

Town of Henlopen Acres

104 Tidewaters
Henlopen Acres, DE 19971

302-227-6411
fax: 302-227-3978

MINUTES: The Board of Commissioners of the Town of Henlopen Acres held their Quarterly Meeting at **10:00am on Friday, October 8, 2021** at Town Hall, 104 Tidewaters, Henlopen Acres, Delaware.

PRESENT:

Joni Reich	Mayor
Tiffany Derrickson	Commissioner
John Staffier	Commissioner
Jeffrey Jacobs	Commissioner
Richard Thompson	Commissioner
Beatrix Richards	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 10:15 am immediately following the Public Hearing.

2. Approval of Minutes

a. Board of Commissioner's Quarterly Meeting- April 9, 2021

A **motion** to approve the minutes from the April 9, 2021 Board of Commissioner's Quarterly Meeting was made by Commissioner Richard Thompson and seconded by Commissioner John Staffier. **Motion** passed unanimously.

b. Board of Commissioner's Quarterly Meeting- July 9, 2021

There was a correction to the minutes from July 9, 2021. Under the Town Manager's report, the last sentence is to be removed. A **motion** to approve the minutes from the July 9, 2021 Board of Commissioner's Quarterly meeting as amended was made by Mr. Thompson and seconded by Commissioner Tiffany Derrickson. **Motion** passed unanimously.

c. Board of Commissioner's Organizational Meeting-September 10, 2021

There was a spelling error under item #2 Administration of Oath of Office to elected Commissioners. The word "statics" should be "statistics". A **motion** to approve the minutes from the September 10, 2021 Board of Commissioner's Organizational Meeting as corrected was made by Mr. Staffier and seconded by Mrs. Derrickson. **Motion** passed unanimously.

3. Treasurer's Report

Commissioner Jeffrey Jacobs stated the Fiscal Year 2021 ended better than expected with revenue higher than projected and expenses coming in below budget. The draft audited financial statements were forwarded to the Audit Committee members: Raymond Murphy, Terry Jacobs, and Scott Riegel. Mr. Jacobs plans to meet with the Committee to discuss the draft audit reports within the next week and there will be a formal review at the December Commissioners meeting. A copy of the financials for the first quarter of the fiscal year through September 30, 2021 were included in the meeting packet. The Budget is on target for the first quarter of the fiscal year. There are three tax invoices that remain unpaid. Town Hall will continue to follow up with the property owners. Upon initial review of the rentals from this year, it is expected that the Gross Receipts tax for 2021 will be over budget by 20%. Mr. Jacobs will provide a complete summary of the 2021 rentals to the Commissioners in the spring once all the Gross Receipts taxes have been paid.

4. Town Manager's Report

The September Town Manager's report is included in the meeting packet. Mr. Roth highlighted the roof at the marina was replaced and the parking lot in front of Town Hall was repaved both within budget. Marina dredging bids should be in by the middle of October then plans for dredging can be finalized. Community Bank approached Mr. Roth about providing financial services for the Town. Mr. Roth and Mr. Jacobs met with the bank president. Mr. Roth is also planning on reaching out to County Bank to set up a meeting. Both are local banks with branches only in Sussex County. The Town's commercial insurance package is being evaluated by the insurance company who provides the DFit program for the Town's Worker's Compensation Insurance. The Town received three bids for the streets survey. The bids ranged from \$5,900 to \$24,000. GMB, who did the Town's last street survey, submitted the lowest bid. Mr. Roth and Mr. Jacobs received all three bids and agreed to go with GMB. The Board awarded the contract to GMB by consensus.

5. Unfinished Business

a. Review and possible action on amendments to Chapter 130-4, Zoning Definitions

The Commissioner reviewed the comments received at the Public Hearing and agreed that the definition of **Lot Area** should be revised to read "square feet" and not "feet" as originally proposed. They then reviewed each proposed definition with Town Solicitor Glenn Mandalas.

Driveway-insert "of" after the word "each" and before the word "which".

