

**MAYOR AND COUNCIL OF NEW CASTLE  
REGULAR MONTHLY COUNCIL MEETING  
MASONIC HALL – 1406 WILMINGTON ROAD- NEW CASTLE  
TUESDAY- APRIL 11, 2000- 7:00 P.M.**

**ROLL CALL:**

**PRESENT**

Councilman DiAngelo  
Councilman Marinelli  
President Blest

Councilman Davis  
Councilman Reese

Also, present Mayor Houben, Mr. Robert Martin, City Administrator, Herb Swanson, Housing Enforcement Official, Rick Harrison, Director of Public Works, Mr. Jeff Bergstrom, Building Official, Lt. Patrick Cannon, Officer in charge, New Castle Police Department, and attached list of audience.

**APPROVAL OF COMMITTEE REPORTS :**

Mr. Martin read the committee reports and announced they are available at the City Administration Building and The New Castle Public Library.

<u>Police Department Report</u>	-	<u>March 2000</u>
<u>Building Official's Report</u>	-	<u>March 2000</u>
<u>Public Work's Report</u>	-	<u>March 2000</u>
<u>Health and Housing Report</u>	-	<u>March 2000</u>

Mr. Reese asked when the department heads would start reading their own reports. Mr. Martin stated it would begin next month.

**TREASURER'S REPORT:**

Ms. Janet Carlin, City Treasurer read the report for the month ending March 2000. Mr. Reese motioned that all reports be accepted as read. Mr. DiAngelo seconded the motion. Motion passed unanimously.

**APPROVAL OF MINUTES BY DATE:**

President Blest asked if council had read the minutes and if anyone had any changes or corrections. Mr. Davis had questions for the Mayor and Mr. Martin regarding last month's minutes. Mr. Reese made a motion to accept the minutes as read. Mr. Davis seconded the motion. Motion passed unanimously.

**COMMUNICATIONS:**

President Blest and council had no communications.

**BUSINESS FROM THE FLOOR:**

There were no comments from the audience regarding agenda items.

**BUSINESS FROM THE MAYOR:**

Mayor Houben stated he had already covered his business when Mr. Davis had questions regarding last months minutes.

**BUSINESS FROM COUNCIL PRESIDENT:**

1. President Blest stated he received a letter from Dr. Rosenthal regarding the proposed ordinance regulating rental properties
2. President Blest read a letter from Corky Viola on behalf of the New Castle Historic Society. They strongly recommend that the old garage property be kept as open space.
3. President Blest read a letter from Robin and Todd Brinkley against town houses being built on the David Finney Inn parking lot.

**BUSINESS FROM THE CITY ADMINISTRATOR:**

Mr. Martin read several pieces of correspondence that would be of interest to the audience. Copies of the correspondence are available at the city offices and The New Castle Public Library.

**UNFINISHED BUSINESS:**

1. **Up-date on permitting of drainage ditch in Buttonwood by the Corps. Of Engineers and Soil Conservation District.** Through the generous efforts of Senator Connor the state is planning a study of the drainage problem in Buttonwood. Landmark Engineering has been hired to do the study. Mr. Larry Irlean of New Castle County Soil District spoke giving some background on the problem. Mr. Lowell Jacobs, representing Landmark Engineers then addressed council reporting the problems that have been identified. He stated they have reached the point where they need to meet with the residents of Buttonwood to find out which structures have been affected by the flooding. He stated there are a range of solutions for different areas. Mr. Jacobs answered several questions from the audience and arrangements are being made for a meeting with the residents. There are still several steps that have to be taken to come up with all the solutions and could take up to a year. At this time there is no funding for the solutions that will be recommended.
2. **Discussion on city policy regarding city employees performing services outside normal tour of duty, i.e., pay jobs.** President Blest stated this policy was geared towards the New Castle Police Department when they do extra duty jobs such as St. Peters Carnival. President Blest stated that he has not received any more information from Mr. Martin at this time. Council is waiting to until the new police chief is hired to get his input. Council decided to table this discussion until next month.
3. **Consideration and action on Resolution No. 2000-06, a right-of-way use Agreement between the City of New Castle and Metricom, Inc.** President Blest read Resolution No. 2000-06 in its entirety. Mr. Davis made a motion to accept the resolution as read. Mr. Reese seconded the motion. Motion passed unanimously.
4. **Presentation of Charter Change Committee Report.** Mr. Marinelli read the recommendation of the charter change committee. Basically the only recommendations were to change some wording in the charter and to look at the lengthy legal procedures for selling private property for back taxes. The possibility of staggered terms, longer terms and district elections was not passed. This committee felt council or another committee should deal with the salaries for elected officials. Mr. Marinelli also thanked all committee and council members for serving on the committee. Mr. Reese made a motion that council accept the recommendations as read. Mr. DiAngelo seconded the motion. Motion passed unanimously.

