

Regular Meeting of the Mayor and Commissioners
Town of Newport
Rescheduled from December 15, 2022
December 29, 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. Also in attendance - Chief Mark Wohner, Town Manager Wendy King. Commissioner John Joswick was absent. Solicitor N. Christopher Griffiths was absent, but his associate Ben Foreman sat in his place.

Minutes from the November 17, 2022, meeting were approved via motion from Vice Mayor Spencer and seconded by Commissioner Banks. All ayes.

Town Manager's Report: Newport to Newark Trail steering committee introductory meeting. This steering committee will initiate a feasibility study for a pathway to connect Newport to Newark. Newport Monitoring Committee meeting. Coat parade at Richey School to deliver coats to students through the DE Kids Fund and Operation Warm Newport fundraiser. Treasury Direct account. Streetscape lighting quotes are still pending. Town Manager King would like to forego the bid process and explained that the bid we have from Tusi Electric broken out would not have to be bid out based on the dollar amount. Tusi is located in town and has done work for the town, most recently the lighting work at the boat ramp. Vice Mayor Spencer had no issue with that as long as the other companies were notified that the bid period was closed and that we should not have to hold out waiting for the other companies to submit their bids. The separate bank accounts were established for the Community Reinvestment funds, task force funds, and construction escrow funds. \$40,000 was transferred to the Capital account and \$45,000 was transferred into General from Police Pension. Stanton-Newport Little League has asked to utilize the Old Town Hall for their monthly meetings and board meetings. Their meeting schedule is posted on the bulletin board outside of the Old Town Hall. Business license ordinance information was included in the packet. Discussion will be tabled. Payroll-related budget items were over in November because there were three pay periods. Trash can deployment will occur in the new year.

Police Chief's Report: Department statistics for November, 2022. He has limited staff because of a military deployment and the leave of an officer surrounding the shooting that occurred a few weeks prior. There is an opening posted since the next police academy cycles will occur in the spring. The current recruit in the academy will graduate in March. Mayor MacDonald asked how long the new officer would be in training. There will be 12 weeks of field training. He advised that due to our staffing issues, the state police is currently covering the town between the hours of 11:00 pm and 7:00 am. They will be handling complaints. The state police are also short-staffed as they had an entire shift involved. Commissioner Capriglione said that the investigation could go on for six months. Chief Wohner said that he was going to confer with the town manager and solicitor about contacting the insurance company to see if they required a letter or if the results of the investigation would be enough to allow a "return to work" scenario. Commissioner Capriglione said he remembers that a similar situation involving two former officers and how they were brought back almost immediately because he could not wait the six months to a year for a completed investigation at that time. Chief

Wohner said that the incident involving the Dewey officer has been almost a year and that officer is not back to work yet and their insurance carriers will only accept a letter for the AG's office.

Aldeman's Report: \$28,069 in fines collected.

Maintenance Reports: Submitted without questions.

Solicitor's Report: Ben Foreman on behalf of Chris Griffiths. Letter was submitted to the auditor, drafted new business license ordinance and dealt with a few police department matters.

Commissioners: Vice Mayor Spencer noted the Pearl Harbor Day event took place and that the current mayor was not invited to speak. He felt the organizer should have invited her to do the introductions as he had done in the past. Mayor MacDonald noted that the Navy flag was missing and the American flag was not in good shape. Commissioner Capriglione agreed that the organizer should be made aware of the current town officials and she should let the town manager know who she plans on having speak. The table agreed that the town should be made aware of the agenda/program.**

Mayor: Pearl Harbor ceremony – there weren't as many people from DMA in attendance, but it was nice. Meeting with Senator Mantzavinos, along with the vice mayor, town manager, and police chief, to discuss needs of the town and upcoming projects. Chief Wohner discovered that the \$30,000 in the bond bill earmarked for the town was actually awarded to DNREC so Senator Mantzavinos was going to provide a contact at DNREC to straighten it out. Attended Newport Monitoring Committee meeting. Had a meeting with Harvey Hanna and Associates and discussed Downtown Development District. She asked if anyone had read up on it and she said that she reviewed the application online and it was 325 pages. The town's comprehensive plan is pretty much aligned with DDD goals, but there is obviously more that needs to be done. There are 15 spaces to be a DDD community and 12 spaces are filled. Commissioner Capriglione asked if there would be meetings scheduled to begin the comprehensive plan update process. The update is due in 2024 and a few people will need to be appointed. Vice Mayor Spencer said that the area needing the most attention for this update is the industrial park because everything else has been up-zoned. The two parcels next to Fred Freibott's law office need to be addressed, but there is no sense of urgency at this time. Commissioner Capriglione asked if the state annexation laws have changed. If they were, they will be addressed during the update.

