

**City of New Castle Delaware**  
**Regular City Council Meeting at Town Hall**  
**201 Delaware Street – New Castle**  
**Tuesday, January 8, 2019– 7:00 p.m.**

**Roll Call**

Councilperson Valarie W. Leary  
Councilperson Michael J. Quaranta  
Council President Linda Ratchford  
Councilperson Michael M. Platt  
Councilperson John A. Di Mondì

**Also present:**

Jimmy Gambacorta, Mayor  
Janet Carlin, City Treasurer  
William Barthel, City Administrator  
Daniel Losco, City Solicitor  
Richard McCabe, Chief of Police

**Minutes**

After a motion and second, the October 29, 2018 Special Meeting Minutes; November 26, 2018 Public Hearing Minutes; November 26, 2018; Special Meeting Minutes; December 6, 2018 Special Meeting Minutes; December 11, 2018 Regular Meeting Minutes were approved unanimously, as amended.

**Treasurer's Report**

The unaudited Treasurer's report was presented by Janet Carlin, City Treasurer; as of December, 31, 2018 reported \$4,196,786.60 in unrestricted finds, and \$2,437,424.34 in restricted funds, for a total of \$6,634,210.94 total cash in accounts.

Total long-term debt is \$270,515.00, inclusive of the loan for the street sweeper. Total indebtedness is \$2,054,483.00, which includes the amount that the Trust will be paying back, which is currently \$1,783,968.00.

Ms. Carlin reported that the down payment and first payment on the street sweeper have been made.

Councilperson Quaranta asked Ms. Carlin whether there are any concerns related to the city's financial status, now that we are halfway through the fiscal year. Ms. Carlin responded that compared to this point in time last year, everything is very much on target. The couple of items that vary much are related to a real estate sale and a large tax payment, and she has no concerns.

After a motion and second, the unaudited Treasurer's report was approved as presented, unanimously.

## **Business from the Mayor**

Mayor Gambacorta reported on the project he and Mr. Barthel are working on, related to straightening up the pole signs in the city, where needed. They are considering re-publishing the ordinance that was passed in January of 2018, as well as including a copy of that in the Municipal Services monthly bill, along with suggestions for getting the signs back in good order.

They are also working on dealing with the overabundance of “We Buy Houses” signs.

Councilperson Di Mondì asked about the possibility of having somebody call the phone numbers on the “We Buy Houses” signs, to inform those people of the up to \$500 fine that can apply, for placing those signs. Mr. Barthel responded that this can be done.

On Councilperson Quaranta’s request, City Solicitor Losco will look into the parameters of the enforceability of the mentioned ordinance and fine, related to the “We Buy Houses” signs.

## **Report from the City Administrator and Staff**

City Administrator William Barthel reported:

- The Administrator’s office is monitoring 15 vacant buildings in the city, nine of which are in Dobbinsville. This number (15) is down from 48 vacant properties in 2012. Mr. Barthel would like to see funds made available for the city to gain possession of the properties, to either tear them down or rehab them.
- The Auditor, for the annual audit, will be coming in, probably within the next couple of weeks.
- DelDOT intends to have a public hearing related to the railroad crossing project, including plans for diverting traffic. Mr. Barthel will report on the date of that hearing, once it is reported to him.
- DelDOT and Century Engineering will be investigating whether a right-turn modification at Delaware Street and Ferry Cut Off can be added to the existing railroad crossing project scheduled for 2020. If it cannot be added to the railroad crossing project, DelDOT will investigate making it a standalone project.
- The city will be working with WILMAPCO on initiating a larger transportation planning effort, similar to the 1999 WILMAPCO plan.
- In the spring, DelDOT will be installing the tubular markers on the shoulder near Delaware Street and Ferry Cut Off, near the railroad crossing, that had been discussed at a previous meeting.
- Mr. Barthel had called DelDOT’s attention to concerns about potential ice and flooding conditions at Route 9 and Chestnut Street. DelDOT will monitor the ice conditions, and treat as necessary. They will also be looking into the drainage situation at that location. The Conservation District is also looking at relief from the potential flooding conditions.

Councilperson Di Mondì reiterated his objection to tearing down any houses, unless they are completely condemned, and cannot be rehabilitated.

