson 69 Tidewaters
Joan Donnelly 5 Tidewaters
Kate Lyons 43 Pine Reach
Gordon Kaiser 13 Dodds Lane
Joe Hawley 92 Tidewaters
Barbara Crosby 71 Pine Reach

Approved 07/10/2020