

Regular Meeting of the Mayor and Commissioners
Town of Newport
September 16, 2021

Pledge of Allegiance.

Meeting was called to order at 7:00 pm by Mayor Walker and he announced that the meeting was in compliance with the Delaware Open Meeting Act. He said there were no minutes available from the August, 2021, meeting due to a death in the town manager's family and that they would be available next month.

Attendance: Mayor Franklin Walker, Commissioner Michele MacDonald, Commissioner Joseph Stagliano, Police Chief Mark Wohner, Town Manager Wendy King. Vice Mayor CarolAnn Gretz, Commissioner Michael Capriglione and Solicitor N. Christopher Griffiths were absent.

There was no town manager report because the town manager was out of the office.

Police Chief's Report – Department statistics for August, 2021. There was a significant event that occurred – an assault with a weapon and with assistance from the task force, was able to locate the suspect and have him in custody within 7 hours. Mayor Walker commented that he has seen in the last week or two a lot of police action and he wanted say that it's been noticed and appreciated. He passed on a compliment he received from a resident in Stonehurst. One of the patrol cars had his window down and the gentleman was thrilled to see the officer. He wanted to be sure to mention it because the officers are doing the work and they should get the credit.

Alderman's Report - \$27,062 in court fines for August, 2021. 952 letters were pushed out either through DMV or Deljis to advise those persons that they were late and late fees were being assessed.

Maintenance – Mayor Walker spoke to Joey the other day and he is impressed by what the Maintenance Department is doing. They have been checking the weather and checking the storm drains both before and after a rain. The drain by the railroad always clogs because of the sycamore leaves and they lifted the grate and surrounded the area with safety cones and because of that, the drain did not clog. That is the kind of thinking that is needed to be prepared for any problems that arise.

Chief Wohner and Patrolman Jones received compliments because of the downed tree that totaled a neighbor's car. The owners were very happy that Jones came back with a report. Again, that's the response that is expected and appreciated. Mayor Walker explained the sewer pump repairs to council and cannot stress enough what a big deal it is. It is his intention to talk to the county about taking these over. Commissioner MacDonald asked how much the repairs were costing. Under \$30,000 as opposed to \$80,000. Upon inspection, the condition was not as bad as initially thought.

Code Enforcement – The code officer has been giving notices out and Mayor Walker drove around last Sunday himself and found two people who need business licenses and he gave them the town

manager's number. Someone illegally dumped trash – the owner lives out of state and he is trying to get assistance with cleanup and will go down with maintenance to do it if necessary.

Solicitor Griffiths is out, so there is no legal report.

Commissioners – Commissioner MacDonald noticed that the resolution from last month did not make the agenda and asked if it was rescinded. Mayor Walker said that he had a conversation with the town manager and police chief on Tuesday and talked about items that were on the resolution, how it was intended to be presented and how it presented were very different. Mayor Walker said that the resolution that was presented was not how it originated. He said that he has spoken to different officers that he knows and began going through each item of the resolution and the rationale and said that the lawyer added things he was not aware of. He met with the police chief and town manager and several things were pointed out to him that he had no knowledge of. He referred to a police manual that Chief Wohner provided to him and that he had not read it all the way through and it did contain things he was not aware of. As part of the accreditation process, it sets the standard for how to do things and what will happen if things aren't done properly. It is a working manual for the entire police department. He again began to go through the resolution and explaining the thought process over individual items, beginning with DEA. He said it was because of a staffing deficit as there were only four officers on the street at one point and now with the return of the officer who was on leave with the military, they are at six officers. He said he spoke to Dave Hughes with DEA and one of the benefits of having a participant was that there would be coverage and assistance from other agencies and now he supports this due to having the additional staff. Commissioner MacDonald asked if we were reinstating our officer into DEA. Mayor Walker said it was never taken away. He was also concerned with the four officers working 12 hour shifts and then doing side work for DEA and having tired officers. Commissioner MacDonald asked if the six-month period of non-participation was rescinded based on his statements. Mayor Walker said that at the time he had the conversation with Mr. Hughes, there were only four officers on the street and the town could not afford to have anyone working with DEA, but now that there are six and Chief Wohner can assure the town is covered and the condition of the officers is monitored, yes, they can participate. He said that the officer's car who participates in the DEA will not be marked. He also did not realize that one of the vehicles did not have a cage or a computer in it and that it was considered an administrative car. He had never heard it called that before. There are four marked patrol cars, one SUV, one Crown Victoria and one administrative car. Confiscated cars were explained in detail at the meeting that they are not being used by the officers unless the town held title and had insurance on it. He was under the impression that the officers were using cars that needed to be returned to the owner at some point. Mayor Walker wanted social media posts to be approved by the police chief or a senior officer prior to posting and from what he has seen on other law enforcement pages, there is a disclaimer noting that the individual is innocent until proven guilty and believes that that statement would cover the officers and town from being sued if the charges were dropped on a case that appeared on social media. Chief Wohner said he would look into that. Commissioner MacDonald asked where the resolution was at this point as it was read and tabled at the August meeting and that there should be a motion to rescind the resolution, so she made a motion to rescind Resolution 2021-004. Commissioner Stagliano seconded it. All ayes. Commissioner MacDonald asked about a hiring freeze and could the police chief and town manager wait to hire someone to fill the opening in the police department. Mayor Walker said he had only one vote and he had to wait until there a majority

