

Town of Cheswold
1856



State of Delaware
1787

Town of Cheswold
Minutes of the Monthly Town Council Workshop Meeting
Tuesday – March 19, 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 Mildred Johnson
Councilperson Sherry Lambertson

Excused:

Town Employees: Chief Christopher Workman

of Cheswold Residents Present = 0

#of Visitors = Planning Commissioner Chairperson Dennis Coker

NOTICE:

Notice of this meeting has been made in accordance with the Delaware Open Meetings Act, by it being properly posted on March 12, 2013. 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 www.cheswoldde.com; 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 6:10 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.

**Monthly Town Council Workshop Meeting
Tuesday, March 19, 2013**

AGENDA REVIEW:

The agenda was reviewed by the Council for amendments and revisions, as requested by the Mayor and a motion was made by Secretary/Treasurer Callender to amend the agenda by moving Discussion Item (g) Police Department Report to be considered immediately following Discussion Item (a) M-1 Status/Land Use Ordinance. A second to the motion was made by Councilperson Lambertson and the votes were as follows:

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

The motion carried with a unanimous vote of those in attendance.

DISCUSSION ITEMS

a. M1 Status/Land Use Ordinance – *Planning Commission Chairperson Dennis Coker*

Mr. Coker provided a detailed and precise explanation of the history of the M-1 Zoning Code and its subsequent exclusion from the written document of the Land Use Ordinance, although it remains a valid and applicable code and is included on the Town Zoning map.

He also shared that the Comprehensive Plan of the Town which legally governs the future of the Town expressly stresses the desire of the citizens of the Town to reduce if not totally remove the element of manufacturing and to return the area to its intended light and industrial uses.

He additionally explained the potential consequences of failing to address the incompatibility of the missing M-1 Zoning code specifications from the Land Use Ordinance and the implementation of the Comprehensive Plan. At this point Mr. Coker stated that we have no legal recommendation on how to resolve this issue and the Planning Commission cannot move forward with the issue until the Town Council makes a decision about which attorney will be best suited to handle this situation.

The Council discussed the issue and Vice Mayor Sine suggested that perhaps an attorney whose specialty is Land Use be explored. Chairperson Coker informed the Mayor and Council that he was in possession of attorney cards and handouts that were provided at a past Delaware League of Local Government meeting who may perhaps be considered.

Councilperson Callender made a motion to authorize Chairperson Coker to query the firm of Marshall, Dennehey, Warner, Coleman & Goggin to discuss this issue to obtain a preliminary corrective action and to obtain the potential cost of handling any associated litigation. Vice-Mayor Sine 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 Robert Sine - Yes

The motion carried with a unanimous vote of those in attendance.

PENDING

**Monthly Town Council Workshop Meeting
Tuesday, March 19, 2013**

DISCUSSION ITEMS *“con’td”*

a. 1. SUB-DIVISION of a SINGLE LOT and COMBINATION of TWO LOTS

Chairperson Coker also informed the Mayor and Council of two other potential situations that will have to be addressed by the Planning Commission and the Town Council.

An application has already been made for the subdivision of a single lot and the ultimate approval is subject to the requirement for the connection of “Each lot and each principal use in the Town of Cheswold to be either connected to a Municipally approved or Municipally owned water supply and distribution system.” And the requirement that “water supply system shall be constructed without cost to the Town”.

This requirement applies not only to this sub-division situation, but additionally will affect a request for combining lots; annexations of properties with wells and existing Town properties with wells. Essentially any property within Cheswold connected to a well is in violation of our Town Land Use Ordinance.

The plan for this sub-division is to provide for two, (2), homes to be sold and thus provide additional property taxes to the Town. However, the water utility requirement in the Land Use Ordinance may well prohibit the construction and completion of this plan.

