

# 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, April 8, 2022,** at Town Hall, 104 Tidewaters, Henlopen Acres, Delaware.

**PRESENT:**

Joni Reich	Mayor
Tim Hidell	Commissioner
John Staffier	Commissioner
Jeffrey Jacobs	Commissioner
Richard Thompson	Commissioner
Thomas Roth	Town Manager
Michele Frye	Town Clerk
Glenn Mandalas, Esq.	Town Solicitor

**ABSENT:**

Tiffany Derrickson	Commissioner
Beatrix Richards	Commissioner

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

### **1. Call to Order, Pledge of Allegiance**

The meeting was called to order by Mayor Joni Reich at 10:14 am. Following two public hearings.

### **2. Approval of Minutes**

#### **a. Board of Commissioner's Public Hearing October 8, 2021**

A **motion** to approve the minutes of the October 8, 2021, Public Hearing was made by Commissioner Richard Thompson and seconded by Commissioner John Staffier. **Motion** passed unanimously.

#### **b. Board of Commissioner's Quarterly Meeting January 14, 2022**

A **motion** to approve the January 14, 2022, Quarterly minutes was made by Commissioner Tim Hidell and seconded by Commissioner Richard Thompson. **Motion** passed unanimously.

### **3. Treasurer's Report**

Commissioner Jacobs noted that all Town property taxes have been paid and all but one property's gross receipts bill have been paid. Mr. Jacobs stated there were no significant deviations from the budget with the exception of transfer tax which is dependent on property sales. When we prepare the next budget we will review how we develop the projection of transfer tax.

#### 4. Town Manager's Report

The Town Manager's report for March along with the security report are included in the meeting packet. Mr. Roth completed updates to the Comprehensive Plan and will have the Planning Commission review once more before presenting to the Commissioners. The dredging has been completed. There will be a new parking pass system for 2022. Two parking hang tags will be mailed out to each property owner for parking in cul-de-sacs.

We have completed two phases of the SCADA system upgrade for the water plant. We would like to complete the remaining phases in the upcoming fiscal year. The estimated cost to complete the work is approximately \$300,000. We have received a \$100,000 grant from Sussex County's excess realty transfer tax and will have \$78,000 from the federal recovery plan, that we plan to apply toward this project.

The Town has received the street evaluation and repair schedule from George Miles & Buhr. However, with the cost of oil, we feel it's prudent to delay any road work for a year.

Lastly, the County has begun reassessing every property in Sussex County. Real estate is currently being assessed according to 1974 standards. Tyler Technologies will be visited each property to record data on each lot's improvements. In 2023 each owner will receive data to review and appeal if they feel an error has been made. New assessments will take effect in 2024.

#### 5. Unfinished Business

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

This amendment is to revise the definition of "family" and delete the definition of "group rental".

Mr. Thompson made a **motion** to approve the amendment as presented. The motion was seconded by Mr. Staffier and passed unanimously as follows:

Mr. Thompson voted to approve based its consistency with surrounding jurisdictions.

Mr. Staffier voted to approve based on current common practice and thinking, and consistency with constitutional principles.

Mr. Jacobs voted to approve because it is consistent with neighboring communities and the comments present by Commissioner Staffier.

Mr. Hidell voted to approve based on the comments previously stated by Board members.

Mayor Reich voted to approve in that it removes extraneous language and inserts the definition of "group rentals" where it belongs along with comments previously presented.

**b. Review and possible action on an amendment to Chapter 130-17, Zoning, Permitted uses**

This amendment deletes the words, “use by family”, removing the language restricting use of accessory structures only by the owner’s family.

Mr. Thompson **motioned** for approval of the amendment, which was seconded by Mr. Hidell. The motion was approved unanimously as follows:

Mr. Thompson stated it was a necessary improvement and clarification.

Mr. Staffier voted to approve stating he doesn’t believe the language ever intended to be restrictive.

Mr. Jacobs agreed stating the change is consistent with current use and practice.

Mr. Hidell voted to approve for the reasons previously stated.

Mayor Reich voted to approve. As written, it was too limiting and the amendment is an appropriate remedy.

**c. Discussion and possible action of Tidewaters drainage**

Mr. Roth and Mr. Jacobs gave a brief history of the issue and the remedies along with the cost the Town has expended to assist the property owner of 85 Tidewaters.

