

Town of Cheswold
1856



State of Delaware
1787

Town of Cheswold
Minutes of the Monthly Town Council Meeting
Monday – February 1, 2016
6:30 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 Judith Johnson

Police Department: Chief Christopher Workman - Excused

Planning Commission: 0

Town Employees: 0

of Town Residents: 1

Mr. Laurence Kirby – Parkers Run

of Visitors: 0

Notice:

Notice of this meeting has been made in accordance with the Delaware Open Meeting Act, by properly posting it on December 22, 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, at the Nobles Pond Community Clubhouse 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 January 28, 2016.

The late posting of the agenda was due to the blizzard and the absence of the Secretary/Treasurer. Additionally, the agenda was revised to correct the meeting date from January 4, 2016 to February 1, 2016.

Copies of the agenda were available for pick-up at the Town Hall.

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Meeting:

The meeting was called to order by Mayor Tinari, at 6:20 pm. The meeting started prior to 6:30 as a result of the hiatus taken during the Public Hearing meeting, held just prior to the Town Council meeting. He opened the meeting by leading 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 noticed, revised and 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.

Vice Mayor Sine made a motion to approve the agenda as presented and Councilperson Johnson made a second to the motion.

A roll call vote on the motion resulted in a unanimous vote to approve.

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:

January 4, 2016 – Monthly Town Council Meeting

January 19, 2016 – Monthly Town Council Workshop - CANCELLED

A motion to accept the Monthly Town Council minutes, as presented was made by Councilperson Johnson and Vice Mayor Sine made a second to approve the motion.

A roll call vote on the motion resulted in a unanimous vote to approve.

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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 January, 2016** are as follows:

Monthly Cash Flow Comparisons

TOWN of CHESWOLD	January, 2016
Cash Receipts	\$ 23,296.74
Cash Disbursements	\$ 25,758.22
Negative Monthly Cash Flow	(\$ 2,461.48)

ADMINISTRATION	January, 2016
Cash Receipts	\$ 7,147.92
Cash Disbursements	\$ 15,714.39
Negative Monthly Cash Flow	(\$ 8,566.47)

POLICE DEPARTMENT	January, 2016
Cash Receipts	\$ 4,910.00
Cash Disbursements	\$ 9,109.02
Negative Monthly Cash Flow	(\$ 4,199.02)

PUBLIC WORKS	January, 2016
Cash Receipts	\$ 11,238.82
Cash Disbursements	\$ 934.81
Positive Monthly Cash Flow	\$ 10,304.01

- b. The Treasurer's Report, **(Account Balances)**, for the **Month of January, 2016** is as follows:

As of:	January, 2016
Capital Account	\$ 7,609.36
Cheswold Pride Day Account	\$ 5,016.40
Eide Grant Fund Account	\$ 7,445.38
Fire Company Account	\$ 3,645.68
General Fund Account	\$ 54,407.12
Land Use Applicant's Account	\$ 26,571.79
Litigation Account	\$ 8,624.92
Municipal Street Aid Account	\$ 37,408.48
Salle Grant Fund Account	\$ 2,592.56

A motion to approve the Treasurers Report was made by Vice Mayor Sine. Councilperson Johnson made a second to the motion.

A roll call vote on the motion resulted in a unanimous vote to approve.

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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>
R6-00078	Police Dept.	Red the Tailor	Uniform Pants – Simms	\$204.69	General Fund

A motion to approve the above Requisition was made by Secretary/Treasurer Callender and Councilperson Johnson made a second to the motion.

A roll call vote on the approval of the motion resulted in a unanimous vote to approve.

d. Proposed Purchases – *NOTHING TO REPORT*

Tax Collector's Report

a. Month of January, 2016

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	\$22,408.34	\$ 280.82
10/31/2015	\$ 2,568.39	\$ 30.96
11/30/2015	\$ 1,432.86	\$ 446.88
12/31/2015	\$ 0.00	\$1,386.28
01/31/2016	\$ 0.00	\$1,408.00
02/29/2016		
03/31/2016		
04/30/2016		
05/31/2016		
06/30/2016		

The Tax Report was accepted by the Mayor and Council as presented.

