

Town of Cheswold
1856



State of Delaware
1787

Town of Cheswold
Minutes of the Monthly Town Council Meeting
Monday – October 3, 2016
6:00 p.m.
Cheswold Fire Hall
691 Main Street
Cheswold, Delaware 19936

The following persons were in attendance:

Mayor Bob Sine
Vice Mayor Larence Kirby
Secretary/Treasurer Theon Callender
Councilperson Donald Tinari
Councilperson Judy Johnson

Police Department: Chief Christopher Workman

Planning Commission: 2 Town Employees: 0 # Residents: 23 Visitors: 3

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 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 September 26, 2016. The agenda was revised and re-posted on September 29, 2016 to add Item 14f – 1st Reading of proposed Snow Ordinance #09-02-16-049 and to insert an Executive Session Meeting of the Mayor and Town Council, prior to the adjournment of the meeting. In addition, copies of the agenda were available for pick-up at the Town Hall.

Meeting:

The meeting was called to order by Mayor Sine, at 6:00 pm and was immediately followed by the Pledge of Allegiance and a Moment of Silence.

TOWN of CHESWOLD

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

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NOTE: As there were so many new attendees at the meeting, Mayor Sine took a minute to explain that the process for the meeting is for the Council to review and address the items on the agenda, followed by comments from the Community, the Council and the Mayor. He also explained that the Council and the Chief of Police would attempt to answer any questions of concern and provide explanations for requests for information and that an Executive Session would follow his remarks. He provided the purpose of an Executive Session and announced that the meeting would be adjourned immediately following the conclusion of the Session.

Properly Posted: Based on the dates of the posting of the meeting and the agendas, Mayor Sine acknowledged that the meeting had been properly posted.

Roll Call:

The Mayor requested Secretary Callender to conduct a roll call of Council members and attendance was confirmed as noted above. A quorum of members was presented to the Mayor and the meeting continued.

Agenda Review:

Mayor Sine requested the Council 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 revised was made by Vice Mayor Kirby and seconded by Councilperson Johnson. A roll call vote on the motion resulted in a unanimous vote to approve.

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:

September 6, 2016 - Monthly Town Council Meeting

September 20, 2016 – Monthly Town Council Workshop CANCELLED – No Minutes

A motion to accept the Monthly Town Council minutes, as presented was made by Councilperson Johnson and Vice Mayor Kirby 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 September, 2016** are as follows:

Monthly Cash Flow Comparisons	
TOWN of CHESWOLD	September, 2016
Cash Receipts	\$ 67,601.18
Cash Disbursements	\$ 37,968.85
Positive Monthly Cash Flow	\$ 29,632.23

ADMINISTRATION	September, 2016
Cash Receipts	\$ 33,861.01
Cash Disbursements	\$ 21,178.00
Positive Monthly Cash Flow	\$ 12,683.01

POLICE DEPARTMENT	September, 2016
Cash Receipts	\$ 6,913.77
Cash Disbursements	\$ 12,215.39
Negative Monthly Cash Flow	(\$ 6,301.62)

PUBLIC WORKS	September, 2016
Cash Receipts	\$ 26,826.40
Cash Disbursements	\$ 4,575.46
Positive Monthly Cash Flow	\$ 22,250.94

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

As of:	September, 2016
Capital Account	\$ 12,614.91
Cheswold Heritage Day Account	\$ 1,202.67
Eide Grant Fund Account	\$ 2,460.18
Fire Company Account	\$ 27,529.42
General Fund Account	\$ 276,673.39
Land Use Applicant's Account	\$ 26,611.10
Litigation Account	\$ 23,465.03
Municipal Street Aid Account	\$ 31,346.04
Salle Grant Fund Account	\$ 1,842.56

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

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Treasurer's Report "continued":

d. Requisitions -

<u>Req. #</u>	<u>Department</u>	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>	<u>To Be Paid By</u>
R7-00040	Police Dept.	IACP	Per Diem Expenses	\$ 352.00	SALLE Grant
R7-00041	Administration	Phillips Sign	New Town Sign	\$1,475.00	Heritage Day

