

City of New Castle Delaware
Regular City Council Meeting
New Castle Senior Center – 400 South Street
Meeting Held in Person and via Zoom
Tuesday, May 13, 2025
7:00 p.m.

Call to Order: 7:00 PM

Roll Call

Present: Council President Suzanne M. Souder
Councilperson Andrew Zeltt
Councilperson Brian M. Mattaway
Councilperson Joseph F. Day, III
Councilperson Nermin Zubaca

Also present: Max Walton, City Solicitor
Mayor Valarie Leary
Antonina Tantillo, City Administrator
James Whisman, City Treasurer
Jeffrey Bergstron, City Building Official
Police Chief Richard McCabe

Council President Souder called the May 13, 2025, City Council meeting to order at 7:00 p.m. The assembly stood for the Pledge of Allegiance. Roll call followed and a quorum to conduct business was declared.

Minutes

A motion to approve the April 8, 2025 minutes as submitted was made by Councilperson Zubaca. The motion was seconded by Councilperson Day and was unanimously passed.

Treasurer's Report

Mr. Whisman presented the unaudited Treasurer's Report as of April 30, 2025:

Total unrestricted funds	\$ 8,962,091.28
Total restricted funds	\$ 2,904,381.73
Total cash	\$11,866,473.01

Mr. Whisman added that for the month of April:

- Revenues \$515,987.59
- Expenses \$655,814.02

Mr. Whisman also reported that expenditures are keeping up with tracking of the calendar months noting that 83% of budgeted expenditures have been made and 83% of the year as transpired. Year-to-date, \$5,213,000 has been expended.

A motion to approve the Treasurer's Report as presented subject to audit was made by Councilperson Zeltt, seconded by Councilperson Day, and was unanimously passed.

Reports from the City Administrator and Staff

Report From the City Administrator

Ms. Tantillo reported the following:

- Delaware River Trail Study – Work on the study is ongoing. Ms. Tantillo will be working on a pre-application for an ORPT Grant to allow the project to continue.
- Delaware Street Railroad Crossing – The ditch behind Walgreens has been cleaned out by Norfolk Southern. The DelDOT railroad project has been postponed pending an updated approval being provided by Norfolk Southern. Both DelDOT and Norfolk Southern are committed to completing the project as quickly as possible.
- Floating Dock – The floating dock has been completed. A few punch-list items are still outstanding.
- City-wide Paving Contract and the ADA Sidewalk Contract – Both contracts are underway.
- University of Delaware Projects (UD) – Projects being done by UD students are wrapping up:
 - Revenue Project – Students completed their analysis and presented their recommendations to City Council.
 - HR Project – The project should be completed next week and recommendations will be submitted to Ms. Tantillo.
 - City Website Project – The project for website improvements is complete and recommendations will be sent to the State to improve the look and functionality of the city website.
- Summer Interns – The City will have two UD Interns this summer: A UD graduate student will help prepare a long-term capital project, and another UD student will be assisting with various projects.
- Bond Bill – Ms. Tantillo submitted the Bond Bill request to legislators for a number of items, including street projects.
- Grants:
 - BRIC Grant – As previously reported, the BRIC Grant was cancelled; however, Ms. Tantillo is pursuing other revenue sources for a detailed Flood Vulnerability Study.
 - Ms. Tantillo also applied for grants for:
 - A feasibility study of future potential property locations
 - HVAC upgrades
 - Administration Building renovations
 - Street light installation and coordination for street repairs for Jacquette Square.

- Charter Changes – HB144 and SB127 are scheduled at the House and the Senate that meets on May 14th.
- Budget – The preliminary budget and tax increase recommendations were shared with City Council. The next Budget meeting will be May 14th. All residents are encouraged to attend.
- Separation Day – Planning for Separation Day is underway. Volunteers and vendors are encouraged to visit the city website or to contact the City Office.

In response to a question from Councilperson Zubaca, Ms. Tantillo stated that an ad will be placed in The Weekly regarding the May 15th Budget Meeting on May 14th.

Ms. Tantillo invited Ms. Margo Reign, Chair of the Planning Commission, to give the Planning Commission Annual report to Council.

