TOWN OF ELSMERE COUNCIL MEETING MINUTES APRIL 13, 2023 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 Chief of Police, Laura Giles – Present Acting Town Manager, Steven Martin – Present

PUBLIC COMMENT:

Ms. Janet Campbell, 1202 Carolyn Drive, stated that she is having significant issues with the kids who utilize Bryan Martin Park. The balls are constantly being thrown or kicked into her yard, they are abusing her dog, cursing and being overall disrespectful to neighboring properties.

Chief Laura Giles took Ms. Campbell into the hallway to discuss her concerns.

APPROVAL OF MINUTES:

Minutes of the March 9, 2023, Council Meeting

Councilwoman Jensen requested the following corrections be made:

- Page 7, under Park Renovations, 5th paragraph, change the word "change" to "chance".
- Page 13, 1st paragraph, change the word "asked" to "stated".
- Page 4, under line item transfers, the third group of transfers for subletters f, g & h are listed as trees, however, they were for park sign replacements for Joseph Walling Park, Maple Avenue Park & the Jaremchuk Public Safety Building sign.

ACTION: A motion was made by Councilwoman Jensen to approve the minutes of the March 9, 2023, Council Meeting, as amended. The motion was seconded by Councilwoman Personti.

VOTE:

7-0

All-in-Favor

Motion Carried

Minutes of the March 21, 2023, Special Council Meeting

ACTION: A motion was made by Councilwoman DiBiaso to approve the minutes of the March 21, 2023, Special Council Meeting with no corrections. The motion was seconded by Councilman McKewen.

VOTE:

7-0

All-in-Favor

Motion Carried

Minutes of the March 22, 2023, Special Council Meeting

ACTION: A motion was made by Councilman McKewen to approve the minutes of the March 22, 2023, Special Council Meeting with no corrections. The motion was seconded by Councilwoman Skipski.

VOTE:

7-0

All-in-Favor

Motion Carried

Minutes of the March 29, 2023, Special Council Meeting

ACTION: A motion was made by Councilwoman Personti to approve the minutes of the March 29, 2023, Special Council Meeting with no corrections. The motion was seconded by Councilwoman DiBiaso.

VOTE:

7-0

All-in-Favor

Motion Carried

Minutes of the April 3, 2023, Special Council Meeting

ACTION: A motion was made by Councilwoman Jensen to approve the minutes of the April 3, 2023, Special Council Meeting with no corrections. The motion was seconded by Councilwoman Skipski.

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 that she abstained due to being absent from the April 3rd Special Council Meeting.

OLD BUSINESS:

None

NEW BUSINESS:

Presentation by PNC Bank regarding the current economic climate.

Mr. Jeffrey Buckworth of PNC Bank gave a brief presentation of the economic climate and banking options available with PNC that could benefit the Town such as Money Market Sweep & Governmental accounts.

Consideration of extending the existing contract with Delaware Lawn & Landscape for a period of 6-months at a cost of \$46,850.00

Acting Town Manager Steven Martin briefly explained the proposal stating that it accomplishes two things; it gets us on a contract based on the cutting cycle and secondly, it reduces our costs by about \$25,000.00 from what we paid last year. Also, we received a nice email from a resident complimenting the work that has been completed by the contractor at Richard Moore Park.

Councilwoman Personti asked if there has been any determination regarding the additional work that they have completed outside the Town's limits to the VA Hospital and whether the Town has been paying for that area.

Acting Town Manager Steven Martin stated that the contractor has told him that there was no additional cost to the Town for those areas, he completed them on his own for aesthetic purposes and unfortunately, we have no way to quantify whether he charged the Town for that or not because the contract is not broken down by section. However, it is written very clearly where the Town boundaries are.

Councilwoman Steppi asked for confirmation that he has stated that he has done the work at his own cost outside the scope of the contract.

Acting Town Manager Steven Martin confirmed that is correct.

Councilman McKewen asked if the Town could prove that it was at no cost.

