

Town of Cheswold
1856



State of Delaware
1787

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

The following persons were in attendance:

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

Police Department: Officer Susan Kline

Planning Commission: Chairperson Dennis Coker

Town Employees: 0

of Cheswold Fire Company Present = 1

of Cheswold Residents Present = 3

of Visitors = 0

Notice:

Notice of this meeting has been made in accordance with the Delaware Open Meetings Act, by properly posting October 30, 2013, copies of the agenda, 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 7:32 pm and was immediately followed by the Pledge of Allegiance and Moment of Silence.

ROLL CALL:

The Mayor, requested the Secretary/Treasurer to conduct a roll call of Council members and attendance was confirmed as noted above. A quorum of members was presented to the Mayor and the meeting continued.

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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 amend the agenda to include a review and approval of a recommendation from the Planning Commission was made by Secretary/Treasurer Theon Callender and a second was made by Councilperson Mildred Johnson. The votes on the motion were as follows:

Councilperson Theon Callender – Yes
Councilperson Sherry Lambertson – Yes

Councilperson Mildred Johnson – Yes
Vice Mayor Robert Sine - Abstain

The motion carried with a vote of Yes = 3 and No =1.

Subsequent to the vote it was agreed not to vote on the recommendation until the Town Council Workshop.

Review of Previous Month's Minutes:

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

October 7, 2013 – Not Applicable – Meeting was cancelled

October 15 – Monthly Town Council Workshop Meeting

Vice Mayor Bob Sine made a motion to accept 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 Sherry Lambertson – Yes

Councilperson Mildred Johnson – 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 October, 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 **OCTOBER, 2013** was presented as follows:

<u>TOWN of CHESWOLD:</u>	
CASH RECEIPTS:	\$ 34,740.72
CASH DISBURSEMENTS:	\$ 77,180.44
NEGATIVE MONTHLY CASH FLOW:	(\$42,439.72)

<u>ADMINISTRATION:</u>	
Cash Receipts:	\$ 21,001.37
Cash Disbursements:	\$ 68,857.57
Negative Monthly Cash Flow:	(\$47,856.20)

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TREASURER'S REPORT "cont'd":

<u>POLICE DEPARTMENT:</u>	
Cash Receipts:	\$ 13,297.83
Cash Disbursements:	\$ 7,663.04
Positive Monthly Cash Flow:	\$ 5,634.79

<u>PUBLIC WORKS:</u>	
Cash Receipts:	\$ 441.52
Cash Disbursements:	\$ 659.83
Negative Monthly Cash Flow:	(\$ 218.31)

ACCOUNT BALANCES as of: OCTOBER 31, 2013

GENERAL FUND:	\$ 57,484.27
MUNICIPAL STREET AID	\$ 32,591.78
SALLIE FUND:	\$ 3,563.57
EIDE FUND:	\$ 3,197.57
CAPITAL SCHOOL DISTRICT:	CLOSED
PRIDE DAY	\$ 4,583.38
FIRE DEPARTMENT:	\$ 3,313.82
FULTON ST. 09-P-PROG-36	\$ 81.15
APPLICANT'S (LAND USE):	\$ 2,024.58
IMPACT (CAPITAL) ACCOUNT:	\$ 7,719.33
POLICE DEPARTMENT:	\$ 35,297.64
PUBLIC WORKS DEPARTMENT:	\$ 3,188.96
LITIGATION:	\$ 19,131.81

A motion was made by Vice Mayor Bob Sine to approve the Treasury Report as submitted and a second to the motion was made by Councilperson Sherry Lambertson. The votes on the motion were as follows:

Councilperson Theon Callender – Yes
Councilperson Sherry Lambertson – Yes

Councilperson Mildred Johnson – Yes
Vice Mayor Robert Sine - Yes

The motion carried with a unanimous vote.

b. Requisitions

<u>REQ. #</u>	<u>DEPT.</u>	<u>VENDOR</u>	<u>EXPENSE TYPE</u>	<u>AMOUNT</u>	<u>TO BE PAID BY:</u>
2546	PD	Red the Tailor	Uniform - Kline	\$ 282.00	Police Department
2547	PD	Red the Tailor	Shirts; Turtle Necks	\$ 301.78	Police Department
2548	PD	Lawman Supply	Bullet Proof Vests	\$ 391.50	Edie Grant
2549	PD	Lawman Supply	Bullet Proof Vests	\$ 391.50	Edie Grant

