

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
APRIL 11, 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 – Present

Town Manager, John Giles – Present

Chief of Police, Laura Giles – Present

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Minutes of the March 14, 2019 Council Meeting.

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

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

OLD BUSINESS:

Consideration for Third and Final Reading, as well as, Public Hearing of Ordinance 645.

ACTION: A motion was made by Councilman McKewen to approve Ordinance 645 for Third and Final Reading as well as public hearing. The motion was seconded by Councilman Hurst.

Mayor Thompson asked if there was any public comment regarding this ordinance and received none.

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

Consideration of awarding a contract for the 2019 Street Improvement Program for the repair of Junction Street.

Town Manager John Giles presented a letter from Stephen Rosenfeld of Vandemark and Lynch who is the Town's engineer which gave his opinion of which contractor should be awarded the contract. In addition, the following are the results of the bids received for the 2019 Street Improvement Program for the repair and replacement of Junction Street. He further stated that Vandemark and Lynch has also supplied a letter indicating that the president of Vandemark and Lynch does have a relationship to Harmony Construction, however, they feel that should Harmony Construction be awarded the project, they feel that they would still be able to serve the Town as impartially as any other contractor.

Contractor	Base (Street Only)	Add/Alt (Curbs)	Total Bid
Paoli Services	\$ 134,583.35	\$ 121,500.00	\$ 256,083.35
Cirillo Bros.	\$ 117,045.00	\$ 74,950.00	\$ 191,995.00
Harmony Const.	\$ 126,094.25	\$ 55,825.00	\$ 182,094.25

After reading the letter provided there was a brief discussion among council clarifying the bids submitted.

ACTION: A motion was made by Councilman Hurst to award both the Base and Add/Alternate Bid to Harmony Construction. The motion was seconded by Councilman Pfirrmann.

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

Town Manager John Giles stated that the next step would be to determine how the project will be funded. Senator Delcollo and Representative Mitchell have committed a total of \$100,000.00 to this project and that there is enough funding in the Long Term Planning Infrastructure Maintenance prior year and current year funding to fund the remaining portion of the project.

ACTION: A motion was made by Councilman Hurst to fund the remaining \$82,094.25 for the 2019 Street Improvement Program out of the Long Term Planning Infrastructure Maintenance Prior Year and Current Year expenses. The motion was seconded by Councilman Pfirrmann.

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

Update concerning the consideration of funding a drainage project through the New Castle Conservation District along the rear of Jefferson Avenue and Spruce Avenue.

Town Manager John Giles gave a brief overview of the project stating that it is a continuation of an existing drainage system and that the estimate cost is \$5,000.00 to the Town. In addition, he presented a map indicating the project location and proposed work to be completed.

Councilman Hurst asked why the Town would fund a project that will be completed on private property.

Councilwoman Personti stated that the original installation was funded by the Town through grants by the New Castle Conservation District and this is simply an extension of this project. She further stated that she has spoken with the resident at 1215 Spruce Avenue who is interested in seeing the project move forward, however, she has not spoke with the resident at 1217 Spruce Avenue.

Councilman Hurst stated that he simply doesn't understand why the Town would fund a drainage project on private property which only affects 3 property owners. He further stated that he is concerned that this project would open the Town up to having to fund these types of projects for all residents. His only issue is funding the project as a Town, if the Senator and Representative want to fund the continuation of this project like they did for the original project, he would be in favor of the project.

Councilman McKewen asked if this project would in any way effect the timeline for the drainage project, he has on the 1200 Block of Sycamore Avenue.

Town Manager John Giles stated that he has no way of knowing since the projects are conducted by the Conservation District and not the Town.

ACTION: A motion was made by Councilwoman Personti to fund a drainage project in the rear of Jefferson Avenue and Spruce Avenue through the New Castle Conservation District in the amount of \$5,000.00. The motion was seconded by Councilman Pfirrmann.

VOTE: 2-5 Motion Defeated

1st District – No, 2nd District – No, 3rd District – No, 4th District – Yes, 5th District – Yes, 6th District – No, Mayor – No

NEW BUSINESS:

Introduction for First and Second Reading of Ordinance 646.

Town Manager John Giles gave a brief overview of Ordinance 646 stating that this ordinance was drafted in response to discussions by the Council at the March 14, 2019 Council Meeting regarding Dangerous Dog regulations. He further stated that it was noticed that the proposed ordinance failed to list Councilwoman Personti as the sponsor as requested and that has been corrected on the original and the copies for the public.

ACTION: A motion was made by Councilwoman Personti to approve Ordinance 646 for first and second reading. The motion was seconded by Councilman McKewen.

Councilwoman Personti asked if the Police Department had reviewed the proposed ordinance.

Chief Laura Giles stated that she had not, but that she intended to read it more thoroughly prior to the Third and Final reading.

Councilman Kacperski stated that his only concern is to ensure that the Town is not liable if we remove this wording and defer to the State.

Town Solicitor Jim McMackin stated that based on the legislative exemptions, there is limited to no liability on the Town.

Councilwoman Personti asked if the revised code on Page 7 letter C matches New Castle County regulations regarding continuous barking. Should we set a time limit for continuous barking.

Town Manager John Giles stated that he did not review the New Castle County Code, he left the ability for our police and code enforcement officers to enforce the continuous barking of an animal. However, if Council would like a change, he will gladly make the change.

There were no changes noted.

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

Consideration of appointing Election Workers for the April 27, 2019 Biennial Election.

Town Manager John Giles stated that at the Council's desks are a list of potential election workers for the April 27th Biennial Election. Chapter 19 Section 19-9B states that the Council must appoint 3 election officers to be known as the Inspector and Judges. In addition, the Council shall appoint two clerks from a list of three names for each district on the ballot. We are asking the Council to appoint:

Ms. Diane Kasowski as the Inspector;
Ms. Beth Kloetzer as a Judge;
Mr. Edgar Jones as a Judge;
Ms. Janet Mombro as a Clerk; and
Ms. Susan Matthews as a Clerk.

