

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
APRIL 8, 2021
VIRTUAL MEETING
6:30 p.m.**

CALL TO ORDER: Mayor Eric Thompson called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE:

MOMENT OF SILENCE:

ROLL CALL:

MAYOR	ERIC SCOTT THOMPSON	PRESENT
1 ST DISTRICT	MARIANNE SKIPSKI	PRESENT
2 ND DISTRICT	SALLY JENSEN	PRESENT
3 RD DISTRICT	ROBERT KACPERSKI	PRESENT
4 TH DISTRICT	CHARLES MCKEWEN	PRESENT
5 TH DISTRICT	JOANN I. PERSONTI	PRESENT
6 TH DISTRICT	BRIAN HURST	PRESENT

Town Solicitor, James McMackin – Present

Town Manager, John Giles – Present

Chief of Police, Laura Giles – Present

OPENING STATEMENT: Town Clerk, Diana Reed read an opening statement.

PUBLIC COMMENT:

Mr. Edward Zielinski, 1334 Maple Ave, stated that there is a problem with the Town Council which has existed for a number of years and the problem is accountability and transparency. He stated that there are members who are on council to protect their own interests or someone else's, take the landscape contract with Paoli Services why would most on Council be silent when they backed out of the contract in March and why would Council not try to recoup costs for services not performed in a contract that they broke? The former Mayor was hired to work in the Public Works Department, why would that person take such a significant pay cut to take that position? Perhaps they are being groomed for a higher position or more to the situation, which will rear its ugly head in the future. Finally, the Mayor has had his address removed from the Town's website, however the public is still being asked to provide their address to speak for public comment, and it is hypocritical to hide their information yet ask the public to disclose theirs.

Mayor Thompson stated that information on how to contact him is on the Town's website and his address was removed due to his family's safety after he and his family were threatened by a resident of the Town.

Mr. Jeff Zyglar, property owner for the former GM property on Boxwood Road, stated that he was surprised to see his property included in our comprehensive plan for annexation with zero contact from the Town and would like to see it removed. They did not initiate inclusion in the plan and there are implications in their project which would

occur if the annexation were to include. If the Council is unwilling to do that, they would like to see changes to the wording.

Mayor Thompson stated he wanted to clarify that the property was identified as an area of concern, with no intentions of moving forward with annexation at any time in the near future.

Mr. John Bennion, 2 Marvillo Ave, stated he would like to comment on Ordinance 660, stating that he works for the federal government and they need second approval on any purchases over \$5,000.00 and he does not think this is an unrealistic expectation.

Mr. Vincent Shavico, 11 Vilone Road, thanked Chief Giles, stating his son had an interaction with the police department and the whole situation went very well. He stated that he has a problem with the Town Council and seems to be a rubber stamp for the Town Manager and Mayor. He would like to point out Ethics Bulletin 001 from the State Public Integrity Commission dated 11/9/95 and additionally, New Castle County Personnel Policy Dated 7/23/13 on Nepotism. There are entirely too many people in the Town who are in high positions who are related, there is too much money going to the same family. All of the information provided for the FOIA on employee salaries, when you looked at the information and saw the percentages certain people got compared to others. Additionally, it goes against New Castle County Policy and State Policy. The Town can make laws that do not contradict State and County Laws but when they are in violation of all what happens. They are to stop the appearance of impropriety. He supports the police department and does not believe the problem should be addressed in that department.

Mr. Ted Pfirrmann, 113 Ohio Ave, stated it was brought to his attention that at the last council meeting, it was brought up regarding the condition of some of the streets in the second district. He agrees that they need attention. When he was on Council, he agreed to forego arguing for repairs in his district the first round because there were some locations which had more dire need under the agreement that his streets would be addressed in the next phase. The next phase came and went, and they still didn't get addressed, and this continued. It is time that the streets in the second district receive some attention.

