



**TOWN of CHESWOLD
MINUTES of PUBLIC HEARING
Tuesday – August 25, 2015
Cheswold Fire Hall
371 Main Street
6:00 p.m.**

Page 1 of 6

The meeting was called to order by Mayor Donald Tinari at 6:12 p.m.

The Mayor followed with leading the Council and visitors in the Pledge of Allegiance and a Moment of Silence and then by a statement, requesting Secretary/Treasurer Callender to note in the minutes that the meeting notice was properly posted on July 22, 2015. She agreed to make the notation.

The Mayor then requested Secretary/Treasurer Callender to complete a roll call of the Council. The following is the result of the roll call:

Vice Mayor Robert Sine – Present
Councilperson Sherry Lambertson– Present
Secretary/Treasurer Theon Callender – Present

The Mayor requested the Council to review the agenda and either accept it or recommend changes. Secretary/Treasurer Callender, (who also serves a member of the Council), made a motion that in order to be alignment with the Public Hearing notice to revise the agenda to change Item 9 b:

From: Speakers will be allotted three, (3), minutes to make comments

To: Speakers will be allotted five, (5), minutes to make comments

And to insert the receipt of remarks from the Honorable Brooks Banta – President of the Kent County Levy Court between items 9b and 10; and to insert the receipt of legal directions and information from Mr. Max Walton, Esquire, Town Attorney as item 7d. A second to the motion was made by Councilperson Lambertson and the votes on the motions were as follows:

Councilperson Sam Callender – Yes Councilperson Sherry Lambertson – Yes
Vice Mayor Bob Sine – Yes

The motion carried with a unanimous vote.

The Mayor then requested Town Clerk Shadina Jones to make an introduction of honored guests and panel members. The following introductions were made:

TOWN of CHESWOLD
MINUTES of PUBLIC HEARING
Tuesday – August 25, 2015

On the Panel:

- Mayor Donald F. Tinari – Mayor of the Town of Cheswold
- Vice Mayor Robert Sine
- Secretary/Treasurer Theon (Sam) Callender
- Public Works Director Douglas Burns
- Police Chief Christopher Workman
- Town Attorney, Max Walton, Esquire
- Town Attorney, Christina Thompson, Esquire

Honored Guests in the Audience:

- Kent County Levy Court Commissioner Allan Angel (*Town of Cheswold*)
- 29th District State Representative Trey Paradee (*Town of Cheswold*)
- Kent County Levy Court President Brooks Banta

Administration of Public Hearings

Secretary/Treasurer Sam Callender then provided the following information: (*see Attachment A*)

- Public Hearings in General
- Purpose of This Public Hearing
- Conduct of This Public Hearing

Legal Information and Directions

Mrs. Callender informed the audience that Town Attorney Max Walton would present legal directions and information concerning the annexation process associated with these proposed annexations.

He recited the process and posting dates of notices and resolutions as required by the Town Charter of the Town of Cheswold, Sections 3.2.1 to 3.2.5 and Section 3.2.8 and specifically the requirements and consequences of Sections 3.2.6 to 3.2.7, (*Conduct of the Special Election and Results of Special Election*).

In addition he provided the following listing of the contents of the Proposed Annexation Exhibit Binder:

EXHIBIT #	EXHIBIT CONTENTS
1	Evans Jarrell Annexation Application and Annexation Agreement
2	Nobles Pond Annexation Application and Annexation Agreement
3	Planning Commission Memo #15-002
4	Plan of Services Documents (<i>includes all approvals and revisions</i>)
5	Evans Jarrell Public Hearing Resolution 07-13-15-073
6	Nobles Pond Public Hearing Resolution 07-13-15-074
7	Publication Notices – Evans Jarrell
8	Publication Notices – Nobles Pond
9	Letter from Department of Justice
10	Statement from 29 th District State Representative Trey Paradee

TOWN of CHESWOLD
MINUTES of PUBLIC HEARING
Tuesday – August 25, 2015

Page 3 of 6

Legal Information and Directions – “continued”

