



Town of Cheswold
Minutes of the Monthly Town Council Meeting
Monday – August 3, 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: Town Engineer Thomas Wilkes

Town Employees: Building Inspector/Code Enforcement Officer Douglas Burns

of Cheswold Fire Company Present: 0

of Town Residents: 0

of Visitors: 3

State Representative Trey Paradee
Patrick Gaudett – Nobles Pond Resident - Dover, Delaware
Ennis Zaragoza – Cheswold Property Owner - Dover, Delaware

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 July 27, 2015. Copies of the agenda were available for pick-up at the Town Hall.



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**Monthly Town Council Meeting
Monday, August 3, 2015**

Meeting:

The meeting was called to order by Mayor Tinari, at 6:15 pm. He led the assembled through the Pledge of Allegiance followed by a Moment of Silence.

Recognition of Proper Posting of Meeting:

The Mayor declared that the meeting had been properly posted, and requested the Secretary/Treasurer to so note in the minutes.

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 to 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 Councilperson Sherry Lambertson and seconded by Vice Mayor Sine. 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:

- July 6, 2015 – Public Hearing
- Administration of Land Use Ordinance Fees
- Clean Hands Ordinance
- July 6, 2015 – Town Council Monthly Meeting
- July 21, 2015 – Town Council Workshop Meeting

A motion to accept both sets of the Town Council minutes and the Public Hearing 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.

**Monthly Town Council Meeting
Monday, August 3, 2015**

Treasurer's Report:

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

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

Monthly Cash Flow Comparisons	
TOWN of CHESWOLD	July, 2015
Cash Receipts	\$ 45,894.28
Cash Disbursements	\$ 48,206.89
Negative Monthly Cash Flow	(\$ 2,312.61)
ADMINISTRATION	July, 2015
Cash Receipts	\$ 36,694.38
Cash Disbursements	\$ 10,179.37
Positive Monthly Cash Flow	\$ 26,515.01
POLICE DEPARTMENT	July, 2015
Cash Receipts	\$ 4,075.00
Cash Disbursements	\$ 26,472.15
Negative Monthly Cash Flow	(\$ 22,397.15)
PUBLIC WORKS	July, 2015
Cash Receipts	\$ 5,124.90
Cash Disbursements	\$ 11,555.37
Negative Monthly Cash Flow	(\$ 6,430.47)

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

As of:	July, 2015
Capital Account	\$ 7,605.53
Cheswold Pride Day Account	\$ 4,515.40
Eide Grant Fund Account	\$ 5,852.72
Fire Company Account	\$ 3,319.61
General Fund Account	\$ 72,441.81
Land Use Applicant's Account	\$ 34,863.59
Litigation Account	\$ 8,533.92
Municipal Street Aid Account	\$ 30,476.83
Salle Grant Fund Account	\$ 3,506.51

c. Requisitions

Requisition #	Department	Vendor	Item	Amount	To Be Paid By
R6-0004	Police	Div. of Communications	Mtce. Contract	\$1,000.00	Police Dept.

d. Proposed Purchases

Roof Repair to Fix Leak Contractor: McDadd Roofing Proposed Cost: \$750.00

A previously repair to the rubber roof was not completed with the correct seaming material. This repair will utilize the proper materials and remove a bees nest from an eave over the front door.

**Monthly Town Council Meeting
Monday, August 3, 2015**

Treasurer's Report "continued":

A motion to accept the Treasury Report and approve the Requisition and Proposed Purchase, 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.

Tax Collector's Report:

a. Month of July, 2015

TAX REPORT: FISCAL YEAR 2015 – 2016

Total Amount Billed: \$132,579.60

Payments as of:

Current Year: Past Due Paid:

	Current Year:	Past Due Paid:
07/31/2015	\$29,173.43	\$5,595.97
08/31/2015		
09/30/2015		
10/31/2015		
11/30/2015		
12/31/2015		
01/31/2016		
02/28/2016		
03/31/2016		
04/30/2016		
05/31/2016		
06/30/2016		

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.

TOWN of CHESWOLD

P.O. Box 220 – Cheswold, Delaware 19936
Phone: (302) 734-6991 – Fax: (302) 734-1355

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Police Department Report – *Chief Christopher Workman*

• **TRAINING**

- Chief Workman has completed the FBI LEEDA Trilogy, and was awarded his Trilogy pin along with membership to FBI-LEEDA. The mission of the FBI LEEDA, is to advance the science and art of law enforcement leadership through the promotion of the improvement of law enforcement management practices. Improvement will be accomplished through training, education, and networking among police professionals across the United States and beyond.
- PFC Simms will be attending a class at the DSP Academy on Pedophile Investigations.

