

**TOWN OF ELSMERE  
COUNCIL MEETING MINUTES  
AUGUST 13, 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

**OPENING STATEMENT:** Mayor Eric Thompson read an opening statement.

**PUBLIC COMMENT:**

Charles Lindell, 3 Jefferson Avenue, Chairman of the Planning Commission, stated that Ordinance 651 is up for consideration this evening adopting the 2020 update to the Town's Comprehensive Plan. He would like to thank everyone who contributed to drafting the plan over the last year for their hard work and dedication.

**APPROVAL OF MINUTES:**

Minutes of the July 9, 2020 Council Meeting.

Councilwoman Personti stated that she has one correction to note. On page 3 there is a lengthy paragraph with a statement she made that has a grammatical error which causes the sentence to not make sense.

**ACTION:** A motion was made by Councilman Hurst to approve the minutes of the July 9, 2020 Council Meeting with grammatical corrections noted by Councilwoman Personti on Page 3. The motion was seconded by Councilwoman Skipski.

**VOTE:** 6-0 with 1 Abstained 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 – Abstained,  
5<sup>th</sup> District – Yes, 6<sup>th</sup> District – Yes, Mayor – Yes

Councilman McKewen stated he abstained due to be absent from the July 9<sup>th</sup> meeting.



## NEW BUSINESS:

### Introduction for First and Second Reading of Ordinance 651.

Town Manager John Giles gave a brief overview of the Comprehensive Plan and stated that he did have some grammatical corrections that would be necessary before final submission to the PLUS Process.

Councilwoman Personti noted the following additional questions:

- Page 67 – where local schools are noted, she would like to see St. Elizabeth, Cab Calloway
- Page 68 – Under Elsmere Town Hall it references the Elsmere Recreation Center is still referenced.
- Page 90 – the header references Kent County and it should be New Castle County.

Mayor Thompson stated he would also like to add Odyssey Charter School as well as the following:

- Position on population growth he believes there is inconsistency because there is the idea that there will be population increase but then also references a population decline.
- Community Design Overview should include Vilone Park.
- Change the Finance Director to Steven Martin not Joseph Schulcz.

Councilwoman Jensen asked if there would be another chance to review before the PLUS Process.

Town Manager John Giles stated that there would not be another chance until after the PLUS Process. We have received a 6-month extension from the State for submissions.

Sean O'Neill of the University of Delaware Institute of Public Administration gave a brief overview of the PLUS Process and timeline stating that the final document will likely not be returned from the Plus process for Third and Final Reading until the November Council Meeting. He asked that the corrections be emailed over for implementation.

**ACTION:** A motion was made by Councilwoman Personti to approve Ordinance 651 for First and Second Reading. The motion was seconded by Councilwoman Skipski.

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

Councilwoman Jensen asked for an email with a brief overview of the timeline and PLUS Process Review so that they know when to expect the Third and Final reading.

Consideration of entering into a contract with CivicsPlus for their SeeClickFix Program to replace the Citizens Request Tracker (CRT) Program which will no longer be available as of December 31, 2020.

Town Manager John Giles gave the following overview:

*We were notified on June 23, 2020 that the Citizen Request Tracker (CRT) Program that we currently license is being discontinued as of December 31, 2020. Therefore, we must either replace the software or go back to tracking requests and complaints in paper form. Over the years we have determined that tracking requests and complaints in paper form leaves room for miscommunication, additional work for Staff and leaves the residents with no automatic updates.*

*We have met with the software company and looked at other programs they offer which meet these needs as well as researched a few other software providers. We have decided to request that the Council authorize the purchase of the See-Click-Fix Software offered by CivicsPlus, who is our current provider. Not only does the newer software offer additional features, it is more user friendly and mobile friendly.*

*Currently we pay \$1,800.00 per year for the CRT Program that we currently use. The See-Click-Fix software is quoted at \$10,000.00 per year with a \$2,000.00 implementation cost. However, CivicsPlus has offered a \$4,000.00 reduction in the contract cost based on our lengthy history using their software, as well as, waived the \$2,000.00 implementation fee bringing the contract cost from \$10,000/year with a \$2,000 implementation to \$6,000.00/year with no implementation cost, resulting in a \$6,000.00 savings.*

*While this will increase the amount budgeted for this contract just over three times what we budgeted. When we looked at the other software on the market, what we found in our quick research, was that they had similar if not higher pricing structures with no reductions based on history. We believe this program will serve the Town and the Residents without any loss of service and provide additional capabilities that we do not currently have.*

*A copy of the See-Click-Fix proposal and brochure has been included in your packet for consideration.*

Mayor Thompson asked if there were other companies out there offering similar products.

Town Manager John Giles stated that they are but they won't offer the discounts this company does or the fairly seamless transition. We already need to print all of the old requests before we can officially cancel

the Request Tracker Program because they cannot be imported. He did not go out to bid because the cost was below the \$10,000.00 bid threshold.

Councilman Hurst asked how many requests we get a day using the system.

Town Manager John Giles stated he would be guessing, but probably around 20-30 a day.

Councilwoman Jensen asked if the new program can import the old data.

