

*Town of Cheswold*  
1856



*State of Delaware*  
1787

**Town of Cheswold**  
**Minutes of the Monthly Town Council Meeting**  
**Monday – March 7, 2016**  
**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 Judith Johnson

Police Department: Chief Christopher Workman - Excused

Planning Commission: 0

Town Employees: 0

# of Town Residents: 1

Mr. Larence 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 February 29, 2016.

The agenda was revised and re-posted on March 4, 2016, in the same places as the original, to add the installation of Councilpersons for the 2016-2018 election period and to add a requisition for approval. The installation date was changed to accommodate a scheduling conflict for one of the new Council persons.

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 6:13 pm. 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.

**Re-Arrangement of Agenda Order**

It was agreed by Council that it would be most prudent to move the Installation of Councilpersons, and associated Organizational Changes from the end of the agenda to the beginning of the agenda.

**Councilperson Installation**

Mayor Tinari conducted the oath of office to the following persons in the specified order for the 2016-2018 election period:

- Mr. Larence Kirby – Parkers Run
- Mrs. Judith Johnson – Old Town
- Mrs. Sam Callender – Parkers Run

**Organizational Changes:**

- **Selection of Mayor** - The newly installed Council, at the direction of Mayor Tinari then engaged in the election process of a new Mayor. Councilperson Callender expressed her disappointment that Mayor Tinari was no longer interested and could not be persuaded to change his mind to remain as Mayor. She then made a motion to nominate Vice Mayor Robert W. Sine as Mayor for the 2016 – 2017 election period. Councilperson Johnson made a second to the motion and with a unanimous roll code vote and no questions, the motion passed.
- **Appointment by Mayor Sine - Mr. Tinari** agreed to accept an appointment to the **Town Council** by Mayor Sine. As a result, Mrs. Callender made a motion to that effect and with a second from Councilperson Kirby, the motion passed unanimously with a roll call vote.
- **Appointment by Mayor Sine** - Former Mayor Tinari was quite emphatic in his refusal to serve as Vice-Mayor also, and strongly recommended that Councilperson Kirby be given the position. Mayor Sine then requested Councilperson Kirby to accept the position of Vice-Mayor and he expressed his willingness to do so. Councilperson Tinari then made a motion to appoint **Councilperson Kirby** to the position of **Vice-Mayor** and Councilperson Callender made a second to the motion. There was a unanimous roll call vote to approve the motion.
- **Appointment by Mayor Sine** – Mayor Sine requested **Councilperson Callender** to continue in her current positions as **Secretary/Treasurer, Town Administrator** and **Land Use Administrator** and she accepted. A motion to approve that appointment was made by Councilperson Tinari and with a second from Vice-Mayor Kirby, the motion passed with a unanimous roll call vote.

The meeting then continued as scheduled on the agenda.

**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. Exception: Mr. Kirby is listed as a resident on Page 1, but at this time during the meeting, he was attending as Vice-Mayor.

**Agenda Review:**

Mayor Sine 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.

Councilperson Tinari requested that the minutes reflect the move of Item 14d – 2016 – 2018 Council Person Installation between Items 4 and 5 on page 1 of the agenda and is so noted here. Councilperson Johnson made a motion to revise and approve the agenda with the noted move of Item 14d and Vice-Mayor Kirby 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 roll call vote.

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

Mayor Sine 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:

- February 1, 2016 – Public Hearing
- February 1, 2016 - Monthly Town Council Meeting
- February 16, 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.

**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 February, 2016** are as follows:

<b>Monthly Cash Flow Comparisons</b>	
<b>TOWN of CHESWOLD</b>	<b>February, 2016</b>
<b>Cash Receipts</b>	<b>\$ 48,896.50</b>
<b>Cash Disbursements</b>	<b>\$ 28,039.94</b>
<b>Positive Monthly Cash Flow</b>	<b>\$ 20,856.56</b>

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

**Monthly Cash Flow Comparisons**

<b>ADMINISTRATION</b>	<b>February, 2016</b>
Cash Receipts	\$ 14,844.80
Cash Disbursements	\$ 12,968.64
Positive Monthly Cash Flow	\$ 1,876.16

<b>POLICE DEPARTMENT</b>	<b>February, 2016</b>
Cash Receipts	\$ 102.03
Cash Disbursements	\$ 13,382.92
Negative Monthly Cash Flow	(\$ 13,280.79)