Mr. Walton also provided the following information and dates as material of importance:

- The Evans Jarrell property has been approved for annexation with a R-3 Zoning Code
- The Nobles Pond property has been approved for annexation with a R-5 Zoning Code
- The Nobles Pond annexation is dependent upon the approval of the Evans Jarrell annexation
- A 7 year descending tax abatement will be provided to both properties upon annexation
- The proposed properties are identified in the 2010 Town of Cheswold Comprehensive Plan on Map 5 – State Spending & Policy Strategies and Map 7 – Five Year Growth Plan and Proposed Land Use Plan
- April 6, 2015 – The Town Council voted to accept the annexation applications and forwarded them to the Planning Commission for Zoning Code assignment
- May 8, 2015 – The Planning Commission recommended the proposed annexation and assigned R-3, Multi-Family and Townhouse Residential, to the Evans Jarrell, LLC property as the Zoning Code and R-5, Age Defined Community, to the Nobles Pond property as the Zoning Code.
- June 1, 2015 – The Town Council voted to accept the recommendation of the Planning Commission
- July 8, 2015 – The Plan of Services was forwarded to the Office of State Planning Coordination, as required by Delaware Code Title 22, Section 101
- July 21, 2015 – The Town Council set the date of the Public Hearing as August 25, 2015
- August 25, 2015 – The Town of Cheswold received the notice of acceptance of the Plan of Services from the Office of State Planning Coordination

Note: Although not included in Mr. Walton’s information, the following is included for additional clarification:

- *In the original posting of the notice a typographical error was made that indicated the date of the Public Hearing was approved on August 21, 2015*
- *August 6, 2015 – Subsequent Public Notice of Change of Location of Public Hearing from Town Hall to Fire Hall. Typographical error also corrected to indicate Public Hearing was approved on July 21, 2015.*

Subjects of Public Hearing

Mayor Tinari submitted the following items as the subjects of the Public Hearing:

- a. **Resolution 08-25-15-075 Annexation of Evans Jarrell, LLC** – a resolution for the annexation of one, (1), parcel totaling approximately 133.9 acres and known as MAP ID 3-00-05600-01-1200-00001.

TOWN of CHESWOLD
MINUTES of PUBLIC HEARING
Tuesday – August 25, 2015

Page 4 of 6

Subjects of Public Hearing – “continued”

- b. **Resolution 08-25-15-076 Annexation of Nobles Pond** – a resolution for the annexation of multiple parcels, totaling approximately 111.3 acres and owned by Eddie Evans Farm, LLC and Regal Contractors, LLC, also known as Nobles Pond.

PUBLIC COMMENT:

The Mayor opened the meeting to receive public comment and reiterated that only those persons who were pre-registered to vote would be called to the podium to speak.

The following is a synopsis of the comments presented by the speakers. The proceedings of the meeting were taped and provide a full detail of the comments made.

The speakers were called as followed:

1. **Allan Angel** – *(Requested to speak as one of the last speakers. Explained that he waited until 8/21/2015 to pre-register, because he wanted to speak last. The Mayor granted his request.)*
2. **Dolores Davis** – Stated she didn’t sign up to speak. She signed up to attend the meeting.
3. **Harry Sewell** – Suggested that the annexation will divide the community and the Homeowners Association and that access to the community will be through the Town, but the Town will not be responsible for the community. He also stated that new residents will be subject to Town Ordinances and the Zoning approval creates an R-5 Zone that permits townhouses and duplexes, which are not compatible with the existing environment. He requested that the Town table the annexation.

Mr. Sewell also presented his issues and concerns in writing and they are attached as “Attachment B”.
4. **Helen Zinni** - Stated she didn’t sign up to speak. She signed up to attend the meeting.
5. **Jack Fellin** – Feels that the annexation allows for the possibility of increased homes and the process of transparency was not fair to the existing residents.
6. **Barbara Ullman** – Expressed her concerns about the safety issues associated with having only one means of ingress and egress and that the 2nd exit to the property will not be built until the completion of Phase 3 or Phase 4. She is also concerned about not knowing what type of freight is being carried on the rail line along Commerce Street in front of Nobles Pond.
7. **John Littlefield** – Complained that the notice of the meeting was not posted in an open area, but in a construction area. He also questioned why the community was being broken up, by including the clubhouse in the annexation and excluding the existing residents. He was additionally concerned that the existing residents don’t have an option to vote on the annexation; and as a result of the annexation who will provide what services to whom.

