

**TOWN OF ELSMERE  
COUNCIL MEETING MINUTES  
DECEMBER 12, 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 <sup>ST</sup> DISTRICT	MARIANNE SKIPSKI	ABSENT
2 <sup>ND</sup> DISTRICT	SALLY JENSEN	PRESENT
3 <sup>RD</sup> DISTRICT	ROBERT KACPERSKI	PRESENT
4 <sup>TH</sup> DISTRICT	CHARLES MCKEWEN	PRESENT
5 <sup>TH</sup> DISTRICT	JOANN I. PERSONTI	PRESENT
6 <sup>TH</sup> 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 November 14, 2019 Council Meeting.

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

**VOTE:** 6-0 with 1 absent All-in-favor Motion carried

**OLD BUSINESS:**

Consideration for Third and Final Reading as well as Public Hearing of Ordinance 647:

**ACTION:** A motion was made by Mayor Thompson to approve Ordinance 647 for Third and Final Reading. The motion was seconded by Councilman McKewen.

Mayor Thompson asked for any public comment and none was received.

**VOTE:** 6-0 with 1 absent All-in-favor Motion carried

**NEW BUSINESS:**

Consideration of a request by an employee concerning a pension distribution.

Town Manager John Giles asked to add an item to the agenda before the Audit Presentation. He further stated that this is a situation where an employee received a pension distribution and the payments for this distribution must be completed by December 31<sup>st</sup> to avoid tax penalties. This item came up on December 10<sup>th</sup> at the Pension Committee Meeting, after the agenda was posted and cannot wait until the January 2020 Council Meeting.

**ACTION:** A motion was made by Councilman Hurst to amend the agenda to include the discussion of this item. The motion was seconded by Councilman McKewen.

**VOTE:**            6-0 with 1 absent                      All-in-favor                      Motion carried

Acting Finance Director Steve Martin stated that this is a case where an employee received a distribution from the Elsmere Police Secondary Pension Plan which was not permitted. The distribution has since been re-paid to the Plan. However, the Plan Administrator is requiring that the "Lost Earnings" be calculated and a payment of \$1,317.98 be made prior to December 31, 2019 to avoid tax penalties. The Pension Committee and attorney have met with the employee and the employee has agreed to pay the amount owed, however, he has requested that the Town make the upfront payment and agrees to have automatic payroll deductions completed in the amount of \$100.00 per month until the balance is paid off.

Town Solicitor James McMackin stated that he does not oppose the plan, however, for legal purposes, he will need to draft a specific type of contract for the employee to execute in order for a payroll deduction.

**ACTION:** A motion was made by Councilman Hurst to approve the payment and repayment plan as presented. The motion was seconded by Councilwoman Personti.

**VOTE:**            6-0 with 1 absent                      All-in-favor                      Motion carried

Presentation of the FY 2018-2019 Audit.

Nick Baccino and Vince Barbone of Whisman, Giordano & Associates presented the FY 2018-2019 Audit and answered questions the Council asked regarding the presentation.

**ACTION:** A motion was made by Councilman Hurst to approve FY 2018-2019 Audit as presented. The motion was seconded by Councilwoman Personti.

**VOTE:**            6-0 with 1 absent                      All-in-favor                      Motion carried

Discussion of Presidential Executive Order 13888.

Town Manager John Giles stated he would again like to amend the agenda to discuss and offer an opinion on Presidential Executive Order 13888 which was received on December 10, 2019 and requires a response by December 24, 2019. This order concerns the Town's willingness to actively participate in the resettling of refugees. If a response is not

received by the deadline, it will be construed that the Town is unwilling to participate in the resettling of refugees.

**ACTION:** A motion was made by Mayor Thompson to amend the agenda to include a discussion of Presidential Executive Order 13888. The motion failed to receive a second and was defeated.

Consideration of a request by the Elsmere Land Bank regarding 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 postponement of the receivership hearing scheduled for 505 Junction Street on December 20, 2019. This was an issue that arose within the last hour and the hearing is scheduled prior to the next meeting of the Mayor and Council. Therefore, he would like to amend the agenda.

**ACTION:** A motion was made by Councilman Hurst to amend the agenda to include the discussion of 505 Junction Street. The motion was seconded by Councilman McKewen.

