

**TOWN OF ELSMERE  
COUNCIL MEETING MINUTES  
MARCH 12, 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 <sup>ST</sup> DISTRICT	MARIANNE SKIPSKI	PRESENT
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 February 13, 2020 Council Meeting.

**ACTION:** A motion was made by Councilman Hurst to approve the minutes of the January 9, 2020 Council Meeting with no corrections. The motion was seconded by Councilman McKewen.

**VOTE:** 7-0 All-in-Favor Motion carried

**OLD BUSINESS:** None

Consideration for Third and Final reading as well as Public Hearing of Ordinance 648.

**ACTION:** A motion was made by Councilman McKewen to approve Ordinance 648 for Third and Final Reading. The motion was seconded by Councilwoman Personti.

There was no discussion and no requests for public comment.

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

Consideration of Third and Final reading as well as Public Hearing of Ordinance 649.

**ACTION:** A motion was made by Councilman McKewen to approve Ordinance 649 for Third and Final Reading. The motion was seconded by Councilwoman Jensen.

There was no discussion and no requests for public comment.

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

**NEW BUSINESS:**

Discussion concerning the issuance of Resolution 20-01.

**ACTION:** A motion was made by Councilman McKewen to approve Resolution 20-01. The motion was seconded by Councilman Hurst.

Councilwoman Personti stated that she reviewed the information that was submitted and found that her calculations when comparing the Newport Alderman's Court she didn't see any clear financial benefit. Any increase would be offset by the operational costs of the court. Security would need to be changed for Town Hall and costs for DELJIS, renovations, interpreters, etc. Would there be any restrictions to where the court would need to be located in a building that is different than the Police Department. Has any consideration been given to requesting that JP Court 11 be our assigned Court.

Chief Laura Giles stated that they unfortunately do not have much control in their assigned courts, but she has heard that Court 11 is already very busy with the departments which are assigned to utilize that court. Unfortunately, they were never even consulted that Court 10 was being closed and moved into the city. They found out in January 2020.

Councilwoman Personti stated that she thought the department knew since she has known for about a year. It would be great if having an Alderman's court would prevent travel into the city, but 22% of the cases filed in Newport are transferred out meaning our officers would still need to go into the city regularly.

Chief Laura Giles stated that if the fines are under a certain amount they are ineligible to even transfer.

Councilman McKewen stated that he thought this was just to get the ball rolling to have the state legislature decide if the Town is even allowed to have an Alderman's court.

Councilwoman Personti stated that since the bill has already been drafted, she would assume that the ball is already rolling and the conversation should have taken place before the bill had even been drafted.

Chief Laura Giles stated that she would like to address the issue of the draft bill. She never requested the legislator to draft the bill, she asked him to look into the possibility of a Mayors court. He had the legislative attorney look into it and when he spoke with her again, the bill had been drafted and it was proposed to be an alderman's court. She had

only requested to see whether the court was even a possibility, the legislator took it further and drafted the bill.

At this time, there was a lengthy discussion regarding the logistics of how the court would work. It was clarified that regardless of any vote tonight, the State would need to allow the Alderman's Court through the legislature and the Town Council would need to vote again to establish the Alderman's court. This resolution simply moves the discussion to the State level to see if it will even be permitted.

**VOTE:**            6-1                            Motion carried

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

Consideration of Resolution 20-02.

Town Manager John Giles gave a brief overview of this resolution stating that it was requested by Councilman Kacperski.

**ACTION:** A motion was made by Councilman Kacperski to approve Resolution 20-02. The motion was seconded by Councilwoman Personti.

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

Discussion concerning the vacant Finance Director position.

Town Manager John Giles asked to skip this item since it ties directly to the request for an executive session.

Consideration of approving a request by the Town Manager to fund the repair of the dugouts at Vilone Park from the Long-Term Planning Capital Depreciation Allocation.

Town Manager John Giles stated that he had been approached by Lieutenant Shelton who happens to be the President of the Community Athletic League. He showed him that the dugouts are in a state of serious disrepair.

Gregg Shelton, president of the Community Athletic League presented pictures of the damaged roofing on the dugouts. He stated that he received a bid for \$4,200.00 from Kirkin Roofing to complete the repairs and the CAL would spend \$550 for the plywood that would be necessary to complete the project. He would like to request that the Council pay the \$4,200.00 to Kirkin Roofing.

**ACTION:** A motion was made by Councilman Kacperski to authorize the payment of up to \$4,750.00 plus a 15% contingency from the Long-Term Planning Capital Depreciation Allocation. The motion was seconded by Councilwoman Skipski.

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

Consideration of a approving a request by the Town Manager to fund bathroom repairs in the Police Department from the Long-Term Planning Capital Building Allocation.

Town Manager John Giles stated that damage to one of the Police Department bathrooms has taken then entire bathroom out of service. Repairs are needed and are being made, however, we would like permission to pay for the repairs from the Long-Term Planning Capital Building Allocation. The repairs will cost \$4,040.00.

**ACTION:** A motion was made by Councilman Hurst to approve the expense of up to \$4,040.00 from the Long-Term Planning Capital Building Allocation for repairs to the EPD Bathroom. The motion was seconded by Councilwoman Jensen.

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

Consideration of approving a request by the Town Manager to fund the amount not covered by insurance for the replacement of the awnings at the Police Department Entrance from the Long-Term Planning Capital Building Allocation.

