

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
MARCH 10, 2022
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	MARY STEPPI	PRESENT
4 TH DISTRICT	CHARLES MCKEWEN	PRESENT
5 TH DISTRICT	JOANN I. PERSONTI	PRESENT
6 TH DISTRICT	DAWN DIBIASO	PRESENT

Town Solicitor, James McMackin – Present
Town Manager, John Giles – Absent
Chief of Police, Laura Giles – Present
Finance Director, Steven Martin – Absent
Town Clerk, Diana Reed - Present

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Minutes of the February 10, 2022, Council Meeting.

ACTION: A motion was made by Councilwoman Jensen to approve the minutes of the February 10, 2022, Council Meeting with no corrections. The motion was seconded by Councilwoman Skipski.

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

OLD BUSINESS:

Consideration for Third and Final Reading, as well as, Public Hearing of Ordinance 664. An ordinance amending Chapter 98 of the Code of the Town of Elsmere to allow payment plans for certain fines due to the Town of Elsmere Voluntary Assessment Center.

ACTION: A motion was made by Councilman McKewen to approve Ordinance 664 for Third and Final Reading, as well as public hearing. The motion was seconded by Councilwoman Personti.

Councilwoman Steppi stated that she has a concern with the amount that is written that if its less than \$25.00 should it state that its \$24.99 or less would be due immediately.

Councilman McKewen asked what happens if the payment isn't received.

Chief Laura Giles stated that the DMV is notified, and the persons license is suspended.

Town Clerk Diana Reed suggested changing the wording to state \$25.00 or less must be paid upon receipt.

Councilwoman Steppi stated that it would need to be done for each subsequential paragraph in the ordinance.

ACTION: Councilman McKewen withdrew the initial motion and approved ordinance 664 for Third and Final Reading, as well as public hearing with amendments to paragraphs A,B,C,D & E as discussed. The motion was seconded by Councilwoman Personti.

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

Consideration of whether to continue to have police present at the COVID Testing events held monthly at Town Hall.

There was a brief discussion between Mayor, Council and Chief Laura Giles regarding the need for Elsmere Police Officers being present at the Curative Testing events that are held monthly at Town Hall. The decision was made that the officers are no longer needed as the numbers and attendance have dropped drastically.

NEW BUSINESS:

Consideration of a request by the Town Manager to authorize the use of \$6,715.00 from the Long-Term Planning Infrastructure Maintenance Line Item to replace the Town of Elsmere sign in the Median on Kirkwood Hwy and to update the sign at Town Hall.

Town Clerk Diana Reed stated that the current sign that is placed in the median on Kirkwood Hwy and the other outside of Town Hall are deteriorating and outdated. Ad-Craft gave a quote to replace both signs and update the information on the signs.

ACTION: A motion was made by Councilwoman Personti to authorize the use of \$6,715.00 from Long-Term Planning Infrastructure Maintenance Line Item to replace the Town of Elsmere sign in the Median on Kirkwood Hwy and to update the sign at Town Hall. The motion was seconded by Councilman McKewen.

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

Consideration of approving Resolution 22-02. A resolution designating Chestnut Avenue as a “Two Way” roadway between its intersections with Kirkwood Hwy and Ruth Road.

Chief Laura Giles stated that a traffic study was done and was placed at each Councilmembers seat prior to the meeting. She did some research and the resolution that changed this street to a “one way” which was from 30 years ago when Walt’s Deli was located at the corner of Chestnut Ave and Kirkwood Hwy.

ACTION: A motion was made by Councilwoman Personti to approve Resolution 22-02 designating Chestnut Avenue as a “Two Way” roadway between its intersections with Kirkwood Hwy and Ruth Road. The motion was seconded by Councilwoman Steppi.

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

Consideration of approving the issuance of several tributes for the Elsmere Fire Company annual banquet.

Town Clerk Diana Reed stated that there are seven tributes requested by the fire company.

