

DELAWARE MANUFACTURED HOME RELOCATION AUTHORITY

1979 S. State St.

Dover, DE 19901

This hybrid meeting was held via Zoom. Those who physically attended followed the Governor's COVID-19 restrictions in place by wearing face masks, socially distancing, and not having more than 10 participants in the meeting room.

Minutes of December 17, 2020 Board Meeting

IN-ATTENDANCE:

Authority:

Mitch Crane
William Dunn – Via Zoom
George Meldrum - Absent
Richard Hrycyshyn – Via Zoom
Andy Strine
Pat Malone (Non-Voting Member) - Absent

Gregg Sutton (Executive Director)
Jane Sabo (DEHMRA Assistant)
Lorraine Hrycyshyn (Office Assistant)

Legal Counsel:

Melissa Rhoads

Other:

None

I. Call to Order:

Mr. Crane called the hybrid Zoom meeting to order at 1:38 p.m. Mr. Crane apologized for the delay due to technical difficulties logging into Zoom which should be resolved by the next meeting.

Mr. Crane asked Mr. Sutton to call the roll: Mr. Hrycyshyn via Zoom, Mr. Dunn via Zoom, Mr. Strine physically attended, Mr. Crane physically attended, Mr. Malone and Mr. Meldrum were absent, Ms. Rhoads physically attended. Mr. Sutton, Ms. Hrycyshyn and Ms. Sabo physically attended.

Mr. Crane will have roll call for every vote so we know who is voting and who is not for the benefit of the public attending via Zoom.

II. Review and Approval of Minutes:

A motion to approve the November 12, 2020 minutes was made by Mr. Strine and seconded by Mr. Dunn. The motion carried 4-0 with one in absentia.

III. Chair's Report:

- Because of the Governor's COVID-19 restrictions, hybrid meetings will be held until the restrictions are lifted. Public Notices are posted in advance and include the Zoom meeting ID and passcode. Anyone who plans to physically attend should notify Mr. Sutton so that the 10-person limit can be adhered to.
- The Chapter 70 Work Session will be placed on the next meeting agenda.
- Mr. Crane is waiting for the appointments to be made for the manufactured housing committees. The appointees will be contacted and Mr. Crane will inform them of our efforts to clarify the code. After that it will be placed on our agenda to decide which items we want to push forward.
- Mr. Michael Morton contacted Mr. Crane regarding their informal meeting for Shady Park. It was scheduled to be held at the Roxanna Fire Hall on December 2, 2020. The meeting could not be held as previously planned due to the COVID-19 restrictions in place. It was expected they would have about 300 attendees. Mr. Crane informed Mr. Morton that as long as all of the requirements are met and the HOA was participating via Zoom, he saw no problem with holding the meeting via Zoom and phone-in, but would ask our Board Members if they had any issues. Mr. Dunn thought that everyone attending via Zoom should be able to see all participants, or at least, have their names on the screen. Mr. Morton will be notified that for rent increase meetings, participants via Zoom must have their pictures or names on the screen. Mr. Crane will follow-up with Mr. Morton to see how the meeting went.
- Mr. Crane would like to give the DEMHRA staff off Christmas Eve with pay.

IV. Executive Director's Report

Mr. Sutton noted that since the last regular Board Meeting on November 17, 2020, the following has occurred:

- Layton's Riviera has only 1 lot and is therefore no longer required to pay Trust Fund assessment fees. We will monitor Layton's in the future to insure adherence with the Code if their status changes.
- In the selection of arbitrators, we are in the process of creating and maintaining an alphabetical list/roster of arbitrators. With this tool, we will be able to track key performance indicators such as their hourly rates and average cost per arbitration, ensuring that they have a current engagement letter on file, their rulings in previous arbitrations and the number of arbitration petitions they have ruled on. In this way, we can justify why a particular arbitrator was selected
- Mr. Crane added that we have been perusing and scrutinizing the arbitrator bills that have come in. Those who overcharge or have unreasonable charges will not be used again.
- Arbitrator cost is our largest expense so we must do our due diligence in how we manage the trust fund.

