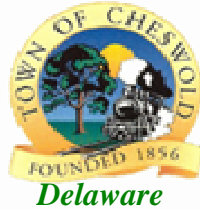


Town of Cheswold
1856



State of Delaware
1787

Town of Cheswold
Minutes of the Monthly Town Council Meeting
Monday – May 6, 2013
7:30 p.m.
Cheswold Fire Hall

The following persons were in attendance:

Mayor Donald Tinari
Secretary/Treasurer Councilperson Theon Callender
Councilperson Justin Curley
Councilperson Mildred Johnson
Councilperson Sherry Lambertson
Vice Mayor Bob Sine

Police Department: Chief Christopher Workman - Excused

Planning Commission: Chairperson Dennis Coker (*Arrived approx. 8:40 p.m.*)

Town Employees: 0

of Cheswold Fire Company Present = 1

of Cheswold Residents Present = 5

of Visitors = 0

Notice:

Notice of this meeting has been made in accordance with the Delaware Open Meetings Act, by properly posting April 29, 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.cheswold.delaware.gov; 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 7:33 pm and was immediately followed by the Pledge of Allegiance and Moment of Silence.

**Monthly Town Council Meeting
Monday, May 6, 2013**

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 changes and amendment requests.

A motion to accept the agenda as presented was made by Councilperson Lambertson and a second was made by Councilperson Curley. The votes on the motion were as follows:

Councilperson Theon Callender – Yes Councilperson Justin Curley – Yes
Councilperson Mildred Johnson – Yes Councilperson Sherry Lambertson – Yes
Vice Mayor Robert 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:

April 1, 2013 – Town Council Organizational Meeting
April 1, 2013 – Monthly Town Council Meeting
April 16, 2013 – Monthly Town Council Workshop Meeting

Vice Mayor Sine made a motion to accept all the minutes as presented and Councilperson Lambertson made a second to the motion. The votes on the motion were as follows:

Councilperson Theon Callender – Yes Councilperson Justin Curley – Yes
Councilperson Mildred Johnson – Yes Councilperson Sherry Lambertson – Yes
Vice Mayor Robert Sine - Yes

The motion carried with a unanimous vote.

TREASURER'S REPORT:

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

<u>TOWN of CHESWOLD:</u>	
CASH RECEIPTS:	\$ 8,553.38
CASH DISBURSEMENTS:	\$ 30,088.15
NEGATIVE MONTHLY CASH FLOW:	\$ 21,534.77

**Monthly Town Council Meeting
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TREASURER'S REPORT "cont'd":

<u>ADMINISTRATION:</u>	
Cash Receipts:	\$ 8,553.38
Cash Disbursements:	\$ 18,891.22
Negative Monthly Cash Flow:	\$ 10,337.84

<u>POLICE DEPARTMENT:</u>	
Cash Receipts:	\$ 0.00
Cash Disbursements:	\$ 10,903.93
Negative Monthly Cash Flow:	\$ 10,903.93

<u>PUBLIC WORKS:</u>	
Cash Receipts:	\$ 0.00
Cash Disbursements:	\$ 293.00
Negative Monthly Cash Flow:	\$ 293.00

ACCOUNT BALANCES as of: APRIL 30, 2013

GENERAL FUND:	\$ 54,202.91
MUNICIPAL STREET AID	\$ 24,287.09
SALLIE FUND:	\$ 992.06
EIDE FUND:	\$ 3,694.92
CAPITAL SCHOOL DISTRICT:	\$ 15,278.96
FIRE DEPARTMENT:	\$ 3,312.15
FULTON ST. 09-P-PROG-36	\$ 81.51
APPLICANT'S (LAND USE):	\$ 2,023.56
IMPACT (CAPITAL) ACCOUNT:	\$ 6,227.76
POLICE DEPARTMENT:	\$ 26,643.05
PUBLIC WORKS DEPARTMENT:	\$ 6,967.04
LITIGATION:	\$ 22,076.73

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

Councilperson Theon Callender- Yes Councilperson Justin Curley - Yes
 Councilperson Mildred Johnson - Yes Councilperson Sherry Lambertson - Yes
 Vice Mayor Robert Sine - Yes

The motion carried with a unanimous vote.

b. Requisitions

The following requisitions, all from the Police Department, were presented to the Council for approval:

Requisition #	Description	Net Price	Payable Account
2492	Interior Equipment for 2012 Dodge Charger	\$3,202.05	Edie Grant
2493	Vehicle Markings for 2012 Dodge Charger	\$ 450.00	Salle Grant
2494	Removal of Equipment from 2006 Ford	\$ 365.00	Police Department
2494	Installation of Equipment not Covered by Edie	\$ 353.03	Salle Grant

**Monthly Town Council Meeting
Monday, May 6, 2013**

TREASURER'S REPORT "cont'd":

b. Requisitions "continued"

A motion was made by Vice Mayor Sine to approve the requisitions as presented and a second to the motion was made by Councilperson Lambertson. The votes on the motion were as follows:

Councilperson Theon Callender- Yes Councilperson Justin Curley - Yes
Councilperson Mildred Johnson - Yes Councilperson Sherry Lambertson - Yes
Vice Mayor Robert Sine - Yes

The motion carried with a unanimous vote.

c. Proposed Purchases

Nothing to Report

Tax Collector's Report:

a. Treasurer Callender provided the following update for tax collections as of April 30, 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
02/28/2013:	\$ 2,037.75
03/31/2013	\$ 1,706.26
04/30/2013	\$ 3,223.01
05/31/2013	
06/30/2013	

Total Payments Received as of **02/28/2013:** **\$124,237.13**

Payments Due: \$ 6,949.27

Mayor Tinari asked Mrs. Callender if anything special occurred to increase the collections in the past month. Mrs. Callender answered no and explained that Town Clerk Mrs. Shadina Jones is doing an exceptional job in following up with delinquent tax payers.

A motion was made by Councilperson Justin Curley to accept the April Tax Report as presented and with a second from Vice Mayor Sine, the votes on the motion were as follows:

Councilperson Theon Callender- Yes Councilperson Justin Curley - Yes
Councilperson Mildred Johnson - Yes Councilperson Sherry Lambertson - Yes
Vice Mayor Robert Sine - Yes

The motion carried with a unanimous vote.

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Police Department Report – Chief Christopher Workman

Chief Workman presented the following report for the Police Department for the month of April, 2013:

- **General Information** – Working towards self-sufficiency. Plan to install access to AFIS, (Automated Fingerprint Information System), and to provide access to the Delaware Court System from the Police Department through a Video Phone System is in progress. This change should reduce processing time from approximately 4 hours to 2 hours.
- **Grants**
 - **2013 Salle** – has been expended for overtime and the purchase and associated equipment of the new 2012 Dodge Charger
 - **2013 Edie** – request of expenditure for educational give-a-ways and Child ID Kits associated with the planned 1st Cheswold Pride Day scheduled for July 27, 2013 has been submitted.
 - **Bulletproof Vest** – application has been completed and submitted.
 - **Violent Crimes Grant** – a balance of \$1,843.67 remains allocated for overtime and must be expended by September 2013.
 - **COPS** – is now open for new applications. There is a total of \$125,000 over a three year period. The grant will pay for 75% of an officer salary and the Town would have to be responsible for the remaining 25%. The hired officers position would also have to be retained for 1 year after the completion of the 3 year grant. The application must be submitted by Wednesday, May 22, 2013.
- **Police Station** – the Patrol area has been updated and configured to safely process and house defendants until they have arraigned and released or transported to a correctional facility. Standard Operating Procedures and Policies will be in place to cover the processing, containment and treatment of persons in custody.
- **Mutual Aid Agreements** – the purpose of Mutual Aid Agreements to is to enable agencies to more effectively handle emergency situations by pooling law enforcement resources. The Chief is currently reviewing the status of existing and proposed Mutual Aid Agreements.
- **Monthly Activity Report** – the majority of the 90 calls received for the month of April are domestic, property checks and alarms. If you see something out of place you are strongly encouraged to report it, and that includes suspicious persons or vehicles.

CALL TYPE	#	CALL TYPE	#	CALL TYPE	#
911 Disconnect	4	AED/CPR	1	Alarm	7
Alcohol Violation	3	Animal Complaint	1	Assist Other Agency	1
Court Violation	2	Criminal Mischief	2	Death Investigation	1
Disorderly Conduct	2	Domestic	11	Drugs	5
DUI	1	Fugitive	7	Lost/Stolen Tag	1
Missing Person	1	Noise Complaint	2	Property Check	21
Public Assistance	4	Relay	1	Resist Arrest	1
Suspicious Noise	1	Suspicious Person	2	Suspicious Vehicle	1
Traffic Violation	1	Trepass	1	Vehicle Disabled	1