ACTION: A motion was made by Councilwoman Jensen to approve the tributes for the Elsmere Fire Company annual banquet. The motion was seconded by Mayor Thompson.

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

Discussion concerning HB 305 – HA 1 the Delaware Marijuana Control Act and decision on the Town’s position regarding this pending legislation.

Mayor Thompson stated that this is a survey of where municipalities stand as to whether they support or are they opposed to HB 305 – HA 1.

Chief Laura Giles stated that the Police Chief’s Council is not in support of this topic.

There was a brief discussion among Mayor, Council and Chief Laura Giles regarding what the Town of Elsmere’s position and concerns on this matter.

ACTION: A motion was made by Councilwoman DiBiaso to support HB 305 – HA the Delaware Marijuana Control Act. The motion was seconded by Councilwoman Steppi.

VOTE: 5-2 Motion carried

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

5th District – Yes, 6th District – Yes, Mayor – Yes

DEPARTMENTAL REPORTS:

Code Enforcement

Town Clerk Diana Reed gave a brief overview of the Code Enforcement Report and asked if there were any questions.

Councilwoman Jensen asked at what point does a house that is vacant need to be registered as a vacant property.

Town Clerk Diana Reed stated that the Town's Code states that a vacant property must be registered if it is not occupied after 45 days.

No further discussion on this.

Finance

Town Clerk Diana Reed gave a brief overview of the Finance Department Report and asked if there were any questions.

No questions were received.

Public Safety

Chief Laura Giles gave a brief overview of the written report. She also stated she wrote a letter of recommendation for Fight Factory who is applying for a grant. She was also contacted by a lady by the name of Susan Campbell who is a community volunteer engagement specialist for Autism of Delaware and would like to promote awareness. Chief stated that she mentioned some ideas such as ribbons and the Town would be more than willing to support this. Update on 205 Western Avenue is that the judge did not approve the emergency eviction, however, they scheduled to hear the full case in May. She asked if there were any questions.

Councilwoman Jensen asked to be notified of the date of the 205 Western Court Hearing.

There was no further discussion.

Public Works

Town Clerk Diana Reed gave a brief overview of the Public Works Department Report and stated that the replacement slide that was ordered April 2021 has been received and installed as of today. She asked if there were any questions.

Mayor Thompson asked if the mowing and maintenance of the grass was feasible to be completed by the Public Works Department.

Supervisor Anthony Gaines stated that it was not due to the department being understaffed.

Mayor Thompson asked if the department was fully staffed would it be possible to complete the lawn maintenance.

Supervisor Anthony Gaines stated that if they were fully staff, they would be able to complete the lawn maintenance however there are no applicants and its hard to get those vacant positions filled.

Councilwoman Steppi asked how many staff members does the department currently have?

Supervisor Anthony Gaines stated there are three full-time staff members in the department at this time and there is one full-time and one part-time position open.

Councilwoman DiBiaso asked if a motion could be made tonight to have an RFP go out for the grass cutting.

Town Solicitor McMackin stated that if it just arose at the meeting and it can't be deferred to the next meeting due to the time constraints regarding the grass cutting season it would need to be determined by Council.

Councilwoman DiBiaso stated that given the circumstances this matter should not be deferred and a decision should be made at this evening meeting.

At this time there was no further discussion on this topic.

Town Manager

Town Clerk Diana Reed stated at this time the Town continues to have Committee vacancies and is concerned with the Board of Elections Committee as it has two vacancies. She stated that the Easter Egg Hunt is scheduled for Saturday, April 9th at 1:00 PM and a notice was received late this afternoon to postpone the Food Pantry for this Saturday due to the weather that was forecasted. The postponed date would be for Saturday, March 26th at Maple Park due to the Curative Trailer being at Town Hall on that same day, in addition the Food Bank have confirmed the date for April, which is scheduled for Tuesday, April 12th.

Councilwoman Steppi asked if the times of the Food Pantry would be the same.

Town Clerk Diana Reed stated it would be the same time which is 11:00am – 1:00pm.

