

*Town of Cheswold*  
1856



*State of Delaware*  
1787

**Town of Cheswold**  
**Minutes of the Monthly Town Council Meeting**  
**Monday – August 5, 2013**  
**7:30 p.m.**  
**Cheswold Fire Hall**

**The following persons were in attendance:**

**Mayor Donald Tinari**  
**Councilperson Theon Callender**  
**Councilperson Justin Curley**  
**Councilperson Mildred Johnson**  
**Councilperson Sherry Lambertson**  
**Vice Mayor Bob Sine**

**Police Department: Chief Christopher Workman**

**Planning Commission: 0**

**Town Employees: 0**

**# of Cheswold Fire Company Present = 1**

**# of Cheswold Residents Present = 2**

**# of Visitors = 0**

**Notice:**

Notice of this meeting has been made in accordance with the Delaware Open Meetings Act, by properly posting July 29, 2013, and re-posted on July 31, 2013, as required by FOIA, to add Item “d”. Capital Software Account, under Treasurer’s Report; Item “e”, Introduction of Mr. Douglas Burns and Ms. Susan Kline, under New Business and Item 18, - Vote on Executive Session Discussion, under New Business, as required by Copies were posted 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 <https://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 7:37 pm and was immediately followed by the Pledge of Allegiance and Moment of Silence.

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**ROLL CALL:**

The Mayor, requested the Secretary/Treasurer to call 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 Sherry Lambertson and a second was made by Vice-Mayor Bob 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.

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

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

July 1, 2013 - Town Council Monthly Meeting  
July 16, 2013 - Monthly Town Council Workshop Meeting

Vice Mayor Sine made a motion to accept all the minutes as presented and Councilperson Sherry 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, (Comparisons between Receipts and Disbursements)**, for the **Month of July, 2013** were not presented at last month's meeting as a result of Secretary/Treasurer Callender being absent from the meeting due to eye surgery.

The Treasury Report for the month of **JULY, 2013** was presented as follows:

<b>TOWN of CHESWOLD:</b>	
<b>CASH RECEIPTS:</b>	<b>\$ 63,057.03</b>
<b>CASH DISBURSEMENTS:</b>	<b>\$ 53,826.34</b>
<b>POSTIVE MONTHLY CASH FLOW:</b>	<b>\$ 9,230.69</b>

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**TREASURER'S REPORT "cont'd":**

<b>ADMINISTRATION:</b>	
Cash Receipts:	\$ 48,491.01
Cash Disbursements:	\$ 49,435.80
<b>Negative Monthly Cash Flow:</b>	<b>\$ 944.79</b>

<b>POLICE DEPARTMENT:</b>	
Cash Receipts:	\$ 14,266.02
Cash Disbursements:	\$ 4,120.24
<b>Positive Monthly Cash Flow:</b>	<b>\$ 10,145.78</b>

<b>PUBLIC WORKS:</b>	
Cash Receipts:	\$ 300.00
Cash Disbursements:	\$ 270.30
<b>Positive Monthly Cash Flow:</b>	<b>\$ 29.70</b>

**ACCOUNT BALANCES as of: JULY 31, 2013**

<b>GENERAL FUND:</b>	<b>\$ 27,315.19</b>
<b>MUNICIPAL STREET AID</b>	<b>\$ 22,594.27</b>
<b>SALLIE FUND:</b>	<b>\$ 147.78</b>
<b>EIDE FUND:</b>	<b>\$ 2,215.54</b>
<b>CAPITAL SCHOOL DISTRICT:</b>	<b>\$ 15,280.89</b>
<b>FIRE DEPARTMENT:</b>	<b>\$ 3,312.98</b>
<b>DeIDOT PROJECTS ACCOUNT:</b>	<b>\$ 81.51</b>
<b>APPLICANT'S (LAND USE):</b>	<b>\$ 2,024.07</b>
<b>IMPACT (CAPITAL) ACCOUNT:</b>	<b>\$ 6,973.52</b>
<b>POLICE DEPARTMENT:</b>	<b>\$ 30,639.57</b>
<b>PUBLIC WORKS DEPARTMENT:</b>	<b>\$ 3,140.62</b>
<b>LITIGATION:</b>	<b>\$ 20,828.46</b>

