

*"A Historic Past"*



*"A Bright Future"*

CITY OF DELAWARE CITY  
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**CITY OF DELAWARE CITY  
PUBLIC HEARING, BOARD OF APPEALS &  
MAYOR AND COUNCIL MEETING  
JANUARY 24, 2011**

**CALL TO ORDER – BOARD OF APPEALS- 3<sup>rd</sup> Quarter Supplemental Tax Assessment FY11**

The Honorable Mayor Martin called to order the Board of Appeals for the 3<sup>rd</sup> Quarter FY11 at 7:18 pm. Those in attendance were Council Members Barrett, Graham, Green, and Parets. Also in attendance were City Solicitor Losco, City Secretary Gwynn and Interim City Manager Walls. The Mayor asked if there was anyone present to appeal their property assessment. There were no responses. The Honorable Mayor Martin asked for a motion to recess until such time as someone came forward to appeal their property assessment or until 9:00 pm. Council Member Parets made the motion. Council Member Green seconded the motion. A vote was taken, all ayes, motion carried. The Board of Appeals was recessed.

**CALL TO ORDER – PUBLIC HEARING – Discussion of the design and implementation of the Clinton Streetscape Environmental Project**

The Honorable Mayor Martin called to order the public hearing at 7:25 pm. Mayor Martin gave a brief overview of the Clinton Streetscape Grant. Dale Slotter, Main Street President and Sarah Bucic of the Delaware City Environmental Coalition (DCEC) explained their proposal for 20 planters in the business district. They explained that it would cost \$50 per year to mulch and maintain each planter. Ms. Slotter and Ms. Bucic stated that the plan would require that the planters be adopted by individuals or businesses. Renderings of Mr. Rhoades' planter designs were passed out to the attendees. Mr. Rhoades explained that he used the diving bell as the theme for the design. He showed a completed kitchen

exhaust hood that he said looked much like the completed planters would look. Each planter would have a different motif unique to Delaware City, such as a crab, other nautical themes, etc. Mr. Rhoades gave the dimensions of the details of the planters as follows: a band with rivets, 36" high by 36" wide, different finishes would be possible, liners with a 1" metal block on the bottom, coating to prohibit rust and total weight per planter would be 200 – 300 pounds. The Delaware Center for Horticulture would recommend the plants to be used. Discussion followed regarding the safety of the planters and ADA requirements that might impact the placement of the planters.

Nick Kroll, 135 Hamilton Street, asked if he could present a proposal as he has a metal shop and would be interested in making the planters. He said he would like to present a proposal and bid. He showed a sample of a planter he had made and gave a copy of his proposal to the Mayor and Council. Discussion followed regarding the symbols to be placed on the side of the planters. Mr. Rhoades suggested that he and Mr. Kroll work together.

Discussion followed regarding former State Representative Dick Cathcart and his perception of the grant proposal. Main Street President Slotter, Council Member Parets and Rita Marocco, 113 Adams Street gave accounts of conversations they had with former Representative Cathcart.

Council Member Green recommended that the City look at the grant proposal. He said that the money was coming to the City; therefore the City was responsible for managing the grant. Jean Bonner, 203 Clinton Street, asked if the money was allocated to the City or to Main Street and the DCEC. Kris Lynn, 501B Fifth Street, asked how long it would take to produce the planters. She suggested that the planters be unveiled at the town wide yard sale.

Michael McConnell, 223 Clinton Street, presented an idea to do median dividers with speed limit signs. Angela Williamson, 420 Bayard Street suggested that more people get involved over time. Jean Bonner, 203 Clinton Street, asked who would determine where the planters would be placed and asked about the guidelines for decorating them. Mayor Martin said there is a committee comprised of representatives from the City, Main Street and DCEC.

Jeff Grant, 133 Washington Street, asked what needed to be done to move this along. Mayor Martin said the purpose of the meeting was to get public input.