Town Clerk Diana Reed stated that there was an update on the ARPA Funds that expanded the Stormwater allowances to remove the water quality requirements

which gives the Town the ability to do simple drainage pipe replacements. They have also added in the revenue loss section a standard allowance to allow all government agencies to request revenue loss up to \$10 million dollars. Barnes Thornburg, who is the legal counsel, did give a written opinion that even though the Town did not lose revenue the Town can claim this loss and can unrestrict the Town funds to include provision of all government services.

Councilwoman Personti asked how that is reported.

Town Clerk Diana Reed stated that on the reporting form has been amended to check the standard allowance box. There is no documentation required.

Mayor Thompson asked if there was a deadline to decide?

Town Clerk Diana Reed stated that there was not a deadline to decide.

There was a brief discussion between Mayor, Council and Town Clerk on this topic on why this standard allowance was amended.

Town Clerk Diana Reed stated that she received an email this afternoon from the Department of Elections asking to have the contract signed to permit the use of Town Hall for the Primary Election on September 13, 2022, and General Election Day on November 8, 2022, as a polling place, the deadline to submit this contract is March 31, 2022, which is prior to the next scheduled Council Meeting.

There was no further discussion.

Councilwoman DiBiaso stated that for reasons discussed the issue of a supplemental mowing contract arose at this meeting and cannot be deferred.

ACTION A motion was made by Councilwoman DiBiaso to amend the agenda to add discussion and possible action to issue an RFP for mowing services. The motion was seconded by Councilwoman Personti.

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

Councilwoman DiBiaso stated that given the prior discussion and the fact that the Public Works Department does not have the staff member to complete the lawn care this season she is requesting an RFP for a mowing contract go out for public bid.

ACTION A motion was made by Councilwoman DiBiaso to have an RFP created for the Mowing and Landscaping for the Town. The motion was seconded by Councilman McKewen.

Councilwoman Jensen stated she understands that an RFP must go out however shouldn't there be a motion on having the mowing started in April since the season is approaching.

Town Clerk Diana Reed stated that a decision cannot be made until the bids are received.

Mayor Thompson stated that the Town Manager has discretion under an allotted amount and does not believe that for one months mowing service would exceed that amount.

Councilwoman Steppi stated that she has concerns regarding the medians on Kirkwood Hwy, with weeding and spreading new mulch. She asked if that was something that the Public Works Department was going to be completing.

Supervisor Anthony Gaines stated that it is on the schedule to start those areas in removing the weeds and removing the litter.

Councilwoman Jensen stated that she believes this is two separate issues and the landscape maintenance that Councilwoman DiBiaso made the motion on should be finished and then move on to the next issue.

Town Clerk Diana Reed asked if this was being wrapped into one RFP.

Councilwoman Jensen asked if it was two separate contracts in the past.

Town Clerk Diana Reed stated that it was two contracts and the medians were always taken care of by Lawns & Moore.

Councilwoman Steppi stated that she believes that the mowing and landscape maintenance should be wrapped together.

Town Clerk Diana Reed asked does the Town want the Public Works Department to do the seasonal planting and wrap the maintenance of the medians and landscaping of the town into the RFP.

ACTION Councilwoman DiBiaso would like to amend the motion as stated above to have an RFP created for the Mowing and Landscaping for the Town to request an RFP for a mowing and maintenance for the landscaping for the Town. The motion was seconded by Councilman McKewen.

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

Town Clerk Diana Reed asked if the RFP should include redesigning the medians or simply maintaining what is already there.

Mayor Thompson stated that the RFP should include from beginning to end of the landscaping and maintenance.

Councilwoman DiBiaso stated it should be for planting and maintaining of the landscaping.

Town Clerk Diana Reed stated that the bidders are going to want specifics on what the Town wants regarding the planting which needs to be specified in the RFP.

Councilwoman Jensen suggested that the bidders give ideas on what they think should be planted as council is not the experts on these types of things and direct them on examples such as the area around Serpe's.

