

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
December 12, 2024
6:30 p.m.**

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

PLEDGE OF ALLEGIANCE:

MOMENT OF SILENCE:

ROLL CALL:

MAYOR	ERIC SCOTT THOMPSON	EXCUSED
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	PRESENT
6 TH DISTRICT	DAWN DIBIASO	PRESENT

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

In the Town Manager’s absence, Administrative Assistant to the Town Manager Scott Allen was present.

PUBLIC COMMENT:

Councilwoman Steppi read aloud the below public comments submitted to her for the record.

Emily Bolen of 249 Birch Avenue submitted the following public comment: Dear Steven Martin and Council, I am writing to formally complain about persistent and disruptive noise coming from my neighbor’s property located at 245 Birch Ave. This noise, primarily consisting of loud music (i.e bass, pulsating music set at very high levels, late-night gatherings) and verbal altercations (i.e shouting, yelling) that can be heard inside and outside the home. The arguments spill out into on street screaming matches in the early hours of the morning. This noise is significantly impacting my quality of life at 249 Birch Ave. This noise occurs frequently, throughout the week, most times for days on end. Elsmere police have been dispatched to the property, this too ends in futility as the noise resumes shortly after departing. The excessive noise prevents me from getting adequate sleep, disrupts my ability to work from home, study, and creates a stressful living environment. This has caused me to have to leave my home and find alternate places to sleep, work, study and rest. I have previously attempted to address the issue directly with my neighbor through means of civil conversation, these attempts were ignored and proven futile as the noise and chaos continued. 245 Birch Ave has become a persistent nuisance property. I have owned my property since September

2009. The 245 Birch Ave property has accrued an extensive list of calls to the Elsmere Police Department for an array of issues as well as violations of town codes and ordinances within that time from current and previous tenants. I respectfully request that the Town Council investigate this matter and take appropriate action to enforce the local noise/rental ordinances. I also request a formal investigation the property and urge the council to pursue the enforcement of Ordinance 529 and proceed with revocation of rental licensing of the property at 245 Birch Ave. Please contact me if you require further information or wish to discuss this matter in more detail.

Dawn Husbands of 241 Birch Avenue submitted the following public comment:
Unfortunately, I can't attend the council meeting, but here is my statement concerning 245 Birch Avenue: I have lived in Elsmere for 59 years and this is the first time I've ever faced these kinds of problems. First time I've made sure my front door is locked even when I'm home, and the first time I have ever had to call the police concerning issues with my neighbors. Basically, I have no idea who are the real tenants at 245 Birch. Any day, any number of people are there on regular basis. The first week that these residents moved in, the Elsmere, the County & the Wilmington police surrounded the house & took someone out in handcuffs. All summer, I couldn't sit on my porch due to the smoke of grass (marijuana) drifting across the yard. Plus, the language that is so foul. On one occasion, a group of them went after another neighbor; police were called and handled the situation. On another occasion, a group pulled up in a vehicle at 2:30 am and started a fight in the street on Birch Avenue. Another time, there was an argument between a man and a woman out front fighting. Any night during the week, music starts and goes on for hours. I'm two houses away from 245 Birch Ave and I have to turn the TV volume way up. I have seen a male open the back door, he hangs out, and then throws up in the backyard, then he goes back inside. I have called Pabian (property management company) many times and was told not to call them again because the renters had not violated their lease. Just last week at 2:30am, I was woken when I heard someone banging on door at 245 Birch yelling "let me, let me in, let me in now..." I won't even address the lack of upkeep to the outside of property and the front and back yards. These people have no consideration for anyone but themselves. Again, I don't really know who is supposed to be the renters, since so many people come and go on a regular basis. This is just a brief summary of what's going on at this property. It's unending, week after week. It's also frightening to see the drastic decline of the Town of Elsmere. It's time for the Town to get tough on these issues. Thank you.

APPROVAL OF MINUTES:

Minutes of the October 10, 2024, Council Meeting.

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

VOTE: 5 with 1 Absent and 1 Abstention

Motion Carried

OLD BUSINESS:

Consideration of extending the contract for auditing services to Whisman Giordano & Associates for a period of one year.

Town Solicitor Jim McMackin commented that he reviewed the contract and it is ready to be signed.