Mr. William Rhodunda, echoed the concerns discussed by Mr. Jeff Zyglar regarding the former GM property being included in the Town's Comprehensive Plan for annexation. He asked for a copy of the latest version of Ordinance 660 be forwarded for their review.

Town Solicitor James McMackin stated he would forward it to Kim Hoffman, who can forward it to Mr. Rhodunda.

Mr. Rhodunda asked when the next opportunity to speak on this ordinance?

Mayor Thompson stated that there is an opportunity at the end of this meeting as well as the Third and Final Reading, scheduled for May 13, 2021 where there will be a separate time for public comment on that ordinance specifically.

APPROVAL OF MINUTES:

Minutes of the March 11, 2021 Council Meeting.

ACTION: A motion was made by Councilman Hurst to approve the minutes of the March 11, 2021 Council Meeting with no corrections. The motion was seconded by Councilwoman Personti.

VOTE: 7-0 All-in-favor Motion carried

OLD BUSINESS: None

NEW BUSINESS:

Introduction for First and Second Reading of Ordinance 659:

Councilman Hurst stated this was drafted at his request. He stated that under Chapter 34-8 Emergencies, purchases can be made without Council approval and he thinks it is in the Town's best interest to lower the limit so that Council is more informed on what is going on and ensuring that the Town is getting the best prices possible.

ACTION: A motion was made by Councilman Hurst to approve Ordinance 659 for First and Second Reading. The motion was seconded by Councilwoman Personti.

Councilwoman Personti stated that she believes this will be a good idea because there are a lot of newer members who were not on Council when this limit was lower. It would be good for the Council to get better acquainted with those contracts which are out for bid, especially with two new council members after the election. When she started on Council, it was very helpful to learn about the process by seeing the bids come in. With the changes in the economy, she would like to see more of the contracts go out to bid to see if we can save any money. This change would require additional communication between Council and Management, which is something she believes is needed at this time.

Mayor Thompson asked Councilwoman Personti why it was changed from \$5,000.00 to \$10,000.00 at the time.

Councilwoman Personti stated that she recalled that it was a request by the Town Manager at the time, and Council was comfortable with the issues and understood the processes.

Councilwoman Skipski asked to confirm that if this ordinance passes, anything over \$5,000.00 would need to be advertised in the newspaper and go through the formal bid process.

Town Manager John Giles confirmed that would be the process.

Councilwoman Skipski suggested to possibly do something less formal like over \$5,000.00 would require 3 letter bids prior to contracting but would be less costly and time consuming.

Town Manager John Giles provided some examples of regular costs which exceed \$5,000.00.

- Playground mulch for the dog park and playgrounds is \$5,098.00 and would have to go out to bid.
- Double Storm Drains are approximately \$5,500.00

He further stated that this issue has been discussed on 4 different occasions in the past and it has been increased each time.

- \$1,000.00 set in 1970
- \$2,500.00 set in 1990
- \$5,000.00 set in 2001
- \$10,000.00 set in 2009

A survey of other municipalities showed the following spending limits showing that of the larger municipalities who responded, we have one of the lowest authorized spending limits:

- Newport \$25,000.00
- Cheswold \$5,000.00
- Blades \$2,000.00
- South Bethany \$10,000.00
- Dewey Beach \$2,000.00
- Bethel \$5,000.00
- Millsboro \$50,000.00
- Ocean View \$7,500.00
- Bethany Beach \$25,000.00
- Milford \$50,000.00

Since 2009, the Cost of Living has increased by 22.60% which means prices today are 1.23 times higher than they were in 2009 and a dollar only buys 81.57% of what it could buy in 2009.

Councilman Hurst stated with the Mulch and Storm Sewers that were mentioned, he believes those are items that can be planned and worked up to and are not emergencies and should be able to comply with bid requirements.

Town Manager John Giles stated that there are times where the storm drains cannot wait, when the grate collapses suddenly and causes a hazard to vehicles.