For some time, the Mayor has worked tirelessly to have Tidewater provide the infrastructure for providing municipally approved water to the areas of Cheswold with wells and has thus far been unsuccessful, in spite of the loss of an historic home due to fire. In addition, he has been unable to obtain the support necessary to impress the State and Tidewater with the rights of citizens to access water that is safer and healthier than what they are currently using.

At this point our Land Use Ordinance is requiring citizens to connect to a system that is unavailable to them.

The Mayor has suggested that the Land Use Ordinance be revised to state that all properties currently on wells must connect to Municipally owned or Municipally approved water supply and distribution system within 18 months of that system becoming available.

Mr. Coker stressed that Cheswold is a Priority 1 spending zone and is the most economically depressed town in Kent County and a Land Use revision will not address the overall health, safety and welfare of the citizens of Cheswold. It was agreed by all present that if indeed the Governor is stressing health, safety and welfare then support from the State should be sought to acquire this basic need and right for Cheswold.

Councilperson Lambertson will work with the Mayor on this issue and attempt to obtain a recommendation and statement of need from the State Fire Marshall. In addition, they were encouraged to reach out to the State Representative and Senator for the Town, as well as the County Commissioner and local newspapers.

PENDING

**Monthly Town Council Workshop Meeting
Tuesday, March 19, 2013**

DISCUSSION ITEMS "con'td"

b. Police Department Status Report – Chief Christopher Workman

The Chief informed the Mayor and Council that he will be excused from work for a week for a vacation that was planned prior to his accepting employment with the Town and will therefore not be present at the April Town Council meeting. The Police Department report will be presented by Corporal Louis Simms.

He completed his report by providing the following information:

1. Monthly Activity Report

He also introduced a new format for providing Activity Report for the Department. Instead of just providing categories and the associated numbers, the new report will reflect the category, date, complaint number and street name of the incident without house numbers. The new format will permit the Mayor and Council to acquire an idea of what areas in Town are having the most incidents.

There was a question as to whether or not businesses or residences were fined for excessive false alarm call outs. The Chief explained not at this time and that it would require an ordinance to do so. He will follow up with Elsmere to obtain a copy of their Alarm Ordinance.

2. Policies and Procedures/Code of Conduct

The first portion of the Police Department Policies and Procedures and the Code of Conduct have been completed. Corporal Simms has received and signed his copy. Corporal White will receive his copy for signature the next time he reports for work. It is planned that the officers will receive and review the policies and procedure document in section in order to provide the sufficient time for them to absorb the content.

3. Grant

Overtime from the Office of Highway Safety will be supplied for the Distracted Driving Enforcement Mobilization program to be run from April 9 – April 22, 2013. The signed Project agreement must be submitted and received by April 1, 2013.

4. Training

The Chief is scheduled to attend the State of Delaware Chief's Conference from May 13 – May 16, 2013, at the Atlantic Sands Hotel in Rehoboth Beach, DE. The Town is responsible for the \$100.00 registration fee and the housing and meals will be paid by the SALLE grant.

5. Car Markings

A picture of the markings planned for the silver Police Car was shared with the Council. It will also contain the seal of the Police Department.

6. Dover Post

Jeffrey Brown, a reporter for the Dover Post, plans an article on Chief Workman to introduce him and his plans for the Town Police Department to the area. The article should appear in the Wednesday, March 20, 2013 release of the newspaper.

COMPLETE

**Monthly Town Council Workshop Meeting
Tuesday, March 19, 2013**

DISCUSSION ITEMS "con'td"

c. Emergency Operations Plan Review and Approval – *Councilperson Sherry Lambertson*

Councilperson Lambertson directed the review of Pages 11-20 of the Emergency Operations Plan, (EOC), with the Council. Various spelling and grammatical changes were suggested and Secretary/Treasurer Callender committed to making the changes and returning the document to the Council for another check.

It was also agreed that the review of the EOC would be confined to Workshop meetings in order to save time and conserve interest at monthly Town Council meetings. Pages 21- 30 will be reviewed at the April Town Council Workshop meeting.

