

*"A Historic Past"*



*"A Bright Future"*

CITY OF DELAWARE CITY  
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**CITY OF DELAWARE CITY  
REGULAR MAYOR AND COUNCIL MEETING &  
BOARD OF APPEALS  
APRIL 11, 2011**

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

The Honorable Vice Mayor Graham called to order the regular meeting of the Mayor and Council at 7:30 p.m. Present were Council Members Johnson, Green, Graham, and Barrett. Also present were Interim City Manager/City Treasurer Walls and City Secretary Gwynn.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

The Honorable Vice Mayor Graham led a moment of silent reflection and the Pledge of Allegiance.

**ACTION UPON TREASURER'S REPORT OF THE PREVIOUS MONTH**

City Treasurer Walls presented the Treasurer's Report for the month of March 2011. Council Member Barrett made a motion to approve the March 2011 Treasurer's Report, subject to audit. Council Member Green seconded the motion. A roll call vote was taken, all ayes, motion carried.

**ACTION UPON THE MINUTES OF THE PREVIOUS MEETING**

Council Member Green made a motion to approve the minutes of the March 21, 2011 regular Mayor and Council Meeting. Council Member Barrett seconded the motion. A vote was taken, all ayes, motion carried.

Council Member Barrett made a motion to approve the minutes of the March 30, 2011 special Mayor and Council Meeting. Council Member Green seconded the motion. A vote was taken, all ayes, motion carried.

### **COUNCIL COMMENTS**

Council Member Green said he would be away and unable to attend the Mayor and Council meeting when it is continued on April 13, 2011. He read a letter he had written to future Mayor Buchheit and future Council Members Sullivan and Doebley, as follows:

*"Dear John, Jennifer & Michael,  
I want to take this opportunity to personally congratulate each of you on your elected position to the Delaware City government. Each of you ran a good campaign for office that you were seeking and of course prevailed as winners. I know each of you are fitted to fill the office that you have been elected to and be very sincere in this position of trust. I also feel you will bring to the office an earnest desire to perform your duties efficiently and honorably, and a cheerful confidence while doing it. Additionally, your triumph in the polls is not just personal, but the triumph of those principles which we all strive for in good government. I wish you the best in this very important public service endeavor.  
Stanley E. Green  
Council Person (2009-2011)"*

The Honorable Vice Mayor Graham thanked Council Member Green for his outstanding service to the citizens of Delaware City.

### **RECESS**

Council Member Barrett made a motion to recess the meeting until 7:00 PM on April 13, 2011. Council Member Green seconded the motion. A vote was taken, all ayes, motion carried. The meeting was recessed at 7:35 PM.

### **CALL TO ORDER BOARD OF APPEALS – 4<sup>TH</sup> Quarter FY11 Supplemental Tax Assessment**

The Honorable Mayor Martin called to order the Board of Appeals for the 4<sup>th</sup> Quarter FY11 Supplemental Tax Assessment at 7:09pm on April 13, 2011. Present were Council Members Barrett, Graham and Parets. City Secretary Gwynn and Assistant City Clerk Clifton were also in attendance. The Honorable Mayor Martin asked if there was anyone present to appeal their tax assessment. No one expressed a wish to appeal their tax assessment.

### **RECESS BOARD OF APPEALS**

Council Member Graham made a motion to recess the Board of Appeals until 9:10 or until such time as someone came to appeal a tax assessment. Council Member Parets seconded the motion. A vote was taken, all ayes, motion carried.

### **RECONVENED MAYOR AND COUNCIL MEETING FROM APRIL 11, 2011**

The Honorable Mayor Martin reconvened the April 11, 2011, Mayor and Council Meeting at 7:30 pm. Present were Council Members Barrett, Johnson, Graham and Parets. Also present were Interim City Manager Walls, City Secretary Gwynn and Assistant City Clerk Clifton.

### **CERTIFICATION OF THE ELECTION**

Sandra Malinowski, Chairperson of the Board of Elections, reported that the Board of Elections certified the election on April 6, 2011 and stated the vote for Mayor was as follows: John B. Buchheit, III – 198 votes, Nicholas O. Kroll – 52 votes and John W. Martin 168 votes. Ms. Malinowski stated the vote for Council was as follows: Michael J. Doebley – 232 votes, Paul L. Parets – 176 votes, Jennifer Sullivan – 231 votes and Lawrence J. Williams – 124 votes.

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

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

The Honorable Mayor Martin stated that it had been a privilege to serve as the Mayor of Delaware City and thanked the City staff for their support. He also thanked the citizens for their show of support and trust through the years. He then thanked his family and stressed the importance of having family support. He encouraged the new office holders to respect their offices, the City, and the citizens of Delaware City because that is who they answer to now. He encouraged them to remember that they represent all of Delaware City and wished them good luck.

