

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
May 9, 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	PRESENT
1 ST DISTRICT	VACANT	
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
Finance Director, Valarie Strzempa - Present

PUBLIC COMMENT: None

APPROVAL OF MINUTES:

Minutes of the April 8, 2024, Special Council Meeting.

ACTION: A motion was made by Councilwoman Personti to approve the minutes of the April 8, 2024, Special Council Meeting with no corrections. The motion was seconded by Councilman McKewen.

VOTE: 4-0 with 2 Absent and 1 Vacant All-in-Favor Motion Carried

Minutes of the April 11, 2024, Council Meeting.

ACTION: A motion was made by Councilwoman Personti to approve the minutes of the April 11, 2024, Council Meeting with no corrections. The motion was seconded by Councilwoman Jensen.

VOTE: 4-0 with 2 Absent and 1 Vacant All-in-Favor Motion Carried

OLD BUSINESS:

Introduction for Third and Final 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, stating that the purpose is to better serve residents who receive income from fire, police, railroad pensions to be calculated into the eligibility for any tax discounts.

ACTION: A motion was made by Councilman McKewen to approve the Third and Final reading of Ordinance 671. The motion was seconded by Councilwoman Jensen.

VOTE: 4-0 with 2 Absent and 1 Vacant All-in-Favor Motion Carried

Introduction for Third and Final 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.

ACTION: A motion was made by Councilwoman Personti to table the Third and Final reading of Ordinance 672 until the arrival of Mayor Thompson who was enroute to the meeting. The motion was seconded by Councilman McKewen.

VOTE: 4-0 with 2 Absent and 1 Vacant All-in-Favor Motion Carried

NEW BUSINESS:

Consideration of setting a date/time for the Annual Budget Hearing.

Town Manager Steven Martin explained that typically, the Council decides on this date and time since these hearings have historically run longer than the average meeting and they have previously moved this to a separate date if necessary. Additionally, he added that he would like to request an extension to have the budget submitted to the Council. The budget is usually submitted on or before May 15th of each year, however he is informing them that a five-day extension to submit this to them on May 20, 2024, is needed.

After a brief discussion, it was suggested that setting the date and time for the Annual Budget Hearing should be tabled until the arrival of Mayor Thompson due to his work schedule often leading him to work out of Town and this discussion would be best suited with this presence.

ACTION: A motion was made by Councilwoman Personti to table any consideration of setting a date/time for the Annual Budget Hearing until the arrival of Mayor Thompson who was enroute to the meeting. The motion was seconded by Councilwoman Jensen.

VOTE: 4-0 with 2 Absent and 1 Vacant All-in-Favor Motion Carried

Consideration of waiving any associated fees issued by the Town for the reconstruction of the building destroyed by fire in the Paoli Services yard.

Councilwoman Personti stated this agenda item was her suggestion due to the absence of a 1st District Council. Additionally, we have previously waived fees for our long standing in town businesses in devastating events such as this. For example, the fire that occurred to Serpe's Bakery on Christmas Eve in 2016, it was determined then to waive any associated fees issued by the Town for reconstruction due to the financial hardship this causes businesses. The Town Council has always wanted to support businesses in the best way possible when devastation strikes.

ACTION: A motion was made by Councilwoman Personti to waive any associated fees issued by the Town for the reconstruction of the building destroyed by fire in the Paoli Services yard. The motion was seconded by Councilman McKewen.

VOTE: 4-0 with 2 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 155 violations during the month of April, of those, 107 were corrected without fines being issued, 17 received fines and 31 remained pending at the end of the month.
- Issued 4 Repeat Public Nuisance Violations and all were 2nd or Subsequent Occurrences.
- Requested Public Works to perform 1 abatement as the result of violations.
- Issued 3 new "In Town" business licenses.
- Issued 2 new Rental Licenses.
- Code Officer Nicole Facciolo also advised that Delmarva Power and Choptank Excavation have finally repaired the temporary patches at 10 and 30 Spruce Avenue with regular 25x25 asphalt.

At this time, Mayor Thompson arrived at the meeting.