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TREASURER'S REPORT "cont'd":

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

Councilperson Theon Callender – Yes
Councilperson Sherry Lambertson – Yes

Councilperson Mildred Johnson – Yes
Vice Mayor Robert Sine - Yes

The motion carried with a unanimous vote.

c. Proposed Purchases

Nothing to Report

d. Other Financial Status Reports

(1) Capital School Account

As directed by the Council at last month's meeting, Secretary/Treasurer Callender arranged to close the account and forwarded the proceeds to the Capital School District via Ms. Kay Dietz Sass and Mr. Matthew J. Lindell, in the amount of \$15,282.17. She also included a copy of the Ordinance to inform them of the intended and expected use of the funds along with a request that they inform the Council of how the funds will be ultimately used.

CLOSED

(2) Balloon Payment Re-financing

Mrs. Callender received a call from Mr. Paul Frick, M&T Business Manager for the Town. He requested a copy of the minutes authorizing her to seek re-financing of the balloon payment. A copy of the August 5, 2013, Town Council minutes, which included the discussion and majority vote for her to do so. Mr. Frick stated that he should have a response on the request fairly soon.

PENDING

Tax Collector's Report:

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

TAX REPORT: FISCAL YEAR 2013 - 2014

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

Payments as of:

Month Ending	Bank Deposit	Software Deposit	Difference
07/31/2013:	\$32,765.51	\$33,880.06	(\$ 1,114.55)
08/31/2013:	\$33,650.08	\$50,681.03	(\$17,010.95)
09/30/2013:	\$49,682.80	\$42,781.21	\$ 6,901.59
10/31/2013:	\$ 1,559.67	\$ 2,118.46	(\$ 558.79)
11/30/2013:			
12/31/2013:			

Total Payments Received as of **10/31/2013:** **\$ 117,658.06**

Payments Due: **\$ 14,076.74**

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Police Department Report – *Chief Christopher Workman*

a. Grants

- (1) Violent Crimes – has been approved and items are being purchased.
- (2) SALLE/EDIE – applications have been approved and the checks deposited.

b. Vehicle Maintenance

- (1) Vehicle 102 (Dodge Charger) – will have the remainder of the equipment installed on Monday, November 11, 2013 at Delmarva Communications. The cost will be paid through the Violent Crimes Grant.
- (2) Vehicle 101 (Ford Crown Victoria) – will be receiving a no cost factory upgrade when the part arrives.

c. Monthly Activity Report – October, 2013

911 Disconnects = 4	Fugitives = 1	Resisting Arrest = 1
Accidents = 4	Harassment = 1	Sex Crimes = 0
Alarms = 4	Loud Party = 5	Stolen Vehicle = 1
Alcohol Violations = 1	Megan's Law = 0	Suspicious Persons = 0
Assaults = 1	Mental Patient = 1	Suspicious Vehicles = 1
Assist Other Agencies = 9	Missing Person = 1	Thefts = 0
Court Violations = 0	Noise Complaint = 0	Traffic Hazards = 1
Criminal Mischief = 3	Offensive Touching = 0	Traffic Violations = 6
Disorderly = 1	Property Checks = 18	Trespass = 0
Domestics = 5	Public Assistance = 7	Vehicles – Abandoned = 0
Drugs = 3	Relays = 0	Welfare Checks = 3
Found Property = 0	Repossessions = 0	

Cheswold Fire Company Report – *Officer Neese*

- Officer Neese stated that now is a good time to replace batteries in smoke and carbon monoxide detectors. He also stated that they should be changed once a year and the best way to remember to do it is either when the time changes or on your birthday, because those dates will serve as reminders.
- The fund drive for the Fire Company is starting and he reminded everyone that their services saves tax payers approximately three and a half million in taxes.
- He also reminded everyone that batteries need to be changed in programmable thermostats.
- The Fire Company plans to renovate the Fire Hall with wall carpeting; new ceiling; ventilation system and the installation of a sprinkler system and to give a wooden look to the floors.
- Tidewater is also going to provide a new water system to the Fire Company.