The Mayor announced that he had accepted the resignation of City Solicitor Daniel Losco, effective April 30, 2011. He thanked him for many years of service to Delaware City and stated that he acted professionally.

### **SWEARING IN OF NEWLY ELECTED COUNCIL MEMBERS**

The Honorable Mayor Martin swore in John P. Buchheit, III, as the new Mayor of Delaware City. The Honorable Mayor Buchheit thanked former Mayor Martin for his service to Delaware City.

Council Member Parets said it was an honor to have served as a Council Member since 1995. He added that he appreciates the trust that was shown to him by the citizens of Delaware City and wished the best to the new Mayor and Council.

The Honorable Mayor Buchheit swore in Michael J. Doebley for a two year term.

The Honorable Mayor Buchheit swore in Jennifer M. Sullivan for a two year term.

### **ELECTION AND SWEARING IN OF THE VICE-MAYOR**

Council Member Sullivan nominated Council Member Johnson to serve as Vice Mayor. Council Member Doebley seconded the nomination. Council Member Barrett nominated Council Member Graham to serve as Vice Mayor. Council Member Graham seconded the nomination. A roll call vote was taken for Council Member Johnson's nomination with the Council Members voting as follows: Johnson – abstain, Barrett – nay, Graham – nay, Sullivan – aye and Doebley – aye, for a tie vote. A vote was taken for Council Member Graham's nomination with the Council Members voting as follows: Johnson – nay, Barrett – aye, Graham – aye, Sullivan – nay and Doebley – nay, defeating the motion. Discussion followed regarding whether the Mayor could break the tie. It was determined that the Mayor has no vote. The Honorable Mayor Buchheit called again for a nomination. Council Member Doebley nominated Council Member Johnson. Council Member Sullivan seconded the nomination. Council Member Barrett nominated Council Member Graham. Council Member Graham seconded the nomination. A vote was taken for Council Member Johnson to serve as Vice Mayor with the Council Members voting as follows: Johnson – aye, Barrett – nay, Graham – nay, Sullivan – aye and Doebley – aye. Council Member Johnson was elected to be the new Vice Mayor.

The Honorable Mayor Buchheit swore in Council Member Paul H. Johnson, Sr. as the new Vice Mayor.

### **POLICE REPORT**

Police Chief Tjaden reported the statistics for the month and the following:

- Met with O. V. W. in reference to extending the grant for 6 additional months. The City requested video equipment and funding to set up a video interview room to be used to interview victims for domestic violence prosecution and also possible funding for another grant for seasonal officers.
- Conducted several interviews for seasonal positions to start in mid-April.
- Attended meeting to work out plans for anti-smoking grant. Signs have been ordered along with brochures to be handed out.

- Acted on a tip that a suspect who threatened to kill a victim was going to return to Delaware City after fleeing to Florida. The suspect was arrested at the Philadelphia Airport and held as a fugitive from Delaware.
- Assisted Probation and Parole in making a drug arrest in St. Georges.
- Met with Neil Simmel regarding plans for the Escape from Fort Delaware.
- Attended the Delaware Chiefs' meeting where CJC announced that a \$100,000 Byrnes grant, which is competitive, was released. The City would reimplement the Community Court of the grant were awarded to Delaware City.
- Attended the kick off for the "Take Back" program, which allows residents to turn in all of their expired and/or unused prescription drugs. The City will have a disposal unit, staffed by a seasonal hire, at Town Hall on April 30, 2011 from 12:00 to 4:00.
- FYI - It looks like the Governor has the support to pass the medical marijuana bill.
- Delaware City is part of the accreditation committee that has been implemented by the Delaware Chiefs' Foundation to bring all police department policies in Delaware to the same level.
- The City has four new officers, Ed Dempsey, Gene Wood, Bernie Torre and Matt Gye, who will work part time to fill in for Officer Filippone, at the rate of \$15.00 per hour.

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

There was no report from the City Solicitor.

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

Interim City Manager Walls reported the following:

- The City was charged \$3280 in legal fees by Scottsdale Insurance Company, even though the lawsuit against Officer Filippone was voluntarily dismissed. The City has a \$5000 deductible.
- Council Member Barrett was instrumental in seeing that bus service will be provided to Delaware City beginning May 22, 2011.
- Received a letter from General Houck cancelling the planned reenactment that was to be held in the park, due to lack of funding.
- The bids for the Street Rehabilitation were opened Thursday, March 31, 2011. A total of five bids were received with the low bid from Dix Hollow in the amount of \$57,893.73. City Manager Walls requested a motion to authorize the signing of the contract so the City can issue a notice to proceed with the work. Duffield is the engineer for the job. The City should be able to add two jobs to the list of work to be done, due to the low bid. Discussion followed. Council Member Sullivan made a motion to authorize the signing of the contract with Dix Hollow. Council Member Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.
- Working with DCADV to apply for a six month extension to the OVW grant.

