

**TOWN OF ELSMERE  
COUNCIL MEETING MINUTES**

**April 11, 2024**

**6:30 p.m.**

**CALL TO ORDER:** Councilwoman Jensen called the meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE:**

**MOMENT OF SILENCE:**

**ROLL CALL:**

MAYOR	ERIC SCOTT THOMPSON	ABSENT
1 <sup>ST</sup> DISTRICT	VACANT	
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	PRESENT

Town Solicitor, James McMackin – Present  
Chief of Police, Laura Giles – Absent  
Police Lieutenant, Gregg Shelton - Present  
Town Manager, Steven Martin – Present  
Finance Director, Valarie Strzempa - Present

**PUBLIC COMMENT:**

Fred Carlson of 104 Western Avenue recalled roughly 20 years ago, the estimate received to repair roads in Town was between 4-6 million dollars and yet, the roads are fine for now, but the police need help now. He asked Council to consider voting to approve the request presented at the April 8, 2024 Special Council Meeting, which was \$10,000 retention bonuses and a pay scale increase for police officers.

Steve Burg of 15 Devon Lane in Lewes, Delaware, formally of 108 Northern Avenue and previous Mayor of the Town stated that since Chief Laura Giles would never do so, he wants to question Resolution 23-01 passing last year in honor of John Giles' 40 years of service to the Town of Elsmere. Does Council believe this was enough? John Jaremchuk, although deserving, was a huge advocate for the Town for 20 years, specifically the police department which in turn, the police department's building was named after him. But for John Giles, only a simple piece of paper was signed. He believes in memory of John Giles, we should name Town Hall or Council Chambers after him and asked Council to consider the request, since there has been no other person who gave over 40 years to this Town and spent more time in this building than anyone else.

Stephanie Garcia of 1119 Kirkwood Highway believes it is ridiculous to question the proposed increase for the police officers. The police do an exceptional job protecting the Town. It is outrageous to think we could only have a 7-officer department. They are not asking for

much considering they put their lives on the line for us. She asked Council to have more consideration for the officers.

**APPROVAL OF MINUTES:**

Minutes of the March 14, 2024, Council Meeting.

**ACTION:** A motion was made by Councilwoman Personti to approve the minutes of the March 14, 2024, Council Meeting with no corrections. The motion was seconded by Councilman McKewen.

**VOTE:** 5-0 with 1 Absent and 1 Vacant All-in-Favor Motion Carried

**OLD BUSINESS:** None

**NEW BUSINESS:**

Introduction for First and Second reading of Ordinance 671:  
An Ordinance amending the definition of “Income” in Chapter 204 of the Code of the Town of Elsmere for Senior Citizens and Disabled Tax Exemption.

Town Manager Steven Martin summarized the Ordinance, explaining that this is to be able to include pensions in the calculations for senior citizens income. This Ordinance is aimed to benefit seniors.

Town Solicitor Jim McMackin stated he has reviewed, commented and approved the Ordinance as written.

**ACTION:** A motion was made by Councilwoman Personti to approve First and Second reading of Ordinance 671. The motion was seconded by Councilman McKewen.

**VOTE:** 5-0 with 1 Absent and 1 Vacant All-in-Favor Motion Carried

Introduction for First and Second reading of Ordinance 672:  
An Ordinance amending Chapter 131 of the Code of the Town of Elsmere regulating the production and sale of marijuana in the Town of Elsmere.

Town Manager Steven Martin explained that after drafting this Ordinance, he was made aware that there are revisions that will be made at the request of the Mayor, who sponsored the Ordinance. The background for this Ordinance is that newly enacted Delaware Marijuana Control Act, specifies that municipalities may regulate the production and sale of marijuana. The revisions may allow for manufacturing facilities in industrial districts in the Town as opposed to prohibiting any retail and manufacturing of marijuana in the Town of Elsmere. Town Manager Steven Martin then requested Council to consider tabling this agenda item until the Mayor is present to further expand on the details of the Ordinance.

**ACTION:** A motion was made by Councilwoman Jensen to table the First and Second reading of Ordinance 672 until the Mayor is present. The motion was seconded by Councilwoman DiBiaso.

