

**TOWN OF ELSMERE  
COUNCIL MEETING MINUTES  
MARCH 8, 2018  
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 <sup>ST</sup> DISTRICT	MARIANNE SKIPSKI	PRESENT
2 <sup>ND</sup> DISTRICT	TED PFIRRMANN	PRESENT
3 <sup>RD</sup> DISTRICT	ROBERT KACPERSKI	PRESENT
4 <sup>TH</sup> DISTRICT	VACANT	
5 <sup>TH</sup> DISTRICT	JOANN I. PERSONTI	PRESENT
6 <sup>TH</sup> DISTRICT	BRIAN HURST	PRESENT

Town Solicitor, Edward McNally – Present

Town Manager, John Giles – Absent/Excused

Chief of Police, Laura Giles – Present

**APPROVAL OF MINUTES:**

Minutes of the February 8, 2018 Council Meeting.

**ACTION:** A motion was made by Councilman Hurst to approve the minutes of the February 8, 2018 Council Meeting with no corrections. The motion was seconded by Councilwoman Personi.

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

At this time Mayor Thompson stated that he would be going out of order so that Chief Laura Giles could return to the hospital to check on the status of Town Manager John Giles.

**NEW BUSINESS:**

Introduction for First and Second reading of Ordinance 638.

Chief Laura Giles gave a brief overview of the proposed ordinance and the history leading to the proposal of this ordinance.

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

Councilwoman Personti stated that she would like the Pension Committee to review and sign the MOU for the State Pension Office prior to Third and Final Reading by the Mayor and Council.

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

Consideration of participating in the Welcoming Communities Program.

Chief Laura Giles stated that she is against entering this program. The police department already does most of what this program is requesting in regards to immigration status. However, if the department signs this agreement, it would lose the ability to apply for certain federal grants, which are essential to the department.

Mayor Thompson stated that he voiced similar concerns to the Welcoming Communities representative and that he also informed him that the information would be forwarded to the Council but that the Council would make a decision as a whole.

Councilwoman Personti stated that she had expressed her feelings on this subject in an email and that she is completely against this program for setting up barriers between agencies.

At this time Chief Laura Giles left the meeting and Sergeant Steve Smith was representing the Elsmere Police Department.

**PUBLIC COMMENT:**

Debbie Fetzer, 11 Alfred Ave, Stellar Tutoring (3202 Kirkwood Hwy), stated that she has lived in Elsmere for about 11 years and she would like to thank the Town of Elsmere for their continued support of the Annual Stellar Tutoring Literacy Walk and their desire to assist those whose ability to read may be limited.

**OLD BUSINESS:**

Consideration for Third and Final reading of Ordinance 633.

Mayor Thompson stated that this is simply a housekeeping ordinance.

**ACTION:** A motion was made by Councilwoman Personti to approve Ordinance 633 for Third and Final reading. The motion was seconded by Councilman Pfirrmann.

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

Introduction for First and Second reading of Ordinance 635.

Councilwoman Personti explained that she spoke with Town Manager John Giles regarding this ordinance and the issues she raised at the February council meeting. The ordinance has been amended to allow only banners to be installed in the R-GA Zone and not all signs in R-1 and R-2 Zones.

**ACTION:** A motion was made by Councilwoman Personti to approve Ordinance 635 for First and Second reading. The motion was seconded by Councilman Hurst.

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

Consideration for Third and Final reading of Ordinance 636.

Mayor Thompson gave a brief overview of this ordinance and the changes that were made.

Councilman Pfirrmann stated that his concerns regarding this ordinance have been alleviated by the amendments allowing appeals to Council.

Councilman Hurst concurs.

**ACTION:** A motion was made by Mayor Thompson to approve Ordinance 636 for Third and Final reading. The motion was seconded by Councilman Pfirrmann.

**VOTE:** 5-1 with 1 Vacant Motion carried

1<sup>st</sup> District – Yes, 2<sup>nd</sup> District – Yes, 3<sup>rd</sup> District – No, 4<sup>th</sup> District – Vacant,  
5<sup>th</sup> District – Yes, 6<sup>th</sup> District – Yes, Mayor – Yes

**NEW BUSINESS:**

Introduction for First and Second reading of Ordinance 634.

Mayor Thompson gave a brief overview of this ordinance and the need to implement it so that we remain in compliance with our National Pollutant Discharge Elimination System (NPDES) Permit to reduce our current lot coverage by 3%.

**ACTION:** A motion was made by Councilwoman Personti to approve Ordinance 634 for First and Second reading. The motion was seconded by Councilwoman Skipski.

Councilman Hurst stated that he is concerned that the Code Enforcement Department has already begun to send cases to the Planning Commission for review prior to the approval of this ordinance.

Councilwoman Personti stated that she attended the Planning Commission meeting and it was discussed that this was a test case and the individual was not charged a fee for the process and it was used to acquaint the Planning Commission with the regulations and

process which will be used and become necessary. She further stated that this regulation does not mean that an applicant will be denied a driveway, it just adds another layer of review and some provisions to avoid the necessity of the hearing if surfaces are pervious. She further stated that this ties back to the impervious surface removal projects that Town Manager John Giles presented in February about removing unused basketball courts and other areas on Town owned properties.

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

Introduction for First and Second reading of Ordinance 637.