Finance Department

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

- Continued collection of delinquent taxes.
 - o Total taxes received during the month: \$10,619.06.
 - o Total penalties and interest received during the month: \$281.90.
- Continued processing recertification and new Senior/Disabled exemption applications. 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 \$43,939.50 in Transfer Taxes, they are at 118% for the year.
- Town of Elsmere Sheriff Sale Properties:
 - 7 Beech Ave., an evidentiary hearing has been scheduled for Thursday, July 18 at 10:00 am.
- HERA Registry (Abandoned Property Revitalization) revenue received during the month was \$2,400.00.
- Completed the quarter ending 3/31/24 DCJC Opioid Grant (COSSUP) fiscal reporting. The report was approved, the Town and Impact Life are pending reimbursement.
- Processed Office of Highway Safety Grant requests account set-up and reimbursement to the Town.
- Departmental Annual Report completed and submitted to the Town Manager.
- The Department assisted with the Towns annual lit drop and clean-up day.
- Assisted the Auditors and provided reports as requested. The Auditors have completed their field work.
- Completed the renewal application(s) for the Town's commercial insurance policies and provided supporting documentation as required. (These policies run in conjunction with our FY).
- Completed payroll estimates for our Workman's Compensation plan renewal for DFIT. (This policy runs September-August).
- Processed liability insurance certificate request for coverage of the voting machines used in the Town Election.
- Performed an internal audit on the Town's commercial insurance policies and allocated to each department accordingly.
- Councilwoman Steppi asked, regarding delinquent taxes, if residents are on payment plans or if these are liens?
- Finance Director Strzempa responded that it varies depending on the property, but it could be the result of existing payment plans or liens accrued from the year.
- Councilwoman Steppi asked if the liens are not paid or if there is not a payment plan in place, what is the next step? Sheriff sale?
- Finance Director Strzempa replied that if they are on a payment plan, all interest and penalties are stopped, but if not, then yes, sheriff sale is next.
- Councilwoman Steppi asked essentially, are the payment plans effective?
- Finance Director Strzempa replied that yes, they are and if the plan is not met, they do charge a \$100 application fee and the plan is cancelled, and all interest is back charged.

Public Safety

Police Chief Laura Giles gave a brief overview of Public Safety:

- Chief Giles reported that on May 9, 2024, officers responded to the 900 block of Dover Avenue for a report of a hit and run. The officers made contact with the owner of the striking vehicle who was unaware that the vehicle was stolen earlier that day. Later, at Wawa, officers located the vehicle and attempted to make contact when it fled and struck the center median on Kirkwood Highway, rendering it disabled. At this time, four occupants fled on foot, however, 2 juvenile occupants were detained and charged

accordingly.

- Chief Giles advised that on Monday, May 13, 2024 at 5:30pm in the Council Chambers of Town Hall there will be a meeting with Representative DeShanna Neal, Senator Mantzavinos, New Castle County Councilman Toole, New Castle County Police, State Police Troop 6 and herself to answer any questions for the public.
- On Wednesday, May 15, 2024 the annual VA walk for homeless veterans. This is to collect clothing and canned goods and such for veterans.
- On Saturday, May 18, 2024 from 10am to 2pm here at Town Hall is the Wellness Events with Impact Life.
- Chief Giles updated on the shooting that occurred on Alvil Rd, stating that Detective Sowden has identified all occupants of the vehicle involved. The juvenile victim remains in the hospital. Warrants for the shooter have been signed, but police have been unable to locate the shooter as of yet.
- Councilwoman Steppi asked that since May is Mental Health Awareness Month, does the Chief have any updated from our clinicians with success stories?
- Chief Giles replied that she has received some statistics from the University of Delaware which showed numerous successes. There are some edits to be made to backdate some of the data and it is tough to show all the numbers since our clinicians are only part time, but they are successful more times than not. Additionally, they are trying to incorporate domestic violence successes since that category does not show this in the definition of mental health, but they are working on forms to show better statistics moving forward.

Public Works

Public Works Maintenance Worker Thomas Harrison gave a brief overview:

- Still addressing potholes, some streets have multiple.
- Installed 2 new handicap parking spaces and removed 3 spaces.
- Building maintenance included a clean out and painting of the third-floor water closet.
- Completed trim and drywall in Impact Life where there was water damage.
- Cut down trees in the Bark Park and repaired a fence to prevent dogs getting loose.
- Cut back brush along the Patty Blevins Walking Path.
- Attended training for the 2NForm software.
- Began grass cutting all around Town in class B locations.
- Completed winter storage of salt spreaders and plows.
- Tested the inflatable TV screen for the upcoming event in June.
- Chief Giles thanked the Public Works Department for their work in cleaning and painting under the steps outside of the Police Department.

