

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
NOVEMBER 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	SALLY JENSEN	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:

Dan Norkavage, 11 Olga Road, stated that he came across a document in his mother's home (Former Mayor Deborah Norkavage). The document is a copy of the 2010 Comprehensive Plan with a number of notes throughout it for the upcoming Comprehensive Plan update. He and his sister would like to give the book to the Town so that the notes that his mother wrote could be taken into consideration during the update even though she is no longer alive.

Mayor Eric Thompson thanked him for their consideration.

Town Manager John Giles stated that we received a letter from the family of former Mayor Joseph Walling thanking the Town for everything we did in honor of their father after his death.

APPROVAL OF MINUTES:

Minutes of the October 10, 2019 Council Meeting.

Town Manager John Giles stated that one correction has been made at Councilman Hurst's request. On page 4 the vote for waiving the job description requirements for the Code Enforcement Officer position was recorded incorrectly. While the roll call appeared correctly in the minutes, the vote indicated "5-0 with 2 abstained Motion Carried" when it should have appeared as "6-1 Motion Carried". The corrected version has been printed for signatures upon approval this evening.

ACTION: A motion was made by Councilman Hurst to approve the minutes of the October 10, 2019 Council Meeting as corrected. The motion was seconded by Councilwoman Personti.

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

Introduction of New Employees

Town Manager John Giles asked to introduce some new employees prior to continuing with the meeting.

1. As you may already know, Deron Hackenberg resigned from the Public Works Department. We have hired a replacement. His name is Bredt Showell.
2. We have had a vacancy in the Code Enforcement Department since April. We have finally filled the position. Victor Morgan has been hired and has 13-years experience from New Castle County.
3. Steve Martin has joined the Finance Department.

OLD BUSINESS: None

NEW BUSINESS:

Consideration of extending the Town's current contract with ProChamps (Community Champions Foreclosed Property Registration System) through November 17, 2020.

Town Manager John Giles stated that this contract handled the registration of properties which are in the foreclosure process. This is the last available extension of the contract which was originally executed on November 18, 2015. Should this extension be approved, the contract would expire on November 17, 2020. This contract has resulted in significant income to the Town since it was signed in 2015.

ACTION: A motion was made by Councilman Kacperski to extend the contract with Community Champions through November 17, 2020. The motion was seconded by Councilman Hurst.

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

Consideration of signing a contract with the New Castle County Department of Elections for the use of Town Hall for the 2020 Presidential Primary, Primary and Elections Days.

Town Manager John Giles stated that the department of elections has requested to utilize two rooms in the Town Hall as polling locations for the Presidential Primary Election on April 28, 2020, the Primary Election on September 15, 2020 and Election Day on November 3, 2020. In addition, Town Hall has traditionally been closed on the dates which the facility is used for elections by the state. Therefore, in anticipation of this issue, these dates have already been added to the proposed holiday schedule for 2020. Should this contract be denied, those dates would be removed.

ACTION: A motion was made by Councilman Hurst to approve the contract with New Castle County Department of elections for the 2020 Presidential Primary, Primary and Election Days. The motion was seconded by Councilwoman Personti.

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

Consideration of the 2020 Town of Elsmere Holiday Schedule.

Town Manager John Giles stated that this is the largest holiday schedule the Town has proposed. However, three of the holidays are dates which are only attributed to the elections which were just discussed. With the exception of those dates, we have only proposed adding one date to the calendar which is Christmas Eve. The Council has traditionally added Christmas Eve or the Day After Christmas depending on what day of the week Christmas falls. As discussed last year, we intend to add these dates to the calendar when applicable to avoid the last-minute decisions.

Councilman Kacperski suggested adding New Year's Eve to the schedule.

ACTION: A motion was made by Councilman Hurst to approve 2020 Holiday Schedule as proposed. The motion was seconded by Councilman McKewen.

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

ACTION: A motion was made by Councilman Kacperski to add New Year's Eve, December 31, 2020 to the Holiday Schedule. The motion failed to receive a second and was defeated.

Consideration of the Town's 2020 Town-Wide Calendar and Events.

Town Manager John Giles stated that the following meeting will occur outside the standard pattern:

1. Planning Commission – March 2020 – The date of this meeting has been changed to Tuesday, March 10th due to the availability of the University of Delaware for the Comprehensive Plan updates.
2. Board of Adjustment – April 2020 – The date of this meeting has been changed to Monday, April 27th due to the Presidential Primary Election.
3. Planning Commission – November 2020 – The date of this meeting has been changed to Monday, November 2nd due to Election Day.

