

Town of Cheswold
1856



State of Delaware
1787

Town of Cheswold
Minutes of the Monthly Town Council Workshop Meeting
Tuesday – August 20, 2013
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 Justin Curley
Councilperson Sherry Lambertson

Excused: Councilperson Mildred Johnson (*illness*)

Town Employees: Chief Christopher Workman

of Cheswold Residents Present = 0

#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 August 9, 2013, as required by FOIA. A revision to the agenda was made and re-posted on August 10, 2013, also in compliance with FOIA standards. 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. In addition, copies of the agenda were available for pick-up in the Town Hall.

MEETING:

The meeting was called to order by Mayor Don Tinari at 6:03 pm and was immediately followed with the Pledge of Allegiance and a Moment of Silence.

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.

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AGENDA REVIEW:

Mayor Tinari requested the Council to review the agenda and to make a motion to accept as presented or to revise.

Councilperson Sherry Lambertson made a motion to accept the agenda as presented. Councilperson Justin Curley made a second to the motion and the votes were as follows:

Councilperson Theon Callender – Yes	Councilperson Justin Curley –Yes
Councilperson Sherry Lambertson – Yes	Vice Mayor Bob Sine - Yes

The motion carried with a unanimous vote.

EXECUTIVE SESSION:

A motion to move into Executive Session, at 6:06 p.m., to discuss an Individual Citizen's Qualifications to Hold a Job, as specified by Delaware Code - Title 29, Freedom of Information Act, (FOIA); Chapter 100; Paragraph 10004; Section (b)(9), was made Councilperson Justin Curley and with a second from Councilperson Sherry Lambertson, the votes on the motion were as follows:

Councilperson Theon Callender – Yes	Councilperson Justin Curley –Yes
Councilperson Sherry Lambertson – Yes	Vice Mayor Bob Sine - Yes

The motion carried with a unanimous vote.

RETURN to REGULAR SESSION:

The Council returned to regular session at 6:35 p.m.

VOTE on EXECUTIVE SESSION DISCUSSION:

Councilperson Justin Curley made a motion to hire Ms. Susan Kline as a full time Police Officer at \$14.00 per hour, reporting directly to Chief Christopher Workman. Vice Mayor Bob Sine made a second to the motion. The votes on the motion were as follows:

Councilperson Theon Callender – Yes	Councilperson Justin Curley –Yes
Councilperson Sherry Lambertson – Yes	Vice Mayor Bob Sine - Yes

The motion carried with a unanimous vote.

The Mayor asked Chief Workman for the expected start date of Officer Kline and the Chief responded either late September or early October, following the completion of all the hiring procedures and processes.

COMPLETE

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DISCUSSION ITEMS:

a. Police Department Report – Chief Christopher Workman

1) Grants

i. Violent Crimes Grant 2014 – the application for the 2014 grant was made on August 19, 2013. It is anticipated that the funds will be used to:

1. Complete the lighting on the 2012 Dodge
2. Purchase a laptop
3. Accessories for office use
4. Gun locker for patrol room
5. Overtime

ii. Salle and Grants – the applications are currently being processed by the Chief

2) Challenge Coins – the coins should be delivered on or about August 30, 2013 and be available for any applicable distribution at the September 3, 2013 Town Council Meeting.

3) Curfew Ordinance – has been submitted to Secretary/Treasurer Callender for review and forwarding to Town Attorney for review and feedback.

4) Current Park Curfews – the Chief recommends to the Council and has recommended to a member of the Board of Directors of Parkers Run that No Admittance between Dusk and Dawn signs be erected in both the Town Park and the Tot Lot in Parkers Run.

There was discussion that such a sign already existed for the Town Park, but that it needs to be re-posted.

5) Forfeiture of 1995 Toyota – Chief Workman recommended that the Council should sell the forfeited 1995 Toyota that has become the property of the Town, because it is not operational and is an unsafe vehicle.

A motion was made by Secretary/Treasurer Theon Callender to sell or scrap the 1995 Toyota, as deemed applicable, and that the proceeds of the sale be forwarded to Mr. Ben Schwartz as a principle payment in the litigation agreement with the Town.

Councilperson Sherry Lambertson made a second to the motion and the votes were as follows:

Councilperson Theon Callender – Yes	Councilperson Justin Curley –Yes
Councilperson Sherry Lambertson – Yes	Vice Mayor Bob Sine - Yes

The motion carried with a unanimous vote.

COMPLETE

b. Balloon Payment Status Report – Secretary/Treasurer Theon Callender

Ms. Callender reported that as requested, the 2012-2013 Balance Sheets for the Town were forwarded to Ms. Helen Armstrong, M&T Bank Manager and a response is pending the need for further documentation. It is anticipated that a response will be received prior to the monthly Town Council concerning the status of the Balloon payment re-finance request.

PENDING

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DISCUSSION ITEMS *"continued"*:

c. Credit Card Implementation – *Mayor Donald Tinari*

The Mayor stated that the project is moving along slowly with the bank contact from Buffalo. So the Mayor is not ready to provide any additional feedback to the Council. However, it appears that a contract will not be required and the use of the equipment may start or stop at any time without penalty.

PENDING

d. Building Inspector/Code Enforcement Status Report - *Secretary/Treasurer Theon Callender*

Ms. Callender reported that Mr. Burns – Inspector and Enforcement Officer, will be attending an Energy Class at Levy Court, from 9 am – 3 pm, on Wednesday, August 21, 2013. There is an agreement that Officer Burns, when necessary, will attend training classes in lieu of on the job work days. This will provide the opportunity for training, without accruing additional salary payments.

