

**MAYOR AND COUNCIL OF NEW CASTLE
REGULAR MONTHLY COUNCIL MEETING
TOWN HALL – 201 DELAWARE STREET – NEW CASTLE, DE
TUESDAY – JUNE 11, 2002 – 7:00 P.M.**

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

Present: Council President Castagno
Councilman Balascio
Councilman DiAngelo
Councilwoman Dr. Miller
Councilman Reese

Also Present: Mayor John Klingmeyer, Janet Carlin, Treasurer; Robert Martin, City Administrator, and Senator Dori Connor.

Review of Protocol: Refrain from profanity. Three minute time limit. Public is welcome to comment at specific times in Agenda.

Mr. Reese presented Chief McDerby who introduced new police officer, Brian Hedrick, who will join New Castle Police force on July 1, 2002. Chief also presented seasonal officers, James MacColl who was present and Todd Zigler who was in class. Seasonal officer, Nicholas Terranova, was re-employed for 2002 but might be leaving in July.

Jeff Bergstrom – Introduced summer intern, Sean Hildebrand, who will be also helping with computer software in new transition.

APPROVAL BY DATE OF COMMITTEE REPORTS

Police Department Report	May 2002
Building Official Report	May 2002
Finance Department Report	May 2002

Mr. Reese moved reports be accepted as submitted. It was seconded by Dr. Miller. Motion passed unanimously.

TREASURER'S REPORT

Treasurer's report read by Janet Carlin.

Mr. Reese motioned to approve Treasurer's report as presented. It was seconded by Dr. Miller. Motion passed unanimously.

APPROVAL OF MINUTES

Public Hearing	May 14, 2002
Regular Council Meeting	May 14, 2002

Mr. DiAngelo made a correction to minutes on Page 4 under New Business Ordinance listed as #204-66. It should have been Ordinance #204-6G. Also committee reports in May's minutes should be April 2002 not March 2002.

Dr. Miller motioned to approve minutes after corrections. It was seconded by Mr. Balascio. Motion passed unanimously.

COMMUNICATIONS

Mr. Castagno received several letters.

Mr Navarez (William Penn Square) asking for a cut over on Route #9. Referred to DELDOT because Route #9 is a State road.

Mr. Martin will contact Mr. Navarez with States phone number.

Buttonwood Civic Association (Restoration Committee) has petitioned the City Council to deny permission for a minor subdivision on a parcel of land where Buttonwood School now stands. This is a valuable asset to our State and City.

Information on an Island Museum proposed for the middle of Delaware River by Mr. Samuel Myers.

BUSINESS FROM THE FLOOR

Earl Carpenter – Right of Way Ordinance has no protection for homeowners.

Mr. Castagno – The Ordinance will be tabled. The Ordinance needs further work. Issue will be addressed at a meeting on June 18, 2002.

Alberta Ponzo – President of Buttonwood School Restoration Committee – Would like to speak on Agenda Item #4. Committee has not received information on subdivision. We have no explanation for proposed division. Opposed to any use except cultural or Historic site. Wants to be on record as opposed to subdivision.

Mr. Castagno – Council will talk about this issue more extensively.

Valerie Petty-Boyer – President of Buttonwood Civic Association – Opposed to parceling this site. Stand up for justice and sacred heritage. Note: Buttonwood Community has been coming to Council meetings for 50 years.

Patricia Wilson-Aden – A private consultant working with Restoration Committee. Has comments with which she will address Council later.

BUSINESS FROM THE MAYOR

None.

BUSINESS FROM COUNCIL PRESIDENT

Working on a lapel pin which will soon be available.

Join Hands Day will be held in Dobbinsville on June 15, 2002 from 9:00 a.m. until 5:00 p.m. in conjunction with American Fraternal Benefit Societies.

BUSINESS FROM CITY ADMINISTRATOR

Department of Agriculture advising that Grant applications are due by July 15, 2002.

Insurance and Financial Service, Ltd. is informing City of a rate increase. Workmen's Comp has increased 35% statewide.

Department of Transportation Project on Washington Street from Route #273 to 6th Street intersection includes bicycle and pedestrian improvements. Given a schedule for concept development.

Delaware Solid Waste rebate on cardboard if over 10 tons. City does not generate enough recyclable cardboard to qualify.

Department of Community Service regarding participation in HUD funds. Must submit an application for development fund for low income recommended we stay with this program. They take care of filing for all federal reports.

United States Department of State to Mayor Klingmeyer thanking him for his interview with an African TV crew regarding life in New Castle after September 11, 2001.

Information for the City of New Castle on recycling program. Recycling containers are in place. Public information, a flyer will be enclosed with tax bills.

Project park at 8th and Young Streets. 1500 yards of fill material has been hydrated and seeded. Landscaping in fall. Have allowed for a parking area.

Senator Dori Connor – Reporting on Metachem Situation – (Chemical Plant on Route #9) – DNREC and EPA are on site and have secured the property. 31 railroad cars all contained chemicals that are contaminated. This is a super fund site. Security, \$5,000.00 per week. Anything that is salable will be sold to recapture some of the State's loss. Public Hearing, Delaware City Fire Company, Thursday, June 13, 2002, at 7:00 p.m. Clean up will take over five years.