Town Manager John Giles stated that the awnings were damaged during a windstorm. The Large awning had a cost of \$1,660.00 for replacement. We received \$705.00 through the insurance, meaning we need to pay \$955.00 out of the Town's budget. In addition, the small awning needed to be replaced so that they continued to match. The small awning cost \$447.00 and was not covered by insurance because there was no damage. We are requesting to pay \$1,402.00 out of the Long-Term Planning Capital Building Allocation for these replacements.

**ACTION:** A motion was made by Councilman Hurst to approve the expense of \$1,402.00 from the Long-Term Planning Capital Building Allocation for repairs to the EPD Awnings. The motion was seconded by Councilwoman Skipski.

**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 41 violations during the month. 21 were corrected with the initial warning, 18 were issued fines and 2 remained pending.
- b. Two properties were deemed public nuisances and were issued fines.
- c. Both Code Enforcement Officers attended a webinar for ADA Standards for New Construction.
- d. Code Enforcement Officer Victor Morgan attended the Planning 103: Land Use Administration Training offered by the University of Delaware.

- e. Code Enforcement Officer Scott Allen attended the FEMA Disaster Grant Procurement Training, as well as, attended training and obtained a certification as a Certified Stormwater Inspector.
- f. The Mayor and Council are asked to respond with their comments regarding the draft comprehensive plan by no later than March 26, 2020 so that they can be forwarded to the University of Delaware. A draft ordinance will be submitted at the April Council Meeting based upon receiving your comments.

### Finance

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

- a. The department received \$10,935.00 in transfer taxes during the month.
- b. The financial statements were presented at your desks this evening.
- c. The list of properties eligible for sheriff sale has been sent to the attorney and have received their first notices of the sheriff sale.

### Public Safety

Chief Laura Giles thanked Councilman Hurst and Councilwoman Jensen for their donations to the needy family fund.

In addition, she has made some policy changes while the department deals with the current COVID-19 outbreak. They officers wear masks when necessary but gloves as much as possible. When a complaint can be serviced by telephone, it will be. Traffic stops will be left to just dangerous stops. The department will not complete any EMS assists unless absolutely necessary.

The members of Council discussed the State of Emergency issued by the Governor and stated that they would support any emergency declaration issued by Mayor Thompson in response to a conference call with the Governor tomorrow.

### 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 27 potholes during the month of February.
- b. Installed 1 handicapped parking space at the request of the Police Department.
- c. The street sweeper was run in Districts 3 & 4.

- d. Crew Chief Charles Balback and Maintenance Worker John Houben both attended training for and became certified as Certified Stormwater Inspectors.
- e. We have completed preparing RFP 20-01 for Trash Service and it will be available for contractors beginning Monday, March 16<sup>th</sup>. The deadline for submissions is Monday, April 6, 2020.

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 Annual Departmental Reports should have been at your seats when you arrived tonight.
- b. The League of Local Governments notified us that there will be a conference call with the Governors office tomorrow for all Municipalities. It is not immediately clear what the discussion topic will be, but we anticipate that it will be related to the COVID-19 outbreak. The Governor has issued a State of Emergency and we have done the following to prepare at Town Hall:
  - 1. We have made all employees review the CDC recommended precautions.
  - 2. We have contacted our IT Contractor about allowing employees the ability to work remotely.
  - 3. Once an employee's remote access has been set up and they have been shown how to log-in, employees will be instructed to take their laptops home on a daily basis.
  - 4. We are sanitizing Town Hall as a whole twice a week, with each office sanitizing their areas more frequently as necessary.
  - 5. We are monitoring daily updates from the State and CDC regarding this outbreak.
- c. You should see on your desks a new form for reimbursement for Council expenses. This form should be used for any request and we will keep extra copies in the Copy Room on top of the bookshelf.
- d. The defensive driving certificated paid by the Town are expiring. Anyone on Council who needs a new certification or is interested in obtaining a certification are asked to contact Town Hall to get the information to take the course online.

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

**PUBLIC COMMENT:**

Dan Opiscipo, from Paoli Services, spoke stating that he grew up in this area and would like to see the Town work with its businesses better and get them to help with the preservation of the Town.

**EXECUTIVE SESSION:**

As authorized pursuant to 29 Del. C. Section 10004(b)(1), the Mayor and Council will adjourn into Executive Session for the purpose of discussing an individual citizens qualifications to hold a position within the Town and will return to public session for the purpose of voting on this matter.

**ACTION:** A motion was made by Councilman Hurst to adjourn into an executive session for the reason discussed and to return to public session. The motion was seconded by Councilman McKewen.

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

The Mayor and Council entered into executive session at 7:43pm.

The Mayor and Council returned to public session at 8:20pm.

**ACTION:** A motion was made by Councilman Hurst to return to public session. The motion was seconded by Councilwoman Personti.

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

**NEW BUSINESS:**

Consideration by the Mayor and Council of making a one-time payment to Robert Half for the services provided in the Finance Department.

**ACTION:** A motion was made by Councilwoman Personti to approve a one-time payment to Robert Half in the amount of \$24,900.00 for services provided in the Finance Department. The motion was seconded by Councilman Hurst.

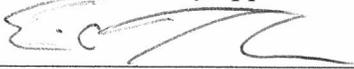
**VOTE:**           7-0                   All-in-favor                   Motion carried

**ADJOURNMENT:**

**ACTION:** A motion was made by Councilman Hurst to adjourn. 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.



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**ERIC THOMPSON**  
**MAYOR**



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**BRIAN HURST**  
**SECRETARY**