

Town of Newport
Regular Meeting of the Mayor and Commissioners
March 20, 2025

Pledge of Allegiance.

Mayor Stephanie Banks 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 Stephanie Banks, Vice Mayor Michele MacDonald. Commissioner Michael Capriglione, Commissioner Tim Chatburn, Commissioner Lisa Spencer, Town Manager Wendy King, Police Chief Mark Wohner. Solicitor Max Walton was absent and Josiah Wolcott sat in for him.

Minutes from the February 20, 2025, meeting were approved via motion from Vice Mayor MacDonald and seconded by Commissioner Spencer. All Ayes.

Town Manager's Report – A Resolution was prepared to modify the tax status of the Newport Masonic Hall to non-exempt and an Ordinance was prepared to modify the noise ordinance to allow residential trash collection to begin no earlier than 7:00 am in all residential districts. There will be no municipal election as there were three open seats and three intentions to run were received. Stephanie Banks, Michael Capriglione and Michele MacDonald will be sworn in at April's Reorganization meeting. Air Liquide was interested in putting a storage warehouse on an old parking area and needs a variance hearing. The comprehensive plan went before PLUS in late February and it received a lukewarm response. There were some certification issues and comments from agencies that need to be addressed. Formal comments will be sent to the town manager before the end of March. Pre-construction meeting was held with DePaul and Company and Remington Vernick and a pre-construction walk-through is scheduled for the beginning of April. The project should start by mid-April and will be lasting approximately 60 calendar days. A door hanger will be dropped prior to the start of the project and the information will be placed online. Chief Wohner and Town Manager King attended the Newport Monitoring Committee meeting. There were no major updates but the NEPA study for the train stop is supposedly going to begin late Spring or early Summer. NPDES annual meeting was held with DelDOT, NCC and the other co-permittees for the stormwater permit. Spring Cleanup has been scheduled for April 19. Badger Electric proposal was submitted to DelDOT for approval and there has been no response. There was an inquiry about turning 15 N. John Street into a sober-living home. Flashing beacon lights on Water Street for Air Liquide should be discussed further. We will be getting a red-light camera westbound Route 4 at Marshall and Justis Streets that should be completed by the end of the year. Chief Wohner accepted a donation for the police department from Sun Chemical for \$800. They expressed their ongoing appreciation for the support of the police department. Commissioner Capriglione asked what the state was lukewarm about regarding the comprehensive plan. DNREC had the most comments and they did comment that items like brownfields and migrating birds were not addressed. The committee will need to meet again to address issues can be addressed to satisfy the state. Vice Mayor MacDonald asked who was doing the construction walk-through and it will be the town manager, maintenance, the contractor and engineer. She also wanted to confirm the location of the red-light camera. It will be at Justis and Marshall Streets.

Police Chief's Report – Department statistics for February, 2025. There was a robbery at the 7-11 where there was an apprehension and an arrest and a fatality occurred at the Exxon where there was a shooting and an arrest was made. He and Town Manager King are discussing cameras and license plate readers (LPRs) in the downtown area. He believes 90% exit town by going up the ramp to 141 so that

would be a primary location depending on funds. He has been in contact with a company named Flock who is associated with Axon who manufactures the body worn cameras and tasers we use. Ultimately integrating everything together is the goal where there would not be data pulled from numerous systems. We want to be able to go to one spot and would also want to have the ability to ingest 3rd party exterior videos. He would want to look in and around the streets and to get common areas. Mayor Banks asked if he contacted Emergency Response Protocol. Chief Wohner did not because that system is all the same. He wants to be able to take a camera from Exxon, a camera from 7-11 and a camera from Dom's and tie them all together instead of having to go around and ask for a copy of video footage. He will see if they do a system like that. Global companies tend to manufacture those types of systems because the need may not be there on a local level. The first Police Accountability Committee (PAC) meeting was held in February. It went well. There was second meeting because there are 20 hours of training that is required. PACs are mandated by law and Elsmere is having difficulty standing one up. They keep getting people but they cannot keep people. At this time, there are only two members for Elsmere and they have asked to join Newport's PAC and Chief Wohner came to council to ask if that was something they would support. There is very little difference between Elsmere's policy and Newport's policy because both agencies use Lexipol which is a national company that provides policy to departments large and small nationwide. Vice Mayor MacDonald asked if Chief Wohner could identify any drawbacks. He does not see any drawback. Most policies are written for best practice so he did not think that will be an issue. Commissioner Capriglione had doubts since we are two separate towns. Chief Wohner reviewed the members of his PAC and the two members of Elsmere's. He was not sure what joining the two PACs would look like – would there be a Memorandum of Understanding? The PAC does not have any investigatory power. Chief Wohner described what would happen if there was an inquiry or complaint as in general policy. Ultimately, council was supportive of the merge. Michael Spencer, former Mayor, was familiar with this and shared that the state was encouraging the smaller towns to combine their resources since it may be difficult to find five volunteers willing to serve on this committee. Commissioner Chatburn asked why the homicide was not documented in the report and that was because the state made the arrest. Vice Mayor MacDonald asked about if ARPA funds could be used. Yes, for the first year. We would need funding going forward.

