

Mayor and City Council of New Castle
Special Hearing (6:45 PM) and Regular Council Meeting (7:00 PM)
New Castle Town Hall—Delaware Street—New Castle, DE
Tuesday, March 8, 2005

President Castagno called the special hearing to order at 6:45 PM to discuss the placement of two signs on Chestnut Street and Fourth Street. One sign will prohibit trucks weighing more than 5,000 pounds from entering the City. The other will direct the trucks back to Route 9. A notice concerning the matter was posted in the *Wilmington News Journal* on January 21, 2005. He then asked Chief McDerby to comment on the placement of the signs.

Chief McDerby explained that the existing sign on Ferry Cutoff does not clearly redirect trucks back to Route 9. As a result, the trucks sometimes proceed from Ferry Cut Off onto Chestnut Street and then turn into the City instead of returning to Route 9. The resolution to be considered at the March Council meeting is to authorize the placement of two signs at the Chestnut Street and Fourth Street intersection, directing them to Route 9 and restricting trucks weighing more than 5,000 pounds from entering the City. Trucks making local deliveries would be exempted. Chief McDerby has mapped out the signs and offered to distribute copies to those assembled. He noted that the next step is to contact DelDOT to acquire the necessary signage.

President Castagno asked about the nature of the complaints about truck traffic. Chief McDerby replied that the sign restricting truck traffic in the City is not on Ferry Cutoff, but rather on Chestnut and Fourth Streets *after* Ferry Cut Off. As a result, some truck drivers turn into the City rather than attempt to reroute their rigs through the City to return to Route 9. Councilperson Miller asked if the sign's size is important. Chief McDerby replied that the size of the Ferry Cut Off sign is important. He suggested adding an arrow to that sign to indicate the direction to Route 9. Councilperson Miller observed that many of the trucks coming down City streets take branches with them. Their excuse is that they did not see the sign. She reiterated that part of the problem is the sign's size. She suggested making the signs large enough for every driver to see. Chief McDerby responded that if the resolution passes, the City will revisit the signage to determine if larger signs are needed. Councilperson Miller said trucks on Delaware and Second Streets and on Harmony Street and Chestnut Street do not seem to know where they are going; thus, informative signs are an important ingredient in solving the problem.

President Castagno complimented Chief McDerby on his excellent work on the problem. Councilperson Reese asked Mike Alfree, who had explained the problem in a letter and at the February Council meeting, if the problems occur mostly at night. Mr. Alfree replied that they do. He revealed that on Monday at 9:00 PM, a truck came from Delaware Street, and its attempts to turn resulted in the entire front part of the trailer being on the curb and over the sewer grate. The rest of the truck was still on Second Street. The truck driver was attempting to make the turn. In contrast, trucks coming from Chestnut Street come mostly in the early morning. He believes that the truck drivers seem to be attempting to get to Twin Spans and that they miss the turn. When they get to Second and Harmony or Delaware Streets, they must turn to get out of town. He

suggested installing a large pole at Chestnut and Fourth Streets: when truck hits the pole, the truck drivers will know that they missed the turn. Another problem is that trucks sometimes hit parked vehicles as they go up the narrow streets and then keep on going. Councilperson Reese asked if a sign should provide directions to Brosious Eliason and to the industrial park. Chief McDerby said such a sign should be on Ferry Cutoff, because by the time a truck reaches Fourth and Chestnut Streets, it is too late to reroute to those locations.

Mr. Alfree said that if a sign clearly points the trucks in the direction of Route 9, the problem will be mitigated. Chief McDerby observed that the problems can not be solved until Route 9 is redesigned. However, something should be done now because the trucks are destructive. He thinks solving the problem will require more than the proposed two signs.

President Castagno adjourned the special hearing at 6:51 PM.

President Castagno called the regular meeting of the New Castle City Council to order at 7:00 PM and led those assembled in the pledge of allegiance. He pointed out two agenda items that permit the floor to address the Council. Agenda item *Business from the Floor* allows comments about agenda items only. *Comments from the Floor* invites residents to comment on any City-related issue.