Ms. Reign reported that the Planning Commission:

- Approved six (6) applications: 2 lots on buttonwood for development, 1 lot on Gray Street, Crozier Fine Arts addition, 3 lots on Arbutus Drive; upgrades to the Markel Trail Site; and 8 lots on 7th Street.
- Reviewed Ordinances from the City Council regarding lot frontage and wetlands and a proposed moratorium on building large apartment buildings.
- Is discussing possible changes to the City Code regarding short-term rental units.
- Adopted rules and procedures for the Planning Commission.

The Planning Commission is requesting FOIA training, and is encouraging all commissioners who have not taken the classes for the Certificate for Planning Education through the University of Delaware to sign up.

The Planning Commission works closely with Chris Rogers, City Planner, Max Walton, City Solicitor, and Antonina Tantillo, City Administrator.

There is one seat open on the Planning Commission and recommendations to fill that seat can be submitted to Mayor Leary.

The Planning Commission is reviewing the Comprehensive Plan section-by-section in connection with the 5-Year Comprehensive Plan Review.

Beyond funding for FOIA Training, the Planning commission is requesting additional funding for room rental, and suggested that Council begin earmarking funds for the 10-Year Comprehensive Plan Update.

In response to questions from Council, Ms. Reign stated that:

- She was told that the cost of the last Comprehensive Plan update was \$70,000.

- The Planning Commission will work with Ms. Tantillo to report on the status of Comprehensive Plan goals. Ms. Tantillo noted that the Annual Report includes information on the status of goals and a report can be shared when that is completed.
- The cost for the Planning Education classes is included in the Budget.

Ms. Tantillo will give Council an update on the Markel Trial Head and the Fishing Pier at the next Council meeting.

Report from Chief McCabe

Chief McCabe reported on the following:

- Separation Day – The Department has been in contact with local businesses that may be impacted by road closures during Separation Day.
- Directed Patrol – The Department is focusing patrols based primarily on citizens complains regarding traffic violations, speeding, stop sign and parking violations, and quality of life complaints. Officers have vigorously patrolled the affected areas and have issued citations and warnings dealing with those issues. Chief McCabe suggested that conversations be held regarding the possible need for additional parking signage.

In response to a question from Councilperson Zubaca regarding additional funding to address the homeless population in New Castle, Chief McCabe explained that the Department links the homeless and others experiencing life issues with appropriate resources through the CORE Program.

Chief McCabe added that there is currently a Bill in Committee known as the Homeless Bill of Rights that could be a huge issue for the Department in its efforts to address quality of life issues. He stated that this type of bill would restrict the Department's ability to approach the homeless or other individuals in crisis. Chief McCabe stated that Officers must have the ability to address individuals that are infringing on rights-of-way, in traffic, and/or causing quality of life issues.

Chief McCabe asked the elected officials to reach out to legislators to talk about the effect this type of bill might have on the Department's ability to interact with individuals who may need help. Chief McCabe also encouraged residents to call 911 if they see someone who appears to be homeless so Officers can reach out to them and link them to appropriate resources.

Chief McCabe added that the Bill prohibits enforcement of living in your car in a public place or living on sidewalks in front of public places. He reiterated that in New Castle, Officers do not respond by placing individuals in handcuffs; they offer information to connect them with appropriate resources.

Council Communications

Councilperson Day

- Councilperson Day thanked Mses. Souder and Tantillo for working on the Agreement with the Trustees regarding the bathrooms in Battery Park.
- May Market was a beautiful day.

- Councilperson Day thanked everyone involved with the Farmer's Market.

Councilperson Zeltt

- 301 lbs. of food was delivered during the Food Drive in April. The Food Drive at the Post Office in May was very successful.
- A Day in Old New Castle is Saturday, May 17th starting at 10:00 a.m. One attraction is "The Wheelmen" a national non-profit that keeps alive the heritage of American cycling.
- Code Red can be used to notify residents of street sweeping.
- The Separation Day map is available on the city website showing road closures. Additionally, Ms. Tantillo stated that when there are unscheduled road closures they are published on the city website.