Mr. Hammond, 85 Tidewaters described what he believed to be the remaining issue.

The Board reminded Mr. Hammond that the Town has gone well beyond their responsibility in assisting him. Mr. Hammond was advised to return to a future meeting with his proposed remedial action and cost estimate.

**6. New Business**

**a. Review and possible action on amendments to Chapter 124, Water**

Section 124-15.C, currently implies that irrigation and pools may be connected to town water. This is in conflict with section 124-2.D, which prohibits same. This amendment corrects the language in 124-15.C, to agree with 124-2.D.

Section 124-17.E, updates language to restrict installation and maintenance of water connection to the property owner and adds that work must be performed by a plumber licensed to do work in Henlopen Acres.

Mr. Staffier made a **motion** to approve the amendment. Mr. Thompson seconded and the amendment was approved.

**b. Discussion and possible action pm Town Covenants as they apply to properties outside the Town limits of Henlopen Acres**

This item was deferred to a future meeting

**c. Discussion and possible action on Personnel Policy, Chapter 3, Employee Benefits**

The Board discussed adding vision care to the employee benefit plan along with employee cost share of dental and vision. The item was deferred to the June budget meeting.

**d. Discussion concerning phragmites eradication**

The Board discussed what to do if anything, with the phragmites on public and private land along with comments from the public including Mrs. Boyce of 11 Tidewaters. The Board directed the Town Manager to engage a professional to evaluate the pervasiveness of the phragmites within the Town and investigate how to address individual property owner's concerns.

**e. Appointment of one person to the Planning Commission**

The Mayor nominated John Scheurer of 62 Tidewaters for reappointment to the Planning Commission. Mr. Scheurer has requested to remain on the Commission but be relieved of the position of Chairman. Mr. Thompson made a **motion** for approval of the nomination. Mr. Hidell seconded the motion, which was approved.

**f. Discussion of 1973 annexation of the Lewes and Rehoboth Canal**

Attorney Mandalas explained that during the review of Rehoboth Beach's Comprehensive Plan update, the plan was shared with neighboring municipalities for comment. Rehoboth's map of the city limits displayed that Rehoboth had annexed the entire width of the canal. Mr. Roth discovered that Henlopen Acres had annexed to the center line of the canal previous to Rehoboth's effort. Mr. Mandalas added that with recognizing this annexation, Henlopen Acres has no added obligation for maintaining the canal. Henlopen Acres town maps will need to be revised. The Army Corps of Engineers remains responsible for maintaining the waterway.

**g. Discussion and possible action on virtual meetings**

Mr. Mandalas explained the changes to the Delaware Code regarding virtual meetings. Generally, a member of a body who is disabled may participate virtually. A Town may decide meeting to meeting whether to allow a member of the body to participate virtually. No action was taken.

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

Mr. Roth requested a Board resolution authorizing him to open new accounts with Community Bank of Delaware replacing similar accounts currently with Fulton Bank. The authorized signers will be Joni Reich, Jeffrey Jacobs and Timothy Hidell. Thomas Roth will have access to these accounts for transfers, stop payment, balance inquiries, online banking and remote deposit capture. Mr. Staffier **motioned** same. The motion was seconded by Mr. Hidell. The motion passed unanimously.

Mrs. Boyce requested that the water section of Sandy Bottom be reviewed for possible maintenance to prevent it from completely silting in.

**8. Adjournment**

Having no other business before the Commissioners, Mr. Thompson made a motion to adjourn. Mr. Staffier seconded, and the meeting was adjourned at 12:22 pm.

<b>Also in Attendance:</b>	<b>Henry Dewitt</b>	<b>55 Fields End</b>
	<b>Andi Pedigo</b>	<b>69 Tidewaters</b>
	<b>Robert Hammond</b>	<b>85 Tidewaters</b>
	<b>Elinor Boyce</b>	<b>11 Tidewaters</b>
	<b>Harriet Hertrich</b>	<b>34 Tidewaters</b>
	<b>Maura Lindsay</b>	<b>22 Tidewaters</b>
	<b>Sherri Lanham</b>	<b>15 Tidewaters</b>
	<b>Suzie Canton</b>	<b>23 Tidewaters</b>
	<b>Chris Flood</b>	<b>Cape Gazette</b>

**APPROVED: July 8, 2022**