

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
July 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 ST DISTRICT	JANE MCDANIEL	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	ABSENT
6 TH DISTRICT	DAWN DIBIASO	PRESENT

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

PUBLIC COMMENT:

Linda Cunningham of 104 Bungalow Avenue wanted to bring up three topics. First, she wanted to know what laws are regarding fireworks. They are constantly being lit off every night for hours and affect the whole neighborhood. The second item she wanted to discuss was speeding on Bungalow Avenue. She stated some cars are going the wrong way up the street going 40-50mph and there are no “One-Way” signs or speed limit signs. There are now bicycles with motors on them and they come out of the alley very fast and she fears someone will be hit. The last item is crime. Ms. Cunningham stated she never had any problems but now, a neighbor had rocks thrown through her window. Another neighbor had a mirror taken off the side of their car. Recently, she heard a young boy on a cell phone listening to his mother tell him to pick up a rock and throw it through a window. Then, we had a bunch of kids fighting on Bungalow and they damaged her neighbor's car. She stated she has seen a change now and misses the patrol of the police. As a kid, when you saw the police, you felt comfort. They were constantly patrolling. But now, she never sees them anymore unless they're caught.

Chief Giles replied to Ms. Cunningham that no one is ever going to change a mother like that. Secondly, one nice thing about having a municipal police department is that officers usually know who these kids are, but unfortunately, with rental properties, tenants come and go all the time. Violent crime is increasing in today's society, and it seems that no one fist fights anymore, but instead resort to gun violence. Additionally, as an example, it took three times for a judge to

put a juvenile away for repeated gun charges. Police can make arrests, but we cannot set the bond. We're just a different society now.

APPROVAL OF MINUTES:

Minutes of the June 13, 2024, Combined Council-Finance Committee Meeting.

ACTION: A motion was made by Councilwoman DiBiaso to approve the minutes of the June 11, 2024, Combined Council-Finance Committee Meeting with no corrections. The motion was seconded by Councilman McKewen.

VOTE: 5-0 with 2 Absent All-in-Favor Motion Carried

AUDIT PRESENTATION:

Representatives from Whisman, Giordano & Associates will present the FY 2023 Audit Report.

Town Manager Steven Martin stated he received correspondence from the auditors stating they would not be presenting this evening due to further delay. Town Manager Steven Martin further stated that he will be holding a meeting with them next week to resolve this and feels this is unacceptable since this is normally prepared in February.

OLD BUSINESS:

Introduction for Third and Final reading of Ordinance 673:

An ordinance to subdivide the property known as 905 New Rd (Corpus Christi Gymnasium) from the church property into a single tax parcel.

A brief discussion was held to discuss the fiscal impact of the subdivision, determining that this may cause an increase as opposed to a decrease and Town Manager Steven Martin confirmed.

ACTION: A motion was made by Councilwoman Jensen to approve the Third and Final reading of Ordinance 673. The motion was seconded by Councilman McKewen.

VOTE: 5-0 with 2 Absent All-in-Favor Motion Carried

Introduction for Third and Final reading of Ordinance 674:

An ordinance to subdivide the property known as 115 Forrest Avenue into two tax parcels.

Councilwoman Steppi commented that this was overwhelmingly supported by both the Planning Commission and the Board of Adjustment, and that this is the first time the Habitat for Humanity

will be developing in the Town, and this is an exciting transformation on a vacant and blighted lot for the Town.

ACTION: A motion was made by Councilwoman Jensen to approve the Third and Final reading of Ordinance 674. The motion was seconded by Councilman McKewen.

VOTE: 5-0 with 2 Absent All-in-Favor Motion Carried

Recommendations by staff for prioritizing street repairs for Year One of the 5-Year Street Program.