Mayor Thompson stated that 4<sup>th</sup> District Councilman Edward Zielinski has submitted a letter of resignation effective March 8, 2018. This resignation means that the Town is required to hold a Special Election for the office of 4<sup>th</sup> District Council. This ordinance sets forth the procedure for the Special Election.

**ACTION:** A motion was made by Councilwoman Personti to accept Councilman Zielinski's resignation. The motion was seconded by Councilman Hurst.

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

**ACTION:** A motion was made by Councilwoman Personti to approve Ordinance 637 Amended for First and Second Reading. The motion was seconded by Councilman Hurst.

John Jaremchuk, 300 Southern Road, stated that typically in the election ordinances the filing deadline should be included within the ordinance.

**ACTION:** A motion was made by Councilwoman Personti to amend Ordinance 637 to include the filing deadline which is Monday, April 2, 2018. The motion was seconded by Councilman Hurst.

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

Mayor Thompson called for a vote on the approval of Ordinance 637 as amended.

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

At this time there was a brief conversation regarding whether the fact that the filing deadline falls prior to the Third and Final reading of the Ordinance. Town Solicitor Edward McNally stated that he did not believe it would be an issue because the deadlines are dictated by Town and State Code.

Consideration of Resolution 18-01.

Mayor Thompson gave a brief overview of this resolution and how it helps with the impervious surfaces and the NPDES Permit requirements.

Councilwoman Personti stated that trees can also be used to off-set the addition of impervious surfaces as well.

Administrative Assistant Diana Reed stated that the adoption of this resolution is also a requirement of a Department of Urban Forestry Grant that the Town has applied for, to plant trees in some of the Town's parks.

Mary Steppi, 113 Locust Ave, spoke and asked if the owners of Janvier Jewelers and Cricket wireless would be required to replace the trees which they recently removed. Janvier Jewelers recently removed two trees in front of their store along Kirkwood Hwy and Cricket Wireless has not removed a tree but pruned it back too far and it is an eyesore.

Mayor Thompson and Councilman Pfirrmann stated that the information would be passed along to the Code Enforcement Department and they can determine the appropriate actions that can be taken.

**ACTION:** A motion was made by Councilman Pfirrmann to approve Resolution 18-01. The motion was seconded by Councilman Hurst.

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

**DEPARTMENTAL REPORTS:**

Code Enforcement

Mayor Thompson asked if anyone had any comments or questions regarding the written report.

There were none.

Finance

Mayor Thompson asked if anyone had any comments or questions regarding the written report.

Councilwoman Personti asked how long paper records are kept and are they scanned before they are forwarded to the Delaware Archives.

Account Clerk Heather Herold stated that the retention on paper records vary depending on the record, however, all records which are forwarded to archives are scanned prior to forwarding to Delaware Archives.

## Public Safety

Mayor Thompson asked if anyone had any comments or questions regarding the written report.

There were none.

## Public Works

Mayor Thompson asked if anyone had any comments or questions regarding the written report.

Councilwoman Personti commended the Public Works employees on the snow removal for the storm on 3/7/18 and stated that she understands that there was a resident who was unhappy that their cable line was cut. However, this was an emergency situation and the roads would not have been able to be plowed without cutting the line and that she believed the public works department made the right call in that scenario.

At this time there was a lengthy conversation regarding the fact that the public works department continues to patch the pot holes at the end of Poplar Avenue at Kirkwood Hwy.

Councilwoman Personti stated that she has had a conversation with Town Manager John Giles that it may be necessary to open the roadway, determine the problem and require repair and potentially require reimbursement.

Town Solicitor Edward McNally stated that it would depend on which agency was responsible as to whether reimbursement would be possible, especially if the problem is the responsibility of DeIDOT.

## Town Manager

Mayor Thompson asked if anyone had any comments or questions regarding the written report.

There were none.

## **EXECUTIVE SESSION:**

Mayor Thompson stated that this was originally placed on the agenda to discuss the pending issues with the Police Pension Plan. However, due to the issuance of a supplemental agenda to include Ordinance 638, as well as, the council's earlier action to approve Ordinance 638 for First and Second reading, this executive session is no longer necessary.

In addition, Mr. McNally stated that he would like to confirm for the record that the Memorandum of Understanding (MOU) would need to be signed by the Mayor, not the Chairman of the Pension Committee, even though they would review it. Is it the consent of council to allow that to occur prior to the next council meeting.

There were no objections among Council and it was clarified that it would be done under the consultation of the Town Manager, the Pension Committee and Tim Snyder who is the attorney for the Pension Committee.

**ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:**

**District 1** – None

**District 2** – None

**District 3** – None

**District 4** – None

**District 5** – None

**District 6** - None

**Mayor** – Mayor Thompson stated that the County appears to have changed course now and they are stating that the Library is not going anywhere, it is just a matter of what changes will be made. It appears that the County Executive is using this issue as leverage to get additional funding from the State. County Council voted unanimously to oppose the closing of this library and he believes this truly helped getting us to this point. The County Executive submits his budget later this month and hopefully we will know more soon.

**PUBLIC COMMENT:** None

**ADJOURNMENT:**

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

**VOTE:** 7-0 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.

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**ERIC THOMPSON**  
**MAYOR**

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**BRIAN HURST**  
**SECRETARY**