Roll Call

Present: President Castagno Councilperson DiAngelo Councilperson Miller
 Councilperson Padmalingam Councilperson Reese

Others Present: Treasurer Janet Carlin, Finance/Human Resources Director Marian C. Delaney, Mayor Klingmeyer, Police Chief McDerby, City Planner Jacquelyn Seneschal, Emergency Management Coordinator Herb Swanson, Public Services Director Jim Weldin

Approval of Minutes by Date

President Castagno thanked the Council Secretary for the excellent minutes she has provided during her two-year tenure. He then called for approval of the current minutes. Councilperson Miller moved to accept the minutes. Councilperson DiAngelo seconded the motion. Councilpersons DiAngelo, Miller, Padmalingam, and Reese approved the minutes. The motion carried unanimously.

Treasurer's Report

Treasurer Janet Carlin reported that as of February 28, 2005:

Petty cash on hand totaled \$270.

Monthly deposits totaled \$341,669.64.

Wilmington Trust accounts totaled \$501,891.80.

Certificates of Deposit totaled \$209,215.42.

Total cash on hand equaled \$711,107.22.

Councilperson Reese moved to accept the treasurer's report. Councilperson Miller seconded the motion. Councilpersons DiAngelo, Miller, Padmalingam, and Reese approved the motion. The motion carried unanimously.

Department Directors' Reports

Police Chief McDerby thanked the Mayor, the Council, the City Treasurer, and the City Clerk for their assistance to the City's Police Department. He also expressed appreciation for the excellent group of police officers under his command. He then deferred his report until agenda item 1 was discussed. That item concerns the road closure at Howell and Buttonwood Drives.

Public Services Director Jim Weldin reported that construction has started on the replacement of the **drainage culvert under Ninth Street**. He expects work to be completed within 45 days.

A meeting with the contractor and the Municipal Services Commission was scheduled to develop a time frame for the completion of the work on the **Greenway Construction** project. The meeting will consider the Greenway's lighting and landscaping.

The **Buttonwood drainage project** is expected to be fully funded. Mr. Weldin met with Representative Johnson to review the problems involved. After the on-site meeting, Representative Johnson committed \$14,000 toward the project. In addition, Senator Margaret Rose Henry has committed \$14,000. Mr. Weldin also met with Mike Hammer of the New Castle County Department of Special Services and with Joe Cochran, Councilman Bill Bell's aide. Special Services has initiated a purchase order for \$11,000. The County Council is expected to approve the purchase order when they meet in March. When this occurs the project will be fully funded.

President Castagno asked if the cost of the project is \$296,000. Mr. Weldin replied in the affirmative if the County Council approves the purchase order. Councilperson Miller asked when the project would begin. Mr. Weldin replied that if the County Council approves, the Conservation District will elicit bids, so that construction can begin sometime during the summer. Councilperson Reese asked about the project's time line. Mr. Weldin replied that the criteria haven't yet been developed, but he speculates the time line to be 90 days.

President Castagno thanked Mr. Weldin for a job well done.

Finance/Human Services Director Marian C. Delaney reported on the following.

Finance

The City's 2005 financial reports have been distributed to the packets. The year-to-date (YTD) report reflects 83.7% of the budget collected and 72.6% expended. The YTD February 2004 report revealed that 74.6% of revenues were collected, and 73.8% of the budget was expended.

The Municipal Services Commission (MSC) has purchased an e-cabinet (electronic-cabinet) filing system from Ricoh. An e-cabinet serves as a computer network filing system that can manage and archive files from network scanners, copiers, printers, faxes, email, web mail, and PCs. Files can be accessed for share groups and restricted for confidential files. A short term goal is to provide one City communications domain for MSC, administrative, and Public Services

personnel so that they can share electronic resources. Ms. Delaney, Jim Weldin, and MSC personnel attended a training session on the e-cabinet the week before the Council Meeting.