Finance Director Valarie Strzempa further updated the Council, stating that the engagement letter we received in November was dated for November 5th, however when Whisman gave us the engagement letter, they also scheduled the audit to begin on November 4th, which was the day before the engagement letter was received and then claimed they can't work until the engagement letter is signed.

On November 15th, the engagement letter was signed and forwarded to Whisman Giordano, in addition to the contract as requested by Mayor and Council. From the point of the initial engagement letter date, which was November 5th, to the signing of the engagement letter on November 15th, with the provided contract, the firm then stated they are completely booked and they do not have availability to perform our audit until April 2025. It was also noted that they will not sign that contract that we presented. In turn, the Town Manager had requested a meeting with one of the partners to see if there is any way to perform our audit any earlier than April 2025. During that meeting, they stated there have been changes to their management team in the last few years, which could be a contributing factor to a lot of these nuances.

After discussion between Finance Director Valarie Strzempa and the Town Manager, even with this delay, they still believe it is best to stick with the existing firm at this point. As a new client in any other firm at this point, it would not ensure a sooner audit date. Additionally, despite this, we are prepared to go out to bid for future services in February to obtain a new firm.

Councilwoman Personti asked if they rebated any funds based on their delay in performance this past year?

Finance Director Valarie Strzempa stated that we still paid the most we have ever paid in any audit to date. They showed us some savings such as a \$7,000 savings on the prior year audit, but they also had an increase of work on our audit.

Town Solicitor Jim McMackin added that the edits to the contract were not all that heavy, nor did they even negotiate any of them.

Finance Director Valarie Strzempa stated that they implied that they do not typically sign contracts, only their engagement letters.

Councilman McKewen asked if Town Manager Steven Martin thinks we should go with this company again?

Finance Director Valarie Strzempa confirmed, stating that finding a new firm at this point in the year would cause us to still end up with the same timeframe of an audit. There is a chance it could be completed sooner if there are delays with other clients, and now that the engagement letter has been signed, all documents they requested have been uploaded for the fiscal year, the auditors have everything needed to begin.

Councilwoman Steppi asked Town Solicitor Jim McMackin what type of changes he made to the contract?

Town Solicitor McMackin replied that some changes were instead of assessing a penalty per calendar

day if the report deadline passes, he changed it to business day because we are not harmed by the delay on a Saturday or a Sunday. Another change was payment upon completion instead of monthly payments.

Councilwoman Personti asked if the engagement letter detailed quarterly payments?

Councilwoman DiBiasco added that they probably do not want to sign our contract because of the change that for each day they are late, they will have to pay a penalty. They may already know they will be late and they do not want to have to pay penalties.

Town Solicitor Jim McMackin answered Councilwoman Personti's question, it is monthly billing based upon where it performed in that month.

ACTION: A motion was made by Councilwoman Jensen to extend the contract for auditing services to Whisman Giordano & Associates for a period of one year. The motion was seconded by Councilman McKewen.

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

Status update of the Stormwater Project for the Patty Blevins Walking Path and Chestnut Run & Little Mill Creek.

Administrative Assistant to the Town Manager Scott Allen explained that the plans have been revised a few times which caused some delay, but it has gone out to bid officially. Scott Allen further explained that this is a very large project and there is still a lot of work to do, such as entering into an agreement to determine the dumping into the stream for the discharge, and the maintenance for such things. This is going to be reviewed by the engineers even after the bidding process, but since it has gone out to bid, it is officially underway and in progress. All bids are due on January 8th, so it could be presented to Mayor and Council in January.

Status update of the RFP for the revitalization of the Maple Park parking lot and basketball court.

Administrative Assistant to the Town Manager Scott Allen explained that this RFP has also gone out to bid and closes on December 27th, this will also be presented to Mayor and Council in January.

Finance Director Valarie Strzempa added that she knows one bid packet has been obtained from Town Hall.

Follow up discussion on Ordinance 529, an ordinance to allow the Town to revoke rental licenses or building permits.

Councilwoman Steppi stated that she wanted this placed on the agenda this month to further express concerns about rental properties, specifically absentee landlords and their impact on the community. She highlighted issues related to excessive noise and poor behavior from rental properties, particularly on Birch Avenue. Ordinance 529 allows the Town to revoke rental licenses for landlords whose properties are a burden on the community, even if they are not officially classified as "nuisance" properties. While this ordinance has rarely been used, recently, it seems there are a few situations where it could be effective.