Acting Town Manager Steven Martin stated that we cannot. We did meet with him regarding the matter yesterday and Town Clerk Diana Reed contacted him last year when he initially did the median and he stated then that it was no cost to the Town.

Town Clerk Diana Reed confirmed that last summer when the median renovations began, she contacted the contractor the day they were working in that median section to confirm the boundary locations and was advised that they had made a decision to exceed the boundaries at no additional cost for aesthetic purposes.

Councilwoman Jensen asked if we received an additional bill for the work?

Town Clerk Diana Reed and Acting Town Manager Steven Martin both stated that no additional invoice was received.

Acting Town Manager Steven Martin stated that in addition, he did a miscalculation in his existing contract in that the dates of the contract are listed correctly, however, the

quantity of cut occurrences did not extend into this spring and that we would run out of "occurrences" by the end of April 2023. However, out of good faith and honor, he has agreed to continue cutting for the remainder of the contract period at no additional cost despite the mistakes.

Mayor Thompson asked why this contract is only until December and not July to June.

Acting Town Manager Steven Martin stated that it is in an effort to realign the contract to a cutting season. In addition, the plan is to place the contract out to RFP in the fall and advertise it as a multi-year contract.

ACTION: A motion was made by Mayor Thompson to approve a 6-month extension of the existing Delaware Lawn & Landscape contract in the amount of \$46,850.00. The motion was seconded by Councilwoman Skipski.

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

<u>Discussion and consideration of projects to apply for funding under the Community</u> Reinvestment Fund.

Acting Town Manager Steven Martin stated the staff proposed to focus on streets for this funding cycle and plan to make it a large request at around 1.5 million dollars. We will have Vandemark & Lynch evaluate the streets prioritized by Council and have Council decide which streets will be completed.

There was a brief conversation focusing on the fact that we should apply for the funding without confirming exact locations so that we can charge the engineering fees to the project cost and determine locations after the award occurs.

Consideration of allocating \$287,000.00 from the ARPA funds to a stormwater planning project for Vilone Village, Vilone Park & Dogwood Hollow as the match for a \$50,000.00 grant the Town was awarded by DNREC. The total cost for this project is \$337,000.00

Mayor Thompson stated that the idea is to how best to utilize the remaining ARPA funding to set the Town up best moving forward after ARPA has ended. This would take these projects to 80% which is fully engineered and ready for grant/construction funding.

Acting Town Manager Steven Martin stated that this does go hand-in-hand with the discussions listed under item number 6 as well.

Councilwoman Personti stated that she has a question regarding matching grants. We get the funding, we allocate our own, we start the project and we get cost overruns, do we get any additional funding or are we responsible to pay those cost overruns?

Acting Town Manager Steven Martin stated we do not get additional funding, we would be responsible.

Councilwoman Personti stated that is her concern with juggling multiple projects. Historically, there were issues in the 1990's where there were grants out and things ended up costing more than estimated. She just wants to express her concern about those possibilities.

Acting Town Manager Steven Martin stated he agrees with the concern, which takes him to the second part of the conversation of creating a roadmap of how the Town wants to spend the remaining funding and leaving a buffer for those possible cost overruns. The current proposal leaves a buffer of what he believes is at least \$360,000.00.

Councilwoman Steppi stated that this finally makes stormwater the primary focus of our remaining funding.

Councilwoman Skipski stated that the work needs to be done.

ACTION: A motion was made by Mayor Thompson to allocate \$287,000.00 from ARPA Funds to the stormwater planning project for Vilone Village, Vilone Park & Dogwood Hollow as the match for a \$50,000.00 grant from DNREC. The motion was seconded by Councilwoman DiBiaso.

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

<u>Discussion and consideration of allocating ARPA funds for the remaining stormwater projects identified by KCI Technologies.</u>

Acting Town Manager Steven Martin stated that this is just outlining our recommendations of how to move forward with the recommendations of KCI Technologies. We know we have a stormwater issue and we do have formal recommendations, but we need to make a decision on how we wish to proceed so that we can move forward with ARPA prior to the deadlines.

