

New Castle City Board of Elections
Minutes
June 28, 2023 – 6:00 p.m.
1 Municipal Boulevard

Members Present: Marianne Caven, Chair
Rodney Pratt
Carolyn Travers

Absent: Connie Reese

Also Present: Diane Delgado, City Absentee Ballot Clerk

Ms. Caven called the meeting to order at 6:01 pm. Roll call followed and a quorum to conduct business was declared.

Ms. Caven noted that one seat on the Board is currently vacant, Susan Hager having resigned from the Board, and Ms. Reese was unavailable for the meeting.

Minutes

A motion was made to table review and vote of the minutes of the May 25, 2023, Board of Elections meeting. The motion was seconded and unanimously carried.

General Discussion of 2023 Special Election Needs and Procedures

Ms. Caven reported that:

- All questions regarding the April election have been answered.
- Applications are complete with the County and the Senior Center for the upcoming election on August 5th.
- Poll workers are on board; however three or four additional poll workers are needed. All poll workers must attend the Training in July. Ms. Caven stated that additional poll workers should be in place by the middle of the week of July 3rd.
- Three voting machines have been ordered.
- There are four candidates on the Ballot.
- Hours for voting will be 8:00 a.m. until 6:00 p.m. Everyone in line at 6:00 p.m. will be entitled to vote.
- Poll workers will be in attendance from 7:00 a.m. until the results are unofficially shared after the polls close.
- Mr. Pratt will follow-up with the Senior Center regarding the space for voting.

Public Comment

Sally Denton – 209 East 2nd Street

Ms. Denton stated that Ms. Leary running for Mayor has clearly become a legal issue. She added that Ms. Leary should remove herself as a candidate for Mayor, stating that Ms. Leary was a sitting member of City Council when she violated her own Code of Ethics. Ms. Denton stated that all emails between Ms. Leary and Kim were done while Ms. Leary was a Councilperson. Ms. Denton stated that Ms. Leary used Ms. Burgmuller to her advantage, which is a violation of the City Code of Ethics; and the City employee is no longer with the City after 18 years. Ms. Denton further stated that Ms. Leary “lawyered up” immediately and would not cooperate with the investigation. Ms. Denton distributed a copy of the Code of Ethics and emails she received under FOIA to the Board members.

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Phil Gross – 1301 13th Street

Mr. Gross asked the Commission to have a hearing and publish results to not allow Ms. Leary to run in the Special Election. Mr. Gross stated that the Bylaws clearly state that when you file for election for another position within the City you step down; adding that not only did Ms. Leary not step down, but that she used her City Council email address for whatever she was doing, which was clearly against the law stated in the City of New Castle. Mr. Gross asserted that if the Board allows this to go on it will have lost the respect of the City and the Board is nothing.

Mr. Gross stated that he will allow the Board of Elections to make the decision before he files before the Delaware Public Integrity Commission (DPIC). He stated that he has already contacted the DPIC and they are very interested in what the City does in regard to Ms. Leary, as is the Division of Civil Rights and Public Trust (DCRPT). Mr. Gross stated that he will go as far as getting an attorney to fight this matter. He asked that the Board make a ruling and postpone the special election until the results are found. He reiterated that if the Board chooses not to act, he will proceed with contacting outside governmental entities in the hope that they would stay the election.

Mr. Gross stated that Ms. Burgmuller was put in a position by Ms. Leary that she did not deserve, whether by friendship, intimidation or by Ms. Leary using her position; and any of those would get her disqualified from running immediately. He asked why someone would “lawyer-up” if they had nothing to hide or didn’t feel like disclosing the truth. Mr. Gross stated he looked at the FOIA requests and three signatures match, and one is clearly a forgery and that was forwarded to both the DPIC and the DCRPT; adding that now there is an actual criminal act on the part of either Ms. Leary or Ms. Burgmuller.

There being no further comments from the floor, Ms. Caven closed the Public Comment period.

Ms. Caven stated that she received the documents provided by Mr. Gross and Ms. Denton and the Board will take them under review and will consult with the City Attorney, and will respond in a timely fashion.

Mr. Gross offered additional comment; however Ms. Caven informed him that comments from the floor had closed.

Next Board Meeting

The next Board of Elections meeting was set for July 19th at 6:00 p.m. at the Police Station Community Room.

There being no further business to discuss, Ms. Caven called for a motion to adjourn.

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A motion to adjourn was made, seconded and unanimously carried.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer