

Newport Town Council
Meeting Minutes
December 19, 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, Town Manager Wendy King, Police Chief Mark Wohner, Commissioner Michele MacDonald, Commissioner CarolAnn Gretz, Commissioner Flo Czerwinski and Solicitor Chris Griffiths. Vice Mayor John Joswick was absent.

Delaware Crime Stoppers Officer of the Year Award was presented to Corporal T. Dillon Kashner. Mayor Spencer acknowledged Senator David McBride in attendance and Senator McBride is very appreciative of what Newport Police Department is able to accomplish.

Minutes from the meeting of November 21, 2019, were approved via motion by Mayor Spencer and seconded by Commissioner Czerwinski. All ayes.

Correspondence: Letter from the EPA regarding the Koppers site. Email from Elsmere Fire Company thanking the police department for their assistance and participation with their holiday parade. Sergeant Mitchell, Corporal Kashner, Corporal Davidson and Patrolman Jones participated.

Public Comment: None

Town Manager's Report - Engineers estimated drainage problem at Christian and Walnut Streets and that came back at \$600,000 that can be broken up into phases. DNREC advised that some grant funding could possibly cover this if surface water quality was being improved or if pervious materials were used. Victims Compensation Office accepted our repayment request of paying current monthly amount owed and adding \$5000 a month from what was previously owed. They were appreciative that we reached out to resolve this matter. FOIA request from November 19 was still pending (January 2008 - present salary information for all employees, healthcare expenditures for each employee for same time period) due to question the town manager had regarding a portion of the request and Solicitor Griffiths was consulted for some attorney general opinions prior to responding. Pearl Harbor Celebration was Saturday, December 7. Cassidy Painting painted the cannon at no charge to the town. The town will respond in kind with a plaque to acknowledge their commitment to the town and that the town appreciates their involvement in the community. Commissioner MacDonald and the town manager will begin reviewing the town's administrative personnel policy for potential updates. Holiday closures.

Police Chief's Report - November, 2019 statistics. The department is moving forward with state accreditation - it should take approximately five months between 13-16 visits from the representative. Spoke to Ken Weaver regarding the Masonic Hall rentals and Mr. Weaver indicated that masonic members are acting as security and that there were at least two members there per event, four if alcohol is served, They are responsible for spills, etc, but will not be addressing parking or traffic patterns. He spoke to Deaven Steel at

the request of Vice Mayor Joswick to address tractor trailer traffic going down Larch and getting stuck on Ayre. Shipping manifests are showing to come down that way.

Alderman's Report - \$33,685 in fines/costs for November.

Maintenance Report was presented with no questions.

Code Enforcement - 1600 block of E. Ayre Street = three garages leased to shipping/receiving businesses. Many tractor trailers and trucks there. Large dumpsters. Limited access to emergency vehicles. The owner was notified of current situation. Chief Wohner explained the third-party shipping process and advised that it was a much larger problem for NPD and other law enforcement agencies than what code enforcement has described. One owner came to the police department last year because there was more than \$500,000 in fraudulent purchases that came through his shipping company that he refused to ship out of the county and the items stayed in his warehouse until the vendors requested the items be shipped back. Code Officer Walker said that there were others not so easy to work with and that there were tractor trailers just left out in the street. Conditions are generally good. He will be contacting contractor about the damage that their equipment is causing the park. Code Officer Walker wanted to speak to the drainage problem and say it was not just Walnut and Christian that had a problem. One problem is the drains. They need to be cleaned before and after a storm. It needs to be made a priority by the maintenance department. Commissioner MacDonald pointed out that during leaf season, leaves are in the gutters that can be causing problems. Mayor Spencer agreed that it should be a priority to clean the catch basins before and after a storm. Commissioner Gretz asked about liability at Walnut/Christian Street due to ice. There was discussion about putting salt, sand or mats at that intersection. Bottom line is that drains need to be kept as clear as possible by being more proactive. Kevin Haigh, resident/former commissioner, gave some history about drainage from Highland to Justis and suggested running a drain to Richey. Mayor Spencer suggested reaching out to Red Clay for assistance when the time comes to address the issue. There was further discussion about the paving project that was done in that area at least 20 years ago.

