

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
SEPTEMBER 14, 2017
TOWN HALL
6:30 p.m.**

CALL TO ORDER: Mayor Eric 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 | MARIANNE SKIPSKI | PRESENT |
| 2 ND DISTRICT | TED PFIRRMANN | PRESENT |
| 3 RD DISTRICT | ROBERT KACPERSKI | PRESENT |
| 4 TH DISTRICT | EDWARD ZIELINSKI | ABSENT |
| 5 TH DISTRICT | JOANN I. PERSONTI | ABSENT |
| 6 TH DISTRICT | BRIAN HURST | PRESENT |

Town Solicitor, Edward McNally – Present

Town Manager, John Giles – Present

Chief of Police, Laura Giles – Absent

PUBLIC COMMENT:

Sharon Burg, 108 Northern Ave, spoke regarding the following issues:

- Are the movies in the parks being discontinued? There has only been 1 this season. In addition, are there additional community events being planned?

Town Manager John Giles stated that the number of movies was reduced this year, but only 1 movie was cancelled. In addition, we have begun considering bringing new events to the community.

- Councilwoman Personti is the only member of Council who puts out a newsletter, other council members should consider this since not all members of the public have access to the internet.

Councilman Pfirrmann stated that he has considered a newsletter and decided that an electronic newsletter was best for his district because quite often you see paper newsletters creating litter along the street due to wind or other reasons. He stated that he does have an electronic newsletter/facebook page for the second district. Further, he stated that there is no single media platform that will reach 100% of the residents, but when he looked at his criteria for a newsletter, litter, timeliness and ease of use were top priorities.

- Is there an update regarding the sinkhole at 106 Northern Avenue? The builder should be held liable for the repairs.

Councilman Pfirrmann stated that he spoke with Town Manager John Giles regarding the criteria for road repairs.

Town Manager John Giles stated that he visited the property and while there is a divot in the roadway, it is not in an area where the contractor worked to construct the home. Therefore, the Town is considering the repair costs for this.

- Speeding on Northern Avenue has increased.
- When will the dog park re-open.

Paul Falkowski, 1901 Linden Street, stated that he is hoping that the Town will post the results from DNREC testing results when they have been received. In addition, he has previously been guilty of adjusting the gate levels and bringing hoses and chairs for public to use, he has not done any of these things in two years since he was told he was not allowed. In addition, he had a conversation with Councilman Pfirrmann who stated that the former Mayors wife did not have the proper authority to open and close the park, how can the Town talk about agreements which were made when the elected officials are telling lies.

Town Manager John Giles stated that he has had no contact with DNREC yet regarding this park and is unaware of any testing performed, other than that of the citizen making the complaint. Regarding the fence, Mr. Falkowski cannot continue to adjust the fence, if it needs adjustment, he should contact Town Hall and our employees or a certified fence company will make the adjustment. In addition, the chairs and dog bowls will not be permitted to be left in the park. You may bring them in and use them while you are present, but they may not be left in the park.

Councilman Pfirrmann stated that he did have a conversation with Mr. Falkowski about a month ago when Mr. Falkowski came to his home. This conversation was regarding the fact that the water at the park was never intended to be public and there were never intended to be pools for the dogs, etc. At that time, he did have a conversation regarding the authority granted to the former Mayors wife to open and close the park. However, he was corrected at the August Council meeting and at that meeting did issue a public apology to Mrs. Burg for making that statement and admitted that she did have the proper authority granted by Council.

Cathy Davidson, 1106 Dilworth Road, stated that she is a frequent visitor of the dog park. She asked why Mr. Giles has not contacted DNREC and if we know anything regarding the results.

Town Manager John Giles stated that he would like to clarify, the Town has not been in contact with DNREC. All the Town's communications regarding this issue have been with the Delaware Department of Agriculture who regulates the use of pesticides and

herbicides. He is unaware of any tests which have been completed other than that completed by the resident which was completed by a lab and the test used has not been certified by the US FDA.

Mayor Thompson stated that the park was closed out of an abundance of caution based on a complaint made by a resident regarding a health hazard. We have a civil duty to the residents of this Town to close the park until an investigation could be completed with a final determination that no hazard exists.

Ms. Davidson stated that this resident laid face down in the grass of a dog park. Unless there is more documentation proving that a hazard exists and the park should be re-opened.

Councilman Pfirrmann held up a large file stating that this is the research that he has done regarding this issue and that while he is only one voice among council, he is looking to have the park opened as soon as possible.

Councilman Hurst asked if the Town ever received the results of the urine sample she stated she sent.

Councilman Pfirrmann stated that he was told that she would disclose those results at this meeting, however, she is not present.

Jack Probst, 1506 Binder Lane, stated that he frequents the dog park. He would like to know when the Town intends to re-open the park. In addition, could the Town address the standing water problem within the park before it reopens.

Town Manager John Giles stated that he hopes that the park would be open in two weeks, but that he would like to have something from a lab or the Department of Agriculture regarding this product.

Mr. Probst stated that he used to work for a chemical company, but this chemical is in a lot of products and that this chemical is not a danger unless ingested in its raw form, and even then, the quantity would have to be large.