<b>PUBLIC WORKS</b>	<b>February, 2016</b>
Cash Receipts	\$ 33,949.57
Cash Disbursements	\$ 1,688.30
Positive Monthly Cash Flow	\$ 32,261.19

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

<b>As of:</b>	<b>February, 2016</b>
Capital Account	\$ 7,609.97
Cheswold Pride Day Account	\$ 4,569.77
Eide Grant Fund Account	\$ 7,445.38
Fire Company Account	\$ 6,895.75
General Fund Account	\$ 61,747.15
Land Use Applicant's Account	\$ 26,195.92
Litigation Account	\$ 7,460.95
Municipal Street Aid Account	\$ 36,029.56
Salle Grant Fund Account	\$ 2,592.56

A motion to approve the Treasurers Report was made by Councilperson Johnson. Vice Mayor Kirby made a second to the motion and a roll call vote on the motion resulted in a unanimous vote to approve.

**c. Requisitions**

<b>Requisition #</b>	<b>Department</b>	<b>Vendor</b>	<b>Item</b>	<b>Amount</b>	<b>To Be Paid By</b>
R6-00089	Police Dept.	Mr. Tire Auto Center	1 Tire-Dodge Charger	\$594.56	Police Dept.

A motion to approve the above Requisition was made by Vice Mayor Kirby 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**

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**Tax Collector's Report**

**a. Month of February, 2016**

**TAX REPORT: FISCAL YEAR 2015 – 2016**

Total Amount Billed: \$132,579.60

Payments as of:

	<b>Current Year: Past Due Paid:</b>	
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	\$ 0.00	\$1,018.66
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:

• **CALLING 911**

Chief Workman reported that instead of calling 911, the Department has been receiving numerous calls and e-mails to the Town with reports of incidents that have occurred.

Although the Department appreciates and encourages residents to be in contact with them and to ask them questions – crime reports and/or reports of incidents in progress should be reported to 911.

Department Officers are dispatched through Kent County Emergency Communications and the 911 system, which allows Town officers to patrol the Town and to respond efficiently and effectively to requests for assistance. There is no Town personnel in the office available to answer calls for service on weekends and the Department will not respond to direct phone calls or e-mails until Monday morning, at the earliest.

The Department and the Town strive to provide the best of service and to respond in a timely manner, however, resident cooperation is required by contacting 911 for emergencies and requests for Police response.

• **CORPORAL TESTING**

PFC Louis Simms has requested to take the test for the position of Corporal, and upon passing the test is eligible for promotion to that position.

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**Police Department Report** – “continued”

• **CHESWOLD POLICE DEPARTMENT 3 on 3 BASKETBALL TOURNEY**

Information has been provided to Town business owners, requesting their assistance in Sponsoring a 3 on 3 Basketball Tourney for the youth of the Town of Cheswold. Cheswold Children in grades 5 through 12 will be invited to participate in this free tourney. At least two, (2), children on the team must be residents of the Town of Cheswold.

Information on eligibility and rules will be distributed to Town residents this week. The Department will be looking for residents to help with refreshments and officiating the games.

• **DRONE USE in CHESWOLD**

The Cheswold Police Department received an e-mail through the Town of Cheswold e-mail system, by a resident regarding a drone being used around their residence and near their windows in the Parkers Run Development.

Drones are the rage and being used by more and more people, but they are required by the FAA to be registered. Information on requirements for registration can be found at <http://www.faa.gov/uas/registration/>

• **TRAFFIC SUMMONS**

Officers issued 163 traffic summons in the month of February, 2016.

• **MONTHLY ACTIVITY REPORT**

- Officers responded to or completed reports for 72 incidents during the month of February, 2016.
- Seven, (7), were handled by outside agencies, (3 – DNREC – Permit Issue); 2 Alarms; 1 Accid PD; 1 Drug and 1 Offensive Touching that were all handled by the DSP directly or through assistance to the Cheswold Officer who was available due to handling other arrests.