Councilman Hurst stated that he felt that scenario would qualify to be deemed an emergency and could be addressed by the Town Manager and Council informed as written in Chapter 34-8 of the Code.

Councilwoman Personti asked Councilman Hurst if he would be willing to consider Councilwoman Skipski's alternative as a possibility if Council votes against this ordinance.

Councilman Hurst stated that he would always consider other suggestions.

VOTE: 3-4 Motion Defeated

1st District – No, 2nd District – No, 3rd District – Yes, 4th District – No, 5th District – Yes, 6th District – Yes, Mayor – No

Introduction for First and Second Reading of Ordinance 660:

Town Manager John Giles stated that this ordinance is proposed because of a call received from the Governor's office, stating that they would not certify the Comprehensive Plan without the language change proposed in this ordinance regarding annexations. In addition, please note the concerns of the property owner Mr. Jeff Zygler, which were discussed under Public Comment at the beginning of the meeting.

ACTION: A motion was made by Mayor Thompson to approve Ordinance 660 for First and Second Reading. The motion was seconded by Councilwoman Jensen.

Mayor Thompson clarified that in the Comprehensive Planning process, it is made very clear that a municipality may never annex unless an area is addressed in its Comprehensive Plan. While the Town has no intentions of moving forward with any annexations, it was determined to place areas which are contiguous to the Town into the plan as areas of potential annexation. These were not areas the current Council were looking to annex, just areas of future potential. In addition, as pointed out previously, annexation can only occur with property owner input and requests by state law. No property would ever be annexed without prior notice and hearings with the property owners affected.

Councilwoman Personti stated that she finds this situation perplexing because we pay significant money to the University of Delaware to ensure our plan is meeting the requirements and to have something like this come up is shocking. Second, is the City of Wilmington going to be required to place similar wording and revise their Comprehensive Plan to remove the Town of Elsmere considering the Town was not contacted about being in their annexation plan.

VOTE: 7-0 All-in-favor Motion carried

Consideration of a request by the Town Manager for the purchase of a new vehicle and trailer for the Public Works Department.

Town Manager John Giles gave a brief overview, stating that he would like to purchase a new Gas Ford pickup truck and plow package for the Public Works Department at an estimated cost of \$40,000.00 and a used trailer from Paoli Services for the storage and transportation of the Landscape Maintenance equipment, now that the maintenance is being performed by the Public

Works Department. The truck price is using the state bid contract pricing. A new trailer of this size would cost approximately \$8,695.00. The truck is proposed because we have a repeated \$2,000.00 annual replacement cost of an EGR valve on this truck and if we replace the truck now, we can still get a good resale value on it. This request is proposed to be funded from the EPD Salary Line item now that NCC has approved our request for Reimbursement of \$320,000.00 worth of salary in support of the COVID Pandemic, resulting in a significant savings to the Town. He would like approval to purchase the two items at a cost not to exceed \$45,000.00.

Councilman Hurst asked if the proposed truck was new or used because the price seems low.

Town Manager John Giles stated that it is a new truck, and it is low because its on the State Contract Pricing. In addition, it would take at least 12 weeks for delivery.

Councilman Kacperski asked if the department would potentially need 2 new trucks since there were funds available. He stated that he felt that maybe purchasing a second new truck and only run the dump truck for heavy loads.

Town Manager John Giles stated that while it would be nice, it would take his request to \$85,000.00 but there are other expenses he intends to propose and this one vehicle would meet their immediate needs.

ACTION: A motion was made by Councilman Hurst to approve the purchase of a pickup truck and trailer for the Public Works Department with a cost not to exceed \$45,000.00 total. The motion was seconded by Councilman McKewen.

VOTE: 7-0 All-in-favor Motion carried

Consideration of a request by the Police Chief for the purchase of two new vehicles for the Public Safety Department.