Councilperson Zubaca

- Councilperson Zubaca wished everyone a Happy Mother's Day.
- Councilperson Zubaca thanked all the volunteers who helped making May Market a success.
- Councilperson Zubaca thanked Ms. Tantillo for supporting handicap curb ramps in the city.
- ONCOR Update – Councilperson Zubaca reported that ONCOR raised just over \$1M of the \$1.2M needed for Phase 2 of improvements to the Battery Park Playground; and they are \$70,000 away from shovel-ready.
- Library and Friends Fundraising – Councilperson thanked the Friends for their efforts in fundraising and donating their time for a capital project.
- Councilperson Zubaca echoed Councilperson Day's comments regarding the Agreement for the bathrooms, playground and basketball courts in Battery Park.
- Councilperson Zubaca urged everyone to be careful when driving and to be safe.
- Councilperson Zubaca encouraged residents to attend upcoming Budget meetings.
- Councilperson Zubaca noted that Council President Souder, City Administrator Tantillo, and Councilpersons Mattaway, Day and Zeltt, will be in attendance to support HB144 and SB127 on May 14th.

Councilperson Mattaway

- May 24th through June 22nd the Delaware City Library will celebrate Juneteenth with "Shove Off for Freedom" honoring freedom, heritage, and African-American cultural contributions.
- June 15th is the 101st St. Anthony's Procession. Councilperson Mattaway encouraged everyone to come out to celebrate with New Castle's Italian community.
- Councilperson Mattaway congratulated Terrence and Skyler Bayko on their recent marriage,
- Councilperson Mattaway noted that DelDOT has an electronic speed safety program and opined that Wilmington Road could be an option where they would implement and pay

for electronic speed monitoring systems. He will share that information with the City Administrator and Chief McCabe.

Report from the Council President

- Council President Souder thanked Maryann Caven, members of the Board of Election, and poll workers for their efforts for a well-run election in April. She also thanked all the candidates who were willing to run for office.
- Council President Souder recognized the passing of New Castilian Joseph DiAngelo after a long illness. Mr. DiAngelo served the community of New Castle as a volunteer, a member of City Council, and a member of the Planning Commission.
- Council President Souder thanked the New Castle Library Friends, especially President Matt Alexander and Vice President Jennifer Ramsdell, for their work in the wonderful, accessible garden space at the Library. Thanks to an April 26th Gala Cocktail Party Fundraiser, they achieved their goal and are now eligible for a \$25,000 grant from the Welfare Foundation. Construction will begin this summer. Council President also thanked everyone who contributed to the fund and attended the Gala.
- Council President Souder thanked the Trustees for bringing picnic tables back to Battery Park. Last year Battery Park was recognized as the Best Place in New Castle County for a Picnic by Delaware Today.

Business From the Mayor

- Mayor Leary attended the recent Budget meeting and the April MSC meeting.
- Mayor Leary greeted the ship A. J. Meerwald that recently docked in New Castle for an overnight visit. She met Captain Fern Hoffman and passengers from the Cape May Point Arts and Sciences Center.
- Mayor Leary invited Ms. Tish Gallagher, Chair of the Board of Health, to join her at the podium as she read a Proclamation on behalf of the Board of Health recognizing May as Mental Health Awareness Month.

Comments from Good Will Fire Company

Captain Timothy Moore reported that:

- Approximately 200 Fire and EMS calls were received in the months of March and April.
- At the beginning of April, a new reporting system was installed.
- At the end of April Staff and Volunteers participated in a two-day Drafting Class to fine tune the skills of drafting.
- Training on vehicle rescues will be conducted in May and June. Captain Moore invited the public to stop by to learn what they are doing.
- Good Will responded to an electrocution in the utility right-of-way between Castle Hills and Swanwyck for an individual whose saw came in contact with an electrical line. Delmarva shut down the grid and the individual was transported to the hospital for treatment.

- Good Will responded to a construction fire in Centerpoint Industrial Park. Responders disconnected a burning trash compactor from the building and brought the fire under control. There was no damage to the building.
- Good Will was out on Easter and Mother's Day selling flowers, and Captain Moore thanked everyone who purchased flowers and who continue to support the Fire Company.