**b. Requisitions**

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

<b>Requisition #</b>	<b>Description</b>	<b>Net Price</b>	<b>Payable Account</b>
2512	LIDAR	\$ 327.98	Police Department
2521	Final Payment – Crown Vic	\$ 450.00	Salle Grant

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

A motion to approve the Police Department Requisitions was made by Vice-Mayor Bob Sine. Councilperson Sherry 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.

A motion to accept the Treasury Report as presented was made by Councilperson Justin Curley. Councilperson Mildred 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.

**c. Proposed Purchases**

Nothing to Report

**d. Capital School District Account**

Secretary/Treasurer Callender informed the Council that M&T Bank has notified the Town that as a result of no activity in the Capital School District Account, except for interest accrual, the account has the possibility and probability of being closed and accessed by the State.

As a result of statements made by Mayor Tinari at a previous meeting that there is the possibility for the Town to transfer the funds to the General Fund or the Capital Account of the Town, Mrs. Callender was directed by the Council to contact Town Attorney Fred Townsend for direction as to how to handle the account.

PENDING

**Tax Collector's Report:**

Secretary/Treasurer Callender explained that the Tax Report will be presented in a different format as a result of questions from Mayor Tinari during the Council Workshop meeting, concerning the differences between the amounts shown as deposited for tax receipts in the bank and those shown as received per the Capital Software for taxes.

She explained that the difference between the actual deposits made and the amounts processed per the Software system is the result of when funds are actually physically deposited in the bank and the dates the deposits were recorded in the Software system.

For Example: If a \$100.00 deposit is recorded in Capital Software on July 31, but the actual deposit is not made in the bank until August 1, there will be a \$100.00 difference between the bank statement report and the Tax Report presented at the Council meeting. She also provided the Council with a detailed description of the explanation. (See attached)

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**Tax Collector's Report:**

In addition she explained, again, that the inherent errors in the Capital Software program have been incurred and compounded over at least five years, by the former Tax Clerk, and since there were never any requirements, at that time, to reconcile the software reports against the monthly bank deposits it is almost impossible to rectify the differences at this point. And that you have to couple this with the unfriendly user system and lack of training in the use of the system.

It is anticipated that the evolution to the new Edmunds system will present the opportunity to state with a "Day 1" scenario for all accounting processes, and that procedures and processes will be documented for future training purposes and maintenance.

a. Treasurer Callender provided the following report for the **Month of July, 2013:**

**TAX REPORT: FISCAL YEAR 2013 - 2014**

Total Amount Billed: \$ **131,734.80**

Payments as of:

<b>Month Ending</b>	<b>Bank Deposit</b>	<b>Software Deposit</b>	<b>Difference</b>
07/31/2013:	\$32,765.51	\$33,880.06	(\$1,114.55)
08/31/2013:			
09/30/2013:			
10/31/2013:			
11/30/2013:			
12/31/2013:			
01/31/2014:			
02/28/2014:			
03/31/2014:			
04/30/2014:			
05/31/2014:			
06/30/2014:			

Total Payments Received as of **05/31/2014:**      \$ **32,765.51**

Payments Due:      \$ **98,969.29**

A motion was made by Vice Mayor Bob Sine to accept the July Tax Report as presented and with a second from Councilperson Justin 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.

**Police Department Report** – Chief Christopher Workman

**a. Monthly Report – July, 2013**

- (1) **Part Time Officer Applicant Reviews** - Chief Workman, in the Executive Session, intended to submit candidate information on potential part-time officers applying for the position, however, prior to the session he was required to respond to a duty call. Review was tabled.

