

Town of Cheswold
1856



State of Delaware
1787

Town of Cheswold
Minutes of the Monthly Town Council Meeting
Wednesday – September 9, 2015
6:00 p.m.
Cheswold Fire Hall
371 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 Employees: Town Attorney Max Walton

of Cheswold Fire Company Present: 0

of Town Residents: Approximately 5

of Visitors:

State Representative Trey Paradee
Attorney Barrett Edwards
Mr. Harry Miller

Approximately 46 persons including residents of Nobles Pond and Media Representatives

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.

Subsequent to the meeting, the meeting date was changed from Tuesday, September 8, 2015 to Wednesday, September 9, 2015, to accommodate a scheduling conflict with the Fire Company.

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

**Monthly Town Council Meeting
Wednesday, September 9, 2015**

Introduction of Town Council:

Prior to opening the meeting, Mayor Tinari introduced the members of the Town Council and the dais, first to his right and facing the assembled: Vice Mayor Robert Sine; Secretary/Treasurer Sam Callender; Councilperson Sherry Lambertson; Land Use Town Attorney Max Walton

And to his left and facing the assembled: Police Chief Chris Workman

Meeting:

The meeting was called to order by Mayor Tinari, at 6:05 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, on Page 1. 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:

- August 3, 2015 – Monthly Town Council Meeting
- August 25, 2015 – Public Hearing (*Proposed Annexation of Evans Jarrell, LLC and Nobles Pond*)
- August 25, 2015 – Monthly Town Council Workshop

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

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

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

The motion carried with a unanimous vote.

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 August, 2015** are as follows:

Monthly Cash Flow Comparisons	
TOWN of CHESWOLD	August, 2015
Cash Receipts	\$ 91,958.82
Cash Disbursements	\$ 52,139.89
Positive Monthly Cash Flow	\$ 39,818.93
ADMINISTRATION	August, 2015
Cash Receipts	\$ 84,457.65
Cash Disbursements	\$ 37,899.81
Positive Monthly Cash Flow	\$ 46,557.84
POLICE DEPARTMENT	August, 2015
Cash Receipts	\$ 4,605.67
Cash Disbursements	\$ 10,294.19
Negative Monthly Cash Flow	(\$ 5,688.52)
PUBLIC WORKS	August, 2015
Cash Receipts	\$ 2,895.50
Cash Disbursements	\$ 3,945.89
Negative Monthly Cash Flow	(\$ 1,050.39)

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

As of:	August, 2015
Capital Account	\$ 7,606.17
Cheswold Pride Day Account	\$ 4,515.40
Eide Grant Fund Account	\$ 5,852.72
Fire Company Account	\$ 3,319.61
General Fund Account	\$ 82,717.68
Land Use Applicant's Account	\$ 34,265.26
Litigation Account	\$ 7,492.43
Municipal Street Aid Account	\$ 41,473.29

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Salle Grant Fund Account	\$ 3,156.51
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Treasurer's Report *"continued"*:

c. Requisitions

<u>Requisition #</u>	<u>Department</u>	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>	<u>To Be Paid By</u>
R6-00025	Police	Kustom Signals, Inc.	Speed Trailer	\$3,365.00	Kent County Grant
R6-00026	Police	CDW Government	Vehicle Printer	\$ 299.54	EIDE Grant

The requisitions shown above were presented by Secretary/Treasurer Callender to the Council for approval.

d. Proposed Purchases

Item: Husqvarna 50.2cc 2-Cycle Professional Gas Backpack Leaf Blower **Contractor:** Lowe's
Proposed Cost: \$299.00

Secretary/Treasurer Callender requested the Council to consider and hopefully approve the purchase of a leaf blower as requested by Public Works Director Doug Burns. Mrs. Callender stated that the purchase will assist the new Maintenance Technician Michael Van Orden to continue the outstanding job he's doing in maintaining the street and sidewalks in Town. Mrs. Callender did not provide the name of the proposed contractor and that question was asked by Councilperson Lambertson. Mrs. Callender responded that Mr. Burns intended to make the purchase from Lowe's as they have the lowest price, due to the end of summer sales.

