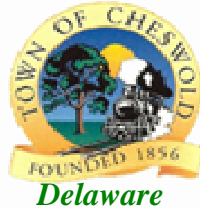


*Town of Cheswold*  
1856



*State of Delaware*  
1787

**Town of Cheswold**  
**Minutes of the Monthly Town Council Meeting**  
**Monday – February 4, 2013**  
**7:30 p.m.**  
**Cheswold Fire Hall**

**The following persons were in attendance:**

**Mayor Donald Tinari**  
**Secretary/Treasurer & Councilperson Theon Callender**  
**Councilperson Mildred Johnson**  
**Councilperson Sherry Lambertson**  
**Councilperson Bob Sine**

**Absent: 0**

**Police Department:**  
**Corporal Louis Simms**

**Planning Commission: 0**

**# of Cheswold Residents Present = 2**

**# of Visitors = 1**  
**State Representative Trey Paradee**

**Notice:**

Notice of this meeting has been made in accordance with the Delaware Open Meetings Act, by properly posting on January 28, 2013, copies of the agenda on the Official Bulletin Board outside the Cheswold Town Hall, in the local Post Office, at the Fox Pointe Management Office and on the Official Web Site for the Town of Cheswold, at [www.cheswoldde.com](http://www.cheswoldde.com); and was filed with the Clerk of the Town of Cheswold. In addition, copies of the agenda were available for pick-up in the Town Hall.

**MEETING:**

The meeting was called to order by Mayor Donald Tinari at 7:35 pm and was immediately followed with the Pledge of Allegiance and a Moment of Silence.

**Monthly Town Council Meeting  
Monday, February 4, 2013**

**WELCOME:**

Mayor Tinari acknowledged the presence of newly elected State Representative Trey Paradee. Representative Paradee expressed his desire to assist Cheswold in our development and will be participating as much as possible in our efforts to bring Tidewater to Old Town. He also said that he would provide his business card at the end of the meeting.

**ROLL CALL:**

At the request of the Mayor, Secretary/Treasurer Callender called the roll of the Council members and attendance was confirmed as noted above. A quorum of members was presented to the Mayor and the meeting continued.

**Agenda Review:**

Mayor Tinari requested the Council review the accuracy of the agenda and for a motion to accept as presented or to make change and amendment requests.

A motion was made by Vice-Mayor Bob Sine to accept the agenda as presented and with a second from Councilperson Sherry Lassiter the votes on the motion were as follows:

Councilperson Callender - Yes  
Councilperson Lambertson - Yes

Councilperson Johnson - Yes  
Vice Mayor Sine - Yes

The motion carried with a unanimous vote.

**Review of Previous Month's Minutes:**

At the request of the Mayor, the Council reviewed the following minutes of the previous month:

January 7, 2013 - Monthly Town Council Meeting  
January 17, 2013 - Special Town Council Meeting  
January 22, 2013 - Monthly Town Council Workshop Meeting

A motion to accept the minutes as presented was made by Councilperson Johnson. Vice Mayor Sine made a second to the motion and the votes were as follows:

Councilperson Callender - Yes  
Councilperson Lambertson - Yes

Councilperson Johnson - Yes  
Vice Mayor Sine - Yes

The motion carried with a unanimous vote.

**Monthly Town Council Meeting  
Monday, February 4, 2013**

**TREASURER'S REPORT:**

a. The Treasury Report for the **Month of JANUARY, 2013** was as follows:

<b><u>TOWN of CHESWOLD:</u></b>	
CASH RECEIPTS:	\$ 8,572.41
CASH DISBURSEMENTS:	\$ 16,083.00
<b>NEGATIVE MONTHLY CASH FLOW:</b>	<b>\$ 7,510.59</b>

<b><u>ADMINISTRATION:</u></b>	
Cash Receipts:	\$ 3,865.51
Cash Disbursements:	\$ 15,141.04
<b>Negative Monthly Cash Flow:</b>	<b>\$ 11,275.53</b>

<b><u>POLICE DEPARTMENT:</u></b>	
Cash Receipts:	\$ 4,606.90
Cash Disbursements:	\$ 825.96
Positive Monthly Cash Flow:	\$ 3,780.94

<b><u>PUBLIC WORKS:</u></b>	
Cash Receipts:	\$ 100.00
Cash Disbursements:	\$ 116.00
<b>Negative Monthly Cash Flow:</b>	<b>\$ 16.00</b>