It was decided that City Solicitor Losco would research the grant to see if the City has a legal obligation to get bids for the job. He will notify Interim City Manager Walls of his findings. Council Member Green asked City Solicitor Losco about a "bid waiver". Vanja Bucic, 206 Washington Street, asked why bids are limited to the City. Rita Marocco, 133 Adams Street, asked why a legal opinion was necessary when the City Manager could just call DeIDOT to find the answer. Council determined that they want a legal opinion not just the opinion of a

DeIDOT employee. Council Member Parets stated that if it doesn't have to go for bids, then the City would probably go with the original plan. If bids are required then it will be put out for bids. Rita Marocco, 133 Adams Street, questioned the fairness of asking for bids when Mr. Rhoades' bid is already public knowledge. Deborah Crabtree, 227 Clinton Street, questioned the bid proposal process.

Council Member Parets made a motion to adjourn the public hearing. Council Member Green seconded the motion. A vote was taken, all ayes, motion carried. Public hearing adjourned at 8:25 pm.

### **CALL TO ORDER – MAYOR AND COUNCIL MEETING**

The Honorable Mayor Martin called to order the Mayor and Council meeting at 8:35 pm. Those in attendance were Council Members Barrett, Graham, Green, and Parets. Also in attendance were City Solicitor Losco, City Secretary Gwynn, and City Treasurer/Interim City Manager Walls.

### **INVOCATION AND PLEDGE OF ALLEGIANCE**

The Honorable Mayor Martin called for a moment of reflection and led the Pledge of Allegiance.

### **ACTION UPON THE TREASURER'S REPORT**

City Treasurer Walls presented the December 2010 Treasurer's Report. She explained that the amount of Real Estate Transfer Tax was 123% of the budgeted amount without including the tax received from the sale of the refinery. City Treasurer Walls added that the last couple of snows were not included in this report as they occurred in January. She added that they probably put the City over budget for snow removal. Council Member Green made a motion to approve the Treasurer's Report subject to audit. Council Member Graham seconded the motion. A vote was taken, all ayes, motion carried.

### **ACTION UPON THE MINUTES OF THE PREVIOUS MEETINGS**

Council Member Graham made a motion to approve the December 20, 2010 minutes as written. Council Member Green seconded the motion. A vote was taken, all ayes, motion carried.

### **POLICE REPORT**

Police Chief Tjaden reported the police statistics for the preceding month, from 12/20/2010 to 1/23/2011. Chief Tjaden reported the following:

- Received funding for a radar unit from Highway Safety.
- Attended the Delaware Chiefs meeting where Senator Coons spoke in reference to the outlook for future grant funds.

- Attended swearing in for the Delaware 2011 Legislative session, met with Senator Dorrie Connor.
- Motor vehicle stop resulted in the seizure of marihuana scales and baggies for distribution, arrested Travis Jones.
- Captain Kaczorowski found a 12 gauge shotgun and drug paraphernalia while checking an abandoned residence.
- Officer Filippone will be in Gap, PA for three weeks training prior to departing for Texas in May.
- Investigating a reported home invasion that occurred at 216 Adams Street.

### **CITY SOLICITOR'S REPORT**

City Solicitor Losco reported the following:

- Circulated a draft ordinance, based upon a City of New Castle ordinance, prohibiting obstructions in City rights of way. The existing ordinance, Section 8-6b, that addresses the same topic, is limited to an obstruction of public rights of way immediately abutting a resident's property. With the new ordinance there would be some duplication, but the purpose of the new ordinance would be broader.
- Advised insurance defense counsel Bruce Herron in the Filippone case of Charter provision, Section 12-03, stating that no claim can be made against the City for money damages unless within 90 days of the occurrence of the event the Mayor was notified of the relevant facts via certified mail. This defense will be asserted, but may not be binding on the Court. That type of provision may not be enforceable when City is aware of the case.
- Advised Mayor and City Manager concerning FOIA compliance relating to City Manager search.
- Sent letter to the ACLU declining to produce the Police Department's policies and procedures on the use of tasers on grounds of it representing potential threat to the health and safety of our officers and citizens.