In addition to these meeting date changes, the Mayor has requested to discuss potentially changing the Independence Day Celebration to a permanent Fall Festival with fireworks. If this is a consideration by the Council, we would like to propose that this event be scheduled for Saturday, October 10, 2020. I will need a final decision on a fireworks event at this meeting so that we can lock in our fireworks contract.

Mayor Thompson stated that he felt that the Fall event was much nicer than the Independence Day Celebration and would like to see this event continue and remove the Independence Day Celebration.

Councilman Hurst stated that if the Fall festival continues, he would like to see it grow to include things like a scarecrow contest and other things.

ACTION: A motion was made by Councilman Hurst to approve the proposed 2020 Town-Wide Calendar and Events with the only change being the removal of Independence Day and the addition of a Fall Festival on October 10, 2020. The motion was seconded by Councilman McKewen.

VOTE: 6-1 Motion carried

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

Consideration of Resolution 19-05.

Town Manager John Giles stated that enclosed in the Council packet was the portion of the Personnel Policy which currently regulates vacation leave, as well as, a survey of what carry-over other municipalities currently allow. 8 Municipalities currently offer less carry-over than we do, but are significantly small municipalities. 5 Municipalities offer more carry-over than we do and are more comparable in size.

Chief Laura Giles stated that the City of New Castle has the same carryover that we have, however, instead of the employee losing hours on January 1st, the city has a mandatory buy-back where the employee would get paid out for the hours in excess of the carryover.

Councilwoman Skipski asked how many employees find themselves carrying a lot of hours over.

Town Manager John Giles stated that almost no employees ask to carry over more hours than permitted. It has been predominantly the Town Manager who has exceeded the carryover. However, there has been one employee who historically lost hours every year because they did not take vacation time.

Chief Laura Giles stated that the policy is a problem in the Police Department.

Mayor Thompson stated that employees should take vacation. If they aren't going to take vacation, then there is no point to offer vacation days. The purpose is to get away from the office, not to accumulate time to get a payout when you leave.

Town Manager John Giles stated that he wouldn't entirely disagree that it is important for employees to get away, recharge and relax, however, its not always as simple as it sounds.

Councilman Kacperski stated that he disagrees. The state allows employees to carryover 318 hours of vacation (or 42 days) and the Town has typically mirrored the state with a

lot of their policies. Therefore, he would support increasing the carryover to match the State policy.

Councilman Hurst commented that if an employee left that would mean the Town would continue to pay them for over a month if they had the maximum carryover on the books.

Councilwoman Jensen asked about adding a caveat that the employee must use a certain amount of vacation per year in order to carry time over.

Councilwoman Personti stated that she would like to recommend tabling this discussion. If Council is going to amend the carryover, she believes they should also look at potentially amending the accumulation schedule as well.

Chief Laura Giles stated that the Police Department runs into this issue a lot. The officers work 12-hour shifts and some officers have been there 13 to 17 years, meaning they accumulate at close to the maximum. For them to take vacation and have sufficient coverage when others are out, or when they are down an employee, it can become an issue. It can really impact scheduling.

Mayor Thompson stated that if you are unable to use the vacation because the job is unable to be covered, then there may be a bigger issue to resolve first. The Town should be able to run when an employee is on vacation without missing a step. Having people on vacation should not have this large of an impact.

Councilman Kacperski stated that sometimes there is a job duty which can impact vacation requests, such as a project which eliminates a specific employee from being able to take time off, because the Town comes first.

Councilwoman Skipski stated that what she is hearing is that the 160-hour cap is not working.

Chief Laura Giles stated that it is not working in the Police Department.

Councilwoman Skipski asked why the Police Department vacation policy couldn't be different from the non-police employees.

Town Manager John Giles stated that not long ago, around 2011, the Police Department was instructed by Council to make their policies match the Personnel Policy so that all employees were treated equally.

Councilwoman Personti stated that she believes the current year could be an anomaly because of officers who were out, and other factors and does not want to see a policy changed based off one anomaly.

Town Manager John Giles stated that in some cases when you tell an employee that they must take off, it can make the department suffer. The departments are stretched thin and in some cases one absence can be detrimental depending on the timing. The answer is manpower.

