

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
APRIL 12, 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 ST DISTRICT	MARIANNE SKIPSKI	PRESENT
2 ND DISTRICT	TED PFIRRMANN	PRESENT
3 RD DISTRICT	ROBERT KACPERSKI	PRESENT
4 TH DISTRICT	VACANT	
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

SEATING OF NEW COUNCILMEMBER:

Consideration for Third and Final reading as well as Public Hearing of Ordinance 637.

ACTION: A motion was made by Councilwoman Personti to approve Ordinance 637 for Third and Final Reading. The motion was seconded by Councilman Hurst.

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

The Mayor and Council will make public notice that the Special Election for Fourth District Council originally scheduled for May 7, 2018 has been cancelled.

Town Manager John Giles explained that the only a single candidate filed for the Office of Fourth District Council, therefore, in accordance with the Chapter 19 of the Code of the Town of Elsmere, the election shall be cancelled and Mr. Charles G. McKewen shall be deemed as to have been elected.

ACTION: A motion was made by Councilman Pfirrmann to cancel the 4th District Special Election and to deem that Mr. Charles G. McKewen to be elected. The motion was seconded by Councilwoman Personti.

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

At this time Mr. Charles G. McKewen was sworn in as the 4th District Councilman and was seated among the Council for the remainder of the meeting.

PUBLIC COMMENT:

Ms. Nagey, stated that on December 29th she tripped and fell on a water cap in the right-of-way which was installed by Artesian Water. She stated that as a result of the fall, she broke her right arm and has had a difficult healing process and may potentially need surgery. She would like the Town to contact Artesian Water and make them fix the water cap so that it is flush with the ground.

Town Manager John Giles stated that he received information regarding this issue from Councilman Hurst earlier in the day and that he had contacted Artesian Water to perform a site visit and to develop a plan on how to correct the problem. He expects to hear back from the Artesian Water representative within the next few days, however, he will send any updates to Councilman Hurst to forward to Ms. Nagey.

Mayor Thompson stated that he would like to go out of order at this time to discuss a presentation regarding the New Castle County Bicycle Plan.

NEW BUSINESS:

Discussion concerning participating in an Advisory Committee established by New Castle County to discuss the New Castle County Bicycle Plan.

Ms. Heather Dunigan from WILMAPCO discussed the fact that New Castle County and DelDOT have been working for several years to develop a comprehensive state-wide bicycle plan and she gave a brief overview on the purpose and potential contents of the plan. As part of this process, they would like to invite the Town of Elsmere to participate in two ways. The first would be to host at least one public outreach meeting for the proposed plan. The second would be to determine if the Town would be interested in appointing someone to serve on the advisory committee which is being created by New Castle County.

Mayor Thompson asked if this plan is part of a larger county-wide bicycle path/trail or are they looking to make certain regions more bicycle friendly.

Ms. Dunigan stated that they are looking county-wide, however, they have reached out to all municipalities, however, some municipalities are definitely going to want to spend more or less time on this than others.

Mayor Thompson asked if there were target dates where they would like to get out of the planning phase and into the action phase.

Ms. Dunigan stated that there are goals, however, the first goal is to map the existing communities and to establish the committee who will set the additional goals and deadlines. She stated that so far, Elsmere is the first municipality to discuss this presentation.

Councilman Hurst asked what it would cost the Town to participate.

Ms. Dunigan stated that participation would cost the Town nothing. WILMAPCO is a federally funded organization and once projects are identified they will be prioritized and submitted to DelDOT for funding in a similar manner as the bicycle and pedestrian path that the Town already has.

Mayor Thompson asked if they needed to make a decision tonight or if they could discuss this topic and get back to WILMAPCO in the next month or so.

Ms. Dunigan stated that the next month or so would be fine since Elsmere is the first municipal presentation.

APPROVAL OF MINUTES:

Minutes of the March 8, 2018 Council Meeting.

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

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

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

Councilman McKewen stated that he abstained due to not having been a member of the Council at the February 8, 2018 Council Meeting.

EXECUTIVE SESSION:

Town Manager John Giles stated that he had left the executive session on the agenda in case any members of Council had any questions remaining regarding the Police Pension Plans. He further stated that he has received confirmation from Mr. Tim Snyder, who is the attorney hired by the Pension Committee, who stated that he has received confirmation from the State of Delaware that the MOU is approved and that it can be signed.

