

City of New Castle Delaware  
City Council Meeting  
Virtual Meeting via Zoom  
Monday, April 14, 2020 – 7:00 p.m.

**Call to Order: 7:00 PM**

**Roll Call**

**Present:** Council President Linda Ratchford  
Councilperson Suzanne M. Souder  
Councilperson Valarie W. Leary  
Councilperson Russell P. Smith  
Councilperson Michael M. Platt

**Also present:** Mayor Michael J. Quaranta  
William Barthel, City Administrator  
Daniel Losco, Esquire, City Solicitor  
Janet Carlin, City Treasurer  
Brian Whitaker, City Clerk  
Pam Patone, General Manager MSC  
Richard P. McCabe, Chief of Police  
David Majewski, Fire Chief

Council President Ratchford stated that the meeting was being held via remote access due to the covid-19 virus restrictions on group meetings and to ensure participants' health and safety. She went on to say that much has changed since the March 10, 2020, meeting due to the unprecedented and extreme human and economic times we are facing; however, the City will continue to provide critical services to keep residents safe and the City clean. She recognized and thanked all city and public works staff and all those who are on the front line fighting the pandemic. City Council and staff will work to get the City back to normal based on the guidelines from the State of Delaware: use cloth masks, wash your hands, cover your cough with your elbow or a tissue, and stay home if you are sick.

Council President Ratchford requested that all participants state their name and title before speaking.

**Approval of the Minutes by Date:**

February 10, 2020, Special Meeting; February 11, 2020, Regular Meeting; February 21, 2020, Special Meeting; March 10, 2020, Public Hearing; and March 10, 2020, Regular Meeting.

Councilperson Souder noted two corrections to the Minutes:

March 10 Public Hearing – Correct a redundancy under Public Comment on the motion to adjourn (*Stenographer's Note: Councilperson Souder identified the correction as being in the March 10 Special Meeting; however it was in fact the March 10 Public Hearing.*)

- Delete the sentence "After further council discussion, there was a motion and second to adjourn."

March 10 Regular Meeting – Council Communications

- Regarding the organization that ran the meeting on Climate Action Plan, change "New Castle County" to "State of Delaware."

Council President Ratchford noted a correction to the Minutes:

March 10 Regular Meeting

- It was Councilperson Souder, not Councilperson Leary who attended the Internal Meeting on Resiliency.

Councilperson Leary made a Motion to approve the Minutes as amended. The Motion was seconded.

On vote:

February 10 Special Meeting, February 11 Regular Meeting, and February 21, Special Meeting:

Council President Linda Ratchford – Aye

Councilperson Suzanne M. Souder – Aye

Councilperson Valarie W. Leary – Aye

Councilperson Russell P. Smith – Aye

Councilperson Michael M. Platt – Present, stating that he could not approve Minutes that were two months old.

The Minutes were approved with a vote of four Aye and one Present.

March 10 Special Meeting and March 10 Regular Meeting:

The Minutes were approved unanimously.

### **Approval of Treasurers Report**

Ms. Janet Carlin, City Treasurer, presented an unaudited Treasurers Report.

Total Unrestricted Funds	\$3,774,744.24
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Total Restricted Funds	\$2,610,826.27
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Total in the Account	\$6,385,570.51
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As of the March Budgeting Report the city is at 78% of the income that has been accepted, which matches 2019 at the same time.

Councilperson Souder asked if there was any impact on income or expenditures related to the pandemic, and Ms. Carlin stated that will be reviewed in the Accounts Payable Meeting.

Councilperson Platt made a Motion to approve the unaudited Treasurers Report as presented. The Motion was seconded by Councilperson Smith. The Motion was unanimously approved.

### **Report from the City Administrator**

Administrator Barthel stated that the City has been operating at almost full capacity since the beginning of the crisis, providing trash, recycling and yard waste pickup, permits, and property inspections, with the safety and health of all employees being the first and foremost consideration. The public is not allowed in City facilities, business is being conducted by phone and email, and separation and other CDC guidelines are being adhered to. In addition, the City offices at 220 Delaware Street are staffed by one employee and the space is sanitized on a regular basis in the event it is necessary for someone to enter the building.