A motion to approve the Requisitions was made by Vice Mayor Kirby and with a second on the motion from Secretary/Treasurer Callender, the motion passed with a unanimous roll call vote of those shown as in attendance.

e. Proposed Purchases -

<u>P.O. #</u>	<u>Department</u>	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>	<u>To Be Paid By</u>
			NOTHING TO REPORT		

Tax Collector's Report

a. Month of September, 2016

TAX REPORT: FISCAL YEAR 2016 - 2017

Total Amount Billed: \$151,176.00

Payments as of:

Current Year: Past Due Paid:

07/31/2016	\$ 27,202.78	\$ 285.89
08/31/2016	\$ 75,146.49	\$ 602.45
09/30/2016	\$ 10,577.59	\$ 462.72
10/31/2016		
11/30/2016		
12/31/2016		
01/31/2017		
02/29/2017		
03/31/2017		
04/30/2017		
05/31/2017		
06/30/2017		

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:

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Police Department Report – “continued”

- **DEA NATIONAL DRUG TAKE BACK** - The Cheswold Police Department will participate in the DEA’s Drug Take Back Day on Saturday, October 22, 2016, from 10 am until 2 pm, at the Cheswold Police Department. Bring in your unused prescription and non-prescription drugs for safe disposal on that day!!
- **WALK in THEIR SHOES: (*Support for Law Enforcement*)** – a walk will be held on Saturday, October 8, 2016 at 9:00 am. The event will begin at Fraziers, located at 9 East Lockerman St., Dover, DE 19901, where there will be a small ceremony and the procession will walk from that location to the Law Enforcement Memorial located in Dover on The Green.
- **2017 VIOLENT CRIMES GRANT** – The Cheswold Police Department is currently considering in-car video and body camera systems from Watchguard; TASER Axon and Kustom Signals, to replace the old in car systems and to add body cameras for officer safety. Purchase of a system has been approved through the Violent Crimes Grant, in the amount of \$10,020.00, and will be finalized upon departmental evaluation of the best system for this Department.
- **SLEAF** – The Cheswold Police Department was approved for the purchase of a computer server, in the amount of \$7,258.00, for the storage and back-up of all departmental critical information and evidentiary digital information. This is the initial process necessary for the protection of digital and data information in the Department, in order to come into the 21st century and to provide infrastructure necessary to move forward with updated and upgraded systems, such as street cameras, upgraded in car systems and body worn cameras.
- **HIRING PROCESS** – The application process for the hiring of one police officer has been posted on the Town of Cheswold website, under Police employment, along with links to the page being placed on the Department Twitter and Facebook pages, and ads in the News Journal, Dover Post and Delaware State News. Applications are open until October 28 at 4:30 pm.
- **COPS GRANT** – the awards have been made and unfortunately, Cheswold was not a recipient.
- **TRAINING** – Chief Workman will attend the IACP (International Association of Chiefs of Police), Annual Conference and Exposition in San Diego, CA, from October 15 – 18, 2016. During his absence Cpl. Louis Simms will handle the day to day responsibilities of the Chief.
- **TRAFFIC SUMMONS** –
Officers issued 261 traffic summonses during the month of September.

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Police Department Report – “continued”

• **MONTHLY ACTIVITY REPORT -**

Officers responded to or completed reports for 73 Incidents for the month of September, 2016.
 Seven, (7) incidents were handled by outside agencies after hours or not dispatched