ruling of council. Commissioner MacDonald said that there was no formal resolution or motion to institute a hiring freeze. Mayor Walker said that with the BASF transfer money and Officer Bell not on payroll and benefits in two-three months, we would achieve our 2021 budget income collection. The question posed to the town manager in the meeting was would we be able to maintain our balanced budget. He referred to a conversation he had with the town manager in early 2021 when she was making payroll by using capital funds and lacked real understanding of the issue or the comment and thought there may need to be layoffs of officers and with Officer Bell leaving, asked to hold off hiring until the town could collect a few dollars. That has been accomplished. The police chief advised him that it would take time to put candidates through a hiring process. The heart of the question was what was council going to do about the 2022 budget because the chief did not want to hire someone and turn around and lay them off. That answer has to come from council as he is just one vote. Commissioner MacDonald asked how many officers did we have before and how long had it been that way. The town had 7 officers since around 1991 or 1992. She said that every company has a budget and sometimes things need to be moved around. The budget relies heavily on the court and the officers. The town will have to find a different way to generate revenue instead of short-staffing the police department. Mayor Walker said that previously, the officers were able to generate revenue, but with covid, the streets were empty for six months. He recalled a meeting where Chief Wohner said he asked his officers to stand down because he didn't want his officers getting sick and it made sense. There is no fault with the police department or court – it is just symbolic of what is going on in the world. All the commissioners and town manager need to have serious conversations and it is hard to do when you can't meet but once a month. Town Manager King said the purpose of the American Rescue Plan money was to replace lost revenue and that the CARES Act funding did not allow that. There was discussion on what the funds could possibly be used for. Mayor Walker made a motion to allow Chief Wohner to hire Bell's replacement. Commissioner MacDonald seconded. All ayes. The department heads will be meeting with the Mayor at least once a month prior to the monthly meeting to see how the town can better be served. Commissioner MacDonald recalled from the last meeting when the speaker mentioned the police department's challenge coin slogan "Service Above Self" and council is here for the town and the public has a voice and should come and listen and vote and speak because it is not about council doing what we think is right, but also listening to what the attendees think and hearing their ideas. Mayor Walker said that if someone sees acts by the officers or maintenance that may deserve some recognition to be sure and let the town manager know. Council is trying to do things to make Newport a better place to live.

Mayor Walker said there was another estimate on the painting of the building – the three bids received were \$7,800, \$17,250, \$26,105. He made motion that council accept Cassidy Painting's bid of \$17,250. Commissioner MacDonald had questions about the bid comparisons between Cassidy's bid and Positive Painting's bid and how the Positive bid was much more specific. Commissioner Stagliano said he had building experience and thought the bid was going to be between \$30,000 and \$40,000. Commissioner MacDonald was just concerned that Cassidy's quote was not as specific as the other one. Mayor Walker explained the scope of work and what was necessary in order to get the job done. Bill Lower, Harvey Hanna, verified that Cassidy Painting is a world-class business and no doubt will the town receive at least double the value of the quote and suggested the items needing clarification be written in. Donna Valiante, Walnut Street, asked if there was a contingency plan in case the contractor would go over the agreed-upon amount. The contract does state it will not exceed a certain amount. Devon,

Bear, DE, wanted to know what grant funds, if any, were available and would any of the ARPA funds be used for this project. The town is getting guidance on projects and there was \$1,000 grant available for the Old Town Hall restoration. There is a motion on the table to hire Cassidy Painting for the Old Town Hall project. Commissioner Stagliano seconded. All ayes. Mayor Walker talked about the storm door on this building and how it did not belong there. Commissioner MacDonald asked what the measurements were because she has a storm door and could not use it because putting on that door would have voided the warranty on her main door. Mayor Walker offered to measure the door. Donna Valiante, Walnut Street, asked if a termite inspection had been done and Mayor Walker confirmed it was wood rot from weather, not termites. He would like to see a brass plaque hanging outside of the Old Town Hall. There are many small projects he would like to see done, like planting flowers around town. The housing market is hot in Newport right now.