**VOTE:** 5-0 with 1 Absent and 1 Vacant All-in-Favor Motion Carried

Consideration of approving the date, times, and polling location for the Special Election for the Office of 1<sup>st</sup> District Council.

Town Manager Steven Martin explained that typically, Town Elections are held on Saturdays, however, this would place the Election on Memorial Day Weekend. We were advised by the State Department of Elections that they would not have the staff to host the election on that weekend. The State proposed to have it on Wednesday, May 29, 2024 from 7am to 5pm here at Town Hall, which is the last possible day due to Special Election requirements by our Code placing this on a 60 day timeline.

**ACTION:** A motion was made by Councilwoman Personti to approve the date for the Special Election for the Office of 1<sup>st</sup> District Council of May 29, 2024 from 7am to 5pm to be held at Town Hall. The motion was seconded by Councilman McKewen.

**VOTE:** 5-0 with 1 Absent and 1 Vacant All-in-Favor Motion Carried

Discussion regarding expending remaining ARPA funds by December 31, 2024.

Town Manager Steven Martin stated the remaining funds must be expended or encumbered by December 31, 2024, and would like Council's suggestions for what they would like them expended on.

Councilwoman Steppi stated that there are numerous streets in need of repair or replacement, catch basins failing, and many other large projects that need funding. She would like to see the funds allocated to infrastructure.

Councilwoman Personti stated she thinks we should keep the funds available for any cost overages for all the upcoming projects, which she thought was already done.

Town Manager Steven Martin stated she recalled a discussion, but no vote was taken on any action.

**ACTION:** A motion was made by Councilwoman Steppi to reallocate \$233,541 ARPA Funds into infrastructure line item. The motion was seconded by Councilwoman Personti.

**VOTE:** 5-0 with 1 Absent and 1 Vacant All-in-Favor Motion Carried

Consideration of appointing the following member to the Board of Adjustment. If appointed, their term would expire on April 11, 2027:

1. Kyrah Tate

Town Manager Steven Martin explained that this resident has expressed interest in filling the position and she has experience since was on the Board of Adjustment for New Castle County. He believes she is a good candidate.

**ACTION:** A motion was made by Councilwoman Jensen to appoint Kyrah Tate to the Board of Adjustment, who's term would expire on April 11, 2027. The motion was seconded by Councilwoman Personti.

**VOTE:** 5-0 with 1 Absent and 1 Vacant All-in-Favor Motion Carried

**DEPARTMENTAL REPORTS:**

Code Enforcement

Code Enforcement Officer Nicole Facciolo gave a brief overview of the Code Enforcement Report.

- The department issued 96 violations during the month of March, of those, 61 were corrected without fines being issued, 26 received fines and 9 remained pending at the end of the month.
- Issued 5 Repeat Public Nuisance Violations and of those, 2 were for 2<sup>nd</sup> or Subsequent Occurrences.
- Currently have 8 vacant properties on file.
- Requested Public Works to perform 2 abatements as the result of violations.
- Performed 10 Pre-Rental Inspections.
- Processed 37 permits.
- Issued 6 new "In Town" business licenses.
- Issued 13 new "Out of Town" business licenses.
- Issued 3 Rental Licenses, all were new rentals.
- Tagged 2 vehicles for Tow, all were removed without being towed.
- Code Officer Nicole Facciolo reported that her and Code Officer Vaughn Hill have been working on alternating Saturdays throughout the month and no properties were found to be doing any work with or without permits.
- Councilman McKewen stated there is a vehicle on Maple Avenue in front of 1341 that has not moved throughout the last fall and winter season, and it has a flat tire. He noticed that there was a tow tag on the window for a while, but he noticed just the other day, there is a new tow tag. When will this vehicle be removed and why wasn't it removed?
- Code Officer Nicole Facciolo replied that this was an oversight on her behalf but realized this just 2 days ago which is the reason for the new tow tag. She must start the process over again allowing 10 days for the owner to remove the vehicle or bring it into