Councilwoman Personti stated that at the March 8, 2018 Council meeting it was discussed that the MOU should be approved and signed by the Pension Committee prior to final consideration by the Council.

Town Manager John Giles stated that based on advice received from Mr. Snyder, the MOU should be considered by Council tonight as part of Ordinance 638 and shall be signed by the Mayor, not the Pension Committee.

At this time there was a consensus among Council that no executive session was necessary.

OLD BUSINESS:

Consideration for Third and Final reading as well as public hearing of Ordinance 635.

ACTION: A motion was made by Councilwoman Personti to approve Ordinance 635 for Third and Final reading. The motion was seconded by Councilwoman Skipski.

Councilman Hurst asked if a resident goes to the Code Enforcement Department with an application for something such as a driveway, would they be automatically told no, or would they be referred to apply for a hearing before the Planning Commission.

Town Manager John Giles stated that the Code Enforcement Department would review the application and if it failed to meet the storm water regulations it would be referred to the Planning Commission for review.

Administrative Assistant Diana Reed stated that the question raised by Councilman Hurst is actually regarding Ordinance 634 not regarding Ordinance 635, which is up for discussion at this time.

Councilwoman Personti gave a brief overview reminding the Council of the history of Ordinance 635 and the changes that were made at the prior Council Meeting.

VOTE: 7-0 All-in-favor Motion carried

Consideration for Third and Final reading as well as public hearing of Ordinance 634.

Town Manager John Giles gave a brief overview of the discussion regarding this issue under the prior ordinance and the purpose of this ordinance.

ACTION: A motion was made by Councilman Hurst to approve Ordinance 634 for Third and Final reading. The motion was seconded by Councilwoman Personti.

VOTE: 7-0 All-in-favor Motion carried

Consideration for Third and Final reading as well as public hearing of Ordinance 638.

Town Manager John Giles stated that this is the ordinance regarding the Police Pension Plan issues that were discussed when deciding the necessity of an Executive Session.

ACTION: A motion was made by Councilwoman Personti to approve Ordinance 638 for Third and Final reading, as well as, the MOU submitted by the State of Delaware. The motion was seconded by Councilman Hurst.

VOTE: 7-0 All-in-favor Motion carried

NEW BUSINESS:

Consideration of approving a bid from Paoli Services to perform an exploratory excavation on the sink hole at the corner of Poplar Avenue and Kirkwood Hwy.

Town Manager John Giles reminded the council of the history of the problem at this location, as well as, the Town's many attempts to resolve this issue through New Castle County, Artesian or DelDOT, and gave a brief overview of the proposed project.

Mayor Thompson asked if the Town performs this project and determines that the issue is the responsibility of another agency, will the Town have the ability to recover any potential costs from that agency.

Mr. McNally stated that for the most part the Town should be able to recover costs so long as the Town can prove where the issue is originating from, however, it could be troublesome only if the problem originates from DelDOT.

Councilwoman Personti questioned that the curbing work is not included in the estimate.

Town Manager John Giles stated that because the area sinking appears to be in the roadway, they are hoping it has not expanded to below the curbing. If necessary, the Town could always amend the contract to include curbing at the time of determination.

At this time there were multiple comments made regarding the fact that the Town has a responsibility to its residents to ensure that the roadway is safe and that ultimately this project must be completed.

Town Manager John Giles stated that he intends to pay for this project with the Long-Term Planning Infrastructure Maintenance Line Item.

Mayor Thompson asked if Paoli Services would photograph the area once it has been opened, for documentation.

Town Manager John Giles stated that Mr. Paoli will not, however, Mr. Paoli has been notified that the Town's engineer must be present when the excavation is being done so that the engineer may document and determine the cause.

ACTION: A motion was made by Councilwoman Personti to approve the bid from Paoli Services in the amount of \$7,485.00 to perform an exploratory excavation of the sink hole at Poplar Avenue and to fund the excavation from the Long-Term Planning Infrastructure Maintenance Line Item. The motion was seconded by Councilman McKewen.

