

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
November 14, 2024
6:30 p.m.**

CALL TO ORDER: Mayor Thompson called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE:

MOMENT OF SILENCE:

ROLL CALL:

MAYOR	ERIC SCOTT THOMPSON	PRESENT
1 ST DISTRICT	JANE MCDANIEL	PRESENT
2 ND DISTRICT	SALLY JENSEN	EXCUSED
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 – Present
Finance Director, Valarie Strzempa - Present

PUBLIC COMMENT:

Ashleigh Marlar of Governor House Circle stated she is an employee of the Library and plans to start a program in January geared towards teenagers. It is intended to provide a place to hangout and engage in the library and do activities such as video games, presentations given by police officers, SAT prep and such. The program is still being developed but Ashleigh wanted to know if there were any other suggestions on the activities and wanted to ask if the Town could assist in advertising.

APPROVAL OF MINUTES:

Minutes of the October 10, 2024, Council Meeting.

ACTION: A motion was made by Councilwoman Personti to approve the minutes of the September 12, 2024, Council Meeting with no corrections. The motion was seconded by Councilman McKewen.

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

OLD BUSINESS: None

NEW BUSINESS:

Consideration of awarding a contract in response to RFP 24-05, Police Holding Cell.

Town Manager Steven Martin explained that we had residual funds from the Bond Bill given to us by Senator Mantzavinos, and we issued an RFP for the holding cell in the Police Department. The two bidders were DK Construction and Ferris Home Improvements. DK Construction came in at \$54,840, and Ferris Home Improvements came in at \$41,897. He further explained that the recommendation is to go with Ferris Home Improvements, especially since they installed the new bathroom downstairs, we have a good working relationship with them and they are very responsive to any issues we have.

ACTION: A motion was made by Mayor Thompson to award the contract for RFP 24-05, Police Holding Cell to Ferris Home Improvements. The motion was seconded by Councilwoman Steppi.

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

Consideration of approving the 2025 Holiday Schedule.

Town Manager Steven Martin explained that the 2025 Holiday Schedule presented is less days than the 2024 year since there is no presidential election.

Councilwoman Personti asked if we always give Christmas Eve off as well? She stated she is not opposed to it, but didn't recall always having Christmas Eve off.

Town Manager Steven Martin stated no, we did not, that's an addition.

Chief Giles clarified that the Mayor and Council approved it beginning last year and this would be the second time they would be approving it.

ACTION: A motion was made by Councilwoman Personti to approve the 2025 Holiday Schedule. The motion was seconded by Councilwoman DiBiaso.

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

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

Discussion and consideration of the Delaware Paid Family Leave Act.

Town Manager Steven Martin explained that this is new legislature passed by the State of Delaware to ensure Delaware workers have the financial support if they need to take time off from their job due to serious health issues, taking care of a family member, military leave, and so forth and so on. As of January 1, 2026, all employers with at least 25 eligible employees are required to provide paid leave for those employees. The Town now has to choose how to provide this coverage. We can select the State Plan or select a private plan, which must be approved by the State. By selecting the State Plan, the premium payments will commence January 1, 2025 and the estimated cost would be

\$13,109 for the year. However, we have spoken to The Standard, who currently covers our Short-Term, Long-Term Disabilities and Life Insurance and they have a plan that mirrors the Delaware Paid Family Medical Leave, and it is approved by the State. If we choose The Standard, we will not have to pay any premiums until January of 2026 when the plan begins. The preliminary quote we received from The Standard was \$15,691.66. Essentially, by electing The Standard, we save ourselves \$13,000 by not paying anything in the 2025 year. Additionally, if we elect the State Plan, we will be responsible for managing the plan and if any employer violates or fails to comply with any requirements, including failing to file reports as prescribed by the State of Delaware, the department is deemed in violation and is subject to a fine not less than \$1,000 but no more than \$5,000 for each violation. We brought it before the Mayor and Council because if we do not opt out by December 1st, we will default into the State Program automatically.

Town Solicitor Jim McMackin added that this is very much like FMLA and spoke about details of the plan and determining where the 12 months leave period ends and begins, recommending that we make it a 12-rolling month period as opposed to calendar year.

Councilwoman Personti stated she feels uncomfortable with the State Plan being that it is just developing and would feel more comfortable going with the company that we've been dealing with already. Councilwoman Personti then clarified that this is essentially expanding our services with The Standard to which the Town Manager confirmed.