**Monthly Town Council Meeting
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Police Department Report *“continued” – Chief Christopher Workman*

- **National Police Week** – May 15th was designated as Peace Officers Memorial Day, by President John F. Kennedy and the week in which the 15th falls is Police Week and is celebrated in Washington, D.C., by Police Officers from across the nation. Delaware has suffered the loss of 40 officers in the line of duty and it will be greatly appreciated if you will say “Thank You” to an officer in recognition of their commitment to protect and serve.
- **Laundry Mat Break In** – there was a break in at the laundry mat located next to the Shore Stop. The violator’s picture is posted on the Town website: www.cheswold.delaware.gov. If you have information pertaining to the violation, please contact the Police Department at 302-734-2202. **IF YOU DON’T CALL – WHO WILL?**
- **Sale of 2006 Crown Vic** – the State Police are willing to sell the Crown Vic at auction for a fee of 12% of the cost recovered and they anticipate obtaining a fair fee in spite of the transmission. Currently the vehicle is stored at McKinney’s Towing. Vice Mayor Sine made a motion to permit the State Police to auction the Crown Vic and to pay the State Police a 12% fee for the sale. Councilperson Curley made a second to the motion and the votes were as follows:

Councilperson Theon Callender – Yes Councilperson Justin Curley – Yes
Councilperson Mildred Johnson – Yes Councilperson Sherry Lambertson – Yes
Vice Mayor Robert Sine – Yes

The motion carried with a unanimous vote.

Cheswold Fire Company Report – *Fireman Neese:*

Mr. Neese reported that a burning ban is now in effect until further notice.

He additionally reported that the Ambulance Corp is beginning its Fund Drive and quoted the cost of replacing an ambulance and running a corp. Mayor Tinari asked if the employees of the Corp are paid employees and Mr. Neese provided the history of the type of employees used from previous volunteers to the current situation of paying the employees, in order to reduce the degree of attrition.

Public Works Report – *Mayor Donald Tinari:*

- a. **Water System for Old Town** - Mayor Tinari reported that he is continuing to look for funding options and that he and Mrs. Callender participated in a meeting with representatives from the USDA – Ms. Angela Tilghman and Ms. Heather Warren of the DSWRF. It was agreed by all in attendance that the Town should go forward with the Water Survey and Water Testing task scheduled for Tuesday, May 28, 2013, Both Ms. Tilghman and Ms. Warren committed to providing assistance to the tasks.

PENDING

- b. **Town Hall Parking Lot** – Secretary/Treasurer Theon Callender
Ms. Callender informed the Council that DelDOT approved the funding for the paving of the Town Hall Parking Lot and that Town Engineer Tom Wilkes is scheduled to present a concept plan of the parking lot layout to the Planning Commission at their next meeting.

The approved DelDOT funding is approximately \$205,000.

PENDING

**Monthly Town Council Meeting
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Planning Commission Report – Chairperson Dennis Coker:

As Chairperson Coker was not present, the Planning Commission Report, Secretary/Treasurer Callender provided the following information:

- a. Fee Schedule Revision – currently being reviewed.

PENDING

- b. Meeting with Attorney Max Walton – was held on Thursday, May 2, 2013 at Town Hall and attended by Planning Commission Chairperson Dennis Coker; Vice Chairperson Albert Lambertson and Secretary/Treasurer Theon Callender. A discussion of the current situation with the M-1 Zoning Code was held and Mr. Walton asked Mrs. Callender to find and provide any other documents that may be deemed pertinent to the Zoning Code.

PENDING

- c. Recommendation for Council Approval of Revision to Land Use Ordinance Article 11 – Utilities; Section A – Mrs. Callender presented the recommendation to the Council and explained the need to provide a solution to a Land Use Requirement for the connection of properties to a non-existent municipally owned and/or approved water distribution system. The revision recommendation permits a property owner to replace an existing well or to install a new well as long as there is no municipally owned and/or approved water distribution system available for connection and requires the property to connect to such a system when it becomes available.

Vice Mayor Sine made a motion to approve the revision of Article 11 – Utilities of the Land Use Ordinance as presented in the recommendation from the Planning Commission. Councilperson Lambertson made a second to the motion and the votes were as follows:

Councilperson Theon Callender – Yes Councilperson Justin Curley – Yes
Councilperson Mildred Johnson – Yes Councilperson Sherry Lambertson – Yes
Vice Mayor Robert Sine - Yes

The motion carried with a unanimous vote.

