

Town of Newport  
Regular Meeting of the Mayor and Commissioners  
November 16, 2023

Pledge of Allegiance.

Mayor Michael Spencer 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 Michael Spencer, Vice Mayor Michele MacDonald, Commissioner Stephanie Banks, Commissioner Michael Capriglione, Commissioner John Joswick, Town Manager Wendy King, Police Chief Mark Wohner and Solicitor Benjamin Forman.

Minutes from the September 21, 2023, meeting were finally able to be approved via motion from Commissioner Capriglione; seconded by Vice Mayor MacDonald. October 19, 2023, meeting minutes were approved via motion by Commissioner Capriglione; seconded by Commissioner Banks. All Ayes.

Town Manager's Report – Newport Monitoring Committee meeting will be held on December 7, 2023, from 4:00 pm to 6:00 pm at the Old Town Hall. Vice Mayor MacDonald sent her incentive suggestions for the DDD application to the town manager – business license fee waiver for a year, transfer tax waiver for first time homebuyers, façade improvement grants, architectural expense reimbursement grants \$5,000 or less and business revitalization property tax reduction program. Some will affect our revenue, so we should be looking at incentives that will have little impact on our revenue such as a reduction in license fees, not fully waiving them, and fast-tracking review and permitting process. Façade improvement grants can initially be funded by ARPA but then inviting larger businesses to sponsor some funding for businesses in the DDD boundary to enhance their dated façades. Solicitor Forman worked on the body of the impact fee ordinance and a copy was provided to council for their review prior to the introduction. Fees need to be established. DE Kids Fund Campout for Coats will be 11/17/2023 starting at 5:00 pm. Introduction of the name change to Sam's Kids will be announced at 6:30 pm. Proposed FY2024 budget will be introduced. Thanksgiving office closings.

Police Chief's Report – Monthly department statistics for October, 2023. Present staffing is four men. Complaint numbers were 164 and most of those required lengthy investigations and that affected some of the other numbers. There is an applicant for the one vacancy and if it works out, the position will be filled by mid-December. He attended Richey School's PTO meeting because the Office of Highway Safety was there discussing the change in the child restraint law. During that meeting, some of the upcoming events were discussed, such as a Bingo night for the kids at the end of the month. Newport PD offered a "Ride to School with a Police Officer" prize where an officer would pick the child up at their home and drive them to school. Commissioner Capriglione asked what changes were to the child restraint law. It changes the time in which a child would be in the seat and makes a first offense a referral to the fitting station at the DMV in New Castle where they would be given or provided at low cost a child restraint. *(Effective 6/30/2024, children under 2 and 30 pounds will be required to be in a rear-facing car seat. Children under 4 and 40 lbs will be required to be in a harnessed car seat. Children in booster seats will remain in a booster seat until they have reached maximum height/weight per the seat's manufacturer requirements. First offense is DMV referral. Second offense is \$25 fine plus court costs.)*

Alderman's Report - \$16,392 in court collections for October, 2023.

Maintenance Reports/Code Enforcement – no questions.

Solicitor's Report – Impact fee ordinance. Body is put together. Fees should be reasonable and justified. He accepted a position with the Department of Justice and will be stepping down December 1, 2023. He said that it was honor to serve the town and said that since joining the firm two years ago, serving Newport was his favorite assignment. Vice Mayor MacDonald asked what “LOS” stood for within the body of the impact fee ordinance. It means “Level of Service.”

Commissioners – No questions or comments.

Mayor – He met with Andrew Cutone, Adesis, who was interested in possibly bringing a hydrogen-producing facility. He met with Sun Chemical but it will not be viable because 10 acres of land would be needed. There is more land owned by duPont. Comprehensive Plan Update Committee met and there should be a draft ready for council and the public in February as they plan to finish up in January. After that, it will go to PLUS in March or April. Charter changes will be looked at in the beginning of 2024.

Public Comment – Alicia Battaglino, owner of 4 Copper Drive, said that the owner of 400 Water Street, Delaware Metals, has been doing development on their property. She is concerned about water damage coming from that development. She asked a number of technical questions and Mayor Spencer said that council could not answer those questions. *1. How did the engineer calculate the square feet of water displacement in reference to the dry basin removal on the property of 400 Water Street. Ms. Battaglino claims that her properties drained to that dry basin. 2. How was it determined by the engineer that no additional harm would come to 4 Copper Drive? 3. NCC Conservation was to start work mitigating water damage and claims that Delaware Metals is blocking ingress and egress. 4. How does the town oversee development and permitting as she claims there have been things happening on her property that she did not approve. 5. How does DE-0044 affect building permits since everyone on Copper is in that landfill area and claims that there are deed restrictions but does not know what they are yet. She discovered that because she was looking to uncover her monuments. 6. How does that impact surface/ground water when development is being done. 7. How can the town help to ensure protections from development and reducing hazards for drainage and other items.*

Introduction and First Reading of FY2024 General Operating Budget. Overall budget increase from 2023 to 2024 is \$75,330. There is a proposed salary increase of 3% for the employees not including the town manager. Significant increases from insurance, both liability and workers compensation, in addition to other increases to electricity and landfill fees contributed to the increase in expenses. There will be no tax increase. On the income side, the real estate market is still strong in our area. There is hope that development will begin in the downtown area and permit fees were estimated based on that. There will be funding coming from the state police to reimburse the town for the officer who left us to join them. Decrease in monopoly income is noted due to removal of a Sprint space – they occupied two spots but now they have one. Changes were noted and reviewed with council in the proposal document they received. Proposed budget totals \$1,621,200. Mayor Spencer asked about the monopoly situation and asked if they were paying per box or location. They were paying per box/equipment. They sent a letter giving 30 days' notice in January, 2023, advising that they would be removing equipment from the one spot. They followed their original agreement that allowed them to modify their lease with proper notice. Vice Mayor MacDonald asked if there was space for another carrier to locate in that vacant spot. It is open, but the issue is that we have all major carriers on the monopoly – T-Mobile/Sprint, AT&T and Verizon Wireless. There was interest several years ago by Cricket but they changed their minds. Additionally, the smaller carriers are being bought out by the larger ones. Commissioner Capriglione mentioned that the smaller carriers like Consumer Cellular are signing contracts with the larger providers for service. Chief Wohner said he would reach out to Delmarva

Communications. Dave Tiberi may also know who to contact. Vice Mayor MacDonald asked if there was a contingency plan in place in case the development does not happen. There is ARPA funding that would cover the town for a year if a deficit in the budget occurred. That money is available to spend through 2026. She noted that there were payroll increases for all staff except the town manager. The town manager is satisfied with her salary for the coming year. There was some discussion and some commissioners did not agree, but there could be room for a year-end bonus or some vacation time buy-back. Commissioner Capriglione made a motion to accept the first reading of the FY2024 General Operating Budget. Commissioner Banks seconded. Roll call vote – all Ayes.

There was no more business to come before the board. Mayor Spencer made a motion to adjourn. Commissioner Banks seconded. All Ayes.

Meeting adjourned at 7:31 pm.