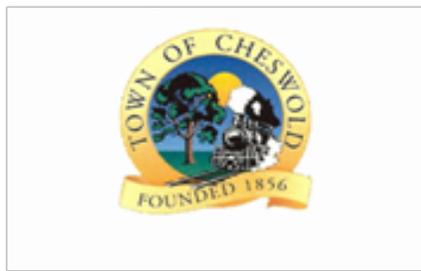


*Town of Cheswold*  
1856



*State of Delaware*  
1787

**Town of Cheswold**  
**Minutes of the Monthly Town Council Meeting**  
**Monday - June 1, 2015**  
**6:00 p.m.**  
**Cheswold Town Hall**  
**691 Main Street**  
**Cheswold, Delaware 19936**

The following persons were in attendance:

Mayor Don Tinari  
Vice Mayor Bob Sine  
Secretary/Treasurer Theon Callender  
Councilperson Sherry Lambertson

Police Department: Chief Christopher Workman

Planning Commission: 0

Town Employees: 1  
Mr. Max Walton, Esquire - Town Attorney

# of Cheswold Fire Company Present: 0

# of Town Residents: 0

# of Visitors: 0

**Notice:**

Notice of this meeting has been made in accordance with the Delaware Open Meeting Act, by properly posting it on January 29, 2015, on the Town of Cheswold website at: <http://www.cheswold.delaware.gov>. Copies of the agenda were posted 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 <http://www.cheswold.delaware.gov>; and was filed with the Clerk of the Town of Cheswold on May 22, 2015. Copies of the agenda were available for pick-up at the Town Hall. Subsequent to the initial posting of the agenda, it was revised and re-posted, as stated above, on May 28, 2015. It was revised to add the following items to New Business:

1. Potential Approval of Resolution 04-21-15-071: Public Hearing for Clean Hands Ordinance
2. Potential Approval of Resolution 04-01-15-072: Public Hearing for Administration and Application of Land Use Ordinance Fees
3. Plan to Revise Reporting Structure of Town Clerk from Salary to Hourly and Addition of Time Clock

**TOWN of CHESWOLD**  
P.O. Box 220 - Cheswold, Delaware 19936  
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**Monthly Town Council Meeting  
Monday, June 1, 2015**

**Meeting:**

The meeting was called to order by Mayor Tinari, at 6:01 pm. It was followed by the Pledge of Allegiance and a Moment of Silence.

**Recognition of Proper Posting of Meeting:**

The Mayor declared that the meeting had been properly posted, and Secretary/Treasurer Callender stipulated that the meeting time had been properly posted on the website notice.

**Roll Call:**

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

**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 as needed.

A motion to accept the agenda as presented was made by Vice Mayor Sine and seconded by Councilperson Sherry Lambertson. A roll call vote on the motion was as follows:

Councilperson Theon Callender – Yes                      Councilperson Sherry Lambertson – Yes  
Vice Mayor Sine – Yes

The motion carried with a unanimous vote.

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

Mayor Tinari requested the Council to review the accuracy of the previous month's minutes and for a motion to accept them as presented or to make changes and amendment requests as needed.

The minutes to be reviewed were as follows:

May 4, 2015 – Monthly Town Council Meeting  
May 18, 2015 – Public Hearing: Revision of Land Use Ordinance to add R-5 Zoning  
May 18, 2015 – Town Council Workshop Meeting (*No minutes – meeting cancelled due to lack of quorum*)

Vice Mayor noted that a correction to the Public Hearing minutes were required to remove the notation concerning the vote to accept the agenda, as no vote was required or taken.

A motion to accept the Public Hearing minutes as revised and the Monthly Town Council minutes as presented was made by Vice Mayor Bob Sine and with a second to the motion from Councilperson Sherry Lambertson, the votes were as follows:

Councilperson Theon Callender – Yes                      Councilperson Sherry Lambertson – Yes  
Vice Mayor Sine – Yes

The motion carried with a unanimous vote.

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**Monthly Town Council Meeting  
Monday, June 1, 2015**

**Treasurer's Report:**

The Mayor requested Council to make any necessary statements or to make a motion to approve the following Treasury Reports.