Councilwoman Jensen stated that she advocates for this proposal, this would allow two projects recommended by KCI to be fully constructed, we voted on funding the engineering of two more, which only leaves one remaining project. The proposal would include having the engineering of that project completed to 80% and ready for grant/construction funding as well. This is a nice path to set the Town up for success moving forward despite not having the funding to fully complete all 5 projects. Her biggest concern is outlining a path so that we can work towards contracts for these to avoid the loss of ARPA funds with the deadlines rapidly approaching.

Councilwoman Personti asked if any motions could be specific to include project names and totals for clarification.

Acting Town Manager Steven Martin stated that this plan would leave a remaining balance of \$390,000.00 as a cost overrun buffer and possible allocation to other projects but would set the Town up to apply for project specific grants moving forward after ARPA.

ACTION: A motion was made by Councilwoman Jensen to allocate the funding discussed and requested for the following projects:

- Vilone Village Project Engineering Fees Only
- Vilone Park & Dogwood Hollow- Engineering Fees Only
- Chestnut Run & Little Mill Creek Project Engineering Fees Only

- Dover Avenue Drainage Ditch/Pedestrian Path Project Complete Project
- Taylor Tract at Silverbrook Drive, Taylor Road & Southern Road Complete Project

The motion was seconded by Councilwoman DiBiaso as amended.

VOTE:

7-0

All-in-Favor

Motion Carried

Consideration of renting a portion of the basement at Town Hall to Troop 6 for a period of approximately 2 years.

Acting Town Manager Steven Martin stated this topic no longer needs consideration because Troop 6 wanted to utilize the space at no cost with them paying for only a few minor renovations and that the Town can get more income renting to a private entity.

Consideration of allocating \$5,480.00 from the ARPA funds to restore the infield area of the large baseball field located at Vilone Park at the request of the Community Athletic League.

Mr. Gregg Shelton, President of the Community Athletic League, presented the request stating that the infield has several defects and is in major need of diamond tex material, leveling and grading. The league has taken a hit this season where they have had to cancel the season for kids under the age of 12 due to lack of participation. He has received a quote to restore the infield in the amount of \$5,480.00 and would like to request that the Council allocate funding to bring the field up to the needed standards. He feels that this renovation would benefit all residents of the Town and not just the participants of the league.

Councilwoman Steppi asked if the funds are approved, how soon would the work be completed.

Mr. Shelton stated that it is estimated that the work would begin in two weeks.

Councilwoman Personti asked when Opening Day would be.

Mr. Shelton stated that there will be no opening day, there are only two teams; 13–15 year-old and 16-18 year-old and the only field being used for the league would be the large field at Vilone Park.

Councilman McKewen asked if it would be a grass infield.

Mr. Shelton stated that it would not.

There was a brief discussion regarding use of the fields by dogs and adding signage discouraging and prohibiting dogs within the fields. It was discussed to have the signs include language directing residents to the location of the dog park.

ACTION: A motion was made by Councilwoman DiBiaso to allocate \$5,480.00 of ARPA funds to restore the infield area of the large baseball field at Vilone Park. The motion was seconded by Councilwoman Skipski & Councilwoman Steppi.

VOTE:

6-1

Motion Carried

1st District – Yes, 2nd District – Yes, 3rd District – Yes, 4th District – Yes, 5th District – Yes, 6th District – Yes, Mayor – No

Mayor Thompson asked what the dirt pile between the fields is.

Mr. Shelton stated that it is some old diamond tex material that was donated in previous years. He has asked the contractor to see what he can do to spread that material across the small baseball field while he is there with his equipment, and he has agreed.

Councilwoman Steppi asked if there would be a new "excess" pile after the project.

Mr. Shelton stated that there would not be.

Consideration of setting a date for the Park Rededication Ceremony.