Town Manager Steven Martin summarized the 5-Year Street Program that was presented to Mayor and Council in December of 2023 and stated some of the streets have been repaired already by New Castle County and some will be included in the upcoming storm water project. Therefore, we have narrowed down the 2024 selected streets to Dumont Road, K Street, and Gamble Avenue. We already have the funding for these streets which is estimated to cost roughly \$229,000.00 according to our engineer at Vandemark and Lynch. Our plan is to send out an RFP at the end of July and present the bids to Council at the September Council meeting and if the bids come in under the estimated cost, we may be able to add an additional street.

Councilwoman Jensen asked the Town Manager if he believed the bids could come in under the estimated cost?

Town Manager Steven Martin replied it is very possible and if so, we could possibly add another street, such as S. Grant which is listed as an alternative.

Councilman McKewen asked if any of the holes will be filled in on the individual driveway entrances/exits from the alleys?

Town Manager Steven Martin replied they will not pave that, but at minimum, they will make a smooth entrance with something such as crush and run, but no new curbs will be installed on private properties.

Councilwoman Steppi asked what the harm would be to add in S. Grant Avenue since it is included in the cost estimate performed by Vandemark and Lynch and listed as an alternative? Why not just include it in the RFP now instead of waiting? It is deteriorating every day. If we add it in, the total for all four streets would be \$303,000.00.

Town Manager Steven Martin stated we can certainly add it in and do all four streets if that is what the Council wishes.

Councilwoman DiBiaso asked for clarification on the plan, recalling how the plan presented in December stated each year would be one street per Council District.

Town Manager Steven Martin stated we only have a certain amount of funding at the moment, once we determine if we have any additional funding sources, we can add more.

Councilman McKewen asked if J Street could be a priority for next year due to its rapid deterioration. Patches no longer last when we fill them.

Town Manager Steven Martin confirmed that J Street is on the master list and will be made a priority for year two.

Councilwoman Steppi commented that we have been talking about this for so long and it is time to pull the trigger.

ACTION: A motion was made by Councilwoman DiBiaso to accept the proposed order of street repair or replacement for year one of the 5-Year Street Replacement Program, which will be K Street in the 1300 block between Sycamore and Cypress Avenues, 200 block of Dumont Road, the 1000 block of S. Grant Avenue and the unit block of Gamble Avenue. The motion was seconded by Councilman McKewen.

VOTE: 5-0 with 2 Absent All-in-Favor Motion Carried

NEW BUSINESS:

Consideration of amending the 2024 – 2025 FY Budget.

Town Manager Steven Martin explained that we have identified an error in the excel spreadsheet where the budget is calculated, where the Police Department’s revenue was understated by \$20,000.00. This was an error in the excel spreadsheet itself, where the total did not roll up properly in our formulas. If you add the totals listed in the original budget, it comes to \$293,000.00, but the total at the bottom is missing on the row in excel. It stated the total revenue was \$273,000.00 and it should have been \$293,000.00. Therefore, to balance the budget, we are proposing to correct the Public Safety Department’s revenue budget to \$293,000.00 and allocating the extra \$20,000.00 to Long-Term Planning for Future Project Allocation.

ACTION: A motion was made by Councilwoman Jensen to amend the 2024 – 2025 FY Budget as presented, adding in \$20,000.00 in the total revenue of the Public Safety Department and allocating the funds to Long-Term Planning for Future Project Allocation expense line. The motion was seconded by Councilwoman DiBiaso.

VOTE: 5-0 with 2 Absent All-in-Favor Motion Carried

Consideration of nominating a member of Council as President Pro Tempore.

There was a brief discussion regarding the absence of the Mayor in this meeting, and how for this agenda item, it may be best to table this until he is present.

ACTION: A motion was made by Councilwoman Jensen to table the nomination of a member of Council as President Pro Tempore until the Mayor and the Fifth District Councilwoman are present. The motion was seconded by Councilman McKewen.

VOTE: 5-0 with 2 Absent All-in-Favor Motion Carried

Consideration of replacing exterior lighting at Town Hall.