1. a. The Treasurer's Reports for the **Month of May, 2015** are as follows:

**Monthly Cash Flow Comparisons**

<b>TOWN of CHESWOLD</b>	<b>May, 2015</b>
Cash Receipts	\$ 9,518.37
Cash Disbursements	\$ 12,608.78
<b>Negative Monthly Cash Flow</b>	<b>(\$ 3,090.41)</b>

<b>ADMINISTRATION</b>	<b>May, 2015</b>
Cash Receipts	\$ 4,97.71
Cash Disbursements	\$ 11,125.86
<b>Negative Monthly Cash Flow</b>	<b>(\$ 6,153.15)</b>

<b>POLICE DEPARTMENT</b>	<b>May, 2015</b>
Cash Receipts	\$ 4,445.66
Cash Disbursements	\$ 723.07
<b>Positive Monthly Cash Flow</b>	<b>\$ 3,722.59</b>

597.52

<b>PUBLIC WORKS</b>	<b>May, 2015</b>
Cash Receipts	\$ 100.00
Cash Disbursements	\$ 459.85
<b>Negative Monthly Cash Flow</b>	<b>(\$ 659.85)</b>

The Treasurer's Report, **(Account Balances)**, for the **Month of May, 2015** is as follows:

<b>As of:</b>	<b>May, 2015</b>
Capital Account	\$ 7,604.26
Cheswold Pride Day Account	\$ 4,515.40
Eide Grant Fund Account	\$ 6,252.70
Fire Company Account	\$ 3,319.06
General Fund Account	\$ 50,865.24
Land Use Applicant's Account	\$ 34,601.95
Litigation Account	\$ 2,793.29
Municipal Street Aid Account	\$ 31,862.71
Salle Grant Fund Account	\$ 3,506.51

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

Councilperson Theon Callender – Yes                      Councilperson Sherry Lambertson – Yes  
Vice Mayor Sine – Yes

The motion carried with a unanimous vote.

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**Monthly Town Council Meeting  
Monday, June 1, 2015**

**Treasurer's Report "continued":**

**1. Requisitions**

<u>Requisition #</u>	<u>Department</u>	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>	<u>To Be Paid By</u>
R5-0067	Police	Best Buy	(2) Surveillance Drop Cameras	\$399.98	EDIE Grant
R5-0068	Police	Symbolart	New Badges	\$800.00	General Fund

**2. Proposed Purchases – Nothing to Report**

**Tax Collector's Report:**

**a. Month of May, 2015**

**TAX REPORT: FISCAL YEAR 2014 - 2015**

Total Amount Billed: \$132,269.33

Payments as of:

	<b>Current Year; Past Due:</b>	
07/31/2014	\$ 27,746.42	\$ 1,743.56
08/31/2014	\$ 59,550.10	\$ 767.97
09/30/2014	\$ 22,408.34	\$ 280.82
10/31/2014	\$ 1,494.95	\$ 286.71
11/30/2014	\$ 69.60	\$ 5.90
12/31/2014	\$ 2,542.00	\$ 264.65
01/31/2015	\$ 633.65	\$ 118.58
02/28/2015	\$ 746.18	\$ 17.88
03/31/2015	\$ 1,637.91	\$ 479.97
04/30/2015	\$ 1,881.00	\$ 666.42
05/31/2015	\$ 414.76	\$ 356.97
06/30/2015		

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

Councilperson Theon Callender – Yes                      Councilperson Sherry Lambertson – Yes  
Vice Mayor Sine – Yes

The motion carried with a unanimous vote.

**Police Department Report – Chief Christopher Workman**

**• TRAINING**

- All Officers will receive Firearms Training on June 8, 2015, at the New Castle County/Wilmington Firing Range, along with the Smyrna PD.
- PFC Kline will be attending a 3 day course in Charleston, West Virginia, which will include forensic interviewing of children.

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**Monthly Town Council Meeting**  
**Monday, June 1, 2015**

**Police Department Report** – “continued”

• **GRANTS**

- **2015 Bryne Grant** - (Criminal Justice Center) – The application is completed and has been submitted to the CJC for a \$3,200 grant to assist in the purchase of a traffic speed trailer and traffic data collection equipment for high traffic and pedestrian areas in the Town.
- **2015 COPS Hiring Grant** – The application is completed and has been submitted for the hiring of one officer through the federally funded COPS Grant program.

• **CREATION of NEW POLICE DEPARTMENT BADGES**

The Department, (read that as the Chief), has designed new badges to reflect the history of our Town. With the assistance of designers from SymbolArts, they have designed a badge the Department that is truly unique to our history and heritage, while incorporating the Town Seal and the Police Department patch into the design.

The Chief and the Department believes that this is a way to embrace the community of Cheswold and remind everyone every day that they wear the badge and uniform of the Town of Cheswold, and respect the history of the Town – past, present and future.....

**Kudo’s to Chief Workman and his Department for continuing to have the best interests and future of the Town as their concern.**

• **2016 PROPOSED BUDGET**

Chief Workman submitted the proposed 2016 budget to the Mayor, Council and Secretary/Treasurer for inclusion in the General Fund proposed budget

• **TRAFFIC SUMMONS**

Officers issued 272 traffic summons in the month of May, 2015.

• **MONTHLY ACTIVITY REPORT**

Officers responded to or completed reports for 110 incidents during the month of May. 11 incidents were handled by the Delaware State Police as follows:

- 3 alarms
- Two - 911 hang-ups
- 1 repossession
- 1 DNREC response
- 2 Traffic stops
- 1 Unauthorized Use of a Motor Vehicle
- 1 Domestic

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

- **CAD SYSTEM**

The new Cad System is installed and operating. We were given one as recompense for testing the system, however, another USB and Co Hub is required for the other car and we must purchase it. The cost is \$40.00. No one expressed any concern or issue concerning the payment, which can be approved by a single Councilperson.

- **MONTHLY INCIDENT REPORT – May, 2015**

911 Disconnects = 0	Fugitives = 2	Resisting Arrest = 0
Accidents-H/R = 1	Harassment = 0	Robberies = 0
Accidents-PD = 2	Lock Jock = 0	Sex Crimes = 1
Accidents PL = 0	Lost Property = 0	Shoplifting = 1
AED/CPR = 0	Loud Party = 1	Solicitation = 0
Alarms = 5	Medical Transport = 1	Stolen Vehicle = 0
Alcohol Violations = 0	Megan’s Law = 0	Suspicious Person/s = 0
Animal Comp = 0	Mental Patient = 0	Suspicious Vehicle/s = 1
Assaults = 0	Misc. Investigation = 0	Terroristic Threat/s = 2
Assist Other Agencies = 20	Missing Person = 1	Thefts = 9
BOLO = 1	Noise Complaint = 0	Traffic Hazards = 0
Burglary = 1	Offensive Touching = 0	Traffic Violations = 32
Civil Dispute = 0	Open Door/Window = 0	Trespass = 4
Court Violation = 0	Overdose = 0	Unassigned = 2
Criminal Impersonation = 0	Parking Violation = 1	Unfounded = 1
Criminal Mischief = 0	Pedestrian Stop = 1	Vehicle/s – Abandoned = 0
Curfew = 1	PFA Violation = 0	Vehicle/s – Disabled = 0
Disorderly = 4	Property Checks = 0	Vehicle/s – Recovered = 0
Domestics = 2	Psychiatric Incident = 1	Vehicle/Unauthzd Use = 1
Drugs = 1	Public Assistance = 4	Warrant Service = 1
DUI = 0	Pursuit = 0	Welfare Check = 2
Fight = 1	Rape = 0	
Found Property = 2	Relay = 0	
Fraud = 1	Repossessions = 0	

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

- **Status Report –**

- Fireman Neese was not in attendance

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**Monthly Town Council Meeting**  
**Monday, June 1, 2015**

**Public Works Report** – *Secretary/Treasurer Theon Callender*

• **Status Report** –

a. The May 2015 report, as submitted by Public Works Director Doug Burns is as follows:

	<u>PERMITS ISSUED</u>	<u>NEW VIOLATIONS</u>	<u>CLOSED VIOLATIONS</u>	<u>BUSINESS LICENSES ISSUED</u>	<u>BUILDING INSPECTIONS</u>
May, 2015	2	10	3	2	6

- Mrs. Callender also reported that she and Mr. Burns met with residential rental property owner Mr. Zaragoza, concerning the condition of his rental property on Commerce Street. Currently Mr. Zaragoza is approximately \$3,000 in arrears in fines for property violations. The meeting was an effort to come to agreement on the payment of the fines and property improvements. To-date Mr. Zaragoza has not responded to the agreement made at the meeting, so the next step may be to refer the issue to the Town Attorney.