Councilperson Platt stated that he is more concerned about the vehicles not tagged, boats not moved and where trash is a problem, as opposed to those where it is not.

There was discussion as to the process that is gone through when the owner of a vacant nuisance property does not remediate the problem, such as fines, liens and eventual selling of the property at a Sheriff's sale. The possibilities for speeding up this process were discussed.

Properties that pose a potential health and safety risk to the community also go through a formal process, including a hearing by the Board of Health, after notification to the owner, before which the property is condemned, if appropriate.

Even properly maintained properties that are vacant must be registered with the city, and fines can be assessed. Those properties can ultimately be taken to Sheriff's sale, if fines are not paid. Mr. Barthel advised that specific properties of concern should be brought to his attention.

Councilperson Quaranta requested that Mr. Losco look into ways in which the time frame for remediation of the problem of vacant nuisance properties could be compressed.

Councilperson Di Mondì would like consideration to be given to the financial hardship to some property owners who might be required to rehabilitate their property.

Police Chief McCabe reported:

- Pat's Tavern has closed. The equipment has been removed. He is looking into potential ways to deal with situations like this in the future, including verbiage changes to laws and ordinances, to hold business owners more accountable for the conduct of their patrons. The high number of calls to the Police Department, related to the conduct of the bar patrons, was instrumental in helping resolve the problem.
  - Council President Ratchford commented that there are some tools that the city could look into, such as zoning laws, that might be useful in future cases such as this one. Chief McCabe suggested that holding a property or business owner financially responsible for a large number of Police Department service calls might also be considered. Councilperson Quaranta suggested that changes to state legislation that would provide greater power to municipalities to deal with these situations, should be looked into. Councilperson Di Mondì questioned whether issues such as the ones at Pat's Tavern should be given as much priority as they are being given, when compared to other areas of concern in the city, such as the Farmer's Market.
- In response to a request from Councilperson Di Mondì, Chief McCabe will meet with concerned citizens and neighbors, to discuss problems at a property on Clark Street in Dobbinsville.

### **Council Communications**

No items.

### **Business from the Council President**

The Meerwald is returning for A Day in Old New Castle. The Tall Ship Lynx will be returning in October.

**Business from the Floor (concerning agenda items only)**

**No items.**

**Old Business**

After a motion and second, Council President Ratchford read **Resolution 2019-02**, A Resolution making Council Appointments to the Board of Elections (posted by Council President Ratchford on 12/28/2018) into the record.

After a motion and second, Council voted three to two in favor of modifying **Resolution 2017-29** for this single instance only, allowing the appointments under Resolution 2019-02 to be confirmed, without requiring that the appointees be present at the meeting, at the time of confirmation. (Councilperson Di Mondì and Councilperson Platt voted no.)

**Resolution 2019-02 was passed unanimously, as amended.**

After a motion and second, Council President Ratchford read **Resolution 2019-03**, A Resolution to Appoint an Absentee Ballot Clerk to perform duties related to the 2019 City Election, as detailed in the New Castle City Code (posted by Council President Ratchford on 12/28/2018) into the record.

Councilperson Leary suggested that **Resolution 2017-29** be reviewed in the future, possibly changed or rescinded.

After a motion and second, Council voted three to two in favor of modifying **Resolution 2017-29** for this single instance only, allowing the appointment under **Resolution 2019-03** to be confirmed, without requiring that the appointee be present at the meeting, at the time of confirmation.

**Modification of Resolution 2017-29 was passed by a vote of 3 to 2.**

**The Motion passed, with the Council votes recorded as follows:**

**Councilperson Valarie Leary - Yes**

**Council person Michael J. Quaranta - Yes**

**Council President Linda Ratchford - Yes**

**Council person Michael M. Platt - No**

**Councilperson John A. Di Mondì - No**

**Resolution 2019-03 was passed unanimously, as amended.**

Councilperson Platt reported that he had been approached by members of St. Anthony's Club, about the possibility of them purchasing a portion of School Street, that portion basically being a driveway to their parking lot. The following people spoke on this topic:

- Mike Davis spoke, representing St. Anthony's Club. The Club would like to be given a price at which they could purchase the property from the city. They are unable to fix a water problem at the back of the property, because the property currently belongs to the city. The Club is willing to maintain the property, if they are allowed to purchase it, and they will also pay all legal fees related to the purchase.

