

Town of Newport
Special Meeting of the Mayor and Commissioners
February 3, 2022

Regular meeting of January 20, 2022, was cancelled because there was no quorum.

Pledge of Allegiance. Meeting was called to order at 7:00 pm by Mayor MacDonald and it was announced that the meeting was in compliance with the Delaware Open Meeting Act.

Attendance: Mayor MacDonald, Commissioner Michael Capriglione, Commissioner Gary Martinez, Commissioner Joseph Stagliano, Police Chief Mark Wohner, Town Manager Wendy King, Solicitor N. Christopher Griffiths

The appointment of a commissioner and vice mayor will take place at the regular meeting in February.

Dave Gula, WILMAPCO, updated council on the status of the Newport Transportation Study and the Monitoring Committee being finalized. The Monitoring Committee is established as a way to determine projects and prioritize those projects according to the needs and wants of the town. He gave a history and timeline of the advisory committee and the workshops held since September 2019. There were 25 proposed projects to come out of the workshops and 10 of those are in town. Projects were categorized by cost and length of time to complete. These projects are pedestrian-related, transit improvement and bicycling with the goal of creating a more walkable and bikeable community. Specific recommendations were at W. Ayre Street and parking configuration. Another was pedestrian improvements at James, S. Mary, W. Ayre and W. Market. They hope to see a new train station in the future and safe sidewalks and crosswalks are a necessity to make that work. A project that will intersect that is the Newport Riverfront Trail and what entering the town will look like according to that plan. One thing that could be beneficial to the town is gateway signage and that can definitely cross-connect with the riverfront trail project. Other projects include the truck traffic at McArthur Drive, Powell Ford Park, Banning Park/Boxwood Road crosswalks, existing pathways to enter Banning Park. The Monitoring Committee will be meeting in early March. There will be 2 or 3 public workshops and 3 – 4 Monitoring Committee meetings. Commissioner Capriglione asked how far out the train station was. Mr. Gula gave some background on the Claymont and Newark stations and their progress, which they should be completed around the same time and those dedicated funds could be diverted to get the Newport station going. He discussed the fact that a 4th track would need to be added and it is an estimated \$30 million. He anticipated 2024 to get things started with it being a 5 – 6-year project. Commissioner Capriglione asked if the 95 corridor construction detours were causing more congestion in town. It is possible. Wilmapco has been tracking traffic pre-pandemic to post-pandemic. Ridership is at 85% - many are still working from home and less people taking transit. It is thought that once 95 construction is done, there will be less congestion and the transit number may

increase. The folks working from home may continue to do so. The study will be entered into the record.

Barbacane and Thornton could not make the special meeting so they are scheduled to come at the regular February meeting.

Minutes from the December, 2021, meeting. Mayor MacDonald made a motion to approve the minutes; Commissioner Stagliano seconded.

Town Manager's Report: Newport Transportation Plan, auditor update, business license listing from 2021, code enforcement on business license compliance. Listing of fees for permits and licenses, town manager duties and salary/benefits per employee were included in commissioner packets. Election notices were posted online per state requirements. A new election board member needs to be appointed. There are 3 open seats (2 2-year and 1 1-year) with a filing deadline of March 3, 2022. Pollworkers are also needed (5). It was pointed out that pollworker positions are unpaid (as is the election board) but if council was so inclined, a small stipend could be offered. A campaign filing form was created along with information on how to report for campaign finance. Consideration of a filing fee to either offset the cost of the election or use to run background checks. 2021 budget came in at 99% Commissioner Capriglione asked about the permit fees and if the town had intentions of getting in line with New Castle County. The cost of a New Castle County building permit is based on square footage and not job valuation. Utility permit fees are based on a minimum permit fee and a nominal dollar amount per \$1,000 of job valuation. Council can consider a change in fees by ordinance. With all the work proposed, could the building inspector handle to volume? The town would contract with the building inspector's company to ensure that all inspections were done in a timely manner. Commissioner Capriglione liked the idea of a candidate filing form, but did not feel that asking if a person rented or owned was right. Solicitor Griffiths said he was not sure about that, either. There should be a section to attest to the fact that all criteria was met. There was also discussion about the benefit of having a background check, but was the responsibility of paying for it on the town or the candidate. Mayor MacDonald shared that if a person wanted to volunteer for a non-profit, you have to have a criminal background check and if you work with children, same thing and feels that there should be a background check run if you want to sit on council. The town needs to be protected and council is making decisions that impact the town. Commissioner Capriglione said that when background checks are run with the sporting organizations he deals with, it only shows red flags and whether or not the person is cleared/qualified and will not show if something happened out of state unless it was child-related. Commissioner Stagliano asked what shows up on the background check and it looks at your entire criminal history. Chief Wohner pointed out that we would never receive the background history in time to swear in a new commissioner. Commissioner Capriglione said the same thing about the people in the baseball league – people were coaching and the backgrounds don't come back until the season is over. Solicitor Griffiths said that there is a removal process for commissioners, so if the background does not come back favorable, they can be

removed at that point. He thinks that the winners should be the ones to get a background and not all applicants. More research should be done before a decision is made on doing them.