Town Manager Steven Martin overviewed the reason why this was placed on the agenda for this meeting, stating that the cost of remediation does not exceed the threshold the Town Manager is authorized to spend without Council approval, but that this is an ongoing issue that seems to have met no resolve albeit numerous alternatives we have tried over the course of the past year. There is a nearby resident who is complaining that the exterior lights from the Library, Town Hall, and the Police Department are shining directly into their house. Town Manager Steven Martin further explained that himself and Chief Giles have both went out to observe the light projections. It was determined that there may be some lights on the Police Department that are causing the issue, so there were shields placed on them to block them. Ultimately, that did not seem to stop the complaints. Another resolution was to point the lights on the Library more downward facing, but those lights have been in place for years and cannot be adjusted, so new lights would be the only remedy. We obtained a quote of \$640 from DelCollo Electric to have these lights replaced. Another attempt we plan to do is point the existing lights on below the Council Chambers windows more downward facing as well.

A brief discussion was had regarding the complaints, and it was ultimately determined that none of the lights are new and should not be a new problem for this resident. The lights are in place for the library staff, police officers, and pedestrians on the sidewalks, however, Council appreciated being kept informed of the possible expense to rectify this.

Discussion regarding parking/traffic flow in the unit block of Spruce Avenue.

Chief Giles explained that this was placed on the agenda by the request of Councilwoman Personti. Although she is absent tonight, she wanted to relay that she received a complaint about cars crossing over the bend in the unit block of Spruce Avenue and the safety of thru traffic. Chief Giles stated that she did a review of the last 10 years of any accidents in that area and found none. However, she does have a few suggestions prepared which may be helpful to ensure the safety of traffic and residents in the area. Chief Giles suggested painting the curbs yellow as one option. All the residents in the area have driveways so this would not cause a parking issue. Making the street a “One-Way” would not be suitable for this street due to the school specifically. Chief Giles relayed that Councilwoman Personti asked about signage options as well. Chief Giles presented four sign options, all of which displayed in some nature that this is a blind curve and caution ahead or slow down. However, Chief Giles expressed that looking at the history, there really is no issue in this area. The real issue is the cars that are speeding. With that,

Chief Giles stated that the best option would be to install a sign that shows the speed of the vehicles as they approach the curve.

Councilwoman DiBiasco stated the signage that was requested certainly can't hurt, but it may not solve the issue. We may have to take into consideration the property owners not agreeing to having a sign on their property.

Chief also explained that they have applied through the Office of Highway Safety, for a mobile speed monitoring sign which would be really nice to have in this area to help.

Councilwoman DiBiasco agreed, stating that she travels that road numerous times daily, and confirmed that this curve is a hazard, but the issue is the speeders. Police presence doesn't stop them and the worst offenders are the school busses since the crossing guard just waves them on to get them out faster.

Councilwoman Steppi asked if this is a true speeding issue or the fact that this is a two-way street?

Councilwoman Steppi replied with her theory that people park on the streets and moving vehicles tend to veer more towards the middle of the roads so they're not too close to any parked cars and therefore, another vehicle is coming at them too quickly and then who is going to yield.

Councilwoman DiBiasco added that another issue is the number of commercial vehicles parked on Poplar Avenue that shouldn't be.

Chief Giles recalled how the commercial vehicles permitted were recently changed by Council and that has not helped.

Councilwoman DiBiasco asked if this complaint came from one resident or multiple residents?

Chief Giles replied she was not sure, it was only relayed this by Councilwoman Personti, who only stated she "received a complaint".

Councilwoman Jensen then stated that if we start putting signs in one area, we could all agree that there are a few other places around the Town that could use the same signage.

Councilwoman Steppi asked the process to request signage installation and the process to request a traffic study to be performed around Elm and Locust Avenues for a new stop sign or some signage.

Chief Giles stated to just write her an email with the requests and that she has witnessed issues in that area as well.

