

Regular Meeting of the Mayor and Commissioners
Town of Newport
June 16, 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.

Town Manager King asked for clarification in a comment made by Commissioner Capriglione at last month's meeting referencing the governor's stance on the marijuana bill. Commissioner Capriglione restated his comment that he saw the governor at a fundraiser and that he was on the fence about passing the bill. Mayor MacDonald requested a correction of the minutes that would change the sentence about her saying she wanted to take out the trees on Market and Justis Streets but rather fill the holes where the trees were. The corrections would be made.

Minutes from the Regular Meeting of May 19, 2022, were approved with noted corrections via motion by Vice Mayor Spencer and seconded by Commissioner Banks. All ayes.

Town Manager's Report: Complete Communities Enterprise District meeting with DelDOT with PowerPoint presentation included. Upcoming meeting with Newport Monitoring Committee. Cost analysis and bid packet is being worked on by Remington Vernick and Beach for swale projects and paving project on Ayre Street. New Castle County Youth Planning Board information. Resolution to change the general operating budget by \$50,000 to show the removal of \$50,000 ARPA income and \$50,000 on the expense side. Tax payments are coming in. Five properties have transferred during the past few weeks. Reached out to owners of 311 E. Christian about the town conveying property and what would be necessary "next steps." 2021 audit. Vice Mayor Spencer asked Solicitor Griffiths about the process or if he had a contact at the county for the property at 311 E. Christian. Solicitor Griffiths advised he was going to provide the owners with the names of a few attorneys that he knows will be good, inexpensive and able to work with. As this will be at the owners' expense, he will not insert himself into the process but to aid their attorney in dealing with the county. Mayor MacDonald asked if the transferred properties were residences and if a mechanism can be put into place to get the information packet out to the new owners. Mayor MacDonald also commented on the CCED meeting and explained that DelDOT is gauging the town's interest in the program and to look through the presentation. DelDOT will do a presentation at a future meeting. Vice Mayor Spencer advised that the CCED has been in the works for over a year and a half and as he brought up to DelDOT, the town already has the high density in place since the last comprehensive plan update six years ago. He did not like that we could not be given a timeline as he did not want to wait two years to have the downtown area redeveloped. He reiterated the town already has in place and DelDOT through its Transportation Improvement District. The County Executive wants Newport to be the first to be a CCED. There was some discussion. Mayor MacDonald mentioned Downtown Development District and that she was not sure what it was and that she had not completed the research on it, but it was another application. Mayor Spencer said that this program, like the CCED, would benefit the developer and not necessarily the town and when you start accepting what is being offered, strings could get attached. He recalled being offered funding but only if low income housing was developed. The

town's goal for the last 20 or so years has been to remain steady middle class – not high income or low income.

Police Chief's Report – Monthly department statistics for May, 2022. They are in the hiring process for the position that has been open for awhile. It is the second process as they were not successful in finding a qualified candidate the first time. The candidate has reached the background check phase and he is hopeful it will pan out. He advised that Corporal Betsch will be gone for military leave in July and from December 26, 2022, to July, 2023, will be deployed. He said that he was told that the upcoming deployment only comes around every five years. He went to Dover for the body-worn camera program that the state is starting, probably by the end of the year. Axon is the company the state chose to store the data. We currently use Watchguard and will probably move to Axon. The state is going to buy the cameras and store the data in the cloud. As long as we have one Axon device, we can store in the storage the state is paying for, although at some point, we will have to pay for it. He is looking at grants. Military banners were put up on the light poles and we were told there were more coming. Bob Harvey is working with business owner D.M. Iannone to create a bracket to attach to the pole since these flags are smaller than the ones we hang at Christmas. A 12' x 18' flag was purchased to fly at the municipal building for Memorial Day, July 4 to show patriotism. We acted upon some tips about a resident on W. Ayre Street selling narcotics and with the assistance from HSI were able to obtain warrants and make an arrest in short fashion. Mayor MacDonald asked about grant money that could be available to local law enforcement for additional resources. Chief Wohner said that the state has a surplus and these funds were supposed to help with recruitment, the testing process, developing a website and could help with retention. He does not believe it will be as much as he would like to it to be. Mayor MacDonald said that the way they worded it was what they were working on. We are in competition with the state police who could be giving sign-on incentives. Town Manager King said she has seen other agencies offer signing bonuses which we are not able to do. Vice Mayor Spencer said that poaching has been going on for a long time.

Alderman Report - \$29,209 on fines for May, 2022.

Maintenance Report was presented. Vice Mayor Spencer mentioned a tree limb at Walnut/Justis Streets that needs to be cut back.

Solicitor's Report – He received the report from special counsel regarding the interpretation of the charter. He is still processing the information and will distribute to council as attorney-client privilege for review. If council deems necessary, it can be workshopped or left alone if material is understood. There has been some movement in the ongoing litigation and since there are new and returning members of council, he would like to request an executive session to bring all up to speed. There is a resolution to be presented tonight as well in New Business.

