

Board of Commissioners Meeting Minutes

The Board of Commissioners of the Town of Henlopen Acres held its **Quarterly Meeting on Friday, January 10, 2025, at 10:00 a.m.** at Town Hall, 104 Tidewaters, Henlopen Acres, Delaware

Present:	Joni Reich	Mayor
	Tiffany Derrickson	Commissioner
	Jeffrey Jacobs *	Commissioner
	Beatrix Richards *	Commissioner
	John Staffier	Commissioner
	Richard Thompson *	Commissioner
	Anna Fagan	Town Manager
	Andrea Harpster	Town Clerk
	Glenn Mandalas	Town Solicitor
Absent:	Tim Hidell	Commissioner

*Participation by Zoom

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

Mayor Joni Reich called the meeting to order at 10:00 am.

2. **Public Comment**

No public comment

3. **Approval of Minutes**

a. **Board of Commissioner's Meeting – October 11, 2024**

Richard Thompson made a motion to approve the October 11, 2024, minutes as submitted. Tiffany Derrickson seconded the motion, and the motion was unanimously approved.

b. **Board of Commissioner's Meeting – December 13, 2024**

Richard Thompson made a motion to approve the December 13, 2024, minutes as submitted. Tiffany Derrickson seconded the motion, and the motion was unanimously approved.

4. **Treasurer's Report, by Jeffrey Jacobs**

The Town is six months through the fiscal year and all items are tracking as planned, except for two particular expense items. On the revenue side, the current forecast is 1.22 million dollars. This will end up above planned due to zoning fees and earned interest. The proceeds from those will push the Town to planned or slightly above planned revenue. Within the Town's capital account, transfer taxes are also tracking very close to on or above planned. On the expense side, the current forecast is 1.3 million dollars. Building inspector fees are tracking above planned, which is not unusual for the level of activity we are experiencing and

the employment of AECOM. Expenditures on the legal side are slightly above our forecast. Mr. Jacobs has adjusted the year-end forecast to accommodate that. An item to bring to the commissioner's attention is that we currently have an accounts receivable balance of 41,000 dollars. This is almost entirely due to North Shores and is on track to be paid for in February.

5. **Discussion and possible action on the License Agreement with David and Doris Smith for the placement of boulders in the right-of-way at 59 Pine Reach**

Town Manager Anna Fagan gave the committee an overview of the updated landscaping plan and a draft license agreement prepared by the Town Solicitor, Glenn Mandalas.

Doris Smith, owner of 59 Pine Reach, expressed her views and reasoning for the placement of the landscaping boulders to discourage construction vehicles from using and damaging her driveway.

Mrs. Smith had questions regarding the License Agreement, and the fees involved. Town Solicitor Glenn Mandalas was able to explain the license agreement in detail to Mrs. Smith and why she was ultimately required to come before the Commissioners.

The Commissioners empathized with the homeowners in regard to their reasoning for the placement of the boulders but suggested that other landscape elements be utilized instead. It was suggested that perhaps the Town's Arborist could recommend plantings in the right-of-way at the Smith's property that could contribute to the Town's tree canopy.

Motion:

John Staffier made a motion to deny the licensing agreement as it was written and to encourage the homeowner to work with the Town to develop a plan that doesn't involve boulders. Beatrix Richardson seconded the motion, and the motion was approved with a 5-1 vote, with Commissioner Richard Thompson opposing.

6. **Discussion and possible action on the Application for Lot Combination at 23 Tidewaters from Stephen and Suzanne Canton, under Section 130-61 of the Town Code, Subdivision and Combining of Lots**

Town Manager Anna Fagan made a recommendation to approve this application on the basis that the proposed lot complies with all the requirements included in the municipal code. The applicant requested a waiver of the \$5,000 application fee. This request may be granted at the discretion of the Commissioners.

The Town Solicitor explained in detail the Town Code and what the Commission was able to base its decision on.

Veronica Faust, an attorney with Morris James LLP, represented Mr. Canton in the presentation of his application.

Motion: Richard Thompson made a motion to approve the application for Lot Combination at 23 Tidewaters. Jeff Jacobs seconded the motion. The motion was unanimously approved.

Motion: Jeff Jacobs made a motion to waive the \$5,000 application fee. Richard Thompson seconded the motion. The motion was approved with a 3-2 vote, with John Staffier and Tim Hidell opposing and Tiffany Derrickson abstaining.