COMPLETE

Old Business:

- a. **1ST Annual Cheswold Pride Day – Councilperson Sherry Lambertson**

Ms. Lambertson reported the following:

- o Committee met Monday, April 8, 2013
- o Sponsorship letters have been mailed
- o Ms. Marion Coker of the Lenni Lenape Tribe has agreed to attend the next Committee meeting
- o The Committee is requesting assistance from the Tribe
- o The Committee is requesting the Tribe to provide dancers and native foods and wares for sale
- o The Committee is planning on contacting former members of the Cheswold Tigers to attend
- o The location of Pride Day has been moved from the Town Park to Town Hall
- o The next Committee meeting is scheduled for Monday, May 13, 2013

PENDING

**Monthly Town Council Meeting
Monday, May 6, 2013**

Old Business *“continued”*:

b. Ordinance Reviews – Secretary/Treasurer Theon Callender

- **04-08-13-014 Noise Control**
- **02-15-13-040 Garbage, Trash and Rubbish**

Mrs. Callender asked the Mayor and Council if they had any suggestions, corrections or revisions to the Noise Control, (04-08-13-014) and Garbage, Trash and Rubbish, (02-15-13-040), Ordinances. There were no responses to her request.

Vice Mayor Sine made a motion to submit both Ordinances to Town Attorney Fred Townsend for review and response prior to conducting Public Hearings on the Ordinances. Councilperson Lambertson made a second to the motion and the votes were as follows:

Councilperson Theon Callender – Yes	Councilperson Justin Curley – Yes
Councilperson Mildred Johnson – Yes	Councilperson Sherry Lambertson – Yes
Vice Mayor Robert Sine - Yes	

The motion carried with a unanimous vote.

PENDING

- **03-06-13-039 Adoption and Implementation of Town Safety Manual**

Mrs. Callender asked the Mayor and Council if they had any suggestions, corrections or revisions to the Town Safety Manual Ordinance, (03-06-13-039), and with no responses, Mrs. Callender made a motion to approve the Ordinance as presented. And with a second from Vice Mayor Sine the votes on the motion were as follows:

Councilperson Theon Callender – Yes	Councilperson Justin Curley – Yes
Councilperson Mildred Johnson – Yes	Councilperson Sherry Lambertson – Yes
Vice Mayor Robert Sine - Yes	

The motion carried with a unanimous vote.

COMPLETE

New Business :

a. Cheswold Chatter – Secretary/Treasurer Theon Callender

Mrs. Callender informed the Council that the 2nd quarter newsletter had been written, copies made and distributed.

She gave a special thanks to Councilperson Johnson for making deliveries to the east side of Parkers Run and to Mr. Rodney Callender for making deliveries to the west side of Parkers Run and to Town business establishments. Additionally, she expressed an extra special thanks to Councilperson Lambertson for making copies of the newsletter in color and distributing them in Old Town and Fox Pointe. Councilperson Lambertson acknowledged the appreciation and stated that she still has to make deliveries to the residents of New Street. Deliveries to Main Street and to Strimmel’s Court were made by Councilperson Lambertson and Callender on Saturday morning.

Mrs. Callender also noted that she changed the title of the newsletter from “Cheswold Newsletter” to “Cheswold Chatter” to more accurately reflect the content of the information. And she knows that at least one resident read the “Ignorance of the Law is No Excuse” article because he came in for copies of Town Ordinances.

COMPLETE

**Monthly Town Council Meeting
Monday, May 6, 2013**

New Business "continued" :

b. Resolution for Council Approval – Secretary/Treasurer Theon Callender

Mrs. Callender re-introduced Resolution #04-23-13-049 "Addition of Administrative Duties to Secretary/Treasurer Theon Callender". She explained that the resolution was being presented as a protection for her. Over the past two, (2), years Mrs. Callender has made daily decisions without official authority and fortunately the Town Council has supported those decisions. However, she anticipates that an increase of responsibilities in the daily work environment is eventual and that necessitates a written authorization to make such decisions. And that anyone in the position to make such daily decisions such have written authorization to do so.

Before asking for a motion or comments, Mayor Tinari acknowledged that he did not have the opportunity to vote, but stated that he wanted to make a comment and followed with his opinion that the resolution assigns a great deal of authority to one person and should be forwarded to the Attorney for review to be sure that it adheres to the Charter.