• **DEA Drug Take Back Day**

- The Cheswold Police Department will be participating in the DEA Drug Take Back Initiative on Saturday, September 12, from 10 am until 2 pm. You can drop off your expired or unused prescription drugs for proper disposal on that day.

• **NEW VEHICLE**

- Financing and the 1st year payment for the 2015 Chevy Tahoe has been secured and the vehicle has been delivered. This will be used as a command vehicle and for secure transport of equipment, as well as for regular patrols.

• **BIKE PATROLS**

- The summer months are here and bike patrols have resumed at various times during the summer months, and most will be scheduled for late afternoon and early evenings.

• **GRANTS**

- **DE Criminal Justice Bryne Grant** – The Delaware CJC has approved a Bryne Grant for the Department in the amount of \$3,200. With these funds, along with a portion of the Kent County Emergency Services Grant, the Cheswold PD has purchased a speed trailer equipped with data recording. This is a traffic safety initiative implemented to slow down traffic in our residential streets, for the safety of our residents.
- **Kent County Emergency Service Grant** - Portion of this grant will be used to implement the Speed Trailer in conjunction with the Bryne Grant and the remainder will be used to purchase a new emergency mobile radio for the new Chevy Tahoe.
- **Violent Crimes Grant 2015** – The Department has spent the last year updating evidence software and re-vamping evidence procedures, in order to comply with the ever changing evidentiary requirements. The remainder of the this Grant is being used to upgrade and renovate our evidence area for improved security and storage, along with complying to new standards set by the Division of Forensic Sciences.
- **Violent Crimes Grant 2016** – A portion of the funds will be used to outfit the new Chevy Tahoe with emergency lighting and interior safety requirements for transportation of prisoners.

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Police Department Report – “continued”

- **GRANTS** – “continued”
 - **EDIE Grant 01-15** – A portion of these funds will be used to implement the cost of the new vehicle emergency radio for the new Chevy Tahoe.
- **TRAFFIC SUMMONS**
 - Officers issued 373 traffic summons in the month of July, 2015.
- **MONTHLY ACTIVITY REPORT**
 - Officers responded to or completed reports for 91 incidents during the month of July 2015.
- **MONTHLY INCIDENT REPORT – July, 2015**

911 Disconnects = 1	Fugitives = 6	Repossessions = 0
Accidents-H/R = 0	Harassment = 0	Resisting Arrest = 0
Accidents-PD = 1	Lock Jock = 0	Robberies = 0
Accidents PL = 2	Lost Property = 0	Sex Crimes = 1
AED/CPR = 0	Loud Party = 0	Shoplifting = 0
Alarms = 3	Medical Transport = 0	Solicitation = 0
Alcohol Violations = 0	Megan’s Law = 0	Stolen Vehicle = 0
Animal Comp = 0	Mental Patient = 0	Suspicious Person/s = 2
Assaults = 0	Misc. Investigation = 1	Suspicious Vehicle/s = 0
Assist Other Agencies = 7	Missing Person = 0	Terroristic Threat/s = 1
BOLO = 0	Noise Complaint = 0	Thefts = 2
Burglary = 0	Offensive Touching = 0	Traffic Hazards = 3
Civil Dispute = 0	Open Door/Window = 0	Traffic Violations = 26
Court Violation = 1	Overdose = 0	Trespass = 0
Criminal Impersonation = 0	Parking Violation = 0	Unassigned = 4
Criminal Mischief = 2	Pedestrian Stop = 0	Unfounded = 1
Curfew = 0	PFA Service = 0	Vehicle/s - Abandoned = 0
Disorderly = 2	PFA Violation = 0	Vehicle/s - Disabled = 0
Domestics = 1	Property Checks = 18	Vehicle/s - Recovered = 0
Drugs = 0	Psychiatric Incident = 1	Vehicle/Unauthzd Use = 0
DUI = 0	Public Assistance = 3	Warrant Service = 0
Fight = 0	Pursuit = 0	Welfare Check = 1
Found Property = 0	Rape = 0	
Fraud = 0	Relay = 0	

Cheswold Fire Company Report – Fireman Fred Neese

- **Status Report** –
 - Fireman Neese was not in attendance.

