

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
MARCH 14, 2019
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	CHARLES MCKEWEN	PRESENT
5 TH DISTRICT	JOANN I. PERSONTI	PRESENT
6 TH DISTRICT	BRIAN HURST	PRESENT

Town Solicitor, James McMackin – Absent/Excused

Town Manager, John Giles – Present

Chief of Police, Laura Giles – Present

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Minutes of the February 14, 2019 Council Meeting.

ACTION: A motion was made by Councilman Hurst to approve the minutes of the February 14, 2019 Council Meeting with no corrections. The motion was seconded by Councilwoman Skipski.

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

OLD BUSINESS:

Discussion concerning the final approval of the amount of money to be spent repairing Junction Street.

Town Manager John Giles stated that we received two estimates from the Engineers regarding the potential costs of the necessary repairs to Junction Street. The repairs are estimated to cost between \$140,000.00-\$150,000.00 for the roadway with minimal curbing. However, to add all of the curbing which is in need of repair, you would need to add another \$50,000-\$60,000.00 to the repair estimate to bring the total to \$200,000-\$210,000.00.

There was a brief discussion among Council regarding the possibility of trolley tracks beneath the roadway, possible ways to determine if they existed and what an estimated additional cost would be if they were found, where multiple members were speaking at once and the tape was unable to be transcribed. It was ultimately discussed that the engineers provided no estimated costs for repair should trolley tracks be located.

ACTION: A motion was made by Councilman Hurst to place just the roadway repairs out to bid with the curbing listed as a potential add/alternate. The motion was seconded by Councilman Kacperski.

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

Review of the report requested by Councilman Hurst listing the street repair activity over the last 10 years.

Town Manager John Giles gave a brief overview of the report stating that it has been prepared in three versions; by year, council district and street.

Council looked over the report and had no questions.

NEW BUSINESS:

Introduction for First and Second Reading of Ordinance 645.

Town Manager John Giles gave a brief overview of Ordinance 645 stating that this ordinance was drafted in response to the request by Ms. Megginson at the previous meeting to allow a hardship request to the Handicapped Parking Regulations for properties with driveways.

ACTION: A motion was made by Councilman McKewen to approve Ordinance 645 for first and second reading. The motion was seconded by Councilwoman Personti.

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

Consideration of funding a drainage project through the New Castle Conservation District along the rear of Jefferson Ave & Spruce Ave, in the amount of \$5,000.00 from the Long-Term Planning Infrastructure Maintenance Line Item.

Town Manager John Giles gave a brief overview of the proposed drainage project stating that the New Castle Conservation District would like the Town to commit to funding the project before moving forward with any planning or resident interest.

Councilwoman Personti asked if there was a way to get a proposed project drawing to take to the property owners before any approvals because there would be no point to approve the funding and spend the funds if the residents are not interested in authorizing the project to move forward.

Town Manager John Giles stated that he would need to contact the Conservation District to figure out if that is possible or if there would be a cost associated with that.

Consideration of approving the Seiberlich Trane Maintenance Contract Renewal at a cost of \$1,500.00 out of the current budget with the remaining contract to be paid as part of the regular budget process.

Town Manager John Giles stated that the maintenance contract costs \$5,995.00 a year with only \$1,500.00 being paid until the new budget takes effect on July 1st, this would result in the Contract Professional Services Line Item to be over budget at the end of the fiscal year.

There was a consensus among Council that the contract was necessary, there were no objections, however, no formal approval was given.

DEPARTMENTAL REPORTS:

Code Enforcement

Town Manager John Giles presented the following information:

1. The department issued 35 violations during the month. 18 were corrected with the initial warning, 15 were issued fines and 2 remained pending.
2. Building permits have been issued to begin construction at 222 Locust Avenue.

There were no questions.

Finance

Town Manager John Giles presented the following information:

1. The department received \$23,849.30 in transfer taxes for the month of January.
2. Transfer Tax/Deed processing is now handled through the Finance Department instead of through Morris James.
3. There is an employee in the department who has submitted their resignation. At this time, I believe I will be filling that position from within the current employees.
4. Budget preparations will begin in the next few weeks.

There were no questions.

Public Safety

Chief Laura Giles stated that she would like to give out the EPD annual accommodations at 6:00pm prior to the April Council Meeting.

Councilman Kacperski stated that he has personally noticed, as well as, received complaints regarding the crossing guard at Poplar and Spruce Avenue who directs traffic in the afternoons. He stated that the crossing guard waves traffic through so quickly that it causes a backup on Poplar Avenue because of the traffic signal at Kirkwood Hwy. He stated that he was under the impression that crossing

guards did not have the authority to direct traffic, but only stop traffic while there were pedestrians in the cross walks.

Chief Laura Giles stated that she has noticed the traffic but did not see it as a problem, however, he is a nice person and is trying to do good. She further stated that to her knowledge he does not have the authority to direct the traffic and that if Council would like, she can contact the department of Public Safety/Special Services who oversee the crossing guard unit.

Public Works

Town Manager John Giles presented the following information:

1. The department patched 240 potholes throughout the Town during the month.
2. Handled 3 snow events.
3. Installed 2 handicapped parking spaces at the request of the Police Department.
4. Cleaned up and handled 3 separate illegal dumping events.
5. One employee remains on Workers Comp due to a knee injury and will not be re-evaluated until April 10th.

