

BOARD OF COMMISSIONERS QUARTERLY MEETING MINUTES

The Board of Commissioners of the Town of Henlopen Acres held a **Quarterly Meeting** on **Friday, July 11, 2025, at 10:00 a.m.** virtually and in person at Town Hall, 104 Tidewaters, Henlopen Acres, Delaware.

PRESENT:

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

*Participation via Zoom

1. **Call to Order**

The meeting was called to order at 10:00 a.m.

2. **Public Comment**

Comments were made by: John Scheurer (62 Tidewaters), Julia Marx & David Kaplan (11 Rolling Road), Sharon Rose (77 Tidewaters), David Lyons (103 Tidewaters), Marcia Dewitt (55 Fields End), Gabby Koeppel (8 Dodds Lane), Wendy Jacobs (24 Rolling Road), and Freddie Noland (44 Pine Reach).

John Scheurer expressed concerns about the proposed changes to Chapter 114, arguing that they unfairly punish 95% of residents who have done nothing wrong and may infringe on property rights. Mr. Scheurer highlighted that 77 people signed a petition opposing the changes, representing 43 houses, with some residents fearing reprisal for signing.

Julia Marx and other residents emphasized the importance of protecting the tree canopy, citing its environmental and aesthetic value.

Concerns were raised about the financial implications of trees on insurance policies, with

David Lyons explaining that insurance carriers may require tree removal for coverage.

Gabi Koeppel and Wendy Jacobs called for courageous leadership to address the rapid loss of the town's mature tree canopy, urging the Commissioners to develop a balanced and effective solution.

3. Approval of Minutes

- a. Board of Commissioners Quarterly Meeting – April 11, 2025
- b. Public Hearing on Moratorium – May 5, 2025
- c. Board of Commissioners Special Meeting – May 12, 2025

Motion:

Jeffrey Jacobs made a motion to approve the minutes. Tim Hidell seconded the motion, and they were unanimously approved

4. Treasurer's Report, by Commissioner Jeffrey Jacobs

Commissioner Jacobs reported a slight surplus in the operating budget due to higher-than-expected construction fees and interest earnings, despite legal and building inspector fee deficits. The capital budget showed a surplus of over \$270,000, driven by transfer tax receipts and deferred expenses like the \$50,000 marina dock board replacement. Property tax bills have been mailed, with one-third of payments expected by the end of the month and the remainder by August 31st.

5. Town Manager's Report

Anna Fagan, Town Manager, highlighted the completion of the budget, updates to the fee schedule, and responses to property tax inquiries. The Town is experiencing high construction activity, with 7 active projects (5 new homes and 2 major renovations) and 6 additional projects in the pipeline. Updates were provided on the PFAS remediation feasibility study, legislative changes affecting zoning and housing, and the Town's ongoing efforts to improve transparency and communication.

6. Appointment of three members to the Audit Committee

Terry Jacobs, George Dotzel, and John Schwieters were appointed to the Audit Committee for a one-year term, with Schwieters replacing Ray Murphy. Commissioners praised Schwieters' extensive experience, including his leadership roles at Arthur Andersen and on publicly traded company boards

7. Discussion and possible action confirming the qualifications of individuals who have filed for the elected position of Commissioner of the Town of Henlopen Acres, as required by section C5(A)4 of the Town Charter

Motion:

John Staffier made a motion to approve the candidacy of Lee Raesly and Jeffrey Jacobs. Richard Thompson seconded the motion, and it was unanimously approved.

Jeff Jacobs and Lee Raesley were confirmed as qualified candidates for the election, with their residency and documentation verified.

The filing deadline for additional candidates was set for 4:30 p.m., with a potential reconvening at 5 p.m. if new candidates file.

8. Review of State comments on 2025 Comprehensive Plan Update

The Town's 2025 Comprehensive Plan update received feedback from state agencies, with one required amendment to include town-specific population projections.

Recommendations from state agencies included wetlands delineation, sea-level rise risk mapping, and tree canopy preservation. Commissioners agreed to review the revised plan at the September meeting before submitting it to the state for final approval.

9. Discussion and possible action on notifying residents of an action before the Delaware Chancery Court to quiet title to a 1.23-acre parcel of uplands located along Sandy Bottoms lagoon

The Town intends to file a quiet title action for a 1.23-acre parcel along Sandy Bottoms Lagoon, which is critical for stormwater drainage. Glenn Mandalas, the Town Solicitor provided historical context, explaining that the parcel was likely intended to be deeded to the Town but lacks clear title. Letters will be sent to adjacent property owners and residents to inform them of the action and provide an opportunity for discussion.

Motion:

Richard Thompson made a motion to authorize the Mayor and the Town Manager to select a date to file the quiet title action. The motion was seconded by John Staffier, and it was unanimously approved.

10. Items related to Chapter 114, Trees

a. Discussion and possible action on Amendments to Chapter 114, Trees, of the Town Code to establish restrictions on the removal and maintenance of canopy trees in setback areas on private property and to increase the minimum tree density related to construction

The Commissioners discussed proposed amendments to Chapter 114, focusing on tree maintenance, construction-related tree protections, and resident tree

removal.

The proposal presented by Mayor Joni Reich, which had been revised since the last discussion, includes increasing minimum tree density, requiring 50% of trees to be existing mature trees, and implementing a permitting process for tree removal.

Concerns were raised about the enforceability and fairness of the proposed rules, with John Staffier advocating for stricter protections and Mayor Reich advocating for property owner autonomy.

b. Discussion and possible action on lifting the Moratorium on severely cutting back, topping, damaging, or removing canopy trees in certain residential lot setback areas within the municipal limits of the Town of Henlopen Acres

Motion:

John Staffier made a motion to extend the moratorium from September 30, 2025, to January 31, 2026, to allow further discussion and refinement of the ordinance. Jeffrey Jacobs seconded the motion. The motion passed with a 4-3 vote. Commissioners' votes were as follows; John Staffier-aye, Jeffrey Jacobs-aye, Richard Thompson-No, Beatrix Richards-aye, Tiffany Derrickson-aye, Joni Reich-No, Tim Hidell-No.

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

The commissioners did not enter executive session.

12. Any other business that may come before the Commissioners

No other business

13. Adjournment

Joni Reich made a motion to recess the meeting until 5:00 p.m. If there is another candidate for Commissioner, the Commissioners will meet in person or zoom to ratify the eligibility of that person to be included in the ballot for the election. Tiffany Derrickson seconded the motion and the meeting was recessed.

The meeting was reconvened at 5:24 p.m.

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Anna Fagan presented the required documents submitted by Alex Jacobs, who is filing for candidacy.

Motion:

Richard Thompson made a motion for acceptance; Commissioner Staffier seconded the motion. The motion carries.

Motion:

Joni Reich made a motion to adjourn. The meeting was adjourned at 5:30 p.m.

Respectfully submitted,

Andrea Harpster, Town Clerk