**IF YOU DON'T CALL - WHO WILL? - CALL 911**

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**Police Department Report** – “continued”

• **MONTHLY INCIDENT REPORT – February, 2016**

911 Disconnects = 2	Fraud = 0	Relay = 0
Accidents-H/R = 0	Fugitives = 5	Repossessions = 0
Accidents-PD = 2	Harassment = 0	Resisting Arrest = 1
Accidents PI=0	Lock Jock = 0	Robberies = 0
AED/CPR = 1	Lost Property = 0	Sex Crimes = 0
Alarms = 4	Lost/Stolen Tag = 0	Shoplifting = 0
Alcohol Violations = 1	Loud Party = 0	Shots Fired = 0
Animal Complaints = 1	Medical Transport = 0	Solicitation = 0
Assaults = 2	Megan’s Law = 1	Stolen Vehicle = 1
Assigned in Error = 1	Mental Patient = 0	Suspicious Noise = 0
Assist Other Agencies = 12	Misc. Investigation = 2	Suspicious Person/s = 1
BOLO = 1	Missing Person = 0	Suspicious Vehicle/s = 0
Burglary = 0	Noise Complaint = 0	Terroristic Threat/s = 0
Burning = 0	Offensive Touching = 1	Thefts = 0
Check on Welfare = 0	Open Burning = 0	Traffic Hazards = 0
Civil Dispute = 0	Open Door/Window = 0	Traffic Hazard/Service = 0
Court Violation = 0	Ordinance Violation = 0	Traffic Violations = 22
Criminal Impersonation = 0	Overdose = 0	Trespass = 0
Criminal Mischief = 1	Parking Violation = 0	Unassigned = 3
Curfew = 0	Pay Job/Special Duty = 0	Unfounded = 0
Custody Dispute = 0	Pedestrian Stop = 0	Vehicle/s – Abandoned = 0
Death Investigation = 0	PFA Service = 0	Vehicle/s – Disabled = 0
Disorderly = 1	PFA Violation = 0	Vehicle/s – Recovered = 0
Domestics = 1	Property Checks = 0	Vehicle/Unauthzd Use = 0
Drugs = 2	Psychiatric Incident = 1	Warrant Service 1
DUI = 0	Public Assistance = 2	Weapon – Gun = 0
Fight = 0	Pursuit = 0	Welfare Check = 1
Found Property = 0	Rape = 0	

A motion to accept the Police Report as submitted and without question was made by Secretary/Treasurer Callender. With a second from Vice Mayor Kirby, the motion passed with a unanimous roll call vote.

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

- a. **Proposal to Re-Hire Robert Ridgeway as Building Maintenance Technician** – Secretary/Treasurer Callender explained to the Mayor and Council that there is insufficient administrative coverage on Mondays and Fridays and especially since she will no longer be available to be in the office on a consistent basis from Monday through Friday.

In addition, the promotion of Mike Van Orden from Building Maintenance Technician to Code Enforcement Officer has left the former position vacant and Mr. Van Orden will not have the sufficient time to provide building and property maintenance services as needed.

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**Public Works Report** *“continued” – Secretary/Treasurer Sam Callender*

**Proposal to Re-Hire Robert Ridgeway as Building Maintenance Technician –**

Therefore, she was requesting approval to re-hire Mr. Ridgeway for the Building Maintenance Technician position for Mondays and Fridays at \$11.81 per hour. And Mr. Ridgeway is familiar enough with office procedures to answer phones and provide minor administrative services.

Following the explanation given by Mrs. Callender, Councilperson Tinari made a motion to approve the proposal and Vice-Mayor Kirby made a second to the motion. A roll call vote passed the motion with a unanimous vote.

**b. Status of 41 New Street Demolition – Monthly Cheswold Town Council Meeting –** the following information was provided to Mrs. Callender by Code Enforcement Officer Michael Van Orden:

- ❖ Foreclosure status remain uncertain.
- ❖ The foreclosure department of the Midland Mortgage Bank is scheduled to contact Mr. Van Orden with a status of the timing of the status of the foreclosure
- ❖ The demolition process is complete, and will occur as soon as the foreclosure is complete.
- ❖ A letter via e-mail has been sent by the Town to Ms. Lemons at the bank, informing them of the dangerous condition of the property
- ❖ The letter included the following code violations:
  - ICC Property Management Code – Ordinance #08-05-11-025
  - Public Nuisance Ordinance – Ordinance #02-07-12-037
- ❖ Mr. Van Orden also waived current fines in order to expedite the demolition. Mrs. Callender made him aware that he does not have the authority to waive fines and must consult her first before doing so and she will determine if the fine costs require Council approval for a waiver.

