

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
DECEMBER 14, 2017
TOWN HALL
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	MARIANNE SKIPSKI	PRESENT
2 ND DISTRICT	TED PFIRRMANN	PRESENT
3 RD DISTRICT	ROBERT KACPERSKI	PRESENT
4 TH DISTRICT	EDWARD ZIELINSKI	ABSENT/EXCUSED
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: None

APPROVAL OF MINUTES:

Minutes of the November 9, 2017 Council Meeting.

ACTION: A motion was made by Councilman Hurst to approve the minutes of the November 9, 2017 Council Meeting with no corrections. The motion was seconded by Councilwoman Skipski.

VOTE: 5-0 with 1 Abstained and 1 Absent Motion carried

1st District – Yes, 2nd District – Yes, 3rd District – Yes, 4th District – Absent,
5th District – Yes, 6th District – Yes, Mayor – Abstained

Mayor Thompson stated that he is abstaining due to the fact that he was not present at the November 9, 2017 meeting.

Town Manager John Giles requested that the Council go out of order for a moment to address a potential legal matter. Councilwoman Personti had forwarded a supreme court ruling and asked that Mr. McNally give a legal opinion regarding this matter.

Mr. McNally stated that the Delaware Supreme Court has ruled that it is against the Delaware Constitution to prohibit carrying/possession of firearms in parks. Therefore,

under that ruling, Elsmere Chapter 145 Parks and Recreation will need to be amended to allow the carrying/possession of firearms in parks.

Councilwoman Personti asked that Town Manager John Giles present an ordinance at the January 2018 Council Meeting amending this chapter. In addition, she would like to sponsor that ordinance.

AUDIT PRESENTATION:

Mr. Vince Barbone and Mr. Nick Baccino of Whisman Giordano & Associates gave a 30-minute presentation of the annual audit report for the fiscal year ending June 30, 2017.

Mayor Thompson asked for clarification on the relevance of the two findings listed within the management letter.

Mr. Barbone stated that these findings are mostly housekeeping issues. Neither are current year findings and one of the findings has been addressed and is now within compliance. These are issues that would allow the audit to run smoother.

Town Manager John Giles asked which figure in the audit is the annual Contingency Fund Contribution based on.

Mr. Barbone stated that it can be found on page 16, first column on the left, third number from the bottom, \$73,836.00.

ACTION: A motion was made by Councilwoman Personti to accept the audit report as presented. The motion was seconded by Councilman Hurst.

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

OLD BUSINESS:

The Town Manager provided an update concerning the infestation in the 1300 block of Cypress Avenue.

Town Manager John Giles stated that we were made aware of an issue regarding roaches in the 1300 block of Cypress Avenue. The Code Enforcement Office went out on November 22nd and completed an inspection of 1314 and 1320 Cypress Avenues, these were the only two properties we had not been able to inspect prior to the last council meeting. Upon completion of those inspections, there were no signs of infestation of roaches at 1320 Cypress Avenue. However, 1314 Cypress Avenue had a significant roach problem. Code Enforcement immediately required the property owner to treat the property for the roach problem, the homeowner has subsequently provided a written receipt and copy of a contract with a pest control company proving that they are obtaining treatments. In addition, we have asked the pest control company to contact us should the contract be cancelled for any reason. To our knowledge this issue is now under control. This problem allowed us to discover that there were too many people living within the property, this problem has also been corrected.

The Town Manager provided an update concerning the status of the possible roadway issue at Poplar Avenue and Kirkwood Hwy.

Town Manager John Giles stated that there have been no additional updates regarding this issue. DelDOT is still stating that they will be out to check the roadway at some point, and they will not provide a date.

Councilwoman Personti asked that the Town Manager have the Code Enforcement Department forward the contact information for the representatives they have spoken with at DelDOT.

Discussion concerning replacing the Silverbrook/Rosemont/Taylor Intersection in the 2016 Phase II Street Program with a section of roadway in front of 211 Dumont Road.