Ms. Callender also informed the Council that Officer Burns has produced several sample letters to be sent to violators of Town Maintenance Ordinances and ICC Residential codes. However, there is concern that some of our Ordinances may not be in agreement with the fine portions specified in the letters. As a result a review of the appropriate Ordinance against the letter needs to be made and if required, the Ordinance needs to be revised to be in agreement with the fines specified in the letters.

Mrs. Callender requested a Council person to volunteer to complete this project and Councilperson Sherry Lambertson agreed to do so. Mrs. Callender committed to providing whatever assistance may be required. Ms. Lambertson expressed concern about the due date for the review and Ms. Callender stated that they should be completed as soon as possible, so that maintenance issue may begin to be addressed. However, she will work with Ms. Lambertson to prioritize the letters.

COMPLETE

e. Emergency Operations Plan – *Councilperson Sherry Lambertson*

Ms. Lambertson suggested that she and the Mayor on the review and necessary revisions together, in order to save review time at Council and Workshop meetings. The plan is to meet every two weeks and revise the document as required until complete.

The Council agreed that the idea both efficient and will be most effective.

PENDING

f. Water System for Old Town – *Mayor Donald Tinari*

The Mayor repeated that two studies are required for the USDA grant and that the engineering company fee will be \$22,000. Town Engineer Wilkes suggests that funding may be available for safety studies and provided the information that we cannot apply for construction funding frants without preliminary cost studies being complete.

PENDING

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DISCUSSION ITEMS *“continued”*

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

Nothing to Report – Pending status report from Town Engineer Tom Wilkes.

PENDING

h. Capital School Account Status – *Secretary/Treasurer Theon Callender*

Nothing to Report – Pending status report from Town Attorney Fred Townsend.

PENDING

i. Coleman Building Permit Denial Status – *Secretary/Treasurer Theon Callender*

Ms. Callender reported that she sent a response letter to the attorney for Mr. Coleman based on the directions received from Planning Commissioner Attorney Max Walton, and directed them to file an appeal with the Board of Adjustments as originally suggested to Mr. Coleman.

TABLED

j. AUDIT STATUS – *Secretary/Treasurer Theon Callender*

Nothing to Report – Pending response from Town Auditor Papaleo

PENDING

k. STATUS of COMMUNITY COMPLAINT of AUGUST 5, 2013 - *Secretary/Treasurer Theon Callender*

Ms. Callender stated that she contacted Mr. Czachorowski and expressed the complaints made by the attendees and residents of Strimel's Mobile Park concerning what they consider excessive noise and dust as a result of his crushing operation.

Mr. Czachorowski expressed his opposition to their opinion and welcomed inspection by DNREC. He stated that he was following the dictates of the State Environment Agency, (DNREC); that he didn't start work before 7 am, as mandated by the State and that attempted to run his operation on rainy days in order to diminish the dust. He also explained that he should only be crushing for another week or two and then that part of his operation will be complete for some time.

Ms. Callender explained that a large majority of the complex had health issues and were senior citizens and suggested that Mr. Czachorowski visit the complex to get a personal view of what the residents are experiencing. He agreed to do so and volunteered his number to the property owner for contact.

The information provided by Mr. Czachorowski was shared with the property owner and she agreed to contact him, in attempt to reach a mutual understanding of the situation.

Subsequent to this, Officer Burns and Maintenance Engineer Ridgeway visited the complex and reported that both the noise and dust were at an acceptable level. Vice Mayor Sine stated that on days that the crusher was running, it can be heard as far away as Fox Pointe. However, as of right now, there have no further formal complaints.

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DISCUSSION ITEMS *"continued"*

I. Draft Ordinance Review and Vote – Mayor and Town Council

The following two ordinances were reviewed at a Public Hearing held on August 5, 2013, at 7:00 pm, at the Cheswold Fire Hall. At that time the Council accepted comments on the ordinances. Having received no public comment, the Council proceeded to motion and pass the ordinances:

- Noise Control: Ordinance # 04-08-13-04
- Proper Disposal of Garbage, Trash and Rubbish: Ordinance # 02-15-13-040

A motion was made by Councilperson Justin Curley to approve the Ordinances as presented and Vice Mayor Bob Sine provided a second. The votes on the motion were as follows:

Councilperson Theon Callender – Yes Councilperson Justin Curley –Yes
Councilperson Sherry Lambertson – Yes Vice Mayor Bob Sine - Yes

The motion carried with a unanimous vote.

COMPLETE

m. Town Council Monthly Agenda – Mayor and Town Council

All pending items requiring a status report will be added to the September 3, 2013 Monthly Town Council agenda, along with any new issues that may require review or decision.

COMPLETE

COUNCILPERSON/POLICE CHIEF COMMENTS

Councilperson Justin Curley – earlier in the meeting, Mr. Curley stated that he was submitting his oral resignation from the Council as a result of his plans to move from the United States to Australia. The Council accepted his resignation and wished him well with his future.

MAYORS COMMENTS – Mayor Tinari informed the Council that he participated in a meeting with DelDOT concerning the possible annexation of the Airpark. And it appears that the biggest responsibility that the Town will have is to prepare Ordinances concerning airpark security, for which the Mayor has examples and a volunteer from DelDOT who will assist in their preparation.

MOTION to ADJOURN :

Secretary/Treasurer Callender then made a motion to adjourn the meeting and with a second from Councilperson Justin Curley, the meeting was adjourned at 7:50 p.m., after the following votes on the motion:

Councilperson Theon Callender – Yes Councilperson Justin Curley –Yes
Councilperson Sherry Lambertson – Yes Vice Mayor Bob Sine - Yes

The motion carried with a unanimous vote.