



Town of Cheswold
Minutes of the Monthly Town Council Meeting
Monday – June 4, 2018
6:00 p.m.
Cheswold Town Hall
691 Main Street
Cheswold, Delaware 19936

The following persons were in attendance:

Mayor Robert Sine
Vice Mayor Larence Kirby
Secretary/Treasurer Theon Callender
Councilperson Judy Johnson

Excused:

Councilperson Santo Faronea
Councilperson Mark Moxley

Police Department: Chief Christopher Workman Public Works: Code Enforcement Officer Mike Callender

Planning Commission: 0 Other Town Employees: 0 # Residents: 0 Visitors: 4

NOTICE:

Notice of this meeting has been made in accordance with the Delaware Open Meeting Act, by properly posting it on December 18, 2017, on the Town of Cheswold website at: <http://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://cheswold.delaware.gov>; and was filed with the Clerk of the Town of Cheswold on May 25, 2018. 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.

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.

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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 Councilperson Johnson and seconded by Vice Mayor Kirby. A roll call vote on the motion resulted in a unanimous vote to approve.

REVIEW of PEVIOUS'S MONTHS MEETINGS:

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:

- May 7, 2018 - Monthly Town Council Meeting
- May 16, 2018 - Emergency Town Council Meeting

A motion to accept the Monthly Town Council minutes, as presented was made by Vice Mayor Kirby and Councilperson Johnson 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, which were read by him:

- a. The Treasurer's Reports for the **Month of May, 2018**, is as follows:

Monthly Cash Flow Comparisons

TOWN of CHESWOLD	May, 2018
Cash Receipts	\$ 30,985.99
Cash Disbursements	\$ 45,457.90
Negative Monthly Cash Flow	(\$ 14,471.91)

ADMINISTRATION	May, 2018
Cash Receipts	\$ 20,208.40
Cash Disbursements	\$ 17,836.77
Positive Monthly Cash Flow	\$ 2,371.63

POLICE DEPARTMENT	May, 2018
Cash Receipts	\$ 6,712.89
Cash Disbursements	\$ 22,424.65
Negative Monthly Cash Flow	(\$ 15,711.76)

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TREASURER'S REPORT "continued":

PUBLIC WORKS	May, 2018
Cash Receipts	\$ 4,064.74
Cash Disbursements	\$ 5,196.48
Negative Monthly Cash Flow	(\$ 1,131.78)

c. The Treasurer's Report, **(Account Balances)**, for the **Month of May, 2018**, is as follows:

As of:	May, 2018
Capital Account	\$ 30,238.72
Cheswold Heritage Day Account	\$ 3,689.27
Eide Grant Fund Account	\$ 1,849.49
Fire Company Account	\$ 41,27.94
General Fund Account	\$ 191,363.96
Land Use Applicant's Account	\$ 30,591.95
Litigation Account	\$ 6,208.43
Municipal Street Aid Account	\$ 41,233.94
Salle Grant Fund Account	\$ 964.79

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.

d. Requisitions -

Req. #	Department	Vendor	Item	Amount	To Be Paid By
R800071	Police Dept.	Expedia	IACP Travel Expense	\$675.25	Salle Grant
R800071	Police Dept.	Expedia	IACP Travel Expense	\$136.12	General Fund

Approved for Record Purposes Only via a motion by Councilperson Callender, a second from Vice Mayor Kirby and a unanimous roll call vote.

e. Proposed Purchases -

P.O. #	Department	Vendor	Item	Amount	To Be Paid By
NOTHING TO REPORT					

f. 2018 - 2019 Budget Review & Vote

Secretary/Treasurer Callender requested Mayor, Council and Department Heads to provide feedback, questions and concerns on the 2018 -2019 Budget, which was sent to them in May for review. As there were no expressed concerns, Mayor Sine asked for a motion to approve the budget as submitted.

Prior to the passage of a motion, Councilperson Johnson asked if the addition of an expenditure to the Cheswold Heritage Day could be made. Mrs. Callender asked Mrs. Johnson for the dollar value of the requested expenditure, but Mrs. Johnson was unsure of what amount to request.