- compliance. If not, she will have the vehicle removed. She apologized for the oversight.
- Councilwoman Steppi saw on the report that Code Officer Nicole Facciolo attended a virtual workshop on electric vehicles, could she expand on this for what this could mean for the Town?
- Code Officer Nicole Facciolo explained that the workshop was very basic, explaining what they are, the components to them, how it can benefit the municipalities by using vehicles or installing charging stations. It proved that it could generate some revenue as well.
- Councilwoman Steppi asked if there were any grant funding opportunities discussed for charging stations?
- Code Officer Nicole Facciolo stated yes, but for this class it was only regarding the Washington D.C. area.
- Councilman McKewen asked Code Officer Nicole Facciolo's opinion on where we could place the charging stations.
- Code Officer Nicole Facciolo said she was not entirely sure, but certainly Town Hall's parking lot could be considered, along with any parks with parking lots, even Wawa's are beginning to install them.

### Finance Department

Finance Director Valarie Strzempa gave a brief overview of the Finance Department Report:

- Continued collection of delinquent taxes. Total taxes received during the month: \$1,654.94.
  - Total penalties and interest received during the month: \$519.71.
  - Continued processing recertification and new applications for Senior/Disabled tax discounts. Additionally, facilitated payment plan requests/agreements in conjunction with the Town Managers approval.
- Continued certifying all Town of Elsmere Deeds prior to submission to the Recorder.
  - Collected \$51,765.00 in Transfer Taxes which is the highest grossing month of the fiscal year.
- Town of Elsmere Sheriff Sale Properties
  - 16 Tamarack Ave., the property is current with no outstanding balance/open invoices
  - 206 Rosemont Dr., On April Sheriff Sale List by the Mortgage Company. As of 3/31/24, there is a tax balance which is paid accordingly if/when the property sells.
  - 7 Beech Ave., No update
- HERA Registry (Abandoned Property Revitalization) revenue received during the month \$400.00.
- Valarie Strzempa and Rachel Ritter attended the quarterly Delaware Public Purchasing Association meeting in Dover, DE.
- Provided reports and documentation as requested by the Auditors for the completion of the FY23 Audit.
- Continued to work with DELJIS and DTI concerning the VAC CJIS software updates necessary to reconcile payments received by the VAC. Total VAC checking account and

accounting software reconciliation performed. Additionally, communication with DELJIS concerning continual updates in paperwork the CJIS system generates.

- Performed inventory reporting for DCJC grants in coordination with the State.
- Received reimbursement for the DCJC Opioid Grant (COSSUP) quarter ending 12/31/23. The Town and Impact Life were both reimbursed accordingly. This is reflective on page 2 in lease income and 3 for the reimbursement of utilities in the budget report.
- Valarie Strzempa attended 2-Day Grant Development Course Training.
- The Department assisted with the Towns Easter Egg Hunt.
- Coordinated with Edmunds GovTech on Friday, March 28<sup>th</sup> to complete critical account updates related to the ARPA Accounting. This was completed while the Town offices were closed to not disrupt daily operations.
- Councilwoman Steppi asked if we are above in our transfer tax budget?
- Finance Director Valarie Strzempa replied yes, there was a sale of a commercial property which helped and there is a 2% increase. The values are projected to remain consistent through the end of the year based on an investment economic seminar.

At this time, Mayor Thompson arrived.

### Public Safety

Lieutenant Shelton gave a brief overview of Public Safety:

- Report was provided by the department, but he can field any questions in the Chief's absence.

### Public Works

Public Works Supervisor Anthony Gaines gave a brief overview:

- Concentrating on potholes and handicap parking spaces, spraying the curbs for weeds and catch basin repairs.
- Supervisor Anthony Gaines received an inspection report for the playgrounds and he and the Town Manager are working with Global Playgrounds to have the items noted in the report repaired.
- Councilwoman Steppi stated that this would be Public Works Supervisor Anthony Gaines's last meeting as he is moving on from the Town. She thanked him for all his hard work and wished him luck in his future endeavors.

### Town Manager

Town Manager Steven Martin gave a brief overview:

- Submitted 2 grant applications for the Town's Stormwater project to both Senator Carper and Senator Coons for the Congressional Direct Spending, requesting \$3.1 million. Both requests were accepted, and we should know of their decision sometime in November.

