

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES**

June 9, 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 – Present

Chief of Police, Laura Giles – Present

Finance Director, Steven Martin – Present

Town Clerk, Diana Reed - Present

Finance Committee Paul Chalfant – Absent

Finance Committee Ronald Russo – Absent

Finance Committee Steveni Keeley – Absent

PUBLIC COMMENT:

Cathy Jones, 22 Alfred Ave. – Stated that she would like to express her disappointment in the situation that occurred at another residence on Olga Road who did have a permit to do construction work. The resident that lives at this location also own's Marshall Construction. While doing the work at this location the company parked their trailer in front of her property without being attached to any vehicle as well as in front of a residence on Richard Ave along with 2 large piles of stone. She stated that she called Code Enforcement, however they were unable do anything during the workday, but they are not allowed to park there overnight. If they do, Code Enforcement instructed her to call the non-emergency police number, which they provided to Mrs. Jones. Mrs. Jones stated that when she went to call the non-emergency number later that evening, she learned that there was a shooting in the area and struggled with the idea of having to pull a police officer off that scene to attend to her matter, however because she was instructed to call that is what she did. An Elsmere police office did come out and did give Mrs. Jones a call with a follow up report and let her know they would be advising Code Enforcement of the situation. She stated that she emailed the Code Officer, the Chief and her Councilperson to advise, once the work was completed. Chief Giles stated that the equipment would be permitted to stay until the work was completed. Mrs. Jones was also

advised that the equipment was going to be moved to Vilone Park in the evenings, however it was not. She stated that she is thankful for the quick response of Code Officer Facciolo, Chief Giles, Councilwoman DiBiasco and the Police Officer that was involved, however she is asking for consistency. Is this a violation of the Code, or isn't it? She feels that if the resident that was doing to work would have made the neighbors aware of this project all this emotion would have been avoided. She stated that this specific person busted out the window of a truck that was parked in front of their house. She feels that no one in this room would have wanted this in front of their home. She stated that the flatbed trailer was removed today, and the two piles of stone has been removed, however the trailer that has no vehicle attached to it is still taking up the whole side of Olga Road in that area.

There was no further discussion.

Ann Gawel, 30 Richard Ave. – She stated that she would like to comment on the same situation as the previous resident. She stated that the dual wheel truck parks on the street, which is deemed a commercial vehicle, he does live there. She has lived here for 30 years, and these vehicles are taking up more and more space and creating a safety issue. It is very hard to cross the street because these vehicles park so close to the stop signs and vehicles driving down the road don't see the signs. She stated that about 15-20 years ago, her husband worked for an employer that provided a company vehicle which he parked out front. He came home to a parking violation placed on the front door stating that a commercial vehicle can not be parked there and would need to be moved to another location such as B & O Lane, which he complied with and had to pay private storage fees. She would like to know what has changed. There are four landscapers on Richard Ave, which is fine to have a business, however the commercial vehicles should be stored somewhere else and not in a residential area. She commutes to Maryland every day and drives through other municipalities and doesn't see these types of situations. She stated that its not fair to residents that live there. She also has a concern with the speeding, and that the police presence is not there like it used to be. She understands that times have changed, however at the same time, she feels that people are not doing their jobs. She believes as a taxpayer she is paying for it, and something needs to be done.

Councilwoman Personti stated there was a change in the code allowing certain commercial vehicles to park in residential areas.

Ms. Gawel asked that now a tractor trailer could be parked in residential areas?

Councilwoman Personti stated no, not a tractor trailer, however there was an ordinance passed to permit work vehicles not tractor trailers to be parked in residential areas. She stated that maybe this is something that needs to be revisited.

Ms. Gawel stated that along with the vehicle there is a trailer which is taking up two spaces in front of a home and they are commercial vehicles. She does understand work vehicles but to have the trailers that are large should be prohibited, and Marshall Construction is one of them.

Chief Giles stated that they were attempting to handle the situation neighborly by asking them to move the commercial vehicles overnight.

Mayor Thompson asked does the current ordinance allow for these landscaping vehicles to be parked in a residential area.

There was a brief discussion between Mayor and Council regarding whether or not those types of vehicles were permitted to be parked in such area and that this issue may need to be revisited.

No further discussion.

APPROVAL OF MINUTES:

Minutes of the May 12, 2022, Council Meeting.