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

• **Status Report** –

- **Town Hall Parking Lot** – a response from DNREC is yet pending, however, Mr. Wilkes has submitted the entrance permit application to DelDOT for review and approval.
- **Status Report on Old Town Water Project** – As there are no further outstanding issues related to the PER and ER for this project and the final phase of the project is to close out the billing, Mrs. Callender made a motion to remove this item from future agendas, until such time as this project may become active again. A second to the motion was made by Vice Mayor Sine and the votes on the motion were as follows:

Councilperson Theon Callender – Yes                      Councilperson Sherry Lambertson – Yes  
 Vice Mayor Sine – Yes

The motion carried with a unanimous vote.

**Old Business** – *Secretary/Treasurer Theon Callender*

• **Vote on Proposed Addition of R-5 Zoning Code and Deletion of Age Defined Overlay**

Mrs. Callender presented the final revised edition of Ordinance 05-01-15-047, which defines the conditions and requirements for adding a R-5 Zoning Code to the Town Land Use Ordinance to document the requirements of an age defined community and the deletion of age defined overlays as recommended by the Office of State Planning Coordination.

With the guidance of Attorney Max Walton, she presented the following exhibits associated with the approval process of this Ordinance:

- Exhibit 1 – Agenda for Town Council Meeting of June 1, 2015
- Exhibit 2 – Annex. Appl. 2015-03-25-0001 of Nobles Pond requesting R-5 Zoning Code Assignment
- Exhibit 3 - Public Notice of Public Hearing to Review R-5 Zoning Code –Newspaper
- Exhibit 4 – Minutes of Public Hearing held on May 18, 2015
- Exhibit 5 – Ordinance 05-01-15-047 Creation of R-5 Zoning District and Deletion of Age Defined Residential Overlay

**Monthly Town Council Meeting**  
**Monday, June 1, 2015**

**Old Business** – *“continued”*

- **Vote on Proposed Addition of R-5 Zoning Code and Deletion of Age Defined Overlay**

Mayor Tinari requested the Council to make any comments or debate related to this item. With no response from the Council, the Mayor asked for a roll call vote with reasons from the Council and the votes were as follows:

Mrs. Callender made a motion to approve the R-5 Zoning Code Ordinance for the following reasons:

- The R-5 Zoning will not congest streets within the Town of Cheswold and will not cause overcrowding of the streets.
- This Ordinance promotes the health, safety and welfare of the residents of the Town.
- Creating the R-5 Zoning District will allow for an increased revenue for the Town if the annexation is approved.
- The R-5 Zoning District will increase residences, visitation and business interests within the Town, which may be an economic development driver.

Vice Mayor Sine voted yes to the motion for the reasons stated by Mrs. Callender.

Councilperson Lambertson voted yes to the motion for the reasons stated by Mrs. Callender.

Mayor Tinari then inquired if there were any questions on the motion and/or vote. Attorney Walton then questioned Mrs. Callender as to the Ordinance agreeing with the Comprehensive Plan and she replied yes it does.

At the encouragement of Attorney Walton, the Mayor declared the passage of the Ordinance and concluded the record.

Subsequent to the meeting, a Final Public Notice of passage was printed in the State News.

- **Review and Potential Vote of Acceptance of Annexation Applications**

- Evans Jarrell, LLC
- Eddie Evans Farms, LLC (aka as Nobles Pond)

The Mayor asked the Council if anyone had any comments on the potential acceptance of the Evans Jarrell, LLC and Nobles Pond Annexation Application. As there were no comments, Mrs. Callender made a motion that upon the recommendation of the Planning Commission in Memo 15-002, to assign Evans Jarrell, LLC as part of the R-3 Zoning District and Nobles Pond as part of the R-5 Zoning District, that the annexation applications had been properly submitted and reviewed, that they be along with the annexation agreement be accepted by the Town Council.

A second to the motion was made by Councilperson Lambertson and the votes were as follows:

Councilperson Theon Callender – Yes                      Councilperson Sherry Lambertson – Yes  
Vice Mayor Sine – Yes

The motion carried with a unanimous vote.

