

**TOWN OF ELSMERE  
COUNCIL MEETING MINUTES  
October 13, 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 <sup>ST</sup> DISTRICT	MARIANNE SKIPSKI	PRESENT
2 <sup>ND</sup> DISTRICT	SALLY JENSEN	PRESENT
3 <sup>RD</sup> DISTRICT	MARY STEPPI	PRESENT
4 <sup>TH</sup> DISTRICT	CHARLES MCKEWEN	PRESENT
5 <sup>TH</sup> DISTRICT	JOANN I. PERSONTI	PRESENT
6 <sup>TH</sup> DISTRICT	DAWN DIBIASO	ABSENT/EXCUSED

Town Solicitor, James McMackin – Present  
Town Manager, John Giles – Absent/Excused  
Chief of Police, Laura Giles – Present  
Finance Director, Steven Martin – Present

**PUBLIC COMMENT:**

Mr. Domenick Paoli of Paoli Services requested an extension for the start date of the Jefferson/Poplar Ave Street Improvement Program to the week of November 15<sup>th</sup>. There are supply issues and shortages, due to these, the start date needs to be pushed back. There has been a snowball effect the past 6-8 months due to the other projects they've had scheduled which has caused the start date for this project to be pushed. He is asking for a one-month extension on this project. The start date would be the week of November 14, 2022 and would be completed by December.

Mayor Thompson thanked him and asked if this matter has to come to council?

Town Solicitor McMackin stated under FOIA we could not take action tonight and doesn't have the information for this project to know whether it can be deferred or not.

Mayor Thompson stated that Council would talk about it internally.

Town Solicitor McMackin stated that there is a meeting next Thursday October 20<sup>th</sup> and Mayor Thompson can sit in to get more information about the deferment and stated they could have an amended contract prepared.

Chairman of the Planning Commission. John Jaremchuk stated he reviewed Ordinance 666 and looked at Title 22 of the Delaware Code which states that the comprehensive plan has the force of law, which currently means your locked into the amended map, as far as rezoning occurs. Therefore, the only option available to change the rezoning would be to go through the process to amend the Comprehensive Plan and send it back to the State for approval.

Ms. Doreen McNatt, stated that she lives in Rosemont and received a citation sticker on her husband's work vehicle that it was too large and could not be parked in the neighborhood. Her husband has parked the truck in the neighborhood for 6 and she is wondering why he's getting this ticket, did something change? She overheard that there is a law changing for work vehicles. Is there a way to waive that ticket because it is his job to on-call and have a company truck and there hasn't been any issues until now. Her husband has a F450 truck size.

Councilwoman Personti states that the law is not changing and there are people getting citations that shouldn't be getting citations. There's an area in the code that certain commercial vehicles may park on residential streets, it all depends on the vehicle make, model and weight.

Mr. DJ Macaneti lives on New Road and wants to thank council. He spoke at the planning commission meeting and appreciated all of council for hearing and considering the resident's input on the rezoning from the Council Meeting.

#### **APPROVAL OF MINUTES:**

##### Minutes of the September 8, 2022, Council Meeting.

**ACTION:** A motion was made by Councilwoman Personti to approve the minutes of the September 8, 2022, Council Meeting with no corrections. The motion was seconded by Councilman McKewen.

**VOTE:**            6-0                    All-in-Favor                    Motion carried

##### Minutes of the September 22, 2022, Special Council Meeting.

**ACTION:** A motion was made Councilwoman Jensen to approve the minutes of the September 22, 2022, Special Council Meeting with no corrections. The motion was seconded by Councilman McKewen.

**VOTE:**            6-0                    All-in-Favor                    Motion carried

##### Minutes of the September 30, 2022, Special Council Meeting.

**ACTION:** A motion was made by Councilwoman Jensen to approve the minutes of the September 30, 2022, Special Council Meeting with no corrections. The motion was seconded by Councilwoman Steppi.

**VOTE:**            6-0                    All-in-Favor                    Motion carried

**OLD BUSINESS:** None

**NEW BUSINESS:**

Introduction for the First and Second Reading of Ordinance 667.

Mayor Thompson stated that the most complaints they have are the lack of parking in the Town.

Councilwoman Personti stated that the change needs to be made now to refer to the weight limits included in Chapter 225 to allow proper enforcement, however, there may need to be further discussion in the future to make additional amendments to allow a way to apply for exceptions to the size and weight restrictions.

**ACTION:** A motion was made by councilwoman Personti to approve First and Second reading, ordinance 667, basically this is a house-keeping ordinance amending chapter 215, vehicles in traffic to be consistent with the changes of Ordinance 518 that was made in Chapter 245 on August 14, 2014. The motion was seconded by Councilman McKewen.

**VOTE:** 6-0 All-in-Favor Motion carried

Councilwoman Personti would like to discuss this further in the next Council Meeting.

Consideration of a request by Stellar Tutoring to waive the special event permit fee for their annual literacy walk on November 6, 2022.