Chief Laura Giles gave a brief overview explaining that the department has two vehicles which need to be replaced, both are the Ford Taurus'. She had been having an issue with the 2017 Ford Explorer's, but they recently took them to Willis Ford who finally found the problem and three of the issues were covered under warranty and has had no further issues with them since they were finally diagnosed. She stated that she intends to replace the two Taurus' with a 2021 Chevy Silverado Pickup at an estimated cost of \$35,593.00 plus \$10,494.27 to outfit equipment (total \$46,087.27) and a 2021 Ford Explorer at a cost of \$36,128.00, plus the cost to outfit equipment (total \$44,907.13). She intends to try to fit as much of the older equipment into the new as possible. Therefore, she would like approval to purchase the two vehicles for a total not to exceed \$95,000.00 and to be funded from the EPD Salary Line Item due to the CARES Act savings in that line.

Councilman Hurst asked why the department needs a pickup truck and how it would benefit the department.

Chief Laura Giles stated that it will help with trash pulls, transporting larger evidence and the interior is much larger and the prisoners can still be transported inside. She further stated that a lot of departments are moving into obtaining pickup trucks.

Councilwoman Jensen asked if these would be funded from the same Salary line item from the CARES Act reimbursement.

Mayor Thompson asked if the Chief intends to request another vehicle during the budget.

Chief Laura Giles stated that she does not intend to, however, she is anticipating receiving funds from the Feds, and she will probably purchase another vehicle with those funds to make it 9 vehicles in the fleet.

ACTION: A motion was made by Councilwoman Jensen to approve the purchase of 2 new vehicles for the Public Safety Department with a cost not to exceed \$95,000.00 total. The motion was seconded by Mayor Thompson.

VOTE: 6-1 Motion carried

1st District – Yes, 2nd District – Yes, 3rd District – Yes, 4th District – Yes, 5th District – Yes, 6th District – No, Mayor – Yes

Councilman Hurst noted that he would have approved the purchase of one vehicle, he just didn't agree with purchasing two at this time.

Consideration of contracting with Grant Thornton Public Sector LLC to provide the Town with advice concerning the American Rescue Plan Act (ARP).

Town Manager John Giles stated that the contract is fairly self-explanatory, and they would provide advice and oversight on any expenditures we intend to make using the funds received from the American Rescue Plan Act, which is anticipated to be \$2,600,000.00. In addition, this is the same firm currently contracted by New Castle County to oversee expenses under the CARES Act. He believes they are a sole source type provider and with New Castle County contracting with them it is in the best interest of the Town to also contract with them. Mr. McMackin had a few changes he requested in the contract and they have made those changes with no arguments.

ACTION: A motion was made by Mayor Thompson to contract with Grant Thornton Public Sector LLC. The motion was seconded by Councilwoman Jensen.

VOTE: 7-0 All-in-favor Motion carried

The Mayor and Council will consider appointing the Election Officers and Poll Workers for the 2021 Biennial Elections.

Town Manager John Giles stated he is proposing that the Mayor and Council appoint Ms. Diane Kasowski as the Inspector, Ms. Beth Kloetzer and Mr. Edgar Jones as Judges and Ms. Gwen Coughlin and Ms. Tracy Baker as Clerks.

ACTION: A motion was made by Mayor Thompson to appoint the Election Officers and Poll Workers for the 2021 Biennial Election as presented. The motion was seconded by Councilman McKewen.

VOTE: 7-0 All-in-favor Motion carried

The Mayor and Council will consider returning to in person public meetings as opposed to the virtual and conference call method currently in place.

There was a brief discussion among Council indicating that they did not feel ready to return to in-person meetings and no motion was made to discontinue virtual meetings.

The Mayor and Council will consider setting a date for the Budget Hearings to be held in the month of June 2021.

Town Manager John Giles asked if the Mayor and Council would like a weekend date or a weeknight.