Solicitor' Report - FOIA request- reached out the requestor to see if the request could be clarified as it is a large request and will take time to obtain all of the information, working on police policy, work on an employment matter and need an executive session to discuss the matter, working on a resolution about the dissemination of gifts, will be reaching out to other police chiefs to ask about the compensatory time allotments to see if making changes makes sense for the police department, worked on a legal memorandum for the town manager, drafted a tax ordinance, related resolution to adopt the budget, guidelines for public comment, working on tabled property maintenance resolution. Solicitor Griffiths addressed the check received in the previous meeting and would like to pass a resolution to offer more transparency. Other guidelines can be put into place. Next to discuss are the guidelines for public comment. Presently, it is pretty casual where the public can chime in on any subject at any time throughout the meeting. It's difficult to take minutes as everyone is going back and forth. The guidelines will help establish order and it will streamline the meetings so they do not run long. Towns have these guidelines under FOIA and there is no regulation stating we must allow public comment to begin with but we allow it, but it must be regulated to some degree. As the chair of the meeting, the mayor has purview to establish meeting guidelines per the charter but has asked for assistance so the commission can weigh in on the guidelines that will be discussed in Old Business.

Commissioner Czerwinski remembered that people were in the meeting putting the town down. She described an incident that happened to her daughter's care and was grateful for her neighbors and community that all came together to help.

Mayor Spencer commented on the Richey shirt that was given to the entire student body. DMA students did a terrific job at the Pearl Harbor Day celebration and Connie Culver did a nice job setting up the event. Received an email from Joe Stagliano to thank the town for the speedbumps. Mayor Spencer made a motion to appoint Mary Ryan and Joe Stagliano to the Board of Adjustment. Commissioner MacDonald seconded. All ayes. Training will be set up in the near future.

Election Board appointments will be next month.

Operating Budget - Mayor Spencer would prefer to have the Vice Mayor present to approve the tax increase and wants to table that until January.

Mayor Spencer made a motion to accept Resolution to accept 2019-001; Commissioner Gretz seconded. Roll call vote - all ayes.

Mayor Spencer made a motion to accept 2019 -003 - 1st Reading to raise the tax rate from 1.0712% to 1.231% per \$100 of assessed value. Commissioner MacDonald seconded. Roll call vote - all ayes. 2nd reading will occur in January.

Old Business: Mayor Spencer gave some history on why public comment should have some guidelines going back to over a year ago when he handled something incorrectly and Solicitor Griffiths suggested having a more streamlined process similar to what other towns offer and Mayor Spencer agreed. He apologized publicly to resident Dan Burroughs, who was not in attendance, for the way he handled a situation when Mr. Burroughs wanted to speak about something Mayor Spencer did not feel was supposed to be spoken about. Moving forward, it will take pressure off of him and any other mayor moving forward about how to handle public comment. He recommended making public comment at the end of all of the reports so any audience member can comment or ask questions based on what was presented and having public comment after any action item. There is currently public comment after an ordinance reading, but this will include resolutions as well. A time limit of three minutes will be instituted to allow a person to speak on any subject matter of their choosing. There will not be an allowance for someone to give their allotment to someone else. There will be no back and forth - public comment will end after their time is through. Solicitor Griffiths wanted to make some suggestions and review what has been done with other towns - any person making a comment should state their name and address for the record. Three minutes - no giving away time, Any subject. Any special meeting comments would have to remain on that subject matter. Comments should be made in a civil and courteous manner and the meeting chair would have to address if it was felt that hostile demeaning comments were made. Groups of speakers should nominate a representative to speak on the group's behalf, although all are able to speak, so comments are not repetitious. If questions are posed to councilmembers, they may answer or not answer. The town charter designates the mayor to lead meetings- he can enforce other rules as necessary to ensure meetings run smoothly. He can halt or suspend public comment if guidelines have been ignored. Public comment should not be described in detail - there should be names/addresses and general subject matter. It will be on the agenda for January.

There was some further discussion and questions, but the general purpose of instituting a time limit on public comment is to ensure that all members of the public are treated the same and all given an opportunity to speak.

Kevin Haigh, resident, asked about the budget and no public review was made available. It was explained that the ordinance to raise taxes was introduced and public hearing will be at the second reading.

Adjourn to Executive Session - 8:32 pm

Resume Regular Session - 8:53 pm.

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

Meeting adjourned at 8:53 pm.