Town Manager

Town Manager Steven Martin gave a brief overview:

- Received confirmation of submission and acceptance for the Town of Elsmere's Stormwater Project from Senator Coons, Senator Carper and State Representative Lisa Blunt Rochester. The request was for \$3.6 million for construction of the Vilone Village Subdivision and Chestnut Run & Little Mill Creek at Maple Ave. Last week we were

contacted by Senator Coons office and State Representative Lisa Blunt Rochester's office requesting additional details to in order for them provide an accurate account of the project. This is a good sign as our application passed the first step in the process.

- The BRIC application is still being worked on. KCI is continuing to refine the engineering and the cost of the project in preparation. The University of Delaware is continuing to work on the application for the grant submission, which opens in November. Monthly meetings are held with the Town, University of Delaware and KCI regarding progress.
- Rosemont and Taylor – Received the bid package from Vandemark and Lynch and are preparing to advertise the bid.
- Reviewed the revised proposal from Vandemark and Lynch for the 5-Year Street Program.
- Working on the application for the Community Reinvestment Fund for Year One of the Street Program and bathroom upgrades. This year, we must register under the State of Delaware Grant Management System which we weren't required to do in previous years.
- Hosted a training session for Public Works and Administration staff on 2NForm software. This software maps out our catch basins, outfalls, and storm water systems. It is specifically used for monitoring and documenting cleanouts and conditions of our systems related to storm water.
- Had a meeting with KCI to review the Annual NPDES report that is due May 13th.
- Completed the Annual ARPA Expenditure and Project Report.
- Participated in the Town Wide Cleanup Day.
- Met with Delmarva Power regarding the Spruce Avenue patch work. We were told that they do understand the Town's requirements and will comply by repairing the street 25 feet in each direction with new asphalt.
- Advertised for the Public Works Supervisor Position and conducted 6 interviews and will be conducting a second round of interviews next week.
- Town Manager Steven Martin thanked the current Public Works employees for their hard work.
- The staff distributed the Town Wide Newsletter.
- A work order was submitted to Delmarva to replace a blown lightbulb at 116 Northern Avenue and to install a new fixture at 500 Baltimore Ave (pole inside the parking lot of the Bark Park).
- Had Artesian Water respond out to inspect a hose in Vilone Park that was leaking. We then had to get a private plumber for the repair. It turned out that the existing crock was failing and needed a new ball valve, and a new water line ran to 3 outside hydrants. The plumber quoted \$16,500.00 thus requiring this to go out to bid. The water leak is not impacting our water bill.
- Councilwoman Steppi asked if the Town is aware of the cable lines on Linden Avenue in the roadway which appear to be similar to those used for a traffic study.
- Town Manager Steven Martin replied that the Public Works Department brought this to his attention just today and he plans on calling DelDot to investigate. There is another location on Seneca Road next to McDonalds where there are similar lines. They indicate that a study of some nature is being done on volume of traffic or even the speed, but he will find out.
- Mayor Thompson asked are they allowed to do this since these are Town owned roads?
- Chief Giles answered that not necessarily if this is for the purpose of cameras or something to that nature.

- Town Manager Steven Martin added that this is also done by a third-party contractor and not actually DelDot, so they may not have known to contact the Town to inform anyone.
- Councilwoman Steppi asked if this is something that is commonly done or if this is complaint driven from a resident?
- Town Manager Steven Martin replied that while he is not entirely certain, the fact that it is in two separate locations, opposite of ends of the Town, he is assuming it is not complaint driven.

OLD 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.

ACTION: A motion was made by Mayor Thompson to untable the Third and Final reading of Ordinance 672 now that he is present. The motion was seconded by Councilwoman Jensen.

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 summarized the ordinance, stating that no license will be issued to any business which conducts the sale, use, or lounge that permits marijuana sales unless the license is for the sole purpose of manufacturing within the GI – General Industrial zoning district.

ACTION: A motion was made by Mayor Thompson to approve the Third and Final reading of Ordinance 672, amending Chapter 131 of the Code of the Town of Elsmere regulating the production and sale of marijuana in the Town of Elsmere. The motion was seconded by Councilwoman Jensen.

DISCUSSION: None

PUBLIC COMMENT:

Nicole of 21 Rigdon Rd, inquired about protocols about the meeting for those who are new to attending, asking if there is a zoom option available. She did not know where to go once she walked in the building or who anyone was.

Mayor Thompson interrupted, informing Nicole that this discussion in particular is for Ordinance 672.