The Chief will explore whether Mr. White's salary can be paid through the Sallie or Edie grants, but most salary expenditures will have to be funded by the Town. The Chief also stated that he can purchase a duty rig and holster as an upgrade for Mr. White with the grants.

d. Safety Manual – *Councilperson Theon Callender*

Councilperson Callender provided the Council with the following associated with reviewing and approving the Town Safety Manual:

1. Introduction and Purpose
2. Ordinance
3. Forms – Examples and Descriptions

Mrs. Callender acknowledged that the Council did not have sufficient time to review these documents, as they were just delivered to them prior to the meeting. So she asked the Council to please review and the additional documents that she intends to provide before the next Workshop meeting. She advised them that she had a May 6, 2013 deadline to complete the manual and have the Council approve the Ordinance and that she would need their cooperation to accomplish that goal.

PENDING

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

The Mayor stated that this issue had been well covered in Item a.1. (see Page 3) and as a result we should move on to the next item.

PENDING

f. Banquet Dinner Status Report – *Ms. Sonia Gassaway*

As Ms. Gassaway was once again not present to provide a status report on the dinner nor had any Committee member attended to provide a report, Councilperson Callender made a motion to permanently remove this item from the agenda and with a second from Councilperson 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 - Yes

The motion carried with a unanimous vote of those in attendance.

COMPLETE

**Monthly Town Council Workshop Meeting
Tuesday, March 19, 2013**

DISCUSSION ITEMS "con'td"

g. Summertime Bar-b-que/Picnic - Councilperson Theon Callender

Councilperson Callender confirmed again the members of the Committee as shown in the minutes from the monthly Town Council meeting and stated that she is waiting for confirmation from one more person to the Committee. It is expected that there will be some basic data to report at the monthly Town Council meeting.

Mayor Tinari asked Mrs. Callender if she would like him to explore contacting some persons to see if they will be willing to provide bar-b-que pits and/or bar-b-que for us at the picnic.

PENDING

h. Town Council Monthly Meeting Agenda – Council & Mayor

It was agreed to include all pending items from this meeting on the agenda and any others of importance that may occur between this meeting and the monthly meeting.

i. New Website Review - Councilperson Theon Callender

Mrs. Callender presented a display of the new Town website which will carry a government tag. She requested the Mayor and Council to make a decision as to how they desire to have their information shown on the site and showed them various examples including pictures; pictures and bios; no pictures; names, addresses, phone numbers and e-mails. It was eventually agreed to display only names and e-mail addresses for Council.

The Mayor will display his picture and whatever write-up he deems applicable.

Ms. Jones, Town Clerk and Mrs. Callender will be the administrators of the site and Chief Workman will be an editor of the Police Department page.

If all goes as planned the site should go live on April 1, 2013.

PENDING

COUNCILMEMBER/POLICE CHIEF COMMENTS

1. Councilperson Theon Callender

Mrs. Callender asked the Council to review and approve the following **requisitions**:

REQUISITION #	EXPLANATION	AMOUNT	PAYOR
1581	Excel Business Machines – 6 mos. Color Meter	\$656.00	Administration
2483	Lawman Supply – Body Armor	\$750.40	Edie Grant

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

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

The motion carried with a unanimous vote.

**Monthly Town Council Workshop Meeting
Tuesday, March 19, 2013**

COUNCILMEMBER/POLICE CHIEF COMMENTS "con'td"

2. Councilperson Mildred Johnson – Nothing to Report
3. Councilperson Sherry Lambertson – Nothing to Report
4. Vice-Mayor Robert Sine – Nothing to Report

MAYOR'S COMMENTS:

Mayor Donald Tinari – Nothing to Report

MOTION to ADJOURN :

A motion to adjourn was made by Mrs. Callender at 8:36 p.m., and a second was received from Vice-Mayor Sine. The votes on the motion were as follows:

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

The motion carried with a unanimous vote.