TOWN of CHESWOLD
MINUTES of PUBLIC HEARING
Tuesday – August 25, 2015

Page 5 of 6

PUBLIC COMMENT: *“continued”*

8. **Marlene Tull** – Stated that she moved in about four, (4), months ago and was not told about the annexation, so she feels that the Developer failed to disclose information. It was her understanding that the development would consist of single family homes and the proposed changes may negatively affect her home value. She is also upset about the prospect of sharing the club house and that the roads were not built to DelDot standards and that she was told there would be a second entrance and there isn't.
9. **Mr. & Mrs. Felix Pereira** - Stated they didn't sign up to speak. They signed up to attend the meeting.
10. **Mr. & Mrs. Frank Kreisher** - Stated they didn't sign up to speak. They signed up to attend the meeting.
11. **Walter Waite** – Expressed his concerns as no one from Nobles Pond, Regal Contractors or Evans Jarrell as having the right to represent the residents of Nobles Pond and that money submitted appears to be the driving force behind the annexation. He suggested that after the annexation, Cheswold would be “left in the dust.”
12. **State Representative Trey Paradee** – Introduced himself as a representative of the entire 29th District, including the residents of Nobles Pond and the Town of Cheswold. He cited a confidential e-mail between Councilperson Callender and Town of Cheswold Attorney Max Walton, in which Mrs. Callender expressed her gut feelings that the proposed annexation appeared to be too good to be true. He made additional remarks stating although he was not personally opposed to the annexation, he wanted to be sure it was done in a fair and responsible way. He submitted written copies of his remarks to the Council and they are included in these minutes. See *Attachment “C”*
13. **Kent County Commissioner Allan Angel** – Was asked several times by Councilperson Sam Callender if his remarks were going to reflect the opinion of the Kent County Levy Court. Mr. Angel consistently responded that he was a member of the Kent County Levy Court. Expressed his concerns about the conditions at Nobles Pond and the fact that up until a year ago, he spent a lot of time there due to complaints.

Mr. Angel's comments concluded the acceptance of Public Comments. The Mayor thanked everyone for their attendance and their opinions.

Honorable Brooks Banta – thanked the Mayor and Council for the meeting and stated that he appreciated the process of the Public Hearing and the opportunity to attend.

Mayor Tinari informed the attendees that he respects their opinions and the residents of Nobles Pond as a group.

TOWN of CHESWOLD
MINUTES of PUBLIC HEARING
Tuesday – August 25, 2015

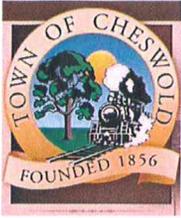
Page 6 of 6

Motion to Adjourn - A motion to adjourn the Public Hearing was made by Councilperson Callender and with a second from Councilperson Lambertson, the votes on the motion were as follows:

Councilperson Sam Callender – Yes Councilperson Sherry Lambertson – Yes
Vice Mayor Bob Sine – Yes

The motion carried with a unanimous vote.

The meeting adjourned at approximately 7:05 pm.



ADMINISTRATION of PUBLIC HEARINGS

PUBLIC HEARINGS IN GENERAL:

A public hearing is also a public meeting, in that the hearing is subject to the State of Delaware Open Meetings Act, whereby the public is allowed to attend, view and participate in the meeting, in order to establish and maintain an environment of transparency.

The main purpose of most public hearings is to obtain public testimony or comment. A public hearing may occur as part of a regular or special meeting, or it may be the sole purpose of a special meeting, with no other matters addressed.