- Representative Lisa Blunt Rochester's Community Project Funding application has opened with a due date of April 16, 2024. We may also submit a Stormwater application for this as well.
- The BRIC application is still being worked on. KCI is continuing to refine the engineering and the cost of the project in preparation for the grant submission which opens in November. There will be a meeting at the end of April regarding cost projections.
- Rosemont and Taylor – We finally received permitting notice from DNREC on the water drainage for this street repair. The site will not require any permitting. Vandermark and Lynch is preparing the bid package which should be completed by mid-April. We received \$150,000 from DelDOT to complete this project.
- Working on the application to the Community Reinvestment Fund for the year one Street Project and bathroom repairs at Town Hall. Senator Mantzavinos and Representative Neal will contribute another \$50,000 each from their CTF.
- Valarie and Scott attended Professional Grant Development workshop. It was a two-day training course on best practices for locating and writing work grants. I only attended one of the two days.
- Had a meeting with GitSit Solutions regarding 16 Tamarack and explained all outstanding issues and what is needed to get the property in compliance. They informed us that they will forward the issues to their property preservation department. As of April 1<sup>st</sup>, nothing has been done and additional fines and citations have been served.
- Attended the monthly Delaware League of Local Government Meeting.
- Joined in on the 2024 Phase 1 MS4 Co-Permittee Annual Meeting.
- Attended Hill Day in Washington DC with the DLLG. Had an opportunity to with meet with Senator Coons, Carper and Representative Lisa Blunt Rochester.
- Had the Annual Easter Egg Hunt, which was well attended even though it was postponed by one day due to weather. We did have to alter the times of the age groups due to only being able to use one field since the second field was too muddy.
- Sat in on an informative session hosted by IPA for "What Does the Housing Crisis Mean in Delaware".
- Had the window RFP Walk through. Only one contractor attended who ultimately did not submit a bid. We will be opening it up for a second bid.
- Spoke to Delmarva regarding the poor repair job on Spruce Avenue. They came into Town Hall and pulled a permit so there is permit on file now. Awaiting decision on street repair.
- Code Officer Nicole Facciolo added that while the permit was received, Delmarva wrote they will replace an 8 x 10 section of the road, but we require a 25 x 25 section, therefore they must submit a revised permit application.
- The staff completed the Newsletter and the Clean Up Day Flyer. The Town's Clean Up Day is April 20<sup>th</sup> if anyone would like to participate.
- Councilwoman Personti asked which day will the staff be performing the annual lit drop with the Newsletter and Clean Up Day Flyer?

- Town Manager Steven Martin replied this would likely be done on Tuesday, April 16<sup>th</sup>, or Wednesday, April 17<sup>th</sup> weather depending. We are simply waiting for production to be completed by the Trophy Shop.

**NEW BUSINESS:**

Introduction for First and Second reading of Ordinance 672:  
An Ordinance amending Chapter 131 of the Code of the Town of Elsmere regulating the production and sale of marijuana in the Town of Elsmere.

Mayor Thompson stated he was told this agenda item was tabled until he arrived to the meeting so we can circle back to this. The way this Ordinance reads now, it prohibits all businesses in Town, but there were conversations had which would allow growing facilities in industrial areas and he would like to open the discussion among Councilmembers.

**ACTION:** A motion was made by Councilwoman Jensen to untable the First and Second reading of Ordinance 672 now that the Mayor is present. The motion was seconded by Councilman McKewen.

**VOTE:**            6-0 with and 1 Vacant            All-in-Favor            Motion Carried

**ACTION:** A motion was made by Mayor Thompson to approve the First and Second reading of Ordinance 672 with anticipating modifications to allow growing facilities and cultivation in Industrial Districts at the Third and Final Reading. The motion was seconded by Councilman McKewen.

**DISCUSSION:**

Councilwoman Steppi stated she supports this ordinance specifically for school children. There are children who cross the street at Kirkwood and Sanders who cross from a liquor store to a vape shop. Also, she receives constant complaints regarding the clientele from the vape shop and trash and debris traveling down the streets. Additionally, we now have an addiction resource center located here in Town and believes it would be counterintuitive to support retail shops while supporting Impact Life as well.