Councilwoman Steppi clarified that the cost of the Town is \$15,000 annually, to which the Town Manager confirmed.

Councilwoman Steppi then asked if there will be employee contribution or deductions from employee's paychecks?

Town Manager Steven Martin stated he did not include an employee contribution.

Finance Director Valarie Strzempa asked if this coverage cost is above and beyond our current budgeted amount to which the Town Manager confirmed.

Finance Director Valarie Strzempa stated that currently, we budget for the Life and Disability at about \$18,615 between all departments and this is based on the percentage of the employee's salary.

Councilman McKewen asked if this would interfere with how they take the short-term disability?

Town Manager Steven Martin replied that we did discuss dropping the short-term disability. However, in other words, we took gap insurance for 12 weeks until the short-term would kick in.

Councilwoman Steppi asked for clarification, asking if this will go into effect January 1st, 2025?

Town Manager Steven Martin stated that we do not have to pay a premium until January 1st, 2026 if we choose The Standard's Plan and the policy will go into effect January of 2026.

Town Solicitor Jim McMackin stated that clarity is needed because on the State Plan, 0.8 percent can be split up to 0.4 percent by the employee, and the balance of it by the employer. Under The Standard's Plan, is the Town paying all the premium?

Town Manager Steven Martin replied yes.

Mayor Thompson stated it sounds like the Department of Labor sets that, not the Town. Mayor Thompson then asked that under FMLA, is there a requirement that you must take vacation leave prior to receiving FMLA?

Town Solicitor Jim McMackin stated that under FMLA, and for the sake of the conversation we will call this PTO, to include sick time, personal time, or vacation time, you can make it run concurrently, so that employees cannot take 12 weeks off and then still have vacation and be left with no workforce. With this, you can require them to take up to 75 percent of PTO until exhausted at least, along with the paid family leave. There are still some holes in this, but The Standard will handle that for us. That's part of the administration that they do.

Mayor Thompson understood and confirmed that The Standard is ensuring the risk and make those determinations and we just contract with them.

Town Manager Steven Martin stated that is why he felt that The Standard will be the best option, and we can always opt out. However, if the State's program is working well, we can opt in, therefore leaving us with an option by sticking with The Standard. We won't be binded until January 2026. This will be brought up again at the budget meeting, but if we don't opt for something right now, we automatically opt into the State Plan.

Councilwoman DiBiaso asked when you were given this information?

Town Manager Steven Martin replied about two weeks ago.

Town Solicitor Jim McMackin added that the regulations just got approved by the State.

Councilwoman Steppi asked what fiscal year is this \$15,000 premium due?

Town Manager Steven Martin replied that it would be the second half of next fiscal year. But if we go with the State Plan, then it would be due January 2025.

ACTION: A motion was made by Mayor Thompson to approve the Town Manager to negotiate an insurance policy with The Standard, the Town's current insurance carrier, for the PFML coverage. The motion was seconded by Councilwoman Personti.

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

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

Town Manager Steven Martin explained that we have an engagement letter from Whisman-Giordano and we do intend to put this out to bid come February, however we do not have enough time now to

put out a bid to cover this year's audit. Town Manager Steven Martin asked Whisman-Giordano to send an engagement letter which reads \$33,000 for audited statements, \$4,000 for pension fund audit, and \$8,000 for the single audit, if a single audit is needed. The total fee would be \$45,000. Town Manager Steven Martin explained that the Town has had Whisman-Giordano for too long and it is healthy to use another auditing company just to make sure that we are complying with GASB regulations.

Councilwoman Steppi asked what the parameters are, from when to when?

Town Manager Steven Martin replied that they have it to begin November 18th and should be completed by the beginning of next year. In February, we will put it out to bid for another three-year contract with another company.

Councilwoman Personti asked, considering the delays there were with the last audit, there's no chance of getting some sort of rebate or discount?

Town Manager Steven Martin stated that we can certainly ask for it.

Councilwoman Personti then added that we have never had to wait for the audit to be completed the way we did for this last one. Does the contract state that the services must be completed within a certain time?

Town Manager Steven Martin replied no, however we can ask for credit for the previous year's delays and add a deadline to the contract this time.

Finance Director Valarie Strzempa stated that the engagement letter also specifically mentioned that they did plan to present in December, however she does not believe that is attainable.