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 after the presentation of each item. The votes on the motions were as follows:

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

The motion carried with a unanimous vote.

a. Month of August, 2015

TAX REPORT: FISCAL YEAR 2015 – 2016

Total Amount Billed: \$132,579.60

Payments as of:

Current Year: Past Due Paid:

07/31/2015	\$29,173.43	\$5,595.97
08/31/2015	\$76,996.58	\$ 403.87
09/30/2015		
10/31/2015		
11/30/2015		
12/31/2015		
01/31/2016		
02/28/2016		
03/31/2016		
04/30/2016		

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05/31/2016		
06/30/2016		

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Tax Collector's Report:

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**
 - Chief Workman will be attending the IACP Conference Oct. 23rd through Oct. 28th.
- **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.
- **GRANTS**
 - **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.
 - **SALLE** – The allocation to the Department for the State Aid to Local Law Enforcement, (SALLE), grant will be \$3,548.32.
 - **EDIE** – The allocation to the Department for the Emergency Illegal Drug Enforcement grant will be in the amount of \$3,280.79.
- **TRAFFIC SURVEYS**
 - Traffic surveys were conducted between August 17, and September 9, 2015 at the following Town locations, through the use of the Speed Trailer. A synopsis of the collected data is also provided:

SPEED TRAILER LOCATION	Traffic Survey Direction	Survey Dates	# Vehicles Past Trailer	% 25+ MPH	# Veh	% 35+ MPH	# Veh	% 45+ MPH	# Veh
Commerce St. & School Lane	North Bound	8/17 – 8/24	8,957	33.6	3,010	3.02	271	.29	45
Commerce St./New Street	North Bound	8/24 – 8/31	14,759	4.22	624	.28	42	.05	8
Main St. (opp. Fire Company)	East Bound	8/31 – 9/9	27,746	29.96	8,313	.38	106	.03	11

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- Copies of the Traffic Survey Summaries were presented to the Mayor and Town Council and are attached to these minutes. Anyone desiring a more detailed report may obtain it by contacting Chief Workman at 302-734-2202.

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Police Department Report – “continued”

- **TRAFFIC SUMMONS**
 - Officers issued 301 traffic summons in the month of August, 2015.
- **MONTHLY ACTIVITY REPORT**
 - Officers responded to or completed reports for 109 incidents during the month of August 2015.
- **MONTHLY INCIDENT REPORT – August, 2015**

911 Disconnects = 0	Fugitives = 4	Repossessions = 0
Accidents-H/R = 0	Harassment = 0	Resisting Arrest = 0
Accidents-PD = 3	Lock Jock = 0	Robberies = 0
Accidents PL = 0	Lost Property = 0	Sex Crimes = 0
AED/CPR = 0	Loud Party = 0	Shoplifting = 0
Alarms = 10	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 = 1	Misc. Investigation = 0	Suspicious Vehicle/s = 0
Assist Other Agencies = 12	Missing Person = 0	Terroristic Threat/s = 0
BOLO = 0	Noise Complaint = 0	Thefts = 1
Burglary = 1	Offensive Touching = 0	Traffic Hazards = 3
Civil Dispute = 1	Open Door/Window = 0	Traffic Hazard/Service = 1
Court Violation = 1	Overdose = 0	Traffic Violations = 37
Criminal Impersonation = 0	Parking Violation = 0	Trespass = 0
Criminal Mischief = 1	Pedestrian Stop = 0	Unassigned = 3
Curfew = 0	PFA Service = 0	Unfounded = 0
Disorderly = 2	PFA Violation = 0	Vehicle/s – Abandoned = 0
Domestics = 5	Property Checks = 14	Vehicle/s – Disabled = 0
Drugs = 1	Psychiatric Incident = 0	Vehicle/s – Recovered = 0
DUI = 0	Public Assistance = 4	Vehicle/Unauthzd Use = 0
Fight = 0	Pursuit = 0	Warrant Service = 0
Found Property = 1	Rape = 0	Welfare Check = 2
Fraud = 3	Relay = 0	

Public Works Report – Building Inspector/Code Enforcement Officer Doug Burns

- **Status Report** – In the absence of Mr. Burns, Mrs. Callender presented the following report:
 - The August 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>
August, 2015	3	7	5	8	4

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b. Commerce Street Meeting

Officer Burns met with some of the landlords of Commerce Street dwellings to discuss a solution to all the trash on New and Commerce Streets.

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Public Works Report *"continued"*

c. Town Hall

Maintenance Technician Mike Van Orden power washed the Town Hall; repaired the steps on the Police Department side of the building and replaced some siding.

