

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
NOVEMBER 9, 2017
TOWN HALL
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	ABSENT/EXCUSED
1 ST DISTRICT	MARIANNE SKIPSKI	PRESENT
2 ND DISTRICT	TED PFIRRMANN	PRESENT
3 RD DISTRICT	ROBERT KACPERSKI	PRESENT
4 TH DISTRICT	EDWARD ZIELINSKI	PRESENT
5 TH DISTRICT	JOANN I. PERSONTI	PRESENT
6 TH DISTRICT	BRIAN HURST	PRESENT

Town Solicitor, Edward McNally – Present

Town Manager, John Giles – Present

Chief of Police, Laura Giles – Present

PUBLIC COMMENT:

Kathy Melcher, owner of 1318 Cypress Avenue, stated that she was here on behalf of the owners of the properties on the 1300 block of Cypress Avenue where they are experiencing an infestation of roaches on the exterior of the properties. She stated that the timing has coincided with the timing of the sewer replacement projects which were completed in the areas. This has caused oriental roaches to swarm in the grass areas of the properties and continuously attempt to enter the homes through windows and doors. In addition, this row of homes has had an issue with German Roaches. Most of the property owners on the row have spent a significant amount of money exterminating, however, there is a property at 1314 Cypress has not treated their property, which means that they will continue to get roaches until this property is forced to exterminate. She would like to ask the Mayor and Council to consider paying for the extermination of the exterior of the properties and to force the residents of 1314 Cypress Avenue to treat the interior of their property. The estimate which was received by APM who is the Town's pest control company is \$3,000.00 for all six homes. She stated that as homeowners, they don't feel that it is their responsibility nor can they afford to treat the exterior of the properties. She stated that according to the Town Charter §401 "*The Council shall have all other powers requisite to and appropriate for the government of the Town of Elsmere, its peace and order, its sanitation and beauty, and for the health, safety, convenience, comfort and well-being of its population, and for the protection and preservation of public and private property*". They are asking for the council's assistance with the preservation of their private property.

Councilman Zielinski asked Town Manager John Giles how many property owners were present at the meeting held by the Town.

Town Manager John Giles stated that 4 of the 6 property owners were present, and Mr. Demanczyk in direct contact with one of the two absent property owners with the intent to update him with the results of the meeting. APM was present at this meeting as well.

Councilman Zielinski asked that he be informed the next time he has a meeting with residents.

Town Manager John Giles apologized and stated that the Code Enforcement Department had set this meeting and he had not intended to attend the meeting, however, Melissa was unexpectedly absent on the date of the meeting and he wasn't aware of the date of the meeting until the residents were already here. At the conclusion of the meeting the property owners wanted to request that Council assist them with the extermination of the exterior of the properties. He did inform them that Council does not typically authorize the expenditure of public funds on private property, however, they were welcome to attend the meeting and make the request.

Councilman Kacperski asked how long the situation has been occurring.

Mrs. Angela Demanczyk, owner of 1322 Cypress Avenue, stated that they have been having problems since August and have had 10 treatments from APM since then.

Councilwoman Personti asked for confirmation that the problem area in question is 1312 to 1322 Cypress Avenue, with property breaks on either side.

Ms. Melcher stated that is correct.

Town Manager John Giles stated that he is concerned that while the residents agreed to treat the interior properties during their meeting at Town Hall, they stated prior to the meeting that they do not intend to treat the interiors. He was informed by APM that both the interior and exterior should be treated at the same time.

Councilman Pfirrmann stated that there is a reason for that. German and Oriental roaches are treated differently and because of that, you must treat all properties at the same time and in the same manner. Otherwise, you will have the colonies split and cause additional problems. While the Oriental roaches are primarily on the exterior of the homes, the reports of them attempting to enter the homes means that you must treat both interior and exterior or they may attempt to flee inside. German roaches cannot live outside, however, they will travel from home to home until all units are treated at the same time.