UNFINISHED BUSINESS

Third and final reading and a motion to adopt as an Ordinance of the Municipality Ordinance #406. Right of Way Ordinance for the City of New Castle.

Dr. Miller motioned to table Ordinance. It was seconded by Mr. Balascio. Passed unanimously.

NEW BUSINESS

Bank Resolution in amount of \$40,650.00 to pay Hertrick Fleet Service, Inc. for the purchase of two (2) 2003 Ford Crown Victoria Police Sedans.

Mr. Reese motioned to accept Bank Resolution. It was seconded by Mr. Balascio. Motion passed unanimously.

Motion to confirm Mayor's appointments of the Planning Commission. Mayor Klingmeyer states his appointments are to restate Stan Skyora (Chairperson), Beth Matkin, and Jane Miller.

Mr. Reese motioned to accept appointments. It was seconded by Mr. Balascio. Passed unanimously.

First and second reading of Ordinance #407 amending Chapter 215 "Lines and Grades" of the code of New Castle to allow the City Engineer to exempt small construction projects from the requirements of Chapter 215.

Mr. Castagno paraphrased the Ordinance #407 with code amendment.

Dr. Miller – How will this help the homeowner?

Jeff Bergstrom – Save the cost of having "Lines and Grades" done.

Charlotte Houben – 348 years to get a lines and grades. Now we are watering it down.

Joseph Givens – Initiated this changed. All his property storm water run off goes through an Internal storm drain. His construction will not cause a water problem.

Resolution #2002-08 approving a minor subdivision for property located on Buttonwood Avenue.

Mr. Castagno read Resolution #2002-08.

Mr Indellini – Intended to have a 50/50 split. First section to be given to Buttonwood Civic Association. Second section for Municipal Service Commission for a well but not definite plan at this time.

George Freebury – Municipal Service Commission (MSC) – No intent to put a well in Buttonwood to use only if it becomes necessary.

Mr. Reese – MSC has five wells around City and only two wells in use at this time.

Dr. Miller – Have Trustees made a promise to Buttonwood Community. Have Trustees reneged on a promise.

Mr. DiAngelo – Trustees purchased property for water rights.

Mr. Indellini – Land was purchased for two reasons.

Dr. Miller – Is there a total of three (3) acres? Can we compromise on this parcel?

Mr. Balascio – This is a private matter between Trustees and their tenant. Council should not get involved.

Ned Hutchinson – Artesian Water has a mean setback for all wells.

Patricia Wilson-Aden – National Trust for Historic Restoration – This is a stellar project. No confirmation that there is water on this parcel. Who is going to protect this property 20 years from now? Want assurance such as easements, agreements, or covenant so Historic Society can have input in the design, appropriate use, and future decisions. Do not want Restoration Society undermined.

Dr. Miller – What are the negatives of sharing land?

Patricia Wilson-Aden – If use is not compatible with historic property. Perhaps heavy machinery. Need long term use to work through this.

Mr. DiAngelo – Recommended tabling Ordinance until we get more information and particulars.

Teel Petty – Buttonwood Civic Association knows what we proposed for this property. Municipal Service Commission at this point should know what they want. Trustees said nothing about splitting the parcel. We (BCA) do not want parcel split. DuPont gave 3.2. acres and should remain the same.

Mr. Castagno – Does it state anywhere the parcel should be 3.0 acres?

Teel Petty – Read you history books. We (BCA) asked Trustees to purchase it for the Buttonwood Community.

Mr. Indellini – Lease has not been agreed upon. Subdivision will guarantee BCA can move forward.

Mr. Castagno – This should be resolved by property owner and lessor.

Mr. Balascio – This is a private matter. Council should not get involved. Planning Commission has okayed subdivision. We should follow our code.

Mr. Reese moved to approve Resolution #2002-08. It was seconded by Mr. Balascio. Roll call vote: Mr. Balascio, yes; Mr. DiAngelo, no(need more information); Dr. Miller, yes; Mr. Reese, yes. Motion carried.

Teel Petty – Restoration Committee again disappointed by the elected officials. Lack of interest in Buttonwood Community and its citizens. Trustees are very hostile and inflammatory toward Buttonwood citizens.

Resolution #2002-09 approving a minor subdivision for property located on Glebe Lane.

Mr. Castagno will the applicant construct and maintain an electronic gate to close 6th Street and keep in good working order.

Mr. Reese motioned to accept Resolution #2002-09. It was seconded by Dr. Miller. Roll call vote: Mr. Balascio, yes; Mr. DiAngelo, yes; Dr. Miller, yes; Mr. Reese, yes. Passed unanimously.

Resolution #2002-10 approving the Fiscal Budget for year 2002/2003.

Dr. Miller requested that Resolution #2002-10 be tabled. It was seconded by Mr. Reese. Passed unanimously.