Police Department Report – *Chief Christopher Workman*

Chief Workman delivered the following report to the Mayor and Council prior to the meeting, for review:

- TRAINING**

Chief Workman/PFC Simms will be attending the new Homeland Security Clas at Delaware State Police Academy on February 25th.

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Police Department Report – *“continued”*

- **CHIEF’S CONFERENCE**

This year’s Chief Conference will be held in Dewey Beach from May 16th through May 19th. This conference is funded through State SALLE funds for each department.

- **CORPORAL TESTING**

Posting for promotion to the rank of Corporal will be posted. There is one office currently available for testing and possible promotion. Posting will remain on department bulletin board for a period of fourteen, (14), days, after which the eligible candidate will be given notice of sturdy materials and a period of not less than 30 days to test for the position.

- **MISCELLANEOUS**

The Department is currently engaged in solving some of its internal computer problems by adding a server which will also provide additional storage for the retention of digital evidence. This upgrade is required prior to upgrading video services in police vehicles and the anticipated move to body cameras.

- **TRAFFIC SUMMONS**

Officers issued 188 traffic summons in the month of January, 2016.

- **MONTHLY ACTIVITY REPORT**

- Officers responded to or completed reports for 115 incidents during the month of January, 2016.
- Seventeen, (17), were answered by outside agencies, (3 - BOLO; 4 - 911 HU, (Hang Ups); 1 Public Assist;; 2 - Traffic Stops; 3 - Welfare Checks; 2 - Warrant Services; 1 - Court Violation; 1 - Domestic).
- Some of these were covered by the Delaware State Police, assisting a Cheswold Officer who was not available due to handling other arrests.

IF YOU DON’T CALL – WHO WILL? – CALL 911

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• **MONTHLY INCIDENT REPORT - January, 2016**

911 Disconnects = 0	Fraud = 0	Relay = 0
Accidents-H/R = 0	Fugitives = 12	Repossessions = 0
Accidents-PD = 0	Harassment = 0	Resisting Arrest = 0
Accidents PI=0	Lock Jock = 0	Robberies = 0
AED/CPR = 0	Lost Property = 0	Sex Crimes = 0
Alarms = 0	Lost/Stolen Tag = 0	Shoplifting = 1
Alcohol Violations = 0	Loud Party = 0	Shots Fired = 0
Animal Complaints = 2	Medical Transport = 0	Solicitation = 0
Assaults = 2	Megan's Law = 0	Stolen Vehicle = 0
Assist Other Agencies = 20	Mental Patient = 0	Suspicious Noise = 0
BOLO = 2	Misc. Investigation = 0	Suspicious Person/s = 1
Burglary = 0	Missing Person = 0	Suspicious Vehicle/s = 1
Burning = 0	Noise Complaint = 0	Terroristic Threat/s = 0
Check on Welfare = 0	Offensive Touching = 0	Thefts = 2
Civil Dispute = 1	Open Burning = 0	Traffic Hazards = 0
Court Violation = 1	Open Door/Window = 0	Traffic Hazard/Service = 0
Criminal Impersonation = 0	Ordinance Violation = 0	Traffic Violations = 35
Criminal Mischief = 1	Overdose = 1	Trespass = 0
Curfew = 0	Parking Violation = 0	Unassigned = 5
Custody Dispute = 0	Pay Job/Special Duty = 1	Unfounded = 0
Death Investigation = 1	Pedestrian Stop = 0	Vehicle/s - Abandoned = 0
Disorderly = 2	PFA Service = 0	Vehicle/s - Disabled = 0
Domestics = 7	PFA Violation = 0	Vehicle/s - Recovered = 0
Drugs = 4	Property Checks = 1	Vehicle/Unauthzd Use = 0
DUI = 0	Psychiatric Incident = 1	Warrant Service 2
Fight = 1	Public Assistance = 3	Weapon - Gun = 0
Found Property = 1	Pursuit = 0	Welfare Check = 5
	Rape = 0	

Public Works Report – *Secretary/Treasurer Sam Callender*

- a. **Status Report** – The following report was not presented at the meeting due to the resignation of the Code Enforcement Officer/Building Inspector