### **CITY MANAGER'S REPORT**

Interim City Manager Walls reported the following:

- Water main break at 4<sup>th</sup> and Madison Streets, due to low temperatures. Notified Artesian and main was repaired the next day.
- Signed Letter of Assignment after Waste Industries of Delaware agreed to make the changes to the language that were suggested by the city solicitor. Current contract expires March 2011, with a 3 year renewal option. Suggest the City renew the contract with the opt out clause that can be acted upon at any time.
- Submitted recycling grant application with a funding request of \$29,000+ to purchase two trailers fit to tip larger bins and pay for outreach newsletters.

- Monitored the continuing excavation work on the Canal Promenade Phase IV. It has been trenched for electric up to 3<sup>rd</sup> Street. Framing has begun for the curbing with the laying of brick pavers to follow. The lights are on order.
- Finalized the bid specs for the RFP for the Energy Efficiency Grant work. Plan to advertise in the beginning of March, hold the mandatory pre-bid meeting in the middle of March with a deadline to receive the sealed bids by the end of March. Discussion followed regarding location of solar panels.
- Monitored the progress on the Canal Connector Project. Soil tests from the borings at the site show a relatively soft content. It will take a build up of three stages to reach the final height for the berm. A 2-3 month waiting period for settlement will be observed between layers. Borings at the fill site will be done soon.
- Sent a City News with information about the deadlines for filing for the upcoming election. It also included the notice of the senior/disabled discounts in real estate tax and water charges. An additional City News will be sent as the election gets closer.

#### **APPOINTMENTS, ANNOUNCEMENTS AND COMMUNICATIONS**

The Honorable Mayor Martin stated that he would like to reappoint Reynolds Appraisal Company for a two year period. Council Member Graham made a motion to appoint Reynolds Appraisal Company as the City appraiser for a two year period. Council Member Parets seconded the motion. A roll call vote was taken, all ayes, motion carried.

Mayor Martin requested that the following people be appointed to the 2011 Election Board: Sandra Malinowski, Charles Musacchio and Al Morgan. Council Member Parets made a motion to appoint Sandra Malinowski, Charles Musacchio and Al Morgan to the 2011 Election Board. Council Member Graham seconded the motion. A call vote was taken, all ayes, motion carried.

Mayor Martin requested that the following be appointed as Election Inspectors for the 2011 election: Jean Bonner, Jerri Cherry, Connie Howard, Luke Howard and Virginia Monroe. Council Member Green made the motion to appoint these residents as Election Inspectors for the 2011 election. Council Member Graham seconded the motion. A roll call vote was taken, all ayes, motion carried.

#### **CITIZEN'S QUESTIONS AND COMMENTS**

Nick Kroll, 135 Hamilton Street, reported that he witnessed a female being beaten at the corner of Hamilton and William Streets. County police responded to his 911 call. He said it took the County 15 minutes to respond. Mr. Kroll expressed concern with existing police resources and asked Council to provide additional resources for police coverage. Council thanked Mr. Kroll for

intervening in the situation. Mayor Martin said that Delaware City is in the que for COPS funding to increase the size of the force by one addition full time officer for three years.

Candy Jones, 1B Hamilton Place, asked about the results of the investigation of the fire at 101 Clinton Street. She complained that her son has been harassed since the fire occurred. Chief Tjaden said he would find out who Ms. Jones can contact for answers. Ms. Jones inquired into the money that was donated. Mr. Slotter of Main Street explained that the money must be issued subject to the needs caused by the fire.

Todd Lubach, 209 Madison Street, received a letter saying that his mother was approved for paratransit, but his mother has different guidelines for paratransit use because Delaware City does not have a bus stop. Council Member Barrett apologized for the fact that DeIDOT's Semia Hackett could not attend this meeting as planned, but said she would pass this complaint to Ms. Hackett.

John Buchheit, 30 Clinton Street, suggested that a list of rules be posted on the notice board in the park. These rules would include no alcoholic beverages in the park, no dogs allowed to be off leash, dog owners would be required to clean up after their pets, etc. He added that the entrance signs are beginning to show wear and that the graffiti on the draw bridge and the Delaware City Community Center needs to be cleaned up. He also asked for a date when the flood panels would be removed. Council said that the City would try to project a date based upon weather conditions. He said that a party is being planned to honor Officer Filippone before he leaves for Afghanistan.