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

911 Disconnects = 0	Fireworks = 0	Rape = 0
Accidents-H/R = 0	Fraud = 0	Relay = 0
Accidents-PD = 0	Fugitives = 5	Repossessions = 1
Accidents PI=0	Harassment = 0	Resisting Arrest = 0
AED/CPR = 0	Lock Jock = 0	Robberies = 0
Alarms = 2	Lost Property = 0	Sex Crimes = 0
Alcohol Violations = 0	Lost/Stolen Tag = 0	Shoplifting = 0
Animal Complaints = 0	Loud Party = 0	Shots Fired = 0
Assaults = 0	Medical Transport = 0	Solicitation = 0
Assigned in Error = 0	Megan’s Law = 3	Stolen Vehicle = 1
Assist Other Agencies = 15	Mental Patient = 0	Suspicious Noise = 0
BOLO = 2	Misc. Investigation = 0	Suspicious Person/s = 1
Burglary = 0	Missing Person = 1	Suspicious Vehicle/s = 0
Burning = 0	Noise Complaint = 0	Terroristic Threat/s = 0
Check on Welfare = 0	Offensive Touching = 0	Thefts = 2
Civil Dispute = 0	Open Burning = 0	Traffic Hazards = 0
Court Violation = 0	Open Door/Window = 0	Traffic Hazard/Service = 0
Criminal Impersonation = 0	Ordinance Violation = 0	Traffic Violations = 17
Criminal Mischief = 0	Overdose = 0	Trespass = 0
Curfew = 0	Parking Violation = 4	Unassigned = 4
Custody Dispute = 0	Pay Job/Special Duty = 1	Unfounded = 1
Death Investigation = 0	Pedestrian Stop = 0	Vehicle/s – Abandoned = 1
Disorderly = 2	PFA Service = 0	Vehicle/s – Disabled = 0
Domestics = 4	PFA Violation = 0	Vehicle/s – Recovered = 0
Drugs = 5	Property Checks = 1	Vehicle/Unauthzd Use = 0
Dumping = 0	Psychiatric Incident = 0	Warrant Service 0
DUI = 0	Public Assistance = 4	Weapon – Gun = 0
Fight = 0	Pursuit = 0	Welfare Check = 2

IF YOU DON’T CALL WHO WILL – CALL 9-1-1

The Police Department Report was accepted as presented.

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Public Works Report – *Secretary/Treasurer Sam Callender*

- **STATUS REPORT** – The following report was obtained from the Code Enforcement Officer after the Council meeting:

	<u>PERMITS ISSUED</u>	<u>NEW VIOLATIONS</u>	<u>CLOSED VIOLATIONS</u>	<u>BUSINESS LICENSES ISSUED</u>	<u>BUILDING INSPECTIONS</u>
September, 2016	12	7	4	5	23

Subsequent to the Council Meeting, the following information was received concerning Town properties:

- **CODE ENFORCEMENT PROPERTIES**
 - **30 New Street** – Electric disconnected. Pending response from Town Attorney on Sherrif's sale process and Council needs to make demolition decision. **PENDING**
 - **33 New Street** – Grass violation. Phone numbers for owner Doug Wissman have been disconnected. Certified letters to be sent this week. **IN PROGRESS**
 - **53 School Lane** – Grass cut on 9/6/2016. **COMPLETE**
 - **215 Commerce Street** – repairs are progressing slowly. Walk through to be scheduled with owner and Building Inspector and Code Enforcement Officer. **IN PROGRESS**
 - **Leyland Village:**
 - **30 Leyland Lane** – Owner has been cited by certified mail of yard debris and trash violations twice and by oral citation as well. Some clean-up has been completed by household items and building materials remain in yard. Owner notified that violation will be forwarded to Criminal Justice Court if not cleaned by next week. **IN PROGRESS**
 - **104 Leyland Lane** – Skirting violation repaired. **COMPLETE**
 - **Leyland Village Development Sign** – development sign has been re-painted. However, it has been painted as Autumn Woods instead of Leyland Village. Owner has been notified. Name change is pending sale of property. **PENDING.**
- **Town Hall**
 - **New Flagpole** – Placement **PENDING**

Planning Commission Report: – *Land Use Administrator Sam Callender*

- Revision of Signs, Article 13 of the Land Use Ordinance** – continues to be in progress.
- Application Review** – McGinnis Green Final Plan – Application # 2016-06-2-043, review scheduled for Thursday, October 13, 2016; 6:00 pm, Cheswold Fire Company – 2nd Floor Board Room .

