

City of New Castle Delaware
Regular City Council Meeting
Meeting Held in Person and via Zoom
Tuesday, July 11, 2023
7:00 p.m.

Call to Order: 7:00 PM

Roll Call

Present: Council President Michael M. Platt
Councilperson Joseph F. Day
Councilperson Suzanne M. Souder
Councilperson Nermin Zubaca
Councilperson Andrew Zeltt

Also present: William J. Barthel, City Administrator
Max Walton, Esquire, City Solicitor
Richard P. McCabe, Chief of Police
Janet E. Carlin, City Treasurer

Council President Platt called the June 13, 2023, regular City Council meeting to order at 7:00 p.m. The assembly stood for the Pledge of Allegiance. A quorum to conduct business was present.

Approval of the Minutes by Date

A motion to approve the Minutes of the May 9, 2023 regular Council Meeting as presented and the June 13, 2023 regular Council Meeting as presented was made, seconded, and unanimously carried.

Approval of the Treasurer's Report

Ms. Carlin presented the unaudited Treasurer's Report as of April 30, 2023:

Total unrestricted funds	\$ 8,723,284.15
Total restricted funds	1,980,345.51
Total cash	\$10,703,629.66

Relative to when tax bills will be sent, Ms. Carlin stated that the file from the County has not yet been received by the City; however, the file is expected shortly.

A motion to approve the Unaudited Treasurer's Report as of April 30, 2023, as presented was made, seconded and unanimously carried.

Reports from the City Administrator and Staff

Report from the City Administrator:

State Funding – Mr. Barthel reported that Senator Poore informed him that the City received \$765,000 from the State for various street projects.

City Clerk – Mr. Barthel stated that he will be recommending Courtenay Taylor to the position of City Clerk and will present a Resolution to Council at the August meeting.

Signage – Regarding Councilperson Zeltt’s request to have signs at the Delaware Street and 6th Street intersection removed, Mr. Barthel reported that he was informed by DelDOT that they have requested Federal funding to pave that intersection, and as part of that request, those signs and the project will be terminated once the funds are received or the project is completed.

Report from Chief McCabe

Chief McCabe reported on the following:

- In regard to the recent robberies in the Airport Plaza area, two individuals were arrested and charged with two counts of robbery. They were also linked to other robberies in the surrounding areas.
- Chief McCabe and Mr. Barthel met with DelDOT after the latest flooding incident and the City received permission to proceed with road closures as soon as authorization has been given. Equipment will be sent to the Police Department that will be kept on site to implement the closure along with the Fire Department and City Staff. Long term projects for permanent fixes that can be activated to direct traffic away from Rt. 9 were also discussed. In response to a question from Councilperson Zubaca, Chief McCabe explained that permission would be given for each incident.

In response to a question from Council President Platt, Chief McCabe explained the zero overdoses / zero administrations of Narcan in his report; noting that over the last year overdoses are down, which he attributes to civilians administering Narcan and not reporting it. Chief McCabe further opined that there is still an issue.

Council President Platt asked for an update on signage on Rt. 9. Chief McCabe stated that short-term solutions for advance notice and long-term solutions for permanent fixtures on both sides of the flooding were discussed during the meeting with DelDOT. Mr. Barthel noted that DelDOT received the Federal funding and is engineering the temporary fix. The City will be notified when that has been done. Mr. Barthel also stated his understanding that DelDOT is simultaneously engineering a permanent fix. In response to a question from Councilperson Zeltt, Mr. Barthel stated his understanding that the temporary fix did not include Ferry Cut Off. Further discussions of the recent flooding ensued.

Council Communications

Councilperson Souder had no report.

Councilperson Zeltt asked for updates on a number of matters:

Dog Park – Mr. Barthel explained that he is still waiting for an MOA or MOU from the Trustees. The last communication he had was that the Trust Attorney had drafted a Licensing Agreement; however, that has not been received by the City.

Juneteenth as a City Holiday – Mr. Barthel expressed his understanding that the advice from Solicitor Walton was to wait until closer to the timeframe of the next union negotiations. In

response to a question from Councilperson Souder, Mr. Walton stated that he would research whether a Resolution declaring June 19th as a City holiday will be necessary.

Bandstand – Mr. Barthel stated that he will have an update for Council at the August meeting.

City Office Parking Space – Chief McCabe stated that monitoring use of the parking space could be an issue and cautioned Council from creating a scenario where there is a dual purpose for the parking spot. Chief McCabe suggested that if the City requires a dedicated space the sign should remain; however, if the space is not required for official City use only, the sign should be removed. Councilperson Souder asked if the purpose of the space and how it can be used by the public could be communicated to residents.

Commissions and Boards – Councilperson Zeltt received a list of regular attendees at Commission and Board meetings, and he shared his findings of those members who regularly do not attend the meetings to which they have been appointed. At the request of Council, Mr. Barthel stated that he would review the Charter to determine if there is a process to remove an appointed member of a Board or Commission.