In response to a question from Councilperson Leary, Mr. Davis stated that the street would not be gated.

Councilperson Quaranta requested that Mr. Davis clarify exactly which part of the street is being referred to, and Mr. Davis provided the clarification.

- There were several minutes of background discussion on this topic among various meeting attendees.
- On the topic of a private property owner whose right-of-way might be affected by this possible purchase, Mr. Losco advised that a Superior Court order might be required, and a claim of damages, related to lost access rights, might occur. The fact that it is a public street means that judicial involvement would be required.
- Councilperson Quaranta suggested that Mr. Losco be requested to compose a letter to St. Anthony's Club, including detailed steps and processes that would be required to be followed, in order to complete the purchase that they are requesting.
- Council President Ratchford would like the Club to be responsible for all fees and costs involved.

The topic of requested funding from the Trustees of the New Castle Common, for their upcoming fiscal year, was discussed.

- Councilperson Di Mondì commented that 20% to 25% of the Police Department resources are spent on activities related to the Farmers Market, for which Mr. Di Mondì believes that the Trustees should be held responsible. He would like the city to charge a certain percentage of MSC's gross revenue.
- Councilperson Platt would like to request funds from the Trustees, for Delaware Street improvements up to 4<sup>th</sup> or 5<sup>th</sup> Street.
- Councilperson Platt stated that the percentage of Police Department resources that Mr. Di Mondì reported as being dedicated to the Farmer's Market would be the equivalent of three Officers, around the clock.  
Police Chief McCabe stated that there are not three Officers dedicated to the Farmer's Market area, around the clock. The number of calls to the area constitute about 20% of all calls. Since he has been Chief, he has not directed a patrol to that area for monitoring, but rather calls to the area are responded to when they come in.
- Councilperson Quaranta would like funds to repair Delaware Street from 6<sup>th</sup> Street to 3<sup>rd</sup> Street, as his first priority. He would also like to collaborate with the Trustees on paths and drainage work needed in Battery Park, as his second priority.
- Councilperson Leary would like funds to repair the areas of Delaware Street brought up by Mr. Platt and Mr. Quaranta.

- Council President Ratchford suggested that city staff provide an update to the Trustees on the status of projects.
- Mr. Losco advised that Battery Park is owned by the city, but under the exclusive jurisdiction and control, for purposes of maintenance and regulations, via state legislative enactment, of the Trust.
- Councilperson Di Mondì would like legislative action to be pursued, to give the city control of the park.

**Public Comments:**

**Phil Gross** asked what the roll call vote was, on the earlier votes to modify **Ordinance 2017-29**, related to the two appointments. Council President Ratchford responded 3 to 2.

Mr. Gross requested clarification of a statement made earlier in the meeting, that unless it's a real problem, the city would prefer not to take properties, due to potential liability and costs to the city. He asked about the impact on residences of neighboring properties, in these situations. Mr. Barthel clarified that the city is not averse to taking properties where there is extreme danger or health situations.

Mr. Gross expressed concern that problems might continue to increase, while the city chooses not to take the property. Mr. Losco responded that the city must consider such things as the severity of the problem, the costs involved, and whether the city has the funds available to cover the costs.

**Rod Miller** brought up parking on his street (East 3<sup>rd</sup> Street), as well as speeding. He requested an update on the results of speed bumps that had been placed in a different part of town, wondering if that might be an option. The parking situation on his block is that the street is too narrow, and the granite curbs are sinking into the ground, so that a person who is parallel parking goes up onto the curb. He would like this situation looked into this year, specifically the possibility of widening the street. Councilperson Quaranta expressed that the problem with the curbs is probably related to the many repavings of the street over the years, similar to the problem on Delaware Street. Councilperson Leary mentioned that she had heard from somebody in the area this week, that they would like to see speed bumps installed in that area. Mr. Barthel commented that the speed bump that had been placed on 8<sup>th</sup> Street is slowing people down. Councilperson Di Mondì mentioned that a vehicle weight limit in the area might be helpful.

After a motion and second, the meeting was adjourned.

Adjournment motion carried at 9:00 pm

**Respectfully submitted,**

**Brian G. Whitaker**

**Clerk of the City of New Castle, Delaware**