

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES**

August 10, 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	ABSENT

Town Solicitor, James McMackin – Present

Chief of Police, Laura Giles – Present

Town Manager, Steven Martin – Present

PUBLIC COMMENT:

John Holloway at 1304 Maple Ave, stated that he has concerns about graffiti along the walking path and kids throwing rocks and other things from the CSX property down to Tamarack. Councilman McKewen stated he went down and couldn't see a hole in the fence because of the overgrown shrubs. EPD is aware and Officers brought a girl back to see if the residents could identify her as the person throwing the rocks, but they were unable to do so. Chief Giles also stated that there has been damage to six CSX tucks as well. Chief Giles stated that it's a crime of opportunity for kids. Mr. Holloway stated that the vegetation on the fence is so bad that you can't give a description of the kids. Councilman McKewen asked who is responsible to maintain the area along the fence line. Town Manager Steven Martin stated that residents are responsible up to the fence line. Mr. Holloway stated that there is a gate that belongs to the Fire Department and the gate is overgrown with weeds as well. Town Manager Steven Martin asked for addresses so the Town can take a look at the area but Mr. Holloway couldn't give addresses but stated that it is from Nancy Johnson to Willie's property.

George Morris from First State Towing wants to erect a building on B & O Lane in the Town for cannabis. Mayor Thompson asked if it would be for growth and not dispensing and Mr.

Morris agreed and stated warehousing as well. Mr. Morris also stated that Medori would be a partner as he owns property. Mr. Morris wanted to bring it to Council's attention as they have to get approval and it is 18 months out and that they need State and Town approval. Mayor Thompson asked to set up a meeting with Mr. Morris, Town Manager Steven Martin, and himself. Councilwoman Steppi asked if Mr. Morris was waiting for legislation to pass and he then introduced Fred Calhoun as being a partner and can answer legislative questions. Mr. Calhoun introduced himself and Councilwoman Steppi asked if there are any other partners. Mr. Calhoun stated there are not at this point as it's still early on and Delaware has some of the strictest regulations. Mr. Calhoun stated a lot of towns are looking into it, like Middletown and that towns have been deciding on a case-by-case basis. Mr. Calhoun stated that they wanted to get this in front of Council for the future as once the rules come out, they will need to submit to the State for review. Mayor Thompson stated that this is the first step to getting things moving and getting public input. Councilwoman Personti asked about a special meeting night for the public to give input and have Fred and George answer any questions, as the Town must respect everyone. Councilwoman Steppi asked if other states have been successful in this business and Mr. Calhoun explained that Delaware has a restriction on the size of the building and there has to be police present at the building which other states do not. Mr. Calhoun stated that Mr. Morris will be employing 25 police officers as this is required by legislation. Mr. Calhoun also stated that competitors are regulated on the quantity of cannabis that can be produced. Councilwoman Personti asked if there would be advertising on the building, and Mr. Calhoun stated that there would not be any advertising.

Anitra Johnson at 926 Dover Ave, stated that she has a parking spot deeded to her, but it is not clearly marked what spot belongs to who. She stated that she recently stopped in Town Hall to get a map to find out what lot number is hers. She stated that the parking spot is not right behind her house but down the street and behind someone else's house. Chief Giles stated we are not surveyors and that she should get it surveyed and then it would be a civil matter. Town Manager Steven Martin stated also that Ms. Johnson should check her deed and it should have her property lines listed and if not, she would have to get it surveyed. Ms. Johnson stated that her deed does show she has a lot, but its in the backyard of 2 houses. Town Manager Steven Martin asked for Ms. Johnson's phone number so she could be contacted. Ms. Johnson also mentioned that the trees needed to be trimmed. Town Manager Steven Martin stated that if the tree is on property owned by private owners, then the owners can cut it down.

APPROVAL OF MINUTES:

Minutes of the July 13, 2023, Council Meeting.

ACTION: A motion was made by Councilwoman Personti to approve the minutes of the July 13, 2023, Council Meeting with no corrections. The motion was seconded by Councilman McKewen.