**Planning Commission Report** – *Land Use Administrator Theon Callender*

- a. **Membership** – Secretary/Treasurer submitted a self-written introduction and request from Ms. Colleen Ostfy – Lifestyle Director of the Villages of Nobles Pond to join the Planning Commission as a member. In her introduction Ms. Ostfy stressed her sales, marketing, accounting and planning qualifications, as well her volunteer community abilities. She stated her location of residence as the Town of Clayton.

Mayor Sine informed the Council that a motion from a previous Council restricted membership on the Planning Commission to residents of the Town of Cheswold.

The Council briefly discussed the issue of obtaining volunteers from the residents of the Town of Cheswold to participate in the Town government. As a result, prior to the consideration to accept Ms. Ostfy, as a Planning Commission member, Secretary/Treasurer Callender made a motion that Planning Commission members do not have to be residents of the Town of Cheswold. Councilperson Johnson made a second to the motion and it passed with a unanimous roll call vote of the Council.

Councilperson Johnson then made a motion to accept Ms. Ostfy as a Planning Commission member for a five, (5), year term. A roll call vote to approve the motion was passed after a second to the motion was made by Councilperson Tinari.

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**Planning Commission Report** *“continued”*

- b. Review of Revisions to Sign Article of Land Use Ordinance** – the Commission is continuing to review the revisions associated with the Sign Article.
  
- c. Status of Central Delaware Business Park Litigation** – Judge Jeffrey J. Clark has provided a Scheduling Order which outlines all events involved with the case as follows:
  - 1. Deadline for Filing of Motions to Add/Amend      May 1, 2016
  - 2. Discovery Completion      June 1, 2016
  - 3. Opening Dispositive Brief      July 1, 2016
  - 4. Answering Dispositive Brief      July 25, 2016
  - 5. Reply Dispositive Brief      August 16, 2016
  - 6. Pre-Trial Conference (8:30 am)      September 18, 2016
  - 7. Trial (Bench) (10::00 am)      October 3, 2016

**Old Business**

- a. 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.
  
- b. Status of Pending Projects**
  - **“Welcome to Cheswold” Packet** – Remains in progress and Mrs. Callender reminded members that they volunteered to complete their portions of the packet by March 31, 2016. However, since the Town Council meeting has been moved to Monday, April 11, 2016, the completion date has been revised to that date.
  
  - **Town Wide Flea Market** – Mrs. Callender reported that on March 6, 2016, she received oral permission from the Fire Company President, Mr. Jamie Roy to use the parking lot and adjacent field for the Flea Market. However, he was clear that the Fire Company bathroom facilities cannot be used by the public. This will make it necessary to employ port-a-potties for the event.
  
  - **Town Wide Parking Lot** – Mrs. Callender reported that the meeting with Town Engineer Thomas Wilkes and DelDOT went exceptionally well. There are some written document changes to the plans that reflect changes in DelDOT requirements and the Town will not be required to extend the grass sidewalk grass paving all the way to Poliseno’s, as requested.

**New Business**

- a. Hazard Mitigation Assistance Grant Programs**

Kent County is hosting a Grant Program associated with Hazard Mitigation Assistance. Mrs. Callender informed the Council that she attempted to determine if grants could be obtained for the installation of fire hydrants in Old Town under any of the programs, but discovered that it is not possible. However, it is possible to obtain a grant for the purchase of a generator for the Town. To that end, she and Chief Workman will be attending a meeting at the Emergency Management Office on April 11, to obtain as much information as possible about such a grant.

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**New Business** – *“continued”*

**b. Proposal to Discontinue Monthly Town Council Workshop Meetings**

Secretary/Treasurer Callender explained that due to the completion of annexations, there is very little to be addressed or reviewed by the Council twice a month, from her point of view. She suggested that the Council leave the Workshops as scheduled, but cancel them monthly at the Monthly Town Council meeting, unless it is deemed necessary to have them.

Such a motion was made by Mrs. Callender and a second was provided by Vice Mayor Kirby. The votes through a roll call were unanimous to pass the motion.

**Community Comments/Concerns** – *Nothing to Report*

**Council Member Comments**

- *Vice Mayor Larence Kirby – Nothing to Report*
- *Secretary/Treasury Theon Callender – Nothing to Report*
- *Councilperson Judith Johnson – Nothing to Report*
- *Councilperson Donald Tinari – Nothing to Report*

**Mayor Robert Sine’s Comments** – *Nothing to Report*

**Motion to Adjourn**

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

And the meeting adjourned at 7:45 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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