Human Resources

The City's Safety Committee, formed March 3, 2005, has tentatively scheduled the first meeting for March 30, 2005. Members include department heads: Ms. Delaney, Jim Weldin, Chief McDerby, and HR Coordinator David Skupien. Representing AFSCME are Debbie Pullam, Irv Thatcher, B. Robinette, and Jean Williamson. Police officers J. Barnes, W. Texter, E. Dempsey, and A. Brams will represent FOP.

The next video training session for employees is scheduled for Wednesday, March 23, 2005. Six employees had perfect attendance. They are J. Brockett, Marian Delaney, Mikki DiEmidio, David Skupien, B. Waraska, and Jean Williamson. Perfect attendance is not required because of vacations, Police Department shift rotation, and other unavoidable factors.

Mikki DiEmidio, the Mayor's secretary, has been attending Delaware Tourism meetings. Later in March, Marian Delaney will attend the Managing Multiple Priorities seminar.

Two City employees resigned in March: one from Public Services and one from Public Safety. Both positions have been advertised.

President Castagno reminded those present that the director's reports are in the packets and asked for a motion to approve the reports. Councilperson Miller moved to accept the directors' reports as presented. Councilperson Reese seconded the motion. Councilpersons DiAngelo, Miller, Padmalingam, and Reese approved the motion. The motion carried unanimously.

Communications

Councilperson Reese observed that the Council has communicated with New Jersey about the **gas site that New Jersey wants to construct on the river in Delaware**. He wants the Council to officially object, as they did when New Jersey wanted to establish a facility to deal with nerve gas. President Castagno suggested that the correct protocol is a resolution for consideration at the next Council meeting.

President Castagno then read the following letters:

Public Service Director Jim Weldin identified the dates when the Kalmar Nyckel wishes to dock. They are April 14—18; May 9—26, June 23—27, and October 10—17.

Mayor Klingmeyer informed the Council that he appointed Dorothy Weaver to the City Election Committee to replace Victor Kasun, who had resigned. The Mayor said that Ms. Weaver "will serve the City well" as a member of that committee.

Sergeant Barnes of the FOP notified the Council that the City's union contract is ending. FOP union members want to negotiate a new contract as soon as possible. Their negotiating team consists of Sergeant Barnes, Patrolman Michael Hetzfeld, and PFC William Texter. They have

narrowed down key issues, but they don't think these issues will interfere with arriving at a timely agreement.

The Attorney General's office notified the Council that the complaint filed by Mayor Klingmeyer was denied. He read the letter's summary, which stated that the Council had not violated the Freedom of Information Act in respect to the manner in which the Council conducted their meetings on June 23 and 25, 2005, nor in their preparations for those meetings. He disclosed that the letter was on file at the City office.

Business from the Floor

There was no business from the floor.

Business from the Mayor

Mayor Klingmeyer asked when residents can expect the results of the City audit. Finance Director Delaney assured him that a City audit is in progress. The year being audited is July 2003 through June 2004. The Council advertised the audit before the December meeting, and awarded it in December 2004. It is now 85% complete.

Business from the Council President

President Castagno reported that New Castle Flower Beautification Committee (NCFBC) had donated \$1,000 to the New Castle Senior Center at the last Council meeting. At the last Council meeting, Kerstin Almquist asked the City to hire a gardener and was advised to ask the Trustees for money. Tom Maddux suggested that the gardener's term of employment should be six months of the year.

Public Services has prepared a garden for Dobbinsville. The garden will have a raised bed and an entrance sign. NCFBC will meet on March 14 and 15 for pruning various City gardens. March 21 and 22 are alternate dates.

The NCFBC has decided against hanging baskets for next summer. If the City hires a gardener, the baskets will be reconsidered for the following summer. Ms. Almquist, Susan Keyser, and Jim Weldin will meet to discuss the Western Gateway project. Ms. Keyser reported that Moon Nursery of Chesapeake City will put in plants around the Police Building. Betsy Martino suggested planting more perennials around the City. Teel Petty reported that deer have invaded Buttonwood gardens.