VOTE: 6-0 with 1 Absent All-in-Favor Motion Carried

Old Business:

Introduction for Third and Final reading of Ordinance 668:

An ordinance amending the zoning map of the Town of Elsmere by rezoning the property known as 1 Spruce Avenue (Tax Parcel ID 19-004.00-010) from its existing zoning classification of R-1 Residential District to a zoning classification of CC Community Commercial District.

ACTION: A motion was made by Mayor Thompson to approve Third and Final reading of Ordinance 668. The motion was seconded by Councilwoman Personti.

VOTE: 4-2 with 1 Absent Motion Carried

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

Presentation from Pam Scott, an attorney with Law Firm Saul Ewing gave a brief overview of rezoning of 1 Spruce Ave on behalf of Serpe's.

Introduction for Third and Final reading of Ordinance 669:

An ordinance to allow the reverse subdivision of 7 tax parcels into a single tax parcel.

ACTION: A motion was made by Mayor Thompson to approve Third and Final reading of Ordinance 669. The motion was seconded by Councilwoman Personti.

VOTE: 4-2 with 1 Absent Motion Carried

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

Presentation from Pam Scott, an attorney with Law Firm Saul Ewing gave a brief overview of consolidating 7 parcels on behalf of Serpe's.

New Business

Discussion Concerning the following committee vacancies.

- Planning Commission two seats
- Pension Committee two seats

Mayor Thompson stated that he has reached out to three people to see if they are interested in filling these seats.

Town Manager Steven Martin suggested advertising committee vacancies. Mayor Thompson stated to put it on website and Facebook.

Councilwoman Personti stated that we could ask people as we are talking to them if they want to join a committee.

Mayor Thompson stated that when he does reach out that time is an issue for a lot of the public.

Councilman McKewen asked if John Holloway in the audience if he wanted to be on the Planning Commission and Mr. Holloway said yes.

Consideration of issuing an RFP for construction of a bathroom in the Senior Center, utilizing 2022 Community Reinvestment Funds.

Town Manager Steven Martin explained that we have RFP's ready to go out and receive bids since we have a tenant lined up.

Consideration of issuing an RFP for installation of new windows through Town Hall utilizing 2022 Community Reinvestment Funds.

Town Manager Steven Martin explained that we have RFP's ready to go out and ready to receive bids.

DEPARTMENTAL REPORTS:

Code Enforcement

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

- The department issued 130 violations during the month, of those, 67 were corrected without fines being issued, 56 received fines and 7 remained pending at the end of the month.
- Issued 4 Repeat Public Nuisance Violations, all of which were for 2nd or Subsequent Occurrences.
- Requested Public Works to perform 4 abatements, as the result of a violation.
- Performed 13 Pre-Rental Inspections.
- Processed 26 permits.
- Issued 2 new "In Town" business licenses.
- Issued 6 new "Out of Town" business licenses.

- Issued 4 new Rental License.
- Tagged 9 vehicles for Tow, all were removed without being towed.
- Councilwoman Personti thanked Code for all their hard work they have done in the 5th district.
- Councilwoman Jensen thanked Code for all their hard work that they do regarding the vacant properties.
- Councilwoman Jensen stated that she is concerned that the BOA committee is not asking residents about hardships.

Finance Department

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

- Valarie Strzempa entered the new FY budget into the Financial Reporting system.
- Continued consolidating FY 23 invoices and checks for the upcoming audit.
- Valarie Strzempa performed updated cross training to Jackie and Rachel on processing P.O.'s in anticipation of her maternity leave.
- Jackie Moore pulled in the Tax Roll from New Castle County and did a comparison report for accuracy.
- Jackie Moore mailed out tax bills.
- Received full payment in the amount of \$26,115.38 for three houses that were sent to sheriff sale.
- 108 Forest, a historic problematic property was sent to sheriff sale. The owner in turn filed for bankruptcy.
- Continued to process Senior Discount/Disability tax applications.
- Took in \$37,935.00 in transfer taxes for the month.
- Pulled all grant files in preparation for the A133 year end audit.
- Submitted the Municipal Street Aid Annual Report.
- Submitted 1st invoice to the State for the reimbursement of Jefferson Street Repair expenses.