Councilwoman Personti gave some background on the ordinance, stating that it was originally created to address a problematic property on Washington Avenue. Councilwoman Personti explained that the ordinance was meant to handle cases where a landlord who owns multiple properties, and even if only one becomes a nuisance, they can lose the rental licenses for all their properties.

Councilwoman Steppi stated that while the Town has tried to address the issues through meetings, citations, and phone calls, the property management companies have not been able to resolve the issues. The police calls and complaints continue, affecting the quality of life for residents. She also explained the growing rental rate in the area, with 45% of properties on the 200 block of Birch Avenue being rentals, which some residents view as the Town's decline. There is a need for better enforcement of the ordinance.

Town Solicitor Jim McMackin added some suggestions, stating that the ordinance should be revised to remove the term “discretion” and mandate revocation if certain conditions are met.

There was also discussion of adding provisions for Airbnb rentals and short-term rentals.

Chief Giles raised awareness about the challenges of documenting nuisance behavior, when some situations are domestic altercations, loud radios or parking matters. She expressed that police officers need to be able to find that the radio was loud themselves for example, to document the occurrences. As the Chief, she must look at it objectively to avoid any liability. However, the police will continue documenting what they can, and when a property meets the threshold of two violations, a warning will be sent and if needed, a one-thousand-dollar violation will be sent for excessive police calls on the third violation.

The conversation concludes with a call for stronger action to hold absentee landlords accountable and protect the Town's residents.

NEW BUSINESS:

Consideration of appointing the following members to the Collective Bargaining Committee:

- a. Town Manager Steven Martin
- b. Chief of Police Laura Giles
- c. Stephani Ballard, Esq.

Councilwoman Jensen asked if it would benefit to have someone listed as an alternate?

Town Solicitor Jim McMackin stated that while he is not on the committee, he will be assisting, almost as an alternate if needed.

ACTION: A motion was made by Councilwoman DiBiaso to appoint the above members to the Collective Bargaining Committee. The motion was seconded by Councilwoman Personti.

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

Consideration of awarding a contract in response to RFP 24-03 – Rosemont Drive Drainage Improvement.

Administrative Assistant to the Town Manager Scott Allen explained that the Town has secured \$160,000 in funding for this project—\$150,000 from CTS funding and an additional \$10,000 from

DelDOT. Vandemark and Lynch revised the project specifications to help keep costs within this budget. The proposal received from GES totals \$147,000, leaving some extra funds in case of unforeseen expenses. If approved at this meeting, the project could begin in March.

ACTION: A motion was made by Councilwoman Steppi to award a contract to GES in response to RFP 24-03 – Rosemont Drive Drainage Improvement. The motion was seconded by Councilwoman McDaniel.

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

DEPARTMENTAL REPORTS:

Code Enforcement

Administrative Assistant to the Town Manager Scott Allen gave a brief overview of the Code Enforcement Report on behalf of both Code Enforcement Officer Nicole Facciolo and Town Manager Steven Martin and received no questions.

Finance Department

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

- Councilwoman Steppi commented that on the report, it states we have collected roughly \$2.9 million in real estate taxes to date and asked if the Finance Director could explain the method being used ensuring this collection rate?
- Finance Director Valarie Strzempa replied that this is not 100% all of the current billings, because payments received from past billings get applied to the current fiscal line. It does not backdate our revenue because that year has already closed. The real amount is closer to roughly \$2.7 million.
- Councilwoman Steppi then asked if there are any properties close to being placed on the Sheriff Sale list from delinquencies?
- Finance Director Valarie Strzempa stated that there are two that have been submitted, one of which is going to Sheriff Sale in January.
- Councilwoman Steppi then asked if we can encumber the remaining ARPA funds before the end of the year?
- Finance Director Valarie Strzempa stated she will meet with the Town Manager since he does the reporting on ARPA, but yes those we already agreed it would be done by the end of the year.

Public Safety

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

- Chief Giles reported that the department needs to replace all portable radios and the base stations, and she was able to secure a grant to fund this of roughly \$6,000 from the Combat Violent Crimes.
- Chief Giles submitted Detective Sowden to Crime Stoppers for Officer of the Year for all his work on the homicide behind McDonald's and for his ongoing work with the other open investigation, for which he was selected as the recipient.
- Councilwoman Jensen asked if the Chief was able to obtain the portable speed limit sign?
- Chief Giles replied that she submitted it through the Office of Highway Safety and received notice this week that it was denied. However, she received an update that it will be reviewed again sometime during or towards the end of winter for another chance.