Town Manager Steven Martin agreed and stated that is essentially one month to do the audit. The engagement letter said that they would begin work on November 11, 2024 and do the confirmations on November 11, 2024, perform the year-end audit procedures on November 11, 2024 and that everything will be completed by December 6th, 2024. Then it says that they will issue a draft of the audit by December 31st, 2024, subject to Council approval.

Mayor Thompson stated that all of that needs to go in the contract.

Town Manager Steven Martin agreed and added that there would be penalties if they go over that.

Town Solicitor Jim McMackin clarified that it would be liquidated damages as opposed to penalties.

Councilwoman Personti stated that she is all for extending it if we have clear language regarding the performance for the year.

ACTION: A motion was made by Mayor Thompson to authorize the Town Manager to negotiate a contract for auditing services to Whisman Giordano & Associates for a period of one year up to the amount set forth in the engagement letter. The motion was seconded by Councilwoman Personti.

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

DEPARTMENTAL REPORTS:

Code Enforcement

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

- Councilwoman Personti questioned the email she sent last week regarding a certain type of pavers a resident can use.
- Code Officer Nicole Facciolo stated that the building official reviewed it determined that the pavers are pervious material.
- Councilman McKewen stated that there is a house in his district whose backyard is an eyesore and asked if she could take a look.
- Code Officer Nicole Facciolo stated that she knows exactly what property he is referring to and already saw it while patrolling and has issued numerous citations to the property already.

Finance Department

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

- Sent out all delinquent tax bills for the first quarter end of the new fiscal year and have had a good response.
- Completed a project of digitalizing vendor files from prior fiscal years and the current year in order to provide efficiency and further assists with auditing purposes and possibly be a cost savings. This was previously kept in paper form in numerous boxes and was a large project.
- Mayor Thompson asked if the ARPA funds will be utilized before the deadline to which Finance Director Strzempa confirmed.
- Councilwoman Steppi asked if we need to move over any available funds?
- Town Manager Steven Martin stated it is best to wait until the street project begins before moving anything since we may have a few credits owed to us as well.

Public Safety

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

- Chief Giles reported that Impact Life has signed a three-month lease agreement with Corpus Christi to be able to work from there at zero cost. Finance Director Valerie Strzempa and Chief Giles updated the grant monitor to inform them of what was going on, they are now aware that Impact Life is not occupying our building. The grant monitor stated that they're going to give them three months while the Town puts in the ventilation system in the basement.
- Chief Giles also asked if any Council members would be willing to sponsor an ordinance which would prohibit anyone over 16 years of age from wearing a mask in public, outdoors, public buildings and on someone's private property. The goal is to be able to easily identify offenders or prevent a crime from happening if the officers can stop someone when they see it.
- At this time, there was a lengthy discussion amongst the Chief, Mayor and Council members

discussing the legality of the concept behind the ordinance. Chief Giles cited a few examples of people committing crimes recently that have concealed their identify and this ordinance may be a deterrent.

- Chief Giles then asked if there would be any Council members who would like to sponsor an ordinance to prohibit short-term rentals such as Airbnb's. There is a property that is being used as an Airbnb currently that the Code Department and Police Department have responded to numerous times due to noise complaints and is affecting the quality of life for homeowners and surrounding neighbors. Chief Giles believes we need to get ahead of this problem because it is going to spread. The Code Department has already issued a Cease and Desist and a fine to this property, but the fine is only \$300.00, which the owner will keep paying because they are making more money from the rentals. Chief Giles believes we need a harsher penalty and the power to revoke repeat offender's rental licenses.
- At this time, there was a lengthy discussion among all Council members, Chief Giles, the Town Solicitor, Code Officer Nicole Facciolo, and Town Manager Steven Martin discussing the nuisance this has caused already and the legality of revoking rental licenses. During the conversation, it was discovered that there are a few other properties being advertised as Airbnb's online within the Town. In conclusion, it was determined that research would be done to find out what steps we could take to prohibit this across Town and what penalties are being used and effective.
- Chief Giles advised Mayor and Council that she would be on vacation out of the country from November 27th to December 8th and will not have access to internet. While she is out, Lt. Shelton would be in charge.
- Councilwoman McDaniel commended the department for the apprehension of the Fulton Bank and WSFS bank robber.