5. **1<sup>st</sup> reading of Ordinance No. 394 Increasing Income Limits on the Over 65 and Disability Tax Exemptions.** Mr. Davis read the ordinance in its entirety. Mr. Davis made a motion that the ordinance be accepted as read. Mr. DiAngelo seconded the motion. Motion passed unanimously.
6. **2<sup>nd</sup> reading of Ordinance 392 prohibiting abandonment of vehicles within the City limits of The Mayor and Council of New Castle and to regulate the removal and impoundment of abandoned vehicles; to provide penalties for the abandonment of vehicles as well as to establish a procedure for permits authorizing the storage of vehicles on private property.** President Blest read this ordinance by title only. President Blest stated there were copies available this evening for anyone wanting to read the ordinance.
7. **Placement of Parking "T's" on Second, Third and Fourth Streets from Chestnut to South.** Mr. Davis stated, as everyone is aware we do have a parking problem in the downtown area of the city. Several residents recommended the parking "T's" to him and he was bringing it to council's attention. Mr. Reese seconded the motion and recommended a public hearing to discuss this suggestion. President Blest asked for a roll call of council as to who was in favor of a public hearing. President Blest, Councilman Reese, Councilman Marinelli voted yes. Councilman Davis and Councilman DiAngelo voted no. Motion passed. A public hearing will be scheduled for 6:30 p.m. prior to the May 11, 2000 council meeting.
8. **3<sup>rd</sup> and final reading of Ordinance No. 393, Taxing and Setting Fees and Costs to be Assessed and Recovered in Monition Proceedings.** President Blest read Ordinance No. 393 in its entirety. The ordinance will help offset the city's cost in legal proceedings for sheriff's sale of their property for unpaid taxes. Mr. Marinelli moved that the ordinance be accepted as read. Mr. Reese seconded the motion. Motion passed unanimously.

**NEW BUSINESS:**

1. **Appointment of City Police Chief.** President Blest read resolution No. 20007 appointing Kevin McDerby as the new police chief. President Blest stated Mr. McDerby would begin work on May 1, 2000. President Blest commended Lt. Cannon on a job well done as the officer in charge until the appointment of the new chief. Mr. DiAngelo seconded the motion. President Blest asked for a roll call. Mr. Davis, yes, Mr. Reese, yes, Mr. Marinelli, yes, Mr. DiAngelo, yes, President Blest, yes. Motion passed unanimously.

2. **Request from Express Ice Cream Company to vend Ice Cream (roving vehicle) in the city.** President Blest read a letter from Express Ice Cream to vend ice cream within the city. There had previously been problems with this company when they vended in the city before. Mr. Reese made a motion to deny the request. Mr. DiAngelo seconded the motion. Motion denied unanimously.
3. **Presentation of "98/00 Fiscal Audit.** This item was tabled until next month.
4. **Action on Mosquito Spraying request from Department of Natural Resources.** President Blest received a letter from the Division of Fish and Wild Life requesting permission to spray for mosquitoes during the summer months. Mr. Marinelli made a motion to grant their request. Mr. Reese seconded the motion. Motion passed unanimously.
5. **Appointment of Committee to study Registration, Licensing and Regulation of Rental properties in the City of New Castle.** President Blest suggested a committee be appointed to review the ordinance governing rental properties in the City of New Castle. President Blest asked each council member to have an appointment by next council meeting. Mr. DiAngelo offered to serve on the committee. This item is tabled until next meeting when council will have their appointments.
6. **Consideration of Resolution No. 2000-05 approving a Minor Subdivision for property located on Lukens Drive and Mews Drive.** President Blest read a letter from the planning commission recommending a minor subdivision for property located on Lukens Drive and Mews Drive. Ted Williams of Landmark Engineering explained this has to do with buildings already in existence and will not affect the flooding in Buttonwood. President read Resolution No. 2000-05. Mr. Marinelli made a motion to accept the resolution as read. Mr. Reese seconded the motion. Motion passed unanimously.

