

Newport Town Council
Meeting Minutes
November 21, 2019

Pledge of Allegiance.

Meeting was called to order at 7:00 pm by Mayor Michael Spencer and he announced that the meeting was in compliance with the Delaware Open Meeting Act.

Attendance: Mayor Michael Spencer, Vice Mayor John Joswick, Town Manager Wendy King, Police Chief Mark Wohner, Commissioner Michele MacDonald, Commissioner CarolAnn Gretz, Commissioner Flo Czerwinski and Solicitor Chris Griffiths.

Minutes from the meeting of October 17, 2019, were approved via motion by Vice Mayor Joswick and seconded by Commissioner MacDonald. All ayes.

Correspondence - FOIA request was received from a resident. It will be described in the town manager's report.

Public Comment - Mayor Spencer showed the attendees the rendering of the James Street Bridge - Bridge 159. Commissioner Gretz asked when the bridge would be completed - Mayor Spencer advised that the bridge would be completed May of 2022. Project won't be complete until October, 2022. The 72-inch sewer main extended the project because of having to meticulously handle construction around the main. There will be a public meeting in the spring to apprise the businesses and residents of the project. Commissioner Gretz asked about where the sewer main ties into - Mayor Spencer advised that it the main ties into sewer treatment plant in Wilmington. Commissioner Gretz asked if both bridges will be utilized - Mayor Spencer advised that once the new bridge is operational, the old bridge will be dismantled. There will be four light fixtures illuminating the bridge. Thomas Harvey, on behalf of Delaware Kids Fund, presented a check for \$2500 allowing the commissioners to choose a charitable organization(s) in which to donate \$500 per commissioner, thanking the town for it's continued support of their events.

Frank Walker, resident, asked if was proper for the town to accept such a check. Question is not whether Harvey Hanna is doing good things, but should the commissioners be involved in selecting the charities? Should council be accepting this "gift?" Commissioner Gretz clarified the question as to whether or not the funds should filter through the town/council and believed it was a good question. Vice Mayor Joswick did not understand the problem. Mr. Walker asked if it is not better to have the giver donate directly instead of going through council and referenced forms that used to be required to be completed prior to an election (campaign contributions/income?) Mayor Spencer advised the forms were no longer required. Mayor Spencer asked Solicitor Griffiths and he indicated that there were at least two cities/towns who had similar situations, but he would look into it further. Mr. Walker has been in public service for 50 years and never took a lunch, a card, money, or anything. Mayor Spencer said he did not believe Mr. Walker was qualified to say what was right and wrong and repeated that council would have Solicitor Griffiths review to see if the process could be cleaned up and a determination made and advised about the business persons who donated to have spirit wear made for Richey Elementary School and that the money was filtered through the town as well and at the end of the day, he would always strive to do the right thing for the right reasons. Mary Ryan asked about the former Christmas event that the community fund used to host. Mayor Spencer advised that the community

fund as it was known is essentially defunct and the town does not own it. There are some folks in the business community who are interested in reestablishing a community fund that is an actual non-profit 501c3. Mrs. Ryan suggesting utilizing any balance from the old fund to start the new fund. Mayor Spencer said he was gratified that the business persons wanted to get involved and that one made a sizeable donation for the shirts and did not want attention brought to him by making a personal donation. Vice Mayor Joswick advised that he and Police Chief Wohner participated in the Trunk or Treat hosted by the Boys and Girls Club at Richey School and he wants to see more of that. Mayor Spencer gave the history of the old community fund to the commissioners and audience who may not have been aware of the fact that it was not established as a non-profit. A charter would need to be established for the new community fund to determine the principals and who could sit on the board.

Victoria Wollaston, resident, asked about the victim's compensation debt as she had just heard about it and wanted to know about repayment. Town Manager King advised that she was following request of paying current and paying extra as funds would allow to cover the back owed. Ms. Wollaston wanted to know where it was coming from and Town Manager King explained that it was coming from the general fund. Commissioner Gretz asked if the state was charging interest and did they demand a certain amount each month? There is no interest accrued on the funds and the state never demanded or asked for a certain amount be sent, ever. It was further explained that the amount that should be sent each month is listed on the monthly Alderman's report and that an additional amount would be sent each month. Commissioner Gretz asked if a loan needed to be taken out and Mayor Spencer advised that if the state had called in the total amount then sure, but that was never the case or issue. Ms. Wollaston also wanted to see if budgets can be posted to the website in addition to updated minutes. She also wanted a copy of the proposed 2020 budget.

Town Manager's Report - Transportation meeting, communications with masonic hall representative about rentals in response to a noise complaint, sewer pump enclosure replacement quote, Christian/Walnut Street - drainage issue, meeting about James Street Bridge construction, water issues under 141 will probably be resolved in the spring, FOIA request (salary/health care) Thanksgiving office closure.

Commissioner Gretz commented that the masonic hall sometimes starts parties on a Sunday night at 9:00 pm, parking in different directions on Walnut Street, traffic pattern is concerning because they are not familiar with the area. Enforcement Officer Walker described what was taking place when he received the noise complaint. Chief Wohner stated that there were no persons left in charge of the rentals and that the masons left it up to rental party to obtain security or not. There was discussion about obtaining set regulations about the rentals. Mary Ryan, resident, asked if the firehouse was regulated on serving alcohol, why wasn't the Masonic Hall? The Masonic Hall is BYOB - bring your own bottle - and there is no liquor license.

Commissioner Gretz asked how long it will take to retrieve all of the information requested through FOIA. Town Manager King responded that she was not sure how long it would take because the older records are not electronic and have to be retrieved.