ACTION: A motion was made by Councilwoman Jensen to approve the minutes of the May 12, 2022, Council Meeting with no corrections. The motion was seconded by Councilwoman Skipski.

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

OLD BUSINESS:

None

NEW BUSINESS:

Consideration of a request by the Town Manager to increase the Contributions Line Item in the FY 2021 – 2022 Budget in the amount of \$10,000.00, bringing the total of this line item to \$20,000.00. The funds for this would come from the Town’s General Fund.

Town Manager John Giles stated that this is in relation to the donation to the Elsmere Fire Company. He thought that because there was a motion to increase the donation to \$20,000.00 that was sufficient for the auditors, however he was told that it wasn’t. He would like to request the line be increased to \$20,000.00.

ACTION: A motion was made by Mayor Thompson to increase the Contributions Line Item in the FY 2021 – 2022 Budget in the amount of \$10,000.00 bringing it to a total amount of \$20,000.00. The motion was seconded by Councilwoman Skipski.

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

The Town Manager will present to the Mayor and Council, as well as, Finance Committee the Fiscal Year 2022 – 2023 Revenue, Operating and Capital Improvement budgets for review, comment, and approval.

Town Manager John Giles gave the following opening overview of the proposed budget:

What the FY 2022 – 2023 Budget Does:

General:

1. The "Long Term Planning" budget which is part of this operating budget is based upon the following.
 - a. The funds allocated to this department and its sub-categories shall be placed into the "Towns Long Term Planning Account".
 - b. Expenditures from any of the sub-categories would require specific approval from the Mayor and Council.
 - c. These line items would not be considered capital items and would require the approval of a simple majority of the Mayor and Council for expenditures from the line items.
 - d. Any funds remaining in these line items at the end of the fiscal year will remain in the line item and be carried over into the next fiscal year. Any remaining amount will not be included as a part of the accumulated surplus of any fiscal year.
2. In addition to the amount budgeted for the "ORIGINAL POLICE PENSION PLAN ALLOCATION" the amount received from the State of Delaware shall be combined with the budgeted amount and be deposited in that pension plans assets.

Finance Department:

The Town Manager is authorized without the prior approval of the Mayor and Council to direct the Finance Department to create additional line item(s) when he deems such action necessary or required in order to properly and accurately account for and report the financial activity and position of the Town, provided doing so will not increase or decrease any amount approved by the Mayor and Council in this budget. This section shall not apply to the Department of Public Safety.

Public Safety Department Funding Source:

1. In accordance with Title 22, Section 1601 (c) of the Delaware Code, the primary funding source for the Public Safety Department's approved Operating cost shall be the revenues realized by the collection of the Town of Elsmere's Realty Transfer Taxes. Should these funds be depleted the remaining approved expenses shall be funded out of the Town's General or other funds.

Noteworthy Items:

1. This budget is fully balanced.
2. This budget compensates for the \$92,568.00 general fund commitment from the last fiscal year and does not include a general fund commitment for this fiscal year.
3. This budget includes a 3% increase for all employees.
4. This budget creates an entirely new department for the Town's Voluntary Assessment Center.
5. This budget outsources Landscape and Median Maintenance costs instead of being completed in-house.
6. This budget continues to fund the Town's various public events (weather permitting).
7. This budget continues to fund the long-term planning line items which help offset large costs.

Mayor Thompson asked whether the employee increase was going to be based on the employees' evaluation?

Town Manager stated that yes, the employee increase will be based upon the employee's individual evaluation and could be up to a 3% salary increase.

Mayor Thompson asked if there were any questions regarding the Revenue Budget?

Councilwoman Personti stated that the only concern she had was for the projection for Transfer Taxes, considering on a national basis the interest rate and housing sales are being impacted and was wondering what the income was this fiscal year.

Finance Director Martin stated that the income for Transfer Tax was \$540,000.00. Which was well over what was budgeted for this fiscal year. He stated that he does realize that the income moving forward may decrease but believes it will not impact what is budgeted for this coming fiscal year.

Councilwoman Personti stated that she was not comfortable with the budgeted amount, but hopefully it will work out.

Mayor Thompson stated that the budgeted amount of \$350,000.00 is what has been brought in over the past three years.

Mayor Thompson asked if there were any questions regarding the Administration Department Budget.

There were no other questions for the Administration Budget.