Councilman Zielinski stated that it is not only this portion of Cypress Avenue, he is aware of similar situation on Maple Avenue. The problem will not be fixed until all of the properties can come together to treat.

Ms. Melcher stated that the property owners are not against treating the interiors, they just don't believe that treating the exterior is mutually exclusive to treating the interior. In addition, they do not want to spend additional funds on the interior until the Town forces the property owner at 1314 Cypress into treating their property first.

Councilwoman Personti stated that she has received a request from two Council members that we take a brief executive session for legal advice on this matter.

ACTION: A motion was made Councilman Zielinski to enter into an executive session to request legal advice from the Town Solicitor regarding this matter. The motion was seconded by Councilman Hurst.

VOTE: 6-0 with 1 Absent All-in-favor Motion carried

The Council entered executive session at 6:55pm.

ACTION: A motion was made by Councilwoman Personti to re-enter the public session of the meeting. The motion was seconded by Councilman Zielinski.

VOTE: 6-0 with 1 Absent All-in-favor Motion carried

The Council returned to public session at 7:13pm.

Councilwoman Personti stated that the Police Chief has been able to identify the occupants of 1314 Cypress Avenue and that there will need to be some additional investigation and inspections of the property. With that in mind, at this time the Town is not prepared to allocate any funding towards this issue until those investigations are completed.

Town Manager John Giles stated that the residents have led the Police Officers to believe that this property may be an illegal rental property and that the Code Enforcement Department will be addressing the issues and hopefully completing an inspection of the unit.

APPROVAL OF MINUTES:

Minutes of the October 12, 2017 Council Meeting.

ACTION: A motion was made by Councilman Hurst to approve the minutes of the October 12, 2017 Council Meeting with no corrections. The motion was seconded by Councilman Zielinski.

VOTE: 6-0 with 1 Absent All-in-favor Motion carried

OLD BUSINESS: None

NEW BUSINESS:

Consideration of the proposed 2018 Town Holiday Schedule.

ACTION: A motion was made by Councilman Hurst to approve the 2018 Town Holiday Schedule. The motion was seconded by Councilman Pfirrmann.

VOTE: 6-0 with 1 Absent All-in-favor Motion carried

DEPARTMENTAL REPORTS:

Code Enforcement

Town Manager John Giles presented the written report.

1. The Seasons Pizza Project permit has been issued and we are waiting on the subcontractors. The Code Enforcement Department reached out to them today to discuss the condition of the structures involved and that they would need to be demolished prior to the winter. The property owner stated that they hope to complete the demolition on all structures except the pizza shop within the next 10 days.
2. The stormwater issue at 101 Alvil Road has been corrected. The New Castle Conservation District assisted the homeowner with funding and construction for the project and the project was approved by DNREC to be in compliance with our Stormwater Regulations.
3. The reinspection of the Gardens at Little Mill Apartment Complex has occurred. They were following up on 9 uncorrected violations, 6 of which have now been corrected, the remaining three required permits and they have applied for those permits. They have assured us that the work for those permits would be completed by the end of November.
4. Rental and Business License Renewals have been mailed out. Payments were received slower than expected. We have posted cease and desist letters on delinquent rental properties and have seen the landlords responding to those notices and registering the properties. We have not yet posted any of the in-town businesses. We intend to begin posting those next week. They have received the original mailing, a reverse 911 reminder, a delinquent notice and a personal phone call to their businesses. We have made every attempt to ensure compliance prior to posting cease and desist notices.

Councilman Kacperski asked how many in-town businesses had not complied.

We mailed 190 In-Town Licenses, 14 are not renewing, 137 have been completed, 16 are waiting for insurance certificates, and 22 have submitted no paperwork.

Finance

Town Manager John Giles presented the written report.

1. The audit is under way and is due to the Mayor and Council in December. We currently have no reason to believe that it will be delayed.
2. Property tax bills are out and the amount delinquent is much smaller than previous years.
3. The Pension Committee met last night with representatives from Wilmington Trust regarding the low rate of return on the fund. They have given Wilmington Trust an opportunity to return to them with a more aggressive plan with a higher rate of return. In addition, they may return the invested funds to the State, which returns a higher rate of return. The state has consistently pulled higher than 8% a year.