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Public Works Report – *Mayor Donald Tinari:*

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

Storm water management plans are still in progress and the DelDOT entrance permit cannot be obtained until the DNREC permits are obtained.

PENDING

b. Ordinances vs. Violation Letters – *Councilperson Sherry Lambertson*

Ms. Lambertson requested the Council to table discussion on this issue until the Monthly Town Council Workshop Meeting. The Council agreed.

TABLED

Planning Commission Report – *Chairperson Dennis Coker*

a. Land Use Ordinance M1 Status - Nothing to report from Mr. Max Walton.

b. Land Use Revisions – Mr. Coker gave a detailed and in-depth review of the revisions to the Land Use Ordinance that are to be discussed at the Public Hearing and voted on by the Town Council on December 2, 2013.

c. Coleman Property Map ID's on Fulton Street – Mr. Coker explained that Mr. Coleman is seeking to receive a letter of no objection from the Town on obtaining separate Map ID's for the properties he has purchased on Fulton Street.

The Mayor asked if Mr. Coleman will be required to provide open space and Mr. Coker responded no, because the sub-division is one of the oldest in Kent County. He also explained that one of the lots in question is partially in Kent County and partially in Cheswold. The Mayor inquired as to who has jurisdiction over that lot. Mr. Coker explained that should Mr. Coleman decide to develop the lot he will have to make a decision as to annexing the whole lot into Cheswold or Kent County.

As a result of the approval of the no objection letter not being on the agenda, a decision was made to add the approval request to the Workshop agenda.

d. Land Use Ordinance and Comprehensive Plan – Mr. Coker stated that his personal goal is to more clearly define the character of Old Town as some of the homes there are being considered for the historical record. He also emphasized the need for the Land Use Ordinance and the Comprehensive Plan to be in alignment with one another. He also informed the Council that the Commission is becoming very busy with requests for preliminary plan and concept plan reviews for potential new businesses in Cheswold.

Old Business:

a. Credit Card Implementation – *Mayor Donald Tinari*

The Mayor requested someone on Council to make a motion to approve the implementation of a credit card system or to make a motion not to implement such a system.

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Old Business:

a. Credit Card Implementation – Mayor Donald Tinari

Vice Mayor Sine asked the Mayor if there is any penalty for withdrawing from the implementation after it has been begun and the Mayor answered no. M&T will only require a 30 day notice if the decision is made to withdraw from the program.

Vice-Mayor Sine made a motion to go forward with implementing the credit card system as submitted by the Mayor. Prior to a second Mrs. Callender asked for a question. She then asked the Mayor to give the amounts that the Town will be required to pay on a monthly basis.

The Mayor responded \$30.00 per month for the equipment rental and \$25.00 per month for the service charge unless there is \$25.00 per month in charges. If there is less than \$25.00 per month in charges, then the Town will have to pay the balance of the \$25.00.

Mrs. Callender stated that as the Treasurer and as the person who is in the Town Hall on a daily basis, she could not support the credit card system and feels that it would be fiscally irresponsible for her to do so, as the Town only has about 2 or 3 clients request to make a credit card payment in any given year.

Vice Mayor Sine then made a motion to approve implementing the credit card system as presented by Mayor Tinari with a review for feasibility to continue after 3 or 4 months.

Councilperson Mildred Johnson stated why not give it a try and made a second to the motion. The votes were as follows:

Councilperson Theon Callender – No
Councilperson Sherry Lambertson – No

Councilperson Mildred Johnson – Yes
Vice Mayor Robert Sine – Yes

With a vote of No =2 and Yes =2, the Secretary/Treasurer informed the Mayor that it was a tie vote and his vote was required to break the tie.

The Mayor then asked for a roll call vote and the Secretary informed him that the Council had already voted, so he then admonished the Council for not following the Roberts Rules of Order.

The Secretary then called the Council members by name for their vote and the votes remained the same as above. Mrs. Callender then informed the Mayor again that the vote was tied and that his vote was necessary to break the tie. Mayor Tinari then stated that now is probably not the right time to implement the system because the tax season is over and that is when the Town receives the majority of its income, however, since it was his project he would have to vote yes. The eventual votes on the motion to implement the credit card system was as follows:

Councilperson Theon Callender – No
Councilperson Sherry Lambertson – No

Councilperson Mildred Johnson – Yes
Vice Mayor Robert Sine – Yes

Mayor Donald Tinari - Yes

The motion carried with a vote of Yes =3 and No =2.