At this time, there was a brief discussion held between Councilwomen Jensen, Steppi and Chief Giles discussing their experiences encountering dangerous traffic flow in that area.

Chief Giles then said she has no problem installing the signage on Spruce Avenue, but we must ask at some points, where do we stop? We can put up signs but are they going to solve the issue?

Councilwoman Steppi stated to Chief Giles that it would ultimately be her determination and agreed that you must enact defensive driving in situations such as the Spruce Avenue curve and it is tight, and it can be a blind curve.

Councilwoman Jensen stated when the streets in Town were built, families had no vehicles or only one vehicle so now that there are numerous cars per household it is an issue.

Chief Giles replied yes, and during the day hours, there are hardly any cars out at that curb, but when residents come home, it gets congested and that's where the issue is heightened.

Councilwoman Steppi suggested riding down Baltimore Avenue where there are cars parking on both sides of the street, there is no way two vehicles can come down the street and she has not received any complaints.

Chief Giles stated she doesn't believe Spruce Avenue is not a huge issue, but installing one of the signs certainly can't hurt.

Councilman McKewen asked for clarification, asking is Spruce Avenue a real issue and do we absolutely have to do it?

Chief Giles replied it is not a huge issue based on the accident history and we do not have to do anything.

At this time, there was a brief discussion regarding everyone needing or wanting signage in their areas as well.

Councilwoman DiBiaso suggested finding out how many residents complained about this issue. Is it more than one? The problem is there is just more traffic on the road in today's society and some ignore the signage anyway. However, it should be Chief's determination on what action to take.

Chief Giles stated that at next month's meeting, we will ask Councilwoman Personti so she is present.

Councilwoman Jensen asked Town Manager Steven Martin to place this agenda item on next month's agenda under Old Business for further discussion to which he understood.

Chief Giles reiterated that it is Councilwoman Personti's district her being present is best.

Councilwoman Jensen stated she was not fully comfortable making a decision if that councilperson was not present.

DEPARTMENTAL REPORTS:

Code Enforcement

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

- The department issued 122 violations during the month of June, of those, 79 were corrected without fines being issued, 34 received fines and 9 remained pending at the end of the month.
- Issued 3 Repeat Public Nuisance Violations and all were 2nd or Subsequent Occurrences.
- Requested Public Works to perform 0 abatements as the result of violations.
- Issued 0 new “In Town” business licenses and 2 new “Out of Town” business licenses.
- Issued 4 new Rental Licenses.
- Councilwoman Steppi asked the status of a nuisance property on Locust Avenue.
- Code Officer Nicole Facciolo stated that they have met with all the owners and established a plan and are making forward progress.
- Town Manager Steven Martin confirmed and stated there is forward progress being made.

Finance Department

Town Manager Steven Martin gave a brief overview of the Finance Department Report in Finance Director Valarie Strzempa’s absence:

- Continued collection of delinquent taxes.
 - Total taxes received during the month: \$1,623.19
 - Total penalties and interest received during the month: \$782.01
- Continued processing recertification and new application Senior/Disabled exemption applications. Additionally, facilitated payment plan requests/agreements in conjunction with the Town Managers approval. The Town currently has 3 active payment plan agreements in good standing.
- Continued certifying all Town of Elsmere Deeds prior to submission to the Recorder.
- Collected \$38,297.25 in Transfer Taxes. (Fiscal Year End Revenue Total \$415,626.05)
- Town of Elsmere Sheriff Sale Properties
 - 206 Rosemont Dr. – The bank bought back property at Sheriff Sale; this property is currently in the 90-day waiting period
 - 7 Beech Ave. – hearing scheduled for July 2024
 - 1 Oak St. – Scheduled for July 2024 Sheriff Sale
- HERA Registry (Abandoned Property Revitalization) revenue received during the month \$800.00
- Processed Office of Highway Safety Grant requests account set-up and reimbursement to the Town.
- Reimbursed Impact Life for their quarter ending 3/31/24.
- Processed an update to our SAM Registration to include a secondary checking account for receipt of Federal Funds.
- Continued FY25 Budget Preparation and meetings as necessary.
- Completed annual compliance testing for the Elsmere Police Secondary Plan with Empower.
- Coordinated with the Auditors regarding presentation of the FY23 Audit.
- Year-end Trial Balance/General Ledger review/adjustments as necessary.