V. Legal Counsel Report:

Ms. Rhoads provided an update of accounts as follows:

Pine Haven – Suit filed and awaiting service

Bay City, Bethany Crest, Countryside Mobile Estates, Dackerg MHP, Hecker Properties, Holiday Acres, J.T. Trailer Park, Spring Creek Rentals, Stage Village were sent letters and all have paid

Big Oaks and Holly Hill continue to be problems. They have not responded to letters sent

Vanessa Mobile Home Court is still in Chancery Court

J&J Mobile Home Park – Mr. Case provided documentation of past payments. Ms. Rhoads will have Mr. Case and Ms. Hambleton from the Division of Revenue get together and work out the discrepancies so this can be resolved

Appleby – Initial hearing held on motion for default. No one from Apply presented. The court has granted deference of 30 days to catch up due to COVID-19. Appleby has now caught up. There is a hearing scheduled for December 28, 2020

Minquadale – Pending
Woodland Park – Paid, lawsuit has been dismissed
Forest Park – Pending, no payment received
Towers Park – This park has not registered with DEMHRA. Legal sent a letter to respond within 10 days. She hasn't received the green card confirmation of receipt yet.

VI. Approval of Financial Matters

A. Recent Financial Activity & Report (Information Only)

Mr. Sutton reviewed the Financial Report for November. This report was for informational purposes only and will be posted on the DEMHRA website.

B. DOJ Legal Fund:

Mr. Sutton reviewed the DOJ Legal Fund transfer totals as of December 3, 2020. Total funds collected from Tenants was \$91,889.32. Mr. Crane asked when we could expect to see expenditures from this fund. Mr. Sutton will follow up with the Attorney General's Office.

C. Legal Counsel Invoice:

The Board reviewed the November invoice in the amount of \$3,718.75.

D. Arbitrator Invoices:

The Board reviewed the invoice from Mary Sherlock for Docket 03-2020, Murray Manor, in the amount of \$2,800.00.

The Board reviewed the invoice from Jamie Sharp, Moore & Rutt for legal fees for Docket 07-2018 (Writ of Prohibition, Wild Meadows) in the amount of \$4,627.00. Mr. Sharp informed Mr. Sutton there will probably be one more bill.

A motion to approve the above invoices collectively was made by Mr. Strine and seconded by Mr. Dunn. Voice vote taken. The motion carried 4-0 with one in absentia.

VII. Reports:

A. Compliance Matters (Executive Director):

1. Delinquent Parks Report:

Anytime a new quarter appears for the first time on the delinquent report, those communities are emailed or called with a reminder that, that quarter, as well as all unpaid prior quarters are due.

The following communities have not paid quarter 2-2020:

Bowers MHP, County Seat Gardens, Flying Dutchman Trailer Park, Kings Cliffe Mobile Home Park, Naaman's Mobile Home Park, Riverdale Park, and Sussex Manor.

A motion was made by Mr. Strine and seconded by Mr. Hrycyshyn to sue the above referenced parks. The motion carried 4-0 with one in absentia.

Mr. Strine proposed sending a letter to Kings Cliffe as they are consistently complicit. Ms. Rhoads will send a letter.

2. Compliance Investigator Report:

Mr. Sutton has been sending our compliance investigators to audit parks that have not returned annual registration forms. There is a margin of error of 5 that triggers another audit. The following parks were audited and fell within the margin of error: Aspen Meadows, Bay City, Camelot Meadows and Colonial East. Mr. Crane asked if the parks were notified of the audits and Mr. Sutton said they were not unless there is a discrepancy more than the margin of error.

B. Arbitration:

1. Open Dockets for Arbitration Matters and Status:

Docket 07-2016 & 08-2016 (Combined), Rehoboth Bay

Pending. This docket was re-opened and has been appealed to Superior Court. Trial date was 11/18/20.

Docket 10-2017 & 04-2019 (Combined), Wild Meadows

Pending. This docket has been appealed to Superior Court and is stayed until 12/18/20.

Docket 07-2018, Wild Meadows Writ of Prohibition

Pending. This docket is awaiting dismissal from Superior Court unless oral arguments are requested by the court.

Docket 03-2019, Murray Manor

Pending. This docket has been appealed to Superior Court on 1/23/20. Mr. Sutton will get an update.

Docket 01-2020, Winterset Farms

Pending. rent justified and approved. Will be closed when arbitrator submits Invoice for payment.

Docket 02-2020 Canterbury Crossing

Settled and closed.