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New Business :

a. Status of Vacant Administrative Positions – Mayor Donald Tinari

- (1) Town Council – There have been no responses to the solicitation of a resident to fill the vacant seat on the Council.

PENDING

- (2) Planning Commission – There was one, (1), respondent to the solicitation of residents to fill the position on the Planning Commission from Mr. Alan Roth, a resident of Fox Pointe. The Mayor requested the opinion of the Council on the potential appointment and Mrs. Callender stated that she would like to hear of the opinion from the Planning Commission before she makes a decision.

Planning Commission Chairperson Dennis Coker stated that the Commission reviewed the resume of Mr. Roth and have no objection to receiving him on the Commission as a member.

Mrs. Callender then made a motion for the Mayor to appoint Mr. Roth as a member to the Planning Commission and with a second from Mrs. Lambertson the votes on the motion were as follows:

Councilperson Theon Callender – Yes
Councilperson Sherry Lambertson – Yes

Councilperson Mildred Johnson – Yes
Vice Mayor Robert Sine - Yes

The motion carried with a unanimous vote.

The Mayor then appointed Mr. Roth to the Planning Commission.

CLOSED

b. Revised FOIA Policy – Secretary/Treasurer Theon Callender

Mrs. Callender made a motion to table review and discussions of the revisions to the Policy until the Town Council Workshop Meeting. A second was added to the motion by Vice Mayor Bob Sine and the votes on the motion were as follows:

Councilperson Theon Callender – Yes
Councilperson Sherry Lambertson – Yes

Councilperson Mildred Johnson – Yes
Vice Mayor Robert Sine - Yes

The motion carried with a unanimous vote.

TABLED

c. Town Council Workshop Agenda ; Tuesday, November 19, 2013– Mayor and Council

All pending items from this meeting and any new issues that may arise.

COMPLETE

Community/Comments & Concerns:

Nothing to Report

Council Member Comments:

a. Councilperson Mildred Johnson – Nothing to Report

b. Vice Mayor Bob Sine - Nothing to Report

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Council Member Comments *"cont'd":*

c. Secretary/Treasurer Theon Callender –

- (1)** There is an opportunity for the Town to participate in the Community Development Block Grant, (CDBG), program being offered by the State and administered by Kent County Department of Planning. Mrs. Shadina Jones – Town Clerk, Mr. Doug Burns – Code Enforcement Officer and she have met with Mr. Albert Biddle and they are in the process of identifying potential property owners.
- (2)** Mrs. Callender requested anyone who was interested to provide information for the next issue of the Cheswold Chatter, which should be complete by the end of the month.
- (3)** As a result of the renovations to the Cheswold Fire Hall, the monthly Town Council meetings will be held on the 2nd Tuesday of the month, in the 2nd floor Board Room of the Fire Company for the first 3 meetings of 2014.

d. Councilperson Sherry Lambertson – “I would like to make a comment about what happened here tonight. I don’t know why a roll call vote was taken on the “Merchant Charge”, (*credit card implementation*), motion when that is not typical of our motion or how our Council has worked in the past. I feel it was done as an intimidation tactic for the Mayor to publicly display whom on the Council voted against his wishes. That shows a lack of respect and boundaries as a Mayor towards the Council members. I for one will never be afraid to stand for my vote. We should be able to address our concerns over any matter brought before us without fear of passive aggressive behavior being shown. I came on this Council without a personal agenda, but for the sheer love of this Town and hoping to help it grow in a positive direction. We need to act and respect one another as public officials that are working the best interest of the Town and not our own personal agendas. We should be able to meet and compromise on issues and/or concerns without anger.”

All Council members agreed with her statements.

Mayor’s Comments:

Nothing to Report

Adjournment:

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 Sherry Lambertson – Yes

Councilperson Mildred Johnson – Yes
Vice Mayor Robert Sine - Yes

The motion carried with a unanimous vote.

The meeting adjourned at 9:28 pm.