Alderman's Report – Court collections – \$17,888 for February, 2025.

Maintenance Reports – Submitted. Mayor Banks asked if the equipment was still going to be removed from Ella Johnson. When the weather breaks, it will be removed.

Town Solicitor's Report – No report.

Commissioners – Commissioner Capriglione commented on the condition of the town and how he felt embarrassed at a bathtub sitting on a lawn. There were three empty beer boxes on James Street and why couldn't maintenance pick that up. He saw broken windows. The boat ramp and Ella Johnson Park looked decent.

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Mayor's Report – Mayor Banks asked about the barrier between the back of the homes on W. Ayre Street and Gutter Guys. She wanted to know if they were obligated to put the tarp back up. Our maintenance supervisor has asked on three separate occasions to have them replace the tarp. The fallen tarp is on the inside of the residents' fences in the backyard. She said she does not enjoy her road anymore. Commissioner Capriglione said that she needed to protect her property.

Public Comment – Kevin Haigh, Augustine Street, walks the town and picks up screws, nails, etc., and Ayre Street is among the worst. He has a bucket full of things he collects. He does not notice town roads being cleaned and suggested that maintenance keep track of residents doing projects such as roofs and be sure nothing is left in the road. He also said that there are lots of stones where DelDOT did the ADA curbing and blacktop and felt that the residents should not be responsible for sidewalk cleanup. Commissioner Capriglione commented that a storm drain was clogged at Walnut and Christian Streets.

Jordan Seemans introduced himself and noted he just joined Harvey Hanna and Associates as the Manager of Government Affairs and Community Relations. He gave a brief history of himself and has tremendous pride in Marshallton where he grew up and Newport. He was in the Treasurer's office, served under Governor Carney, working with Robert Gilligan and Representative Kim Williams. He looks forward to working with the town.

Mike Spencer, former Mayor, gave a little history of the issue with the comprehensive plan. He and the town manager went to Dover in May, 2024 to what they thought was the PLUS because it was all the same agencies who commented on the actual plus – DNREC, DelDOT, etc., and it went well and was easy, just as it had been before and then the town manager was notified in December that it wasn't actually the PLUS, but a review in change of zoning. There was a transition of new people at the state planning office but he is confident that the comments can be addressed without issue.

New Business – Resolution 2025-001 – To grant a not-for-profit exemption for real property taxes for the Newport Masonic Hall. Commissioner Capriglione asked Solicitor Wolcott if the exemption would stay if the business operated differently. What the town is doing is confirming that New Castle County has given the exemption. Solicitor Wolcott said that he did not know the county's oversight process is, but he believes it would revert if the circumstances changed. Commissioner Capriglione had no issue with the request and made a motion to adopt Resolution 2025-001 by title. The resolution title had the word "home" instead of "hall", so Commissioner Capriglione made a motion to amend his motion to substitute the word "home" for "hall." Vice Mayor MacDonald seconded. All Ayes. Town Manager King made sure to express to the Masonic Hall representative that this exemption was to be 2025 moving forward and that it was not a forgiveness for the outstanding balance. Ordinance 2025-001 to amend Ordinance 404 Noise Ordinance. Mayor Banks read the ordinance. Section 5 of Ordinance 404 will be amended to read that refuse collection cannot occur in any residential zone prior to 7:00 am. Vice Mayor MacDonald commented that the town's trash is being picked up around 6:10 am and that has been since they changed the pickup date to Tuesday. She was concerned that passing this ordinance would negatively affect the town's relationship with Waste Management. Waste Management is not the same trash company as the hauler for the apartments, but they will have to comply. There does not have to be a motion to accept the first reading as it's on the record. Next month will be the second reading and public hearing then a motion to accept the second reading and adopt. Mayor Banks was going to appoint Michael Spencer to the Board of Adjustment but it was not on the agenda under New Business so to avoid a potential FOIA violation, it will be postponed until next month where it will be noted on the agenda under New Business.

There was no Old Business.

Commissioner Capriglione made a motion to adjourn the meeting. Commissioner Banks seconded. All Ayes.

Meeting adjourned at 7:56 pm.

