

*Town of Cheswold*  
1856



*State of Delaware*  
1787

**Town of Cheswold**  
**Minutes of the Monthly Town Council Workshop Meeting**  
**Tuesday – March 18, 2014**  
**6:00 p.m.**  
**Cheswold Town Hall**

**The following persons were in attendance:**

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

**Town Employees: Chief Christopher Workman**

**# of Cheswold Residents Present = 1**  
**Mr. Rodney B. Callender**

**#of Visitors = 0**

**NOTICE:**

Notice of this meeting has been made in accordance with the Delaware Open Meetings Act, by it being properly posted on December 12, 2013, as required by FOIA. Copies of the agenda were posted on the Official Bulletin Board; outside the Cheswold Town Hall; in the local Post Office; in the Fox Pointe Development and a meeting notice on the Official Web Site for the Town of Cheswold, at <http://cheswold.delaware.gov>; and was filed with the Clerk of the Town of Cheswold, on March 12, 2014, with a revised agenda being posted on March 14, 2014 in the same locations.

The revision to the agenda was to include the review of Ordinance 02-20-2014-015 – Establishment of Surcharge to be Added to Building Permits to Support the Administrative Offices and Police Department of the Town of Cheswold.

In addition, copies of the agenda, both the original and revised were available for pick-up in the Town Hall.

**MEETING:**

The meeting was called to order by Mayor Don Tinari at 6:12 pm and was immediately followed with the Pledge of Allegiance led by Chief Christopher Workman and a Moment of Silence led by the Mayor.

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**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 to review the agenda and to make a motion to accept as presented or to revise.

Prior to the Council response, Mrs. Callender acknowledged a typographical error of a duplication of an item under the Public Hearing Approval Date and asked Council to scratch it from their agendas.

Vice Mayor Bob Sine made a motion to accept the agenda as presented. Councilperson Sherry Lambertson made a second to the motion and the votes were as follows:

Councilperson Theon Callender – Yes	Councilperson Mildred Johnson –Yes
Councilperson Sherry Lambertson – Yes	Vice Mayor Bob Sine -Yes

The motion carried with a unanimous vote.

**DISCUSSION ITEMS & STATUS REPORTS:**

**1. FINANCES – Secretary/Treasurer Theon Callender**

**(a) Requisitions** – Nothing to Report

**(b) Proposed Purchases** – Nothing to Report

**2. POLICE DEPARTMENT – Chief Christopher Workman**

**(a) Grants** – Nothing to Report

**(b) Training** – Nothing to Report

**3. SENIOR SESSIONS – Councilperson Mildred Johnson**

Councilperson Johnson reported that she met with the Church of Immanuel Methodist Church on Monday, March 10, 2014, but unfortunately the Pastor was unable to attend. However, the Church members were enthusiastic about the idea of holding “Senior Sessions”, perhaps once a week or monthly. There was concern expressed about where to hold the meetings and if the Cheswold Town Council was “going to be responsible”.

It appeared to be clear that the Church does not want to bear any financial responsibility. Secretary Callender and Councilperson Lambertson asked Mrs. Johnson to clarify with the Church their meaning of “Council responsibility”.

**PENDING**

**4. Impact Fees - Secretary/Treasurer Theon Callender**

Mrs. Callender informed the Council that she and Chief Christopher Workman met with Town Clerk Shadina Jones and Code Enforcement Officer/Building Inspector Doug Burns, to develop the criteria under which Impact Fees, Annexation Agreement Fees and Building Construction Permit Fees should be applied and used and determined the following:

**(a) Impact Fees** – should be applied in situations associated with all types of new building constructions, typically associated the annexation of new territories, regardless of whether an annexation agreement is attached to the annexation process. *(See Town Charter – Section 4.2.39)*

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**DISCUSSION ITEMS & STATUS REPORTS "continued":**

**(b) Annexation Agreement Fees** – should be applied in association with annexing new territories/properties typically not involved with new building construction situations. *(See Town Charter – Section 3.2.8)*

**(c) Building Construction Permit Fees** – should be applied to requests requiring building permits in residential, commercial and/or industrial situations. *(See Town Charter – Section 4.2.34; 4.2.40 and Ordinance 02-20-14-015 and 01-07-08-004)*

Additionally discussed and determined was that funds acquired as a result of the above situations can only be used for and deposited in appropriate accounts as follows:

- **Impact Fees = Capital Account**
  - a. New vehicles
  - b. New infrastructure
  - c. New equipment
  - d. New employee salaries (5 year sustainability)
- **Annexation Agreement Fees = Capital or General Fund Account as specified in Agreement**
  - a. New vehicles
  - b. Vehicle Maintenance/Repair
  - c. New infrastructure
  - d. Infrastructure Maintenance/Repair
  - e. New equipment
  - f. Equipment Maintenance/Repair
  - g. New employee salaries (5 year sustainability)
  - h. Employee Retention
- **Building Construction Permit Surcharge Fee = General Fund**
  - a. Any and all operating costs

Mrs. Callender requested input and feedback from the Council on the above and the following suggestions for requesting fees from the anticipated annexations:

- ❖ **Graham Property Annexation**
  - No Impact Fee
  - No Annexation Agreement Fee
  - Building Construction Permit Surcharge Fee does not apply
- ❖ **Trout Property Annexation** - Impact Fee of approximately \$600,000
  - Police Department – Car & Officer
  - Administration
    - ◆ Clerk
  - Public Works
    - ◆ Full time Building Inspector/Code Enforcement Officer
    - ◆ New Vehicles
      - Truck & Plow
      - Street Sweeper
      - Road and Street Light Maintenance
- ❖ **Wal-mart Property Annexation** - Annexation Agreement Fee of approximately \$750,000
  - Payable at \$150,00 a year over 5 years
  - Purchase new vehicles and maintenance
  - Hire new officers and sustain existing

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**4. Impact Fees - Secretary/Treasurer Theon Callender “continued”**

There remains concerns and questions as to whether or not the Town will have responsibility or even if it’s in the best interest of the Town to assume responsibility for the roads and lights of the Trout property.

