

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
AUGUST 11, 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 – Absent/Excused

Town Manager, John Giles – Present

Chief of Police, Laura Giles – Present

Finance Director, Steven Martin – Present

PUBLIC COMMENT:

Mr. Frank Maule - Introduced himself and stated that he was running for 1st District County Council in the September Primary Election and hopes to partner with the Town of Elsmere on many projects should he be elected.

APPROVAL OF MINUTES:

Minutes of the July 5, 2022, Special Council Meeting.

ACTION: A motion was made by Councilwoman Personti to approve the minutes of the July 5, 2022, Special Council Meeting with no corrections. The motion was seconded by Councilwoman Skipski.

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

Minutes of the July 14, 2022, Council Meeting.

ACTION: A motion was made by Councilwoman Jensen to approve the minutes of the July 14, 2022, Council Meeting with no corrections. The motion was seconded by Councilwoman DiBiaso.

VOTE: 6-0 with 1 abstained All-in-Favor Motion carried

1st District – Yes, 2nd District – Yes, 3rd District – Yes, 4th District – Yes, 5th District – Abstained, 6th District – Yes, Mayor – Yes

Councilwoman Personti stated she abstained due to being absent from the July 14, 2022, Council Meeting.

PRESENTATION:

Discussion and Presentation concerning the relocation of the Parkway Academy North alternative education facility to 907 New Road (formerly All Saints Catholic School).

Mayor Eric Thompson stated that unfortunately, the representatives from Parkway Academy had some things come up and were not able to attend the meeting but asked if there was any public comment on the issue.

Mary Kathryn Fitzpatrick, 1025 Dover Avenue – Stated that she was unable to attend the other meetings, but she has heard that the Town is being misled and that this is move is pretty much a done deal. She expressed concerns about the proposed school and the safety of the community, and asked what the plan is to ensure that the students who are bused in go into the building.

Mayor Thompson stated that the Red Clay School Board has not yet given their formal approval. Concern can be sent directly to the Red Clay Superintendent Mr. Dorrell Green.

Councilman McKewen asked if the Town even has the right or ability to stop the school from coming to the Town.

Councilwoman Personti stated that after the meeting, she believes that unless they receive a significant public outcry it will go through. Corpus Christi will be required to obtain a rental license for the building and that includes inspection of the premises.

At this time there was a lengthy discussion regarding what information was presented by Parkway Academy regarding what this school would be.

At this time, there was no additional public comment.

OLD BUSINESS:

Town Manager John Giles introduced the new Administrative Assistant who will also be handling the VAC Center, Ms. Lucy Matos who has been with the Town for a few weeks now.

Consideration for Third and Final Reading, as well as, Public Hearing of Ordinance 665.

ACTION: A motion was made by Councilwoman Personti to approve Ordinance 665 for Third and Final Reading. The motion was seconded by Councilwoman Jensen.

Mayor Thompson asked if there were any questions or public comment and received none.

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 Town Clerk Diana Reed and Finance Director Steven Martin would present the bids for the Playground Revitalization.

Town Clerk Diana Reed gave a brief overview stating that changes were made to the proposals based on a meeting with the three council members who were part of the park group. The proposal presented meets all of those changes and would have two contracts awarded as follows:

- Global Playgrounds for renovations of Maple Avenue, Veteran's, Vilone and Joseph Walling Parks for a total of \$643,818.00.
- Delaware Lawn and Landscape for renovations of Bryan Martin, Junction and the Bark Parks for a total of \$63,900.00.
- Grand Total of all renovations would be \$707,718.00

Councilwoman Steppi stated that this contract has been worked to death, it is a broad scope of work that will benefit all residents for years to come and is a huge revitalization of our parks. It is a fiscally responsible plan and maximizes ARPA Funds without putting any burden on the taxpayers and is a gold star for Elsmere if the contract is approved.

Finance Director Steven Martin stated that he felt that the bids submitted were sound and that he would like to see the contracts awarded.

Town Manager John Giles stated that in order for the equipment to be ordered, the Town must select the color schemes for each playground and asked how Council wanted to proceed.

Councilwoman Steppi stated that she felt that having Council decide would be a lengthy process and stated that she believes that Staff should pick the color schemes but asked that they be unique in each park and that it not be the same yellow/reds that are already out there or away from the blue theme that the Town has.

There was a consensus among Council to move forward with the recommendation by Councilwoman Steppi to let staff select the color schemes.