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TREASURER'S REPORT *"continued"*:

f. 2018 - 2019 Budget Review & Vote - "continued":

After some discussion of the costs associated with planning for Heritage Day, Vice Mayor Kirby made a motion to allocate \$750.00 per year to the planning stage for annual Heritage Day celebrations. Upon request from the Mayor for discussion, Mrs. Callender stated that she was not comfortable with allocating \$750.00 per year annually without having a history of the cost of planning expenses and suggested that \$750.00 be allocated for this year and that financial recordings indicate the total cost required. She added that then next year the Council will have a history of the costs for review, prior to a decision, about the total amount to be allocated.

Vice Mayor Kirby agreed and revised his motion to be for the allocation of \$750.00 for the initial planning stage of this years annual Heritage Day. Mrs. Johnson made a second to the motion and it passed with a unanimous roll call vote.

The Summary below reflects the total projected approved budget. The actual approved budget, as of June 30, 2018, will be reflected in the July,2018 Town Council minutes. Anyone desiring a detailed copy of the budget may obtain it upon request at Town Hall.

**2018 - 2019
PROJECTED BUDGET SUMMARY**

ANTICIPATED REVENUE:

Cash Carry-Over 2017 – 2018 (<i>As of 5/22/18</i>)	\$216,130
General Fund (<i>Administration</i>)	\$ 385,000
Police Department	\$ 74,100
Public Works	\$ 204,700
Capital Account – Cash Carry-Over (<i>As of 5/22/18</i>))	\$ 30,236
Cheswold Heritage Day Account Cash Carry-Over (<i>As of 5/22/18</i>))	\$ 3,689
TOTAL	\$ 913,855

ANTICIPATED EXPENSE:

General Fund* (<i>Administration</i>)	\$ 529,625
Police Department	\$ 251,403
Public Works	\$ 7,750
Capital	\$ 0
Cheswold Heritage Day	\$ 750**
TOTAL	\$ 789,528
DIFFERENCE	\$ 124,327

**Includes Vann Litigation Payment of \$36,000*

***Added as result of Town Council motion – June 4, 2018*

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TAX COLLECTOR'S REPORT

a. Month of May 2018

TAX REPORT: FISCAL YEAR 2017 – 2018

Total Amount Billed: \$142,672.80

Payments as of:

Current Year: Past Due Paid:

07/31/2017	\$ 13,625.28	\$ 672.75
08/31/2017	\$ 99,039.63	\$ 1,467.92
09/30/2017	\$ 4,294.26	\$ 485.02
10/31/2017	\$ 649.17	\$ 66.41
11/30/2017	\$ 665.33	\$ 69.50
12/31/2017	\$ 1,402.90	\$ 626.53
01/31/2018	\$ 139.20	\$ 15.80
02/29/2018	\$ 536.46	\$ 43.75
03/31/2018	\$ 4,301.27	\$ 838.53
04/30/2018	\$ 448.31	\$ 133.70
05/31/2018	\$ 299.45	\$ 50.55

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

POLICE DEPARTMENT REPORT – *Chief Christopher Workman:*

Chief Workman delivered the following reports for the months of May, 2018, to the Mayor and Council:

MAY, 2018:

- **Firearms Training**
All officers will participate in the first Firearms Training Class and Taser certification of the year, on Thursday, June 7th. This is the first of three required annual qualifications. The second two qualifications will be scheduled in the fall.
- **Summer Reminder**
As school lets out there are more children out and about in the area during the daytime hours. The Cheswold Police Department will be focusing on speed enforcement on the roadways to ensure the safety of our youth.
- **Habitat for Humanity Motorcycle Ride**
Reminder: On June 24th, the Delaware Habitat Hammer Down Motorcycle Charity Ride will take place. Riders will leave the Smyrna American Legion Post 14 around 12 pm. This year the ride will pass through Cheswold. The route will riders through the intersection of Main and Commerce Streets, and continue south on Commerce Street through Town. The ride should be passing through around 12:15 – 12:30 pm. We will remind the residents of the Town of this event as it gets closer. For further information on the ride, you can visit www.centraldelawarehabitat.org.