Public Works personnel have been separated into two crews: one crew reports at 7:00 am and one crew reports at 7:30 am. They are following all CDC guidelines and sanitizing facility and vehicles. Administrator Barthel recognized and thanked Mr. George O'Neil and his staff for their diligence.

Street sweeping in the spring has been put on hold because residents will have difficulty parking their cars in other locations and to alleviate additional stress on residents.

The work on Delaware Street continues. A schedule is expected to be received shortly from Delmarva and their contractors that will indicate the next steps for MSC and the City. City Council will be notified as soon as possible if street closers are necessary.

Councilperson Platt asked if any budget overruns are anticipated and Administrator Barthel stated that there were no significant expenditures. He added that there have been some additional legal expenses as a result of the current situation, but more information will be available after the Accounts Payable meeting.

Councilperson Smith asked if any savings are expected from events that have been or will be cancelled. Administrator Barthel explained that he did not anticipate much savings for the City, noting that events are probably expense neutral since many event-related expenses are offset by income and grants.

Council President Ratchford recognized and thanked Administrator Barthel and his staff for the work they are doing.

#### **Report from the Chief of Police**

Police Chief Richard P. McCabe stated that a new directive was established for Officers following recommendations and guidelines from the CDC to create an operational procedure to balance department responsibilities to protect and serve the public while providing a level of preventive exposure for Officers. He added that the Police Station had been decontaminated prior to the shut-down, and after implementation of the policy, the building was secured. Gear and equipment is being monitored to ensure supplies do not run out. Residents have been encouraged to call the Station, and if someone does come inside, communication is done via intercom. All services are still being provided. If it is necessary to respond to a call, Officers wear masks and gloves, and conduct an at-the-door assessment before entering a residence.

Three Recruits recently graduated and staff is now at 17. The Recruits were quarantined for two-week period subsequent to graduation and are now with Training Officers focusing on areas of emergency.

Chief McCabe noted that if large groups are in the Park, Officers will make contact with the group to ensure social-distancing rules are being adhered to.

There has been a slight increase in domestic calls; however there has not been a significant rise in crime in the City.

The Police Force has secured some funds to offset the costs associated with the crisis. Councilperson Smith expressed his appreciation for the graduation ceremony for the new Recruits, despite the need for social distancing and adherence to group numbers.

Councilperson Platt congratulated the new Officers and expressed his appreciation for their service. He opined that City Council should mark a future date to formally recognize the new Officers. He expressed his disappointment that he was not officially notified of the ceremony. Chief McCabe noted that he too was disappointed that everyone could not attend the ceremony.

Councilperson Leary asked about shots fired off Foundry and in Dobbinsville and asked if they were related. Chief McCabe stated that they are still following up on the incidents; however, he did not think they were related.

Mr. Losco, City Solicitor, reminded attendees to identify themselves before speaking in order to maintain an accurate Record of the meeting.

Council President Ratchford expressed her appreciation for Chief McCabe and his Officers for maintaining service to the community.

### **Council Communications**

Councilperson Smith thanked the Team that has taken over in the emergency, noting that FOIA has restricted communications from the Council to the public. He thanked the Mayor, Council President, Police Chief, City Solicitor, and City Administrator for their assistance and work during the emergency.

Council President Ratchford thanked Fire Chief Majewski and MSC General Manager Pam Patone as well.

Councilperson Platt congratulated the graduating Police Recruits again.

Councilperson Platt met with residents of the 1100 and 1200 blocks of Wilmington Road regarding speeding vehicles and cars being hit. He noted that there is very little signage on the road, and some that is there is covered by trees.

Councilperson Platt noted that the bridge crossing the dike on the south end of Wilmington Road appears to be separating and sinking. The side rail has moved 6"; there is a gap in the road on the south side that is 4-1/2" away from the concrete; the southeast sidewalk has shifted about 4" towards the east.

Councilperson Platt opined that City Council has been left out of pertinent communications regarding the emergency and that the City Code is not being enforced. He added that the Mayor does not have the right to replace elected officials and create new positions (Assistant Treasurer and Assistant City Clerk), noting that is the authority of the Council. He referenced Chapter 28, which says: "Mayor, President of the City Council, Chairman of the Police Committee of City Council and any other Council Member ..." He added that it clearly states "group" not "and/or".