Mrs. Callender expressed her appreciation for the outstanding and noticeable improvements being made around Town as a result of the hiring of Mr. Van Orden. Chief Workman reminded Mrs. Callender that Officer Simms participated in the power washing of the Town Hall. Mrs. Callender acknowledged that Officer Simms not only participated, but volunteered to assist and expressed her thanks.

Planning Commission Report – *Land Use Administrator Theon Callender*

• **Status Report** –

- **Town Hall Parking Lot** – Mrs. Callender reported that the Town is in receipt of a letter from DelDOT indicating that they have received the entrance plans for the parking lot, on August 24, 2015, for review and has assigned it to Mr. Waylon Sprowl at Waylon.sprowl@state.de.us, who has the responsibility for determining if submission quality is acceptable for Preliminary Entrance Plan Review.

DelDOT File Number for the project is 4-03-04602-7800-00001-09/08/2015.

She also explained that she does not believe the parking lot will be started this calendar year.

Old Business

• **Presentation of Proposed Resolutions for Special Election** – *Attorney Max Walton*

Mayor Tinari ceded the meeting to Town Attorney Max Walton to conduct the legal requirements of moving forward with the Resolutions associated with the Special Elections of the following proposed annexations.

Mr. Walton began by apologizing for being late and explained that he was late because he needed to provide copies of a letter and associated exhibits from one of the applicants to the Mayor and Council. *(Copy of letter attached) (Associated exhibits are on file in Town Hall – too numerous to attach to minutes)*

He then asked the voting members of the Council if they desired to proceed with the annexation. Their responses were as follows:

Vice Mayor Bob Sine – YES
Secretary/Treasurer Theon Callender – YES
Councilperson Sherry Lambertson – YES

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Mr. Walton then read the text of the letter, in order that the public and the Council could hear it and that it become a part of the record. The letter was addressed to Mayor Tinari and signed by Mr. Harry Miller. He also summarized the exhibits as follows:

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Old Business *"continued"*

- **Presentation of Proposed Resolutions for Special Election** – *Attorney Max Walton*
- **Exhibit "A"** – dated March 25, 2015 Annexation Application and letter sent to Town of Cheswold requesting consideration of annexations for Evans Jarrell, LLC and Eddie Evans Farms, LLC and Regal Contractors, LLC, (also known as Nobles Pond), properties. Also includes various documents from Kent County Levy Court, JMT Engineering providing review services for DelDOT, Verizon, Kent County Public Works, Delmarva and Tidewater.
- **Exhibit "B"** – recorded in Kent County as Document 188326 on April 26, 2011 Master Declaration of Easements, Covenants and Restrictions for The Villages of Nobles Pond, (**Service Cooperation**). He specifically confirmed that the document stated, on Page 2, the intent of the Declarant, is to develop the Property as an age-restricted active adult single family community known as "The Villages of Nobles Pond, (the "Community")", in accordance with the Plan and Design Guidelines (as herein defined);
- **Exhibit "C"** - recorded in Kent County as Document 188325 on April 26, 2011 Master Declaration of Easements, Covenants and Restrictions for The Villages of Nobles Pond, (**Association**). He specifically confirmed that the document stated, on Page 2, the intent of the Declarant, is to develop the Property as an age-restricted active adult single family community known as "The Villages of Nobles Pond, (the "Community")", in accordance with the Plan and Design Guidelines (as herein defined);
- **Exhibit "D"** – Copy of Annexation Agreement (*Attached*)
- **Vote on Special Election** – *Mayor and Town Council*

Attorney Walton returned the meeting to the control of the Mayor, who then read the pending resolutions:

- a. **Resolution 08-25-15-075 - Vote on Ordering and Setting Date for Special Election with Respect to the Annexation of Evans Jarrell, LLC Property in Accordance with Charter of the Town of Cheswold**

Councilperson Lambertson then made a motion to approve Resolution 08-25-15-075, because the proposed annexation is consistent with the anticipated growth of the Town as recognized by the Comprehensive Plan and because an increase in additional residents will provide additional resources for the community and possibly provide additional civic leaders.

She added that the assignment of an R-3 zoning is appropriate because the Evans Jarrell, LLC property is currently undeveloped and will be subject to additional Planning Commission review and sub-division review and approval by the Town Council, if and when the property is developed.