At the suggestion of the Mayor Councilperson Lambertson agreed to contact the Town of Clayton to obtain guidance from them on road and light expansion and to provide Secretary Callender with the information and contact name.

As a result of the anticipated information to be gathered, the Council will prepare their requests for impact fees, and annexation agreement fees and forward them to Town Attorney Fred Townsend.

**PENDING**

**5. Public Hearing – Secretary/Treasurer Theon Callender**

Secretary Callender presented three, (3), projects and their associated recommendations from the Planning Commission to approve their requests as follows:

<u>Applicant</u>	<u>Application #</u>	<u>Application Type</u>	<u>Recommendation #</u>
26 Twin Oaks Road	Appl. 2014-01-17-011	Re-zoning M-1 to C-2	PC Memo 14-003
691 Main Street	Appl. 2014-01-17-012	Re-zoning R-2 to C-1	PC Memo 14-003
691 Main Street	Appl. 2014-02-05-014	Conditional Use	PC Memo 14-003

After the presentation of the projects and Planning Commission recommendations, a motion was made by Vice Mayor Bob Sine to set a Public Hearing, to obtain public comment on the projects, on Tuesday, April 15, 2014 at 6:00 p.m., and depending upon availability to hold the hearing in the 2<sup>nd</sup> Floor Board Room of the Cheswold Fire Company. Councilperson Sherry Lambertson made a second to the motion and the votes were as follows:

Councilperson Theon Callender – Yes	Councilperson Mildred Johnson –Yes
Councilperson Sherry Lambertson – Yes	Vice Mayor Bob Sine -Yes

The motion carried with a unanimous vote.

**NOTE:** Subsequent to the meeting, confirmation was received that the hearing could be held in the 2<sup>nd</sup> Floor Board Room of the Cheswold Fire Company to be immediately followed by the Town Council Workshop.

**PENDING**

**6. Review of Ordinance 02-20-2014-015 - Secretary/Treasurer Theon Callender**

The Ordinance to Establish a Surcharge to be Added to Building Permits to Support the Administrative Offices and Police Department were presented by Secretary/Treasurer Callender.

She explained that an Ordinance already exists to support the Fire Department, (*Ord. 01-07-08-004*), and this new Ordinance is based on the same premise, only it provides different percentages for different types of construction, i.e., residential, commercial and industrial. In addition, it does not significantly raise the total surcharge amount for residential construction.

It increases the residential construction fee by .25%, while commercial costs increases by 1.25% and industrial is reduced by .45%.

The Town Council agreed that this Ordinance should be added to the Public Hearing agenda.

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**6. Review of Ordinance 02-20-2014-015 - Secretary/Treasurer Theon Callender "continued"**

Vice Mayor Sine clarified that these surcharges would apply to new building construction projects only.

**PENDING**

**7. Agenda for Town Council Monthly Meeting – April 7, 2014**

Secretary Callender reminded everyone that as a result of the completion of the renovations to the Cheswold Fire Hall monthly meetings will return to Monday nights at 6:00 p.m., except in special circumstances.

The April 7, 2014 meeting will begin with the Re-Organization of the Town Council, including the selection of the Mayor; the appointment of the Vice Mayor and Secretary/Treasurer and the re-swearing in Mr. Donald Tinari and Mrs. Theon E. Callender to the Council.

In addition, there may be a Special Awards ceremony added to the agenda.

**COUNCIL MEMBERS COMMENTS:**

**Vice Mayor Bob Sine** – Nothing to Report

**Secretary/Treasurer Theon Callender** – expressed the thanks and appreciation of the Council to Mrs. Mildred Johnson for the time, energy and sacrifices she made to serve the Town and the Council.

**Councilperson Mildred Johnson** – Nothing to Report

**Councilperson Sherry Lambertson** – Nothing to Report

**MAYORS' COMMENTS:**

- ❖ Municipalities complaining about increased and increasing insurance rates should join the DFIT program, sponsored by the DLLG. He also suggests that the DFIT advertise its services.
- ❖ The EPA is scheduled to come into Town to conduct its' five, (5), year investigation of the Coker Waste site, off of Lynnbury Woods Road, for its' level of contamination. It has typically been found to be stable.

**ADJOURNMENT:**

Vice Mayor Bob Sine made a motion to adjourn and with a second from Secretary/Treasurer Callender, the votes on the motion to adjourn were as follows:

Councilperson Theon Callender – Yes

Councilperson Mildred Johnson – Yes

Councilperson Sherry Lambertson – Yes

Vice Mayor Bob Sine -Yes

The motion carried with a unanimous vote.

The meeting adjourned at 7:25 pm.