

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
OCTOBER 10, 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:

Charles Lindell, Chairman of the Elsmere Planning Commission notified the members of the Council that on November 5, 2019 the Planning Commission and the University of Delaware will be holding an open house beginning at 5:00pm until 6:15pm to discuss the upcoming update to the Town's Comprehensive Plan. After the open house, the Planning Commission will hold their regular monthly meeting.

Town Manager John Giles stated that he has had the staff create a flyer to give out at the fall festival and other upcoming events to help advertise this event, including the Town's website and Facebook and utilizing the Reverse 911 Notification System.

APPROVAL OF MINUTES:

Minutes of the September 12, 2019 Council Meeting.

ACTION: A motion was made by Councilman Hurst to approve the minutes of the September 12, 2019 Council Meeting with the no corrections. The motion was seconded by Councilwoman Skipski.

VOTE: 6-0 with 1 Abstained Motion carried

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

Councilwoman Personiti stated that she abstained due to being absent from the September 12th Council Meeting.

OLD BUSINESS: None

NEW BUSINESS:

Consideration of re-appointing the following members of the Elsmere Land Bank:

- A. John Jaremchuk, Jr.
- B. Ronald Russo
- C. Sally Jensen
- D. Charles McKewen
- E. Leon Backer
- F. Chris Varney
- G. Bob Goerlitz
- H. Vacant Position

Mayor Thompson stated that he has received an email from Chairman Jaremchuk indicating that all members except for one are interested in being re-appointed. The individual who wished to be removed from the board is not listed on the agenda for re-appointment.

Town Manager John Giles stated that the past few years, the Council has appointed the members for one-year review periods, however, the Elsmere Land Bank by-laws call for two-year terms. If re-appointed, he would recommend that the members be appointed for two years with terms to expire on October 15, 2021.

At this time there was a brief conversation on what authorities the members of the Land Bank held and whether their actions required specific approval from Council.

Town Solicitor James McMackin cautioned that the discussion of authorities was exceeding the purview of the agenda.

It was ultimately requested by Council that Town Solicitor James McMackin provided a written decision outlining any land bank actions which would require specific approval from Council and why.

Councilman Kacperski asked if the two council members who are up for re-appointment should abstain from voting due to being one of the members up for re-appointment.

Town Solicitor James McMackin indicated that it was in the best interest to avoid conflict and abstain from voting.

ACTION: A motion was made by Councilwoman Personti to re-appoint the members of the Elsmere Land Bank listed on the agenda for a term of two-years to expire on October 15, 2021. The motion was seconded by Councilman Kacperski.

VOTE: 5-0 with 2 Abstained Motion carried

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

Councilwoman Jensen and Councilman McKewen both stated that they abstained due to being candidates for re-appointment to the Elsmere Land Bank.

DEPARTMENTAL REPORTS:

Code Enforcement

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

- a. Follow-up from last month, the Mayor inquired as to why the citation numbers on the report had not added properly. It was discovered that Scott was categorizing some violations twice, if it was issued a fine and then corrected, it was counted in both fields. A discussion has occurred, and that issue has been resolved.
- b. The department issued 28 citations during the month. 24 were corrected with the initial warning, 3 were issued fines and 1 remained pending.
- c. 3 properties were deemed a repeat public nuisance and were issued fines.
- d. All business and rental license renewal letters and invoices were mailed on September 27th and are due to be returned by October 31st.
- e. We have conducted interviews for the vacant position in the Code Enforcement Department. We have one applicant who we are very interested in hiring and was formerly a Code Enforcement Officer for New Castle County. As part of our lengthy hiring process for this position, we have determined that the certification requirements which are listed in our job descriptions for that department appear to be unrealistic. It appears it will be nearly impossible to secure any with all those certifications ever. Most inspectors hold one or two various certifications. We may be re-evaluating and requesting potential changes to the structure of our Code Enforcement Officer job descriptions. As such, I would like to request permission to hire regardless of the certifications the job description requires of a Code Enforcement Officer.

Councilman Kacperski asked if hiring someone outside the requirements which were posted would open the Town for potential lawsuits.

Town Solicitor McMackin stated that there is always the possibility to say that I met the minimum job requirements and the other applicant did not, therefore, he would recommend that the Town change the job requirement prior to hiring.

Town Manager John Giles stated that the gentleman we are interested in hiring was the only applicant with any code enforcement certifications or experience.