First and second reading of Ordinance #409 to adopt a zoning classification on West 3rd Street to Historic Residential (HR) as recommended by the Planning Commission.

Mr. Castagno read Ordinance #409, first and second reading.

First and second reading of Ordinance #410 amending Chapter 204 "Solid Waste" of the code of New Castle by providing more specifically for the placement and removal of containers.

Mr. Castagno read Ordinance #410, first and second reading.

Barbara DiMaio – Who will enforce?

Mr. Castagno – Will be enforced by police and property maintenance code official.

Mr. DiAngelo – Age 62 should not be an exception. If handicapped, yes, but not because of age 62. Handicapped use only.

Earl Carpenter – Reconsider labeling the handicapped people. These days the seniors and handicapped are vulnerable.

Mr. Castagno – Revisit this Ordinance. Not final to third and final reading. Agenda Item 9 through 14 are very similar. Changing existing BOCA code to International Building code.

Jeff Bergstrom – Change taken from New Castle County code.

First and second reading of Ordinance #408 amending Chapter 102 of the code and adopting the 2000 edition of the International Building code.

Mr. Castagno explained reason for change of code, first and second reading.

First and second reading of Ordinance #411 amending Chapter 103 of the code and adopting the 2000 edition of the International code for one and two family dwellings.

Mr. Castagno explained reason for change of code, first and second reading.

First and second reading of Ordinance #412 amending Chapter 181 code and adopting the 2000 edition of the International Plumbing code.

Mr. Castagno explained the reason for change of code, first and second reading.

First and second reading of Ordinance #413 amending Chapter 162 of the code and adopting the 2000 edition of the International Mechanical code.

Mr. Castagno explained the reason for change of code, first and second reading.

Mr. DiAngelo noted a typing error in Ordinance #413, Section 2S162-1, to be corrected before next reading.

First and second reading of Ordinance #414 creating Chapter 163 of the code and adopting the 2000 edition of the International Fuel Gas code.

Mr. Castagno explained reason for change of code, first and second reading.

First and second reading of Ordinance #415 amending Chapter 185 of the code and adopting the 2000 edition of the International Property Maintenance code.

Mr. Castagno explained reason for change of code, first and second reading.

Mr. Reese recommended no new copy for next session.

COMMENTS FROM THE FLOOR

Ned Hutchinson – Within the new international code is there any conflict with the historic area?

Lisa Dunn – Past victim of violent crime. 80% of the time when out late at night see the police. Applaud police. Too many negative comments.

Barbara DiMaio – Accident at 4th and Harmony on May 24, 2002. We have complained about Traffic to police. Wants speed limit enforced. Have laws then they need to be enforced. Skateboard laws need to be enforced. Graffiti in City limits. terrified of skateboards. Skateboards are harassing her family. If skateboards injure anyone in her family the City will be sued.

Nancy Coning – Want a stop sign on the 4th Street side of Harmony.

Mr. DiAngelo – Need to send a letter requesting a stop sign.

Ned Hutchinson – Need stop signs at all intersections in town. Foundry Street was a two way street but no anymore.

Milly Flick – Area in front of David Finney can be used by residents when unloading. The police should be more considerate of residents. The sign and curb are completely different.

Chief McDerby – Curb is yellow. It is a no parking zone. People are treated as courteously as people allow. Chief read highlights of 2001. Open to criticism but here to defend police.

Brian Howell – 1206 Wilmington Road – Struggling for three (3) years with neighbor. The Mayor secured a grant to get a tree cut down. Front yard has bee cut two times this summer. Backyard has grass as tall as a man. There are mice in the yard and a rotting wood pile. Two complaints have been filed. 1203 Wilmington

Road has been vacant and it is a mess. If you have BCA code enforced then you have the right to enforce the code.

Bob Martin – Yellow curb in front of David Finney is no parking. If Council wants we will remove yellow curb.

Mr. Castagno – Pass to Police Department to get recommendation.

Bill Emery – Lack of railing on Wharf. Bring issue back. Have taken no action.

Mr. Castagno – Guarantee a railing is coming to New Castle but not for six (6) months.

Bob Martin – What do you purpose?

Bill Emery – Snow fence.

Mr. Castagno – Research options. Snow fence is cheapest.

Mr. Reese – Want another option.

Bill Emery – Fire Department has access key in case of emergency. Should be made part of building code.

Jeff Bergstrom – Goodwill and Holloway Terrace refuse to use them.

Dori Connor – Dora Crockett needs a railing to get in and out of her home. There is no money in the County. Also, Route #9 bridge is stable but roadway askew.

Earl Carpenter – Lions Club may be able to help.

Ennio DiAlessandro – Question about lines and grades. County has 480 square feet. City has 0 square feet. Want a minimum number of square feet. Letting an engineer look at site. Engineer may be prejudiced. Put in black and white would be best so you know what can be done.

Mayor Klingmeyer – Historic area eliminated. All other area would be fairly easy in regard to lines and grades.

Respectfully submitted,



Kate Toner
City Clerk