Council President Ratchford noted that Council acts as a legislative body that requires seven days' notice, which is why emergency powers are assigned to one person, and asked Mr. Losco for his input.

Councilperson Leary stated her agreement with several points made by Councilperson Platt, i.e., she has repeatedly asked for a member of Council to join the emergency team and Council has been left out completely. She added that the Charter states City Council creates any and all new positions.

Councilperson Platt referenced the Special Meeting of March 26 to extend the State of Emergency to June 30 by Ordinance that was canceled, noting that the proposed Ordinance was to have been retroactive and asked how that is possible. Council President Ratchford explained that the March 26 meeting was scheduled because it was thought immediate changes were necessary in order for the City to operate; however it became apparent that the existing Ordinance could be used. She added that Council will take

on the task of reviewing the Ordinance to see how the City sets up for emergency operations. Councilperson Smith volunteered to be part of the task force to review and draft the Ordinance.

Councilperson Platt questioned the need for an Assistant Treasurer and Assistant City Clerk. He added that Chapter 4 of the Charter states appointing new positions is the purview of the Council.

Councilperson Platt also noted several discrepancies in posting for the present meeting and questioned the use of Zoom for the meeting.

Mr. Losco made a number of points:

- Chapter 28 refers to the “Senior Elected Official” as the party to take charge in a State of Emergency. The Mayor is the first Senior Elected Official, Council President is next, etc.
- The idea behind the Ordinance is to protect public health, and the new positions were created as a precaution to ensure the City could operate without any unnecessarily virus exposure to anyone by providing an alternative if one became essential. He added that neither of the Assistants have been required to date, and may not be required.
- Pursuant to the Code, the length of the State of Emergency can be renewed for successive periods of seven days, and the City is currently on the fifth modification to extend.

Councilperson Leary noted that Council signed some Resolutions via DocuSign and asked if the Clerk is able to do that as well. Mr. Losco stated that the Clerk can, and has, signed some documents via DocuSign.

Councilperson Leary said that despite the reasoning for these actions, the Charter specifically states Council should be making these decisions. Mr. Losco stated that in ordinary times, the Council would make the decisions; however, during a State of Emergency, Chapter 28 authorizes the Senior Elected Official to take whatever steps are necessary to preserve public health. Councilperson Platt read from the Code the specific powers the Senior Elected Official has. He added that the State of Emergency renewal is for a period of seven days; however the last renewal said “for whenever”. Mr. Losco stated that until Council can take appropriate action, the Mayor had to take whatever action was necessary to preserve public health and he stands by that decision and recommendation. He added that he agrees Chapter 28 needs to be significantly revised to deal with the 21<sup>st</sup> century reality of pandemic.

Councilperson Platt asked if the Board of Health had been contacted. He added that he had repeatedly asked the Council President and the Mayor for another Council person to be on the emergency team and he was denied.

### **Business from the Mayor**

Mayor Quaranta noted that he has relied on advice from the City Solicitor on how to proceed, and that providing for the public health and safety is paramount. In doing so, he pulled together the functional leaders of the community to form a team who would speak to all the respective organizations they represent. Through discussions, decisions were made regarding areas that are particularly vulnerable to exposure. He made specific reference to Battery Park and the decision to keep it open.

According to health officials it appears we are approximately a week or so away from the peak, and hopefully look to a flattening and decline of the crisis and our economic recovery. He noted that some Federal and State aid the City has received in the past may not be available.

Mayor Quaranta stated it is his intention to suspend emergency orders and return decision making to the appropriate elected officials once the biggest part of the crisis is past.

The Mayor noted that covid-19 has hit the poultry farms, which has resulted in the poultry industry in Delaware to destroy eggs and there may be several weeks of shortages and increased prices. There may also be shortages of poultry, pork and beef, which may cause price increases.