Councilwoman Personti suggested Wednesday, June 2, 2021 at 5:00pm with any necessary follow-up to be held on Thursday, June 10, 2021 at 5:00pm prior to the regular council meeting.

There was a consensus among Council to move forward with these dates.

Councilman Hurst would like to discuss what tasks Paoli Services has provided.

Councilman Hurst stated he would like a follow-up whether he has completed any work.

Town Manager John Giles stated that he has spoken with Domenick Paoli on Tuesday of this week who advised the following:

1. He was not going to advise what had been completed during the month of March 2021.
2. His contract was paid monthly at the request of the Town so that it would not burden the Town by making them pay \$45,000.00 in contract costs at the beginning of the budget year when money was at its leanest.
3. He stated that he performed most (if not all) of his work required by the contract between the month of May and December as he does every year.
4. He advised he performed what he was supposed to and would not be performing any other duties.

Councilman Hurst stated he does not believe we should pay for March since no services were performed.

Mayor Thompson stated he is not sure if the Town can legally withhold payment because we are contractually bound to pay.

Councilwoman Personti asked what responsibility he is held to for breaking the contract early as well as having the potential common knowledge that he has not been performing to the satisfaction of the contract.

Councilwoman Jensen asked what he was required to perform January through March.

Councilman Hurst stated that through November, all Class A parks should be cut weekly. During dormant months, the swales and trees should be cut to 8 foot clearance and replacing mulch in parks.

Councilwoman Jensen asked Town Manager John Giles if the work had been completed.

Town Manager John Giles stated to his knowledge, he has not seen any of that work completed since he provided his notice of termination. He has spoken with the Town Solicitor regarding the Town's options and he may be able to provide further insight.

Councilman McKewen asked what has been completed October to March in prior years.

Town Manager John Giles stated he is not 100% sure. The Public Works Department completes park reports on his performance, so he does not physically inspect it himself.

Councilwoman Jensen asked if we know what Public Works has found on their inspections.

Town Manager John Giles stated that we do have those inspection reports. The Public Works Department has been unclear on whether they have completed the tree trimming because they said he hadn't, and then they came back later and said they had seen his crew out working on the trees.

Councilman Hurst asked during what time period are the park reports completed.

Town Manager John Giles stated that he isn't sure of the date, he believes they stop during the month of December. He asked Town Clerk Diana Reed for confirmation.

Town Clerk Diana Reed stated that she was believed they are completed regularly from April 1 through October 31 and only completed during March and November if the weather allows cutting to begin or continue.

Town Solicitor James McMackin recommended that the Town Manager forward the contract and all pertinent information for review and if necessary, he would recommend an Executive Session be placed on the agenda for the May Council Meeting to discuss. He recommended withholding payment temporarily while his research is conducted.

Councilwoman Personti would like to discuss possible changes to the rental ordinance by requiring the Town to be notified of the names of both the person renting the residence, as well as the occupant of the residence.

Councilwoman Personti gave a brief overview of the situation leading to this discussion by stating that there was a property which was rented by an organization for the purpose of providing a type of transitional housing, and the occupants are changed more frequently than most rentals. In addition, the organization is on the lease agreement and not the occupant, making enforcement for Police and Code Complaints difficult. She asked that Mr. McMackin review the provisions of the rental permit code with this

situation in mind and provide recommendations for any possible revisions which would help with these situations.

Mayor Thompson would like to discuss the removal of the addresses of Mayor and Council from the website and other public domains.

Mayor Thompson explained that this item was originally placed on the agenda in response to an incident where he and his family had been threatened. After consideration, he determined, it is the decision of each individual council member what information they would like provided on the Town's website and he has already requested that his home address be removed, and it has been done.

Councilwoman Personti attempted to ask a question but unfortunately had a connectivity issue.

Councilwoman Skipski stated that she agrees it should be up to each Council person but as long as there are alternative methods to contact the members, the address should not be an issue to remove.