ACTION: A motion was made by Councilman McKewen to issue a waiver to the job description requirements for the current vacancy in the Code Enforcement Department. The motion was seconded by Councilwoman Jensen.

Councilman Hurst asked if it would be an issue with the fact that the job posting may have deterred applicants from applying because they didn't have the certifications and had a waiver been allowed, they may have applied.

Town Clerk Diana Reed stated that the position was posted with a stipulation that "while not required, preference will be given to applicants who possess the following certifications"

Town Manager John Giles stated that we can always be sued for anything, however, he does not believe there are any significant risks in making this motion.

VOTE: 6-1 Motion carried

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

Councilman Hurst stated that he would prefer to update the job descriptions instead of authorizing a waiver to stray from the current approved descriptions.

Town Manager John Giles stated that he intends to propose a revision soon, he just wanted to be able to hire the current candidate while those revisions were drafted.

Finance

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

- a. The department received \$49,071.00 in transfer taxes for the month of September.
- b. At your seats this evening should have been a list of properties which are delinquent in their property taxes. At the bottom of that list, are people whom are delinquent but on an authorized payment plan.

There was a brief discussion regarding some of the properties which appeared on the delinquent tax list.

Public Safety

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

Chief Laura Giles stated that she had been approached by one of the officers regarding the potential to purchase a motorcycle for the department. The City of Wilmington currently sells their motorcycles every two years regardless of their condition. She would like to purchase one of these units and have an officer certified to use the unit. This would be used on good weather days and as part of

public relations and parades only. The unit would cost no more than \$5,000.00 and she would like to request approval to purchase the unit from the Long-Term Planning Capital Depreciation Allocation which currently has \$47,196.00 allocated to it in current year allocations and prior year carry-overs.

Councilwoman Personti stated that looking at the mileage and having some knowledge of motorcycles, once you get close to that 30,000-mile mark, the maintenance on a motorcycle can add up very quickly when maintained well. We funded pedal bikes which were big positives and that equipment is no longer being utilized and she would hate to see this meet the same fate.

Mayor Thompson stated that it seems hard to justify purchasing a motorcycle for minimal usage when the Town has so many potholes.

ACTION: A motion was made by Councilman Hurst to authorize the Chief to bid no more than \$5,000.00 for a motorcycle unit to be funded from the Long-Term Planning Capital Depreciation Allocation. The motion was seconded by Councilman McKewen.

VOTE: 5-2 Motion carried

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

Chief Laura Giles stated that in addition to that, she is prepared to sell the white Tahoe which has been taken out of service. She has been offered \$4,000.00 from Harold's brake service for the vehicle. This was the highest bid she received and usually receives much less when she sends the vehicle to auction. She would like permission to sell the vehicle for the \$4,000.00 bid.

ACTION: A motion was made by Councilman Hurst to sell the white Tahoe for an amount not less than \$4,000.00. The motion was seconded by Councilwoman Skipski.

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

Chief Laura Giles presented the following information from her written report:

- a. Cpl. West performed 3 Narcan Saves during the month (all outside Town Limits) and Attack Addition noticed his saves as well. They will be honoring him at their annual gala.
- b. The Needy Family Fund Crab feast was a great success and the fund made over \$6,600 dollars from the event which is \$2,000 more than last year.
- c. Chris Kline who works for the Delaware Department of Homeland Security contacted the Chief. They have received a grant to hire an accreditation coordinator and they have asked the Elsmere Police Department to be the first test case where they will assist in helping us receive our official accreditation. This assistance will be no cost.

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 41 potholes during the month of September.
- b. Installed 1 handicapped parking space at the request of the Police Department.
- c. The department completed their minimum street sweeping requirements for our NPDES Permit. At this point, all additional sweeping completed during the remainder of the year will count towards our Impervious Acre Credits.
- d. The Crew Chief attended a certification class in identifying and removing spotted lantern flies as part of the DNREC quarantine.
- e. The Senior Center Mold Abatement Project is now complete. He intends to require an air quality test now that the project is complete.
- f. The Town sign at Municipal Perk has begun to get repainted and is looking much nicer.
- g. The department investigated an addition two potential sink holes:
 1. 15 Olga Road – The repairs have been completed. We were unable to determine an official cause. New Castle County did come in and test the sewer line and determined that it was not the cause. The hole has been repaired and a permanent patch was placed by Paoli Services.
 2. 1232 Maple Avenue – This location turned out to be the responsibility of the homeowner. The homeowner has had the cause of the issue repaired, but the sidewalk has not yet been completed.
 3. The department is actively gathering information on the street repairs throughout the Town which are the responsibility of New Castle County, Artesian or Delmarva and will be sending letters to each of these agencies notifying them of the need for permanent patches.
- h. We have tried to contact County Councilman Woods office about our dissatisfaction with County services and the number of pending issues within the Town. We have even requested a meeting with the Councilman and have received limited cooperation.

