

Regular Meeting of the Mayor and Commissioners
Town of Newport
May 19, 2022

Pledge of Allegiance.

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

Attendance: Mayor Michele MacDonald, Vice Mayor Michael Spencer, Commissioner Stephanie Banks, Commissioner Michael Capriglione, Commissioner John Joswick. Also in attendance were Chief Mark Wohner, Solicitor N. Christopher Griffiths, Town Manager Wendy King.

Minutes from the Reorganization Meeting and the Regular Meeting of April 21, 2022, were approved via motion by Commissioner Joswick and seconded by Vice Mayor Spencer. Ayes from Banks, Joswick, MacDonald and Spencer, while Capriglione abstained since he was not in attendance.

Leanna Coulbriale, Remington Vernick and Beach Engineers, was in attendance because she was asked to review the quotes/scopes of work for the swale work around town. She went out with Bob Harvey to review the locations/requested work and provided cost estimates and recommends that the jobs be put out to bid to RVB's specifications. Vice Mayor Spencer asked if the E. Ayre projects were separate because there was a quote for milling/resurface from S. Augustine Street to S. James Street and a quote for just the swale work. They are two separate projects. He then asked if the swale work should come before milling and yes, if drainage is the primary concern, it should be done first, but ideally, the town would save money if both projects were done at the same time. Vice Mayor Spencer asked if grant funding at the state or federal level was available and Town Manager King advised that she did apply for a grant totaling \$500,000 with ARPA funds being available for the balance. Funding decisions will not be made until July, but it would be feasible to do all of the work if the town received full funding. Commissioner Capriglione was concerned about the timeline and it not being done this year due to factors such as contractor delays and availability of materials. Ms. Coulbriale noted that she is aware that Ayre Street is not in good condition and that it has been a concern of the town for many years. Vice Mayor Spencer asked that if the project was funded, how soon could we put the work out to bid. Ms. Coulbriale said that it would have to be a public bid process due to the amount of the Ayre Street projects and that the smaller jobs could be done as quotes. There would be new bid proposals for E. Ayre Street swale work and E. Ayre Street milling combined for one bid package. Mayor MacDonald asked how long that would take and Ms. Coulbriale said that she would have to get a schedule together and discuss it with the town manager.

Town Manager Report – Property tax invoices have been generated and mailed. FOIA survey results were provided to commissioners outlining how other municipalities handle FOIA requests. Community Reinvestment grant was applied for to cover the cost of the swale work and milling on E. Ayre Street. The amount applied for was \$500,000 with the remaining amount being covered by ARPA funding. Commissioner Banks brought attention to a resident who redirected his sump pump to drain to the street which caused an ice situation in the winter and created a pothole this spring. The pothole was repaired and has since opened up again. That is against property maintenance code, but there is not equitable way to cite all who have their drains dispense into the road. Many homes were designed that way. Commissioner Capriglione shared that he and the majority of his neighbors all discharge to the

street and thought maybe the county has better regulations in place since they are responsible for the sewer system. Any charter change recommendations can be forwarded to the town manager. Recommendations should be ready to discuss by late fall. A budget modification will be prepared to offset the \$50,000 in ARPA income and expenditures. ARPA money cannot be directly deposited into the General Fund but invoices can be paid from ARPA, so the overall budget would be decreased by \$50,000. New owners of 311 E. Christian Street reached out to see if the town would be willing to convey a portion of their property that the town owns – a small corner and half of the driveway. This discovery was made through a title search in the purchasing process. Vice Mayor Spencer commented that this had been brought up before with a previous buyer and that it was not an issue at that time and he did not foresee it to be an issue now. There was discussion about costs and it would be made clear that any survey, title search, deed transfer would need to be the responsibility of the new homeowner and that the town would have to pass this by ordinance since it is a land use issue. Vice Mayor Spencer made a motion to convey the town-owned property at 311 E. Christian Street to the new owners and that associated costs would be the owners' responsibility. Commissioner Banks seconded. All ayes. Vice Mayor Spencer brought up the charter changes and how those changes need to be made by ordinance, so it would occur over two meetings. Mayor MacDonald asked Solicitor Griffiths about the results from the neutral third party counsel. He responded that he had a call with the person and the town manager and advised that we were interested also in charter recommendations as well as interpretation. The findings will be in report form as "attorney-client" privilege since it would be considered legal advice. If council would so choose to open it up to the public, it would be determined at a later date. Mayor MacDonald pointed out that she was specifically looking for clarification on certain sections of the charter and how unclear the language is.