Monthly Town Council Meeting
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Public Works Report – *Building Inspector/Code Enforcement Officer Doug Burns*

- **Status Report** –

- a. The July 2015 report, was as presented as follows:

	<u>PERMITS ISSUED</u>	<u>NEW VIOLATIONS</u>	<u>CLOSED VIOLATIONS</u>	<u>BUSINESS LICENSES ISSUED</u>	<u>BUILDING INSPECTIONS</u>
July, 2015	4	6	2	14	2

- b. **Appeal from Mr. Zaragoza, Property Owner 157 Commerce St.**

Officer Burns explained to the Mayor and Council that as a result of property violations acquired by Mr. Zaragoza and the subsequent certified notifications of the violations for trash and construction debris, sent to Mr. Zaragoza in October and December, 2014 that accumulated fines and penalties would accrue.

On February 23, 2015, Mr. Zaragoza was notified, via another certified mailing, of the imposition of the fine of \$50.00 per day and an increase of the fine to \$100.00 per day, until the violations were correct. Prior to the clean-up by Mr. Zaragoza a total of \$2,950.00 accrued as due to the Town for the violations.

Officer Burns submitted copies of the letters sent to Mr. Zaragoza, along with copies of the violation notices and associated pictures.

The Mayor then provided Mr. Zaragoza the opportunity to present his reasoning for requesting a reduction in the total cost of his fines.

The following is a synopsis of the statements made by Mr. Zaragoza, members of the Town Council and Officer Burns:

Mr. Zaragoza: Informed Mayor and Town Council that he purchased three, (3), properties on Commerce Street and have brought them up to good living standards. One of his tenants, who is a roofing contractor was putting materials behind his, (Mr. Zaragoza’s), property and another property. He, (Mr. Zaragoza), hired an employee to do the clean-up, but the employee did not do a very good job. So eventually, Mr. Zaragoza arranged to remove the junk and other debris that was there, before he bought the property.

He would like the Council to dismiss the fines, because he has lost tenants and the fines will be a hardship on him. And he can’t rent them for what they are worth because of the overall condition of the neighborhood. He knows he did not clean things up in the requested time period but he did comply and promises to keep the properties up and will continue to work on improvements. He stated that he has also agreed to place rocks in the alley.

Mr. Burns: Clarified the sequence of contacts with Mr. Zaragoza and his tenants as follows:

- June 3, 2014 – Certified letters of violations to the tenants
- Sept., 2014 – 2nd Certified letters of violations to the tenants
- Oct., 2014 – Certified letters of violation to Mr. Zaragoza
- Feb. 2014 – Certified letters of violation and fine assessments to Mr. Zaragoza
- Feb./Mar. 2014 – Clean up begins

- **NOTE:** 4 Certified letters were sent to Mr. Zaragoza before a response of any type was received.

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Vice Mayor Sine; Councilperson Lambertson: The following remarks and/or questions were asked by members of the Council:

“As early as October, Mr. Zaragoza was notified he would be fined and he could have filed an appeal at that time.”

“What we do here will set a precedent for the future. You were given several opportunities to respond and you did not respond in a timely manner”.

Mr. Zaragoza: Provided additional information that one of his tenants is a single mother and that it is her responsibility to keep the grass cut, but her lawn mower broke and that is the reason why the grass has not been cut recently. He also requested that the Council waive the entire cost of the fine.

Vice-Mayor Sine: Responded NO.

Mr. Zaragoza: Asked that the fine be returned to its original amount of \$550.00

Mr. Burns: Explained that from the perspective of the Town, cutting grass is the responsibility of the property owner. How he accomplishes that is his responsibility, but it is another example of poor property management.

Mrs. Lambertson: Asked, Mr. Zaragoza, if he had an opportunity to present his point of view and he responded in the affirmative.

Mayor Tinari: Noted that at this point, things were beginning to be repeated and he asked the Council for their desired action.

Mrs. Callender: Made a motion to waive \$950.00 of the fine, thus reducing it to \$2,000.00.

There was then discussion among the Council as to the penalty should Mr. Zaragoza not pay the \$2,000.00

Mrs. Callender then revised her motion to be a reduction of the original \$2,950.00 fine to \$2,000.00 to be paid in 10 increments of \$200,00 per month, beginning September 1, 2015, with a five, (5), day grace period, which if exceeded will result in the default of the fine due to its original \$2,950.00.

Mrs. Lambertson made a second to the motion 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.

Subsequent to the vote, Mr. Zaragoza asked the Council, what would be the minimum amount accepted, if he were to get a loan to make a lump sum payment and the response was \$2,000.00.