Unfinished Business

There was no unfinished business.

New Business

Decision to Proceed with the Road Closure at Howell and Buttonwood Drives: President Castagno noted that Council passed a resolution several months ago asking for the closure of Buttonwood and Howell Drives. Since then, the City has received a report from DelDOT advising against the closure and a report from the City Engineer elucidating other alternatives to

closure. The Council expressed concern about the legality of the closure. President Castagno and Chief McDerby met with the City Solicitor, who confirmed that, technically, it is within the City's right to close the road; however, he advised that opposition from residents or DelDOT could occur.

Chief McDerby revealed that on January 21, 2005, DelDOT notified the City that they did not support the City's resolution to close Howell Drive at Buttonwood Avenue. Their decision was based on a survey performed by Whitman, Requart, and Associates, LLP (WRA). That company decided that the existing the traffic pattern along Buttonwood Avenue did not indicate the intersection should be closed. The basis for their decision follows.

- Traffic along Buttonwood Avenue is local, residential traffic.
- Speeding is not a significant problem.
- A speed bump has been installed to discourage speeding and reduce traffic volumes during peak periods.
- Closing Howell Drive would increase travel time and trip lengths for residents living in Collins Park.
- The traffic signal at Buttonwood Avenue at Route 9 provides controlled access to southbound Route 9, in contrast to the May Avenue intersection, which does not have a traffic signal.

If DelDOT signalizes May Avenue, they may reverse their decision. Chief McDerby pointed out that speed bumps in Collins Park probably don't deter speeders, but they make it less attractive to travel in the area. In contrast, Buttonwood Avenue has only one speed bump. He warned that much had to be accomplished before closing the intersection.

Chief McDerby consulted the City Attorney and learned that the City could close Howell Drive, but could face possible legal action from DelDOT, property owners and New Castle County as a result. He pointed out that DelDOT's study indicated that most vehicles were going only a few miles over the speed limit.

The City Attorney disclosed that the burden of proving that public safety is threatened in that area rests with the City. An existing five-year study revealed that accidents on Buttonwood Avenue averaged about one a year. City Engineer Dave Athey favors traffic calming and speed enforcement rather than closing the drive. Chief McDerby revealed that speeders are "few and far between." He recommended having a meeting with the Buttonwood Civic Association at the Police Station and inviting residents of Collins Park, DelDOT representatives, Senator Margaret Rose Henry and Senator Johnson to that meeting. President Castagno agreed that bringing the interested parties together was an excellent suggestion. He asked the Chief to follow through on arranging a meeting and help set a date.

Jackie Seneschal reported that she had met with WILMAPCO and that the City is interested in a traffic calming study. She noted that DelDOT has a specialist in traffic calming. Involving DelDOT in a traffic calming study would provide information about whether traffic calming or the relocation of the traffic light on May Avenue would solve the problem. President Castagno asked her and Dave Athey to coordinate the effort. He then asked if City Engineer Athey wished to add to Ms. Seneschal's report.

Mr. Athey pointed out that given the choice he would go through Buttonwood. May Avenue, the alternative route, has many problems: a parallel road exists there, traffic and speed bumps slow traffic, the avenue lacks a signal. He believes the Chief is correct to suggest traffic calming as an alternative to closing the Howell Drive/Buttonwood Avenue intersection.

Councilperson DiAngelo reported that he read City Attorney Hearn's letter, which did not offer a solution, but pointed out that should the City close the intersection, the City will "have the burden of establishing the public safety issues." Councilperson DiAngelo said that the problem with the intersection is speed. Preventing speed offers three solutions: install speed bumps, reduce the speed limit to 15 MPH, and have DelDOT install a stop sign at May Avenue. He suggested meeting with Buttonwood residents to discuss these solutions. He noted that the study states that little speeding occurs.

President Castagno advised considering the legal and technical input, as well as public safety issues. He asked for a motion to table the decision until Chief McDerby and Ms. Seneschal can call a follow up meeting to discuss the issues.