Police Chief's Report – Monthly department statistics. Commissioner Capriglione mentioned a boat parked on Christian Street that had been there for awhile that he had been getting complaints about. Mayor MacDonald asked about the next steps with the marijuana bill. It was before the governor now. Chief Wohner advised that the house was voting on the tax portion that day. Commissioner Capriglione spoke to the governor at a fundraiser and indicated he was on the fence about the legislation. Chief Wohner said that he intended to contact our elected officials because there were concerns that the legislation only addressed the plant and not the oils or edibles, so he believed it the legislation needed some tweaking.

Alderman's Report - \$28,093 court fines collected.

Maintenance Report – code enforcement in incorporated within the report. No questions.

Solicitor's Report – He worked on the charter interpretation/revisions, spoke to the mayor and town manager about an issue. He would like to hold an Executive Session next month to discuss pending litigation. There is no formal update, but there is a new board that should be brought up to speed.

Commissioners – Commissioner Capriglione congratulated the newly sworn-in members of council since he was not at April's meeting. Mayor MacDonald mentioned that \$30,000 was requested by Senator Mantzavinos out of the bond bill for boat ramp maintenance. She and the town manager completed the FY23 Community Reinvestment grant. She and Vice Mayor Spencer attended the League of Local Government dinner meeting which is the fourth Thursday of the month. Mayor MacDonald pointed out that there should be a planning commission and that if anyone had any suggestions to let her know. She wanted to confirm with Vice Mayor Spencer whether committee members had to be residents. He said they do.

Commissioner Capriglione said that Dave Tiberi and Richard Piendak were on at one time and Vice Mayor Spencer confirmed that was for the comprehensive plan update and that he mentioned to the town manager if it was possible for the three Board of Adjustment members to serve on the Planning Board and asked Solicitor Griffiths his thoughts as there are two openings on the Board of Adjustment. Solicitor Griffiths mentioned that there could be times where a Planning Commission decision could be appealed and it would go before the Board of Adjustment, but Vice Mayor Spencer said that the Planning Commission would more than likely be deciding on something before it came to council for final approval and further stated that everything council has acted on has been by-right because if something was code-compliant, they could not say no to it. It is entirely possible that council could eliminate the need for a planning commission as part of the charter revisions as the charter also states there should be a Board of Ethics. There are similar boards that can be looked at. Town Manager King said that the reason it is coming up now is that Harvey Hanna has a site plan before us and building code states that the Planning Commission approve it prior to coming before council and she indicated to them that there has never been a Planning Commission. Vice Mayor Spencer asked who was on the Board of Adjustment. Frank Romanowski is on it, but never received formal training. Commissioner Banks was on it and did receive training, but now she is a commissioner. Commissioner Capriglione thought that it should be priority one to get a Board of Adjustment put together. There was discussion about having two separate boards or using one group of people for both the Planning Board and Board of Adjustment. Solicitor Griffiths acknowledged that it was difficult to find people for both. Mayor MacDonald asked that if anyone had suggestions of an appointment while they were out talking to people to let her know and said how difficult it was to find Board of Elections people and pollworkers to serve even with compensation. Vice Mayor Spencer pointed out that the individuals who were appointed should be open to development and growth. Three letters acknowledging the town's donations were received – West End Neighborhood House, Faithful Friends and Peniel Methodist Church. There is a Complete Communities zoom meeting coming up. Mayor MacDonald would like to address the holes where trees used to be on Market and Justis Streets and filling the holes. The areas where the trees have died could create a liability issue for the town. She mentioned some other things on her mind – the benches at Memorial Park and ADA sidewalk inclines being inconsistent around town.

There was no public comment.

Vice Mayor Spencer made a motion to adjourn. Commissioner Capriglione seconded. All ayes.

Meeting adjourned at 7:47 pm.