Town Manager John Giles stated that due to the age of the current system, it cannot. However, we should be able to do so if this occurs again in the future.

Councilwoman Jensen asked what happens to the old data.

Town Manager John Giles stated that we will need to spend the time to print these requests to keep the records. Town Clerk Diana Reed will be going out on Maternity Leave soon and he intends to take the salary savings from that leave to hire a temporary employee to come in and focus solely on printing all of those requests and file them on in the parcel files.

Mayor Thompson asked if the \$6,000.00 is just for the first year.

Town Manager John Giles stated that he is under the impression that the discount will continue forward, however, he has not read the exact clauses of the contract.

Councilwoman Personti stated that based on her experience on Council, this program is something that is necessary for the Town and makes communication with the residents very easy. While it is an increase in what was budgeted, she fully supports upgrading to the newer software.

There was no vote taken, however, there was a consensus among council to move forward and over expend the line item for the request tracker program and to come back for funding later.

Consideration of approving Proclamation 20-03 proclaiming August 31, 2020 as Overdose Awareness Day in the Town of Elsmere.

Mayor Thompson gave a brief overview and read the proclamation for the public. He stated that in addition to the proclamation, the flags in Town will be lowered to half staff on August 31, 2020 and he would like to schedule a time where council can get together on that date to take a photo in support of the issue.

**ACTION:** A motion was made by Mayor Thompson to approve Proclamation 20-03. The motion was seconded by Councilwoman Personti.

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

Discussion concerning the role and duties of the Planning Commission and Board of Adjustment.

Mayor Thompson stated that he would like to start a general discussion regarding the different roles and similarities of the Planning Commission or Board of Adjustment. A number of people have approached him about the fact that the Planning Commission can recommend approval or denial and the Board can still make the opposite decision. Including the possible redundancy of attending the meeting on behalf of the applicants.

Councilwoman Personti stated that she believes that the issue potentially lies in the items which are being considered by each committee. The Planning Commission should be looking at it from the sole perspective of "Does the request fit within the goals and vision of the Town's Comprehensive Plan". They should not discuss hardships or variance issues, those are duties of the Board of Adjustment. Furthermore, when you look at Chapter 38 where it explains the duties of the Planning Commission, you need both committees to operate properly. She believes that the members need guidance regarding what they should or should not be discussing, maybe another training session. This way, the members have a greater understanding of what they are responsible to review. This will also help staff explain to the resident why both committees must review the petition before a decision is issued.

Town Solicitor McMackin stated that he would be happy to provide that training to the committees.

Councilwoman Jensen suggested that members of the committees being given some sort of orientation and guidance. The new members don't understand what they should or shouldn't be looking at. They need to understand the NPDES Regulations and the Comprehensive Plan. Members voting no are required to give their reasons for voting no, but maybe members voting in favor should be required to also give their reasons for voting yes.

Mayor Thompson stated that he too has read Chapter 38 for the Planning Commission. He noticed that there are no regulations requiring the Planning Commission to review construction permits, that was added to Chapter 225 Board of Adjustment in 2013. He does not believe the Planning Commission should be dissolved at all, he just doesn't know that construction permits need to be one of them so as to expedite the application process.

Councilwoman Skipski stated that she agrees that the process could use some streamlining to reduce the clunky parts. Residents don't always understand why they need to see both committees. Just maybe more efficiency and streamlining could be implemented.

Councilwoman Personti stated that she can see the concern regarding the repetition, but residents would be more upset if these decisions were made in a single night without due notice and opportunity to voice their concerns regarding an issue which may affect their neighborhood.

Mr. Rob Anderson, 107 Northern Avenue, Planning Commission Member, stated that there have been times where even the committee doesn't understand why they are reviewing a petition, there have been times where the Planning Commission Meeting gave residents the opportunity to prepare for what they should be discussing with the Board of Adjustment who makes the final decisions.

Consideration of awarding a contract for the 2020 Street Improvement Program based on bids received.

Town Manager John Giles stated that the bids were opened and have been reviewed by the Town's Engineer and they have recommended that the Council award the 2020 Street Improvement Program to ECM Corporation in an amount not to exceed \$154,656.00. This approval will include both the base project of Beech Avenue, as well as, the add/alternate curb and drain locations. In addition, he would like to request additional approval to expend an amount not to exceed \$45,344.00 on additional projects identified during the road program. This request for additional expenses is based on the funding of \$200,000.00 from Senator Delcollo and Representative Mitchell and the fact that the planned projects were bid at a much lower cost than anticipated.

**ACTION:** A motion was made by Councilwoman Personti to award the 2020 Street Improvement Program to ECM Corporation in the amount of \$154,656.00 with the additional funding of \$45,344.00 for a total not to exceed \$200,000.00. The motion was seconded by Councilwoman Jensen.

Mayor Thompson asked if there were any alternate project locations that were already in mind for the additional funding.

Town Manager John Giles stated that there is an alleyway entrance along Filbert Avenue which is crumbling that he would like to include with that funding. He will notify Council of the additional locations determined.