We are asking that you not appoint Mr. Richard Durham.

ACTION: A motion was made by Councilwoman Personti to appoint the Election Workers for the April 27, 2019 Biennial Election as presented. The motion was seconded by Councilman McKewen.

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

Consideration of removing Ms. Steveni Keeley from the Absentee Ballot Committee and appointing Mr. Justin Evans to fill the vacated position.

Town Manager John Giles stated this item was placed on the agenda in error. Appointments to the Absentee Ballot Committee are made by the Board of Election, therefore, the replacement of a member should also be made by the Board of Election.

DEPARTMENTAL REPORTS:

Code Enforcement

Town Manager John Giles presented the following information:

1. The department issued 25 violations during the month. 11 were corrected with the initial warning, 13 were issued fines and 1 remained pending.
2. 3 properties were deemed to be a repeat public nuisance and were issued fines.
3. Melissa Faedtke has applied for an been transferred to the vacant Administrative Assistant Position within the Administration Department. We are actively pursuing a replacement. We will be advertising for an experienced certified Code Enforcement Officer in the next few weeks.

Councilman Hurst asked if the Town would then terminate its contract with Building Inspection Underwriters (BIU).

Town Manager John Giles stated that he does not believe that the Town should discontinue BIU even if we do have certified Building Inspector, because they assume the liability, they provide the forms, they perform the inspection and plan reviews and the Town has no liability, and the Town makes money off of their services. The permit fees are higher than what BIU charges the Town for the inspections to account for the work that is being completed by the office staff here.

There were no questions.

Finance

Town Manager John Giles presented the following information:

1. The department received \$18,585.12 in transfer taxes for the month of February which was not included in your report but is at their desks this evening, and \$12,145.50 in transfer taxes for the month of March which was included in your report.
2. This was the first month where deeds and transfer taxes were processed in the Finance Department and appears to be going well.
3. As you are aware, Heather Herold resigned effective March 19th. Valarie has applied for and accepted the position of Account Clerk and has successfully transitioned into the Finance Department.

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.

1. She, Lt. Shelton, Sgt. Young, and Sgt. Smith will be attending the annual Police Chief's Conference from May 6-8th. Detective Sowden will be in charge while they are away.

There were no questions

Public Works

Town Manager John Giles presented the following information:

1. The department spent a significant amount of time cleaning and preparing the parks for the spring season. Almost all parks have now received new playground mulch and a total of 16 dump truck loads of debris were removed from the parks.
2. The department installed 2 handicapped parking spaces at the request of the Police Department.

There were no questions.

Town Manager

Town Manager John Giles presented following items from his report as well as in addition to his written report:

1. He intends to sell the old green van which was donated by the Recreation Center when they closed. In addition, he will be looking into converting the old street sweeper machine into a leaf machine and selling some old equipment such as plow blades which are damaged or no longer compatible with our current fleet or equipment.
2. He has coordinated with the Elsmere Fire Company to remove the shed on the side of the building as part of a training exercise to allow access for the water proofing that will need to occur on that side of the building to solve the problems in the Senior Center. He does plan to replace the shed once all work is complete. In addition, we requested bids for water proofing from three companies and received the following results:

Disabatino Landscaping	\$10,449.00
Mid-Atlantic Waterproofing	\$47,938.00
Adam Basement	\$11,785.00

Because these estimates were higher than expected and over \$10,000.00 a formal bid process will need to occur before the Town can move forward.

3. The Mayor, Joe and I attended a meeting the New Castle County to discuss the Local Service Function Credits that our residents receive on their County Taxes and were surprised to learn that if the proposal survives the budge process, Elsmere residents should see a reduction of about \$18.00 per year or \$1.52 per month on their County taxes.
4. We have been notified by the New Castle Conservation District that they ran into a delay and anticipate the bid package for the Sycamore Avenue Drainage project to be advertised beginning April 15th.
5. He received an email from Councilwoman Personti regarding Chestnut Run Bridge. He has not had a chance to submit the request for maintenance but will submit it as soon as possible.
6. We believe we have been able to obtain approval to reduce the amount of money the Town would potentially owe as part of the National Pollutant Discharge Elimination System (NPDES) permit for the Water Quality Improvement Plan (WQIP) for the Christina River Watershed. We have learned that there is Impervious Acre Credits available for documenting additional street sweeping above and beyond the Town's standard policy of once per street per year. If we can document the sweeping and collect as much as we anticipate, the Town could earn as much as 11 acres of Impervious Credit in one year. We are current required to reduce or treat 6.83 acres of impervious area over the 10 year life cycle of the WQIP. This would result in the Town saving an estimated \$683,000.00 (68,300.00 per year) that was estimated the Town would spend in other projects.
7. We were contacted today by an attorney who indicated that Parklynn apartments is being sold within the month. The last time this complex was sold was May 2015 and the Town received \$99,000.00 in unanticipated transfer tax. If this comes to fruition, I intend to request that Council approve those excess funds to be spent repairing additional streets throughout the Town.
8. Mr. McMackin has sent a letter to the Secretary of Transportation as requested regarding the closure of the Rt. 100 Bridge. A copy of that letter is at your seats and it essentially requests that DelDOT share the Penalty Payments as compensation for wear and tear on the roadways affected by this closure.

ITEMS SUBMITTED BY THE MAYOR AND COUNCIL: None

PUBLIC COMMENT:

There was no public comment.

ADJOURNMENT:

ACTION: A motion was made by Councilman Pfirrmann 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**