Laura Lindsey, 114 Northern Ave, stated that she too would like to see the park re-opened as quickly as possible and that many of the patrons disagree with the way that the resident handled this issue. She would like to know if the dog fair will be rescheduled.

Town Manager John Giles stated that he intends to discuss rescheduling the event, however, he is not sure that there is enough good weather left this season to schedule it. If the event is not rescheduled this fall, it will be considered for one of the first events in the spring to open the park for the season.

Town Manager John Giles introduced the members of the Town of Elsmere Public Works Department, as well as, Dominick Paoli and Tim Campbell of Paoli Services. None of these people spray products within the fenced area of the park.

Tim Campbell of Paoli Services stated that the herbicide that they use is called Lesco Prosecutor. This product has never been used within the park itself, only in the landscape bed on the far side of the parking lot. This would mean that he herbicide would need to travel across the parking lot before it would enter the park. In addition, the chemical is mixed in a ratio of 3 parts water, 1-part Lesco Prosecutor and no safety gloves are required when mixing. In addition, this chemical would need to be ingested in high quantities prior to mixing to cause any ill effects on a human or animal and once dry, has no ill effects at all.

Nicole, 257 Locust Avenue stated that she too would like to see the park re-open as quickly as possible and does not understand why this is an issue if the Town doesn't spray in the park anyway.

Laura Varney, 500 Baltimore Avenue, stated that her property borders the dog park along the landscape bed that does get sprayed. No one in her family, not even her dogs, are sick. Mr. Campbell admitted that he sprays on along the fence that she owns and they are still not sick. Therefore, she believes that the park should re-open.

APPROVAL OF MINUTES:

Minutes of the August 10, 2017 Council Meeting.

ACTION: A motion was made by Councilman Hurst to approve the minutes of the August 10, 2017 Council Meeting with no corrections. The motion was seconded by Councilman Pfirrmann.

VOTE: 5-0 with 2 Absent Motion carried

OLD BUSINESS: None

NEW BUSINESS:

Discussion regarding the fact that all members of the Land Bank except for Mr. Russo are due for re-appointment at the October 2017 meeting of the Mayor and Council.

Mayor Thompson stated that the Land Bank has had two resignations and one member who does not wish to be reappointed. Therefore, new appointments must be made.

Mr. McNally stated that there needs to be an odd number of members appointed, therefore, considering that there are currently 8 members. He would recommend that the Council replace two of the three members giving the Board 7 members total. In addition, the Chairman should give a status update to the Council during the next meeting prior to making all appointment/re-appointments.

Councilman Pfirrmann stated that he would be willing to serve as a Council Representative.

Mayor Thompson stated that should any members of Council know someone willing to serve, please contact him or the Town Manager with that information as soon as possible to add to the October Council Agenda.

Mr. McNally stated that he would also send the membership requirements for the State, as well as, the By-Laws of the organization.

Consideration of a request by the department of public safety to replace an air conditioning unit.

Town Manager John Giles notified the Council that this project no longer requires consideration because it became an emergency and cost less than the \$10,000.00 bid requirement level.

DEPARTMENTAL REPORTS:

Code Enforcement

Town Manager John Giles presented the written report.

1. There were 41 citations issued, 25 were corrected, 15 were issued fines and 1 remain pending.
2. 1 property was issued a repeated public nuisance violation this month, which also included an abatement.
3. There is 1 new business, Precious Little Hands at 702B Kirkwood Hwy.
4. We have received construction permits for the Seasons Pizza Project and the department is reviewing the drawings and working with the property owner and contractors to resolve any issues.

Finance

Town Manager John Giles presented the written report.

1. Transfer Taxes received for June were \$28,938.18.
2. The bank loan for the HVAC System approved by council has been completed, executed and funds have been received. In addition, a condition of the loan includes an \$850,000.00 pre-approved line of credit should the Town need to borrow additional funds for a street sweeper or other large cost project.
3. The HVAC system installation continues to move along as expected.

Public Safety

Town Manager John Giles stated that the Chief's written report was emailed.

Public Works

Town Manager John Giles presented the written report.

1. The department patched 21 pot holes during the month in various locations.
2. 12 catch basin repairs were completed regarding loose bricks.
3. Fresh dirt and sod were installed in the Bark Park around the fence between the two parks to address some of the standing water complaints received.

Town Manager

Town Manager John Giles presented the written report.

1. He and the Chief will be out of the office the first week of October on vacation. The agenda will be posted by Diana on the appropriate date.

ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:

District 1 – Councilwoman Skipski stated that she would like to contact Dominick Paoli again regarding the need to address the fence issue. The fence still has issues regarding the fact that it still is not blocking the view of the equipment from the residents.

District 2 – None

District 3 – None

District 4 – None

District 5 – None

District 6 - None

Mayor – None

PUBLIC COMMENT: None

ADJOURNMENT:

ACTION: A motion was made by Councilman Hurst to Adjourn. The motion was seconded by Councilwoman Skipski.

VOTE: 5-0 with 2 Absent 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

BRIAN HURST
SECRETARY