ACTION: A motion was made by Councilwoman Personti to table resolution 19-05 until the January 2020 Council Meeting. The motion was seconded by Councilman Hurst.

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

Review of the authorities of the Elsmere Land Bank and which actions require approval by the Mayor and Council.

Town Manager John Giles stated that any questions regarding the information presented should be forwarded to Mr. McMackin.

Mr. McMackin gave a brief overview of the information forwarded about the Elsmere Land Bank's authority.

Introduction for First and Second Reading of Ordinance 647.

Town Manager John Giles stated that enclosed in the Council packet was a draft ordinance with blank compensation values. In addition, we included a survey of the compensation offered by other municipalities to their elected officials.

At this time there was a lengthy conversation discussing various amounts for compensation offered by other municipalities.

ACTION: A motion was made by Mayor Thompson to approve Ordinance 647 for first and second reading with the amounts of \$1,000.00 per year for Council Members and \$1,200.00 per year for Mayor. The motion was seconded by Councilman McKewen.

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

Discussion of creating an "Elsmere Defining Event".

Town Manager John Giles stated that he would like to suggest a Food Truck Contest where local Chefs would give awards for different categories.

There was a lengthy discussion offering suggestions to make the new Fall Festival the Town's defining event. Maybe slowly include some of these other suggestions into the event each year. Cornhole tournament, food truck contest, scarecrow contest, etc.

DEPARTMENTAL REPORTS:

Code Enforcement

Town Manager John Giles presented the following items from the written report and asked if there were any questions:

- a. The department issued 22 violations during the month. 12 were corrected with the initial warning, 5 were issued fines and 5 remained pending.

- b. There is one property which was deemed to be a repeated public nuisance and received a fine. This property has received several of these fines over the last two years and is currently on the Sheriff Sale List.
- c. There are currently 8 registered vacant properties within the Town.
- d. The department requested 1 abatement during the month.
- e. The business and rental license renewals were due during the month of October and the department was very busy processing those renewals.
- f. Starting next week the department will be issuing Cease and Desist orders to all In-Town Businesses and Rental Properties who have not renewed their licenses.

Finance

Town Manager John Giles reported the following items from the written report and asked if there were any questions:

- a. The department received \$10,815.38 in transfer taxes for the month of October.
- b. The audit process has begun and is still currently on track to be completed in time for the December Council Meeting.
- c. I would like to amend the agenda to include a new item. I have terminated the Finance Director, Joseph Schulcz effective, November 12, 2019. With that absence, I need the Council to authorize updating the Treasury Management Signers and Global Administrator Service Agreement through M & T Bank to allow me to hold the account authorities which were granted to the Finance Director until we hire his permanent replacement. This item has come up over the last two days and cannot be deferred until the December Council Meeting.

ACTION: A motion was made by Mayor Thompson to amend the agenda to include the discussion of this item. The motion was seconded by Councilwoman Skipski.

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

ACTION: A motion was made by Councilman Hurst to Authorize John Giles to be added to the Treasury Management Signers and Global Administrator Service Agreement with M & T Bank and to authorize Treasurer Paul Chalfant to execute these changes. The motion was seconded by Councilwoman Jensen.

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

Public Safety

The Chief discussed the potential purchase of a motorcycle for the department.

Chief Laura Giles stated the following.

- a. Lt. Shelton had a medical procedure done on Tuesday. I anticipate that he will be out of the office approximately 2 weeks.
- b. We did win the bid for the motorcycle. It has 23,600 miles on it and we paid \$3,500.00 plus the auction fees so we paid approximately \$3,900.00.
- c. She contacted the criminal justice council regarding the license plate readers and how helpful it is to law enforcement nationwide. She was able to obtain a grant to obtain this reader to be installed on Rt. 2 coming out of the city. There are over 100,000 cars a week which travel Kirkwood Hwy. The system costs \$14,500.00 and the data storage is \$4,250.00 a year which will also be covered for the first year. She intends to fund the annual cost from the combat violent crimes funding she receives annually.
- d. Corporal West has been hired by the Town of Middletown. He will be leaving the Town after 7 years.
- e. November 18th Representative Mitchell will be hosting a meeting at the Elsmere Fire Company with representatives from DelDOT to discuss roadway projects and travel issues with those projects. The meeting will be held at 6:30pm. Sgt. Young will be attending, however, the largest portion of discussion will be the new traffic pattern on 141 in the area of I-95.