Public Safety

Chief Laura Giles gave a brief overview of Public Safety.

- Chief Giles stated that Janvier Jewelers was robbed and that there is a ring going around hitting different jewelry stores and have currently hit 3 jewelry stores and fled in stolen cars.
- Councilman McKewen asked if there were any other details in the report regarding the young girl that was arrested for throwing the rocks.
- Chief Giles stated that she says Officers' Smith and Young are looking into it for further details.

Public Works

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

- The department is continuing to address potholes throughout Town.
- Cleaning the trees up around the Town from the last couple storms we have had.
- Building maintenance completed are as follow, Halo/disinfecting of Town Hall, replacing the panel in the pool room and installed LED lights in EPD.
- Annual Park cleanup project done are painted fire hydrant in Dog Park, cleaned up the fallen tree limb in Maple Park, cleaned up the fallen tree limb in Fairgrounds Park and installed the table in Bryan Martin Park.
- Completed 4 abatements at the request of the Code Enforcement Department.
- Councilwomen Steppi questioned the graffiti at the playgrounds.
- Public Works Supervisor Anthony Gaines stated that it's an ongoing issue.
- Public Works Supervisor Anthony Gaines stated that the chains on the swings which are commercial grade are being ruined.
- Councilwoman Jensen stated that we should think about getting camaras in the parks.
- Public Works Supervisor Anthony Gaines stated that they are trying to keep up on graffiti but it's going to happen.
- Mayor Thompson stated that in the span of a month, the Town has had dumpster fires, graffiti, kids throwing rocks and playgrounds being ruined.
- Councilwomen Jensen stated she saw ignorance of kids while at Season's Pizza.
- Councilwomen Personti stated she saw a group of kids riding their bikes in the roadway and wreaking havoc throughout Town.
- Chief Laura Giles stated that by the time the police get there, there is no crime being committed.
- Town Manager Steven Martin stated that it's the new generation and hopes it's just a seasonal occurrence.
- Councilwomen Steppi questioned where the dumpsters from Vilone are now.
- Public Work Supervisor Anthony Gaines stated that they have been removed and back at Republic.
- Councilwomen Jensen thanked Public Works for getting the beehive down at the Dog Park.
- Public Work Supervisor Anthony Gaines stated that beehives are bad this year and popping up all over Town, for example Town Hall and near Councilwomen Personti's house.

Town Manager

Town Manager Steven Martin gave a brief overview:

- He had a meeting with KCI regarding the timeline, construction plan and proposal for Vilone Village stormwater plan and we should have the plans by the end of the month.

- Town Manager Steven Martin stated that we should ask them to be in on the proposal for construction and bid phase, as when we are in the bid phase, we are not going to be able to answer the bidders questions and for the construction we are not going to know what is done and done right. They have the expertise and we do not.
- He has not received any updates from the Conservation District regarding additional funding as of yet and should have an update mid-August to mid-September.
- The Town received a grant of \$130,000 from the Community Reinvestment Fund.
- We have begun the application for the Energy Efficiency and Conservation Block grant to install new doors.
- The Town finally received a response from the County regarding street repairs and they sent out bid contracts to two contractors and hopefully have an answer by the end of September.
- The Rosemont & Taylor Street Road design is still awaiting the bid documents from our engineer.
- Working on the 5-year Street Program has been delayed due to staff changes and will try to have it completed by the end of August.
- Would like to schedule a meeting with the Property Managers and/or owners of the apartments during the latter part of August about implementing a surcharge for trash service starting January 1st. Any Council Members who would like to attend please let Town Manager Steve Martin know.
- Working on the Letter of Intent with Impact Life for the lease of the Senior Center. Also started doing some minor repairs and clean up to the Senior Center.
- Started documentation of SOP's for the Administration department as there were NONE in place at the time.
- Tweaked the Administrative Job Description and posted an advertisement in the News Journal, Delaware League of Local Government, and the Delaware Municipal Clerk's.
- Updated the Finance Director's Job Description and will be posting the job opening the week of August 14th.
- Councilwoman Jensen asked if we had started any of the steps on the storm water project.
- Town Manager Steven Martin stated we have not.
- Councilwoman Steppi asked if we are waiting on something to start the project.
- Town Manager Steven Martin stated that once KCI has completed the first phase, then he will ask them to start the second phase.
- Councilwoman Steppi asked if the ARPA funds are okay.
- Town Manager Steven Martin stated that we are working with a tight time line but once the construction drawings are done we can bid out and can have different phase out at the same time. It's also important that we don't comingle the phase when we have them drawing up the bid documents.
- Mayor Thompson stated that a lot of people did a lot of work in a little bit of time to make sure Elsmere was on the list.
- Councilwoman Personti asked about New Castle County and 20 patches though out Town.
- Town Manager Steven Marting explained that we are waiting on proposals from 2