Town Manager John Giles stated that this roadway project swap has been approved by the State. There has been one change, while the estimate originally came in at an even swap, the engineer noticed that this section was being charged at a higher rate. The contract has been amended and resulted in a savings, the savings will be applied to complete the curbing work that would have been part of the original section of roadway at the Silverbrook/Rosemont/Taylor Intersection, which was already approved in the state process. This project is still running behind because of a gas main issue within the Rosemont development, where the gas lines are buried incredibly shallow right at the base of the curb lines.

Councilwoman Personti asked if this work would be completed prior to the asphalt plants closing.

Town Manager John Giles stated that so far, he has been advised by the contractor that this will not be an issue.

NEW BUSINESS:

Consideration of a request by the Town Manager to allow carry over of Vacation Time in excess of that allowed by the Personnel Policy.

Town Manager John Giles stated that he is requesting to carry over 141.5 hours in excess of the personnel policy. He continued by stating that this number is down from his request last year of 228 hours. He stated that this is the lowest amount of time he has requested.

ACTION: A motion was made by Councilwoman Personti to allow the Town Manager to carry over 141.5 hours in excess of the personnel policy. The motion was seconded by Councilman Hurst.

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

Town Manager John Giles stated that Police Department used to have a policy which allowed an employee to give their vacation to another employee so long as that employee made less in salary. He is considering adding this provision back into the personnel policy during the next major update of the personnel policy.

Discussion concerning the possible permanent removal of the benches located on New Road at Sanders Road and Kirkwood Hwy.

Town Manager John Giles stated that this item appears on the agenda at the request of Councilwoman Personti at the previous Council Meeting and is a result of a discussion which occurred regarding continued issues that are occurring at this location. When the benches are removed the number of intoxicated individuals, homeless individuals and pan handlers decreases significantly if not entirely during these times. We received continued complaints regarding the individuals at the location a number of which come from the All Saints School which is located at this area.

Chief Laura Giles stated that she is in favor of this removal and that this is a continued problem location.

Councilman Kacperski asked if the benches were originally purchased by the Town or DeIDOT.

Town Manager John Giles stated that they were purchased by DeIDOT at the Towns request.

Councilman Kacperski asked if DeIDOT would have an issue if we removed the benches.

Town Manager John Giles stated that he does not believe so because the Town required these additional benches to be installed as a beautification condition when they made New Road one way.

John Buringo of 2700 Boulevard Road, stated that he is sorry to hear of the problems occurring at this location, however, he is one of the people who is actually using these benches for appropriate reasons while walking. He is saddened to see that the issue has come to this extent.

ACTION: A motion was made by Councilwoman Personti to remove the benches for a trial period of 1 year and to reevaluate the installation next year. The motion was seconded by Councilman Hurst.

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

Introduction for First and Second Reading of Ordinance 631.

ACTION: A motion was made by Councilwoman Personti to approve Ordinance 631 for first and second reading. The motion was seconded by Councilman Pfirmann.

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

DEPARTMENTAL REPORTS:

Code Enforcement

Town Manager John Giles presented the written report. He stated that the majority of the report was covered as part of specific agenda items.

Finance

Town Manager John Giles presented the written report.

1. The audit is obviously complete.
2. The Gardens at Little Mill have been sold to new owners, which has purchased the entire LLC. This has resulted in the Town meeting with the new owners to discuss problems and goals for the complex. As always, the results of this meeting sound promising, however, he remains skeptic until he sees the progress actually occur. We have met with named owners and new onsite managers, and will be meeting with them again in a month to discuss progress and updated plans which include renovated the complex building by building and moving existing tenants to the renovated units. In addition, the Town has received \$40,000.00 in fees and taxes which were owed, as well as, \$171,000.00 in unexpected transfer tax fees.

Public Safety

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

1. The Council has received a copy of a proposed training agreement for officers which are hired who have already received their COPT Certification. This training agreement would need to be approved in conjunction with Ordinance 631 and would be for only 3 years and has been drafted by Mr. McNally. Please review it for discussion at the next meeting.

Public Works

Town Manager John Giles presented the written report.