Public Comment – Thomas Harvey, Harvey Hanna and Associates, was there to speak on the DDD program which would help with economic development and redevelopment with mixed use zoning. They are hoping that council would entertain a motion to explore completing an application that Harvey Hanna would be happy to underwrite the cost of and for having Rick Ferrell, a consultant, assist with the application process. Mayor MacDonald is supportive of the opportunities it will afford. Vice Mayor Spencer said that since 2014, the process has been streamlined so it is not so cumbersome for a town our size. Seaford has done a nice job in that there are people dedicated to economic development there. It would be a benefit to us. Mayor MacDonald made a motion to authorize the town to prepare an application for Downtown Development District designation, prepared by Rick Ferrell, underwritten in full by Harvey Hanna and Associates for possible submission by the town to the State of Delaware in 2023. Vice Mayor seconded. Commissioner Capriglione asked if it would be a conflict of interest that Harvey Hanna would be paying for the application while they are property owners

planning to develop. He supports the motion but wanted to be sure there was no conflict. Solicitor Foreman did not know the answer because he is not familiar with the DDD. Commissioner Capriglione was willing to go forward with the motion and have the town manager confer with the solicitor to verify if there is a conflict. Vice Mayor Spencer asked if any other towns were in this public/private partnership. Mr. Ferrell said that the town is the applicant, not the developer. It was clarified that all the town would be receiving is assistance in completing the application. All ayes.

FY2023 General Operating Budget. Second Reading/Public Hearing. There were no changes to the overall line items/total budget. \$1,545,870.00 income/expenses. Tax rate would remain the same at \$1.2318 of assessed value. Premium pay was proposed for the employees, totaling \$24,000 in ARPA funding. Vice Mayor Spencer made a motion to accept Resolution 2022-004. Commissioner Banks seconded. Mayor MacDonald asked about the premium pay and it is for employees on the payroll – not for those who left at any point. Commissioner Capriglione commented about the towing situation and said that Elsmere was getting \$125 per vehicle and New Castle City did as well. Chief Wohner said he spoke to Chief McCabe and they had not been paid by their tow company for several months and they were getting out of that game. Roll call vote – all ayes. Second Motion to include premium pay – Vice Mayor Spencer; seconded by Mayor MacDonald. All ayes.

The business license ordinance was tabled. The fee schedule was updated to reflect the current fees. Solicitor Foreman provided a snapshot. The main body was an ordinance passed in 1985 and amended three or four times with the last update occurring in 2004. Some of the language was superfluous and a lot of the business categories were no longer applicable. The overall purpose of the update is to make it more efficient and changed the way penalties would be assessed. Enforcement provisions were updated and the scope was expanded to benefit the town. Chief Wohner added that the fine scale was updated to allow JP court to hear the cases. The previous fees allowed Court of Common Pleas to hear the cases which meant our solicitor would have to appear to defend these cases or the Attorney General's office would have to prosecute the cases which they would not. Commissioner Capriglione asked about Richey School being named specifically in exclusions and if the firehouse needed to be named. The purpose of that was to distinguish the elementary school from any of the few training academies we have located in town. Previous language would have exempted those businesses since they would be considered "educational institutions." Same goes for non-profits. Commissioner Capriglione asked what was charged if a business opened up at the end of the year. It's prorated to half after September 1. He asked if the businesses filled out the mercantile form. We still have them on file and the new businesses will get a form when they receive their mailing in February.

Vice Mayor made a motion to adjourn; Commissioner Banks seconded.

Meeting adjourned at 7:41 pm.

***At the January 19, 2023, meeting, there was a motion to strike some content surrounding the Pearl Harbor Ceremony. Motion will be memorialized in January, 2023, minutes.*