Councilperson Miller noted that too many tentative issues are involved to make an informed decision and that the attorney's letter doesn't offer any solutions. She moved to table the issue and to hold a follow up meeting. Councilperson Reese seconded the motion. Councilperson Reese pointed out that the City had already closed the end of Buttonwood Avenue and that technically it was never really opened. It no longer goes into the industrial park even though it is paved all the way, and it has a fire fence there. This could serve as a precedent for closing the intersection at Howell Drive and Buttonwood Avenue. Once the interested parties meet, he expects some solution of the problem, but nothing can be solved unless the Senator and the Representative meet with the residents. Councilpersons Padmalingam, Miller and Reese approved the motion. Councilperson DiAngelo abstained. The motion carried.

Discussion of the Appearance of Battery Park's Beach and River Bed: Councilman Padmalingam, a New Castle resident for seven years, frequently walks in Battery Park. He complained that he has tried to get Parks and Recreation to do a major clean up at Battery Park's beach and river bed, but without success. He has spoken with the two Trustees responsible for parks, who told him that every time the park is cleaned, the trash comes back. He complained that debris between the flag pole and the wharf has been there for 15 years. For example, a 45-foot tree trunk with a girth of four feet has been there for a long time as have smaller tree trunks. He urged a major one-time clean up to be done, at an estimated cost of five to seven thousand dollars. He doesn't think such a clean up has ever been done. He wants the City to clean the area as soon as possible. After the major clean up, there should be a maintenance program at least twice a month. Maintenance should cost no more than seven to ten thousand dollars a year. This should not be a burden because the City has \$4.3 million in tax monies.

Councilperson Reese said that he has been part of the river clean up since 1986. During that time, tons of debris were hauled away. The Sailing Club cleans the river every spring; the State does it once a year. Public Service employees regularly pick up trash and debris. He has hauled mattresses, barrels, and juice containers out of the river, but it keeps coming back. He observed that nothing along the river has been there 15 years. He noted that the beach behind The Strand

and Bull Hill are worse than at the park. He asked where the clean up stops. Should it extend all the way up the river? When the next clean up occurs, he will help, but to pay Public Service workers to continually clean up the river seems fiscally irresponsible. Mr. Weldin reported that a vendor was scheduled to estimate the cost of a cleanup.

Councilperson Padmalingam pointed out that the City picks up garbage two times a week. If pick up didn't occur, the garbage would accumulate. He urged the City to do a manual cleanup. Councilperson Reese replied that the river underwent a major clean up last May, from the Banks Building to beyond the Dobbinsville walkway. He invited Councilperson Padmalingam to join the next clean up at the river.

Councilperson Miller agreed with Councilperson Reese that trash and debris perpetuates at the river. She also has worked to keep the area clean. She remembers trucks hauling away tons of trash. She said that one major clean up would not last a year.

Mayor Klingmeyer reported that the National Guard and prisoners had helped clean up the area, but the problem cannot be easily solved.

Councilperson Padmalingam asked if the City could enlist the help of businesses willing to dedicate money and personnel to keep the area cleaner. Councilperson Reese asked about the results of Connectiv's visit. Mr. Weldin replied that it had rained that day so not much could be done. Councilperson Reese asked if the prisoners could come on a regular basis. Mr. Weldin replied that sometimes a few prisoners came, sometimes hardly any. Councilperson Reese said the best turnout occurred when the prisoners knew they were getting pizza for lunch.

Councilperson Padmalingam expressed doubt that prisoners would haul away tons of lumber. Mr. Weldin said that City workers have hauled away 15 tons, some of which is dried and made into mulch.

Councilperson DiAngelo noted that COMCAST employees did gardening and mulching. If the City requests them to provide the manpower to dispose of the wood, they probably would. The City would have to haul away the wood. When Mr. Weldin and Kerstin Almquist approached COMCAST, the company didn't seem enthusiastic about cleaning up the river. President Castagno noted that the problem is complex and ongoing. Anyone interested in private funding concepts should implement that concept and coordinate with Public Services to see if any administrative program can be established.