### **Report from MSC**

Ms. Pam Patone, General Manager of MSC, thanked Council President Ratchford and Mayor Quaranta for their leadership during the crisis as well as the other members of the Emergency Team who have added their expertise. Ms. Patone reported that MSC closed its offices to the public and has broken its staff into teams to separate operations from administrative and to ensure there is expertise on each team to continue to perform necessary functions. Mutual Aid Agreements with other utilities have been reaffirmed to ensure other crews can assist with restoration of water and electric if necessary. The staff is working every day. Payments can be made via phone or online, and a box has been placed in the front of the office where payments and messages can be left. MSC will not disconnect any services due to non-payment nor will they be charging any late fees during the State of Emergency. In addition, they will be putting residents in touch with non-profit organizations to help or address their concerns. The MSC has made contributions to the New Castle Cares Fund that was set up for MSC customers in the City of New Castle to assist with their bills. All CDC guidelines are being followed. Ms. Patone also noted that the Van Dyke project will be starting shortly.

Councilperson Platt commended Ms. Patone on the job MSC is doing. He asked how many times MSC has put the emergency message out to the public, and Ms. Patone noted that one broadcast message was sent related to covid-19. She added that the Trustees asked MSC to send out a notice regarding their election.

Council President Ratchford asked Ms. Patone to share how people can sign up for messaging, and Ms. Patone explained they can contact MSC at 302-323-2330 and provide a phone number to have MSC messages sent to. When messages are sent, the recipient will be asked to acknowledge the call and the recorded message will be played. If the call is not answered, the message will be played for a recording device.

### **Report from the Fire Chief**

Fire Chief David Majewski thanked the community for their patience with the Fire Department. He reported that additional questions are being asked on all 911 callers in reference to covid-19. Responding crews use various levels of personal protective equipment (PPE) on all calls depending on the call on-scene or en route to the hospital. The fire station has been restricted to on-duty staff of between 5-8 members at one time to ensure there is sufficient staff for both an EMS and Fire crew at all times. The facility is being cleaned twice daily. A wellness check is done on every member who enters the building.

Chief Majewski thanked Mayor Quaranta, Council President Ratchford and Chief McCabe for their support in communicating with the Fire Department. They urge everyone to continue to follow CDC guidelines.

Councilperson Leary asked if on-duty staff had access to P-100 respirator masks. Chief Majewski advised the staff is using N-95 and KN-95 masks.

Councilperson Platt asked if there are any cases of covid-19 in the City. Chief Majewski stated that he is not certain and explained that the Department of Health reports an updated list of confirmed positive addresses to the dispatch center on a daily basis. If they respond to an address with a confirmed case of covid-19 the Fire Department is notified.

Councilperson Souder asked if the Fire Department is being advised on all calls if a person in the household has either tested positive or is being treated for covid-19 symptoms and Chief Majewski advised that all first responders had initially conducted doorway or phone questions; however, presently they make the assumption that everyone they come into contact with has some type of covid-19 symptoms and they have raised their precautions accordingly.

Council President Ratchford commended the Fire Department for their work and also for the Easter Bunny visit.

**Public Comment**

No emails were received from the public and no meeting attendees came forward with public comment.

**Proclamation**

**Recognizing April 24, 2020 as Arbor Day in the City of New Castle. (Mayor Quaranta - posted 04/07/2020.) Mayor Quaranta read the Proclamation.**

The Mayor recognized the importance of trees in the community and expressed his appreciation for individuals who have volunteered their time to keep the City beautiful.

**New Business:**

**Motion, Discussion and Vote on Resolution 2020-12; A Resolution Approving the Mayor's Appointment to the Planning Commission of William Walters. (Council President Ratchford – posted 04/07/2020.)**

**William Walters – Term Ending April 14, 2023**

Mayor Quaranta noted that members of the Planning Commission have expressed to him that Mr. Walters' participation is highly valued and that he recommends his reappointment to the Commission.

Councilperson Leary made a Motion to approve Resolution 2020-12 to approve the appointment to the Planning Commission of William Walters. Councilperson Smith seconded the Motion.

Council President Ratchford read the Resolution.

On vote, the Motion was unanimously approved.

Council President Ratchford extended her congratulations to Mr. Walters and Council's appreciation for his work on the Planning Commission.