A brief discussion occurred stating that the parks are scheduled to be finished by Friday of next week.

Councilwoman Personti suggested to schedule the ceremony for May 8th after the swearing in ceremony.

There was a consensus to schedule the event for May 8, 2023, at 7:30pm following the Swearing-In Ceremony for Council for staffing and ease.

There was a brief discussion regarding what Council would like the event to look like and it was requested that anyone with ideas please contact Scott Allen from the Code Enforcement Department who will be planning the event.

<u>Discussion regarding the status of Elsmere's enrollment in the Affordable Connectivity Program Initiative.</u>

Acting Town Manager Steven Martin stated that the Town has enrolled in the statewide initiative program. We missed the opportunity to be part of the press release because we didn't sign up in time which pre-dated his appointment as Acting Town Manager. We are now enrolled; it costs the Town only \$20.00 for the training and we will be advertising its benefits to the residents of the Town via website and Facebook.

Councilwoman Steppi asked that an advertisement be prepared and designed to be handed out at the Mobile Food Pantry events.

DEPARTMENTAL REPORTS:

Administration

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

- The Annual Easter Egg Hunt was postponed to Sunday, April 2, 2023, due to rain, however, there was still a good turnout. We had about 75 children attend which is down a little from previous years, but all who attended had a fantastic time.
- Park Renovations are nearing completion, there is a delay on trash receptacles, there were 4 missing in the delivery. They have been ordered and should arrive next week. In addition, there is a change in the adaptive swing seats. The Town ordered two seats for both Vilone Park & Walling Park, however, after arriving we were notified that safety standards indicate that only one swing may be installed in each "bay" of the swing system. They have asked what we would like to do with the additional seats. The total cost is approximately \$500.00, and it is her recommendation that the Town keep the two extra seats on hand as replacement units.

There were no objections voiced by the members of Council to keep the extra seats on hand.

Councilwoman Personti asked if the new lighting for the Veterans Park Flagpole would be completed by next week as well.

Town Clerk Diana Reed stated that the lighting will not be completed, we are waiting for an updated bid from Delcollo Electric due to the 6-month gap from their initial estimate.

- 2021 Street Program Paoli Services began concrete work on Jefferson Avenue on April 12th. The Rosemont portion of the project is in the engineering phase, they have met with the Fire Department, completed site visits with the apparatus and have submitted their first progress billing for the engineering.
- The monthly Mobile Food Pantry event will be held tomorrow, April 14th from 9:00am to 11:00am.
- The Community Yard Sale is scheduled for Saturday, April 15th.
- Town Wide Clean-up Day is next Saturday, April 22nd, notices were hand delivered to each residential property on April 6th by Town Staff.
- Spending a significant amount of time on the Annual Stormwater Report which is due to DelDOT and NCC by May 1 and to DNREC by June 1.
- Special Council Meeting on May 8, 2023, at 6:30pm for the Swearing In and Organizational Meeting of Mayor and Council.

Code Enforcement

Code Enforcement Officer Scott Allen gave a brief overview of the Code Enforcement Report.

- The department issued 78 violations during the month, of those 42 were corrected without fines being issued, 31 received fines and 5 remained pending at the end of the month.
- Issued 5 Repeat Public Nuisance Violations, 4 of which were for 2nd or Subsequent Occurrences.
- Requested Public Works to perform 1 abatement as the result of a violation.
- Performed 23 Pre-Rental Inspections.
- Processed 30 permits.
- Issued 10 new "Out of Town" business licenses.
- Issued 6 new Rental Licenses.
- Tagged 11 vehicles for Tow, all were removed without being towed.
- Delmarva Power will be completing a pole replacement project along Old Dupont Road and B & O Lane from May 15th to 19th. The work is being completed to tie two circuits together for better customer reliability. No roads will be closed; however, it will be down to one lane with the use of flaggers during the project.
- We have received a permit application from a contractor on behalf of DNREC to perform boring in the public roadway in the 100 block of Northern Avenue.
 There is no current start date for this project, and they have provided very little detail for the purpose of the boring other than investigation.