Public Comments

B. Graves

Ms. Graves read an email from Pam Turner, who reported that it appeared the pond by her house has apparently been poisoned because there are no frog noises at night and small rodents have been showing up dead on the edge of her property. Ms. Turner reported that DNREC was unable to do anything because she did not witness anyone dumping anything into the pond. Ms. Turner further stated that without the frogs to keep the bugs in check it will be a haven for mosquitoes. Ms. Turner asked for assistance in having the pond cleaned up or contact information of any agency that can help. Ms. Graves stated that she will be contacting an individual at DNREC who deals with brownfields, and added that she would pass any information on to Ms. Turner.

Ms. Tantillo asked that Ms. Graves forward the email to her for action.

Richard Stat

Mr. Stat stated that he is the managing partner of 326 Associates LP, and has been a tenant of the Trustees since 1983 for a parcel that runs from School Lane to Rt. 273 and includes the Farmer's Market, BJ's, over 70 small businesses, and hundreds of vendors who work in the flea market. Mr. Stat spoke about the City's proposal to have a rental tax and a differential tax based on criteria yet to be determined. Mr. Stat urged Council to consider justice for businesses and noted his hope that there is not an arbitrary selection on whom to impose taxes: on those who rent vs those who own.

Councilperson Mattaway encouraged Mr. Stat to attend the upcoming budget meetings; and stated that he would like to meet with Mr. Stat and share information.

Florence Smith – Booker Circle

Ms. Smith asked for help with the communities of Jacquette Square, Buttonwood, and William Penn Village. She stated that these communities are in need of help to mitigate standing water caused by flooding that will soon become a haven for mosquitoes. She stated that these communities also need help with cleaning out the drains.

Phil Gross

- Mr. Gross spoke in favor of Mr. Stat's comments.
- Mr. Gross noted that Pete Rose had his lifetime ban lifted and is now eligible to be inducted into the Hall of Fame.
- Mr. Gross asked for information on how much in the budget has been used from the fund that has been set aside.

- Mr. Gross thanked Ms. Tantillo for procuring grants and the two Councilpersons who have come up with creative financial suggestions.
- Mr. Gross opined that the city does not have the money for a dog park and that the dog park should be privately sponsored.
- Mr. Gross asserted that there is no transparency.
- Mr. Gross stated that spending has to stop instead of raising taxes of up to 100%; and things need to be cut from the budget.
- Mr. Gross asked if the city was truly welcoming and inclusive.

Charlie Kantnor

Mr. Kantnor expressed his concern for the city using a community foundation. He stated that he served on two community foundations in the past; and does not recall any municipality approaching them to manage their funds. He opined that there is no need to send funds outside the Treasurer's office for custodial reasons.

Mr. Kantnor asked Chief McCabe if street sweeping regulations would be enforced.

John DiMondi

Council President Souder read a written comment from Mr. John DiMondi in favor of the city purchasing and installing at least three (3) speed cameras; which would deter speeding and pay for themselves.

Old Business

Second Reading, Discussion, and Possible Vote of Ordinance 553 – An Ordinance to amend the City of New Castle code and establish Chapter 222 Financial Matters, Chapter 222, Article I regarding the establishment of a Budget Stabilization Fund and Chapter 222, Article II regarding the establishment of a Capital and Infrastructure Fund.

Council President Souder read Ordinance 553 by title. Councilpersons Zubaca and Mattaway explained the intent of the Ordinance, and what the Ordinance will do to help secure the financial position of the City.

Mr. Walton asked if there is a proposal for percentages for the fiscal years 2027, 2028 and 2029 as required under §222-3 and §222-10 of the Ordinance. Councilperson Zubaca stated that the proposed percentages are:

- FY 2027 – 12.5%
- FY 2028 – 25.0%
- FY 2029 – 37.5%

A motion was made by Councilperson Zubaca to amend the Ordinance to insert 12.5% for FY 2027; 25% for FY 2028; and 37.5% for FY 2029 in Article I Budget Stabilization Fund §222-3 and Article II Capital and Infrastructure Fund §222-10. The motion was seconded by Councilperson Mattaway.

Councilperson Day stated he is in favor of both funds; however, he had concerns of doing this outside the budget process; and had questions regarding the language that he felt should be addressed before a vote is taken, reiterating that it should be done through the budget process. Councilperson Zubaca pointed out various sections of the Ordinance that addressed Councilperson Day's concerns.