Councilwoman Steppi stated that there has been significant resident, council and staff input on this project, all equipment is ADA Complaint, accessible swings, one

playground is fully wheelchair accessible. All playgrounds meet the 2-12 year age groups. She further stated that she would like to see a groundbreaking ceremony and publicity about the project as it moves forward, as well as consideration of re-dedicating Bryan Martin Park with an emphasis on Child Abuse Awareness during the park renovations.

Councilwoman DiBiaso and Councilwoman Jensen stated that they both agree with Councilwoman Steppi about the parks.

ACTION: A motion was made by Councilwoman Jensen to award the contracts for RFP 22-02 Playground/Park renovations as described by the Town Clerk. The motion was seconded by both Councilwoman DiBiaso and Councilwoman Steppi.

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

Discussion concerning the Jefferson Avenue/Poplar Avenue Street Improvement Program.

Councilwoman Personti stated that she has concerns about the Jefferson and Poplar Avenue improvement project with Paoli Services. She has brought these up to the administration previously through email correspondence that included Mayor and Council. We are not getting answers. She requested documentation and it has not been provided. She is concerned why she is not being provided information. She is concerned about possible mishandling of the contract and delays in securing signatures on the contract. Her concerns are not unfounded, as she believes that errors and issues regarding other RFPs and contracts, most notably the Republic Services contract where an approximate 8-month delay in obtaining signatures on the contract, contributed to increased costs to the taxpayers. Therefore, she made the following motion.

ACTION: A motion was made by Councilwoman Personti that by the September Council Meeting, the Council receive a thorough report by the administration that identifies in writing the following information:

1. Date(s) information requested by Councilwoman Personti in writing and in Council Meetings.
2. Date(s) information provided in writing to Councilwoman Personti.
3. Copies of all contracts and revisions regarding the Jefferson and Poplar Avenue project with Paoli.
4. A list of all meeting dates with Paoli regarding the Jefferson/Poplar Avenue project.
5. All communications and meeting minutes with Paoli regarding the Jefferson/Poplar project.

The motion was seconded by Councilwoman Steppi.

Town Manager John Giles stated that the Town is scheduled to sign this contract on Friday, August 12th due to delays by Mr. Paoli in getting in to sign the contract. There was a pre-construction meeting on Tuesday, August 9th with Domenick. Would Council like him to proceed in signing that contract or hold off until after this issue.

Councilwoman Steppi stated that this project was awarded in September of 2021 and the contract should have been signed promptly following that award.

Town Manager John Giles stated that the contract was not signed because the Town was waiting for the prices to come down.

Councilwoman Steppi stated that the delay was not communicated with Council.

Town Manager John Giles asked what Council wants communicated, that the Town tried to save money?

Councilwoman Steppi stated that if Council awarded the contract, then Council should be notified that the contract was never finalized.

Councilwoman Personti stated that she was under the impression that the Town had a contract and were working under revisions to that contract with the price increase approved in May 2022, but now they are hearing that there was no contract, and it is going to be signed tomorrow, August 12th.

Town Manager John Giles stated that the contracts are usually signed at the pre-construction meetings and that Paoli Services kept putting off those meetings because of the price increases, but he as Town Manager agreed.

Councilwoman Personti stated that was not communicated to Council.

Town Manager John Giles stated that it was not.

Councilwoman Steppi stated that had Council known, they would have had the option to decide to award the contract to one of the other bidders based on the delays. She asked if all of the Town's contracts are like this? She stated that last year she brought up that the contracts on the Town's website are not up-to-date and they were updated, but now it appears that they have not been updated since August 2021 when she made that last request. She looks at contracts from a fiscal perspective and being fiscally responsible to the residents of the Town, so if we award a contract, we should sign it and hold the vendor to those contracts to be fiscally responsible.

Councilwoman Jensen asked if there was a dollar amount associated with the original award.

Town Manager John Giles stated there was and that it wasn't signed in the hopes that prices would come down, and they have not.

Councilwoman Skipski asked what their scheduled start date was supposed to be.

Town Manager John Giles stated that there had not been a pre-construction meeting, therefore a date had not been set.

Councilwoman Skipski asked what the date is now that the meeting has been held.

Town Manager John Giles stated construction should begin in late September.

Councilwoman Skipski asked if a contract had been signed, would they have started sooner.

Town Manager John Giles stated that he does not believe so, he believes that they would not have met the 60-day deadline and there would be a need to evaluate terminating the contract. He told Paoli at the pre-construction meeting that if he was going to delay the project to September 1st he would need to go back to Council to see if Council was willing to wait that long.

Councilwoman Personti stated that she was hoping the project would be finished before school started back up.