Councilwoman Personti asked if additional information could be provided regarding this issue.

Code Enforcement Officer Scott Allen stated the application is very vague, but we believe there may be illicit ground leeching from a business located on the other side of Kirkwood Hwy but have been unable to obtain full confirmation. We will continue to obtain additional information and forward the results of our inquiries when received.

Councilwoman Personti asked if notices would be issued to residents in the area or if they would just be doing the project without notifying the residents.

Code Enforcement Officer Scott Allen stated that some of the locations are directly in front of residences so he is assuming they will hand out notices as they are required, however, he will ensure that the contractor is aware of the requirements.

Mayor Thompson stated that he still has questions; there is a potential issue of contamination within the boundaries of Elsmere for which they are going to bore samples to determine the extent of it but they won't give us specific information as to how much, when, how pervasive or anything.

Code Enforcement Officer Scott Allen stated that he has asked those direct questions and all he got was "I'll get back with you on that" and we are continuing to ask the questions. They have sent us a map that lays out all of the utilities and what we have been able to surmise is that they think that it must have

traveled underground across Kirkwood Hwy to a point in front of the houses on Northern Avenue.

Councilwoman Personti asked if they have said that they have positive samples taken from this particular business?

Code Enforcement Officer Scott Allen stated that they have not confirmed that information, he has not seen any activity in the area, but he could have missed them. We have not yet approved the application but wanted to notify the council of the situation.

Councilwoman Personti asked if we could request someone from DNREC to attend the May council meeting to provide additional information.

Acting Town Manager Steven Martin stated that we would push for that to occur.

Finance

Acting Town Manager Steven Martin gave a brief overview of the Finance Department Report.

- Transfer Taxes received for the month of March was \$27,333.75 which brings our Year-to-Date total to \$248,031.17. We believe we are on track to being close to meeting our annual budget.
- The mobile food pantry event for May 12th has been moved to Friday, May 26th from 9am to 11am.
- Received our Franchise Fee payment from Verizon in the amount of \$54,730.00 and received \$32,000.00 this month.
- Began processing annual senior/disability discount tax applications.
- Met with Republic Services regarding the contract extension, waiting on the contract document for execution.
- Began preparations for the 2024 budget.

Public Safety:

Chief Laura Giles gave a brief overview of public safety.

- On Monday April 10th at approximately 6:10pm there was a juvenile shot while playing basketball at Linden Avenue Park, this is an ongoing investigation.
- The 2022 Annual Reports for the Public Safety Department have been placed at your desks.
- On Saturday April 2nd at approximately 11pm an unknown black male robbed Domino's Pizza on Northern Avenue/Kirkwood Hwy at gunpoint, this is an ongoing investigation.

- At the Town Wide Clean-up, Cpl. Kerrigan will be holding a Safety Seat Checkpoint at Town Hall near the Library.
- She and Lt. Shelton will be attending the Delaware Police Chief's Seminar from May $2^{nd} 4^{th}$ in Dewey Beach but she will still be available via cell phone.

Councilwoman Jensen stated that she was surprised she did not receive notification of the Domino's burglary since it occurred in her district.

Public Works:

Public Works Supervisor Anthony Gaines gave a brief overview of Public Works.

- The department has been spending significant time on potholes throughout Town.
- We are shorthanded for one full-time position, we had one member of the department resign. We will be posting the position in the coming months.
- Kenny is nearing completion of his CDL training, he just needs to schedule his road test and then he will be certified.
- They have been assisting with renovations at Town Hall in the basement area and believe their involvement in that project is nearing completion.

Acting Town Manager Report

Acting Town Manager Steven Martin gave a brief overview:

 The former senior center, we met with 4 commercial realtors and have selected one we would like to work with. Do we need to receive Council approval for that contract?

Town Solicitor James McMackin asked if an RFP process was completed, and notice was posted.