PURPOSE of THIS PUBLIC HEARING:

The overall purpose of Cheswold Public Hearings is to comply with Section 3.2.2 of the Charter of the Town of Cheswold, which requires the Town Council to specify in a Resolution proposing an annexation, the time, date and place for the Town Council to sit to hear comments and opinion from any concerned party regarding the proposed annexation and to obtain public opinion and legislative fact finding.

The specific purpose of this Public Hearing is for the Town Council to receive public comments and/or concerns on the proposed annexation of the Evans Jarrell, LLC property, as detailed in Resolution #07-13-15-073; and the proposed annexation of Nobles Pond as detailed in Resolution #07-13-15-074 and shown on the displayed map on the tripod.

However, per the Town Charter, the Town Council shall not be bound, in any way, to act in response to any information or comments offered at a Public Hearing.

CONDUCT OF THIS PUBLIC HEARING:

1. In order to speak, you must have pre-registered with the Town Clerk of Cheswold, by August 21, 2015, as required by the Public Notice, published on July 22 and August 6, 2015.

CONDUCT OF THIS PUBLIC HEARING:

2. You must be called to speak by: the Honorable Mayor Donald F. Tinari.
3. Before presenting your comments, please state your full name and address.
4. You will have five, (5), minutes in which to express your comments and/or concerns.
5. You may not cede any of your remaining time allotment to another speaker.
6. If you exceed the allocated five, (5), minutes, you will be asked to sit.
7. Your comments and/or concerns must be reserved to the proposed annexations of the Evans Jarrell, LLC and Nobles Pond properties.
8. If your comments are not related to the proposed annexations, you will be requested to sit.
9. If you persist in addressing issues other than the proposed annexation, you may be asked to leave.
10. If you have written information, it should be presented to the Secretary/Treasurer prior to speaking.
11. Written information will not be read, you should provide as summary or overview of what is written.
12. In the interest of time and clarity, subsequent speakers should present new information, rather than repeating the information presented by previous speakers.
13. If members of the Town Council have questions for the speaker, the time used to ask and answer will not be subtracted from the speaker's five, (5), minute allocation.

CONDUCT OF THIS PUBLIC HEARING:

14. Members of the Town Council will not testify, comment or respond to questions, during the Public Hearing.

Thank you for attending and providing your comments and concerns to assist us in making the best decision for the residents of Cheswold.

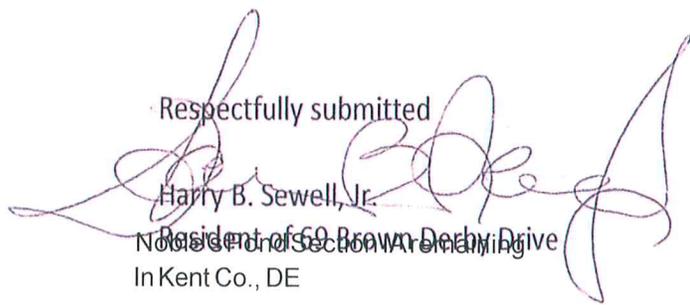
Annexation Statement

Annexation of portions of Noble's Pond Community to the Town of Cheswold will divide the community and its HOA between its current residents who will remain in Kent County and the undeveloped land and the future residents of the community who will be annexed to the Town. Access to the community will be through the town and the Clubhouse and its surrounding facilities will be in the town but all but a handful of residents will remain in Kent County subject to a Homeowner's association that is responsible for maintaining the resident's property, the streets and the common elements. The town will not be responsible for maintaining the roads and common elements of the community. The HOA will be responsible for that but who establishes the standards for the HOA, will it be the town, the county or some other entity? As the community grows new residents will be subject to ordinances of the town while current residents are governed by Kent Co and it is likely that these rules will be different unless the town, the county, the residents and the homeowners association agree to work together to find solutions that are fair and equitable to the community as a whole.

Zoning changes approved by the town will create a new R-5 zoning category for senior communities. These changes permit the builder to rezone portions of the community in the town to allow apartments, townhomes and nursing care facilities that are not compatible with the single family home 55+ active adult community that current residents were promised when they purchased their home. Changing the community from an active adult community to a continuing care community could impair property values and upset the character of our community. The annexation must clarify that homes already subdivided by Kent Co will not be re-subdivided to increase density or change the character of the existing neighborhood.