Family-The Commissioners were concerned that the proposed change in definition of Family to "group of not more than four unrelated persons living together" may conflict with the definition of family in Group rental which states "not more than three unrelated persons". They also discussed the fact that Group rental should not be in the Zoning Code but should be in the Town Code under Rentals. Mayor Reich recommended tabling the discussion on the definition of Family and revisiting that and the definition of Group Rental at the December Commissioner's meeting.

Non-Profit-insert "as such" after the word "registered" and before the word "and".

Unobstructed-the definition should be all one sentence reading: Clear and free from obstructions or obstacles; excluding trees, shrubs, planted vegetation, driveways, and sidewalks, placed at grade, and heating and air conditioning equipment placed within three feet of the main building structure.

There were no other recommended changes to the proposed Amendment to the Zoning Definitions. A **motion** to approve the Ordinance to Amend Chapter 130, Section 130-4 Relating to Zoning Definitions as changed with the removal of the proposed changes to the definitions of Family and Group Rental was made by Mr. Staffier and seconded by Mr. Thompson. **Motion** passed unanimously.

6. New Business

a. Review and possible resolution on amendments to Chapter 124 Water

The proposed amendments to Chapter 124 Water; would add the needed backflow protections in place as required by The Delaware Department of Health. This includes installing backflow protection on all connections to the Town water system. A **motion** to approve the Amendment to Chapter 124 Water was made by Mr. Thompson and seconded by Mr. Staffier. **Motion** passed unanimously

b. Review and possible action on revised Investment Policy

Mr. Gordon Kaiser, Chairman of the Investment Committee reviewed the Investment Policy updates made in March 2020. There are no new recommended changes to the policy for 2021. Mr. Kaiser reviewed with the Commissioners that Farr Miller Washington replaced Brown Advisory as the Town's Investment Advisor. A **motion** to approve the Investment Policy changes from March 2020 was made by Mr. Staffier and seconded by Commissioner Paddy Richards. **Motion** passed unanimously.

c. Appointment of one member to the Environmental Approval Committee

Mayor Reich recommended Lyndie Hertrich, 7 Dodds Lane, for reappointment for a three-year term to the Environmental Approval Committee. A **motion** to approve Lyndie Hertrich for reappointment to the Environmental Approval Committee was made by Mr. Thompson and seconded by Mr. Staffier. **Motion** passed unanimously.

d. Appointment of three members to the Tree Committee

Mayor Reich recommended Henry Dewitt, 55 Fields End, and Lee Raesly, 57 Pine Reach, for reappointment for a three-year term to the Tree Committee and Jeffrey Jacobs, 24 Rolling Rd, for reappointment for a two-year term to the Tree Committee. A **motion** to approve Henry Dewitt, Lee Raesly and Jeffrey Jacobs for reappointment to the Tree Committee was made by Mr. Thompson and seconded by Mr. Staffier. **Motion** passed unanimously.

7. Any other business that may come before the Commissioners

Mr. Roth noted that there needed to be a change of Trustees for the Town employees' 457 Plan and has recommended Treasurer Jeffrey Jacobs replace Frank Jamison. A **motion** to approve the appointment of Jeffrey Jacobs as Trustee for the Town employees' 457 Plan was made by Mr. Thompson and seconded by Mr. Staffier. **Motion** passed unanimously.

Mayor Reich also reviewed with the Commissioners the most recent letter sent to Sussex County regarding Canal Pointe and their removal of vegetation in protected wetlands. Included with the letter were pictures and a video taken by a Town resident showing the cutting of vegetation within the protected wetlands by homeowners in Canal Pointe. The County responded and will be opening an investigation. Mayor Reich will keep the Commissioners updated..

8. Adjournment

A **motion** to adjourn was made at 11:26 am by Mr. Staffier and seconded by Mrs. Derrickson.

Also In Attendance:

Senator Ernesto Lopez
Henry DeWitt-55 Fields End
Gordon Kaiser-13 Dodds Lane
Chris Flood-Cape Gazette

Approved 01/14/2022