- Two bids were received by the deadline for the planter project. They have been forwarded to the committee members.
- The IDS contract for municipal waste collection has expired. The terms of the agreement include an additional three year optional renewal. IDS has asked to extend the current contract with a 3% rate increase per year for the next three years. Discussion followed. Council Member Barrett made a motion authorizing the City Manager to negotiate with IDS, trying to get at least one year with no increase in rate, and to sign the contract for a three year extension. Council Member Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.
- The request to use any area of Sterling's other than the bottom front for a special event was denied by the New Castle County Department of Land Use after the property was inspected. The bottom floor front was used last year as a one day permit was issued by New Castle County. New Castle County would be willing to issue a one day permit again this year for the same area that was used last year. Council asked the City Manager to apply for a one day permit for Delaware City Day.
- The Mayor and Council need to schedule budget workshops. City Treasurer Walls will prepare spreadsheets with the budget for line items that don't change. In addition, the Mayor and Council will receive the tax assessment to review prior to the workshops. Discussion followed regarding possible dates. The following dates were set for budget workshops to begin at 6:00 pm: 5/2/11, 5/9/11 and 5/10/11.

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

The Honorable Mayor Buchheit said he would like to appoint Kathleen Walls as City Treasurer and asked for a motion. Council Member Barrett made a motion to appoint Kathleen Walls as City Treasurer. Council Member Sullivan seconded the motion. A roll call vote was taken, all ayes, motion carried. The Honorable Mayor Buchheit swore in Kathleen M. Walls as City Treasurer.

The Honorable Mayor Buchheit said he would like to appoint Dawn Gwynn as City Secretary and asked for a motion. Council Member Sullivan made a motion to appoint Dawn Gwynn as City Secretary. Council Member Graham seconded the motion. A roll call vote was taken, all ayes motion carried. The Honorable Mayor Buchheit swore in Dawn K. Gwynn as City Secretary.

The Honorable Mayor Buchheit said he would like to appoint Brenda Parker to the Board of Health. Council Member Graham made a motion to appoint Brenda Parker to the Board of Health. Council Member Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.

The Honorable Mayor Buchheit said he would like to appoint Nick Kroll to the Planning Commission. Council Member Doebley made a motion to appoint Nick

Kroll to the Planning Commission. Council Member Johnson seconded the motion. A roll call vote was taken, all ayes, motion carried.

The Honorable Mayor Buchheit announced that he had resigned earlier in the day from the position of chairperson of the Delaware City Day Committee. He said he would like to appoint Beth Konkus as chairperson of the Delaware City Day Committee. Council Member Sullivan made a motion to appoint Beth Konkus as chairperson of the Delaware City Day Committee. Council Member Doebley seconded the motion. A roll call vote was taken, all ayes, motion carried.

### **CITIZEN'S COMMENTS**

Pat Harrison – 503 Clinton Street, suggested that a new City Solicitor should be hired immediately as the City will need legal consultation. She also congratulated the new Mayor and Council Members.

Ray Fruytier, 909 Fifth Street, congratulated the new Mayor and Council Members and reminded them not to forget the people that voted them in to office. He prompted them to be leaders, not followers and reminded them that they represent the people.

Beth Konkus, 302 Canal Street, praised Council Member Barrett for bringing the bus service to Delaware City.

Dee Bennett, 913 Fifth Street, asked to see the bus route. Council Member Barrett replied that it would be posted.

Lawrence Williams, 109 Warfel Drive, converted the face book page he used during his campaign to an information page. He would like to interview the new Council Members, as well as the existing Council Members. He encouraged the city residents to watch for his site that is going to be titled "Delaware City Residents for Freedom of Speech".

Rita Marocco, 133 Adams Street, congratulated the new Mayor and Council Members and encouraged the Honorable Mayor Buchheit to fulfill his campaign promise to have a presence at Town Hall. Ms. Marocco strongly encouraged people to understand the purpose of the Clinton Streetscape Project. She said it was less than \$25,000 and did not need to go to bids. Discussion followed. Dale Slotter, President of Main Street, will make contact with the committee to schedule a meeting.