Police Chief's Report - Chief Wohner shared the monthly departmental statistics. Spirit shirts for Richey School were ordered. Officer Kashner was investigating a fraud from New York - four people were buying phones with fraudulent identities and one was wanted out of the US Marshal's office for murder. There was a burglary on Augustine Street right outside of town limits just past Highland Avenue - the NCC police were handling that. Chief Wohner attended a DelDOT meeting at Elsmere Fire Hall that presented projects DelDOT were doing and he asked about our light situation and would be sending an email to them because it is

especially important to correct that now that there are two detours running through town. Mayor Spencer noted that 141 splits the town so two separate DelDOT offices handle town issues and wanted to know who the light contact was? His name is Mark Luszyk.

Alderman's Report - \$36,222 court fines.

Maintenance Report - New speed bumps went in today. Sewer pump went down so another one will be purchased. Sewer enclosure quote. New sweeper.

Code Enforcement - Illegal dumping on Harvey Hanna property, Parking at Santillanta's is getting better, laundry facility at 110 S. Mary Street is for sale, untagged vehicles near roofing company, four different water leaks in town - Suez fixed all four.

Solicitor's Report - worked on policies for police department, assisted with town FOIA request, two smaller police items, phone call with code enforcement about a problem property, met with town manager about town issues, employee matter, may need executive session next meeting to review.

Mayor's Report - Richey shirts, attempting to relieve the traffic light issue. Will be attending a seminar through IPA on December 5 for mayors and town managers,

Commissioner Gretz had a question about trash pickup and if Waste Management would still be collecting our trash and if taxes were going to increase as a result. Town Manager King is going to be presenting that information in the budget introduction. Diane Summers, resident, remembered from last month's meeting about the average household being charged an additional \$61. Town Manager King clarified that the \$61 increase per household was an average - some will be more, some will be less.

New Business - First Reading of the FY2020 Operating Budget. Budget was presented without police grant information, police pay duty or other "in/out" expenses. A tax increase of 15% was proposed which will net \$86,550 and will cover increased trash expense of \$36,000 and proposed loan expense for roadwork. The following line items were increased: Auditing, Bank Service Fees, Insurance-Medical, Legal Expenses, proposed salary increases for employees, new administrative employee, bank loan. It was proposed that the employees pay a larger share for their medical coverage which is currently 15% - proposed 20%.

Mayor Spencer did see some expenses that could be changed or eliminated - transfer to capital, planning, Vehicle repair/maintenance in Maintenance, Gasoline on police side, Meetings in Mayor/Commissioners on Expense side. Transfer Tax could be increased.

Commissioner MacDonald had a few questions. She agrees with the proposed increase in employee contributions toward medical coverage. She asked if the contribution was pre-tax dollars - it is, so an increase will not be that noticeable. Town Manager King offered a comparison of her personal healthcare coverage, current contribution and contribution showing the 20% increase. Commissioner MacDonald asked what kind of insurance (high deductible?). The insurance is PPO, Aetna or Highmark. How does the town handle spouse coverage? The state takes care of that for the town. There is a provision that allows a spouse to be covered on our plan if they have insurance, but at a reduced rate of 15%. Each open enrollment, spouses have complete an online form to coordinate the benefit.

Mayor Spencer asked if council was okay with a 3% increase for the employees. Victoria Wollaston, resident, asked if that happens each year and if it was performance based. Diane Summers, resident, asked if raises

were given even if the town is in debt. Mayor Spencer commented that the town was not in debt. Victoria Wollaston, resident, said the town was not paying Victim's Compensation. Mayor Spencer explained that was an unfunded liability with no set payback other than what was proposed by the town manager and it does not prohibit the town from doing things. He further stated that the town was not in fiduciary danger.

Victoria Wollaston, resident, referred to the last three years' worth of audits and wanted an explanation of vacation time not taken. It is called "compensated absences" and it is considered a liability. She went on to comment that it was a lot of hours and if every one of those employees left, that would be a lot the town would have to pay them. It was explained to her that only one current employee had more hours on the books than was allowed and that employee was working on getting the time down. She questioned that because the audit did not reflect that. Mayor Spencer commented that the town is aware of all these items and that some situations, such as the compensated absences, cannot be helped and that some employees just cannot take their allotted time and he is confident these issues will get resolved.

Commissioner Gretz asked if there is some escrow fund we should have in case someone leaves. It was explained that when someone leaves, they will continue to be paid their time until their time is utilized. The town never had to issue a lump sum to pay off vacation or comp time.

Victoria Wollaston, resident, asked if potholes could be filled. Robert Harvey, Maintenance, responded that it was on his list to go around town.

Frank Walker, resident, asked if the younger police officers were carrying their vacation time or if they were taking their time and if there is a policy and if it's being enforced. Town Manager King explained the time carryover policy of 240 vacation hours/480 compensatory hours for police officers and 80 vacation hours for administrative employees. Chief Wohner explained that comp time is more difficult to accumulate because holiday pay was rolled into their salaries. They are encouraged to take their comp time within the same pay period.

Commissioner MacDonald asked about vacation accrual. It gets front loaded in the beginning of the year, but if a person leaves, the time is calculated by accrual. She asked about the accumulating time if the maximum amount of carryover is allowed. The policy will be looked at and updated.

Mayor Spencer asked Solicitor Griffiths if a motion was necessary to approve the first reading and it is not.

Mary Ryan, resident, asked Town Manager King about the comment she made in her report about the Boxwood Road project. It was part of the Newport Transportation meeting held by Wilmpaco. It has nothing to do with the town specifically, but was part of the discussion during the meeting.

Mayor Spencer made a motion to adjourn; Commissioner MacDonald seconded.

Meeting adjourned at 8:26 pm.