

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
JANUARY 9, 2020
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:

Mary Steppi, Locust Avenue, stated that she attended the Special Council Meeting on December 19, 2019 and was extremely concerned about what she heard as part of the employee termination hearing. She believes that the Town Manager and Council made the right decision to terminate the employee. While the employee commented that the evidence presented was “nit picking”, as a person with a background in Finance, she whole heartedly believes these are black and white standards and are not “nit picking” at all.

APPROVAL OF MINUTES:

Minutes of the December 12, 2019 Council Meeting.

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

VOTE: 6-0 with 1 abstained Motion carried

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

Minutes of the December 19, 2019 Special Council Meeting.

Town Manager John Giles stated that these minutes have had a correction made on page 2 where the roll call appears after the second vote. The roll call now appears correctly, and the corrected version was emailed to council prior to the meeting.

ACTION: A motion was made by Councilman Hurst to approve the minutes of the December 19, 2019 Council Meeting as amended prior to the meeting. The motion was seconded by Councilman McKewen.

VOTE: 6-0 with 1 abstained Motion carried

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

OLD BUSINESS:

Discussion of the Town and Public Safety Departments leave policies.

Town Manager John Giles stated that he has forwarded the Personnel Policy to the Mayor and Council as requested.

Town Solicitor James McMackin asked that if the Council makes any decisions regarding changes this evening, could it please be contingent upon legal review.

Councilwoman Personti stated that this originally came about as part of a prior discussion in November about allowable annual carryover for vacation leave and whether 160 hours is too low or too high. She further stated that the one thing that stuck out to her was the accumulation schedule and not the carryover policy. She recommends removing the accumulation for 15+ years. She believes an accumulation of 20 hours per month is excessive. Stopping accumulation at 16 hours per month after 10 years should be sufficient vacation for any employee.

Councilman Kacperski asked if the council would make that applicable only to newly employees.

Councilwoman Personti stated that decision would be up the council.

Councilman McKewen asked if there were any officers or employees who are currently in the 15+ category.

Chief Laura Giles stated that there are two employees currently accumulating at 15+ and one reaches that level in March.

Town Manager John Giles stated that on the Administrative side there is just him and one who will reach that level in 2 years. The employees didn't offer a lot of input yet because they were not sure what Council was thinking.

Chief Laura Giles stated that the accumulation schedule has been the same since at least the 1990's. She has archived policies back to at least 1996 showing this same accumulation schedule.

Councilman Kacperski asked why we have a maximum sick accumulation.

Town Manager John Giles stated it was an audit recommendation. Our policy does not allow an employee to get paid for their sick leave upon resignation unless the employee has been here for 20+ years. In which ½ of their accumulated leave can be used toward their retirement.

Mayor Thompson asked how the accumulations compare to other municipalities.

Town Manager John Giles stated that we had asked other municipalities about allowable carry-over not about their accumulation schedule.

Councilwoman Personti stated that this is not an urgent matter and the council can continue to discuss the issue and research potential changes.

Councilman Hurst asked if the Council could consider changing the policy to where new employees would accumulate at a different scale and had no permitted carry over.

Town Manager John Giles stated that the council could adopt any policy.

NEW BUSINESS:

Update on the process for annexation.

Town Manager John Giles stated that he forwarded copies of the State's regulations regarding annexation per Councilman Kacperski's request.

Charles Lindell, Chairman of the Elsmere Planning Commission, stated that they have begun identifying potential areas of annexation as part of the 2020 update to the Comprehensive Plan. This is a requirement in order to be able to annex any land in the State of Delaware. This process will officially open that door. He further stated that the Planning Commission will be reviewing zoning and land use maps and designations at their February hearing and encourages all members of Council to participate in this discussion by attending the meeting.

Town Manager John Giles asked if there were any questions.

Councilman Kacperski stated that what he is looking to potentially amend is the portion of the charter which requires a referendum to annex. He mentioned that Middletown and Milton do not require the referendum.

Town Manager John Giles stated that he would look into their regulations.

Discussion of the Road Program for 2020.

Town Manager John Giles stated he would be forwarding the provided list of streets from each Council Member to the Engineer for estimates. In addition to the estimates, he intends to ask the engineer to prioritize the streets in two orders, Worst condition and most cost effective. He asked if there were any locations which should be added to please call him as soon as possible.