Acting Town Manager Steven Martin stated that we reached out to 4 realtors directly.

Town Solicitor James McMackin stated that since it is not on the agenda it cannot be considered at this meeting, but it would require Council approval at the May meeting.

Acting Town Manager Steven Martin stated we are considering installing a bathroom in the one recreation room in that senior center space, we will be placing that out to RFP and will fund the installation using bond bill money received for renovations of the space.

 New Castle County Street Project, we have finally received contact from representatives at New Castle County and have an onsite meeting scheduled to get

- dates for the list of repairs outstanding in the Town. A big thank you to County Councilman Toole's office for helping to facilitate this meeting.
- Grants, we received a planning grant from DNREC as discussed earlier in the meeting. We looked at a FEMA Grant but have determined that we are not in the right position to apply for that grant this year. It has a 90% Federal, 10% Local Funding match which cannot be funded using ARPA and we are not in a position to apply for any of our stormwater projects or match the funding at this time. We will keep it in mind for next year's funding cycle and will look at budgeting matching funds at that time. EECBG, we have determined that we cannot use this Energy Efficiency Grant to fund streetlights since we do not own the street lights, therefore, we will apply for funding to upgrade all of the lighting at Town Hall to LED which should reduce out energy bills moving forward.
- We will be issuing an RFP for Window Replacements at Town Hall with a majority going into the former Senior Center space. We have all of the locations and measurements finalized and are working on drafting the RFP.
- We received 72 applications for the vacant Administrative Assistant position and conducted several interviews, we have narrowed it down to one candidate and are working to check their references at this time.
- Councilwoman Steppi mentioned the fence along Poplar Avenue at Town Hall.
 That fence was for the former Recreation Center to keep the children contained, the fence is an eyesore and is dilapidated. He believes that the Public Works Department is capable of removing the fence, but wanted to confirm whether Council approval was needed to remove the fencing.

There was a consensus that the fence should be removed.

• The EPD HVAC Project is nearing completion, he has convinced Delcollo Electric to begin including warranty's on the materials and workmanship which was not historically included.

PUBLIC COMMENT:

Ms. Nancy Jordan, 502 Baltimore Avenue, stated that she knows some additional information regarding the DNREC investigation, she was notified that there was an illicit discharge report completed and there is suspicion of brownfield leakage from said business and that the leakage could have been in existence for 5+ years.

Mayor Thompson stated that we keep dancing around the name of the business, but it is public record.

Code Enforcement Officer Scott Allen stated that the business location in question is EC Towing at the corner of Kirkwood Hwy and Northern Avenue.

STATEMENTS BY THE MAYOR AND COUNCIL:

Councilwoman Steppi stated that next weekend is the Town Wide Clean-up Day, but it is also Earth Day. On behalf of Lauren Sheldon, the volunteer coordinator for the Volunteer Community Cleanup Group, they have planned their event for that day at 11:00am. Lauren has also touched based with Tile Market and Brandywine Counselling who have been helping to provide equipment and materials to keep this event going.

Councilwoman Personti asked if there is a specific location designated for the cleanup.

Councilwoman Steppi stated that the location is determined that day based on number of volunteers.

Councilwoman Personti asked when Public Works is called to collect dumped items during the year, the Town has to pay for these to be removed, correct?

Public Works Supervisor Anthony Gaines stated that is correct.

Councilwoman Personti asked if the Public Works Department could do a ride around looking for those type of items prior to clean-up day to use these dumpsters instead.

Councilwoman Jensen asked who is responsible for trash along the bridges?

It was discussed that DelDOT is responsible for the bridges, but the Town has cleaned them up in the past when we have not received sufficient response for issues like trash and overgrowth.

Mayor Thompson stated that he will be meeting with Senator Mantzavinos next week to discuss stormwater and possible funding sources, including what was supposed to be the Bipartisan Infrastructure Bill.

ADJOURNMENT:

ACTION: A motion was made by Mayor Thompson to adjourn. 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

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