Police Chief's Report – January, 2022, monthly statistics. He advised that he sent out 70 applications, received 7 back and 4 people showed up to take the test. There were no viable candidates. The Delaware Police Accreditation Commission voted to award accreditation to the Newport Police Department. Larry Mitchell and Spiros Mantzavinos will be at the next meeting to give proclamations to the town for John Betsch's military service and to the police department for getting achieving accreditation. John Betsch is currently on deployment and will return in 2 weeks. Chief Wohner has been covering his shifts. New vehicle has arrived and has been marked. Equipment will be installed in the next couple of weeks. The state passed a law last year that requires all officers not in an administrative position to wear a body camera. The state will begin issuing the cameras soon. There is a question of who will be covering the annual service fee. Newport is in the first round since we currently do not have body cameras. Every department who has body-worn cameras will not get state-issued cameras until their contract expires and their videos will upload to the state system. There will be one depository for all videos regardless of camera type. A policy will need to be established for the cameras that conforms to the state regulations. Commissioner Capriglione asked who was considered administrative and who was not required to wear a camera. Persons working the front desk like at Troop 6 would not and persons not having the potential to make an arrest. By law, any situation that may warrant an arrest, your body camera must be activated. Mayor MacDonald asked about the 2021 criminal investigation report. Chief Wohner said that an investigation took place and there was a criminal arrest that was made as a result.

Alderman Report - \$25,047 fines for December, 2021.

Maintenance Report - Mayor MacDonald commented that there was a lot of trash being cleaned up.

Chief Wohner asked if he could add something to his report. He noted that in looking at ways to raise revenue, he discussed with the both the town manager and solicitor the possibility of having civil marijuana cases heard in Court 42. The city of Newark already does this in their alderman court. We are receiving the \$100 court fine, but we are not receiving court costs or security. Commissioner Capriglione thought it was a good idea, but it appears as if it will be legalized in the next couple of months.

Solicitor's Report – He worked on a FOIA response, police matters, a tabled resolution regarding business license compliance by bringing the offenders to answer to council. There is a lot more work to be done if heard in Court 42. The charter would need to be changed and at the level of compliance we are at presently with no code enforcement, it may not be worth it. There was discussion on hand-delivering applications to the occupants in the industrial park so the business list could be updated and it would be

beneficial to ensure no new businesses snuck in. Commissioner Martinez asked if the third party shippers are paying their fees as he saw on CNN that they are brought in under one company name and described the process as he knows someone who works for a shipper. Solicitor Griffiths received the report from independent council and it was very broad and he wants to have the questions answered more specifically. He was taking a hands-off approach to allow the person to review but will advise that we want a little more detail while still staying hands off. The report will become "attorney-client privilege" and will appear in a future packets.

Commissioners – Commissioner Stagliano wanted to know if the swale work would be done in the spring and that is the plan. The bids will be confirmed and the contracts will be brought to council for them to award. He asked if the work at the old town hall was complete and as far as it was described, yes. Mayor MacDonald asked about the doors and Town Manager King did not know the status and what exactly was supposed to happen but the doors will be figured out. No invoice has been sent to the town from Cassidy Painting. Commissioner Stagliano commented that it took him 10 minutes to get from John Street to Market Street. Drivers blocking the intersection and cars just pile up in the intersection. With trucks and school buses, it is awful. He said that he frequents Ocean City and they have intersections marked out with "Do Not Block the Box" signage. He asked Mr. Gula from Wilmapco if anything could be done at Market and John and Market and Mary Streets. Commissioner Capriglione mentioned that when the crosswalks were added with the timers on them to allow people to cross the street, it jammed everything up. Chief Wohner said he has addressed this with DelDOT about the lights at Exxon and described the issue of traffic getting stacked because the cars who have the light at M&T crossing Route 4 have to wait until the cars clear the intersection. Commissioner Capriglione said that he goes the back way down Walnut to Ayre to James to get on 141 to 95 to avoid all of that. Chief Wohner said that on the light cycle at Marshall and Justis Streets, only 6 or so cars were even able to get through the green. Signage at John Street already exists to advise motorists not to block the intersection. Commissioner Martinez shared that the lights are in front of the signs and it is hard to see where you are supposed to be going. Signs are dated, also. Drivers do not know what lane to get in. Chief Wohner said that prior to having the streetscape bumpouts put in, there were rarely collisions on the right side of the roadway. The house on the corner of Augustine and Justis has seen at least five accidents because when someone is entering the curve at a higher rate of speed, they see the bumpout and overcorrect right into the house. The calming needs to happen prior to the curve. Mr. Gula explained how timing of the lights affects people speeding through town to get to the traffic light and they sit through the red and then speed through to get to the next red light and the goal would be to get a slower flow through town at a lower speed. Commissioner Capriglione asked why the rate of speed through town is 30 and not 25 because the development of the town will include buildings and residential condos and people walking around. He said that DelDOT said that traffic would have to be very heavy in order to change that. Mr. Gula said that he would love to see a petition from the town to lower the speed because the difference in that 5 mph is devastating to a pedestrian or cyclist and survivability decreases beyond 20 mph. Given that the town