**PENDING**

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**Police Department Report – “continued”**

- (2) **Department Challenge Coins** – The Chief provided pictures of the Challenge Coins and explained that when received, one each will be forwarded to the members of the Cheswold Tigers who participated in the 1<sup>st</sup> Annual Cheswold Pride Day and the remainder will be distributed for special occasions and for sale to collectors. The sales will be conducted through the Department web site.

**COMPLETE**

- (3) **Department Patches** – As a result of receiving requests for Department patches, the Chief will make them available for sale at \$10.00 per patch. The cost of the patches and coins will be used to replenish the items when necessary, thus being no cost to the Town.

**COMPLETE**

- (4) **National Take Back Initiative VII** – The Cheswold Police Department will participate in the 7<sup>th</sup> national DEA, (Drug Enforcement Agency), event. The public will have the opportunity to dispose of expired and unwanted controlled substances and other medications. Further information will be provided at the September Town Council meeting and on the Department web site.

**PENDING**

- (5) **Grants** – The following updates were provided concerning Police Department grants:
- **Violent Crimes** – Completed
  - **2013 – 2014 Allocations:**
    - Violent Crimes = \$8,815.73
    - Salle = \$3,380.79
    - EDIE = \$3,197.57
  - **Fiscal Year 2012 Bryne Grant Submission** - \$100,000 is available for all local units of government police departments for a defined purpose.

- (6) **Training** – Corporal Louis Simms will be attending the Delaware State Police Academy from August 27 – 29, 2013, for a class on Commercial Vehicle Criminal Interdiction.

**PENDING**

- (7) **Forfeiture** – The Town has acquired a 1995 Toyota, as a result of a drug seizure by Corporal Louis Simms, in December, 2012. \$660.00 also seized at that time has been turned over to SLEAF, as required. A decision has to be made by the Council concerning the viability of the car for Town use.

**PENDING**

**(8) Traffic Summons:**

- **Total for July, 2013 = 200**
  - Speeding Violations = 96
  - Cell Phone Violations = 19
  - Other Violations = 85

**COMPLETE**

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**Police Department Report – “continued”**

**b. Monthly Activity Report – July, 2013**

911 Disconnects = 3	Fugitives = 5	Suspicious Persons = 3
Alarms = 2	PFA Violations = 1	Suspicious Vehicles = 2
Alcohol Violations = 2	Property Checks = 21	Terroristic Threats = 2
Assaults = 1	Public Assistance = 3	Thefts = 1
Assist Other Agencies = 11	Relays = 1	Traffic Hazards = 2
Criminal Mischief = 1	Repossessions = 1	Traffic Violations = 5
Disorderliness = 1	Sex Crimes = 1	Vehicles – Abandoned = 1
Domestics = 5		Welfare Checks = 1

Mayor Tinari asked Chief Workman if any special efforts were required by the Department in association with the Cheswold Pride Day event. The Chief responded no and that everything went well; that attendees followed directions and parked in the designated locations. And in some situations the Department permitted those requiring additional mobile assistance to drive into the Town Hall parking lot and their cars were parked for them.

**Cheswold Fire Company Report – Fireman Neese:**

Mr. Neese reported that the Cheswold Company has not been required to be as busy as some of the other Companies in the last month and that is a good thing. He also reminded everyone that the burning ban is still in effect.

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

**a. Water System for Old Town**

The Mayor informed the Council that he received a proposal from Remington, Vernick and Beach for the grant to the USDA and it requires a response within 30 days. The current cost of their assistance is \$22,000, and he reminded the Council that the reports will have to be obtained at some point in time.

He provided copies of the proposal to the Council and requested them to be ready to review it at the Workshop meeting and to be ready to make a decision.

PENDING

**b. Town Hall Parking Lot – Secretary/Treasurer Theon Callender**

The parking lot has been re-surveyed and the cost of the re-survey has not exceed the budget. The new layout is pending receipt.