Nicole stated she was unfamiliar with the process and explained that a better explanation would be nice.

Fred Carlson of 104 Western Avenue asked if each Council member would state their position on the ordinance.

Mayor Thompson stated that would be up to each of them to choose to state their position, but their vote would be a good indication of their position.

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

NEW BUSINESS:

Untable the Consideration of setting a date/time for the Annual Budget Hearing.

Mayor Thompson stated he was told this agenda item was tabled until he arrived at the meeting so we can circle back to this.

Councilwoman Personti explained that usually these meetings are concluded in one evening, but that in the event it is not, they would like to set a date and time for a secondary hearing, but wanted to wait for him to arrive being as though there may be workforce conflicts.

ACTION: A motion was made by Mayor Thompson to untable the new business item for consideration of setting a date/time for the Annual Budget Hearing now that he is present. The motion was seconded by Councilwoman Jensen.

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

Consideration of setting a date/time for the Annual Budget Hearing.

Councilwoman Steppi asked if the Audit Presentation will be in June.

Town Manager Steven Martin answered yes, however, it is up to the Council to decide if they want to postpone that to another meeting.

After a brief discussion, Town Manager Steven Martin was instructed to push the Audit Presentation to the July Council meeting.

After another brief discussion among Council members, it was discussed that the Annual Budget meeting could be held on the regular June Council meeting, but to begin at an earlier time of 5pm. It was then discussed to set a secondary date in the event that the budget review was not completed on June 13, 2024, with the intention to cancel of the budget was reviewed and approved on June 13, 2024. The secondary date discussed was June 17, 2024 at 5pm.

PUBLIC COMMENT:

Nicole of 21 Rigdon Rd stated that it would be nice if there were some procedures for these meetings since she underwent some confusion prior to the start of the meeting. She asked if we could use larger print on the TV screens and if a virtual option is available for the meetings. Nicole then asked the reason that Ordinance 672 was tabled.

Councilwoman Personti clarified that it was only tabled until the arrival of the Mayor.

Nicole asked for clarification on properties with taxes liens, if there are any options for assistance.

Councilwoman Personti explained that they have the option to request a payment plan, they also have the Elsmere Needy Family Fund who can assist with certain things.

Nicole then asked about the 2 fires that Councilwoman Personti mentioned, if the fees were going to be waived.

Councilwoman Personti answered yes, this is just a way to help.

Nicole stated that maybe moving forward, we can consider this for residents as well.

Mayor Thompson stated that they sometimes do and we also have the two months of May and October where permit fees are waived for certain projects for residents.

Nicole then stated she didn't know who anyone was sitting up on Council. She wants further identification. She wants all Council members names to be printed on the back of the agenda in large print and have copies in numerous places in Town Hall.

Mayor Thompson stated they have name plates at each seat and that the agendas is also available online for her to review and/or print.

Chief Giles recalled that Nicole has to have lived here for at least 25 years, to which Nicole replied it is actually 35 years and wants to be more involved since there was a murder on her street.

Chief Giles clarified that there was no murder on her street.

Councilwoman Steppi and Councilwoman Personti explained that all Council members names are available on the website and that recently, the newsletter was hand delivered to each home in Town which again identified all Council and Staff of the Town.

Nicole replied that yes, but here at the meeting she needs to see who is sitting where.

Chief Giles addressed Nicole, clarifying that the Police have secured warrants for the shooter from the incident near her home.

Fred Carlson of 104 Western Avenue asked which form is used that have the Council members names listed on the side of it?

A group replied back to him that this is the Town Letterhead.

Fred confirmed that this is used on numerous forms and often found in the main hallway on the bulletin boards for anyone to look at.

STATEMENTS BY THE MAYOR AND COUNCIL:

Councilwoman Steppi reminded of the Volunteer Community Clean Up on Saturday, May 25, 2024. The group has been growing and making a big impact around Town and encouraged anyone willing to attend.

Mayor Thompson encouraged everyone to come to the meeting on Monday evening with Chief Giles, Rep. Neal, and Senator Mantzavinos. They plan to speak about the interplay between all agencies and things happening in and around Elsmere.

Nicole asked if renters in the Town are allowed to attend?

Mayor Thompson answered yes, absolutely, they are all residents.

ADJOURNMENT:

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

VOTE: 5-0 with 1 Absent and 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.



**ERIC THOMPSON
MAYOR**



**SALLY JENSEN
SECRETARY**