Commissioners – Commissioner Joswick said that he witnessed a landscaper on Ayre Street dumping tree limbs into the dumpster at the apartments next to his business. Mayor MacDonald will attend the Newport Monitoring Committee meeting on June 21. DLLG dinner meeting is June 23. She has started writing out charter changes and wondered if anyone has had the opportunity to review the charter. She asked if any council members had any suggestions for Board of Elections. We need three but believed it would be good to have five so there would be alternates. She asked if there were any recommendations for Board of Adjustment and are we going to have a Planning Commission? Bench quotes have been obtained and she was curious if everyone felt the need to keep the amount of benches at the Memorial Park and across from the Old Town Hall. There was brief discussion and the number

of benches at Memorial Park were for the branches of military, but they are definitely in bad shape. Commissioner Capriglione spoke on the importance of getting the Board of Adjustment appointed in the event someone wants to buy or rent property and may need the zoning or usage changed to accommodate their business, it could not happen and wanted to clarify if we needed three or five members. Mayor MacDonald stated she asked about this at the previous meeting. Vice Mayor Spencer agreed because of all the boards, there could be an immediate need. It is not easy because the appointees need to have training. Frank Romanowski did not receive training. Mayor MacDonald repeated that she asked about this last month and would like to get it moving because she can't get all the names herself because all the commissioners know people. Someone asked who was currently on the board. Frank Romanowski is the only member. Vice Mayor Spencer did mention it is very necessary to have a Board of Adjustment, but most land use issues have been cleaned up in the comprehensive plan to avoid having to have hearings. Mayor MacDonald said that if anyone has names for appointment to let either her or the town manager know so it can be put on the agenda for next month. Commissioner Capriglione said he would talk to Mr. Romanowski to be sure he was still interested in being on the board. Commissioner Banks noted that there should be an alternate board member. Vice Mayor Spencer said that the board has to have an odd number of members. There was brief commentary to support an alternate for a potential conflict of interest. Mayor MacDonald asked the town manager how she would like charter changes compiled because she would like to get started on that. Lists can be emailed. Vice Mayor Spencer recalled the last changes made were to clean up some ancient language, but mainly for the language about removing a magistrate as they are governor appointed. Mayor MacDonald wanted to get idea about the newsletter and getting information out to tell everyone what is going on or hearing old stories about growing up in Newport. She said that someone had given her two books on Newport and how adding snippets of history or other things you think are good to get out would be good in order to build community spirit. Vice Mayor Spencer said putting something out in the newsletter to ask about what residents may want to see would be a good idea. Commissioner Capriglione said he would like to see old pictures of the town and the history of Newport. Mayor MacDonald wants to see the holiday lighting contest come back along with Christmas and Easter events. She loves where she lives and wants to see the town's "story" out there. Commissioner Joswick wants to get involved with getting more community spirit in the town. He said Elsmere does holiday decoration contests and there are prizes.

Public Comment – Resident Frank Walker, S. Marshall Street, offered his services for Board of Adjustment. As former code officer for six years, he knows what the rules are, he knows it would be unpaid and would be willing to sit until maybe someone else with more experience is found. He said that several months ago, he asked about adding two more benches to Ella Johnson Park. He believes it would be beneficial to the moms pushing strollers, the handicapped or elderly who take advantage of the track and wanted to clarify he wanted to add to the number of benches to the park. He has a concern and is not here to knock anybody but the gutters are getting filled with debris. When he took over last April, he made sure to advise maintenance to check the drains both before and after rain to keep it functional. He has noticed that the gutter at Exxon is full as is the gutter at the railroad underpass. He sees a lot of litter and there is no reason it shouldn't get done. Vice Mayor Spencer advised that Mr. Walker's three minutes for public comment was up and that what he brought up could certainly have been shared with the town manager at any point during the month and that it did not have to wait for a meeting. Mr. Walker made one more comment about replacing the trees and making sure the town reaches out to the affected neighbors to be sure that the trees get watered. Mayor MacDonald said what we were talking about was not replacing trees but filling in the holes where trees used to be – bricks are falling in. Vice Mayor Spencer said that it would be nice if a scout troop could take it on as a project to be fully committed to it. The

state did advise what kind of trees could go there when the project was completed 15 years ago. The problem with replanting trees are the condition of the bricks on the sidewalk – they have settled, some are cracked. At this point, sidewalk cannot be utilized as a sidewalk without having to dodge a hole. Solicitor Griffiths stated that in talking about the Board of Adjustment and Mr. Walker being interested in serving, there may be a prohibition on former officials serving on a committee and there being a time limit even though the position is unpaid and it could be something that is visited upon changes to the charter. Kevin Haigh, S. Augustine Street, wanted to be sure that the building being built by Richard Piendak had enough parking. The building plans were approved with no variances needed.

New Business – Resolution 2022-001 by title - A resolution to amend the 2022 Newport Annual Revenue and Operating Budget. Mayor MacDonald read the resolution out loud. Briefly, the 2022 general operating budget was approved with income of \$50,000 coming from American Rescue Plan funds and per final rule, you cannot deposit ARPA funds into your general operating budget as revenue replacement. The town can, however, pay for general fund expenses with ARPA funds, so from an accounting standpoint, the income had to be removed as well as adjusting expenses for \$50,000 as an offset. Commissioner Capriglione made a motion to accept the resolution. Vice Mayor Spencer seconded. There were no questions. Roll call vote – all ayes.

Vice Mayor Spencer made motion to go into Executive Session for ongoing litigation. Commissioner Banks seconded. All ayes.

Meeting adjourned to Executive Session at 7:50 pm.

Meeting back into Regular Session at 8:31 pm.

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

Meeting adjourned at 8:32 pm.