**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. Introduction of Nicole Nabb who is the new Code Enforcement Officer.
- b. The department issued 49 citations. 34 were corrected with the initial warning, 10 received fines and 5 remained pending at the end of the month.
- c. One property was deemed a repeat public nuisance and received fines.
- d. Requested the Public Works Department complete 3 abatements.
- e. Processed 3 petitions which were heard by the Planning Commission and/or Board of Adjustment.
- f. Processed 35 permits.

- g. Issued 11 Business Licenses, 2 were for In-Town Businesses and 9 were for Out-of-Town Businesses.
- h. Members of the Department attended a total of 3 training webinars.

Councilwoman Personti commended Code Enforcement Officer Scott Allen for his hard work, tenacity and dedicated follow-up on issues while being so short staffed within the department.

Councilwoman Jensen agreed that Officer Scott Allen should be commended.

Councilwoman Skipski commended new Code Enforcement Officer Nicole Nabb on her handling of an issue within the Rosemont Development. She stated that even though she is new she appeared very knowledgeable and respectful to the resident and made the resident feel much better about the situation.

### Finance

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

- a. The department received \$28,383.00 in Transfer Tax for the month of July.
- b. Received \$210,801.00 in property tax revenue since sending the tax bills on July 15<sup>th</sup>.
- c. Implemented Positive Pay and Reverse Positive Pay procedures with M & T Bank in an effort to increase our fraud protections. It has already saved the Town \$3,000.00 in a false check.
- d. Set up Quickbooks for the EPD Needy Family Fund and trained the Officer on how to use the program.

Mayor Thompson asked if we knew on average how long Elsmere properties stay on the market.

Town Manager John Giles stated that he would be guessing.

### Public Safety

Chief Laura Giles stated that August 8<sup>th</sup> Cpl. Kerrigan conducted a traffic stop at Rt. 100 & Rt. 2 in which the vehicle had a strong odor of marijuana. He conducted a vehicle search and found 8.9 grams of marijuana as well as a stolen Smith & Wesson handgun. Both suspects were committed to the Howard Young Correctional facility and the gun was stolen out of Virginia.

Officer Singleton welcomed a baby boy at the end of July and Officer Linde and his wife are expecting twins any day.

The 2020 Needy Family Fund Crab Feast has been cancelled for this year.

VAC Fines received for July were \$17,779.50 and for August \$24,309.47. Total received this year are \$42,088.97. This is a significant increase compared to previous years, because of the increased fine amounts. The officers are not writing any additional tickets compared to previous years, the fines are just higher.

#### 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 3 potholes during the month.
- b. The street sweeper was run in all 6 districts.
- c. The annual clean up at Fairgrounds Park is completed.
- d. The department completed 4 abatements at the request of the Code Enforcement Department.
- e. Restriped the Library Parking Lot at the Town Hall Complex.
- f. Began repainting all yellow curbs.
- g. Began repainting crosswalks from Olga Road to Ruth Road.

#### Town Manager

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

- a. He has applied for 4 grants through New Castle County in compliance with the CARES Act Funding available to municipalities. The grants are as follows:
  1. Reimbursement for expenses related to cleaners, Personal Protective Equipment, Gloves, etc. in the amount of \$3,993.24.
  2. Pre-Approval of purchasing two Halo Fogger Systems, accessories, and supplies in the amount of \$33,409.50.
  3. Pre-Approval of purchasing Plexiglass Barriers for various offices and desks throughout Town Hall in the amount of \$3,837.00.
  4. Pre-Approval of purchasing three portable tablet computers, five Bluetooth printers and one laptop system in the amount of \$6,280.00.

As of 8/10/2020, we have received approval to purchase the items contained in all three pre-approval requests. He would like approval from Council to move forward with purchasing the equipment described in each of these grants.

**ACTION:** A motion was made by Councilwoman Personti to accept the funds and approve the purchase of the items described as pre-approval through the New Castle County CARES Act grants. The motion was seconded by Councilwoman Jensen.

Town Solicitor McMackin asked if the item arose suddenly and could not be deferred.

Town Manager John Giles stated that it has, the items were discussed in July as having been applied for, but just received the numbers back two days prior.

Town Solicitor McMackin asked if the Town would be prejudiced if a decision is delayed.

Town Manager John Giles stated that we would.

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

**STATEMENTS BY THE MAYOR AND COUNCIL:**

Town Solicitor McMackin stated that he would like to see the name “Items Submitted by the Mayor and Council” changed to “Statements by the Mayor and Council” to avoid any FOIA Issues. The Mayor and Council may make statements regarding topics not on the agenda, however, public discussion and voting on items are not permitted. This change would clarify this requirement.

Council agreed to make the change on all agendas.

Councilwoman Personti thanked everyone for their condolences regarding the death of her mother-in-law and those who attended the services.

**PUBLIC COMMENT:**        None

**ADJOURNMENT:**

**ACTION:** A motion was made by Councilman McKewen to adjourn. The motion was seconded by Councilwoman Personti.

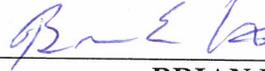
**VOTE:** 7-0 All-in-favor Motion carried

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**