VOTE: 7-0 All-in-favor Motion carried

DEPARTMENTAL REPORTS:

Code Enforcement

Town Manager John Giles presented the written report and added the following information:

1. 26 Citations were issued, 19 of those were corrected, 6 received fines and 1 remains pending.
2. The Halakos/Seasons project continues to move forward and have very few if any issues with their inspections.
3. New Castle County repaired the two sink holes at 2 Poplar Avenue and 8 Poplar Avenue.
4. The property at 110 Northern Avenue has officially been sold to an investor who intends to flip the property. The new owner is supposed to submit a plan by the end of day on April 13th regarding their plan to address the outstanding code violations.

Finance

Town Manager John Giles presented the written report and added the following information:

1. The Town received \$16,483.46 in Transfer Taxes.
2. The department was successful in collecting \$5,615.03 in delinquent property taxes during the month.

Mayor Thompson stated that he has been hearing that the real estate market is currently a sellers' market. He asked if we have noticed whether the properties in Elsmere seem to be selling any faster than they were previously or even in neighboring areas.

Town Manager John Giles stated that he has discussed that the Transfer Taxes received have been higher at this point in the year than they have been in the previous few years which does indicate that the real estate market is bouncing back.

Councilman Hurst asked if Mr. McNally would repeat comments he made about the Town during the Elsmere Land Bank Meeting.

Mr. McNally stated that this Town has possibly the lowest number of abandoned/vacant properties in the State of Delaware, the lowest crime rate in the State of Delaware, has a surplus in the State of Delaware, is phenomenally well managed by the Council, Mayor, Town Manager and Chief of Police, he doesn't understand why people complain, but this is one of the best run Towns in the State of Delaware.

Public Safety

Chief Laura Giles presented the written report and added the following information:

1. The officers/recruits are doing well and have been very busy during their training. They should be able to ride alone by the end of next month, but they will not be scheduled to be on a shift alone for a while.

Public Works

Town Manager John Giles presented the written report and added the following information:

1. It continued to snow a lot during the month of March, which kept the department busy.
2. The department patched a total of 32 pot holes throughout the Town.
3. The department completed 1 property abatement at 110 Northern Ave during the month of March.

Councilman Hurst commended the department on their work on Vilone Road and asked when the Street Improvement Program would begin again.

Town Manager John Giles stated that he contacted Mr. Paoli who has been on vacation, but that he intends to begin the work before the end of the month. He will update the council if anything changes in that timeline.

Mayor Thompson asked if the Town has seen a trend where the roads in the Town are getting worse.

Town Manager John Giles stated that the Town will always have issues with potholes because the roads were neglected for so long in the past that most have cracked. As soon as the road spider cracks like they have, pot holes become a regular thing and will continue to occur.

Councilman Hurst reported that there is a large pothole on Leech Avenue that needs to be addressed.

Councilman McKewen stated that he would like the Public Works Department to look at pot holes on the following streets.

1. J Street – Near Sycamore Avenue
2. Maple Avenue – 1300 Block
3. Y Street – Between houses and apartments
4. K Street – Needs more than a patch
5. J Street – Garbage trucks are tearing up the blacktop again.
6. Beech Avenue

Councilman Pfirrmann stated that the department should go back out to check on the potential sink hole on Baltimore Avenue, he believes it may have gotten worse.

Councilman McKewen stated that in addition to the pot holes, there is a potential collapsed storm drain at Second Avenue and Beech Avenue.

Town Manager John Giles stated that he would have the department look at all of these locations and that he would get estimates on any of these locations which may be more than a pot hole patch.

Town Manager

Town Manager John Giles presented the written report and added the following information:

1. There are still two or three vacancies on the Land Bank, one on the Pension Committee and the Planning Commission has a vacancy. The Mayor has a potential appointee for the Planning Commission and Mr. Jaremchuk has two potential appointees for the Land Bank.
2. Mr. McNally stated that there is new legislation regarding requirements for members of the Board of Adjustment. He has not had a chance to compare the Towns regulations with the new legislation yet, but he is looking into it.
3. Town Manager John Giles stated that he will be out of Town from April 23, 2018 through April 30, 2018 but will continue to keep in contact with employees through email and will remain available via phone. Chief Laura Giles will handle any urgent matters that may arise.
4. The Town was awarded a \$5,000.00 grant for tree plantings in Maple Avenue and Junction Street Park. We hope to complete those plantings in the spring season. This is a matching grant and he intends to use Public Works labor to match the grant.

Councilman Kacperski asked what type of trees would be planted.