Mayor Thompson asked if there were any questions regarding the Code Enforcement Budget.

Mayor Thompson asked that the decrease in insurance premiums is a result of the \$23,000.00 credit approved to be used toward the premiums this year.

Town Manager John Giles stated that is correct.

Mayor Thompson stated so those costs will decrease next year.

Town Manager John Giles stated that is correct.

Councilwoman Steppi inquired about the vacant property line item and whether or not they are reported or how it is determined a property is vacant.

Town Manager John Giles stated that historically they are not reported. The Code Department determines those vacant properties.

Councilwoman Steppi asked if there was a fine if the properties are not registered?

Town Manager John Giles stated that yes, they are supposed to register however that's not always the case.

Councilwoman Steppi asked if there was a better way to collect these fees.

There was no further discussion.

Mayor Thompson asked if there were any questions or concerns regarding the Council Operations Budget.

Councilwoman Personti asked if anyone requested any reimbursements from the Council Reimbursements line item.

Both Mayor and Council stated they have not.

Mayor Thompson asked if there were any questions regarding the Finance Department Budget.

There were no questions for the Finance Budget.

Mayor Thompson asked if there were any questions or concerns regarding the Long-Term Planning Budget.

There were no other questions regarding Long-Term Planning Budget.

Mayor Thompson asked if there were any questions regarding the NPDES Compliance Budget.

There were no questions regarding the NPDES Compliance Budget.

Mayor Thompson asked if there were any questions regarding the Parks and Recreation Budget.

Councilwoman Personti stated that she noticed that the Fall Festival was in the budget however was the Halloween Spooktacular removed from the events?

Town Manager John Giles stated that he believed it was budgeted for.

Councilwoman Personti stated that she believes that this event was popular with the younger children but did not see it listed under the events.

Mayor Thompson stated that if we could figure out what the cost is of this event, he is in contact with a company to sponsor an event in Town and still have this event without it impacting the budget.

Town Manager John Giles stated that we would get that information.

Councilwoman Personti stated that this could be scheduled for October 28, 2022, which would be the Friday before Halloween.

There was a brief discussion between Mayor, Council and Town Manager John Giles regarding the Halloween Spooktacular and scheduling of this event and looking to add this event back into the schedule of events.

Councilwoman Steppi asked with the fuel prices rising and the contracted landscaping, was there any discussion in them coming back to raise prices.

Town Manager John Giles stated that the contract incorporates for those prices however he can't guarantee they won't come back to re-negotiate.

There were no other questions regarding Parks and Recreation Budget.

Mayor Thompson asked if there were any questions or concerns regarding the Public Safety Budget.

Mayor Thompson asked about the fine revenue line item and if they are comfortable with what was budgeted for.

Chief Laura Giles stated yes, and year-to-date they are already at \$268,000.00. She is very comfortable.

There were no other questions for the Public Safety Budget.

Mayor Thompson asked if there were any questions or concerns regarding the Public Works Budget.

Councilwoman Skipski stated that there were no landfill fees budgeted.

Town Manager John Giles stated that is correct.

There were no other questions regarding the Public Works Budget.

Mayor Thompson asked if there were any questions or concerns regarding the Public Works Sanitation Budget.

Councilwoman Personti stated that she does see that landfill fee's have been unexpended for several years, however should it really be eliminated, its not a large amount and she wondered if it should be kept in the budget.

Councilwoman Steppi asked why it was changed from \$1,500.00 to zero instead of a few hundred dollars.

Town Manager John Giles stated that it could have easily been dropped because it's so insignificant.

Councilwoman Personti stated that when Public Works completes abatements how are those items disposed of.

Town Manager John Giles stated that Public Works takes the items to the landfill however whatever charges are incurred are billed to the homeowner. If there are items that are dumped somewhere, and the department has to dispose of we would incur those costs so keeping that line item at \$500.00 wouldn't be a bad idea.

ACTION: A motion was made by Councilwoman Personti to amend the landfill fees line item 3-01-05-43-2230-000 by increasing that line item to \$500.00. The motion was seconded by Councilwoman Skipski.

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

There were no other questions regarding the Public Works Sanitation Budget.

Mayor Thompson asked if there were any questions or concerns regarding the Voluntary Assessment Center Budget.

There were no questions regarding the Voluntary Assessment Center Budget.