Mrs. Callender made a second to the motion for the reasons stated by Councilperson Lambertson. The votes on the motion were as follows:

Vice-Mayor Bob Sine – **YES**, for the reasons previously stated.

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Secretary/Treasurer Theon Callender - **YES**, for the reasons previously stated.
Councilperson Sherry Lambertson - **YES**, for the reasons previously stated.

The motion carried with a unanimous vote.

Monthly Town Council Meeting **Wednesday, September 9, 2015**

Old Business *"continued"*

- **Vote on Special Election** – *Mayor and Town Council*

- b. Resolution 08-25-15-076 - Vote on Ordering and Setting Date for Special Election with Respect to the Annexation of Eddie Evans Farms, LLC and Regal Contractors, LLC Properties in Accordance with Charter of the Town of Cheswold**

Councilperson Lambertson followed with a motion to approve Resolution 08-25-15-076, because the proposed annexation is consistent with the anticipated growth of the Town as recognized by the Comprehensive Plan and because an increase in additional residents will provide additional resources for the community and possibly provide additional civic leaders.

She added that the assignment of an R-5 zoning for the Nobles Pond development is appropriate because the associated property is subject to a final and recorded sub-division plan, as well as to deed restrictions, which recognize and require the development to be maintained as an age-defined community.

Mrs. Callender made a second to the motion for the reasons stated by Councilperson Lambertson. The votes on the motion were as follows:

Vice-Mayor Bob Sine – **YES**, for the reasons previously stated.
Secretary/Treasurer Theon Callender - **YES**, for the reasons previously stated.
Councilperson Sherry Lambertson - **YES**, for the reasons previously stated.

The motion carried with a unanimous vote.

In order to meet the date requirements for the Special Election as specified by the Town Charter of the Town of Cheswold, the Special Election date, place and time were agreed to as follows:

**SPECIAL ELECTION
PROPOSED ANNEXATION of
EVANS JARRELL, LLC and Property Known as NOBLES POND
OCTOBER 15, 2015
1:00 – 3:30 pm
CHESWOLD TOWN HALL
691 MAIN STREET
CHESWOLD, DELAWARE 19936**

- c. Continued Review of Ordinance 05-04-15-009 Residential Rental Property Registration and Permitting** – property owner guidelines and regulations associated with the rental of residential property within the corporate limits of the Town of Cheswold.

- d. Review and Potential Approval of Town of Cheswold Drug and Alcohol Policy**

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Note: As a response is yet pending from Town Attorney Fred Townsend concerning the legalities of Ordinance 05-04-15-009 and Council has not completely reviewed the revised Drug and Alcohol Policy, a motion was made by Vice Mayor Bob Sine to table discussion until such time as a response from the attorney has been received and the Council is prepared to review the revised policy.

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Old Business *"continued"*

A second to the motion was made by Mrs. Callender 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.

New Business

- **Town Council Workshop Meeting**

TUESDAY, SEPTEMBER 22, 2015
Cheswold Fire Hall - 371 Main Street - Cheswold, Delaware 19936
6:00 pm

Include Residential Rental Property Registration and Drug and Alcohol Policy, plus any new issues that may arise.

Community Comments/Concerns – Nothing to Report

Council Member Comments

- *Vice Mayor Sine* – Nothing to Report
- *Secretary/Treasurer Theon Callender* – Expressed appreciation to Mr. Harry Miller and Dr. Jarrell for the opportunity for the Town to expand its borders and to potentially assist in the improvement of living conditions for the current residents of the Town of Cheswold. Also expressed empathy for the negative emotions felt and expressed by the residents of Nobles Pond for the unanticipated changes in their lives. Stated that she hoped they would work with the Town whether they ever decide to personally annex into Town or not because the Town could certainly use the fire that she heard, saw and felt from them.
- *Councilperson Sherry Lambertson* – Appreciated input of Nobles Pond residents

Mayor's Comments

Looking forward to residents of Nobles Pond participating with the Town. Their recent participation focuses on the need for the Council to work more diligently and he hopes to benefit from the skills and experiences of the Nobles Pond residents.

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:

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Councilperson Theon Callender – Yes

Councilperson Sherry Lambertson – Yes

Vice Mayor Sine – Yes

The motion carried with a unanimous vote.

The meeting adjourned at 7:30 p.m.

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