ISSUE COMPLETE

Monthly Town Council Meeting
Monday, August 3, 2015

Planning Commission Report – *Town Engineer Tom Wilkes*

• **Status Report** –

- **Town Hall Parking Lot** – Mrs. Callender informed the Mayor and Council that the Final Plans were being submitted by Town Engineer Tom Wilkes for approval, based on the recommendations of Memo 14-012, from the Planning Commission to the Town Council on October 16, 2014. Mr. Wilkes reported that the plans have changed slightly based on the response from Kent Conservation District and revised to add the lighting details. Storm-water run-off cannot be increased. Final approval was contingent upon the following items:

Item 1 – Kent County Conservation District approval
Complete - Approval received August 10, 2014

Item 2 – Delaware Department of Transportation entrance plan approval
PENDING - Application submitted

Item 3 – Rear setback variance approval for the Police Department Addition
Complete - No longer required. Police Department Addition on hold indefinitely

Item 4 – Inclusion of the correct lighting standard details
Complete - Plans have been revised to include lighting

Vice Mayor Bob Sine made a motion to approve the Final Plans for the Town Hall Parking Lot contingent upon the approval of Items 1 and 2. (As noted above Item 1 was approved subsequent to the meeting). A second to the motion was made by Councilperson Sherry Lambertson and the votes were as follows on the motion:

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

The motion carried with a unanimous vote.

- **Outstanding Debt to DBF**– Mrs. Callender reminded the Mayor and Council that in 2010, DBF Engineering provided the text and map revisions to the 2010 Comprehensive Plan required by the State. As a result of discrepancies between the residing Council and Planning Commission, at that time, with DBF concerning the quality of the work provided, only portions of the bill submitted by DBF were paid by the Town. Now it's time to update maps and the Comp Plan again, and in order to obtain the original text and map files from DBF a consensus was necessary. As a result, Mrs. Callender contacted Mr. Randy Duplchain, Manager-DBF and a decision was reached between them for DBF to accept \$3,800 as a total payment for the documents in lieu of the total owed amount of \$7,727.85, dependent upon approval of the Town Council.

Vice Mayor Sine made a motion to accept the agreement of the \$3,800 payment and with a second from Councilperson Lambertson, 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, August 3, 2015**

Old Business

- a. **Continued Review of Ordinance 05-04-15-009 Residential Rental Property Registration and Permitting** - is an Ordinance that provides the guidelines, requirements and regulations governing property owners engaged in the rental of residential property within the corporate limits of the Town of Cheswold.

The Ordinance has been forwarded to the Town Attorney for legal review and as a result, a motion was made by Councilperson Callender to table the review of this Ordinance until such time as a response has been received from the Town Attorney. With a second to the motion from Councilperson Lambertson, 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.

- b. **Additional Discussion of Recognition Awards for Community Service** – Mrs. Callender reported that the following Town employees will service as the Community Service Committee and make decisions concerning the project process and awards:

Building Inspector Doug Burns
Town Clerk Shadina Jones
PFC Louis Simms

New Business

- a. **Review and Potential Approval of Town of Cheswold Drug and Alcohol Policy**
Page 6 – Item e: There was substantial discussion concerning the statements requiring disciplinary action up to and including termination as it related to the relationship of the disciplinary policy of the Town of Cheswold Personnel and Administration Policies.

However, after the discussion, it was agreed that the statement had merit and validity as written, as an employee could be found not guilty of violating the Drug and Alcohol Policy, while violating other sections of the Personnel and Administration Policies, in the same event.

Page 7 – Off Duty Offenses: Again there was significant discussion concerning the wording of this item. Specifically, *“Conviction of any such offenses will result in disciplinary action up to and including termination, whether or not the offense is determined to be in violation of this Policy”*. After the discussion it was decided and agreed to remove the later part of the sentence: *“whether or not, etc. etc.....”*

Mrs. Callender stated that she included a Drug Free Workplace Act, at the end of the Policy and there was discussion as to the necessity for the inclusion of the Act.

At this juncture, Mayor Tinari, suggested that the Council continue to review the document and determine at the next Council meeting whether to approve it.