Public Works

Public Works Supervisor Leon Joseph gave a brief overview:

- Councilwoman Steppi asked if the department fills potholes year-round?
- Public Works Supervisor Leon Joseph replied yes, weather permitting.
- Councilwoman Steppi then asked if the department is snow ready?
- Public Works Supervisor Leon Joseph replied that we will be snow ready.
- Councilwoman Steppi then asked if street sweeping was done for the year?
- Public Works Supervisor Leon Joseph replied that it is ongoing and it is continuous.
- Councilman McKewen asked about the tree stump in Maple Park and if it can be removed.
- Public Works Supervisor Leon Joseph replied that they will try to chop it up and lower it.

Town Manager

Administrative Assistant to the Town Manager Scott Allen gave a brief overview of the Town Manager's report:

- Scott Allen relayed the thanks to the Mayor and Council for their help with the Tree Lighting Ceremony and for those who came for the Holiday Parade.
- Scott Allen relayed that there is still question on the Town Manager's report regarding the fireworks from the canceled Fall Festival. The vendor has granted us an extension and we need an idea of a date to have a fireworks display, or we risk losing our deposit. There was an idea presented to have a pop-up event in May after the swearing in of the Mayor and Council in May.
- At this time, there was a discussion regarding how to proceed with the fireworks. The discussion revolved around the idea of hosting a fireworks event on New Year's Eve, however there was concern about it being a bad precedent for future Town Councils and cited issues with cold weather and potential safety risks, particularly with the nearby celebrations. They also questioned the \$5,000 deposit already paid for the fireworks, suggesting that the Town should consider cutting its losses by not going through with the event. It was also mentioned not having enough police officers and staff available to manage a fireworks show on New Year's Eve. Alternatives were discussed, such as moving the event to an earlier time, such as 6:00 PM for families and kids, which is practiced in cities like Philadelphia. However, the possibility of getting a permit in time was a concern since it would require at least 30 days' notice. A few ideas for future events, such as rescheduling the fireworks to New Year's Day or holding them on Valentine's Day, were also discussed.

Ultimately, the consensus seemed to be moving away from the fireworks event due to logistical challenges, the potential for bad weather, and the strain on resources. The discussion brought up the idea of focusing on other types of community events, like festivals with different activities, without fireworks.

PUBLIC COMMENT: None

STATEMENTS BY THE MAYOR AND COUNCIL:

Councilwoman McDaniel asked who the winner of the best decorated house was?

The collective response was the winner was a house in Silverbrook Gardens.

Councilwoman Steppi reflected on the final Mobile Food Pantry event, which will take place next Tuesday. The pantry has been running for three years and was funded by federal grants, with no Town funds used and only began as an idea from an ARPA roundtable discussion. Councilwoman Steppi expresses gratitude to many people, including Town Manager Steven Martin, Chief Laura Giles, the Elsmere Police Department, and Town staff such as Katherine, Scott, Leon, Thomas, Brice, Anthony, Nicole and volunteers who made it successful. Councilwoman Steppi also emphasize the importance of providing food to those in need, especially given the 20% poverty rate in Elsmere compared to the State average of 10%. Councilwoman Steppi then shared personal experiences from the food pantry, highlighting the challenges faced by individuals such as elderly residents, a grandmother raising grandchildren due to family addiction issues, a single mother fleeing domestic violence, and a man who recently lost his job. Despite the food pantry ending due to a lack of funding, Councilwoman Steppi assured the community that this will not be the end of outreach efforts, and the Council will continue to work on addressing issues like food insecurity, poverty, and domestic violence in the future. Councilwoman Steppi took pride in the program and gratitude to all involved.

Councilwoman Personti asked the status of Impact Life.

Chief Giles replied there is no update, and she doesn't anticipate any until possibly the end of January.

Councilwoman Personti then suggested a discussion be placed on the January Council agenda for the New Castle County tax reassessments, or to possibly have a representative from New Castle County come to the meeting to answer any questions.

It was then discussed that Representative DeShanna Neal will be having a meeting on January 20th at 5p.m. at Unity Church, located at 2101 Lancaster Avenue and Senator Mantzavinos will be present. We could attend and advertise this to the public as well.

ADJOURNMENT:

ACTION: A motion was made by Councilwoman DiBiaso 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**