Councilman Kacperski stated that he had been approached by a resident who stated that the Dog Park is in need of Mulch.

Town Manager

Town Manager John Giles asked if there were any questions regarding the written report. He added the following items in addition to his written report:

1. He requested permission to draft the tributes which are typically given to certain members of the Elsmere Fire Company during their annual awards banquet. He stated that these awards are typically for the Member of the year, Ladies Auxiliary Member of the Year and 40, 50 and 60 year members. In addition, while he cannot release the names of the recipients at this time, he would need signatures from the Mayor and Secretary of Council to issue these tributes.

At this time, there were no objections among Council.

2. All departments annual reports have been submitted and are undergoing final review, He hopes to have them to Council by April 1st.
3. He has been cleared to return to work as tolerable based on pain level. He will be in and out of the office based on that, but has been keeping in touch with the employees on days that he has not been in the office.
4. He would like to request permission to have the attorney draft a letter to DelDOT detailing the deteriorated condition of Boulevard Road which

we believe to be primarily due to the Rt. 100 Bridge Closure and asking them to repair the roadway or fund the repairs to the roadway, either by DeIDOT or their contractor.

At this time, there were no objections among Council.

5. New Castle County is in the process of reviewing their Local Service Function Budget. The county believes that when they finish, some of these rates will go up and some will go down. They are putting together a meeting to explain their findings. He is bringing this to the Council's attention because these findings could result in a higher county tax for our residents for the 2020 tax year.

ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:

5th District Councilwoman Joann Personti would like to discuss the following item:

A discussion regarding aggressive dogs and property requirements to house them....example: if a dog has a history of attacking other dogs or people (with no one reporting injury), is there anything we can do to make sure the animal owner's property has fencing that would adequately prevent the dog from escaping the property?

Town Manager John Giles stated that we have contacted the State Department of Animal Control to discuss the state regulations and we are allowed to set our own rules, but they cannot be less restrictive with the State. In addition, they have agreed to assist us in our canine investigations. If the Town does not adopt its own regulations, the State would be responsible to handle any issues regarding dangerous dogs and registration of dangerous dogs.

After lengthy discussion regarding the State regulations regarding Animal Control Councilwoman Personti requested that an ordinance be drafted and presented to Council to remove all of the dangerous dog restrictions from Chapter 71 of the Code of the Town of Elsmere and to defer regulation of dangerous animals to the State of Delaware Department of Animal Control and to please list her as the sponsor of the ordinance.

Mayor Thompson would like to discuss the following items:

1. Status of the repairs to the DuPont Road Bridge.

Town Manager John Giles stated that he has received notification from DeIDOT that the bridge is scheduled to open on Monday, March 25, 2019.

Mayor Thompson asked if this would be opening the entire bridge or just a limited opening.

Town Manager John Giles stated that the notification did not indicate whether it was a full opening or partial.

2. Can the culvert in Vilone Park be repaired (dug open) so water will flow rather than collect in the large puddle to the right of the entrance.

Town Manager John Giles stated that he requested that the engineers look at the issue. They have visited this location and has estimated that the Town would need to spend between \$15,000-\$20,000.00 to fix the culvert.

Mayor Thompson stated that he was surprised at the estimated cost of this project.

3. There were discussions in the past about the creek in the 2nd District flooding and I believe there were discussions with the County about this. What needs to be done to renew those discussions? Where did they leave off?

Town Manager John Giles stated that the meeting took place over 2 years ago, I was not part of the meeting and Councilman Pfirrmann can give you any updates he may have.

Councilman Pfirrmann gave a brief presentation including photos of the flooding issues.

4. Status of repairs to the drainage pipe in the 4th District which had been delayed due to weather.

Town Manager John Giles stated that according to Andy Bowman of the New Castle Conservation District this project will go out to bid in early April with construction to hopefully begin this spring. This project was not delayed due to weather, it was delayed due to property owner permission and engineering which needed to occur. This project is being funded by Senator Delcollo and Representative Mitchell.

5. What are the long-term plans for the vacant position in the Finance Department.

Town Manager John Giles stated that he believes this was addressed under the discussion regarding the Finance Department Report.

6. Status report from Young Conaway on the Pension?

Town Manager John Giles stated that there is a conflict of interest for him to remain involved in this issue, therefore, he is no longer involved. The Mayor and Councilman Hurst are members of the Committee and can give any available updates. He has no problem discussing the employee involved, however, they are personnel matters that would need to be discussed in an executive session.

Mayor Thompson stated that he did not wish to discuss this topic any further in a public session.

7. Status of the Senior Center issues?

Town Manager John Giles stated that he spoke with Batta Environmental today, they will exchange some information early next week and begin determining a plan to move forward.

Mayor Thompson stated that the other questions he wished to discuss would need to be answered by the solicitor who is absent from the meeting.

8. Status of the bathroom issue in the Library and what is required from Elsmere?

Town Manager John Giles stated that to his knowledge the bathroom issue was resolved months ago, prior to the budget and during contract negotiations, and was resolved within 2 days of being reported. The contractor sent a camera through the lines and reported no issues and we have received no complaints since that time.

Mayor Thompson stated that he had no additional questions.

Councilwoman Personti stated that her annual 5th District Meeting is on Wednesday, March 20th at Town Hall at 6:30pm.

PUBLIC COMMENT:

There was no public comment.

ADJOURNMENT:

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

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