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POLICE DEPARTMENT REPORT – “continued”

- **Proposed COPS Grant Hire**

Chief Workman introduced Probationary Officer Miles H. Little has the potential COPS Grant Hire. Mr. Little is originally from Mt. Holly, N.J. and currently resides in Dover, DE. He has graduated high school and obtained a Political Science BA degree from Wesley College. Former employment was with the Department of Corrections and Delaware University Police after graduating from the Delaware State Police Academy. He has also served as a wrestling coach at Rowan College. Chief Workman presented Mr. Little to the Mayor and Council with a strong recommendation from the TAC officer at the DSP Academy.

The Chief then requested the approval of the conditional hiring of Mr. Little as a probationary officer for the Town of Cheswold, with an anticipated start date of Friday, June 29, 2018. The costs and most of the expenses associated with his hire will be borne by the COPS Grant as explained by the Chief in the June 5, 2017 monthly Town Council minutes.

A motion was made by Vice Mayor Kirby to hire Mr. Little as a probationary officer. Councilperson Callender made a second to the motion. A roll call vote on the motion resulted in its passage in a unanimous vote.

- **Traffic Summons –**

Officers issued 259 traffic summonses during the month of May.

- **Monthly Activity Report -**

Officers responded to or completed reports for 108 Incidents for the month of May, 2018. A total of twelve, (12), incidents were handled by outside agencies after hours or not dispatched.

- **Monthly Incident Report – May, 2018**

911 Disconnects = 1	Fireworks = 0	Rape = 0
Accidents-H/R = 1	Fraud = 0	Relay = 0
Accidents-PD = 1	Fugitives = 5	Repossessions = 2
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 = 3	Megan’s Law = 3	Stolen Vehicle = 0
Assist Other Agencies = 21	Mental Patient = 0	Suspicious Noise = 1
BOLO = 1	Misc. Investigation = 0	Suspicious Person/s = 0
Burglary = 1	Missing Person = 0	Suspicious Vehicle/s = 4
Burning = 1	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 = 2
Criminal Impersonation = 1	Ordinance Violation = 0	Traffic Violations = 24
Criminal Mischief = 0	Overdose = 0	Trespass = -1
Curfew = 0	Parking Violation = 0	Unassigned = 0
Custody Dispute = 0	Pay Job/Special Duty = 4	Unfounded = 0

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Death Investigation = 3	Pedestrian Stop = 0	Vehicle/s – Abandoned = 0
Disorderly = 0	PFA Service = 0	Vehicle/s – Disabled = 0
Domestics = 3	PFA Violation = 1	Vehicle/s – Recovered =0
Drugs = 5	Property Checks = 3	Vehicle/Unauthzd Use = 0
Dumping =0	Psychiatric Incident = 0	Warrant Service 0
DUI = 0	Public Assistance = 0	Weapon – Gun = 0
Fight = 0	Pursuit = 0	Welfare Check = 6

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

The Police Department Report was accepted as presented.

PUBLIC WORKS REPORT – Code Enforcement Officer Mike Callender

- **Status Report** – The following report was submitted to the Mayor and Council:

	<u>PERMITS ISSUED</u>	<u>NEW VIOLATIONS</u>	<u>CLOSED VIOLATIONS</u>	<u>BUSINESS LICENSES ISSUED</u>	<u>BUILDING INSPECTIONS</u>
May, 2018	6	0	0	8	1

- **CODE ENFORCEMENT PROPERTIES**

- **30 New Street** – Receipt of certified mail by the owners of record that the property needs to be cleared and if not completed by March 31, 2018, the Council will take action to demolish the building and take the property.

Have received two, (2), demolition estimates:

- **Sunnyfield Construction - \$8,750.00**

If asbestos abatement survey is required additional - \$600.00

If asbestos is present additional - \$1,000.00

Could total - **\$10,350.00**

- **Gateway Construction - \$16,800.00**

Asbestos abatement survey and potential removal are included in estimated cost.