**ACCOUNT BALANCES as of: DECEMBER 31, 2012**

GENERAL FUND:	\$ 76,193.03
MUNICIPAL STREET AID	\$ 25,969.80
SALLIE FUND:	\$ 2,750.41
EIDE FUND:	\$ 3,694.92
CAPITAL SCHOOL DISTRICT:	\$ 15,277.10
FIRE DEPARTMENT:	\$ 3,311.34
FULTON ST. 09-P-PROG-36	\$ 1,720.85
APPLICANT'S (LAND USE):	\$ 1,523.09
IMPACT (CAPITAL) ACCOUNT:	\$ 4,084.02
POLICE DEPARTMENT:	\$ 25,744.51
PUBLIC WORKS DEPARTMENT:	\$ 3,481.69
LITIGATION:	\$ 22,074.17

A motion to accept the Treasury Report as presented was made by Vice-Mayor Sine. Councilperson Johnson made a second to the motion and the votes were as follows:

Councilperson Callender - Yes  
Councilperson Lambertson - Yes

Councilperson Johnson - Yes  
Vice Mayor Sine - Yes

The motion carried with a unanimous vote.

**Monthly Town Council Meeting  
Monday, February 4, 2013**

**TREASURER'S REPORT** *"continued:*

**b. Requisitions** – Nothing to Report

**c Budget Review** – Mrs. Callender made a motion to table the review of the budget until the Workshop meeting of Thursday, February 14, 2013. A second to the motion was made by Vice Mayor Sine and the votes on the motion were as follows:

Councilperson Callender - Yes  
Councilperson Lambertson – Yes

Councilperson Johnson – Yes  
Vice Mayor Sine - Yes

The motion carried with a unanimous vote.

**TAX COLLECTOR'S REPORT:**

**a.** Treasurer Callender provided the following update for tax collections as of January 31, 2013:

**TAX REPORT: FISCAL YEAR 2012 - 2013**

Total Amount Billed: **\$ 131,186.40**

Payments as of:

07/30/2012:	\$39,777.89
08/27/2012:	\$65,726.74
09/30/2012:	\$ 5,909.65
10/31/2012:	\$ 1,438.08
11/30/2012:	\$ 1,949.54
12/31/2012:	\$ 1,149.49
01/31/2013:	\$ 1,318.72
02/29/2013:	
03/31/2013	
04/30/2013	
05//31/2013	
06/30/2013	

Total Payments Received as of **12/312012:**      **\$117,270.11**  
**Payments Due:**      **\$ 13,916.29**

A motion was made by Vice Mayor Sine to accept the January Tax Report, as presented, and a second was rendered by Councilperson Lambertson. The votes on the motion were as follows:

Councilperson Callender - Yes  
Councilperson Lambertson – Yes

Councilperson Johnson – Yes  
Vice Mayor Sine - Yes

The motion carried with a unanimous vote.

**Monthly Town Council Meeting  
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**Police Department Report:**

- **DECEMBER MONTHLY REPORT** – Corporal Louis Simms, provided the monthly Police Department report as follows:

**Hourly Activity Recap**

Compensation Time	2
Holiday	10
Training	0
Assist Other Agencies	3
Meetings	2
Accident Investigation	2
Sick Time	10
Court	3
Paper Review	0
Unpaid OT	2
Criminal Investigation	39
Administrative Duty	21
Evidence	0
Patrol	89
Grants	0
Miscellaneous	0

**TOTAL HOURS on DUTY: 183**

**ENFORCEMENT:**

Traffic Tickets	123
Traffic Warnings	0
Criminal Arrests	7

**CALLS RECEIVED: 71**

**CRIMINAL ARREST BREAKDOWN:**

Drugs	2
Assault	0
Theft	0
Burglary	0
Criminal Mischief	0
Rape	0
Fugitive Arrest	3
Other	0
Traffic Arrests	2

**SERIOUS & FREQUENTLY**

**REPORTED CRIMES:**

Suspicious Activity	2
Fugitive Arrests	0
Disorderly Conduct	2
Property/Welfare Checks	8
Traffic Violations	12
Public Assists	3
Alarms	13
911 Disconnects	4
Other Crimes*	17
Domestics	7
Accidents	3
Drugs	

(\* Other Crimes = public assistance; suspicious vehicles; suspicious persons, etc.)

**Monthly Town Council Meeting  
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**Cheswold Fire Department Report – Fireman Neese:**

As Fireman Neese was not present – there was nothing to report. As Mr. Neese has missed the last two Council meetings, the Mayor volunteered to question Chief Brown about having a representative attend our meetings.