	<u>PERMITS ISSUED</u>	<u>NEW VIOLATIONS</u>	<u>CLOSED VIOLATIONS</u>	<u>BUSINESS LICENSES ISSUED</u>	<u>BUILDING INSPECTIONS</u>
January, 2016	3	1	2	7	12

b. **Status of Code Enforcement Officer and Building Inspector Positions**

Mrs. Callender informed the Mayor and Council that due to the unexpected resignation of Doug Burns from the Code Enforcement Officer/Building Inspector Position, that she suggests that the position be separated into two distinct positions and that the Code Enforcement Officer position be offered to our current Maintenance Technician Michael Van Orden, who has agreed to accept the position. In addition, she suggests that his hourly salary be increased from \$11.81 per hour to \$15.00 per hour.

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Public Works Report *"continued" – Secretary/Treasurer Sam Callender*

b. Status of Code Enforcement Officer and Building Inspector Positions – "continued"

Mr. Van Orden has also expressed his desire and intention to obtain ICC certification for residential building inspections to add to his manufactured home inspection certification.

Mrs. Callender additionally informed the Mayor and Council that an advertisement to hire an ICC qualified Building Inspector was placed on the Town website and in the Dover Post. At this time, she has received one application for the position, but offered the suggestion that the Council may want to consider contracting the position out to the Town Engineering firm of Remington, Vernick & Beach, who have agreed to perform the applicable duties for \$108.00 per hour. The Council agreed with her suggestion.

The Engineering contact is Mr. David Naples, 410-920-5009. Mr. Naples will provide inspections on Tuesdays and Fridays and both current builders have been informed that 24–48 hour notice must be given for inspections. To schedule an inspection, the contractor must contact the Town Hall, and we will contact Mr. Naples. We will, in turn, confirm the inspection date and time with the contractor.

Vive Mayor Bob Sine made a motion to promote Michael Van Orden to the position of Code Enforcement Officer at a pay rate of \$15.00 per hour. Councilperson Judith Johnson agreed by making a second to the motion.

A roll call vote resulted in the unanimous approval of the motion.

Planning Commission Report – *Land Use Administrator Theon Callender*

• **Status Report**

- Mrs. Callender reported that the Commission is continuing to work on the revisions to the Sign Article of the Land Use Ordinance.
- She additionally conveyed to the Mayor and Council the need to obtain additional members for the Commission. The Mayor suggested that she prepare a solicitation notice specifically designed for the residents of Nobles Pond, as they are the newest addition to the Town, and may not be aware of the need for members.

Old Business

- **Continued Review of Ordinance 05-04-15-009 Residential Rental Property Registration and Permitting** – The assignment and application of fees continues to be pending. The Council directed Ms. Callender to assign the fines to the Ordinance and for their review at the next Council meeting.
- **Vote on Ordinances from Public Hearings** – After not receiving negative or conflicting comments at the Public Hearing held prior to the Town Council meeting, the Mayor and Council voted to approve the following Ordinances:

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Old Business – “continued”

- **Vote on Ordinances from Public Hearings– “continued”**
 - **Resolution 01-04-16-079: Revision of Clean Hands Ordinance: 04-22-15-046**
Revises Ordinance to authorize Building Inspector/Code Enforcement Officer or Town Clerk to issue Stop Work Orders or to suspend permit/licenses in situations where permits/licenses were issued in violation of the Clean Hands Ordinance.
 - **Resolution 01-04-16-080: “No Guns Ordinance: 11-09-15-048**
An Ordinance to ban the carrying or possession of firearms, components of firearms or other elements associated with firearms into municipal buildings of the Town of Cheswold.

The motion to approve both Ordinances was made by Councilperson Judith Johnson and Vice Mayor Bob Sine made a second to the motion. Both Ordinances were approved by a unanimous roll call vote.

- **Status of Pending Projects**
 - **“Welcome to Cheswold” Packet** – Remains in progress.
 - **Town Wide Flea Market** – Mrs. Callender reported that she met with Ms. Lisa Hurd of the Lenni Lenape tribe to discuss plans for the Flea Market and that Ms. Hurd had lots of ideas and suggestions including having a parade.