All residents of the community, including the landowners/builder, the HOA, residents both in Cheswold and in Kent County, the Town of Cheswold and Kent County, must enter into an agreement to consult with all parties and given them the opportunity to participate in any decision that would affect the community as a whole. The parties must agree to will work together to create fair equitable procedures that will be applied to the entire community. Either tabling the annexation or conditioning

the annexation on an agreement to include the entire community is essential to a fair and functional annexation.

Respectfully submitted

Harry B. Sewell, Jr.
President of 60 Brown Derby Drive
Noble Pond Section 2
In Kent Co., DE

W. CHARLES PARADEE, III
STATE REPRESENTATIVE
29th District



HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

August 25, 2015

RE: Town Council Meeting August 25, 2015
Proposed Annexation and Rezoning of the
Eddie Evans Farms, LLC and Evans Jarrell, LLC Properties

To Mayor Tinari and the members of The Cheswold Town Council,

I appreciate the opportunity to appear before you and offer my thoughts on the proposed annexation and rezoning of the Eddie Evans Farms, LLC and Evans Jarrell, LLC Properties.

I am appearing at this evening's Town Council meeting **not** to represent the residents of Noble's Pond. I am appearing because I was elected to represent **the entire** 29th District, which includes the Town of Cheswold. Like you, I want to see Cheswold grow and prosper, and I understand that the Town needs to develop new revenue sources. I am not necessarily opposed to the annexation, I just want to make sure that it is done in a fair, responsible way, and I am afraid of the unintended consequences of the proposal being considered tonight.

In an email to Town Administrator, Sam Callender, dated October 13, 2014 (which was obtained through a Freedom of Information Act (FOIA) request), the Town's attorney, Max B. Walton states the following: "...this note is to ponder out loud why the developer is seeking annexation of every unsold property in the Nobles Pond development. Quite frankly, it does not make any sense...I cannot help but think there must be more to the request." In her response to attorney Max Walton, Sam Callender replies, "...I have the strangest 'gut' feeling that somehow we're being taken."

In order to clear up any confusion, let me make it very clear what this proposed annexation is really about. First, it is about increasing the density of housing above and beyond what has been approved by the County and various state agencies. Second, it is about shifting the cost and responsibility of maintaining the roads and open space to an entity other than the developer.

As you know, the Nobles Pond development is owned by the entity Eddie Evans Farms, LLC. Under current zoning regulations through the County, the developer is allowed to build single-family and "carriage-style" homes. The proposed R-5 zoning will expand the types of



HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

Page 2

permissible structures to include "Single family, carriage, two-family, triple attached, townhouses, multi-family and other complementary uses..." (Cheswold ORDINANCE # 05-01-15-047, dated June 1, 2015, page 3, Table 6-1 Zoning District Summary). Section I.7. on page 7 of the same document, indicates that "Property may be held in single ownership with portions of the property being leased to individuals for any purpose permitted in this zoning district." I may not be an attorney, but leasing a portion of multi-family building sounds a lot like an apartment to me.

The rezoning of Nobles Pond to R-5 will essentially allow the developer to redraw portions of the neighborhood and add townhouses and leased multi-family structures, which will significantly increase the density, essentially undoing years of planning by Kent County and various State agencies. In addition, the increased density will increase the number of residents who will have access to the neighborhood clubhouse facilities and amenities, which will impact the quality of life for residents who have already purchased homes in the neighborhood and who did so with a reasonable expectation of what their neighborhood would look like in the future.

In addition to annexing all of the undeveloped lots currently in the Nobles Pond development, the Town of Cheswold plans to annex the 133.9 acre farm owned by Evans Jarrell LLC that borders the north property line of the current Nobles Pond development. Once it is annexed, the 133.9 acre farm owned by Evans Jarrell LLC will be zoned R-3, which will allow the developers to build "townhomes and multi-family dwellings, **including apartments**" on the Evan Jarrell LLC farm (Cheswold ORDINANCE # 05-01-15-047, dated June 1, 2015, page 3, Table 6-1 Zoning District Summary). **R-3 does not require that the residents be senior citizens**, which is currently a requirement in Nobles Pond.