7. **Discussion and possible action on Qualifications of Commissioners and Candidates under Section C-5 of the Town Charter, by Glenn Mandalas**

The Town Solicitor presented a revised policy resolution that relates to Commissioner Candidate eligibility. This document establishes a framework for determining whether somebody is a bona fide resident of the Town for the purposes of running as a resident commissioner.

Motion:

Richard Thompson made a motion to amend the cover sheet explanation and the affidavit itself and remove the 183-day requirement. The current sentence to be amended is as follows: A bona fide resident is physically present in the Town for at least 183 days annually and generally has the intention to remain permanently or indefinitely and is not in Town temporarily or for special purposes. The revised sentence would read: A bona fide resident is commonly physically present in the Town and generally has the intention to remain permanently or indefinitely and is not in Town temporarily or for special purposes.

Motion:

Jeff Jacobs made a motion to approve the revised resolution. John Staffier seconded the motion. The motion was unanimously approved.

8. **Town Manager Report**

Town Manager Anna Fagan shared a quote with the Commissioners pertaining to signage at the entrances of the Town. This would pose a deterrent for people and make them aware that there is a security system in place. This also includes a No Soliciting statement. Glenn Mandalas advised that there are some considerations for the Town as an entity to prevent solicitation. The Town could consider developing an ordinance to allow the Town and the Security Staff to enforce this properly. Currently, Property Owners are allowed to put up no solicitation signs at their residence, and the Town can enforce that. After some discussion, the Commissioners would prefer not to move forward with signage but would rather explore the possibility of an ordinance in the future if this becomes a problem in the Town.

Ms. Fagan and Mayor Reich brought the topic of 5K running races to the Commissioners' attention. There is one race specifically that largely affects the Town. This race runs down Tidewaters and Pine Reach. It is commonly held the weekend after the Rehoboth Art League's Summer Art Show, which is a very large event. After some discussion, the Commissioners do not find it appropriate to have another large event the weekend directly following that. The race is currently scheduled for Saturday, September 6, right before Labor Day. The Commissioners agreed it was not in the best interest of the residents to allow this

event to take place in the Town. Any future requests will require Town permission.

The Marina Dredging permit application is almost complete. This application has been prepared by Envirotech. The Town is still in the process of exploring different options for a spoil site.

Discussion and possible action on employee pay increase

It was brought to Ms. Fagan's attention that under the previous Town Manager, Streets employees were to be given a pay raise when they completed their initial Water Operator certification. Ms. Fagan requested this practice be honored for Lex Bayard, who completed his certification last summer, to be effective next pay period.

Motion:

Jeff Jacobs made a motion to approve the request. Tiffany Derrickson seconded the motion, and it was unanimously approved.

Discussion and possible action on a proposal from Bill Meehan to process Town records and prepare for Archiving

The Town Manager expressed concerns about the state of the current Town records storage. The Commissioners were presented with a quote for step one of a multi-step process in record archiving in the amount of \$1,790. The first step is getting organized and taking an inventory of what we have. The Commissioners acknowledged the importance of historic documents and their preservation.

Motion: Jeffrey Jacobs made a motion to approve the proposal in the current fiscal year. John Staffier seconded the motion, and it was unanimously approved.

9. **Update on Association of Coastal Towns Dissolution, by Mayor Joni Reich**

Mayor Reich advised the Commission that the Mayors of the coastal towns of ACT decided to dissolve effective December 31, 2024. This is following a decision made by the Attorney General's office earlier this year that the ACT was a public body and therefore needed to comply with all the public meeting requirements.

10. **Executive Session for the purpose of Discussion of Potential Litigation, in accordance with 29 Del.C. § 10004(b)(4)**

Motion: John Staffier made a motion to go into an Executive Session. Richard Thompson seconded the motion, and it was unanimously approved.

Motion: John Staffier made a motion to come out of the Executive Session. Tiffany Derrickson seconded the motion, and it was unanimously approved.

11. **Review and possible action on matters discussed in Executive Session**

Motion: John Staffier made a motion to approve the matters discussed in the Executive Session. Tiffany Derrickson seconded the motion. The motion was unanimously approved.

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

No other business

13. **Adjournment**

John Staffier made a motion to adjourn the meeting. Tiffany Derrickson seconded the motion. The meeting was adjourned at 12:20 P.M.

Respectfully submitted

Andrea Harpster, Town Clerk