DEPARTMENTAL REPORTS:

Code Enforcement

Town Manager John Giles presented the following items from the written report and asked if there were any questions:

- a. The department issued 67 violations during the month of March. 50 were corrected with a warning, 15 received fines and 2 remained pending at the end of the month. Issued 140 this calendar year.
- b. Issued 7 repeat public nuisance violations and fines, 2 of which were 2nd or Subsequent Offenses.
- c. 8 Properties are registered as vacant.
- d. Requested the Public Works Department complete 2 abatements as a result of violations.
- e. Performed 15 Pre-Rental Inspections.
- f. Processed 28 permits, 13 business licenses (8 Out-of-Town, 5 In Town) and 3 rental permits.
- g. Tagged 14 abandoned vehicles for tow and all were removed prior to being towed.
- h. Members of the Department attended two separate training courses offered by the University of Delaware.

Mayor Thompson asked if there were any questions for Code Enforcement and received none.

Finance

Town Manager John Giles presented the following items from the written report and asked if there were any questions:

- a. The department received \$16,480.50 in transfer taxes for the month. Total received year-to-date is \$227,035.88 and we budgeted to receive \$230,000.00 this fiscal year. The department has already exceeded this budgeted amount during the first week of April 2021.
- b. Issued an RFP for auditing services which are due to be submitted on April 26th.
- c. In March 2020, the Town submitted 16 properties to the Town's Real Estate Attorney for Sheriff Sale. To date, only two properties remain on that list, the other 14 have since complied and paid. Most recently, the Town received \$23,235.45 in delinquent fees and taxes for a property, which the Town filed a sheriff sale and sold to an investor prior to the sheriff sale.
- d. Staff began working to prepare the 2021/2022 budget.
- e. Received \$320,000.00 from New Castle County as reimbursement of Police Salaries under the CARES Act for COVID response.
- f. Under the American Recovery Plan Act, we are in line to receive approximately \$2,600,000.00 in funding to use to address COVID related costs.

Mayor Thompson asked if there were any questions for Finance and received none.

Public Safety

Chief Giles stated the reports were presented to Mayor and Council for review and added the following items:

- a. VAC Fines received were \$17,003.00. YTD is \$170,403.50
- b. Vehicles Towed were 17 bringing in \$1,700.00.
- c. The tribute to Sgt. Young from the Governor as requested by the Bennett Family was held earlier this week and went well.
- d. Wednesday, March 31, 2021 the Police responded to the 900 Block of Kirkwood Hwy for a domestic dispute. While in-route, officers were notified that a male subject was seen pointing a firearm at a female. During the investigation, it was determined that Joseph Wary, 30 years old of the 900 Block of Kirkwood Hwy did assault the female and was charged with aggravated menacing, possession of a firearm during the commission of a felony, possession of a firearm by a person prohibited,

possession of ammunition by a person prohibited, offensive touching, and disorderly conduct. Mr. Wary was incarcerated at the Howard Young Correctional Institute for failing to post \$76,000.00 cash only bail. Detective Sowden was also able to locate additional victims and Mr. Wary will be charged with 6 additional felonies as a result.

