

DELAWARE MANUFACTURING HOME RELOCATION AUTHORITY

1675 S. State Street
Dover, Delaware

Minutes of November 28, 2012

IN ATTENDANCE:

Authority: Anthony J. Testa, Jr., Chairman
Rick Lemire (via telephone)
George Meldrum
Mitch Crane
Kevin Carroll (non-voting member)
Susanne Lantz (Administrative Assistant)

Absent: Andy Strine

Legal Counsel: William Denman (arrived at 3 PM)

I. CALL TO ORDER:

Mr. Testa called the meeting to order at 1:10 p.m.

II. REVIEW AND APPROVAL OF MINUTES:

Mr. Testa made the motion to approve the meeting minutes of 15 August, 2012 with a change on Page 10 (Authority Proposed Amendment to SB 213). Mr. Crane stated that it is not Senator Kowalko, but Representative Kowalko. Mr. Lemire seconded that motion. The Board approved the 15 August, 2012 meeting minutes unanimously.

Mr. Testa made the motion to approve the 19 September, 2012 meeting minutes. Mr. Crane seconded the motion. The Board approved the 19 September, 2012 meeting minutes unanimously.

III. REPORTS:

A. COMPLIANCE MATTERS:

1. INVESTIGATOR'S REPORT:

No report.

2. ANNUAL REGISTRATION REPORT (MS. LANTZ):

Mr. Testa stated that there are actually 160 registration forms that were returned. As of today there are only 19 that have not been returned, five have been carried over from last year.

Mr. Denman will send a letter to all the parks that have not registered.

3. PARK COMPLIANCE REPORT (MS. LANTZ):

i. Judgments Filed & Unsatisfied:

A&A TP: Ms. Lantz stated that Ms. Cottman filed a response to our lawsuit. Per Ms. Lantz there are 9 homes in the community and her contact in Kent County has the same information. The Board decided to discuss this with Legal Counsel. Mr. Denman stated he could send an Interrogatory and have her respond to that. The Board agreed to that.

Pine Ridge: Ms. Lantz stated that Mr. Denman is working to get this resolved. Mr. Denman rather would discuss this in Executive Session.

The Crossings at Oak Orchard: Ms. Lantz stated that a letter had gone out to the owner requesting her to start paying \$200 towards the arrears that she owes and to send financial documentation, which she has not done. The owner would be paying for the next 8 years. Mr. Lemire stated that interest should be added. The Board decided that Ms. Lantz draft another letter to Ms. Foglio and have Mr. Testa review before sending.

ii. Former Park Compliance Issues Pending:

Mr. Crane questioned why the parks that were supposed to be filed against in JP Court haven't been filed there? The Board discussed the situation and decided to follow through with the decision made in August that Ms. Lantz file in JP Court.

iii. Recent Park Compliance Issues Arising & Resolved:

Canterbury Crossing: It was put up for sale and the Authority has informed all the tenants.

Del Haven Court: The park has been sold, we had informed the tenants. The new owner has not made contact with the Authority, despite a phone call being made and a letter sent. The Board decided that Ms. Lantz send another letter.

iv. Parks Removed:

Mr. Lemire was wondering what does it mean where it says abandon efforts? After discussion, the Board decided to update and add the comment that the park has a lien or lawsuit.

B. RECENT FINANCIAL ACTIVITY & REPORTS:

After the Board discussed the financial reports from June, July, August and September 2012, Mr. Testa made the motion to accept the financial reports. Mr. Meldrum seconded the motion. The Board unanimously approved the financial reports.

IV. EXECUTIVE SESSION:

Mr. Testa made the motion to go into Executive Session at 3.50 p.m. Mr. Crane seconded

the motion. Unanimous approval was given by all members present by voice vote.

Mr. Testa made the motion to come out of Executive Session at 4.20 PM. Mr. Crane seconded the motion. Unanimous approval was given by all members present by voice vote.

Mr. Denman stated that he received registration forms from Tunnel Properties and the owner states that the Baywood community is not a mobile home park and does not fall under the assessment. Mr. Denman further stated that this needs to be something that has to be looked into.

V. UNFINISHED BUSINESS:

A. ORGANIZATIONAL PROCEDURES (MR. TESTA)

Mr. Testa has not had a chance to pursue this. Deferred.

B. PROPOSED MAXIMUM BENEFIT PAYABLE TO OWNERS OF NON-RELOCATABLE HOMES (MR. STRINE)

Mr. Strine was absent and it was decided to discuss this at the next Board Meeting. The Board decided to meet in December to discuss this specifically, especially with the Joint Sunset Review coming up.

C. GASB NO. 61 (MR. TESTA)

Mr. Testa stated that he printed GASB No. 61 and it is 60 pages long. Mr. Testa believed that it does not even apply until the Authority's fiscal year beginning July 1, 2012. Mr. Testa spoke to the State Auditor and was told that the Authority needs a GASB analysis. Mr. Testa stated that Mr. Thomas from Falcidian would take a couple of hours to complete and that he be willing to do the analysis if asked. The Board thought this a good idea. Mr. Testa made the motion to have Falcidian do the GASB No. 61 analysis provided that the cost does not exceed \$500. Mr. Lemire seconded the motion. The Board agreed that Mr. Testa also will reach out to one or two Delaware accounting firms and get a quote for an audit of the Authority for its fiscal year ended June 30, 2012.