Monthly Town Council Meeting
Monday, August 3, 2015

b. Notice of Monthly Meetings:

○ **Public Hearing – Nobles Pond and Evans Jarrell, LLC Proposed Annexation**

TUESDAY, AUGUST 25, 2015

Cheswold Fire Hall

371 Main Street

Cheswold, Delaware 19936

6:00 pm

○ **Town Council Workshop Meeting**

TUESDAY, AUGUST 25, 2015

Cheswold Fire Hall

371 Main Street

Cheswold, Delaware 19936

6:00 pm

Community Comments/Concerns

● **State Representative Trey Paradee:**

- Introduced himself and thanked the Mayor and Council for their welcome to the meeting.
- Stated he desired to express his concerns about the proposed annexation of Nobles Pond and the ability of the Town of Cheswold for quality control.
- Also expressed his concerns about drainage issues at Nobles Pond.
- Questioned the process for making comments at the Public Hearing scheduled for August 25. *Secretary/Treasurer Callender explained that technically only those persons who are residents of the territory to be annexed typically are allowed to speak at the Public Hearing, but it has always been the procedure of the Town of Cheswold to permit anyone to speak who registers to do so by the deadline date published in the notice of the Public Hearing, which is 4:00 pm, on August 21.*
- He also informed the Mayor and Council that he is available to provide assistance to the Town.

● **Mr. Patrick Gaudett – Current Resident of Nobles Pond:**

- Supports comments made by State Representative Paradee in relation to Nobles Pond.

Council Member Comments

- *Vice Mayor Sine* – Nothing to Report
- *Secretary/Treasury Theon Callender* – Nothing to Report
- *Councilperson Sherry Lambertson* – Nothing to Report

Mayor's Comments

● **In General:**

- He will be around a little longer, since he's passing all his medical exams

● **In Relation to Nobles Pond:**

- Thanked State Representative Paradee for his offer of assistance
- Also stated he has serious concerns about how business is conducted in Nobles Pond

TOWN of CHESWOLD

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**Monthly Town Council Meeting
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Motion to Adjourn

Secretary/Treasurer Callender made a motion to adjourn the meeting and with a second from Councilperson Lambertson, 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.

The meeting adjourned at 8:15 p.m.

Town of Cheswold
Division of Inspection & Enforcement
691 Main St.
Cheswold, DE 19936
(302) 734-6991
(302) 734-1355 - Fax

FIELD CORRECTION NOTICE

LOCATION: 157 Commerce St. PERMIT NO.: _____

NOTICE DELIVERED TO: site SIGNATURE: _____

The following orders are hereby issued for their correction:

Property is in violation of 2006 Property Maintenance
Code, Chapter 3, Section

* Trash, TV, Entertainment stuff on Deck, construction
material / Trash on side / Rear of House *

Please correct violation within 5 DAYS.

PLEASE CALL FOR INSPECTION WHEN CORRECTIONS HAVE BEEN COMPLETED. ACCEPTANCE AND APPROVAL BY AN INSPECTOR OF THIS DEPARTMENT IS REQUIRED. ALL CORRECTIONS MUST BE MADE ON OR BEFORE THIS DATE:

Date: JUNE 3, 2014 By: D. BURWIS

Town of Cheswold
Division of Inspection & Enforcement
691 Main St.
Cheswold, DE 19936
(302) 734-6991
(302) 734-1355 - Fax

FIELD CORRECTION NOTICE

LOCATION: 157 Commerce St. PERMIT NO.: N/A

NOTICE DELIVERED TO: Site SIGNATURE: _____

The following orders are hereby issued for their correction:

Property was given notice on June 3, 2014
for trash & construction material around house.

Property. Property must be cleaned by Sept 29, 2014
or legal action will be taken.

PLEASE CALL FOR INSPECTION WHEN CORRECTIONS HAVE BEEN COMPLETED. ACCEPTANCE AND APPROVAL BY AN INSPECTOR OF THIS DEPARTMENT IS REQUIRED. ALL CORRECTIONS MUST BE MADE ON OR BEFORE THIS DATE:

Date: Sept 23, 2014 By: D. Burns





Town Of Cheswold
Department Of Inspections and Enforcement
691 Main St.
Cheswold, De 19936
(302) 734-6991

10/14/14

MARZAR PROPERTIES, LLC

C/O ENNIO ZARAGOZA

1447 S GOVERNORS AVE

DOVER, DE 19901

To whom it may concern

The Enforcement and Inspections Department has determined the property located at 157 COMMERCE ST in the Town of Cheswold is in violation of the 2006 Property Maintenance Code, Chapter 3, Section 307, which in part states the following:

All exterior property and premises and the interior of every structure shall be free from any accumulation of rubbish or garbage.