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Old Business:

- a. **Continued Review of Ordinance 05-04-15-009 Residential Rental Property Registration and Permitting** – final revisions have been completed and forwarded to Mr. Max Walton, Town Attorney for review, direction and suggestions for change if required.
- b. **Status of Pending Projects:**
 1. **“Town Wide Flea Market** – *Councilperson Judith Johnson*
Flyers are under construction and Ms. Johnson and Ms. Hurd are seriously considering moving the Market to the spring. **PENDING**
 2. **Town Hall Parking Lot** – DelDOT has accepted our project into the Sub-division Plan Review Process for Semi-Final Entrance Plan Review and promised comments on or before November 8, 2016. **PENDING**
 3. **Town Charter Update** – *Vice Mayor Kirby*
Vice Mayor Kirby reported that he continues to collect information. **PENDING**
 4. **Monthly Town Council Workshop Meeting** – a motion to dismiss the holding of the Workshop was made by Vice Mayor Kirby and a second to the motion was made by Councilperson Tinari. A roll call vote resulted in the unanimous approval not to hold the meeting. **ON-GOING**

New Business:

- a. **Return on DFIT Insurance Premium** – Ms. Callender reported that the Town is in receipt of \$1,192.00 check, as a return on insurance premium. The return is the result of the Town's participation in the self-insurance consortium of some Delaware municipalities. Mrs. Callender explained that the money could be placed in the General Fund to cover everyday expenses; or in a special account for future insurance payments; or can be saved or used for any other Council deemed necessity. A motion was made by Vice Mayor Kirby to contribute the funds to the Cheswold Heritage Fund and a second was made by Councilperson Johnson. The roll call vote was as follows:

Vice Mayor Kirby: YES
Councilperson Johnson: YES

Councilperson Callender: NO
Councilperson Tinari: YES

The motion passed with a vote of 3 to 1. **COMPLETE**

- b. **Wal-Mart Gift Card Donation** – Ms. Callender informed the Mayor and Council that the Town has received a \$100.00 gift card from Wal-mart and needed to decide how to use it. Councilperson Johnson made a motion to donate it to the Cheswold Heritage Fund. Prior to the vote, Mayor Sine suggested donating it to the Thanksgiving or Christmas give-a-ways coordinated by the Police Department every year. Ms. Callender stated that the Heritage Fund had just received a \$1,000.00 donation, at which point Ms. Johnson rescinded her motion. Ms. Callender then made a motion to donate the gift card to the Police Department to be used for either Thanksgiving or Christmas. Councilperson Johnson made a second to the motion and a roll call vote resulted in a unanimous approval of the motion. **COMPLETE**

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New Business: *"continued"*

- c. **USDA Rural Community Development Initiative** - Town of Cheswold grant has been approved for the administrative services for planning, business development, and design related services. **IN PROGRESS**
- d. **Hazard Mitigation Plan** – a correspondence has been received from the Department of Homeland Security advising that the Town of Cheswold Hazard Mitigation Plan, has been approved by the Federal Emergency Management Agency, (FEMA). This approval makes the Town of Cheswold eligible to apply for federal disaster assistance until November 15, 2020. **COMPLETE**
- e. **Frankford, DE: Well Water Issue Review** – Not discussed.
- f. **1st Reading: Proposed Snow Removal Ordinance #09-02-16-049** – as author of the proposed Ordinance, Chief Workman read it in its entirety and explained that the removal of snow from sidewalks in a timely manner has become a problem.

Councilperson Tinari presented that there were options for problems in some of the developments. The Chief pointed out that most of the privately owned properties, such as Fox Pointe, Nobles Pond are governed by a management company and others, such as Parkers Run has a HOA organization. He also added that the Ordinance is not an enforcement issue, it is a safety issue and applies to Town owned streets and sidewalks.

