

**TOWN OF ELSMERE  
BOARD OF ADJUSTMENT  
MEETING MINUTES**

**March 22, 2022**

**6:30 P.M.**

**PLEDGE OF ALLEGIANCE:**

**CALL TO ORDER:**

**ROLL CALL:**

CHAIRMAN	JAMES PERSONTI	PRESENT
BOARD MEMBER	JOHN ACTON	ABSENT
BOARD MEMBER	PATRICIA BOYD	PRESENT
BOARD MEMBER	RON RUSSO	PRESENT
BOARD MEMBER	JOHN SMITH	PRESENT
Code Enforcement Officer, Nicole Nabb – Present		
Code Enforcement Officer, Scott Allen - Present		

**PUBLIC COMMENT:**                      None

**APPROVAL OF MINUTES:**

Minutes from the January 25, 2022, Board of Adjustment Meeting

**ACTION:** Board Member Russo made a motion to approve the minutes from the January 25, 2022, Board of Adjustment meeting with no corrections. Board Member Smith seconded the motion.

**VOTE:**                      4 in favor 1 Absent                      Motion carried

**OLD BUSINESS:**                      None

**OPENING STATEMENT:**

Administrative Assistant for the Code Department Denise Lardani read the opening statement.

**NEW BUSINESS:**

Review Petition 22-01 Tax Parcel # 19-00200-147

Lillian Nichols, owner of the Property, spoke on her own behalf as the Appellant, Elsmere Code Enforcement Officer Scott Allen represented the Town as Appellee.

Prior to hearing any testimony, all witnesses who are expected to testify were sworn in by Chairman James Personti.

The Appellant was asked to provide an opening statement. In her statement she informed the Board of Adjustment that she has been working diligently to keep the property citation free and she does not believe that her property is considered a Public Nuisance. The citations that have been issued to her property were corrected immediately. The last citation received was for a broken window that neither her tenant nor her knew about. She was just at the property a few days ago and it was not broken.

Lillian Nichols stated she understands the Code Enforcement Officers have a job to do and is happy for them doing their job and trying to keep the Town clean. She is aware that the tenant who has received the citation is a little challenging.

Commissioner Boyd asked the Appellant if she still has the same tenants in the property.

Lillian Nichols stated that she is working with the State of Delaware to receive relief from the State programs.

Commissioner Smith asked the Appellant if she was the Management Company for the property and the person in charge of the maintenance on the property.

Ms. Nichols responded that yes, she is, and she hired a grass cutting service to cut the grass and that last year she struggled with them cutting this yard and there is no repercussion for them not cutting it. Due to her being a small company they appeared to not be worried about the smaller companies. This created a high grass and weeds violation for this property.

Commissioner Smith asked if the property was current on the payment of fines for the property.

Code Officer Allen responded that the violations have all been corrected before the fines have been issued and that the property has no outstanding fines.

Chairman Personti asked if there were any questions from the Board Members.

Board Member Russo stated that the Board must represent the Town. The Code Department has a responsibility to the Town and to do its job.

Board Member Russo has suggested that there needs to be a review of the procedures of the Public Nuisance fine and done on a case-by-case basis instead of an automatic \$1,000 fine being assessed.

Code Enforcement Officer Allen said that on behalf of the Town we do not believe this property is considered a Public Nuisance.

Chairman Personti asked if there was any public comment regarding Petition 22-01 and received none.

**ACTION:** Board Member Russo made a motion to approve Petition 22-01 and waive the \$1,000.00 fine. Board member Smith seconded the motion.

**VOTE:** 4 in favor and 1 absent Motion carried

**ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:** None

**PUBLIC COMMENT:** None

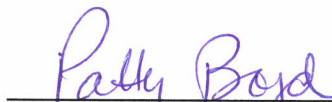
**ADJOURNMENT:**

**ACTION:** Board Member Russo made a motion to adjourn. Board Member Boyd seconded the motion.

**VOTE:** 4 in favor 1 absent Motion carried

These minutes summarize the agenda items and other issues discussed at the March 22, 2022, Board of Adjustment meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

  
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**JAMES PERSONTI, CHAIRMAN**

  
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**PATTY BOYD, SECRETARY**