Town Manager John Giles stated that it will not be completed before school starts and its because of pre-construction, what can we do, it won't start until end of September.

Councilwoman Jensen asked when the state project would begin in Willow Run.

Town Manager John Giles stated that was part of the delay in waiting for the state to approve the use of the funding and we couldn't do half the project.

Councilman McKewen asked why there is suddenly so much trouble getting a street program completed.

Town Manager John Giles stated that there has never been nationwide supply delays like we have had either.

Councilwoman Personti stated that she is kind of lost in the timelines for all of this, which is why she was requesting the report in her motion, so that Council could see the full timeline and details on this project. Council awarded a contract for the price bid, and they were unaware that he came back and said "oh well prices have gone up so we are going to wait", so this is all new to Council.

Town Manager John Giles stated that he would like to clear it up some. The Town awarded a contract which included the price of the County going along with the project and the county never did go along (it was corrected to the State being the project partner) with the project because their costs went up so high, so Paoli came back in the spring and stated that costs had not gone down and that he would need Council to increase the contract price in May 2022, in which council agreed to the contract increase.

Councilwoman Personti stated that the contribution from the State was supposed to be a fixed amount.

Town Manager John Giles stated that the State did not honor the price and told the contractor no.

Councilwoman Jensen asked for clarification if that was for the portion in Willow Run or the Town portion.

Town Manager John Giles stated so we would do one part of the street and not the other.

Councilwoman Personti stated that she recalls getting an email in September 2021 that stated that the funds had been committed and that there was no specific date the project needed to be completed to receive the funds.

Town Manager John Giles stated that is correct.

Councilwoman Personti stated that in her eyes, the funding is secure at that point.

Town Manager John Giles stated that we are using that \$100,000.00, in fact we are using \$118,000.00.

Councilwoman Personti stated that this is exactly why she would like the report on how it all transpired with dates.

Town Manager John Giles stated that Council has all of that information.

Councilwoman Steppi stated that they do not.

Town Manager John Giles stated that there are emails back and forth.

Councilwoman Personti stated that she does have some emails, however, a lot of what she has heard in this meeting is new information. Council just needs this report.

Councilwoman Steppi stated that this is a matter of transparency. There was never anything in writing saying that the project was contingent on the State portion in Willow Run. Nowhere in the presentation did it say anything about the prices being contingent.

Town Manager John Giles stated that it wasn't contingent, they would have come in and done the work and stopped working when the price reached \$100,000.00.

Councilwoman Personti stated that Council approved a contract based on the bid he submitted.

Town Manager John Giles stated that you can't get the contract for what he bid.

Mayor Thompson stated that we can go round and round on this issue and asked if the Town Manager could put together the report.

Town Manager John Giles stated that he can put the report together, but it is ridiculous to have to go to those lengths and when does the questioning stop. Is he supposed to sign the contract tomorrow?

There was a consensus among Council to sign the contract because the Town cannot hold him to any delays or costs until there is a contract signed.

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

Councilwoman Personti further stated that she does not believe that a request for information like that listed must go before all of Council based on previous experience.

Town Manager John Giles stated that he disagrees and that anything going on an agenda should require 4 members of Council.

Councilwoman Personti stated that she is referring to the request for documentation and report, not a topic on the agenda.

Town Manager John Giles stated that he believes the other Council members need to ask as well.

Councilwoman Steppi stated under that logic, if she wants an update on the contracts posted on the website which are outdated, she would need to go through the entire Council to make that request. She stated that was excessive.

Councilwoman Personti asked that a discussion be placed on the September Council Agenda on whether a single Council member can request information without going through Council as a whole. She would like the Solicitor to have an input on this conversation.

NEW BUSINESS:

Discussion and update concerning the drainage issues along the rear of Maple Avenue.

Town Manager John Giles stated that the Conservation District went out and stated that the cost of the repairs for this issue are \$575,000.00 and they can only commit \$225,000.00 of those costs. They have asked if the Town is willing to commit the other \$350,000.00 for this project.

At this time, there was a lengthy discussion regarding the water problems and flooding on Sycamore Avenue and Maple Avenue and it was decided to wait for the Stormwater Study to be complete before making any decisions.

DEPARTMENTAL REPORTS:

Code Enforcement

Code Enforcement Officer Scott Allen gave a brief overview of the Code Enforcement Report. He asked if there were any questions.

- a. The department issued 62 violations during the month, 37 were corrected without a fine, 22 were issued fines and 3 remained pending at the end of the month. He further commented that a citation is a warning, every resident has 48 hours to correct a violation without a fine.