Town Ordinance # 02-15-13-040

All construction material, piles of used shingles, new bundles of shingles, trash, construction tools and tarps must be removed. 2 field correction notices have been left with the current tenant.

Please correct this violation within 5 days after the receipt of the aforesaid notice. Failure to do so will result in the Town of Cheswold removing all items at a cost of \$100.00 - \$500.00, plus landfill disposal costs. All associated fees and fines (*not less than \$50 nor more than \$1,000*), payable within thirty days. Failure to pay will result in the placement of a lien on the property and collected in the same manner as taxes.

You have the right to appeal to the Town of Cheswold at no charge. If further clarification or appeal is desired, the applicant has the right to go before the Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. The fee for the application for a Board of Appeals hearing shall be \$300. The fee is to be paid at the time of application submittal, and shall be nonrefundable.

If you have any questions regarding this matter, please contact me at (302) 734-6991.

Sincerely,

Douglas T. Burns


Code Enforcement Officer



Town Of Cheswold
Department Of Inspections and Enforcement
691 Main St.
Cheswold, De 19936
(302) 734-6991

12/02/14

MARZAR PROPERTIES, LLC

C/O ENNIO ZARAGOZA

1447 S GOVERNORS AVE

DOVER, DE 19901

To whom it may concern

The Enforcement and Inspections Department has determined the property located at
157 COMMERCE ST in the Town of Cheswold is in violation of the 2006 Property
Maintenance Code, Chapter 3, Section 307, which in part states the following:

All exterior property and premises and the interior of every structure shall be free from any
accumulation of rubbish or garbage.

2nd and final notice

All construction tools and materials (roof shingles) must be removed .

If we have not heard from your office or the violation has not been corrected with in 5 days,
fines will be issued and the Town will take action to clean up the property at the owners
expense.

Please correct this violation within 5 days after the receipt of the aforesaid notice. Failure to do so will
result in the Town of Cheswold removing all items at a cost of \$100.00 - \$500.00, plus landfill disposal
costs. All associated fees and fines (*not less than \$50 nor more than \$1,000*), payable within thirty days.
Failure to pay will result in the placement of a lien on the property and collected in the same manner as
taxes.

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fee for the application for a Board of Appeals hearing shall be \$300. The fee is to be paid at the time of
application submittal, and shall be nonrefundable.

If you have any questions regarding this matter, please contact me at (302) 734-6991.

Sincerely,

Douglas T. Burns

Code Enforcement Officer



Town of Cheswold
1856



State of Delaware
1787

Marzar Properties LLC.
C/O Ennio Zaragoza
1447 S Governors Ave
Dover, De 19901

February 11, 2015

Dear Mr. Zaragoza

On October 14, 2014 and again on December 2, 2014, I sent certified letters referencing a violation for trash and construction debris at 157 Commerce St.

As of today, February 11, 2015, the violation has not been fully corrected. As stated in both letters, if this violation was not corrected fines would be imposed.

Effective Monday February 16, 2015 a fine of \$50.00 a day will be imposed against you for this property violation.

If the violation is not corrected by Monday February 23, 2015 the fine will double to \$100.00 per day until the violation is corrected.

Sincerely

A handwritten signature in black ink that reads "Douglas T. Burns". The signature is written in a cursive style.

Douglas T. Burns
Department of Inspections and Enforcement

Town of Cheswold
1856



State of Delaware
1787

Marzar Properties LLC.
Ennio Zaragoza
1447 S. Governors Ave.
Dover, De 19901

May 26, 2015

Mr. Zaragoza,

On May 5, 2015, you met with Councilwoman Callender and me at Town Hall to talk about the \$2950.00 in accrued fines for the violations at 157 Commerce St. In that meeting you requested that in lieu of paying the fine, you spend the money on exterior repairs and cosmetic upgrades.

You were advised that the Town will not concede the full fine amount, but will entertain a proposal from you on the repairs and cosmetic upgrades. You were asked to send a letter or E-mail containing the amount you will pay the Town towards the fine and a list along with the approximate dollar amounts on the proposed repairs and upgrades.

As of today this office has not received any communications from you or your company and no visible repairs or upgrades have been done at the property.

Your lack of response to this matter has resulted in the Town enforcing the original fine of \$2950.00. Please contact myself or Councilwoman Callender with payment arrangements within 5 days of receipt of this letter.

Respectfully

A handwritten signature in cursive script that reads "Douglas T. Burns".

Douglas T. Burns

Department of Inspections and Enforcement

Town of Cheswold

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