- e. February 1, 2021 at approximately 1530 hours, PFC Frey handled an assault involving Joshua Smith, 18 years old, and two unknown white males. These three individuals were engaged in an altercation with the manager at the Laundromat causing injuries. A short time later at 5:00pm Patrolman Rosa handled a criminal mischief complaint in the unit block of Rigdon Road where the defendant was captured on a doorbell camera trespassing on a property, spitting on the front door and pouring water on the doorbell camera. He was arrested without incident and has received a no contact order with the Town of Elsmere and with the Laundromat.
- f. Detective Sowden has identified and signed warrants for an individual who exposed himself to a young woman at Serpe's Bakery on March 24th. We are still looking for that subject.
- g. On Tuesday, April 6, 2021, while conducting property checks in the area of B & O Lane due to several recent thefts of automobile parts, Cpl. Giles observed an open air drug transaction about to take place between Russel Paulus, 38 and Bernard Herman, 39. Defendant Paulus attempted to leave after noticing Cpl. Giles and was detained a short distance away. He was charged with resisting arrest, tampering with physical evidence and possession of heroin. Additionally, he had 2 outstanding warrants from Newport Alderman's Court and Court 11. He was arraigned and released on \$2,500.00 unsecured bond and issued an 11pm curfew. Herman was also arrested for resisting arrest, possession of heroin and an out-of-state fugitive warrant. He was arraigned and committed to Howard Young after waiving extradition to New Jersey.
- h. She reminded Mayor and Council that Friday, April 9, 2021 we will be receiving our accreditation from the Department of Homeland Security. The ceremony will take place at Town Hall and will hopefully be outdoors weather permitting. Following the presentation, there will be a ceremonial swearing-in for Patrolman Rosa where his family can attend.

Mayor Thompson asked if there were any questions for Public Safety and received none.

Public Works

Town Manager John Giles presented the following information from the written report and asked if there were any questions:

- a. The department patched 61 potholes throughout the Town
- b. Removed a large tree which fell across Maple Avenue from the parkland near the bridge.
- c. Removed two handicapped parking spaces on Filbert Avenue and Maple Avenue.

- d. Installed two handicapped parking spaces on Elsmere Blvd and Baltimore Avenue.

Mayor Thompson asked if there were any questions for Public Works and received none.

Town Manager

Town Manager John Giles presented his written report and reminded Council that there are still vacancies on some Board and Committees that still need to be filled and is looking for recommendations from Council.

Mayor Thompson asked if there were any questions for the Town Manager and received none.

Town Manager John Giles stated that we have approximately \$45,000.00 left in funding under the street program that can be used for curb work. If anyone has curb work needed in their districts, please let him know as soon as possible.

PUBLIC COMMENT:

Mr. Vincent Shavico, 11 Vilone Road, stated that he was looking at the Comprehensive Plan regarding annexation and does not support annexation. He feels that the only place to make money which is stated to be the point of annexation would be the Boxwood Road property. The other areas would cost you money to provide services because it is a substantial area. The Town should focus on reducing its current costs not expanding its limits. Stay within the budget and stick to it.

Mr. Kevin Naughton, 1210 Sycamore Avenue, stated that he has brought up in prior years about the certifications and qualifications of the Town Manager and Council stated that they would look into it.

Town Solicitor James McMackin objected to Mr. Naughtons comments saying his comments were inappropriate.

Mayor Thompson stopped Mr. Naughtons comments, stating they were inappropriate.

Mrs. Sharon Burg, 108 Northern Ave, stated that she heard the comments earlier in the meeting, about how her husband was hired in the Public Works Department, but it is none of anyone's business why he chose to take this position.

Mr. Edward Zielinski, 1334 Maple Ave, stated that he was very disappointed that Ordinance 659 was defeated. As stated by Councilman Hurst, the Town Manager would have still had the ability to make emergency purchases, but this ordinance would have added additional oversight on the Town's spending. He was also disappointed that during the last Council Meeting, 5 of 7 Council members voted not to go into an executive session to discuss personnel matters. What is the harm in going into executive session to hear the issues, even if the issue was ultimately not pursued? He commended Councilman Hurst for stepping up and trying to do the right thing for the residents, its

easy to go along with the crowd, its difficult to stand up and do your own thing and wished him luck in the upcoming election.

Mr. Ted Pfirrmann, 113 Ohio Ave, stated that during the beginning of his first term of Council, he had a gentleman come to his home and threaten to harm him in front of his wife and it was reported to the police. It is part of being a public servant, we place ourselves out there for public consumption. He thinks that the more we reduce the ability for a constituent to be able to contact us, it closes off avenues of communication. When he was on Council, he had a number of residents come to his home to discuss issues and they did not contact him via email or other means available, they were more comfortable with actually speaking with him. Having threats made against you is a part of running for office and if you aren't comfortable with that, don't run. It is as simple as that, it is a side effect of putting our names out there.