Public Works

Town Manager John Giles presented the following information from the written report and asked if there were any questions:

- a. The department patched a number of potholes during the month of October.
- b. Installed 1 handicapped parking space and removed 1 handicapped parking space at the request of the police department.
- c. Completed 1 abatement at the request of the Code Enforcement Department.
- d. Completed the annual storm drain inspections required under the NPDES permit.
- e. We have been notified by Representative Mitchell that the authority to proceed letter from DelDOT was not received for Junction Street prior to the work beginning. Therefore, DelDOT has refused to pay for any of that project. I have spoken with both Representative Mitchell and Senator

Delcollo who have both agreed to allot us \$100,000.00 from each of the suburban street aid funds for this year to make up for the loss. This now means, that we have \$200,000.00 available for street projects that must be completed by June 30, 2020. I would ask that you immediately start submitting projects so that we can submit the proper paperwork and the go-ahead from DelDOT by early march of 2020.

We will need to determine where the additional funding for the \$100,000.00 Junction Street project will come from. I am suggesting Long-Term Planning Infrastructure Maintenance. Additionally, I ask you to consider spending a large portion of the \$200,000.00 on storm drain maintenance and replacement.

We currently have \$97,681.83 in prior year carry-over and \$53,330.00 budgeted for this year for a total of \$151,011.83.

ACTION: A motion was made by Councilman Hurst to fund the Junction Street Project from Long-Term Planning Infrastructure Maintenance. The motion was seconded by Mayor Thompson.

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

- f. They are working to have utility companies or New Castle County patch 8 large potholes throughout the Town which are part of their projects.
- g. County Councilman Woods did call and leave me a voicemail about the problems we are having with the County, but despite numerous returned calls to him, I have not been able to actually speak with him.

Town Manager

Town Manager John Giles presented the following items from the written report as well as items which have come up since the report was issued and asked if there were any questions:

- a. The Chief and I will be on vacation beginning November 15th through the Thanksgiving Holiday. Employees will still be instructed to go through Diana with any issues, however, I will remain in communication with Town Hall with the current staffing changes.
- b. Due to the fact that Resolution 19-05 was tabled, I would like to request that Council approve that I carry over 67.5 hours of vacation in excess of the approved policy (160 hours). With the current staffing changes, I cannot reasonably be out the additional time through the end of the year.
- c. We have repaired a leak in the roof over the library. This repair has no warranties or guarantees because of the age of the roof. We have received an estimate to place the entire roof for a cost of approximately \$35,000.00. If the leak persists, we will need to consider replacing this roof sooner than later.

We currently have in the Long-Term Planning Capital Building Allocation, \$64,454.75 in prior year carry-over and \$15,753.00 in the

budget for the current year for a total of \$80,207.75. I am also going to need several thousand dollars to replace the shed that houses the gator and the new police motorcycle and I am requesting money from this account to make that purchase. I anticipate this to cost around \$6,000.00

Council instructed the Town Manager to place the library roof replacement project out for public bid.

- d. The written report outlines a number of committee vacancies. We currently have 5 vacancies and eligibility requirements are listed in the report. These committees all function better when all positions are filled. I would urge the members of council to forward the names of anyone interested in filling these positions as soon as possible.
- e. October Council Meeting Follow-up:
 - 1. The Senior Center Air Quality Test was completed on October 28th, we are still awaiting the results of this test.
 - 2. Junction Street does in fact still have a temporary roadway patch from Artesian Water. We are having difficulty scheduling a meeting with their representatives. I did manage to speak with them today and have been assured that the permanent roadway repairs will be made by thanksgiving.
- f. Please submit your Holiday Parade registration forms by the end of the meeting if you have not already done so.

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 – None

PUBLIC COMMENT: None

EXECUTIVE SESSION AND ADJOURNMENT:

As authorized pursuant to 19 Del.C. Section 10004(b)(9), The Mayor and Council will adjourn into an Executive Session in order to obtain information concerning and investigation into a personnel matter.

Town Manager John Giles stated that he had this item on the agenda in anticipation of a previous discussion, however, based on the termination of the Finance Director and an appeal process which is available to the employee, it is probably best not to move forward with the executive session until the appeal timeline has passed.

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