Mayor Thompson asked if there were any questions or concerns regarding the Capital Budget.

Mayor Thompson stated that there needs to be \$500.00 in revenue to offset the \$500.00 added to the landfill fees to balance the budget.

Town Manager John Giles stated that could increase the Police Fines Line Item.

ACTION: A motion was made by Councilwoman DiBiasco to approve the 2022 – 2023 Fiscal Year Budget as discussed. The motion was seconded by Councilman McKewen.

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

Consideration of approving Resolution 22-03. A Resolution setting the municipal tax rates for the Fiscal Year 2022-2023.

ACTION: A motion was made by Councilwoman Personti municipal tax rate for fiscal year 2022 - 2023. The motion was seconded by Councilwoman Jensen.

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

Consideration of approving Resolution 22-04. A Resolution adopting the New Castle County Property Tax Assessments for the use of the Town of Elsmere for its 2022 – 2023 Fiscal Year.

ACTION: A motion was made by Councilwoman Personti to approve the New Castle County Property Tax Assessments for the use of the Town of Elsmere for its 2022 – 2023 fiscal year. The motion was seconded by Councilwoman Skipski.

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

Consideration of renewing the Town’s NPDES Compliance contract with KCI Technologies which will expire on June 30, 2022. This contract is over \$10,000.00; however, we are requesting to renew the contract without a bid process under Chapter 34-5(J)(6) as the contract was bid by the State of Delaware (DelDOT) and the Town would be contracting with the same firm for the same services.

ACTION: A motion was made by Mayor Thompson to approve the renewal of the KCI Technologies Contract. The motion was seconded by Councilwoman Skipski.

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

Consideration of awarding a contract in response to RFP 22-02 for Playground Revitalization and Park Renovations. Any contract awarded would be funded using the Town’s ARPA Funds.

Town Manager John Giles stated that there were eight companies that picked up the RFP, however there was one company that responded with a bid of \$775,000.00.

Mayor Thompson asked if anyone reached out to find out why there was no response?

Town Manager John Giles stated that he reached out to Miracle Playground, and they stated that it was very technically written, so they thought they wouldn’t get it, so they didn’t bid.

Finance Director Martin stated that one company stated they didn’t have the work force to complete the project, and another stated that they thought the landscaping was included in the bid however that is not their line of work, so they didn’t submit their bid.

Councilwoman DiBiaso inquired about the information regarding Town Clerk Diana Reed’s proposal.

Town Manager John Giles stated that Diana’s proposal is based on purchasing what the Town was looking for through State contract. He referred to Diana to further explain.

Town Clerk Diana Reed stated that is correct with the exception of the landscaping. The Town would contract with the Town’s current landscaper for Bryan Martin Park and Junction Park. She believes that the Bark Park may need to go out to bid with it being a much larger project as far as the landscaping goes.

Town Manager John Giles stated that he would like to know if it would need to go back out to bid due to the fact there was no response from the initial RFP.

There was a discussion between Mayor, Council, Town Manager John Giles regarding the proposals and that the Global Playground bid is overpriced, and it makes sense to go with the State Contract that Diana proposed minus the landscaping.

Councilwoman DiBiasco stated that she personally would have liked more information from Global due to the fact they only gave an overall price per park rather than breaking it down as to what they are putting in each park and that there was no time frame as to when they would have this project accomplished.

Councilwoman Jensen stated that Global did not state what stations they would be using for the Walking Trail. She stated that maybe the park group could meet again to get more information.

Councilwoman Steppi stated that the proposal that was submitted by Global was too vague and unclear of what the Town would receive for the cost that was provided.

Town Manager John Giles asked how should the Town proceed with this project?

Councilwoman Jensen stated that she would like to see more itemization.

Councilwoman DiBiasco stated she would like to see more detail and a time frame of when this can be completed.

Town Clerk Diana Reed stated that her proposal is not a formal request, this is straight from the state website and state contract.

Councilwoman DiBiasco stated that she agrees that another parks group meeting should be scheduled to discuss.

Mayor Thompson stated that he is under the understanding that the park group is going to meet to discuss the proposal that Town Clerk Diana provided.

Town Manager John Giles stated that he will reach out to Global Playground stating we would like a response within three weeks with more detail on the bid they provided, as well as a detailed bid from the state contract proposal that Diana provided.