**Discussion and Possible Action on City's Operational Contingencies Due to COVID19: Budgets; City Meetings; Other. (Council President Ratchford - posted 04/07/2020.)**

### **Budget**

Council President Ratchford stated that Council has the role of putting City back to a “new normal” as a legislative body and the body that makes budgetary decisions, and asked City Administrator Barthel to speak to his perspective on where the City is on this year’s budget.

Administrator Barthel stated that as the Treasurer pointed out, for this fiscal year the City is in good shape regarding revenues received. His concern is what we can potentially anticipate going forward. An initial budget meeting is being planned for later in the week or next week. He added that the City may be looking at a reduction in tax revenue. Initial budget numbers should be available for Council’s evaluation in early May.

Mayor Quaranta noted that in conversations with the Secretary of Transportation, it was noted that gas tax and toll revenue will be lower due to the “stay-at-home” edict. Funds in the Cares Act to aid State governments are for expenses booked as a direct result of covid-19 and any deficits to the budget due to the absence of tax revenue, etc., are not eligible. He added that aid the City gets from the State for municipal street aid or via DelDOT may be at risk.

### **Meetings**

Council President Ratchford noted that City Council meetings have been held via Zoom and Budget meetings are coming up, but all Commission meetings have been suspended. Mr. Baldini, Chairman of the Planning Commission, recommended to her that Commission meetings be scheduled in the near future to get input from the public. Council President Ratchford suggested getting Commission meetings into a May cycle using Zoom to handle Commission needs.

Councilpersons Smith and Souder concurred.

### **Miscellaneous**

Councilperson Souder asked Mr. Losco if anyone is aware of discussions regarding flexibility of the Sunshine Laws. Mr. Losco stated that with the exception of conducting meetings electronically, FOIA requirements still require access of the public, the ability to view any documents being considered or evaluated and the ability for the public to present comments or questions. He added that some Commissions may have challenges with electronic meetings if large-scale or in-depth plans are presented for review that may require advance planning. With regard to emergency calls, there is no reason one additional Councilperson cannot attend; however more than two Council members in attendance would constitute a quorum which would require a seven-day notice and the ability of the public to participate.

Councilperson Souder opined that normal Commission meetings can be planned and scheduled on Zoom; however, in emergency situations decisions must be made quickly, and asked if there is any flexibility in that regard. Mr. Losco explained that FOIA law provides for notice of less than seven days when there is an emergency situation. The Agenda still has to be posted 24 hours in advance and there must be an explanation on the Agenda as to why it is an emergency that requires less than seven days.

Council President Ratchford added that there are limitations on emails and how the Council operates which requires her to communicate individually to members, or send for-information-only emails. She recommended that a meeting schedule be established to address any issues moving forward.

City Council of New Castle  
Special Meeting  
April 14, 2020

Mayor Quaranta opined that many of the emergency edicts handed down by the State are in place and there may be less of a need for City emergency meetings. He suggested that if the status quo holds for the next few weeks, there seems to be no reason not to suspend the orders and go back to a regular process for the City.

Council President Ratchford added that the early days were very busy trying to set up new processes and ways to do business. She opined that the City is operating to serve all the citizens well, and Council needs to be proactive to support the citizens.

Councilperson Leary noted that as Mr. Losco stated one additional Councilperson could be part of the emergency team, and she nominated Councilperson Souder to be the Council representative. Council President Ratchford noted that there may not be a need for daily calls. Councilperson Souder suggested that if the daily calls continue, the additional Council representative be rotated, as they are available. Councilperson Platt suggested that the Chief of Police and Fire Chief communicate their protocols to the citizens on the Electric Bill.

Councilperson Leary gave kudos to Chief McCabe, Chief Majewski and Councilperson Platt who are all on the front line in dealing with the public.

Councilperson Smith made a Motion to Adjourn. Council person Platt seconded the Motion. On vote, the Motion was unanimously approved and the meeting adjourned at 8:32 pm.

Respectfully submitted,

Kathleen Weirich  
Stenographer  
Next Regular Meeting Date: May 12, 2020 Posted: 04/07/2020