The first issue that must be resolved is the location. And Mrs. Callender met with the Fire Company’s Women’s Auxiliary President, Mrs. Dotty Dempsey to inquire about the use of the field and parking lot opposite the Fire Company. Mrs. Dempsey agreed to approach the board of the Fire Company to request permission to use the field. She also suggested that the date be in either late July or sometime in September. Those dates would be amenable to the Women’s Auxiliary being the food caterer for the event.

The Town and the Tribe would attempt to acquire funds through the sale of spots on the field for \$10 - \$10 dollars, which we would split between us.

- **Status of Court Appeal – Central Delaware Business Park**

At a conference held with Judge Clark on January 22, our attorney Max Walton, and Mark Dunkle, attorney for the Central Delaware Business Park, an agreement was reached that discovery issues requested by Mr. Dunkle will not be resolved at this time. Instead, October 1st or 2nd, will be set as evidence day, and all other required activities will be scheduled backwards from those dates.

- **Status of Town Council Election**
 - There are five, (5), available seats on Council. Three, (3), are for a two year term and two, (1), are for a one year term.
 - Date for signing up to run for Council is Friday, February 12, 2016 – 4:30 p.m.
 - If there are insufficient candidates to hold an election, then those persons who have registered to run for Council, will be selected to fill the open positions.
 - If an election is held, it will be on Tuesday, March 29, 2016 at the Cheswold Fire Hall, from 12:00 p.m. to 7:00 p.m.

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New Business

- **Vote on Resolution 01-15-16-081**

Kent County requested an updated version of the All Hazard Mitigation Plan for the Town of Cheswold. As such, Mrs. Callender presented the above stated resolution to the Mayor and Council for review and approval.

After the review, Vice-Mayor Sine made a motion to approve the Resolution and with a second from Councilperson Johnson, a roll call vote passed the motion unanimously.

- **Administrator's Report – Town Administrator Sam Callender**

- **Amendment to Title 30 of Delaware Code** – “Interception of State taxes for payment of school and property taxes”
- **Amendment of Title 11 of Delaware Code** – “Adds violations of county or municipal codes to the list of offenses that are eligible for probation before judgement” Note; Probation before judgment would only be allowable where the person has not violated another county or municipal code provision in five years prior to the offense for which probation before judgment is sought.
- **Senate Bill 39** – “Increases minimum wage by 50 cents a year, effective June 1, for the years 2017, 2018, 2019 and 2020. Also eliminates the COLA adjustment provision in Senate Bill 39. Note: Our Senator Lawson voted against twice.

- **Monthly Town Council Workshop Meeting – Cancelled due to Council Agreement**

Community Comments/Concerns – Nothing to Report

Council Member Comments

- **Vice Mayor Sine – Nothing to Report**

- **Secretary/Treasury Theon Callender**

- **Certified Municipal Clerk Recognition** - Mrs. Callender displayed the Certified Municipal Clerk plaque acquired by Town Clerk Shadina Jones to the Mayor and Council and informed them that she is now working on her Masters Certification. In appreciation and recognition of her achievement, the Council requested the Mrs. Callender to prepare a resolution, and to purchase a \$200.00 gift card, along with flowers. The date of the presentation has to be determined.

Councilperson Judith Johnson made the motion for the recognition items mentioned above and a second was provided by Vice Mayor Bob Sine. A roll call vote passed the motion by a unanimous vote.

- **Emergency Management** - Mrs. Callender also reminded the Mayor and Council of the importance of appointing someone to manage and coordinate Emergency Management for the Town. She also provided them with information being provided to municipal coordinators, which will be paid in full by Homeland Security.

- **Councilperson Judith Johnson – Nothing to Report**

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Mayor's Comments – *Nothing to Report*

Motion to Adjourn

Secretary/Treasurer Callender made a motion to adjourn the meeting and with a second from Vice Mayor Sine. A roll call vote the motion resulted in a unanimous vote to approve.

And the meeting adjourned at 7:21 p.m.

NOTE: A quorum of Council members were in attendance and Present throughout as recorded as in attendance on Page 1.

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