PENDING

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***Planning Commission Report – Secretary/Treasurer Theon Callender***

**a. Fee Schedule Revision**

In the absence of Planning Commission Chairperson, Mr. Dennis Coker, Mrs. Callender presented the revised Fee Schedule associated with building projects and reviews, which was compiled with the assistance of the Town Engineer – Mr. Tom Wilkes.

Vice Mayor Bob Sine made a motion to approve the Fee Schedule as submitted and Councilperson Justin Curley made a second to the motion. 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**

**b. Other Business**

Nothing to Report

**Old Business:**

**a. 1<sup>ST</sup> Annual Cheswold Pride Day – Councilperson Sherry Lambertson**

Prior to Ms. Lambertson providing a report, Mayor Tinari interjected and requested appreciation by way of a hand clap for the efforts from Councilpersons Callender and Lambertson and Town Clerk Shadina Jones, for their efforts in making the event a success. Ms. Lambertson opted not to provide the report.

**COMPLETE**

**b. Credit Card Implementation Update – Mayor Donald Tinari**

The Mayor informed the Council that M&T seems to have misunderstood the plans of the Town for a credit card system. As a result he has spoken to Ms. Maureen Sullivan – Bank Representative, in Buffalo, NY, and she has requested clarification of our needs and to be taken through our transaction process. At this time it appears that there will be little or no expense to implement the card system and no cost to discontinue.

**PENDING**

**c. Retail Benefits Status Report – Secretary/Treasurer Theon Callender**

Mrs. Callender reported that all Council responded in agreement to introducing the Retail Benefits program on our website prior to implementation and to include a statement that participation is strictly voluntary, along with an explanation of the potential benefits for the Town to profit through the agreement of the user to donate a percentage of the user rewards to the Town.

**COMPLETE**

**d. Balloon Payment Status - Secretary/Treasurer Theon Callender**

Secretary/Treasurer Callender explained, that as a result of the 2011-2012 audit not being complete and the balloon payment on the Ryan loan becoming due on September 1, 2013, the Council must make a decision as to whether the two outstanding Town debts should be combined into one request for a new loan, or whether the Town should request the bank to just

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**Old Business**– *“continued”*

re-finance the Ryan loan only. She also reminded the Council that if the debts are combined, the Town would be required to put the Town Hall property up as collateral.

After discussion of the pros and cons of the issue, Councilperson Justin Curley made a motion not to combine the debts and to proceed with refinancing efforts on the balloon payment. Councilperson Mildred 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.

**COMPLETE**

**e. Schwartz Request Status - Secretary/Treasurer Theon Callender**

To-date there has not been a response from Town Attorney Townsend, from Attorney Schwartz, concerning the acceptance of the Town’s agreement to provide his client with a retirement badge in return for a specified funds waiver of interest on the Town debt.

The issue will be considered table until such time as a response requires additional review.

**TABLED INDEFINITELY**

**f. Status of Land Use Ordinance - Secretary/Treasurer Theon Callender**

Attorney Walton is petitioning the court for the proper forms to be used for the motion he proposes to submit. It appears that this type action has not been taken before and the court must create the proper documents for filing, so that all proper procedures are followed.

**PENDING**

**New Business :**

**a. End of Police Chief Probation Period – Secretary/Treasurer Theon Callender**

The Council reported that they had reviewed the reviews presented by one another of the performance of Chief Workman during his six month probation period. It was agreed that he performed above the expectations set forth for him and as a result should be hired as a regular employee. Secretary/Treasurer Callender reported that she had reviewed the evaluation with Chief Workman and he is in agreement with the findings, as specified by his signature on the evaluation.

Ms. Callender made a motion to move the Chief from probationary status to regular employee under the conditions of employment set forth in his employment agreement. With a second from Vice Mayor Bob 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**

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**New Business**– “continued”

**b. Denial of Coleman Building Request - Secretary/Treasurer Theon Callender**

Mr. Coleman purchased a home from Atlantis Homes and requested a placement permit for it. Placement permits are used for manufactured and mobile homes. He requested to place the home in Old Town. The Land Use Ordinance prohibits manufactured and mobile homes from being placed in Old Town.