Public Comment – Donna Valiante, Walnut Street, she would like to recommend that in the newsletter, ask if anyone would be interested in donating banners so we would have more to put out other than the holiday ones and the DE Kids Fund 5K. She said that maybe do the veterans. Chief Wohner said he reached out to the American Legion and they were supposed to do the veteran banners but has not heard back. The idea was to have banners up during the summer from Memorial Day to Labor Day. It is a fundraising event for the American Legion – the people pay for the banners. Mrs. Valiante asked how much it would cost for banners if the veteran banners did not work out. Banners are a few thousand dollars. The town also does not have a bucket truck. Having to borrow a bucket truck can be difficult. Mayor Walker mentioned that he spoke to Connie Culver regarding the upcoming 80th year Pearl Harbor celebration. The town contributes to the breakfast. More discussion on the progression of Newport and how the housing market is booming here and the neighborhood is evolving. Bill Lower, Harvey Hanna, mentioned that the DE Kids Fund Campout, Operation Warm, will happen on November 19, 2021. It is unknown at this point if it will be in-person or virtual. If it is in person, it will happen in the lot across from the James Street Tavern. Proceeds will benefit local food pantries. To date, 8600 coats have been provided to 15 local elementary schools, including Richey. Kevin Haigh, Augustine Street, had a few suggestions – the flags at Memorial Park should be changed. In response to Mayor Walker saying it was difficult to convey things to commissioners outside of a meeting environment because it is considered a “meeting” if there are three people, Mr. Haigh advised that they can have special meetings in addition to the regular meeting where the public may not necessarily be invited, but it has to be advertised. He questioned why town business was held first at the August meeting while there were so many people there because of what was going on. Mayor Walker responded that the meetings are held for the residents of Newport - the people that live, own and run a business will always be his priority. Mrs. Valiante said there were a lot of people at the meeting and she suspected people left because they were too close. It would not have hurt to change things around to address what the people were there for and to get them out. A very nice showing of town people. Due the pandemic with that amount of people in attendance, being flexible would have been nice. Mayor Walker said good came out of the meeting. Leadership has sat down and met and looks forward to meeting again. There was discussion about the pandemic, building occupancy and possibility of taking out more chairs to space things out again. Commissioner MacDonald said she was aware of meetings and she asked if someone was taking minutes. Mayor Walker wanted to clear the air with Commissioner MacDonald and asked if she recalled him calling her and her saying she worked and did not want to talk or be bothered. She said that she did call him back. He said that she was welcome to weigh in and is invited to do so.

Commissioner MacDonald said that she did have a concern. She believed that council was not right in them trying to tell the police chief or other employees what to do and that it should be going through the town manager. Mayor Walker said he disagreed with her and he has the charter in front of him that states the townspeople own the town and they hold an election of representatives and we (commissioners) vote for Mayor and Vice Mayor. From that point on, they only have one vote – he is mainly the speaker. He is retired and can put the time and effort into things. Charter says the mayor and commissioners shall. The town manager works at the pleasure commissioners. She is in charge of the police department, maintenance, court, building inspector, code officer, but does not have a vote in what happens at meetings. Commissioner MacDonald said that section 3.8 reads a little differently than what Mayor Walker was saying. She said that she is going to say it publicly that she is grateful that there were so many people at the meeting last month because she believes that if there had not been, the resolution would have gone through and that she believes council is overstepping. Council should not be dictating to the police what they are supposed to be doing. She is happy the resolution is gone, DEA is back on and the officer can be hired – clean slate, lesson learned. It took six months, but we can move forward. Mrs. Valiante agrees and brought up the concerns she had in April about the list already prepared and that a meeting was held beforehand. Commissioner MacDonald asked who council was to be in police business. She is not a sworn officer, has not been trained and does not believe she should dictate that the police should have a certain type of car. She thinks the list from April should just be shredded and she believes it should have never been done. She did not have anything more to say. Devon, Bear, commented about one of the last comments made in August's meeting came from a Newport police officer saying that the town was going to lose the police department had what was intended actually happened. That affects the townspeople directly. She referred back to a comment regarding the July minutes that were read to the audience at the August meeting. She was not sure why that occurred because minutes are posted online. Mayor Walker wanted to be sure the public had the opportunity to know what was going on and some items that occurred the month before were relative to what would be happening at the meeting. Devon brought up the fact that council was concerned about only having four officers and them being too tired to participate in task force, but the money received from task force will pay for the officer and will allow participation. Mayor Walker disputed her assessment and he reiterated his concern for the safety of the officers and all of the responsibilities that go along with a shift and doing extra duty. If you cannot properly wind down and rest between your scheduled days off, you should not be carrying a gun and driving a police car. At this point, she felt her initial comment was misconstrued and her point was that there should not be a concern about the salary of another officer as the task force money received recently will well cover that. Mayor Walker said that task force money does not come into the budget and has to be used for equipment and council does not get to say what the money is used for and that the town manager and police chief decide what is best. She just wanted it stated for the record that council cannot use money as an excuse for not hiring an officer when the task force money is there. There is no guarantee that the money will be there next year. Commissioner MacDonald said that the safety of the town is important, so council needs to continue to support the police and the maintenance people whatever that may mean and they should feel comfortable knowing that this is long term and we are committed to keeping the police officers. There should be no comments about layoffs or do we need that many officers and those comments are concerning to her because safety is number one and we are short staffed because of a hiring freeze, it will impact everything. Mrs. Valiante was glad a motion was made to bring on the new officers and last meeting there was a lot of worry because people were not aware there were only four officers on the