**Public Works Report – Mayor Donald Tinari:**

**a. Town Maintenance**

**(1) Voshell Property on Fulton St.** - The Mayor reiterated the history of the clean-up necessary for the Voshell property as presented in several previous Council meetings. He updated the report with the fact that a certified letter was sent to Mr. Fred Voshell prior to learning from his son, Mr. Dennis Voshell, that Mr. Fred Voshell had passed away before receiving the certified mail.

The Mayor expressed the condolences of the Town and apologized for having sent the letter. Mr. Dennis Voshell acknowledged that he understood that the Town did not know that his father had passed when the letter was mailed and that he would personally address the issues, as soon as he coordinates the business affairs of his father's estate.

**PENDING**

**b. Water System for Old Town** – For the benefit of Representative Paradee the Mayor provided a detailed history of the Water for Old Town project. There have been three, (3), previous meetings that have included representatives from the State, Tidewater, the Chief of the Cheswold Fire Department and the State Fire Marshall, along with KCI Engineering.

At this time, the Committee has suggested that a resident/owner survey be conducted and completed prior to the scheduling of another meeting. The Mayor presented a copy of an introductory letter and a draft survey for the Council to review and provide feedback and suggestions. The letter and survey will also be sent to Committee members for their input.

The Mayor also stated that he may request the State to provide grant funds to assist in the building of the infrastructure. Representative Paradee asked if Tidewater provided any comments or commitments to the project, and if Tidewater would require funds from the Town before making any commitments. The Mayor responded that the only comments he has received thus far have been from the State and they expressed that total buy-in from all property owners must be achieved before the State will actively assist in the project. He also responded that he plans to request Tidewater to provide an estimate for the cost of constructing the infrastructure. Representative Paradee asked if Artisan could be a substitute for Tidewater, but the Mayor explained that Tidewater has the rights to our Town.

Councilperson Johnson wondered if the residents were aware that health hazards may exist in the usage of their wells. The Mayor answered that in two instances the residents and the property owners were aware of the situation and have taken steps to correct the situation. In other cases, he doesn't believe that residents may have the where withal or knowledge to check for safety and that there are no State or Federal mandates that require that wells be checked for health reasons.

**Monthly Town Council Meeting  
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**Public Works Report “cont’d” – Mayor Donald Tinari:**

- **Water System for Old Town “cont’d”:** Councilperson Johnson stated that the water situation is very disturbing to her because the water is almost certainly contaminated. Vice Mayor Sine stated that his grandparents lived with well and one of them lived to be 98 and the other to 99. Mrs. Johnson responded that she was not saying that all well water was bad, but she personally knows of situations where contaminates dumped into the soil seeped into well water and resulted in numerous people contracting cancer.

Councilperson Lambertson asked if the State checks water safety for free. The Mayor stated that he already checked the water and has some on his desk. Ms. Lambertson wondered if the Town would be able to acquire kits and deliver them to residents when the survey was being done and then make arrangements for them to be transported for testing and suggested that the survey be completed by going door to door.

State Representative Paradee committed to finding out if there are any water testing programs available that the Town may access. Mayor Tinari concluded the discussion by asking Councilperson Lambertson if she would like to be a member of the Water Project Committee and she agreed.

**PENDING**

**Planning Commission Report – Chairperson Dennis Coker:**

- Mr. Coker was not present at the meeting, so Mrs. Callender provided an update. She stated that the Commission is continuing to revise the Land Use Ordinance and reviewing associated fees. They will soon also be reviewing a request for a single lot sub-division. The next Planning Commission meeting is scheduled for Thursday, February 14, 2013 at 7:00 p.m., in the 2<sup>nd</sup> floor Board Room of the Cheswold Fire Department.

**Old Business:**

**a. Banquet Dinner Status – Councilperson Sonia Gassaway**

Councilperson Gassaway was absent from the meeting and thus not available to provide a report. However, Mayor Tinari, for the sake of Representative Paradee give a synopsis of the plans for hosting a banquet dinner to date. He also explained that through miscommunication or misunderstanding the Committee went off track with identifying the target ticket purchases. It was originally planned to design the dinner and the ticket cost in a range that would be acceptable to municipal, corporate and State purchasers, and all Cheswold residents would also be welcome to purchase at the agreed upon price. Over time and conversation, the dinner design was reduced to a much lower ticket price and changed from a formal attire to a “normal” attire. The Mayor explained that the Committee needs to get together when notified by Ms. Gassaway and review the overall plan and goal of the dinner.

Councilperson Johnson then interjected that the Committee had already decided not to have the dinner and to change the affair to a flea market, because there were insufficient start up funds for the dinner. Mrs. Lorraine Sine, also a Committee member added that they knew nothing about the target audience being municipal, corporate or State personnel, and that the change to a flea market was because the Council would not commit to loaning the Committee the start up funds.