**ACTION:** A motion was made by Councilwoman Personti to approve to waive the permit fee for the literacy walk. The motion was seconded by Mayor Thompson.

**VOTE:** 6-0 All-in-Favor Motion carried

Consideration of extending the Food Bank Mobile Distribution Events through December 2023.

Finance Director Steven Martin stated that it would benefit the Town to extend this another year. They have been averaging about 80-90 families per event. The cost to extend the program would be \$16,200, which is \$500 more than this year.

Councilwoman Steppi stated that it was over 100 households this last event. With inflation and financial news today, grocery costs are going up and a lot of the families will be hurting, and she would like to extend it.

**ACTION:** A motion was made by Councilwoman Steppi to approve the extension of the Mobile Food Drive for another year through December 2023. The motion was seconded by Councilwoman Jensen.

**VOTE:** 6-0 All-in-Favor Motion carried

Consideration of awarding a contract in response to RFP 22-03 Parking Lot Improvement Project.

Finance Director Steven Martin stated that the RFP was missing part of the scope of work for the two additional parking spots. They have received two bids and would like to go back to both bidders and ask them to revise their bids to include the additional work.

Mayor Thompson asked if the fencing was the same issue?

Councilwoman Skipski stated that no one bid for the fencing project, looked at the bond bill, and was able to get an estimate.

Mayor Thompson stated they would skip this issue for now and go back to it.

Consideration of awarding a contract in response to RFP 22-04 Parking Lot Fencing Project.

Mayor Thompson stated he would like to defer these contracts for the parking lot improvement and the Fencing Project.

**ACTION:** A motion was carried by Mayor Thompson to defer RFP 22-03 & RFP 22-04 for further information. The motion was seconded by Councilwoman Skipski.

**VOTE:**           6-0                   All-in-Favor                   Motion carried

Consideration of how to handle a significant number of issues regarding trees throughout the Town.

Town Clerk Diana Reed and Public Works Supervisor Anthony Gaines prepared a presentation on the trees that are around town that could be a liability for the Town.

Town Clerk Diana Reed stated in the packet there were numerous tree issues, some the residents complained about and some the Public Works have found. They are looking to get guidance on what to do and how to go about it because of costs and its not all budgeted.

Mayor Thompson questioned if the trees were all on Town property?

Town Clerk Diana Reed stated that half are on Town property and half are on private property. Some of the trees are healthy and some aren't.

Mayor Thompson asked why we would cut down healthy trees?

Town Clerk Diana Reed and Public Works Supervisor Anthony Gaines stated that there was a complaint that the roots of the tree are on town property but extends onto his property; causing his sidewalk to buckle and disrupt his gas line, but there's no proof of that. The raised roots stop

before his property. In addition, he worries that the tree will affect his power lines, but the tree is 8-10 feet higher than the lines Councilwoman Jensen stated that Delmarva should come out and manage the power line issue.

Council gave a general consensus that trees located on Town properties should receive estimates and come back to Council to discuss funding, trees on private properties should be issued citations to fix the issues.

## **DEPARTMENTAL REPORTS:**

### Administration

Town Clerk Diana Reed gave a brief overview of the Administrative Report.

- Fall Festival is this Saturday, October 15th at Fairgrounds Park;
  - 8 Food Trucks and Food Vendors,
  - 7 different activities,
  - live music, and
  - small vendors,
  - the Elsmere Fire Company and
  - the town will have pumpkins and a general information about the Town of Elsmere.
- We are actively working on the Halloween Spooktacular event that will take place from Town Hall to Elsmere Fire House. October 28<sup>th</sup> at 5pm.
- We have a number of large projects:
  - working on the sign project; received a couple bids that were out of budget, one was around \$12,000 and the other was around \$20,000. Ad-Craft priced us around \$7,000, but the company kept pushing us back, so the contract was terminated. The question is do you want us to put them on the agenda for consideration or do you want us to continue to try and find better pricing?

Councilwoman Jensen asked if it was for a repair or replacement?

Town Clerk Diana Reed stated that it would be a whole replacement.

Councilwoman Steppi asked can you check back with AD-craft to see where they are on scheduling a date with us?

Town Clerk Diana Reed stated that she can reach out and see if AD-craft would be willing to come back and work on the signs.

- Global Playgrounds will be here Monday, October 17th at 7am to start the park renovations. It will take about 4-6 weeks for the first phase. Sometime in the early spring to start on the installation phase for another 4-6 weeks.
- We did have to replace a sanitary sewer pipe and renovations to the bathroom near the elevator. We came in the afternoon of the staff retreat on September 23<sup>rd</sup>

when Public Works Supervisor Anthony Gaines discovered that the sewer line in the Senior Center below the 2<sup>nd</sup> Floor hallway bathroom had cracked. We had it repaired immediately for around \$3,500.00. Its now fully operational, but the layout in the bathroom is quite different now as a result.