Councilperson Zubaca

July 4th – Councilperson Zubaca expressed his hope that everyone had an enjoyable 4th of July.

Sea Level Rise Task Force – Councilperson Zubaca extended his congratulations to Ms. Riehl and Councilperson Souder for their forward thinking in securing a grant through the Sea Level Rise Task Force.

Battery Park Playground – Playground demolition is happening, and installation of the new playground equipment should be completed within one to two months. Ms. Swift of the Playground Sub-Committee informed Councilperson Zubaca that the existing slides will be permanently removed and will not be relocated to another park. Mr. Barthel stated his understanding that because of a number of factors, including their age, the way they are installed, and the inability to dig them up and move them, it would be a lofty task and the decision was made to remove the slides entirely. The plan is to save the swings.

Councilperson Zubaca asked if an intermediate phase of the project could be added just for slides. Mr. Barthel stated that decision would be up to the Playground Sub-Committee. Councilperson Zubaca stated his concern in not having slides in the playground, noting it is one of the most used pieces of playground equipment. Council President Platt explained that the existing slides are attached to other equipment and suggested that the Playground Sub-Committee consider installing some independent slides. Mr. Barthel suggested that the Sub-Committee review the matter and have Kompan make a recommendation.

Dog Park – Councilperson Zubaca noted that he attended a recent Trustee meeting and it was stated that additional locations for the dog park have been shared with the City. Mr. Barthel stated that he has not received any information on other locations. Council President Platt permitted Ms. Terry Buchanan, Editor of The Weekly, to comment. Ms. Buchanan stated that the Trustees considered alternate locations, not additional locations, in roughly the same area.

Flooding – Councilperson Zubaca will speak with Mr. Barthel to discuss other resources the City can use to address flooding.

Councilperson Day had no report.

Business from the Council President

Council President Platt had no report.

Public Comments

Sally Denton – 209 Second Street

Ms. Denton distributed a packet to the Council. Ms. Denton stated that she did FOIA information on Valarie Leary and her unethical behavior in the last election, stating that by Council ignoring Ms. Leary's behavior and that of Kim Burgmuller, Council has ignored its Code of Conduct and has violated the trust of the citizens of New Castle. She posed three questions:

- Why did Kim Burgmuller resign after 18 years with the City?
- How much did the investigation into Valarie Leary's behavior cost the City?
- Should Valarie Leary be responsible for reimbursing the City?

Ms. Denton stated that the tax paying citizens of New Castle would like to know.

Phil Gross – 1301 13th Street

Mr. Gross stated that she [*indicating Ms. Buchanan, Editor of The Weekly*] is not fairly reporting. Council President Platt admonished Mr. Gross against making personal attacks.

Mr. Gross stated that he finds it hard to believe that Ms. Leary's campaign has been left to run this long. He stated that Ms. Leary:

- Should not be allowed to run for any City office;
- Has violated ethics rules;
- Refused to answer questions when asked by the City Solicitor;
- Worked for The Weekly as a sitting Council Member;
- Used her City Council email address after she announced her candidacy;
- Was one of those who voted to have a candidate step down when they announced their candidacy;

Mr. Gross expressed his lack of understanding that Council has not stepped in. He stated that the Delaware Public Integrity Commission has received paperwork on this issue and they will be making a different ruling from that of the City Solicitor. He added that the City should have been willing to get to the root of the matter and that a long-time City employee was terminated or given the option to step down.

Mr. Gross stated he will keep City Council informed of information he receives from the Delaware Public Integrity Commission. Mr. Gross asked that Council have the election put off until after that investigation is completed. Mr. Gross questioned the City Solicitor's merits as counsel, opining that he is not following law.

Dorsey Fiske – 26 East 3rd Street

Ms. Fiske read a prepared statement into the record regarding a recent editorial in The Weekly and claims against the Trustees.

Rod Miller – East 3rd Street

Mr. Miller stated that the flooding at Ferry Cut Off is dangerous, and asked what DeIDOT would do with that area apart from raising the road and if any of the responsibility falls on landowners. Mr. Miller stated that intersection is a prime location for a traffic light, noting that cars speed around that curve.

Ethan Quirk – 522 Harmony Street

Mr. Quirk encouraged his neighbors and those who are still concerned about election integrity to make their voices heard at the ballot box. He opined that the last thing wanted is more government involvement in the process. He also expressed his feeling that many of the attacks being made are uncalled for, sexist, and rude. He suggested that if there is an issue with someone the matter can be discussed over coffee. He reiterated that issues should be taken out at the ballot box and complaining and not voting is not productive.

Bill Emory – Baldt Avenue

Mr. Emory distributed images of the marsh to Council members, Mr. Barthel and Chief McCabe that show the difference in the tributaries from the 1980's to the present. He opined that the tributaries are contributing to the flooding at Ferry Cut Off and that State agencies have the equipment designed to navigate the swamp and carve trenches to control water runoff. He stated that the only people who can force the State to act are Council members, and the only people who can force Council to act are the residents in New Castle.