The Mayor responded that everyone on the Committee knew that originally the banquet dinner was designed to be held at Nobles Pond and that it was to be a formal. He then suspended discussion of the topic and stated that it requires discussion and resolution by the Committee.

**PENDING**

**Monthly Town Council Meeting  
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**New Business :**

**a. Town Council Workshop Agenda – Mayor & Council**

Secretary/Treasurer Callender requested the Mayor and Council to consider the following issues for discussion at the Town Council Workshop to be held on Tuesday, February 19, 2013 in the Cheswold Town Hall at 6:00 p.m.

- (1) Budget Review
- (2) Audit Estimate Review and Approval, if applicable
- (3) Review and Resolution Approval of Papaleo, Rosen & Chelf as Auditor, if applicable
- (4) Emergency Operations Plan Review and Approval, if applicable – Pages 1 – 10
- (5) Safety Manual Review and Approval, if applicable – Accident and Injury
- (6) Summer Town Resident Bar-b-que Proposal

The Council agreed to include these issues. If others should arise they will be sent to Council members for approval and agreement prior to posting of the agenda

**COMPLETE**

**Community/Comments & Concerns:**

- Nothing to Report

**Council Member Comments:**

- Councilperson Sam Callender – Expressed her appreciation to Mr. Bobby Ridgeway for the assistance that he has voluntarily supplied to the Town Hall by replacing a portion of the siding and responding to calls for assistance.
- Councilperson Mildred Johnson – Nothing to Report
- Councilperson Sherry Lambertson – Nothing to Report
- Vice-Mayor Bob Sine – Nothing to Report

**Mayor's Comments:**

The Mayor joined in appreciating Mr. Ridgeway and expressed his pleasure at our having survived two winter storms thus far, although he would have liked to gotten some drivers to slow down. He also encouraged those who haven't to obtain flu shots, especially the younger and older of our population.

**Executive Session:**

At 8:23 p.m., Mrs. Callender made a motion to move Executive Session to discuss an individual's qualifications to hold a job. She also noted that the Council would return to the Fire Hall to potentially vote on hiring an individual to fill the position of Police Chief. Vice-Mayor Sine made a second to the motion and the votes were as follows:

Councilperson Callender - Yes  
Councilperson Lambertson – Yes

Councilperson Johnson – Yes  
Vice Mayor Sine - Yes

The motion carried with a unanimous vote.



**Monthly Town Council Meeting  
Monday, February 4, 2013**

**Return from Executive Session:**

The Council returned from Executive Session at 8:50 p.m.

**Police Chief – Hiring Discussion & Decision:**

Following the return to the regular session Vice Mayor Sine made a motion to hire Mr. Christopher Workman as Police Chief, effective February 8, 2013, contingent on his signing of the employment agreement and the approval as to form signature of the Town Attorney. Councilperson Lambertson made a second to the motion. Prior to the vote, the Mayor asked if the Council really wanted to go through with the motion before conducting an additional review of the employment agreement. Vice Mayor Sine stated that he was under the impression that the agreement was acceptable to everyone and withdrew his motion.

Councilperson Lambertson asked the Mayor for his specific concerns about the agreement and the Mayor responded that there may be grammatical or spelling errors in the agreement and that it should be read very carefully before approving it. Ms. Lambertson suggested that a halt be called to the meeting and that the Council review the agreement immediately. She also explained that as long as there were no term changes to be made then the agreement would be legal and the grammatical and/or spelling errors could be corrected at a later date. The Mayor then retracted his issues and stated that he was okay with the motion being made and requested Vice Mayor Sine to repeat the motion. However, the Vice-Mayor refused to do so.

Councilperson Lambertson then made the same motion previously made by Vice-Mayor Sine and Councilperson Johnson made a second to the motion. The votes were as follows:

Councilperson Callender - Yes  
Councilperson Lambertson – Yes

Councilperson Johnson – Yes  
Vice Mayor Sine - Abstain

The vote tally was Yes = 4; Abstention = 1 and the motion carried.

**Adjournment:**

At that time a motion was made by Councilperson Callender to adjourn the meeting and Councilperson Johnson made a second to the motion. The votes on the motion were as follows:

Councilperson Callender - Yes  
Councilperson Lambertson – Yes

Councilperson Johnson – Yes  
Vice Mayor Sine - Abstain

The vote tally was Yes = 4; Abstention = 1 and the motion carried.

And the meeting adjourned at 8:56 p.m.