1. The water has been turned off at the Dog Park and Vilone Park for the winter.
2. The no dumping signs have been installed in the 6th district as requested.
3. The department has made significant progress regarding the drainage issues at Birch Avenue and Baltimore Avenue. The jet truck has finally been able to get the water flowing in that intersection. There are still three more drains along Baltimore Avenue which need attention and the truck is scheduled to come back out as weather permits.
4. The department is facing an issue with reduced employees at this time. Employee #1 is out with medical issues since before Thanksgiving and is not scheduled for potential release to work until early January. Employee #2 is out having had a major medical procedure and is out until at least late February. He is searching for 2 Part Time employees to help the department during these winter months.

5. Applause to the office staff for their support for the Public Works Department during the events. The office staff was out at the parade helping deploy and clean up barricades and anything else the Public Works Department needed during this event.

Mayor Thompson also commended the staff on the Tree Lighting and Parade. He stated that both events were very well executed.

Town Manager

Town Manager John Giles presented the written report.

ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:

Mayor Thompson asked if any members of Council have been successful in finding someone to serve in the vacant positions we have on our committees.

Councilman Pfirrmann stated that he submitted the name of Krista Wriston for appointment to the Planning Commission about two months ago and nothing has come of it.

Town Manger John Giles stated that he recalls discussing this nominee with Councilman Pfirrmann and the fact that Ms. Wriston would need to resign her position on the Pension Committee to serve. He did not recall that the nomination was formal and that Ms. Wriston was willing to do so. He apologized and stated that he would add this to the next agenda, however, this would now leave a vacancy on the Pension Committee which will need to be filled.

Town Manager John Giles stated that he has also spoken with a Kathy Aiken regarding serving as a member of the Board of Election and intends to add her appointment to the January agenda as well. Reminder that the State Law has requirements for memberships to the Planning Commission and Board of Adjustment.

Councilwoman Personti asked that the Town Manager forward those requirements to the Council.

Town Manager John Giles stated that the Pension Committee will be advertising an RFP for Trust Services again because they are unsatisfied with the services offered by Wilmington Trust.

District 1 – Councilwoman Skipski asked if there were updates regarding the Pole Installation projects being completed by Crown Castle. She stated that she was under the impression that they would be attaching to existing poles not installing new ones. The contractor has reported that they intend to install 40 of these larger/taller poles within the Town.

Town Manager John Giles stated that he too was under that impression, however, upon research today, he has learned that the approved agreement with Crown Castle allows the installation of necessary equipment and poles within the right-of-way. He intends to work with Mr. McNally to contact Crown Castle and hopefully schedule a meeting to discuss their plans for these poles and their locations.

District 2 – None

District 3 – None

District 4 – Absent

District 5 – Councilwoman Personti asked that the Town send a reminder regarding the Holiday Party and that it is stressed that the party will be at the Seasons on Maryland Avenue not the Seasons in Elsmere.

District 6 - None

Mayor – None

PUBLIC COMMENT:

John Jaremchuk, Elsmere Land Bank, stated that the Elsmere Land Bank has contracted with an employee to assist the Land Bank with paperwork and daily operations. In addition, he was meeting with the Town Manager when he was informed by the Town Manager and his assistant Diana Reed that the Land Bank may be eligible for some grant funding through the Community Development Block Grant offered by New Castle County. The Land Bank has submitted an application for this grant requesting \$60,000.00 to assist the Land Bank in achieving their goals. The Land Bank will not know the status of their application until April 2018, but he is optimistic. In addition to this, the Land Bank would like to request that the Council give Mr. McNally the authority to proceed with action on the property 112 Washington Avenue regarding receivership.

Mr. McNally gave a brief overview of the property and the reasons for filing for receivership. He further stated that since the Land Bank was created by the Town and because of the way the Town's code is written he is not comfortable with filing this action without the approval of Council.

ACTION: A motion was made by Councilman Hurst to proceed with filing a court action to apply for receivership of 112 Washington Avenue. The motion was seconded by Councilwoman Personti.

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

Mr. Varney of 500 Baltimore Avenue asked what is going on with the properties along side the Seasons Pizza which have been fenced off.

Town Manager John Giles stated that those properties are being demolished to make way for a redevelopment project by Seasons Pizza. Further questions regarding that redevelopment including review of the plan can be directed to the Code Enforcement Department.

ADJOURNMENT:

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

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