Councilperson Padmalingam said that he had been in touch with two Trustees, who told him that they are responsible for Battery Park, but not for the river bed. He maintained that the City has an obligation to clean and maintain the river bed; otherwise, it is unsanitary and a health hazard.

David June asked if anyone had inquired about who was responsible for cleaning up the oil spill last year and if anyone had solicited State funds. Mr. Weldin was in touch with DNREC, but the City had no oil spill contamination; therefore, there was no need for a clean up. Mr. June said that he wondered because the area had been quarantined. He then asked if the City had talked with any State Wildlife organization about the spill. Mr. Weldin said that the City often talks to the State about wildlife, but not about the oil spill because the City wasn't affected by it.

President Castagno also favors assuming the responsibility for administering the grants because it is the only way that Bellanca can receive the money. However, he wants all incremental expenses to be covered by the grants or by other outside means so that the City incurs no financial cost. Two City employees will handle the grants.

Councilperson Miller is convinced that Bellanca will deal honestly with the City. President Castagno asked if any of the Friends wanted to add anything. Sally Monigle thanked the Council for their comments and assured them that the City would incur no out-of-pocket cost in administering the grants.

Councilperson Reese asked to be assured that the City would not have to *up-front* \$500,000 and then have to wait to be reimbursed. Councilperson Miller assured him that Bellanca's contractors, not the City, will have to wait for reimbursement. All expenditures would be audited.

President Castagno summarized the decision to be made: to have the City administer the grants on behalf of the Friends of Bellanca, which is a non-profit, 501C corporation doing the work of the people.

Councilperson Miller moved to accept the responsibility of administering the Bellanca grants with the stipulation that no incremental costs are to be borne by the City. Councilperson Reese seconded the motion. Councilpersons DiAngelo, Padmalingam, Miller, and Reese approved the motion. The motion carried unanimously

Decision to Permit Good Will Fire Company to Use Sirens in Certain Cases: President Castagno explained that the Good Will Fire Company wants the Council's approval to use their siren for emergency management issues. They have discussed the proposal with their landlord, the Trustees, who are in full agreement. Councilperson Miller said that it is important to notify the people who live around the fire house because the complaints of those residents originally silenced the siren. Councilperson DiAngelo could not recall anyone imposing restrictions on using the siren. President Castagno revealed that they have voluntarily refrained from using their siren; however, a siren is crucial in the event of a major emergency. He asked Bill Emory to explain the reason for the request.

Mr. Emory disclosed that the siren was discontinued because a new system had come out while the Fire Company was still using the paging system and the siren. When the siren broke, because the paging system worked so well, the siren was never repaired. The 9/11 disaster underscored the need for immediate notification of residents in emergency situations.

Councilperson Miller asked Mr. Emory to identify some emergency situations. He replied that emergency situations include severe storms, major flooding, and anything related to a major danger. Councilperson Miller asked if the danger would be something that the public could be told. He replied that it was. As an example, he cited the federal government's use of sirens on nuclear islands. Like the federal government, the Fire Company will use a different number of siren blasts to identify the pending danger.

David June said that he participates in the Land Use Committee for a civic group of New Castle County, and they recommend that the City oppose the ING project to allow a natural gas ship in the river. The Land Use Committee is fighting the ING project because of the safety and pollution issues involved. He asked the City to be more aware of potentially dangerous situations and to take a stand. He cited toxicity in the area and observed that cancer rates are astronomical. Arsenic and metals in the ground are endangering area residents' lives. The water supply has been affected. He wants the City to take a harder look at the problems.

Councilperson Miller asked if he had brought literature to distribute. He replied that he did not, but that he would bring some to the next Council meeting. President Castagno thanked him for his input and reminded him that the Council needs all available information to take a stand on an issue. He suggested calling a public meeting, as a private citizen group or as any other kind of group.

Mr. June said that the State is staying with the Costal Zone Act, which covers industrial applications on the waterfront. He advised following the State's lead in addressing safety issues that could hurt this area. He said that he had family and friend who died of cancer because of toxicity in the area. Councilperson Reese pointed out that the problem is that the County meeting is to occur before the end of March, and the current Council's tenure ends in March.