street. It was nerve-wracking waiting to hear if council was going to bring back the seventh officer and she does not believe that council needs to be micromanaging the police department – the tinted windows, the blue vs. khaki uniform and they are able to buy things, there is an accreditation process and procedures are being updated from 1983. Why would council need to know what an officer does or what a police chief does? Council does not have to be responsible for that large procedure manual. A police chief is hired to do all of that. She supports the Facebook posts and comments for being aware of what is coming through town. She said that if the officers were ever hot and needed something to drink or eat, please knock on her door. With the current political environment and what was going on within town, she was scared there was not going to be a police department because she thought everyone was quitting. As someone said, if the town had the state or county, they certainly would not be riding around town with their lights on at night. Things should just be left for the police department to decide. John, Woodcrest (he thought that community was part of Newport), stated that safety was more than law enforcement and that he appreciated the conversation because if revenue is down, the town doesn't know what law enforcement is going to look like and some hard decisions may need to be made. You want to be able to have community pride, have safe spaces. Kathy Joseph, Justis Street, complimented the officer in person but wanted to acknowledge in a meeting, but someone was revving their engine late at night. The officer was in funeral home driveway and she watched the officer casually meet this person at the traffic light and when the car peeled wheels, the officer got him. She is noticing more dirt bikes through town. She does not know we can get them because we do not have a motorcycle officer. She is afraid that someone will end up hurt. Thanked the police for cracking down on loud radios. She is proud of the officers. Mrs. Valiante mentioned a sign she had seen in Wilmington that referenced a noise ordinance and being fined. Chief Wohner confirmed that noise issues were addressed and Commissioner MacDonald wanted to know what council was going to do to raise revenue.

Corporal Dillon Kashner, elaborated on an incident relating to a stolen firearm. He spoke about this incident not to scare anyone, but to alert people to the reality that things do happen in town with people who have no other relationship or tie to Newport, but they are causing trouble. This trouble affected a business owner and thanks to the collaborative efforts of the other agencies involved, the victim was able to have closure within 7 hours and it was a huge deal that it happened and he was proud. Mayor Walker addressed Corporal Kashner and said that he can see that the town will be going through a metamorphosis and it will explode. All the empty lots will slowly get filled up. Those that have shown their loyalty will get it returned. There are no perks, per what was said last meeting and it was explained by Chief Wohner. Mayor Walker said that there is just no money to do the things they would like and it is a fight to keep making payroll and benefits. The town will come back. There are five blocks in this town slated for development and once the building starts, the town will see some changes. Roads can be done, perhaps some perks. Corporal Kashner said that he did not say that to complain because he wants to be in Newport, but was pointing out the officers in Newport want to be in Newport. They could easily go to an agency who offered paid gym workouts, or educational funding, but choose Newport. Mayor Walker said there is a light at the end of the tunnel and thanked him.

Mayor Walker made a motion to adjourn. Commissioner MacDonald seconded. All ayes.

Meeting adjourned 8:52 pm.

