

DELAWARE MANUFACTURED HOME RELOCATION AUTHORITY

110 N. Main Street, Suite G
Camden, DE 19934

Minutes of January 7, 2016

IN ATTENDANCE:

Authority: Kevin Carroll
Dorothy Boucher
William Dunn
George Meldrum
Joelle Polesky
Susanne Lantz (Executive Director)

Absent: Andy Strine

Legal Counsel: Bill Denman

Other Attendees: Joan Peculski, Tenant Bon Ayre
Richard Ruben, Tenant Bon Ayre
William Kinwick, Tenant Village of Coolbranch

I. CALL TO ORDER:

Mr. Carroll called the meeting to order at 2:02 p.m.

II. REVIEW AND APPROVAL OF MINUTES:

Mr. Carroll asked the Board if anyone had any comments or corrections of the November 10, 2015 meeting minutes, and if not, requested the Board to consider approval of the November 10, 2015 meeting minutes. Mr. Meldrum made the motion to approve the meeting minutes and Ms. Boucher seconded the motion. The Board approved the meeting minutes 3:0 with 2 absent (Mr. Dunn and Mr. Strine).

III. Executive Directors Report:

Ms. Lantz noted that since the last Board Meeting she:

1. Sent a copy of the Audit to the Auditor's Office
2. Dealt with Barclay Farms and Angola Beach & Estates Arbitration and Bon Ayre Rent Increase issues
3. Worked closely with Glasgow Court and movers in getting final tenants relocated
4. Sent letters to HOA's requesting update of their Board Member information
5. Sent out Notice of Sale letters to Kings Cliffe tenants
6. Worked on Info Packet for new Board Members
7. Office Laptop Repair

IV. Chair's Report:

Mr. Carroll stated it would be a busy year for the Authority. The Legislative Session will begin shortly.

V. Approval of Financial Activity & Report September, October and November 2015:

Ms. Lantz reviewed the financial statements. Mr. Carroll stated the number of relocations that we have will increase and reflects what Ms. Lantz deals with on a day to day basis. Mr. Meldrum moved to approve the financial statement as presented and Ms. Boucher seconded the motion. The motion carried 3:0 with 2 absent.

A. Approval of other Financial Matters:

1) Approval of Legal Counsel Invoices for November 2015:

Ms. Lantz reviewed the invoice from Mr. Denman. Ms. Boucher made the motion to approve the invoice as presented and Mr. Meldrum seconded the motion. The motion carried 3:0 with 2 absent (Mr. Dunn and Mr. Strine).

2) Approval of BDO Invoice December 2015:

Ms. Lantz presented the invoice for approval. Ms. Boucher moved to approve the invoice and Mr. Meldrum seconded the motion. The motion carried 3:0 with 2 absent (Mr. Dunn and Mr. Strine).

VI. Reports

A) Compliance Matters:

1. Annual Registration Report – Parks Registered:

Ms. Lantz stated the remainder parks have registered in the meantime, this was a first for the Authority. Ms. Boucher suggested that the Compliance Investigators attempt find parks that had not registered. Ms. Lantz believed that the previous Compliance Investigator had found all that needed to register with the Authority. Ms. Boucher stated she would inform Ms. Lantz of the ones she drove by all the time to see if they were registered or not. Mr. Carroll agreed.

2. Arbitration Matters and Status:

Ms. Lantz explained at this point there were two pending arbitrations. Mr. Carroll asked if Ms. Smolko was still the representative dealing with manufactured housing matters? Ms. Polesky explained that Ms. Schoenberg would be taking over from Ms. Smolko.

3. Park Compliance Issues Arising and Resolved:

Countryside Mobile Estates: Ms. Lantz stated the owner purchased the park a year ago and despite communications no assessments have been paid. Mr. Carroll stated due to pending litigation the Board would not vote on this, but rather discuss in Executive Session.

Dackerg MHP: Ms. Lantz stated the same applies to this park. Ms. Polesky asked Mr. Denman if the tenants received the delinquent letter also, Mr. Denman stated it was only sent to the Community Owner. Mr. Carroll stated the Authority would continue to monitor this matter.

Layton's Riviera: Ms. Lantz stated it was a problem park for years. Mr. Carroll was going to discuss with Mr. Denman. Mr. Carroll stated due to pending litigation the Board would not vote on this, but rather discuss in Executive Session.

THP: Ms. Lantz stated the owner had their bank send a check to the Division of Revenue. The Trust Fund was set up and required a quarterly report be attached which the owner refused to fill out. The owner had explained to Ms. Lantz that the methods of submitting the payment were outdated. Ms. Lantz stated communications sent were not responded to. Mr. Carroll said he would call the park after the meeting and try to explain.

B) Compliance Investigation (Thomas McDermott)

1. Dackerg MHP

Ms. Lantz explained she had sent out the Compliance Investigator because the park was delinquent and had not registered at the time. Ms. Boucher and Mr. Dunn had questions regarding the report.

Ms. Lantz explained the Authority had no right to look into a park's books. Mr. Carroll stated it was only three lots.

2. Pine Haven MHP:

Ms. Lantz explained the park is a MHP/Campground and the owner is paying for 23 leased lots. The owner in the meantime has paid the assessments for 2015 and registered.

C) *Compliance Investigator Timesheet and Mileage:*

Ms. Lantz explained the timesheet and mileage.

VII. Old Business:

1. Glasgow Court Update:

Ms. Lantz explained that 10 tenants still needed to be moved and that two tenants that were approved for abandonment benefits, have not sent in the remaining documentations. Ms. Polesky wondered if the money would revert back to the Trust Fund? Ms. Lantz stated she had not issued a check. Ms. Lantz said one of the tenants is refusing to be moved and has been verbally abusive. Ms. Lantz stated that the mover now will not move the tenant. Glasgow Court has tried to help but might have no choice but to evict the tenant. Mr. Carroll confirmed that Ms. Lantz dealt with difficult people under stressful circumstances, but has advised her that she did not have to put up with that and he would step in if needed.