Docket 03-2020 Murray Manor

Pending. 11/24/20 Arbitration stayed pending decision on Wild Meadows (Similar Case) Mr. Dunn asked legal counsel's opinion. Ms. Rhoads has no opinion at this time as she is not familiar with this case. Mr. Crane discussed the reason for any decision is that a prior superior court decision on arbitrator's rights and responsibilities decoded the arbitrator had the authority to make a decision relative to matters before him or her. Until that happens we are respecting the arbitrator's right to make these decisions on matters before the arbitrator as DEMHRA doesn't have the authority to get involved in arbitrations other than appointment of an arbitrator.

Docket 04-2020 Wild Meadows

Pending. Mr. Young will arbitrate and is waiting on confirmation of no conflicts.

2. Open Dockets for Arbitration Costs:

Mr. Sutton reviewed costs incurred to date which was for informational purposes only.

VIII. Unfinished Business:

A. Update on Right of First Offer (Sales, Closings, Change in Use of Land):

Bree Street MHP – For sale. Emailed for update 12/2/20. No response.

Dover Air Park – Sold. Emailed 12/2/20 for update. Buyers still doing due diligence. Mr. Strine explained due diligence to be the prospective buyer is under contract and is getting things in order such as financials, inspections, etc.

Lynch's Mobile Home Park – Sold. Called 12/2/20 for update. Unable to leave voicemail. Mr. Sutton will follow-up.

Malone's Bayside Marina - Emailed 12/2/20 for update. No response. Mr. Sutton will follow-up with Mr. Morton.

Ridgewood Manor – Buyer waiting for finalization of sale. Emailed 12/20/20 for update. No response. Mr. Sutton will follow-up.

Silver Oak Trailer Park – 12/2/10 Email sent to attorney for update. No response. Mr. Sutton will follow-up.

Vanessa MHP – Pending. In Chancery Court.

Mr. Dunn inquired if Mr. Sutton knew if any prospective buyers of the above parks for sale planned to go through a change of use of land and Mr. Sutton does not know.

B. Update on Towers MHP: Not Registered with DEMHRA.

This was previously discussed.

IX. New Business:

A. Policy & Procedures Manual:

DEMhRA staff is in the process of updating the Policies & Procedures Manual for items that can be addressed that the Board can change without legislative action. One example would be to request the names and addresses of the tenants who are sent rent increase letters. A second example would be to clarify the procedure for rent increase letters. Mr. Crane stated that this is in the code and has to go through legislation to be changed. A draft of this manual will be presented to the Board for a first reading at January's board meeting.

B. CPI-U:

The new CPI-U is 1.456% which was effective November 13, 2020. It has already been posted on the DEMhRA website.

C. Action Items:

Meet with Legislators in January to Update Statute – Pending

Malone's Bayside Marina Sale – Pending. Mr. Sutton will follow-up with Mr. Morton

Towers MHP Not Registered with DEMhRA – Referred to legal counsel

DEMHRA Policies & Procedures – Pending. Will be working on this for January Meeting.

X. Public Comments:

No one from the public attended physically or participated in the Zoom meeting.

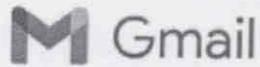
XI. Executive Session: As there were no items to be discussed, the Board did not go into Executive Session.

XII. Next Meeting Date: Adjournment

The Board set the next meeting date as January 28, 2021 at 1:30 p.m.
The meeting was adjourned at 2:40 p.m.

Respectfully submitted,

Gregg Sutton
Executive Director



Lorraine Hrycyshyn <demhraassistant01@gmail.com>

FW: Open Arbitrations

1 message

Gregg Sutton <demhra@gmail.com>

Thu, Jan 28, 2021 at 1:03 PM

To: Lorraine Hrycyshyn <demhraassistant01@gmail.com>

Gregory Sutton, Executive Director

Delaware Manufactured Home Relocation Authority

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From: Jeffrey Young**Sent:** Thursday, January 28, 2021 12:56 PM**To:** Gregg Sutton**Cc:** Christine Gillan**Subject:** Re: Open Arbitrations

Hello, Greg,

We had a pretrial conference yesterday. I dictated a letter to you, which you should get shortly.

We are staying the hearing while the Supreme Court determines some relevant issues. However, the homeowner's counsel wants some issues decided independent of the hearing. Thus, the parties are briefing the authority and capacity to handle legal issues without a full evidentiary hearing. That briefing will be completed by February 12, and I expect to have a decision out a week later.

Thank you,

Jeff

Jeffrey A. Young, Esquire