Council President Souder noted her understanding that the Ordinance is locking in large amounts of money at the same time Council is trying to balance a budget without using reserves. Councilperson Zubaca pointed out the sections of the Ordinance that addressed Council President Souder's concerns.

Councilperson Zeltt asked if a spreadsheet or chart could be prepared to visually clarify what Councilperson Zubaca explained. Mayor Leary stated that she would also like to see a visual representation of the information.

Councilperson Day suggested that instead of funding over three years using various percentages, Council could fully fund the Account up front, and thereafter, allocate 100% of the property transfer taxes in excess of the amount budgeted for each year to the Fund. Councilperson Zubaca stated that he would be in favor of Councilperson Day's suggestion.

In response to a question from Councilperson Day, Mr. Walton stated that if it is added to the Budget Agenda, it can be discussed.

Mr. Walton added that there is a motion and a second on the floor that needs to be addressed. After discussion, Mr. Walton asked Councilperson Mattaway if he wished to withdraw the motion to amend the Ordinance on the floor. Councilperson Mattaway stated that he wished to withdraw his second to the motion to amend the Ordinance.

Council President Souder stated that a motion and a second to withdraw the amendment were made. On vote, all Council members were in favor of the withdrawal of the motion to amend the Ordinance.

A motion to continue discussion of proposed Ordinance 553 to the next appropriate Budget Meeting and to consider the Ordinance at future City Council meetings was made by Councilperson Zubaca. The motion was seconded by Councilperson Mattaway and was unanimously passed.

Ms. Tantillo and Councilperson Zubaca will develop a spreadsheet or chart of a visual representation of what Councilperson Zubaca explained to share with Council members. Additionally, Councilperson Zubaca asked to have a second version of the proposed budget that would reflect Money Market reduced. Councilperson Zeltt also asked for examples of money taken out of the fund and how the fund would be replenished.

New Business

Council Discussion, Possible Motion and Vote regarding an Agreement with the Trustees of the New Castle Common Concerning Bathrooms, Playground and Basketball Facilities at Battery Park

Council President Souder summarized the Agreement, noting that:

- The City will take over management of the bathroom facilities, within the footprint of the current playground, and the basketball court.
- The Trustees will help fund the purchase and installation of improved security cameras around the bathroom.
- The Trust agreed that they will do routine maintenance and provide paper products for the bathroom; but the City will be responsible for any extraordinary cleaning or damages.

Ms. Tantillo confirmed that funding for extraordinary cleaning or damages is already included in the proposed budget.

Councilperson Mattaway thanked Council President Souder, Councilperson Day, City Administrator Tantillo, and the Trustees for working on this Agreement. Councilperson Zubaca echoed Councilperson Mattaway's comments.

In response to questions from Councilperson Zubaca, Ms. Tantillo stated that:

- Having cameras for the basketball court and the playground is addressed in Section 8 of the Agreement.
- The map attached to the Agreement is for the storm drain system installed under the Battery and does not reflect the current footprint of the playground.
- The 6th WHERE clause addresses the new playground and proposed future improvements.

Councilperson Day thanked the Trustees, particularly Messrs. Wilson and Toner for working with the City on the Agreement.

A motion to approve the Agreement between the City and the Trustees as presented was made by Councilperson Day. The motion was seconded by Councilperson Zubaca and was unanimously passed.

Council Discussion, Possible Motion and Vote regarding an agreement to establish a City of New Castle Legacy Fund (Fund) with the Delaware Community Foundation (DCF).

Ms. Tantillo noted that Council had charged her and Councilperson Mattaway to work with DCF to draft an Agreement. Ms. Tantillo and Councilperson Mattaway reviewed the Agreement and explained how the draft addresses questions previously raised by Council.

Councilperson Mattaway noted that currently the City does not have any funds invested in the market, and the City does not have the authority to accept stock nor does it have the expertise to manage an investment portfolio. He also noted several recommendations to amend the draft.