VIII. Unfinished Business:

1. Review and approval of new landlord applications Lakeland MHP:

Lakeland Demo Request for Mosley and Amy Snyder Home:

Mr. Carroll stated that Mr. Strine was absent and no one from the park was here to answer any questions. Mr. Carroll had an issue with a tenant releasing the ownership of the home that they did not own or could not acquire a title to. Mr. Denman stated the Board's concern had been that there was no title and now the homes had been torn down? Mr. Denman asked if the tenant had applied for benefits? Ms. Lantz denied that. Mr. Denman explained that at one point in time someone had owned the home. Mr. Carroll had major reservations regarding paying the community owner for demolition of the homes when they had no legal right to the home. Mr. Carroll stated the park should confirm that the homes have been destroyed and provide the tax documentation. The Board discussed this matter. Mr. Carroll thought the Board should postpone this until the next meeting which would give Mr. Denman time to review this. The Board agreed.

2. New Board Member Package:

The Board reviewed the package. Ms. Boucher had a question regarding the Board Members whose terms have expired and the website has not been updated. Ms. Lantz explained it has been asked by numerous people, but nothing has been done about it. Ms. Boucher questioned items in the package. Mr. Carroll thought that the Board did not have the time to go page by page. Mr. Carroll asked to have it bundled up and create a redlined version. Ms. Polesky had several concerns regarding information presented and confidentiality of these matters. Ms. Lantz explained she had requested input from the Board Members and except for Ms. Boucher received nothing. Mr. Carroll thought it should be bundled into one document and everyone can

make comments on it, but he did not want it as one piece, maybe divide it into several pieces. Ms. Boucher thought it did not have to happen all at once, and could be discussed at the meeting after next. Ms. Polesky thought why is some information in there, for example who signs the checks or what the employee compensation is? Ms. Boucher stated she had asked for this information and thought the public had a right to know. Mr. Carroll requested Ms. Boucher and Ms. Lantz to work together. Mr. Dunn stated he would be willing to lend a hand in this.

IX. New Business:

1. Consolidation and \$250 fee requirement:

Mr. Carroll explained that he had asked to include this for discussion. Mr. Carroll had concerns regarding how the fee was divided upon groups requesting arbitration when multiple petitions are consolidated. The issue was whether each petitioner had to pay a separate \$250 filing fee even when the petitions are consolidated. Ms. Polesky wondered if the Legislators needed to tackle this? Ms. Lantz explained it was not in the statute and Mr. Denman agreed. Ms. Lantz read the paragraph of the Authority's Final Regulations regarding the consolidation and fee requirement. Mr. Denman stated the thought process was to encourage consolidation. Mr. Denman saw the arbitration fee as minimal to what the Authority ended up paying and there was no guidance from the Legislature. Mr. Carroll stated this was something for the Board to think about in the future.

2. Annual Registration Requirement for Parks:

Ms. Lantz said at the last Board Meeting the Board discussed the merits of having registrations once every two years. Ms. Lantz said the law required an annual registration. Ms. Boucher thought this would be good for the Authority and Ms. Lantz agreed. Mr. Carroll stated it would be beneficial to create a committee including Ms. Boucher, Mr. Strine and Ms. Lantz and discuss what the Authority would like to see as a request from the Legislature. Mr. Carroll stated he would talk to Mr. Strine as he was not present today. Mr. Carroll suggested any ideas in the interim should be sent to the committee.

3. List of Items to request from Legislature:

Was discussed above.

4. Arbitrators Solicitation and Fees:

Mr. Carroll stated arbitrators were solicited a couple of years ago and Mr. Carroll thought it was time to refresh the list the Authority had. Mr. Carroll stated Ms. Lantz had drafted a couple of letters regarding this. Ms. Lantz explained the Authority had advertised for arbitrators requesting a reasonable rate. Ms. Lantz said the response was minimal, most arbitrators are located in Wilmington. Ms. Lantz thought it was time to remind the current arbitrators that they had signed up for this. Mr. Denman said with everything that is going on in these hearings it would be a good idea to come up with a rate the Authority could accept. Ms. Lantz stated she was concerned that some arbitrators would not agree with a "proposed" rate and would drop out. Mr. Carroll was interested in mailing a letter to all listed Superior Court Mediators for solicitation. That would include an hourly rate or when an arbitrator was going to be appointed, we could ask for a reduction of rate.

Ms. Polesky thought it would be helpful for anyone conducting Superior Court training to include a segment on Rent Justification. Ms. Boucher made a motion to send a letter to all arbitrators listed on the Superior Court Mediator list. Mr. Meldrum seconded the motion. The motion carried.

IX. Public Comments: The tenants present at the meeting were given an opportunity to make comments.

X. Executive Session:

Mr. Denman suggested that the Authority to go into Executive Session for Mr. Denman to discuss the status of pending litigation and possible enforcement actions on the parks discussed previously. Mr. Dunn made the motion to go into Executive Session at 3.45 p.m. Mr. Meldrum seconded the motion. Unanimous approval was given by all members present by voice vote.

Ms. Boucher made the motion to come out of Executive Session at 3.55 p.m. Mr. Dunn seconded the motion. Unanimous approval was given by all members present by voice vote.

XI. NEXT MEETING DATE - ADJOURNMENT:

The Board set the next meeting date to February 23, 2016.

As there was nothing else before the Board the meeting was adjourned at 4.00 p.m.

Respectfully submitted,

Susanne Lantz
Executive Director