There was a brief discussion between Mayor, Council and Town Clerk on process of awarding of the bids and that it would be presented to Council to award a bid at the April Council Meeting.

There was no further discussion.

Mayor Thompson stated that an e-mail was received from the Department of Elections and that a decision must be made by March 31st which is prior to the next Council meeting to approve the dates for the Department of Elections to use Town Hall for the Primary and General Elections.

ACTION A motion was made by Mayor Thompson to amend the agenda to add this discussion for the reasons stated. The motion was seconded by Councilwoman DiBiaso.

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

ACTION A motion was made by Mayor Thompson allow the Department of Election to utilize Town Hall as a polling place for the Primary Election on September 13, 2022, and General Election on November 8, 2022. The motion was seconded by Councilwoman Skipski.

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

PUBLIC COMMENT:

None

STATEMENTS BY THE MAYOR AND COUNCIL:

District 2 – Councilwoman Jensen stated that the park group had a few meetings and based on their last meeting they have prepared their recommendations for council and Town Staff to review. She will pass out the report at the end of tonight's Council meeting and have a month to discuss and she asked to have this on the April Council agenda for discussion.

District 3 – Councilwoman Steppi stated that given the condition of the parks and today's economy she does not feel that there should be a fee to reserve a park. Her recommendation would be to require the permit application to reserve a specific park but waive the fee. She would like to discuss this at the next Council meeting.

District 5 – Councilwoman Personti stated that she would like an update on the sink hole on Spruce Avenue and a sanitary sewer repair on Matti Avenue. The last update she had was in an email from 2019 and another one for Matti Avenue from August 2021 stating that the county was delaying the completion of these projects because there were about 20 patches in the Town limits that they want to combine into one contract. She believes that the Town needs to keep an eye on this.

Town Clerk Diana Reed stated that the Code Enforcement Department has the list of locations.

Councilwoman Personti requested the list project locations for New Castle County be forwarded to Council. She wanted all councilmembers to be aware of these locations. She would also like an update on Spruce Avenue and Matti Avenue as well.

Town Clerk Diana Reed stated that the one on Spruce is on the list, but she is unsure about Matti Avenue. The 20 locations that are on the list, New Castle County has accepted responsibility and the locations have been numbered and it's been put out to bid but there hasn't been an update since then.

District 6 – Councilwoman DiBiaso stated that she was approached by several residents voicing concerns about the property at 707 New Road also known as Dr. Lee's Office. She would like to know if someone can get back to her regarding what could possibly become of this location.

Mayor Thompson stated that its up for sale.

Councilwoman DiBiaso stated that its pending and she believes there is a contract on this property.

Town Clerk Diana Reed stated that its zoned Residential, however the new zoning in the Comprehensive Plan states that it will become mixed use. This property does have a variance to be a doctor's office

Councilwoman Jensen asked if the variance stays with the property.

Town Clerk Diana Reed stated yes, variances stay with the property.

Councilwoman Personti asked if it was a variance instead or legal non-conforming.

Town Clerk Diana Reed stated that it was her understanding that it was a variance, however she could be wrong.

There was a brief discussion among Mayor, Council and Town Clerk regarding the concerns at this property.

No further discussion.

Mayor - Mayor Thompson stated that he knows we are going to get information on the parks and what that group has been working on, Council should start thinking about a timeline. He reminded everyone about the ordinance procedures and making sure an email goes out to Council to be aware and have more time to prepared and be able to discuss at the meeting. He stated that the tributes will need to be taken to the March 19th Fire Company Banquet.

Chief Laura Giles asked if Mayor Thompson was going to present them at the Banquet.

Mayor Thompson stated that he would be out of town and not able to attend the banquet this year.

Chief Laura Giles stated that she was going to ask Lieutenant Gregg Shelton to attend and take the tributes to the banquet.

No further discussion.

ADJOURNMENT:

ACTION A motion was made by Councilwoman Jensen 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**