- b. Issued 7 repeat public nuisance fines, 6 of which were subsequent offenses.
- c. Requested the Public Works Department to complete 7 abatements.
- d. Completed 6 Pre-Rental Inspections.
- e. Processed 23 Permit Applications.
- f. Issued 4 new business licenses.
- g. Tagged 8 vehicles for Tow, all were removed without being towed.
- h. Mailed 4 letters to suspected vacant properties in an attempt to get those properties registered.

Councilwoman Personti thanked Code Officers Scott and Nicole for their speedy follow-up on a number of issues she has submitted recently while delivering her district newsletters. She appreciates the efforts the department has put forth addressing these issues.

Mayor Thompson stated that he was approached by resident about Vilone Place and Harvey Place with cars parking and sticking out into the street.

Chief Laura Giles stated that she will have the Police address the issue.

Finance

Finance Director Steven Martin gave a brief overview of the Finance Department Report. He asked if there were any questions.

- a. Transfer Taxes received \$27,270.00 for July which is a continued upward trend in Transfer Tax.
- b. Mailed the FY 2023 Tax Bills to residents.
- c. Began working on the Fixed Assets schedule for the audit, which previously was an area of concern. Last year's audit had that concern removed and they are looking to keep it in line for this year.
- d. Continuing to process late Senior Discount Applications.
- e. Ran into an issue renewing the Town's Cyber Liability insurance. The premium for this year doubled in price so we are working with the insurance broker to see what options may be available to us.
- f. Continued providing coverage for the VAC Center pending training and certification of new employee Lucy.
- g. Recommended a title change for a member of the Finance Department which requires for the creation of a job title named Accountant.

Mayor Thompson asked if the new title on the pay scale would be approved by Council as it has in the past.

It was agreed that the request and job description would be placed on the September Council Agenda.

Public Safety

Chief Laura Giles gave a brief overview of the written report and stated that she does believe that she will be losing an officer to New Castle City, she is just awaiting official notice. She has put out a notice accepting applications and has received 1 application so far. There was an accident at the Police Department where the Administrative Assistant's husband was dropping something off and backed into one of the ground level windows along the parking lot and they are in the process of getting the window repaired. Detective Sowden conducted a search warrant on Tamarack Ave for a Fraud Investigation. The subject was a known heroin user and was taken into custody without incident, but the department's clinician spoke with him while he was in custody and the next day, she was able to get him into a rehabilitation program and the resident stated it was the best he has ever been treated by the department.

Mayor Thompson stated that he believes he read somewhere that the State is considering funding those positions permanently and if we can come up with funding, it may be something to consider moving forward since it appears to be very successful.

Chief Laura Giles stated she has been keeping the statistics and will look at possibilities for grant funding to keep the position.

Public Works

Public Works Supervisor Anthony Gaines gave a brief overview of the Public Works Department Report. He asked if there were any questions.

- a. Installed a newly approved handicapped parking space on Maple Avenue.
- b. Continued with the HaloMist Disinfecting of Town Hall.
- c. Performed several repairs throughout the Town Hall Building.
- d. Assisted in the relocation of the Town Manager's Office and Town Clerk's Office to the 2nd Floor.
- e. Removed and Trimmed trees along the Walking Path in Maple Avenue Park.
- f. Replaced broken wood on the benches at Veteran's Park.
- g. Trimmed bushes and weeds along the creek bed in Richard Moore Park.
- h. Removed the Playground Structure in Fairgrounds Park.
- i. Performed 8 abatements at the request of the Code Enforcement Department.
- j. Assisted in the Food Bank Distribution at Town Hall.
- k. Performed a number of other tasks throughout Town.

Councilwoman Personti thanked the Public Works Department as well because she submitted several requests for their department and they addressed all her concerns very quickly.

Councilwoman DiBiaso stated that she is having a huge issue on Gamble Avenue where there is grass growing literally up through the cracks in the street, not just

along the curbs. She will be campaigning to get that street repaved in the next street program.

Mayor Thompson commented on the visit from a member of DNREC about invasive plant species along the walking path and has noticed that the Public Works Department has started removing some of those plants and commended them for their efforts.

Town Manager

Town Manager John Giles was out of the room and Chief Laura Giles stated that he stated before stepping out that he did not have anything additional to report.

PUBLIC COMMENT:

None

STATEMENTS BY THE MAYOR AND COUNCIL:

None

ADJOURNMENT:

ACTION A motion was made by Mayor Thompson 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