**COMMENTS FROM THE FLOOR:**

1. Barbara Minshall spoke about flooding behind her property on Delaware Street. She stated council has not addressed the problem although they have been aware of it for a number of years. Council has agreed to bring in an engineer to address the problem.
2. Charlotte Houben stated she was upset that no charter changes were recommended especially for district representatives.

3. Senator Connor spoke about the progress with the Buttonwood project. She also gave council and update on the incinerator bill and traffic on Route 9. Representative Mulrooney also addressed council updating them on what is happening in the House of Representatives.
4. Jamie Roberts, Mr. and Mrs. Roy Wample and Steve Roberts all spoke regarding repealing the skateboarding ordinance.
5. Teal Petty asked for the definition of open space and recreation zoning and how it will apply to the Buttonwood School.

Mr. Marinelli made a motion to adjourn the regular meeting and enter into executive session. Mr. Reese seconded the motion. Motion passed unanimously.

**EXECUTIVE SESSION MINUTES A DICTATED BY MR. ROBERT MARTIN,  
CITY ADMINISTRATOR:**

President Blest opened the executive session at 9:15 p.m. for the purpose of discussing personnel matters.

Approximately 9:30 p.m. Councilman Reese made a motion to return to open session. Councilman Davis seconded the motion.

Re-convening in open session council directed the city administrator to place the newly appointed Police Chief McDerby on administrative leave without pay effective April 12<sup>th</sup> thru April 30, 2000. Chief McDerby will be sworn in on April 12<sup>th</sup> during a new conference announcing his appointment. Chief McDerby will actually start work on May 1, 2000.

No further business Councilman Reese made a motion to adjourn. Councilman DiAngelo seconded the motion. Motion passed unanimously.

Respectfully submitted,

Patricia K. Fuller  
City Clerk

**MAYOR AND COUNCIL OF NEW CASTLE  
PUBLIC HEARING  
MASONIC HALL – 1406 WILMINGTON ROAD – NEW CASTLE  
TUESDAY - APRIL 11, 2000 – 6:30 P.M.**

A public hearing to discuss a proposed Ordinance regarding Registration, Licensing and Regulations of Rental Properties in the City of New Castle.

President Blest stated this is an old ordinance that is being brought up again. President Blest asked that the audience limit their comments so everyone would have a chance to speak. President Blest stated he received a letter from Dr. Rosenthal and had received several comments from landlords opposing certain sections of the ordinance.

1. Lou Irion of 2<sup>nd</sup> Street stated that the city has taken ten year to handle a complaint from Hank Gott. He stated if the city has taken that long handling one complaint how are they going to handle this ordinance. The city should just wait until they get a complaint.
2. Irma Burwell was against the ordinance. Irma stated no one could help her when she has trouble with a tenant. She had to go to court. Also she was very upset about the fees assessed landlords who have rental properties. She stated her apartments cost her enough and she wasn't paying them.
3. James Buckler husband of Lena Deemer stated they have been offering rentals of the highest quality for four generations and that the BOCA Code is sufficient.
4. Emma Wipf of the Baldton stated although fire alarms are placed in apartments it doesn't mean the tenant will keep them there. She stated that not only rental properties have to be addressed but also homes that are privately owned.
5. John DiMondi wanted to know what the cost of enforcement of this ordinance would be to taxpayers. Would employees have to be hired to handle all the rental inspections?
6. Eugene Petty wanted to go on record as being against the ordinance.
7. Dominic Balascio felt the ordinance is burdensome to landlords and that there are enough codes presently to enforce.
8. Mrs. Teal Petty stated that landlords need help also. There are plenty of codes to protect renters.
9. Other residents that spoke against the ordinance were Lena Deemer, Ennio DiAlessandro and George Burns.