Discussion followed regarding the signs on Route 1. City Manager Walls said DEDO is restarting the process. Discussion followed regarding the graffiti. City Manager Walls said that The Cutting Edge could remove the graffiti at the Community Center. Chief Tjaden and City Manager Walls will coordinate that.

### **RECONVENE BOARD OF APPEALS**

The Honorable Mayor Martin reconvened the Board of Appeals at 9:15 pm for the purpose of determining if anyone was in attendance to appeal a property assessment. There were no appeals.

### **ADJOURN BOARD OF APPEALS**

Council Member Green made a motion to adjourn the Board of Appeals. Council Member Graham seconded the motion. A vote was taken, all ayes, Board of Appeals adjourned at 9:16 pm.

## **RECONVENE MAYOR AND COUNCIL MEETING**

The Honorable Mayor Martin reconvened the Mayor and Council Meeting at 9:17 pm.

## **REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS**

Board of Health – Deborah Crabtree stated that they are still short one member and asked for volunteers. She said that Chiropractor Brian Chandler would like to serve on the board but he is not a resident. Council commented that the Charter Committee could look into changing that, but at this time only residents can serve on the Board of Health. The Board of Health recommended posting park rules also. Ms. Crabtree recommended that the City News have a “call for comment” so City committees would know when they could submit an article.

Main Street - Dale Slotter reported that Mark Chura of Delaware Greenways would serve as a program manager for Main Street. Main Street representative(s) will attend a seminar in Milford regarding an “Our Town” grant through the National Endowment of the Arts. DEDO branding project needs a commitment from the Mayor and Council in order to start in March. He also asked to list the Main Street events on the City calendar. City Manager Walls said the City does not have the capability at this time.

Delaware City Day – John Buchheit asked if Sterling’s could be used again this year for BINGO. Mayor Martin said that would be possible if the building was not occupied at that time. When asked if the committee was prepared for possible grant cuts, Mr. Buchheit replied that cuts could be done at the last minute if necessary. Discussion followed regarding the DCDC budget. When asked for a more detailed budget than the one presented, Mr. Buchheit said that Penny Merena could prepare a more detailed one. Discussion followed regarding police protection for Delaware City Day, the parking issues and traffic control. Mr. Buchheit said they would address the problem with leaving the City via Monroe Street. Discussion also followed regarding the need to clean up the whole town following Delaware City Day, not just Clinton Street.

## **OLD BUSINESS**

There was no Old Business.

## **NEW BUSINESS**

Major General John Houck, AP Hills 3<sup>rd</sup> Corp & Light Division – Event for April 15<sup>th</sup> – 17<sup>th</sup> at Battery Park

Major General Houck made a presentation requesting use of the park for the time period specified above. He added that Fort Delaware doesn’t want to be involved. He said they would be recreating the shooting upon Fort Sumter. Delaware City would represent Fort Morris. Discussion followed regarding the

number of reenactors and tourists. Council asked if he had permission to use Fort Mott. He said they would not need police presence as their infantry pickets would keep people safely away from the cannons. He added that there would be a good bit of noise as Delaware City could hold 8 – 12 cannons. Major General Houck said there could be as many as 150 reenactors with a couple of thousand spectators. He said they would provide proof of insurance and would indemnify the City. He would like to have the reenactors set up tents and sleep in the park. They will provide their own porta-potties. City Manager Walls said the City would need a formal agreement which City Solicitor Losco will draft and proof of insurance with the City listed as loss payee. Council Member Parets made a motion that, with the signed formal agreement and proof of insurance listing the City as loss payee, the City approve these arrangements. Council Member Green seconded the motion. A roll call vote was taken, all ayes, motion carried.

### **COUNCIL COMMENTS**

Council Member Graham said that the Mayor and Council should study Delaware City Day to determine what the purpose is as it seems to be growing. He added that he is not happy with the budget presented and wants more detail. Discussion followed.

### **ADJOURNMENT**

Council Member Parets made a motion to adjourn the meeting. Council Member Green seconded the motion. All ayes, motion passed. The meeting adjourned at 10:07 pm.

Respectfully submitted,

*Dawn K. Gwynn*

City Secretary