It is important to point out that, if the proposed annexation and rezoning is approved as currently written, two-family, triple attached, townhouses, and multi-family homes will become a "Permitted" use in Nobles Pond and apartment complexes will become a "Permitted" use on the 133.9 acre Evans Jarrell LLC farm. Sure, the Town will be able to review site plans, but, as long as the site plans conform with all Town ordinances, the Town will not be able to deny building permits for those types of structures without facing potential litigation.

There are several items that cause me concern in the Annexation Agreement between Cheswold and the developers. The most glaring issues are (1) the Annexation Agreement that



HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

Page 3

was obtained in the FOIA request includes a cash payment to Cheswold in the amount of \$25,000 (section 11, Annexation Agreement) and (2) Cheswold has been represented in this matter by an attorney whose fees are being 100% paid by the developer (page 2, letter from Max Walton to Sam Callender, dated October 6, 2014). While I understand that the cash payment may be legal and Mr. Walton is a fine and honorable man, the situation just looks bad for all parties involved.

I am not an attorney, but I question whether the Annexation Agreement meets the standard of being a valid contract because section 5 of the Agreement creates conditions and responsibilities for a third party who is not clearly defined, has not been represented in these proceedings, and is not a signatory to the document. Section 5 states: "Petitioners acknowledge and agree that any streets located within the Annexed Property that are dedicated to public use shall be maintained by the owner of such streets (including, but not limited to, any homeowner's association or maintenance corporation charged with such obligation) and not the Town". In layman's terms, this section says: "The Town is not responsible for the roads. The developers *might* be responsible for the roads if they are the owners, but the responsibility will likely be handed off to another entity that is not clearly defined in this document." It is also not clear whether the developers have the power or authority to convey responsibility to the homeowners. This language essentially sets the stage for the developer's to walk away from the responsibility of maintaining the roads by passing it off on the homeowners in the neighborhood. This creates so many problems going forward.

If you are a resident of a town or city in Delaware, the roads in front of your home are maintained by either the town, the city, or the State. If you live on a County road or a subdivision in the County, the State maintains your roads and is responsible for all the patching and repaving that takes place over time. If you live in a mobile home park or a land-lease community, it is the park or neighborhood owner who is responsible for bearing this considerable expense. The roads in Nobles Pond (and presumably those in the proposed areas for annexation) do not meet DelDOT specifications, and it is therefore likely that the roads will never be considered for DelDOT maintenance. I have personally discussed this matter with DelDOT officials.

I cannot think of a single example of a homeowners association that is responsible for maintaining and repaving its streets through the homeowners' dues. Consider the fairness of this proposal. The residents of Nobles Pond will pay State, County, and Town taxes just like everyone else, but they essentially will be forced to pay an additional tax – that no one else in the Town (or the State!) pays – a tax to have their roads maintained and repaved. It is important to note that Nobles Pond began as a land-lease community, where the



HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

Page 4

neighborhood owner, Mr. Miller, would be responsible for maintaining and paving the roads. Nobles Pond has been allowed to convert to a traditional subdivision in which the lots are sold to homebuyers. Today, there are some homeowners in the neighborhood who own their land, and others who own their homes but pay a monthly lease fee to Mr. Miller's company for the land on which their home sits. Imagine the reaction of the homeowners 10 or 15 years from now, when they learn that a special assessment of several hundred or a few thousand dollars is needed from each property owner to pay for repaving, and how will that be fairly assessed? Because, the proposed annexation creates several classes of property owners: 1.) Cheswold residents who are land owners, 2.) County residents who are land-lease, 3.) County residents who are property owners, 4.) Townhouse renters who are town residents, 5.) Apartment renters who are town residents, 6.) Apartment complex owners who are non-residents, 7.) Townhouse owners who are non-residents. I will stop at 7 categories. Who will be responsible for keeping that group, which may number over 1000, together, and who will be responsible for collecting this tax and enforcing it? The Town? The County? Or will it be the vague "homeowner's association or maintenance corporation" mentioned in the Annexation Agreement that lacks any constitutional authority to collect taxes in either of the two jurisdictions (Cheswold and County) where it operates? All of this will someday fall in the laps of those who sit in the seats of the Cheswold Town Council, the State Representative, and the Levy Court Commissioner and could possibly lead to litigation, which I doubt the developers will be willing to finance as they are doing now.