The 2nd reading is scheduled for the November Town Council meeting. **PENDING**

COMMUNITY COMMENTS: The Mayor opened the meeting to the attendees and the following questions and/or comments were made:

- **Resident: Rodney Callender** – Is there going to be a Public Hearing on the proposed Snow Ordinance? Chief Workman responded YES, there usually is and Ms. Callender explained the process for approving Ordinances including the 2 readings and a published notice of a Public Hearing prior to the Council voting to approve or disapprove. **COMPLETE**
- **Resident: Terri Rhodes-Williams** – How many summons were there in the Police Report? Chief Workman responded that there were 261 summons issued. **COMPLETE**
- **Planning Commissioner: Colleen Ostafy** – Ms. Ostafy noted that she saw the flyers posted along Commerce Street that the railroad side of the street had to be kept clean or that parking would be disallowed. She suggested that a community clean-up event be conducted to encourage the residents in the area to keep it clean. Ms. Callender asked Ms. Ostafy if she would be willing to coordinate such an event and Ms. Ostafy agreed. It is believed that a couple of attendees agreed to assist, but their names were unavailable at the time these minutes were prepared. **PENDING**

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COMMUNITY COMMENTS: *"continued"*

- **Resident: Thung Ly** – asked why the Fire Company alarm siren goes off all day and all night long and that it is extremely annoying. Chief Workman explained that in the development of Fire Companies in Delaware, the volunteers lived and worked in the immediate vicinity of the Fire Company and the siren was used to notify them of fires and accidents. Now, most, if not all of the volunteers live outside of Cheswold and beepers and cell phones are used for notification. The Chief said that he would attempt to have a representative from the Fire Company at the November meeting and the question and concern could be posed to him/her. **PENDING**
- **Visitor: Carrie Markham** – wanted to know what the Halloween plans are for the Town, especially considering the current situation concerning the "Crazy Clowns". Chief Workman responded that the Department is well aware of the situation and that his officers will be out and about on Halloween to be sure that the clown element is not a problem. **COMPLETE**
- **Visitor: Carrie Markham** – asked the Chief to explain about sex offender laws. He explained that there are three tiers of offenders, Tier 1, 2 and 3. Tier 1 are low risk; Tier 2 are medium risk and Tier 3 are high risk. All tiers must be registered through the State and local Police Departments are notified by the State. Tier 1 no notifications are required; Tier 2 public notifications are at discretion of Police Department, however, we list them in the office and on our Department page; Tier 3 requires public notification, including posting and door to door notifications in the immediate residential vicinity. **COMPLETE**
- **Resident: Lisa Raysor** – inquired about sitting water around the Parkers Run development and the association to the mosquito population. Ms. Callender explained that the areas are called retention ponds and are required for all new developments by the Kent Conservation District, under the direction of the State of Delaware Natural Resource Environmental Committee, (DNREC), and that retention pond maintenance is the responsibility of the Homeowners Association. Ms. Callender also explained that DNREC obtains permission from the Town yearly to spray for mosquitos and this year the spraying was done twice. **COMPLETE**
- **Resident: Kenneth Brown** – expressed his concerns about the grass and weeds growing along the north side of Main Street, opposite the Post Office and the negative appearance it presents for the Town. He suggested that it be sprayed on a regular basis with weed killer. Ms. Callender responded that the situation would be referred to Public Works and either a weed sprayer would be purchased or a company engaged to handle the situation. **PENDING**

COUNCILPERSON COMMENTS:

Vice-Mayor Larence Kirby – thanked everyone for attending the meeting and expressed his hope that interest has now been spurred for residents to continue to attend meetings and to volunteer to assist the Council in improving the Town. He also said that he has resided in Cheswold since 2006, but did not fully understand the need for resident involvement until he volunteered to be on Council. He concluded by encouraging residents to volunteer to do the same. **COMPLETE**

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COUNCILPERSON COMMENTS: *"continued"*