Consideration of approving a Special Event Permit Application submitted by Corpus Christi Church.

Town Manager John Giles stated that there was a permit submitted by Corpus Christi to have a procession from Corpus Christi Church through Vilone Village and back to Corpus Christ Church.

ACTION: A motion was made by Councilwoman Skipski to approve the special event permit submitted by Corpus Christi Church and to waive the fee of \$100.00. The motion was seconded by Councilwoman Steppi.

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

DEPARTMENTAL REPORTS:

Code Enforcement

Town Manager John Giles gave a brief overview of the Code Enforcement Report. He asked if there were any questions.

- a. The department issued 103 violations during the month, 71 were corrected without fine, 30 were issued fines and 2 remained pending at the end of the month.
- b. 6 properties were deemed to be public nuisances, of those, 3 were for a 2nd or Subsequent Offense.
- c. Requested the Public Works Department to complete 7 abatements as a result of violations issued.
- d. Completed 14 pre-rental inspections.
- e. Processed 42 permit applications, 21 business licenses and 7 Rental licenses.
- f. Both Code Officers attended a training in Alabama and Officer Nicole Facciolo received her Property Maintenance and Housing Inspector Certification.

No questions were received.

Finance

Town Manager John Giles gave a brief overview of the Finance Department Report. He asked if there were any questions.

- a. Property Tax Revenue through 05/31/22 was \$2,363,946.45 this is 98.4% of the annual billing.
- b. Transfer Tax received during the month of May was \$40,188.18, total YTD was \$509,791.67
- c. Initiated wire transfer from Long Term Planning to fund pension.
- d. Inform the Code Department about pass due open invoices.
- e. Prepare documents to be sent to archive.
- f. Held a pre-audit meeting to develop scheduling of annual audit.
- g. Set-up accounts for a new Speed Enforcement grant for EPD.
- h. Notified Strategic Insurance Partner that Elsmere Town Council elected to use the return premium to reduce the 2022 / 20223 premium.
- i. Assisted with the 2022 – 2023 Budget preparation.
- j. Reached out several recreational contactors about participating the Town Playground RFP.
- k. Continue work on Senior property tax discount.

No questions were received.

Public Safety

Chief Laura Giles gave a brief overview of the written report. She also stated that the Police Department purchased a choking device call life vac. All employees were trained in how to use. She stated that starting June 10, 2022, she will be out on medical leave and Lt. Shelton will be in charge while she is out. She asked if there were any questions.

No questions were received.

Public Works

Town Manager John Giles gave a brief overview of the Public Works Department Report and stated that this month's report is extensive and in there packets for their review. He asked if there were any questions.

- a. The department filled potholes throughout the Town.
- b. Completed street sweeping in all districts throughout Town.
- c. Replaced 4 Stop Signs.
- d. Coordinated Tree Inc. to remove a dead tree in fairgrounds park.

Town Manager

Town Manager John Giles stated the following. He asked if there were any questions.

- a. The Stormwater infrastructure study update, we met with KCI, and they have completed their onsite wet visit and located 13 known locations. Their goal is to be completed by the end of August 2022.
- b. Delaware Lawn reported they will be starting construction on the median re-design project late this week.
- c. Voluntary Assessment Income Report for May 2022.
- d. Outdoor Recreation, Parks & Trails Grant – Applied for \$250,000.00
- e. Title 22 funds can be used for the Police Department and Public Works Department for Capital and Infrastructure Projects.

Mayor Thompson asked that by the end of the summer KCI will know what the projects are to be completed?

Town Manager John Giles stated that by the end of August 2022 they will have them marked out.

Councilwoman Personti stated that she sent an email regarding the Town Hall alarms and asked if anyone looked into what was causing the issue.

Town Manager John Giles stated he was not sure if anyone got back to her regarding why.

Chief Laura Giles stated that she did reply to the email.

Town Manager John Giles stated that he believes the issue was looked into and referred to Town Clerk Diana Reed to respond.

Town Clerk Diana Reed stated that there were three doors that the pressure plate that holds the battery was loose and caused the alarm to go off. Once this issue was fixed there hasn't been any more issues.

PUBLIC COMMENT:

None

STATEMENTS BY THE MAYOR AND COUNCIL:

None

ADJOURNMENT:

ACTION A motion was made by Councilwoman Personti. The motion was seconded by Councilwoman Jensen.

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**