What does Section 9 of the Annexation Agreement say about this proposal? The Town is willing to waive all taxes to the developer for a period of 7 years. By that time, I assume, the developer hopes to have completed construction. The developer must believe that it is a good idea to be annexed into the Town, but he apparently does not think it is worth paying taxes – unless, of course, you're one of the retirees who buys a home from him, then it's okay. And imagine the surprise of residents when they get that first tax bill from the Town of Cheswold a few years after purchasing their home. If the purpose of this annexation is to generate revenue, I cannot understand why the Town would give away so much.

There is also the question of fairness to the current residents of Nobles Pond, which number approximately 130 households. The current residents of Nobles Pond purchased their homes with an understanding that their neighborhood would be of a certain quality and character. There were a defined number of potential homes planned for the neighborhood, and residents would have exclusive use of the clubhouse and other amenities. Now, after they have committed their life savings, the developer is clearly attempting an "end-around" in order to increase density and circumvent the rules and regulations that were put in place by the County and various State agencies to enhance and protect the quality of life of the residents. I find it



HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

Page 5

interesting that in an early draft of the Annexation Agreement dated 12/12/2014, the developers included the line: "...at no time shall any Kent County building inspectors be employed by the Town to perform building and site inspections at the Annexed Property." I think that speaks volumes of what is really going on here.

The proposed changes may significantly conflict with representations made by the developer to current residents. The minutes from the April 6, 2015 Town Council meeting state: "The concern about who will be permitted to use the facilities at Noble Pond and if the HOA will be turned over to the residents was not addressed." It certainly seems reasonable to assume that the developers may wish to market the Eddie Evans Farms, LLC (Nobles Pond) property and the Evan Jarrell LLC property together as a single community - one side being for 55+, the other side being for apartments for families and people of all ages - but both sides having access to the community center, pool, and other amenities. So far, I have seen nothing in the public record that would prevent that type of scenario. The statement is also troubling in that it seems to indicate that there really is not a clearly defined plan to maintain and repave the roads in the future.

I am not a real estate expert, nor am I an attorney. I was elected to represent the interests of all people living in the 29th District – that includes both the Town of Cheswold and the residents of Nobles Pond. I understand that the Town wants to grow and needs to develop new revenue sources, but I also want the current residents of Nobles Pond to be treated fairly, and I do not want to see Cheswold embroiled in another costly legal fight.

Before proceeding, the Town Council should consider a few questions: If this was such a great idea that would not adversely affect the residents of Nobles Pond, why did the developer intentionally draw the current residents out of the area proposed for annexation, thus creating a gerrymandered mess of a plot plan? Were the experts at the County wrong? Was the developer treated unfairly by State agencies? Does the Town of Cheswold know more than the dozens of State and County officials and experts who thoroughly reviewed and approved this development a decade ago?

I would humbly ask the Town Council to consider tabling the annexation and rezoning proposal until all of the issues raised in my letter have been addressed. I would also ask that all stakeholders, including representatives from the current group of Nobles Pond residents, be

W. CHARLES PARADEE, III
STATE REPRESENTATIVE
29th District



HOUSE OF REPRESENTATIVES
STATE OF DELAWARE
411 LEGISLATIVE AVENUE
DOVER, DELAWARE 19901

Page 6

included in those discussions.

Yours truly,

A handwritten signature in black ink, appearing to read 'Trey'.

W. Charles Paradee, III,
State Representative, 29th District