Discussion of the Elsmere Land Bank and actions they have taken at the property located at 505 Junction Street.

Town Manager John Giles stated that the Elsmere Land Bank met at 5:30pm prior to this meeting and made a motion to request that the Mayor and Council authorize the dismissal without prejudice of the receivership for 505 Junction Street on December 20, 2019. Because the Mayor and Council were the Plaintiff in the case against the property, they must authorize any decisions to dismiss the case.

John Jaremchuk, Chairman of the Elsmere Land Bank, gave a brief overview of the discussion from the Elsmere Land Bank Meeting about this property and asked that the Council consider dismissing the case without prejudice which would allow the Town to refile in the future if it becomes necessary.

ACTION: A motion was made by Councilwoman Personti to dismiss the case against 505 Junction Street without prejudice. The motion was seconded by Councilman Hurst.

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

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 17 violations during the month. 7 were corrected with the initial warning, 8 were issued fines and 2 remained pending.
- b. The department deemed two properties to be repeated public nuisance properties. Violations and fines were issued to both properties.
- c. There are currently 7 properties registered as vacant properties within the Town of Elsmere.
- d. Code Officer Scott Allen received two awards at the 2019 Institute for Local Government Leaders hosted by the University of Delaware. He completed the Academy for Excellence in Local Government Leadership and the Delaware Planning Education Program.

Finance

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

- a. The department received \$26,503.50 in transfer taxes for the month of December 2019.
- b. The department has spent a significant amount of time cross-training and learning other aspects of the department to improve departmental communication.
- c. The FY 2019 Audit was completed, presented and approved by the Council at the December 12th Council Meeting. A post-audit meeting was held in January with the Auditors, the Finance Department, Police Department and the Administration and we believe we have a plan to correct all of the issues contained in the audit.

Councilwoman Jensen asked if the \$25,000.00 had been moved from the HVAC Account back into the general fund.

Town Manager John Giles stated that the process has begun. There is a stipulation in the agreement with that bank that in order to keep our \$800,000.00 line of credit, we must keep \$2,500.00 in the account. We have submitted the transfer paperwork to move all funds except the \$2,500.00 back to the general fund.

Public Safety

Chief Laura Giles presented the following information:

- a. There was a fire at 6 N. Park Drive and it is being handled by the Delaware Fire Marshals office.
- b. There was a shoplifting incident at Wawa and DSP has arrested the individual responsible.
- c. There was a shooting incident reported on New Year's Eve. After investigation, it has been determined that no shooting occurred, it was a resident who tried to shoot a firearm into the air and struck themselves with the bullet instead.

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 37 potholes during the month of December.
- b. The street sweeper was run in districts 1 & 4.

- c. They worked on some storm drain issues.
- d. They have begun planning some enhanced enforcement and cleanup efforts for the spring. Councilwoman Skipski has requested that Silverbrook Gardens be the first area to be targeted.

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. Reminder that a written notice of your decision regarding the employee termination hearing held on December 19th must be sent no later than January 30, 2020. A copy of which must also be submitted for the employees personnel file.
- b. Reminder we still have committee vacancies.
- c. FEMA has certified that our Floodplain Ordinance which was passed in March 2015 meets all the requirements for the January 2020 update to the Flood Insurance Rate Mate (FIRM) to remain in compliance with the National Flood Insurance Program (NFIP).

ITEMS SUBMITTED BY THE MAYOR AND COUNCIL: None

PUBLIC COMMENT:

John Jaremchuk, 300 Southern Road, stated that he heard that the City of Wilmington has placed Elsmere on their areas for possible annexation. He believes the best thing to do would be to add the City of Wilmington to our area of possible annexation in return.

EXECUTIVE SESSION AND ADJOURNMENT:

As authorized pursuant to 29 Del. C. Section 10004(b)(9), the Mayor and Council will adjourn into Executive Session and not return to public session for consideration of a personnel matter that involves discussion of the name and competency of an individual employees(s).

ACTION: A motion was made by Councilwoman Personti to adjourn into executive session for the reason listed in the agenda and not to return to public session. The motion was seconded by Councilman Hurst.

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

The Mayor and Council entered into executive session at 7:40pm.

The Mayor and Council exited executive session at 8:15pm.

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