4. Transfer Taxes for the month were \$21,336.00.

Public Safety

Chief Laura Giles presented the written report. In addition to the written report, she added the following items:

1. Unfortunately, Retired Chief Strauss' brother passed away last Saturday.
2. She and Town Manager Giles will be on vacation. Lt. Shelton will be in charge and they will remain available via cell phone.

Public Works

Town Manager John Giles presented the written report.

1. The department patched 22 pot holes.
2. The backup salt spreader is now in a state of disrepair which would cost \$2,500.00. A new spreader would cost \$3,300.00-\$4,100.00, therefore, he does not intend to repair the spreader at this time.
3. The department has updated their television video to be winter news.
4. The benches at Rt. 2 and New Road have been removed for their annual winter maintenance.

Councilwoman Personti and Councilwoman Skipski stated that it may be time to discuss not reinstalling them in the spring.

At this time there was a lengthy discussion regarding the need to address loitering along Kirkwood Highway. Chief Laura Giles also explained what was being done to combat the loitering.

5. We have had a number of storm drain grates stolen. We have reported the items to the police and the missing grates have already been replaced.

Town Manager

Town Manager John Giles presented the written report.

1. Phase II of the Street Improvement Program began today in Rosemont, however, they managed to cut a gas line which halted all progress for the day.
2. He believes that the Town should send a letter recognizing Marie Allen for teaching a class in Elsmere. This letter is for her retirement.
3. We have been unable to get DelDOT to respond regarding the sink hole issue at Poplar Avenue. They have acknowledged our report, but have stated it is on the schedule and they will get to it when they get to it. There is the option to have a contractor open it up to identify the problem, but the moment we do that, the intersection in that area must be closed until the problem is corrected.
4. He has signed two roofing contracts totaling \$8,600.00. One is to repair multiple areas across the Town Hall building, including re-pitching and cleaning gutters. The second is to repair an active leak on the Police Department roof.
5. The VA Hospital will be changing its name to the Sgt. Stephen P. Conner

Veterans Administration Hospital. Apparently, Mr. Conner during WWII was a congressional medal of honor winner from Delaware and worked at the hospital for some time after its construction.

6. We are going to install some no dumping signs in Dogwood Hollow. The signs are now in stock and will be installed next week.
7. He has forwarded a bid from Paoli Services to Councilwoman Skipski regarding her request to repair a section of roadway at 211 Dumont Road. The cost of that repair is estimated to be \$15,000.00.

Councilwoman Skipski asked if there was a way to switch out the \$18,000.00 portion of the Street Program with this section since it has deteriorated so quickly.

Town Manager John Giles stated that typically once the contract is bid and awarded, no changes are permitted. He will reach out to the state but cannot offer any guarantees that it will be accepted.

In addition, he received bids to repair the Taylor Road Bridge, and it could cost over \$50,000.00. We are the only entity responsible for this bridge and will need to address it in the near future. When we move forward, this project will need engineering and a formal bid process.

Councilman Hurst asked if there was an estimated start date for the Rt. 100 Bridge Project yet.

Town Manager John Giles stated that the bids were opened by DelDOT yesterday, the contract was awarded to James Julian Contracting in the amount of \$4,500,000.00 and will not begin until March and will include 24-hour work.

ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:

District 1 – None

District 2 – None

District 3 – None

District 4 – None

District 5 – Councilwoman Personti asked if the Police Officers could be made aware that tractor trailers are not permitted to park overnight in Residential Zones.

District 6 - None

Mayor – Absent

PUBLIC COMMENT:

ADJOURNMENT:

ACTION: A motion was made by Councilman Zielinski to adjourn. The motion was seconded by Councilman Hurst.

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

BRIAN HURST
SECRETARY