- Year-end Financial software (Edmunds) updates/special routine processing/system back-up
- Preparation of new FY approved budget import file
- Processed final FY24 State of Delaware passthrough deposit to First State Trust.
- Processed transfer from the State Holding account to the General Fund for reimbursement of funds paid out of the General Fund Checking Account.
- Processed FY24 Annual Budget approved contingency transfer.
- Councilwoman Jensen asked about reimbursement to Impact Life just needing clarification.

Public Safety

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

- Chief Giles reported that she has hired Officer Mitchell to start on July 15, 2024. Officer Mitchell began his career as a Police Officer here in Elsmere in 2002.
- Chief Giles addressed the motorcycle sale, stating that she is awaiting a response back to find out if we can sell it since it was purchased with grant funding and if we sell, we may have to pay money back.
- There was a brief discussion regarding vehicle insurance costs and the reasoning for the purchase was even suggested. Chief Giles clarified that the departments vehicle insurance actually went down.
- Councilwoman Steppi asked about HB 280 - Legislation reforming Delaware Civil Asset Forfeiture System - which passed the Senate and is waiting for the Governor's signature.
- Chief Giles replied that essentially the threshold has been adjusted, and it boils down to any money seized goes into a pot and then divided up and given back to the Police Departments upon written request and review, which helps fund numerous public safety needs. Similar to application for grants.
- Councilwoman Steppi stated her concern is that if the suspect is found not guilty, does that mean they could come back to the department to recover their money?
- Chief Giles stated no, they don't receive any money until the case is resolved.
- Councilwoman Jensen asked if we have located the suspect in the recent Vilone Road shooting.
- Chief Giles stated no, but they have the warrants.

Public Works

Public Works Maintenance Worker Thomas Harrison gave a brief overview:

- Shifted attention in June from potholes to drains and curbs, and 35 drains were painted and 12 curbs.
- Repaired Veteran's Park flag pole lights
- Repaired balusters on the gazebo Kirkwood Hwy and Rt 100 intersection
- Removed a dead tree in Maple Park
- Performed spraying of weeds throughout all of Vilone Village streets
- Removed G Street dumping numerous times

- Removed graffiti on street signs on Filbert Avenue, G Street, Baltimore Avenue, Bungalow Avenue and Poplar Avenue.
- Councilwoman Steppi asked about G Street dumping and if we can install cameras.
- Maintenance Worker Thomas Harrison replied that we intend to install cameras in this alley and recently received permission from a private property owner to use their tree to hang the camera.
- Councilwoman Steppi asked if they can identify a vehicle, what is the next step?
- Maintenance Worker Thomas Harrison replied that they would send the photo to Chief Giles and they would run the tag to identify the owner and address.
- Chief Giles added that fines would be issued along with restitution.
- There was a brief discussion regarding other ideas to resolve the dumping issue and the collective frustrations.
- Councilman McKewen stated there are roughly 5-6 cars in the parking area on Maple Avenue who park overnight, and they dump their trash directly in the parking lot. Councilman McKewen recalled that we were going to install a trash can in the parking lot to see if that would help.
- Town Manager Steven Martin stated the area has been cleaned and the trash can installation will be completed and we will attempt to place a camera in that area as well. We can also discuss putting in dumping signs.
- Code Officer Nicole Facciolo added that she has a personal relationship with the leasing office manager at the Maple Walk Apartments and when they can determine who is dumping, they also send out fines to their tenants.
- Councilman McKewen stated that if none of this helps, we need to start tagging the vehicles and not allow them to park there anymore.
- Councilwoman Steppi stated she would like to see an ordinance for the fines for dumping to be increased significantly because this has been ongoing for years.
- Councilwoman Jensen asked the status of getting the Public Works Department obtaining their CDL's.
- Town Manager Steven Martin replied that we have begun the process for the employees.
- Councilwoman McDaniel asked about the sinking storm drain on S. DuPont Road and the status.
- Maintenance Worker Thomas Harrison replied that the sink hole is getting deeper, however he believes that is a DelDOT road and we can certainly reach out to them.