Mrs. Callender responded that the Charter is quoted in the resolution and Mayor Tinari stated that if garbage is important enough to send to the Attorney then this resolution should be sent.

Councilperson Curley stated that he agreed with the Mayor made a motion to send the document to the Attorney first.

Councilperson Lambertson stated that she doesn't know if residents understand the load that falls on the shoulder of Mrs. Callender and that the resolution simply states what Mrs. Callender is already doing and has been doing and that the duties need to be done by someone who is in the office everyday. And the fact that Mrs. Callender can be removed by a majority vote of the Town Council, as added by Vice Mayor Sine makes the document perfect, In addition it is not a broad-brush document, it applies only to Mrs. Callender.

Councilperson Johnson added that Mrs. Callender has been handling the responsibilities and making daily decisions since she's been Secretary/Treasurer and that she doesn't agree with spending funds to send it to the Town Attorney.

Councilperson Curley asked if the Town would have to pay to have the Attorney review the resolution. Vice Mayor Sine responded that we have to pay the Attorney if we speak to him on the phone and sees no need to send the resolution to him. Councilperson Curley then made a motion to pass the resolution and a second was made by Vice Mayor Sine. The votes on the motion were as follows:

Councilperson Theon Callender– Yes Councilperson Justin Curley – Yes
Councilperson Mildred Johnson – Yes Councilperson Sherry Lambertson – Yes
Vice Mayor Robert Sine - Yes

The motion carried with a unanimous vote.

COMPLETE

c. FEMA Training for Town Leaders, NIMS – Secretary/Treasurer Theon Callender

Mrs. Callender requested Chief Workman to explain to the Town Council the requirements for Completing the on-line NIMS, (National Incident Management System), associated with FEMA, (Federal Emergency Management Agency).

The Chief explained that completion of the training will allow the Town to remain eligible for Federal funding in cases that it may be needed as a result of an emergency or major disaster. Mrs. Callender requested the Council to provide proof of completion to the Town Clerk for filing.

PENDING

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

d. New Website – *Secretary/Treasurer Theon Callender*

Mrs. Callender reported that the new Town website is up and running. Quite a bit of information not previously available are open to the public on the new site, including Forms and a Police Department page and copies of the Cheswold Chatter.

The new website is located at: www.cheswold.delaware.gov

e. Town Council Workshop Agenda ; Tuesday, May 21, 2013– *Mayor and Council*

- (1) Pending Items from Town Council Agenda – *Secretary/Treasurer Theon Callender*
- (2) Water System for Old Town – *Mayor Donald Tinari*
- (3) Summertime Bar-b-que Picnic Report – *Councilperson Sherry Lambertson*
- (4) Police Department – *Chief Chris Workman*
- (5) Executive Session – *Mayor and Council*
- (6) Emergency Operations Plan – *Councilperson Sherry Lambertson*
- (7) Safety Manual – *Secretary/Treasurer Theon Callender*
- (8) Budget Review – *Secretary/Treasurer Theon Callender*
- (9) Any Other Pertinent Issues– *Secretary/Treasurer Theon Callender*

Community/Comments & Concerns:

The Mayor opened the meeting to the community to provide the opportunity for them to express their concerns; ask questions or make comments.

Resident Connie Ridgway expressed her thanks and appreciation to Chief Workman for resolving the noise issue on her block the next day. She also informed the Chief that there are issues with some of the children playing on New Street and at the intersection of New and Commerce Streets. The children are often playing "chicken" with the vehicles or refusing to move as vehicles attempt to traverse the street. The Chief committed to following up on the issue.

Council Member Comments:

- a. Councilperson Sam Callender** – Nothing to Report
- b. Councilperson Justin Curley** – Nothing to Report
- c. Councilperson Mildred Johnson** – Nothing to Report
- d. Councilperson Sherry Lambertson** – Nothing to Report
- e. Vice Mayor Robert Sine** – Nothing to Report

Mayor's Comments:

The Mayor reported that he is having some physical problems and may be out from time to time.

Adjournment:

At 8:59 p.m., Councilperson Callender made a motion to adjourn and with a second from Vice Mayor Sine the votes on the motion to adjourn were as follows:

Councilperson Theon Callender– Yes	Councilperson Justin Curley – Yes
Councilperson Mildred Johnson – Yes	Councilperson Sherry Lambertson – Yes
Vice Mayor Robert Sine - Yes	

The motion carried with a unanimous vote.