contractors and should hear back from them in 2 weeks. He also stated that he kept hearing they don't know where they are getting the money from.

PUBLIC COMMENT:

Senator Mantzavinos wanted to check in. He stated he knows we are working on the storm draining and that dividing funds does not happen until September, but Elsmere is on the list and that we have his support on this. Councilwoman Steppi asked about the DART bus stop trash issues.

Senator Mantzavinos said to give him the locations and he will bring it to DART's attention. Councilwoman Steppi asked about the street sweeper along Kirkwood Highway as the debris is clogging the storm drains. Senator Mantzavinos stated that he will reach out to DelDot and see what he can find out and get back to us. Councilwoman Personti asked about trash and debris under the bridge near Serpe's. Senator Mantzavinos stated that it's DelDot or NCC and will look into this. Councilwoman Steppi asked about Rt. 100 bridge north and south bound graffiti and overgrown debris and who is responsible for it. Mayor Thompson stated that the Council needs to go through Town Manager Steven Martin, so one person is handling concerns for the Town.

STATEMENTS BY THE MAYOR AND COUNCIL:

- Councilwoman Personti suggest that Council possibly have an executive discussion with BOA as some dissatisfaction was mentioned.
- Town Solicitor James McMackin stated that if there is going to be quorum of BOA and Mayor and Council present and discussing public business then the FIOA is triggered. He stated that we can go into executive session to discuss someone's performance/jobs and when someone is elected to a board position, then it cannot be discussed in executive session as it's not a "job" but civic duty. McMackin suggested having a public meeting with the Mayor and Council and BOA which would be subject to FOIA as well.
- Mayor Thompson stated that Town Manager Steven Martin is already working on how to approach some of the concerns.
- Councilwoman Jensen stated she has mentioned to BOA before about her concerns previously.
- Councilwoman Steppi stated that we have a lot of rental properties and landlords that live lavishly, and they do not maintain the properties.
- Town Manager Steven Martin stated that it's important that we have this conversation with BOA so they understand what all is involved with the properties and the amount of work that Code does and that the homes are kept up to par with the Town's vision.
- Councilwoman Personti stated there has been a change in presentation and that the previous Town Manager would attend the meeting and would state on record if the Town was opposed to the appeal.
- Mayor Thompson stated that we cannot tell the BOA what to do but that we have a code that applies to all equally, whether they live in the Town or don't live the Town. As well as we have employees that work hard and when financial hardships or findings are not documented, it diminishes the work that they do.

- Councilwoman Personti stated that she does admire how BOA states that when the fine is waved and if they reoffend in a certain time frame, then the waved fine comes back and that no public comes to the meetings.
- Councilwoman Personti asked that we mention any new business or projects on Kirkwood Highway in the reverse 911 phone calls.

ADJOURNMENT:

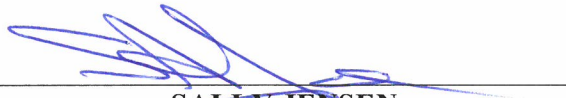
ACTION: A motion was made by Councilwoman Skipski to adjourn. The motion was seconded by Councilwoman Jensen.

VOTE: 6-0 with 1 Absent 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