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. He would like to discuss increasing the salary issued Council Members. The current salaries were implemented in the 1970's and have not been increased. The reason for the consideration is to encourage Council to be more involved and to encourage public participation. In addition, one of the things to consider would be expense accounts for the Council members for things such as the cost of sending district newsletters.
- b. He and the Chief will be on vacation from November 15th to November 27th and Town Hall is closed on November 28th and 29th for Thanksgiving. In addition, he would like to gauge the Council's willingness to continue to approve additional vacation carryover hours. He is currently the lowest he has been in at least 7 years and would carry over roughly 80 hours in excess of the allowable policy. If Council believes they may not be open to this, he would like to know now so that he can plan to be out of the office during a good portion of the month of December. If Council is ok with this, he will use some of that time, but not likely all of it.

Councilman Kacperski asked if council should consider increasing the allowable carryover amount for an employee and asked that the consideration be placed on the November Council Agenda.

At this time there were multiple conversations occurring at once and a portion of the tape was unable to be transcribed.

- c. The Elsmere Fire Company is beginning to start its 100th Anniversary preparation. In doing that, they are going to ask the Council to waive them from certain regulations such as signs for a period during the 2020 calendar year. We are not sure what they are officially requesting at this time, but all requests will be temporary. I would like Council to consider increasing its contribution to the Fire Company over the standard annual contribution for that year. This may have us putting away some money this year and budgeting more next year.
- d. We have agreed to list a service on our website and Facebook which is being offered by the Elsmere Presbyterian Church. They have installed a box outside their church with free food and hygiene products for individuals who are in need and have requested that we assist in notifying the community of their new program. It is not uncommon for us to advertise a program such as this, we have in the past advertised a food driving benefiting Corpus Christi, a coat drive being coordinated by a high school senior from Cab Calloway and project by the Boy Scouts and Girl Scouts.
- e. Waste Management has again come back and asked the Town to consider increasing the amount we are paying for their services. We have been repeatedly unreceptive to that request; however, we have begun to see

drops in the level of service being provided. Items which are outside a standard trash container are not being collected and are being listed as bulk items when they are not. If a resident is given two trash containers, they are attempting to bill that location as two service stops. This may become a problem which will require further action on our part.

- f. We need to order replacement recycle containers. This is an expense that is solely one of the Town's. We will get back to you with quantities and costs and how we propose to any for them at a future meeting. We have not ordered any replacement containers in roughly 5 years.
- g. We are dealing with an issue with Seiberlich Trane which was brought up by the Mayor. We had a leak of freon in one of the new units and we were charged for the replacement freon, however, they were unable to locate a leak. I have spoken with representatives and they have agreed that if they still cannot identify a leak point at their next maintenance check (they placed dye in the freon) then they will refund the cost of the recharge.
- h. The Fall Festival is this Saturday, October 12th beginning at 3pm.
- i. The Elsmere Presbyterian Church will be having a neighborhood walk-around to discuss the needs of the community and have requested the Town's participation. It is October 11th at 5:00pm and he believes that the Town should be represented.
- j. There is a permit application for a backyard wedding with 100 attendees on Linden Avenue. The chief has reviewed the application and has made two restrictions, however, there is nothing in our code which allows the Town to deny this type of permit.

ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:

District 1 – None

District 2 – None

District 3 – Councilman Kacperski stated that he would like to discuss events at the November Council Meeting. He would like to come up with an “Elsmere Defining Event” such as the Peach Festival in Middletown, Apple Scrapple in Bridgeville or the Ice Cream Festival for New Castle County.

District 4 – None

District 5 – None

District 6 – None

Mayor – None

PUBLIC COMMENT:

John Jaremchuk, 300 Southern Road, if Mr. Naughton is still following the trash trucks, he should note that the trash trucks are dropping trash and not collecting it. Second, contrary to the Mayor's expectations, he is entirely supportive of Council receiving an increase in their compensation.

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.

ACTION: A motion was made by Councilman Hurst to adjourn into an executive session and not to return to public session. The motion was seconded by Councilwoman Jensen.

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**