**VOTE:**            6-0 with and 1 Vacant            All-in-Favor            Motion Carried

**PUBLIC COMMENT:**

Michael Matthews of 34 Richard Avenue thanked Code Officer Nicole Facciolo for the electric vehicle update since he owns one and thinks this is the future and we should embrace it. Mr. Matthews stated he received a copy of the marijuana ordinance and using that logic, the Town might as well ban places such as Wawa or McDonald’s if trash is the issue. Even places like our Bark Park have trash in them. Marijuana legalization is very well supported in the State



and there is no evidence to support it being a gateway drug. If we ban this, it is regressive.

Fred Carlson of 104 Western Avenue stated he thinks any discussion on ordinances should wait until the Third and Final Readings. Mr. Carlson also stated we should be going to leaders in Washington D.C. asking for grants for roads. Mr. Carlson then asked if Artesian was finished the water flushing being performed? Will there be mosquito spraying this year? Asked Council to please take care of the police department.

Town Manager Steven Martin replied he was not sure about the status of Artesian and there was no date given on the mosquito spraying this year.

Officer John Giles [ADDRESS REDACTED FOR OFFICER SAFETY] stated he is certain that no one cared more about this Town more than his father and he is right there with him. As a 12-year police officer with the Elsmere Police Department, a 20-year member of the Elsmere Fire Company and a lifelong Town resident, he extended his thanks to everyone who has shown support.

Jose Matthews of 34 Richard Avenue stated he wanted to express his opinion on the legacy of John Giles since he had the privilege of working with his while Mr. Matthews was on the Planning Commission. One proposal is to name a roadway, possibly Poplar Avenue or maybe the road where John grew up to "John Giles Way". There may be funding available through our State Representatives. Mr. Matthews also commented on signage around Town, specifically in the liquor stores and smoke shops, he thinks there could be more discretion used in allowing these signs promoting drugs and alcohol. He fully supports the sale of these things but thinks we should tax them higher and thinks more discretion should be used in promotion of sales.

Dawn Stewart on Tamarack Avenue stated she attended the Special Council Meeting on April 8, 2024, and doesn't think we can wait. We should not be faced with losing 3 officers. These officers know the residents, the children. Residents know them. If we lose them, any new officers will have to learn everything these officers already know. A decision by the Council must be made.

Mayor Thompson stated that he doesn't believe anyone disagrees and knows that the Town Manager and the Finance Department are running numbers and gathering information to figure this out.

Steve Burg of 15 Devon Lane, Lewes, DE, formally of 108 Northern Avenue stated he believes the police officers are worth every penny they get. Every department is struggling to hire new officers, we have to do everything we can to keep our officers. It is absurd that 3 officers could be leaving, and we would spend more money to pay New Castle County to cover. To think that a man who works only part time at a funeral home retrieving the deceased is earning \$42,000 per year when our officers are all full time, putting their life on the line, earning \$55,000. Mr. Burg encouraged Council to do a ride along with the officers to see what they go through.

**STATEMENTS BY THE MAYOR AND COUNCIL: NONE**

**EXECUTIVE SESSION:**

Pursuant to 29 Del. C. Section 10004(b)(9) the Mayor and Council will adjourn into an executive session to discuss a personnel matter.

**ACTION** A motion was made by Councilwoman Jensen to enter into an executive session pursuant to 29 Del. C. Section 10004(b)(9). The motion was seconded by Mayor Thompson.

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

**RETURN TO PUBLIC SESSION:**

Mayor Thompson called the meeting back into Public Session from the Executive Session and stated there is no action needed to be taken.

**ADJOURNMENT:**

**ACTION:** A motion was made by Councilwoman Jensen to adjourn. The motion was seconded by Councilman McKewen.

**VOTE:**            6-0 with 1 Vacant                      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.

  
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**ERIC THOMPSON**  
**MAYOR**

  
\_\_\_\_\_  
**SALLY JENSEN**  
**SECRETARY**