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

Board of Health – Chairperson Deborah Crabtree said the BOH met 4/13/11 prior to the Mayor and Council meeting. She said Mayor John Buchheit resigned from

the BOH; therefore, they are seeking new members. The BOH is working on the park rules and will submit suggestions to the Mayor and Council.

Main Street – President Dale Slotter pointed out that the town wide yard sale will be held on 4/30/2011. Some other upcoming events are monthly cruise night, Music in the Park and Canal Fest.

Delaware City Day Committee – Chairperson Beth Konkus said the next meeting will be held 4/14/11 at 6:00 at Town Hall.

The Honorable Mayor Buchheit encouraged citizens to get involved on a committee.

### **OLD BUSINESS**

There was no old business.

### **NEW BUSINESS**

Set Special Meeting to Approve Annual Assessment FY12 and Discuss Date for annual Board of Appeals.

It was determined that the date for the Annual Board of Appeals would be May 16, 2011, to begin at 7:00 pm, prior to the regular Mayor and Council meeting. Assistant City Clerk Clifton stated that a court reporter would need to be present. She said she would make the arrangements.

Arbor Day Proclamation 2011

The Honorable Mayor Martin signed an Arbor Day Proclamation for April 2011.

Board of Adjustments, Member Resignation

Carol Stewart, after serving faithfully for many years, resigned from the Board of Adjustments. City Secretary Gwynn read the letter of resignation into the record. The Honorable Mayor Buchheit asked for volunteers. Assistant City Clerk Clifton and Interim City Manager Walls explained how the Board of Adjustments works and the high level of planning and zoning knowledge that is necessary to serve on the BOA. There are only three members on the BOA, the Mayor, City Solicitor and a qualified citizen. Council Member Johnson made a motion to form a search committee. Rita Marocco nominated Vanja Bucic. Discussion followed, Assistant City Clerk Clifton said a decision did not need to be made at this meeting, as there is nothing pending.

City Solicitor Search Committee

Council Member Johnson made a motion to form a City Solicitor search committee. Council Member Doebley seconded the motion. Council Member Johnson withdrew his motion. Discussion followed. Council Member Johnson made a motion to authorize the Mayor to hire a law firm on retainer to serve in

the interim until the City hires a permanent replacement for the City Solicitor. Council Member Doebley seconded the motion. A roll call vote was taken, all ayes, motion carried. Interim City Manager Walls informed the Mayor and Council that former City Solicitor Losco would aid in the transition. He is in the process of boxing up 11 years worth of documents that will need to be transferred to the new City Solicitor. The following people volunteered to serve on the City Solicitor Search Committee: Barbara Johnson, Doris Grant, Dee Bennett, Mayor Buchheit and Council Member Doebley. A meeting date was set for 4/25/11 at 6:30 pm at Town Hall.

### **COUNCIL COMMENTS**

Council Member Sullivan thanked all the voters who supported the new members of the Mayor and Council. She said she would do the job to the best of her ability, listen to the citizens, stay true to who she is and be as honest as possible. She asked for patience while she is learning.

Council Member Doebley thanked Dee Bennett for her inspiration and encouragement, as it meant a lot to him. He thanked the people who supported him especially as he is new to the City. He thanked his wife, Deborah. He said he looks forward to working with all for all.

Council Member Johnson made a motion to research having the Mayor and Council meetings moved to a larger facility, such as the Community Center or the fire hall. Council Member Sullivan seconded the motion. Discussion followed. A vote was taken, all ayes, motion carried.

The Honorable Mayor Buchheit asked where the process stands in hiring a new City Manager. Interim City Manager Walls brought the Mayor and Council up to date. The City sent Joseph Mangini a letter of agreement, but as of the date of this meeting, no response had been received by Interim City Manager Walls.

Ray Fruytier, 909 Fifth Street, thanked Chief Tjaden and the City for posting the sign directing the motorcycles to keep the noise down.

### **ADJOURNMENT**

Council Member Barrett made a motion to adjourn the meeting. Council Member Graham seconded the motion. A vote was taken, all ayes, motion passed. The meeting was adjourned at 8:50 pm.

**RECONVENE BOARD OF APPEALS - 4<sup>TH</sup> Quarter FY11 Supplemental Tax Assessment**

The Honorable Mayor Buchheit reconvened the Board of Appeals for the 4<sup>th</sup> Quarter FY11 Supplemental Tax Assessment at 9:10. No one was present to appeal their tax assessment.

**ADJOURN BOARD OF APPEALS**

Council Member Barrett made a motion to adjourn the Board of Appeals. Council Member Graham seconded the motion. A vote was taken, all ayes, motion carried. The Board of Appeals was adjourned at 9:11 pm.

Respectfully submitted,

*Dawn K. Gwynn*  
City Secretary