Administrative Assistant Diana Reed stated that there are 5 different type of trees being used, but that all trees must be from the State of Delaware's list of recommended trees and were carefully selected because they are low maintenance and resilient to flood prone areas since both locations are in a flood zone.

ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:

District 1 – Councilwoman Skipski asked for an update regarding the Taylor Road Bridge.

Town Manager John Giles stated that he spoke with the Town's engineer regarding the ongoing concerns regarding this bridge. The estimated cost of repairs came to a total of \$60,000.00. He stated that prior to obtaining this estimate from the engineers, he did

receive a bid from DiSabatino Landscaping in the amount of \$58,000.00 to complete the necessary work, however, because of the cost, this is a project that would need to go out for public bid. The funds are potentially available from the Long-Term Planning Infrastructure Maintenance Line Item.

Councilman Kacperski asked if the Town repairs the wall, will that create a domino effect where other parts of the bridge will begin to fail.

At this time there was a lengthy discussion where Town Manager John Giles read through the condition assessment provided by the Town's engineers and the recommended work that would need to be completed.

Town Manager John Giles stated that a decision must be made by the Council whether this is something they wish to repair now or make part of a larger project. He does not believe that the issue is so severe that it poses a safety risk to a vehicle going over the bridge.

Councilwoman Skipski stated that she agrees that it does not pose a safety risk to a vehicle, however, it does pose a safety risk to pedestrians. The current stone is falling out of the wall and onto the sidewalk area where pedestrians travel. In addition, the dilapidated fencing was removed from the top of the wall and temporary construction fencing was installed, however, there is a gap in that fencing where a child could fall from the bridge to the stream bed below.

At this time there was a lengthy discussion among council as to whether this project should be considered now or as part of an upcoming street improvement program, as well as multiple conversations occurring at once.

Councilwoman Skipski stated if the Town is going to spend the money to fix these safety issues, it might as well find funding and complete the entire project, otherwise they will be spending money on a temporary repair that will eventually be removed and potentially cost half the project cost anyway. In addition, this is a bridge which is the only means of egress to the rear portion of the neighborhood and needs to be addressed. The longer the Town waits, the higher the cost will be. She asked what the Town Manager would need from the Council tonight.

Town Manager John Giles stated that he would need a motion for any of the following possibilities:

1. Place the project out to public bid for consideration of awarding at a future council meeting.
2. Perform temporary safety repairs only.
3. Do nothing and address in the next phase of the Street Improvement Program.

ACTION: A motion was made by Councilwoman Skipski to place the proposed repairs to the Taylor Road Bridge out to a public bid and to present the results to Council for consideration of potentially awarding a contract. The motion was seconded by Councilman Hurst.

At this time there was another brief discussion regarding the fact that once the bid is received it must still come back to the Council for final approval to award a bid and complete the work.

VOTE: 7-0 All-in-favor Motion carried

District 2 – None

District 3 – None

District 4 – None

District 5 – None

District 6 – Councilman Hurst asked where the dumpsters would be placed for Clean-up Day.

Town Manager John Giles stated that a copy of the door-to-door flyer with all clean-up day related information should be at their seats. These flyers will be delivered by staff on April 13th to all residential properties in Town.

Mayor Thompson thanked all of the sponsors of the Clean-up Day and also thanked everyone (members of the public and elected officials) who have advocated to the County to keep the Elsmere Library. He stated that the future of the library is still not firmly decided and that everyone should continue to advocate to their elected officials.

Mayor – None

PUBLIC COMMENT:

John Jaremchuk, 300 Southern Road, Chairman of the Elsmere Land Bank, stated that the Land Bank is down to one property that they are pursuing where the bank is holding out on complying with the fines and codes of the Town. He believes that the committee is committed to continue to pursue receivership against this property if they fail to comply. He has been given a figure that because of the partnership with Community Champions, they have raised \$69,600.00 in income for the Town.

Town Manager John Giles asked where Mr. Jaremchuk got the figures regarding funds received from Community Champions.

Mr. Jaremchuk stated that he received the figure from Cynthia Pfirrmann from the Code Enforcement Department.

Town Manager John Giles stated that he would have liked to know that the Code Enforcement Department gave that information.

ADJOURNMENT:

ACTION: A motion was made by Councilwoman Personti to adjourn. The motion was seconded by Councilman McKewen.

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.

ERIC THOMPSON
MAYOR

BRIAN HURST
SECRETARY