Secretary/Treasurer Theon Callender – *reported the following:*

1. **Approval of Town of Cheswold Annual Report** – Ms. Callender shared a correspondence from the State of Delaware Office of State Planning Coordination that they have accepted our Annual Report as required. **COMPLETE**
2. **Town of Kenton Proposed Comprehensive Plan** – a letter signed by Mayor Sine to the Mayor and Town Council of the Town Council on the development and creation of their 1st proposed comprehensive plan was read to the attendees. **COMPLETE**
3. **Halloween** – Ms. Callender acknowledged receipt of an electronic notice from a resident suggesting that the Town move the celebration of Halloween from Monday, October 31, 2016 to Sunday, October 30, 2016 from 3 pm to 6 pm. After requesting input from the attendees it was decided to retain the celebration on Monday, October 31, 2016 beginning at dusk. Ms. Callender also explained that if a resident does not desire to have trick or treaters, to leave their porch lights off. **COMPLETE**
4. **Thanks to Mr. Callender and Attendees** – Ms. Callender expressed her appreciation to Mr. Callender for preparing and delivering flyers in Town announcing the meeting and for the response from the attendees. She also stated that she has been working and praying for a long time to have residents begin to attend Council meetings and participate in the opportunity to develop and expand the Town for the benefit of current and future residents. She stated that we have the chance to create an ideal Town for others to copy if we work together and encouraged all to do so. **COMPLETE**

Councilperson Judith Johnson – appreciated the community effort shown by the attendance and solicited assistance and input from the attendees in her Cheswold Heritage project. Subsequent to the meeting, she obtained two volunteers. **IN PROGRESS**

Councilperson Donald F. Tinari - introduced himself as being involved with the Town since 2004, including having been a Councilperson and the previous Mayor for 8 years. He gave a strong, invigorating, positive speech on the importance of being involved in the governing and maintenance of the Town where you live. He also explained that resident participation gives the Mayor, Council and Police Department the drive to move ahead and that the Town needs to benefit from the bright new ideas that are moving into Town. **COMPLETE**

MAYOR'S COMMENTS:

Mayor Bob Sine's – appreciated everyone for attending and encouraged residents that have been in Town for at least a year to volunteer to fill the vacant seat on Council until the next election, to be held in March, 2017. He explained that applications for the position can be obtained from the Town Clerk in Town Hall at 691 Main Street. He then explained that the Council would be moving into an Executive Session that was open to Council members only and they would be adjourning immediately following the close of the Session. **COMPLETE**

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EXECUTIVE SESSION – a motion to move into Executive Session to discuss commercial and financial information obtained from a person which is of a privileged and confidential nature per Del Code Title 29, Chapter 100 §10002 - Section (i)(2), was made at 7:30 pm, by Councilperson Callender, with a second from Vice Mayor Kirby. A roll call vote resulted in a unanimous approval of the motion.

RETURN TO REGULAR SESSION - the Mayor and Council returned to regular session at 7:35 pm.

Motion to Adjourn

A motion was made by Councilperson Callender, seconded by Vice Mayor Kirby to adjourn at 7:35 p.m. A roll call vote on the motion resulted in a unanimous vote to approve. The meeting adjourned immediately thereafter.

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TOWN COUNCIL MONTHLY MEETING – OCTOBER 3, 2016
CHESWOLD FIRE HALL
371 Main Street, Cheswold. Delaware
ATTENDEES

Brown, Kenneth	Resident
Brown, Sandra	Resident
Buckley, Noel	Resident
Callender, Rodney	Resident
Coles, William A.	Resident
Denegal, Dorothy	Resident
Exaudus, Sherline	Resident
Griffin, Clyde	Resident
Griffin, Erica	Resident
Hart, Dorothy	Resident
Hill, Sherise	Resident
Ly, Thung	Resident
Markham, Pat & 2 Others	Visitors
McKen, Gersham	Resident
Morris, Brenda	Resident
Ostafy, Colleen	Planning Commission
Perkins, Antoine	Resident
Qian, Hui	Resident
Raysor, Leo	Resident
Raysor, Lisa	Resident
Razzak, Abdul Majid	Resident
Rhodes-Williams, Terri	Resident
Stanley, Richard & 2 Others	Resident
Valentine, Reginald	Planning Commission