

Town of Newport
Regular Meeting of the Mayor and Commissioners
December 21, 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 Michael Capriglione, Commissioner John Joswick, Town Manager Wendy King, Police Chief Mark Wohner and Solicitor Max Walton.

Chief Wohner introduced the new officer, Robert Carrasco. He comes to us from Middletown Police Department. He has 21 years of service.

Minutes from the meeting of November 16, 2023. Commissioner Capriglione made a motion to accept the minutes. Mayor Spencer seconded the motion. All Ayes.

Town Manager's Report – She attended the Newport Monitoring Committee meeting hosted by Wilmapco and has the PowerPoint presentation if anyone is interested. She reviewed some updates from DART, DelDOT, Newport River Trail, and train stop. She responded to five FOIA requests in relation to a drainage issue all but one was denied because the applicant asked questions and asked for records that do not exist, neither of which is appropriate under FOIA. HB266 seeks to amend the terms of the County Municipal/Firefighters Pension Plan in that it will allow additional working hours to be used in calculating pension (i.e. overtime). FY2024 General Operating Budget Public Hearing and Adoption will take place at the meeting. Introduction of the 2024-001 Impact Fee ordinance will take place at the meeting. She attended the Pearl Harbor Day celebration on December 7. There was a ceremony at 7:30 as well. Delaware Archives picked up the Oliver Evans historical marker that had been damaged in an accident. They will repair/replace the sign. All payroll-related expenses are over because there were three pay periods in November. Statewide Benefits Office sent notification that the plan has an anticipated deficit for the 2025 plan year and they will be putting out premium adjustments by March, 2024, in response. Holiday closures and trash pickup schedule was noted. Mayor Spencer asked if leaves were still being collected. The machine was down the past two weeks, but it was repaired and they were picked up on December 20 and 21.

Police Chief's Report – Department statistics for November, 2023.

Alderman's Report – Court fines collected - \$14,594 for November, 2023.

Maintenance Reports and Code Enforcement reports were submitted with no questions.

Solicitor's Report – Max Walton introduced himself to those who did not know him and will be sitting in until a permanent placement can be made. Mayor Spencer noted that Solicitor Walton was an expert at FOIA and land use issues and has given workshops and seminars through the Institute of Public Administration. He has been on staff at the University of Delaware's IPA for 20 years and does all of the continuing education legal work for municipalities.

Commissioners – No comments or questions.

Mayor – He and the town manager took a phone call with the county about the bike trail. They had questions related to the resurfacing of Water Street. There was discussion about parking, curbing and eventual plans to connect to Newark and Route 52. Final designs are not complete yet. Lunch meeting with Sun Chemical. They want to be involved in the community and he gave them information about Donate Delaware and Sam’s Kids. They asked about the churches and with that, both churches would need to be supported. Email from Ryan Kennedy advising of an event at Penn Cinema’s showing of the first Rocky movie and all proceeds will benefit Donate Delaware.

Public Comment – Alicia Battaglino, owner of 4 Copper Drive, read a statement and asked about enforcement of ordinances for 400 Water Street and how to communicate her concerns to town officials. Water encroachment, front fence in front yard and in 50-foot road easement and parking in the 50-foot road easement as shown from pictures from a private investigator. Mayor Spencer advised that the town would not involve itself in her dispute with her neighbor and the town’s inability to answer the technical questions put forth on her FOIA requests. If she had a specific question about a specific ordinance, she could call with said question. His concern is that someone from the outside is providing her bad information to bring before the town and he is aware that Representative Cooke and Senator Lochman are trying to improve her situation. Solicitor Walton advised that time was up and that there should not be the “back and forth” between her and the table. She is trying to figure out who to speak to. There was additional conversation about not going through FOIA because FOIA is for documents and not for answering questions. Solicitor Walton pointed out that this conversation was at five minutes. Specific questions in regard to specific ordinance violations can be brought to the attention of the town manager because presenting several questions at each meeting is not effective.

New Business – Ordinance 2024-001 An Ordinance Establishing the Implementation of Impact Fees for New Construction Within Town Limits to Ensure Sustainable Growth and the Preservation of Community Infrastructure and Services. Solicitor Walton reminded council that it could not impose a tax unless specifically indicated in the town’s charter. If a fee is too high, it becomes revenue-raising, or a tax. The amounts have to be justified. The town manager’s goal is to maintain the town’s service level as the town is growing and development is imminent. There was discussion about the narrowing of the categories. Commissioner Capriglione made motion to table the ordinance/ 1st reading. Vice Mayor MacDonald seconded the motion. All ayes.

Old Business – Second Reading/Adoption of FY2024 General Operating Budget. Vice Mayor MacDonald confirmed with the town manager that there was ARPA funding available because there are some line items like liability insurance that have seen increases. Commissioner Capriglione noted the overall increase from 2023 was roughly \$75,000. Mayor Spencer said the expenses were not underestimated. Over the past several years, the expense budget has come under budget and that is the goal. Commissioner Capriglione made a motion to adopt FY2024 General Operating Budget through Resolution 2023-002. Mayor Spencer seconded and opened for public comment. There was no public comment. There were no questions from the commissioners. Roll call vote – all Ayes with Commissioner Banks not in attendance. Commissioner Capriglione thought the next newsletter should include a writeup about the budget being balanced with no tax increase or fee increase.

Vice Mayor MacDonald made a motion to adjourn the meeting. Commissioner Capriglione seconded the motion.

Meeting adjourned at 7:35 pm.