Mayor Thompson asked if there were any questions to Council.

#### Code Enforcement

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

- a) The department issued 75 citations during the month, 43 of those were corrected without fines being issued, 18 received fines and 14 remained pending at the end of the month.
- b) Issued 2 public nuisance fines, 1 of which was a subsequent fine.
- c) Requested the Public Works Department complete 4 abatements.
- d) Completed 7 pre-rental inspections.
- e) Processed 15 permit applications.
- f) Issued 4 new business licenses.
- g) Issues 6 new rental licenses.
- h) Tagged 2 vehicles for tow, all were removed without being towed.
- i) All business and rental license renewals were mailed out on September 29<sup>th</sup> and so far we are getting a good response.
- j) The Parkway Academy school is now fully up to date on all inspections, they received two Fire Marshall inspections and the pre-rental inspection from BIU and are now fully compliant.

Councilwoman Jensen stated that 113 Ohio was getting gutted and wondered what was going to be done with it?

Code Enforcer Scott Allan stated that the owner was going to start renovations on it but does not know who is going to rent it.

Mayor Thompson asked if there were any questions.

#### Finance

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

- a) For the month of September, we received \$2,250,000.00 in property taxes.
- b) Transfer taxes received for September 2022 was \$54,000.00.
- c) The department filed the local service function application for discount on New Castle County Taxes as discussed last month. Councilwoman Steppi asked wondering why there was an increase in county taxes. The Mayor, Chief and he met with the county to discuss. Local funds are used each year to determine discounts based on the amount of service that the town uses for the police and firefighters in the town. Two years ago, they did a

valuation of the taxes and how they are set. We are able to dispute this year's calculation because of the use of the investigation services, traffic and K9 services, and protection technology, but it's does impact our taxes.

Chief Laura Giles stated if we used a K-9, 25% of the discount would be charged. No one knew about these extra charges and didn't know we could dispute them, we know what to look for each year moving forward.

- d) Received the information for 2022 actuarial report for the pension.
  - e) Submitted the approved documentation to the Department of Treasury for our planned use of ARPA funds.
  - f) Prepared to submit a budget for the EPD Grant.
  - g) Significant time has been spent in preparation of the annual audit.
- Closed the prior year payroll and prior year budgets for audit purposes. Auditors will be onsite Monday to start their field week and should be finished by the end of October. There should be a draft ready before the week of Thanksgiving.

Mayor Thompson asked if there were any questions.

#### Public Safety

Chief Laura Giles gave a brief overview of the written report.

- The state is funding the body cameras for all police officers. We were in the second batch of funding for body cams and unlimited iCloud storage for five years for a total of \$76,245.00. We have the cameras, but we don't have the iCloud storage yet. The state will be contacting us in another month or so to get that altogether.
- Detective Sowden will be in charge while she and Lt. Shelton will be in Dallas for a conference; they are leaving tomorrow and coming back next Tuesday, but she will be out till October 25<sup>th</sup>.

Mayor Thompson asked if there were any questions.

#### Public Works

Public Works Supervisor Anthony Gaines gave a brief overview of the Public Works Department Report, and stated he was concentrating on getting ready for winter, prepping for the remainder of the season for cutting grass, in house repairs, Inspections on storm drains and some are getting clogged up with dirt.

Councilwoman Jensen thanked Mr. Gaines for pulling out the large weed in the median on Kirkwood highway.

Mayor Thompson asked if there were any questions.

**PUBLIC COMMENT:** None

## **STATEMENTS BY THE MAYOR AND COUNCIL:**

Councilwoman Steppi stated that the cleanup, which was organized by Ms. Lauren Sheldon, was a success the last Saturday in September and the next Cleanup is scheduled for the last Saturday of October.

Councilwoman Skipski asked about the two high school girls that came around who wanted to do a cleanup to possibly get in touch with them?

Mayor Thompson stated that he emailed them and two months later got a response, and it was supposed to be for school, but nothing came from it.

Councilwoman Skipski stated it would be good to reach out to them so they can get involved.

Councilwoman Personti stated that she hopes to be around for the November meeting; She will be coming back from Florida just prior and will undergo surgery on November 18<sup>th</sup>. She will be in the hospital for a week and out of commission for a few weeks after. She will be around for the Spooktacular event to help but may not be able to work the other Christmas events like the Tree Lighting.

## **EXECUTIVE SESSION:**

**ACTION:** A motion was made by Mayor Thompson to adjourn to the Executive Session pursuant to 29 Del. C. Section 10004(b)(9) to discuss personnel matters and to return to Public Session. The motion was seconded by Councilwoman Skipski.

**VOTE:**            6-0                    All-in-Favor                    Motion carried

Mayor Thompson stated that Council returned from Executive Session.

## **ADJOURNMENT:**

**ACTION:** A motion was made by Mayor Thompson to adjourn. A motion was seconded by Councilwoman Personti.

**VOTE:**            6-0                    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**