

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 **Virtual** Quarterly Meeting at **10:00am on Friday, April 9, 2021** at Town Hall, 104 Tidewaters, Henlopen Acres, Delaware.

PRESENT:

Joni Reich	Mayor
Tim Hidell	Commissioner
Andrew Brittingham	Commissioner
John Staffier	Commissioner
Jeffrey Jacobs	Commissioner
Beatrix Richards	Commissioner
Richard Thompson	Commissioner
Thomas Roth	Town Manager
Lisa Michaels	Town Clerk
Glenn Mandalas, Esq.	Town Solicitor

[Minutes are Not Verbatim]

1. Call to Order, Pledge of Allegiance

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

2. Approval of Minutes

a. Board of Commissioner's Quarterly Meeting- January 8, 2021

A **motion** to approve the January 8, 2021 Quarterly minutes was made by Commissioner Tim Hidell and seconded by Commissioned Richard Thompson. **Motion** passed unanimously.

3. Treasurer's Report

A copy of the current financials are included in the meeting packet. Treasurer Jeff Jacobs noted that the budget at the end of the third quarter is showing revenue of \$360,000 above expenses. Transfer tax revenue is two times higher than budgeted. Both marina dredging and water plant upgrades will be postponed until the fall, impacting next year's budget instead of the current one. The forecast for the fiscal year end is a surplus of approximately \$170,000. Budget planning for the 2021-2022 fiscal year is under way and Mr. Jacobs and Town Manager Thomas Roth are reviewing recurring capital expenses and will consider budgeting for them annually. Mr. Roth is also reevaluating the upcoming budget as it relates to Gross Receipts Tax revenue with the new rental restrictions in place. Mayor Reich has suggested reviewing the upcoming budget for Transfer Tax revenue since it was significantly higher than budgeted for this current fiscal year.

4. Town Manager's Report

A copy of the Town Managers report for March was included in the meeting packet. Mr. Roth commented that the Town has seen a good rate on return from their investments so far this year. The water interconnect between Henlopen Acres and the City of Rehoboth is complete and is in place to be used for emergencies only. Mr. Roth and Lee Stewart, Security Supervisor met with a representative of North Shores to address security issues. They have agreed to work together to address any issues as they arise. Mayor Reich suggested Town Hall send out an update on the interconnect with Rehoboth to all residents with pictures.

5. Unfinished Business

a. Discussion and possible action on an amendment to add fireworks regulations to Chapter 67, Fireworks and Weapons

The topic of fireworks was discussed at the last meeting and Commissioners agreed that the Town's ordinance should match the current State of Delaware Code which allows ground level fireworks on specific days only. The new ordinance will also specify what types of firework are allowed. A **motion** to approve the amendment as drafted was made by Commissioner Paddy Richards and seconded by Commissioner John Staffier. **Motion** passed unanimously.

6. New Business

a. Review and possible action on lease agreement for 15 Tidewaters

Scott and Sherri Lanham, owners of 15 Tidewaters, would like to rebuild the bulkhead behind their house. The land beyond the bridle path that is owned by the Town and has eroded. The repairs being proposed by the homeowners will also be beneficial to the Town as well. Encroachment onto the bridle path was made by the previous owners and the repairs will remove the encroachment. All Commissioners agree the proposed repairs will be beneficial to the Town. A **motion** to approve the lease for Mr. & Mrs. Lanham at 15 Tidewaters was made by Mr Thompson and seconded by Mr. Hidell. **Motion** passed unanimously.

b. Appointment of one member to the Board of Adjustment

Mayor Reich recommended Harriet Hertrich, 34 Tidewaters, for appointment to the Board of Adjustment for a three-year term. A **motion** to approve Ms. Hertrich to the Board of Adjustment for three years was made by Mr. Staffier and seconded by Mrs. Richards. **Motion** passed unanimously.

c. Appointment of one member to the Planning Commission

Mayor Reich recommended Lee Raesly, 57 Pine Reach, for appointment to the Planning Committee to serve the rest of the term previously held by Wendy Jacobs. The Town Solicitor recommended that Wendy Jacobs not serve concurrently on the Planning Commission and the Board of Adjustment. A **motion** to approve Mr Raesly to the Planning Commission for a term to expire March 31, 2024 was made by Mr. Staffier and seconded by Mr. Thompson. **Motion** passed unanimously.

d. Appointment of one member to the Tree Committee

Mayor Reich recommended Louise Montgomery, 80 Pine Reach, for appointment to the Tree Committee for a three year term. A **motion** to approve Ms.

Montgomery for appointment to the Tree Committee for three years was made by Mr. Staffier and seconded by Mrs. Richards. **Motion** passed unanimously.

e. Personnel Policy Updates

1. Safety Manual

The Town currently doesn't have a Safety Manual and as a member of DeFit it was recommended the Town develop one. Mr. Roth drafted a manual, had it reviewed by the safety consultant of DeFit. Commissioners appreciated the thoroughness of the manual and agreed it should be implemented. Each employee will be given a copy and will sign an acknowledgement of receipt and understanding.

2. Procurement/Conflict of Interest

It has been recommended by the Auditors that the Town have a Conflict of Interest policy in place. Currently the Town's Code of Conduct only broadly addresses the issue. Mr. Roth drafted a policy and the Commissioners had no questions or changes. A **motion** to approve the Procurement/Conflict of Interest Policy as drafted was made by Mr. Thompson and seconded by Mrs. Richards. **Motion** passed unanimously.

3. Employee Dismissal Policy

Lyons Insurance Co. had reviewed the Town's disciplinary and dismissal policy and have drafted a revised approach. Mayor Reich noted the Town wants to work with any employee who is not meeting job expectations but reserves the right as an employer to take definitive action when needed. Mayor Reich would like to make a change on page 3 renaming the section from Disciplinary Action to Gross Misconduct. Mr. Jacobs would like to make a change on page three, third bullet point under Disciplinary Action, to add the words "and safety" to inattention to work standards. A **motion** to approve the Employee Dismissal Policy with suggested changes was made by Mr. Jacobs and seconded by Mrs. Richards. **Motion** passed unanimously.

7. Executive Session for the purpose of discussing personnel matters, in accordance with 29 Del. C § 100004(b)(9)

A **motion** to go into Executive Session was made at 11:41am by Commissioner Tim Hidell and seconded by Mrs. Paddy Richards.

A **motion** to return from Executive Session was made at 12:06 pm by Mr. John Staffier and seconded by Mr. Tim Hidell.

8. Possible Action on matters discussed in Executive Session

No action taken.

9. Any other business that may come before the Commissioners

None

10. Adjournment

A **motion** to adjourn was made at 12:07 pm by Mr. Thompson and seconded by Mr. Staffier.

Also in Attendance Virtually:	Scott & Sherri Lanham	15 Tidewaters
	Louise Montgomery	80 Pine Reach

Approved 10/08/2021