Ms. Tantillo and Councilperson Mattaway responded to questions from Council:

- Future funding of the Fund was not specifically considered in drafting the document.
- Within the pool of funds, those in a Money Market Fund or a Sweep Deposit would be insured.
- Ms. Tantillo researched and compared other organizations. There were very few organizations that offered the same services as the DCF; and no other organizations were found in Delaware that offered these services.

Councilperson Day stated that he supports the agreement; noting that DCF is an exemplary organization and it would match donors wishing to make charitable donations to the City. He added, however, that he would prefer to review the process in the context of the budget. Ms. Tantillo noted that whether it is included in this year's budget or next year's budget is up to Council; adding that the \$10,000 donation for the establishment of the Fund expires on June 30th and those funds would be returned to the donor if the Fund is not established prior to that date.

Councilperson Mattaway noted that there is a line item in the current budget containing sufficient funds for the initial investment. Councilperson Day stated he is in favor making a budget amendment and include it in the current budget.

Councilperson Zubaca stated his agreement with establishing the Fund in the current budget year. He noted that DCF is used by a many organizations funded by the State; and this would provide an opportunity for the City to receive gifts and have the funds managed by a team of experts.

During discussion, Ms. Tantillo reviewed the timeline and processes for an Ordinance and how funds would be removed from the Fund.

A motion to approve the Agreement was made by Councilperson Day. The motion was seconded by Councilperson Zubaca and was unanimously passed.

A motion was made by Councilperson Zubaca to allocate \$15,000 out of the FY 2025 Budget Employee Retention Line appropriation to newly establish a Legacy Fund for an initial contribution of \$25,000 alongside the \$10,000 donation already provided. The motion was seconded by Councilperson Day and was unanimously passed.

Councilperson Mattaway stated that he would be providing a Check in the amount of \$500 as a personal donation to the Fund.

Ms. Tantillo stated that she would proceed to set up the Fund with DCF, and that the First Reading of the Ordinance would be held at the next City Council meeting.

First Reading of Ordinance 554 – An ordinance to amend the City of New Castle Municipal Code Regarding the Senior Citizens Real Property Tax Exemption.

Council President Souder did the First Reading of Ordinance 554.

Council Discussion, Possible Motion and Vote to Authorize an Agreement to Utilize Right of Way Agreement on Harmony Street.

Ms. Tantillo explained the purpose of the Agreement, noting that Mr. Mark Lorenz has asked for permission to do plantings in an area on Harmony Street and the Right of Way Agreement is being proposed to allow Mr. Lorenz to plant on the plot. Mr. Lorenz has obtained funds from the Daughters of the American Revolution to help fund the project.

Councilperson Souder noted that the Agreement states:

- The parcel must be maintained for public use.
- The Agreement is revocable.
- In the event Mr. Lorenz no longer owns the property, the Agreement ends and Mr. Lorenz will remove the improvements.
- The City is held harmless.
- Mr. Lorenz agrees to maintain the improvements and comply with applicable local, state and federal laws.

Ms. Tantillo noted that Mr. Lorenz requested permission to install a bench and it was deemed to be more appropriate if the City installed the bench and maintained the safety and upkeep of the bench.

Mr. Lorenz noted his appreciation for the assistance Public Works gave him in cleaning up the area, adding that his goal is to plant a perennial garden on the plot. He added that any financial assistance the City could provide to bridge the gap would be appreciated. Councilperson Zeltt offered to meet with Mr. Lorenz to explore possible assistance from Arasapha.

During discussion it was noted that all plantings will be ground level. Councilpersons Day and Zeltt stated they would be able to assist with the loan of a tiller.

Councilperson Mattaway thanked Mr. Lorenz for his work on the plot and in helping to beautify the City.

A motion to approve the Agreement was made by Councilperson Zubaca. The motion was seconded by Councilperson Day and was unanimously passed.

There being no further business to discuss, Council President Souder called for a motion to adjourn.

City Council Regular Meeting
May 13, 2025

A motion to adjourn was made by Councilperson Day. The motion was seconded by Councilperson Zeltt. The motion was unanimously passed and the meeting adjourned at 9:12 p.m.

Respectfully submitted,

Kathleen R. Weirich
City Stenographer

Next Regular Meeting Date: June 10, 2025
Posted: 05/06/2025