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**Monthly Town Council Meeting**  
**Monday, June 1, 2015**

**New Business**

- **Introduction, Review and Potential Public Hearings** – for the following two, (2), Ordinances:
  - **Ordinance 04-01-15-044** Secretary/Treasurer Callender presented the Ordinance for Administration and Application of Land Use Ordinance Fees review and made a motion to approve Resolution 04-01-15-072 to hold a Public Hearing to obtain public review and comment on the passage of the proposed Ordinance.
  - **Ordinance 04-01-15-046** Secretary/Treasurer Callender presented the Ordinance for the Adoption and Enforcement of Obligations to the Town of Cheswold and made a motion to approve Resolution 04-01-15-071 to hold a Public Hearing to obtain public review and comment on the passage of the proposed Ordinance.

Councilperson Lambertson made a second to both motions and the votes on the motion were as follows:

Councilperson Theon Callender – Yes                      Councilperson Sherry Lambertson – Yes  
Vice Mayor Sine – Yes

The motion carried with a unanimous vote.

- **Proposed Change in Reporting Type and Process** – *Town Administrator Theon Callender*  
In her position as Town Administrator, Mrs. Callender informed the Council that after observation and consideration, that she proposes that the position of the Town Clerk as a salaried employee be returned immediately to that of an hourly employee. And that the Town once again implement the usage of a time clock to record, review and approve time expended by the administrative employees of the Town, specifically, anyone employed or part time, that is not an employee of the Police Department.

A motion was made by Vice Mayor Sine and a second was received by Councilperson Lambertson to return the Town Clerk position to hourly, effective immediately, and to implement the usage of a time clock to record work hours of administrative employees.

The votes on the motion were as follows:

Councilperson Theon Callender – Yes                      Councilperson Sherry Lambertson – Yes  
Vice Mayor Sine – Yes

The motion carried with a unanimous vote.

- **Monthly Town Council Workshop**  
The Workshop is scheduled as follows:

Tuesday, June 16, 2015  
6:00 p.m.  
Cheswold Town Hall  
691 Main Street

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**Monthly Town Council Meeting  
Monday, June 1, 2015**

**Community Comments/Concerns**

Nothing to Report

**Council Member Comments**

- *Secretary/Treasurer Theon Callender* – Informed the Mayor and Council need to consider the position the Council desires to take as a result of the decision of the Board of Adjustment to grant a variance for the placement of manufactured homes in the R-1 Zoning District, in spite of the restriction of the Land Use Ordinance and that it disagrees with our Comprehensive Plan.

To appeal the decision, the Council could appoint Mrs. Callender to represent the Town as the complainant. However, the cost of appealing may well exceed \$30,000. Not appealing leaves the defilement of the R-1 Zoning District by the placement of home types that were not intended.

A potential work-a-round fix to remain in compliance with our Comprehensive Plan and to respect the laws of our Ordinance is to request the Planning Commission to re-zone the area in question to R-4, (Manufactured Homes) and to remove the ability to place anything except stick built homes in the R-1 Zoning District. Although this option has appeal, it must also be understood that it will result in a reduction of the R-1 Zone and a loss to the historic area of the Town.

The Mayor and Council agreed to consider the options.

- *Vice Mayor Sine* – Nothing to Report
- *Councilperson Sherry Lambertson* – Nothing to Report

**Mayor's Comments**

- Mayor Tinari stated that he had taken a tour of the Cheswold Airport recently and that significant changes have been made and under way.

They have been required to plant evergreen trees at each end of the property; a new road to new hangars have been installed and a road back to the terminal building. They have also started new hangars; loading devices and it is anticipated that the run way will be approximately 4,800 long.

Mrs. Callender inquired as to whether they are considering annexation into Town. The Mayor responded that he believes that DelDOT would consider it and Mrs. Callender suggested that the Mayor follow up, as he has the contacts at the airport and DelDOT.

**Motion to Adjourn –**

A motion was made by Councilperson Callender, seconded by Councilperson Lambertson to adjourn at 7:10 p.m. and the votes on the motion were as follows:

Councilperson Theon Callender – Yes                      Councilperson Sherry Lambertson – Yes  
Vice Mayor Sine – Yes

The motion carried with a unanimous vote.

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