Originally, Mr. Coleman also told said that a serial # on his paperwork indicated that he purchased a modular home, which is permitted in Old Town. However, there was nothing in the paperwork indicating that the home he purchased was modular. Mr. Coleman was requested to provide additional information to substantiate his claim that the home he purchased was indeed modular. He did not do so.

He was then forwarded correspondence denying his request for a permit, advised that he would also need to submit a plot plan for review and that he could petition the Board of Adjustments to overrule the denial.

In the meantime, he has engaged a property line dispute with the owners of 53 School Lane and the property documents that he has submitted do not appear to match the County property records. This issue will eventually be directed to the Planning Commission; Board Adjustments or civil court.

**TABLED**

**c. Agenda for Town Council Workshop – Mayor and Council**

Ms. Callender was directed to post any pending items that have updates and any new items that require Council review or attention.

CLOSED

**d. Request to Use Town Hall Property –Secretary/Treasurer Theon Callender**

Ms. Callender submitted a copy of a request from Town resident, Ms. Deborah Lepore to use the Town Hall property to host a Boy Scout yard sale on Saturday, September 7, 2013, from 9 am – 3 pm.

A motion was made by Councilperson Curley to approve the request with the stipulation that the Scout troop must be responsible for cleaning up the property after the sale and not encroaching on the Parks Run properties that are adjacent on both sides of the Town Hall. A second to the motion was provided by Councilperson Sherry 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.

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***New Business "continued" :***

**a. Introduction of Mr. Douglas Burns - Secretary/Treasurer Theon Callender**

In association with the previous direction of the Council to find a suitable candidate for the position of a part time Building Inspector and Code Enforcement Officer, Ms. Callender introduced Mr. Douglas Burns.

Mr. Burns was born and raised in Boston, Mass., and was a member of the U.S. Air Force from 1988 to 1994 and served as a Military Police Officer. He also worked the lobster boats and in construction from the age of 13.

In his professional life, he has served as a Building Inspector for Kent County from 2001 to 2004 and has been a Project Manager for building companies since 2004, and is the proprietor of his own construction company. As a result he has kept his ICC Building Inspection certification current. In addition, Mr. Burns held the position of Building Inspector and Code Enforcement Officer for the Town of Milford, until he was released due to Town budget constraints.

Ms. Callender recommended that the Council consider Mr. Burns for hire. The Council decided to eliminate the Executive Session and Ms. Callender made a motion to hire Mr. Burns as the Building Inspector and Code Enforcement Officer for the Town, as a part time 20.0 hour per week employee, without benefits. A second to the motion was made by Councilperson Justin Curley and 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**

**EXECUTIVE SESSION** – Omitted

**RETURN to REGULAR SESSION** – Not Required

**VOTE on EXECUTIVE SESSION DISCUSSION** – Not Required

**Community/Comments & Concerns:**

Nothing to Report

**Council Member Comments:**

- a. Councilperson Mildred Johnson** – Nothing to Report
- b. Councilperson Sherry Lambertson** – Nothing to Report
- c. Councilperson Justin Curley** – Nothing to Report

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**Council Member Comments** *"continued"*:

**d. Secretary/Treasurer Theon Callender** – notified the Council that the Delaware League of Local Governments, (DLLG), dinners will now be held at Dover Downs. The cost of the dinners will be \$30.00 and they will be held in diamond Room #1 – 4<sup>th</sup>.

The first meeting of the 2013 – 2014 sessions is scheduled for Sunday, September 22, 2013 at 3:00 pm.

**e. Vice Mayor Robert Sine** – expressed his personal appreciation and thanks to the members of the Pride Day Committee for the success of the event and to the business community of Cheswold for their support.

He also suggested that the Council continue reviewing the Emergency Plan for the Town.

**Mayor's Comments:**

Nothing to Report

**Adjournment:**

At 8:5034 p.m., Councilperson Callender made a motion to adjourn and with a second from Vice-Mayor Bob 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.