Town Manager

Town Manager Steven Martin gave a brief overview of the Town Manager's Monthly Report:

- Stormwater Project:
We are awaiting a decision from the House of Representatives on our Congressional Direct Spending application. The application is slated for presentation this month. We should have a decision from the House of Representatives by mid to late August.
- In the meantime, we had several discussions with KCI and IPA providing updates on the Congressional Direct Spending and seeing where we are at with the BRIC application. Also, KCI provided their timeline for the construction drawing for the Dover Ditch & Patty Blevin Pedestrian Walkway and Chestnut Run & Little Mill Creek Project. They did have a delay with their surveyors but noted that the Chestnut Run & Little Mill Creek Project will be ready for bidding by September and the Dover Avenue Drainage Ditch / Patty Blevin Pedestrian Walk will be ready November as reflected in their timeline. Both

- projects will be well under way by the end of the year.
- Councilwoman Jensen stated she is concerned that if we have to wait until September, are we going to meet the deadline to expend the ARPA funds?
 - Town Manager Steven Martin replied that we have until December 2026. We have two years from December 2024 to expend those dollars.
 - Streets Project:
 - Rosemont and Taylor – The request for bids for the reconstruction of the intersection of Rosemont and Taylor has been advertised. The bids are due by July 30th and will be presented to the Council at the August 8th meeting. Funding for this project is provided by The State Department of Transportation in the amount of \$100,000.00.
 - The bids for the 5-Year Street Repair/Replacement Program will be ready to go out to bid by July 30th.
 - Problem Properties
 - 239 Locust – The owner of this property is experiencing an obnoxious odor coming from their neighbors home, owned by the Maruszczak's. This property has four siblings on the deed with the one sibling living in the property causing the problem. I with the Maruszczak's and discussed EPD and Code accompanying them in the property. Their brother, who lives in the property, has a history of being violent and are trying to remove him from the property.
 - Met with DTI (Delaware Technology Institute) about performing a Cyber Security Assessment for the Town. This is at no cost to the Town, and we have approximately \$6,000.00 left from a grant toward any recommended improvements in regard to security. One observation that was brought to our attention is that the Town uses a “.com” on websites and email addresses and this is much easier to hack. They are recommending we move to a “.gov”.
 - Hired Leon Joseph as Public Works Supervisor. Leon has 12 plus years in Management and has his CDL.
 - Worked on the FY Budget.
 - Met with Kyle Bendler from BIU and Councilman McKewen at 231 Bungalow regarding the elevation of the neighbor's driveway pitch.
 - Assisted in setting up for the Dinner and a Movie Night event. It was well attended, and everyone seemed to enjoy themselves.
 - Completed employee evaluations.
 - Inspected several trees throughout Town to determine if they were the responsibility of the Town or homeowners.
 - Attended the DLLG monthly meeting.
 - Commended the Public Works Department on their efforts to remediate the basement level from the flood from the broken downspout in the atrium. We obtained an inspection from ServPro and they confirmed there was no mold or further damage. We also had a new sump pump installed and a drain unclogged.

PUBLIC COMMENT: None

STATEMENTS BY THE MAYOR AND COUNCIL: None

ADJOURNMENT:

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

VOTE: 5-0 with 2 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**