**VOTE:**            6-0 with 1 absent                      All-in-favor                      Motion carried

John Jaremchuk, Chairman of the Elsmere Land Bank gave some background information regarding the case and ultimately stated that the Land Bank would like the Council to agree to request a continuance on the hearing for receivership with 1 condition. The mortgage company must agree in writing by 5:00pm on December 13, 2019 to permit the Town to enter the property for the purpose of completing an inspection prior to January 10, 2019. Should they agree, the Land Bank would determine whether they would like to make an offer on the property or move forward with receivership.

**ACTION:** A motion was made by Councilwoman Jensen to request a continuance in the Court of Chancery with regards to our case against 505 Junction Street with the conditions noted in Mr. Jaremchuk's presentation. The motion was seconded by Councilman Hurst.

**VOTE:**            6-0 with 1 absent                      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 18 violations during the month. 10 were corrected with the initial warning, 5 were issued fines and 3 remained pending.
- b. Issued 1 abatement for a tree removal on Forrest Avenue.
- c. Issued 18 cease and desist notices for delinquent rental licenses.

- d. Issued 10 cease and desist notices for delinquent business license renewals for In-Town Businesses.
- e. Since the issuance of the cease and desist notices, only 8 rental license and 6 business license renewals remain outstanding.

### Finance

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

- a. The department received \$27,253.50 in transfer taxes for the month of November. The report included in your packet was the working copy for the month of December. Therefore, at your seats this evening are copies of the November report which should have been in your packet.
- b. There is currently \$126,685.00 in delinquent property taxes owed, of that, \$15,020.23 is associated with approved payment plans. Leaving \$111,664.77 in truly delinquent taxes.
- c. The workers compensation audit has been completed and the result is that we owe an additional \$4,935.00 for workers compensation in the Police Department. According to the audit, the salaries were underestimated.

### Public Safety

Chief Laura Giles presented the following information:

- a. She presented that the department has been working on a drug case where they have managed to seize 1 Hydraulic Kilo Press, 1 manual pill press, 1 electrical pill press, multiple pill dies & casts, packaging equipment, counterfeit Percocet packaging material, 1 illegal credit card reader/writer, 50 blank credit cards, \$1,360.00 cash, 2.8 kilos of fentanyl cutting powder. The 2.8 kilos would package over 495,000 bags. We expect this case to continue to grow.

### 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 17 potholes during the month of November.
- b. Installed 1 handicapped parking at the request of the police department.
- c. The street sweeper was run in all districts during the month.
- d. Performed streetlight inspections during night-time hours and reported outages to Delmarva. All locations which were reported have been fixed.
- e. Winter storm equipment was tested and placed into service for the year.

- f. Please submit street locations for the upcoming street program as soon as possible to discuss in January. He will send a list to each Council member of the locations they submitted during the last project to see if they would like any additions.

Councilman McKewen stated that he noticed that the drain at Sycamore Avenue and Tamarack Avenue does not appear to be draining. It appears as if there is something black over the drain preventing it from working.

#### 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. As you are aware, there is a Special Council Meeting scheduled for Thursday, December 19, 2019 at 6:00pm for the purpose of conducting a hearing for a personnel matter regarding an employee termination. The employee has requested that the hearing be public.
- b. There continue to be a number of vacancies on Town Committees. I would urge you to speak with the residents of your districts to try to find citizens to fill these vacancies.
- c. The air quality test in the senior center has been completed. Some areas have increased and other decreased. I have scheduled a meeting with the restoration company for noon tomorrow to discuss the results.
- d. He intends to spend up to \$750.00 from the discretionary fund towards a Holiday Party for the staff, council and all committee members. It appears at this time, it will likely be held on Monday, December 23<sup>rd</sup> at the Elsmere Fire Company at 11:30am.

Councilman Kacperski asked if a copy of the Personnel Policy could be distributed prior to the January Council Meeting for the discussion of the leave policies which is scheduled to appear on the agenda in January 2020.

Councilman Kacperski also asked to look into the potential for changing the charter to include annexation for the January council agenda. He stated he would like to look at the process outlined for annexation in other municipalities and try to simplify the process.

Town Manager John Giles stated that he would send what information he could, however, he believes that the process is outlined as part of State Law and our charter just mimics the state law.

**ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:** None

**PUBLIC COMMENT:** None

**ADJOURNMENT:**

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

**VOTE:**           6-0 with 1 absent                   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.



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**ERIC THOMPSON**  
**MAYOR**



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**BRIAN HURST**  
**SECRETARY**