Public Works

Public Works Supervisor Leon Joseph gave a brief overview:

- Councilman McKewen asked about the tree that had fallen at Maple Park, he noticed it has been cut, but not removed.
- Town Manager Steven Martin replied that the Public Works Department does not have the capacity to remove the tree due to its size, and we are trying to obtain a company to remove it.
- Councilwoman Steppi asked about the progress on the employee testing for his CDL.
- Public Works Supervisor Leon Joseph stated that Maintenance Worker Anthony Disanto successfully passed and obtained his CDL and is now shadowing in order to operate the street sweeper.
- Councilwoman McDaniel then requested the street sweeper to be run down N. DuPont Rd since the trash company leaked fluids in the roadway.
- Councilman McKewen stated there are at least three more trees in his district that need to be cut down and removed.
- Town Manager Steven Martin replied that he is working with the University of Delaware to obtain a grant to be able to remove dead or fallen trees and be able to replant new ones, but we cannot get into the tree business because it would be costly and time consuming for the department.
- Councilwoman Personti asked Councilwoman McDaniel if she was reporting that the trash company was leaking fluids, since it is part of their contract to remediate to which she was

not sure of the procedure but will report it now.

Town Manager

Town Manager Steven Martin gave a brief overview:

Stormwater Project:

- Town Manager Steve Martin plans to reach out to obtain an update on the Congressional Direct Spending Fund since the election is over.
- Patty Blevins Walking Path and Chestnut Run drawings should be back to us within a week and then we can put it out to bid.
- Paoli Services has completed street replacement on K Street, Gamble Avenue and has begun Dumont Rd as part of the 5 Year Street Replacement Program.
- The Rosemont and Taylor Project is the intersection that the firetrucks have difficulty getting through. Himself, along with Vandemark & Lynch, believe they have found a more affordable design and they have pitched it to GEO and have asked them to submit a new proposal.
- Park Project (Maple Park): DNREC has contacted him regarding the ORPT grant that was submitted with a few follow up questions and we should be receiving an answer in the next few weeks.
- The Spooktacular Event was well attended with roughly 150 children in costumes. Town Manager Steven Martin thanked Councilwoman Personti for participating and coordinating the costume contest.
- Staff is planning the Tree Lighting Ceremony which will be on Friday, December 6th.
- Best Decorated House: Town Manager Steven Martin confirmed the dates with the Council members for their selections to the Mayor and confirmed the Mayors selection date as well.
- Town Manager Steven Martin stated that while Chief Giles gave you an update on Impact Life, the ventilation project she mentioned in the basement has already been completed.
- Town Manager Steven Martin reminded all Mayor and Council about the Holiday Parade to be held on Sunday, December 8th and if any Council members wish to participate, the delegate forms have been placed at their seats.
- Applications for the Code Officer positions have been closed as of November 12th and interviews will begin next week.
- Greenbrier Village Civic Association meeting will be held here in Council Chambers on Wednesday, November 20th and they would like to know if Mayor Thompson and Councilwoman McDaniel will join to which they both agreed.
- The copier lease agreement with Digital Solutions expires November 25th and although it doesn't reach the threshold for approval from the Council, Town Manager Steven Martin wanted to advise that the new lease does have a cost savings.

PUBLIC COMMENT: None

STATEMENTS BY THE MAYOR AND COUNCIL:

Councilwoman Steppi reported that she attended the Kirkwood Highway Corridor Transportation Plan and there now is a draft plan. The two intersections of concern are DuPont/Kirkwood

Highway/Route 2/Route 100, and the Linden Avenue/Route 2/Sanders/New Road intersection, another intersection being looked at is Filbert down Route 100, which could entail widening the sidewalks, and trying to slow down traffic. While at the meeting, she spoke with New Castle Councilman Brandon Toole regarding the New Castle County tax reassessment performed by Tyler Technologies. She is concerned because her assessment showed three errors, such as adding on roughly 500 square feet, adding an additional story to her home, and additional rooms. Councilwoman Steppi explained that she did send an email to Tyler Technologies to inform them of the major errors and they responded that they would make the corrections, but this is concerning because the reassessment values are being sent out, some of which are increasing by 500, 600 percent. There is an appeal process the public can follow if there are any issues found.

Mayor Thompson read a thank you card that was addressed to Mayor and Council which was sent from the Harold family regarding the flowers for the services for former Mayor Dick Harold.

EXECUTIVE SESSION:

Pursuant to 29 Del. C. Section 10004(b)(9), the Mayor and Council will adjourn into an executive session to discuss personnel matters and a potential litigation matter. The Mayor and Council will not return to public session.

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

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