Council President Platt concurred with Mr. Emory, noting that the last time the drainage ditch was cleaned out it made a big difference regarding water on the road. Mr. Barthel noted that it was a very temporary fix and that the City does call the State regarding the issue. He added that he has been told that the marsh areas are being looked at with regard to flood mitigation. Mr. Barthel also noted that a traffic study that included putting a traffic light at Ferry Cut Off is in the works with WILMAPCO. Council President Platt encouraged the residents to contact their State Representatives as well.

Councilperson Souder noted that the Sea Level Rise Task Force was tasked with looking at mitigation for the entire City, not just The Strand; and that under the program they have been admitted into is moving forward to select an engineering firm in the fall, and one of their steps will be community meetings to gather community input to formulate the plans. She encouraged all residents to attend the meetings and speak with the engineers.

Captain David Majewski, Jr. – Good Will Fire Company

Captain Majewski thanked Council and City Staff for their generous support of the Fire Company. He stated that the program is helping them be very successful on the river. He noted that roads are never closed for their convenience, but are closed for residents' safety.

The monthly food truck fundraiser will be held Thursday, July 20th from 5:00 to 8:00 p.m.

Presentation of Proposed Fishing Pier, south of Dobbinsville, by Delaware Division of Fish and Wildlife.

Mr. John Clark, Fisheries Administrator, Division of Fish and Wildlife (DFW), and Mr. Jeremy Ashe, Construction Manager, Division of Fish and Wildlife, gave a brief overview of the proposed fishing pier south of Dobbinsville. Mr. Clark noted that many of the fishing piers along the river have been deteriorating and one of the goals of the DFW is to increase fishing access in the area. DFW has worked with the City and the Trustees for necessary easements and now a MOU or MOA is needed to clarify responsibilities. The DFW will pay for the parking lot and the fishing pier, and will ask the City to provide routine maintenance (lawn and lights, etc.). The DFW will be responsible for all major problems that may arise in the future.

Mr. Ashe described the footprint on the concept plan. The parking lot will be a paved, lighted lot approximately 120' x 120' with 37 parking spaces (including ADA accessible spaces), a portable toilet, and a paved entrance on Rt. 9. A pedestrian path will connect to the existing levy and onto the aluminum fishing pier. The pier will be approximately 320' long into the Delaware River with a 20' x 40' "T". It is expected that the pier will be supported on concrete piles similar to the pier at Woodland Beach. The pier will be ADA accessible and have lights for evening fishing.

Councilperson Souder asked if it is safe to eat fish from the river, noting that there were signs cautioning people about how and who should eat the river fish. Mr. Clark explained that the river has cleaned up and the contaminant loads have decreased significantly. The recommended criterion is one 8-oz. portion per month. He added that there are different approved contaminant load levels for recreational fish vs commercial fish you can buy at the market, noting that the commercial fish could actually have a higher contaminant load level than the river fish. He added following the DFW guidelines is recommended. Mr. Clark also noted that signage will be posted in different locations and languages.

In response to a question from Councilperson Zeltt, Mr. Ashe stated that the pathway will be ADA accessible and will go over the rocks. Councilperson Zeltt noted that other parks are closed from dusk to dawn and questioned if the City wanted lights in the parking lot. Mr. Clark explained that under Federal Aid Guidelines, any fishing access has to be open 24/7. He added that the City can have limits; however, the DFW default is that any fishing area they open is open 24/7 for active fishing. Councilperson Zeltt expressed his concerns that there will be issues at the pier. Council President Platt stated he had no issues with the parking lot being lighted and Chief McCabe concurred. In response to a question from Councilperson Zubaca, Chief McCabe recommended security cameras be installed.

In response to a question from Councilperson Day, Mr. Ashe stated that the depth of the river at low tide is approximately 4'-5' deep at the end of the pier.

Motion, discussion and possible vote on Resolution 2023-22 A Resolution supporting a proposed Fishing Pier at the "fishing beach" south of Dobbinsville on Route 9 within the City of New Castle.

City Council Regular Meeting
June 13, 2023

A motion to consider Resolution 2023-22 was made and seconded. Council President Platt read the Resolution.

Councilperson Zubaca asked for clarification of the maintenance of the pier. Council President Platt noted that the DFW would be responsible for pier maintenance and the City would be responsible for small items (lighting, etc.). Councilperson Day added that Council will be giving the City Administrator authority to negotiate with the DFW.

The motion on the floor was unanimously carried.

There being no further business to discuss, Council President Platt called for a motion to adjourn.

A motion to adjourn was made, seconded and unanimously carried and the meeting adjourned at 8:04 p.m.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer

Next Regular Meeting Date: August 8, 2023
Posted: 07/03/2023