will become more walkable and bikeable, it is not an unreasonable request. It should not just be left for enforcement. There cannot be enforcement there all day so it has to be the streets are designed. This is as good a time as any as safety is always a priority. There is talk about narrowing lanes in the city to have people lower their speed as people tend to not speed when there is less room. This is good information to take to the Monitoring Committee. There was discussion about the timing of the lights on Union Street. Commissioner Martinez mentioned that he noticed that the Park and Ride is getting more people and that people are standing around wanted to know who to contact to see about a bench. Mr. Gula said he works closely with DART and will mention it. Commissioner Capriglione mentioned that the sign is missing upon entering the town and that it was important for radar enforcement and that his son wants to see when he is at his home :) Chief Wohner confirmed that the sign was removed due to construction. Commissioner Martinez asked about voter help and if it would be too difficult to pay them something. Mayor MacDonald said that she did not know what was in the budget for that and asked if it was difficult to get pollworkers last election. Town Manager King said that yes it was difficult after receiving negative feedback about the employees helping. It is an all-day commitment, you have to be available to attend training prior the election. Commissioner Capriglione asked if the state pollworkers get paid and yes, they do. He asked how many were needed and there should be two people per machine and one judge to walk around overseeing everything and calling the town manager to verify the voter registration list if necessary. That person at the end of the night announces the end of the election and gets behind the last person in line so no one can come in behind them. Commissioners discussed the amounts from \$25 - \$150 and settled on \$75 plus dinner.

Mayor's Report – Mayor MacDonald spoke with Bill Lower from Harvey Hanna and were set up to have a meeting about the upcoming development but it had to be rescheduled. She spoke to Senator Spiros Mantzavinos and he will be attending next month's meeting to meet the council. She wanted to mention that he said he was not aware of the intention to do some renovations to the Old Town Hall and that there could have been a way to apply for bond money so we did not have to pay for it ourselves and the importance of speaking to our elected officials to see what is available. They did a substantial project in Elsmere. She spoke with County Executive Matt Meyer. He wanted to introduce himself and make sure she was being included in WILMAPCO meetings and Newport Riverfront meetings. Commissioners need to make a decision regarding the money given to them to donate by Harvey Hanna**. There needs to be an appointment to the Election Board so if anyone has ideas, let the town manager know. She did not feel the need to spend additional funds on specific letterhead that had the mayor's name on it. The town information summary was re-typed and updated. The utility phone numbers will be added. She is hoping to get this out soon as we have discussed it for awhile now. There has been a lot of movement in town, especially on her street, so it would be nice to have this information available.

Commissioner Martinez asked about getting state emails given the growth that is coming and the communication with state senators and representatives and appearing professional. The town does not have an email server nor do we pay for a domain. The state hosts the website for free, but the town is responsible for content. There was discussion about the cost of having a hosted domain service and what equipment we had in the past and how cost effective it would not be at this time.

Mayor MacDonald spoke on the research she had done with the different towns and the staffing levels the other places had in comparison to what Newport has. Commissioner Martinez asked about using an intern from the University of Delaware's IPA program and Mayor MacDonald was thinking about that as well. That program is expensive for the 10-12 weeks of internship. The county also had a program similar to this and it was not as described.

There was more discussion about the town information sheet and additional things that can be added.

There was no public comment.

Commissioner Capriglione made a motion to adjourn. Mayor MacDonald seconded.

Meeting adjourned at 8:49 pm.

**The funds given to the Commissioners to donate came from the DE Kids Fund and not Harvey Hanna and Associates.