Herb Swanson asked how the properties owned by the City are disposed of. He wants an answer to a question about Etchells Street, which runs off Ninth Street, parallel to Washington Street. He has copies of deeds and mortgages that show that the street runs behind the houses fronting Washington Street.

With the development of the Deemer property, the topography has changed significantly. A 1990 City map reveals that there was a brook, a drain, and an 18-inch pipe there once channeled water from Ninth Street. There were plans for Ninth Street shops where the Deemer apartments are being built. On the June 2000 maps, the road, the brook, and the drain no longer exist. Now, contaminated concrete blocks from the Deemer property are transported across the street and dumped where the brook and drain once were.

Deeds show that Etchells Street is 30 feet wide; however, in a memo of July 24, 2003, then City Administrator Bob Martin identified the street as a 20-foot paper street, going from 819 Washington Street to Bruce Gordon's property. Mr. Swanson was told the street no longer exists, and that it has become Deemer property. He doesn't understand how the City can give Mr. Keller that property where he has rented a garage there for eight years. Now the road is in such poor condition that he can no longer get into that garage. He wants to know who is responsible and how the road was eliminated. He submitted photos of the property in question.

President Castagno said that the last two Councils had given nothing away. Mr. Swanson asked how Mr. Keller acquired the property. President Castagno promised to look at the maps to determine if the City had given the land away. Mr. Swanson said that Mr. Weldin would testify to the condition of the site. Councilperson Reese asked if the surveyors had staked the property. Mr. Swanson said that he had not seen any, but that he had copies of the deeds and mortgages that show that Etchells Street once existed. He contends that Mr. Keller seems to have taken over

City property to dump concrete blocks from the apartments being built. Councilperson DiAngelo asked if it is permissible to dump concrete there.

Mr. Swanson said that as a result of the eliminating the brook, surface water is not penetrating the ground as it once did, but running into his garage. He has lost about \$400 worth of private papers and photograph albums as a result.

Mr. Weldin said that the road is on the earlier map. President Castagno suggested consulting the tax roles and deeds records to discover the owners. President Castagno asked Mr. Weldin to research if and when the property was transferred and to investigate whether or not a code enforcement issue exists. Mr. Swanson said that he reported the situation to DNREC in a phone call. He will mail them a copy of the information in order to get a response. He also contacted the FPA, who said that there was no violation because the area isn't a tidal basin or stream. What he neglected to tell them is that the material being dumped is contaminated.

Councilperson Miller said they Council should follow up on the situation.

John Houben from Washington Park disclosed that last week he received an upsetting phone call from a City resident. He asked the Mayor if a letter that bears the seal of the City concerns City business. The Mayor replied that he couldn't answer the question. Mr. Houben revealed that an invitation with the City's seal and signed by the City Council President, was mailed to the resident, inviting him to meet a person running for office. He considers the invitation implies an official endorsement of that person's candidacy. He believes that it is unethical that anyone holding office would use official stationery to promote a candidate. He noted that an apology is due to the other Council members and to everyone running for public office.

President Castagno asked if Mr. Houben had read the back of the invitation. Mr. Houben retorted that saying the invitation was paid for by "the citizens and friends of Chris Castagno" doesn't give Council members the right to use the City's seal to promote a candidate.

Councilperson Padmalingam observed that the Council has contributed significantly to improving the quality of life in the 23 months of their tenure. Achievements include a state-of-the-art police station. He feels privileged to have been a part of it.

Meeting Adjourned

Councilperson Miller moved to adjourn the meeting. Councilperson Reese seconded the motion. Councilpersons DiAngelo, Miller, Padmalingam, and Reese approved the motion. The motion carried. The meeting adjourned at 8:43 PM.

Next Scheduled Meeting

The next City Council meeting is scheduled for April 19, 2005.

Respectfully submitted,

Darcy Mozer, City Clerk