Mayor Thompson stated that it is interesting that Mr. Pfirrmann approves of people threatening public officials solely because they are a public official. It is one thing to disagree with the issues that are coming before the Town, it is wholly different to threaten someone's life and the life of their family members. It is interesting that he approves of threatening the life of someone and other solely because they donate their time to try to do what is best for their community, it is irreprehensible.

Mr. Pfirrmann stated that no one approved of the attack. His life was threatened, and he didn't run and hide where he lives, and he doesn't believe it is appropriate.

Mr. Jeff Zyglar, stated that he posted a comment in the chat and asked that it be included in the record, the comment was posted on 4/8/2021 at 7:51pm:

"On behalf of Dermody Properties, owner of Tax Parcels 07-042.10-143 and 07-038.40-052 in New Castle County, I continue to object to our property being included in the Town of Elsmere Comprehensive Plan for future annexation. I request that the town manager arrange a meeting prior to the third reading of Ordinance 660 with Dermody representatives to discuss this matter. If Council is unwilling to amend the Town's comprehensive plan to remove our property from areas for future annexation, then I would ask that this amendment before the council be modified to include additional details including, but not limited to adding our present addresses and tax parcel numbers to clearly identify whose explicit consent has to be obtained to move forward with an annexation. Furthermore, it is my understanding that Elsmere's charter only requires a majority of owners in an area to annex a property and not the actual property owner's consent. Obtaining the owner's consent is preferred but not required by the State Planning Office."

Mayor Thompson stated that we can certainly set up a meeting to discuss the this issue to ease any concerns.

Mr. Zyglar further stated that they had an issue on their site today which required police presence and beginning the next day, there will continue to be regular patrols on the site. If the Town were to annex his property, he would have significant concerns about the Town's ability to provide adequate police services if necessary.

Chief Laura Giles stated that while she prays this never happens, even if a significant event were to occur at the property, the Elsmere Police would respond in addition to the State and New Castle County now even without the property being in Elsmere. The same would occur if the property were in Elsmere. Elsmere would respond first, and if additional services were needed for a significant issue, the other agencies would automatically respond as well.

STATEMENTS BY THE MAYOR AND COUNCIL:

Councilman Hurst stated that he wanted to apologize for a misstatement he made at the last council meeting. At the meeting, he stated that the Town had 10 acres of eligible EIA credit for impervious surfaces where in the 2020 report we actually have 22.44 acres, which were eligible for the credit. He asked Mayor Thompson if a report was made to the Police Department regarding the incident he referred to earlier.

Mayor Thompson stated that he did file a report.

Councilman Hurst asked if it was considered to be a viable threat since everyone has their own opinions on those types of situations.

Mayor Thompson stated it was a viable threat or he would not have filed the report. In addition, he made sure to contact Councilman Hurst the following day to notify him so that it didn't also occur to him or his son while they were out campaigning.

Councilman Hurst stated that he did call and thanked him for doing so.

Councilwoman Personti stated that she hopes when we start brainstorming ideas on how to best apply the funds which will be received, that the Town considers hiring a social worker or starting a community center that services not only the youth, but families and the elderly. With the loss of the senior center and recreation center, she has experienced situations where those types of services would help our community and fill the needs of those residents who need some extra help. She doesn't want to see the funds go just to equipment and such for the Town, but something for the residents as well.

ADJOURNMENT:

ACTION: A motion was made by Councilman Hurst to adjourn. The motion was seconded by Councilwoman Personti.

VOTE: 7-0 All-in-favor Motion carried

These minutes summarize the agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio recording of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio recording may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.



ERIC THOMPSON
MAYOR



SALLY JENSEN
SECRETARY