D. FEDERAL TAX MATTERS (MR. TESTA):

Mr. Testa stated that Mr. Carroll was going to find out regarding the tax matter. Mr. Carroll stated that they do not do federal tax matters, he said he can try again but didn't think he would be successful. Mr. Testa believed it should be resolved, but that would be up to the Board in the future after Mr. Testa's departure. Every time a check is cut, there are tax ramifications to be considered and it was never addressed in the past. Mr. Testa believed there should be an IRS ruling.

E. COMPLIANCE INVESTIGATOR POLICY (MR. STRINE)

The Board reviewed and discussed a Compliance Investigator's policy as updated by Mr. Strine and circulated at the meeting. After Board discussion, by motion from Mr. Testa, seconded by Mr. Crane, it was unanimously agreed that Mr. Strine's updated and proposed Compliance Investigator's policy would be organized onto Authority letterhead and adopted as the Authority's internal compliance investigation policy and guidelines.

F. JP COURT ACTION

Mr. Testa asked Mr. Denman in regards to the parks that we had planned to file action against in JP Court. The Board had decided that this would be an opportunity for Ms. Lantz to be trained by Mr. Denman. Ms. Lantz stated that she had taken the E-Filing class, but a Form 50 needed to be filled out and notarized and signed. Mr. Denman stated that he would be glad to work with Ms. Lantz.

After further discussion, Mr. Testa made the motion to request check for \$250 from Falcidian to fund the Authority's account with JP Court. Mr. Crane seconded the motion. The Board agreed unanimously.

VI. NEW BUSINESS:

A. RECENT DEVELOPMENTS:

1. Expired and unfilled Board Appointments (Mr. Testa)

Mr. Testa stated that the Governor's office has provided the Authority no notice of Board appointments to fill the vacancies of Mr. Strine and Mr. Lemire, whose appointments expired 3 November 2012. Mr. Testa also informed the Board that he gave notice to the Governor of his resignation from the Board effective on the earlier of the Governor's appointment of Mr. Testa's successor or 31 December 2012.

2. Sale of Dennisons Trailer Park

Ms. Lantz stated she put it on the list because this keeps happening. Ms. Lantz talked to the park owner who lives in Florida because the park had not sent back the annual registration form and found out that he had sold the park in August 2012 without notifying the Authority. Mr. Lemire stated that this happened before and he thinks the AG's office needs to know. The homeowner of the park were denied the Right of First Offer. Mr. Carroll agreed and requested Ms. Lantz sent him all the information she has. Ms. Lantz stated the new owner has sent a registration form back and has talked to DOR to set up an account.

3. Mason-Dixon Mobile Home Park & Annex Request Seasonal Park

The attorney for the park has sent the Authority a letter including a lease stating that the park is seasonal. Mr. Denman stated that he believed that the Authority had prepared a letter that we could use and send it to the attorney. After Board discussion, it was agreed that Ms. Lantz would prepare a follow up letter to be sent to the Park's attorney requesting the park inform all tenants.

B. OTHER NEW BUSINESS:

1. PURCHASE OF ADDITIONAL FILING CABINET FOR OFFICE (MS. LANTZ)

Ms. Lantz stated that she doesn't have enough filing space and would like to get the Board's approval to purchase one. Ms. Lantz has checked with a couple of companies and it would run around \$250.00.

Mr. Testa made the motion to approve the purchase. Mr. Meldrum seconded the motion. The Board approved the purchase unanimously.

2. UPCOMING JOINT SUNSET REVIEW SESSION

The question came up when the Joint Sunset Review Committee is scheduled for a hearing about the Authority. Mr. Testa stated that Public Hearings are scheduled for February and March of 2013. The next Board Meeting was scheduled for 20 December 2012.

3. POSSIBLE ADDITIONAL BOARD MEETING(S) (ALL):

The Board agreed to meet on 20 December 2012 and will go over the Unfinished Business that could not be discussed today and also set new meeting dates for 2013.

4. SHARING POSTAL METER RENTED BY FSMHA

Ms. Lantz stated that Ms. Allen from FSMHA has asked her to find out if the Authority is willing to share the rental fee on the postal meter, otherwise her firm might eliminate it. Ms. Lantz stated the cost would be around \$20 a month that the Authority would have to contribute. The Board discussed this and Mr. Testa made the motion to accept the cost. Mr. Crane seconded the motion. The Board agreed unanimously. Mr. Testa stated that FSMHA should send an invoice and can add it to the rental fee.

VIII. ADJOURNMENT:

As there was no further business before the Board, the motion was made for adjournment by Mr. Testa and seconded by Mr. Meldrum. After unanimous approval from the members present, the meeting was adjourned at 4.30 p.m.

Respectfully submitted,

Susanne Lantz
Administrative Assistant and
Anthony J. Testa, Jr., Chairman