Note: The above estimates are from 2016. If a decision is made to demolish 30 New Street, new estimates would have to be obtained. . **PENDING**

- **33 New Street** – All attempts to contact Doug Wiseman, the property owner, have been unsuccessful. Two Notices of Violation have been mailed to the last known address. The overgrown weeds and grass at this property have been cut by Mr. Ziegenhorn. In discussion with new Attorney concerning possible Town options. **PENDING**
- **37 Jessica Lyn Drive** – Property had a preliminary inspection to determine the scope of work being done in the basement and whether a permit is required. Owner subsequently decided to abandon project. **COMPLETE**
- **176 Boggs Run** – Property has been purchased by SS investments and is undergoing rehabilitation. **IN PROGRESS**
- **179 Commerce Street** – Plans are being drawn for submission to Town Building Official for the permit process. **PENDING**

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PUBLIC WORKS REPORT – *“continued”*

Addition of Plumbing and Electrical Permits as a Town Service – Remington, Vernick Engineering, our Town Engineers has offered to provide certified plumbing and electrical inspection services to our clients, for us, us in addition to the certified building inspections we currently provide. We will be required to notify the Delaware Division of Public Health of our decision to do so and to adjust our fee schedule.

RVE will continue to submit billing as previously arranged on an hourly basis and the fees will be paid to the Town.

This arrangement will provide a “one stop shopping” environment for contractors and decrease the wait time for third party plumbing and electrical inspections.

A motion to employ Remington, Vernick Engineering as the Town plumbing and electrical inspectors, along with the required fee revisions, was made by Vice Mayor Kirby and a second was provided by Councilperson Johnson. The motion passed with a unanimous roll call vote of the Council.

PUBLIC WORKS REPORT – *Land Use Administrator Sam Callender*

a. 2020 Comprehensive Plan - Pre-Plus Review: Mrs. Callender stated that she, Town Clerk Shadina Jones and Vice Mayor Kirby attended a Pre-Plus Review of the 2020 Comprehensive Plan hosted by the Office of State Planning Coordination on Thursday, May 23, 2018. She asked the Vice Mayor to provide a status on the meeting.

Mr. Kirby explained that the meeting was attended by various representatives from DelDOT; the Airpark; the Historical Society; and Public Health and Housing along with Public Water. The Town was provided the opportunity to present updates on developments, annexations and challenges, followed by remarks from the organizational representatives on ideas on what they may do to assist. The Town will be provided with a written transcript of the meeting.

b. Plan Reviews for June Meeting

1. **Alexis Properties** - Concept Plan for development of 5673 North Dupont Highway
2. **Eastern Shore Property Management** - Preliminary Plan for sub-division development of School Lane property
3. **Nobles Pond** - Preliminary Plan for lot line adjustments

c. Land Use Ordinance Revision - Article 13 Signs

Completion pending - Set back tables require review prior to submission to Mayor and Council for review

d. Annual Land Use Report

Mrs. Callender reminded the Mayor and Council that an updated version of the State required Annual Land Use Report had been forwarded to them for review and comment last month. She asked if everyone was satisfied with the revisions and if it was acceptable to forward to the Office of State Planning Coordination. She also stated that the updated version was forwarded to the Town Planning Commissioners and that negative feedback was not received.

The Mayor and Council accepted the update as submitted and approved it being forwarded as required.

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NOTE: Mayor Sine introduced Mr. Gary Junge as the new Town Attorney, replacing Fred Townsend, III. Schmittiner & Rodriquez remains as the Town law firm.

ORDINANCES - *Town Administrator Sam Callender*

a. Draft Revision- Ordinance 08-05-11-024 Sprinkler Systems

Revised to eliminate requirement for sprinkler systems in 1-2 family homes by the adopted 2012 ICC Residential Code. This revision was previously reviewed and approved in August 2017, but was somehow forgotten. Mrs. Callender requested and received agreement to proceed with a Public Hearing for public comment, prior to the August Town Council meeting.

b. Draft Ordinance 05-04-15-009 Residential Inspections

Proposed Ordinance to require landlords to provide for code enforcement inspections prior to the rental of residential properties. Mrs. Callender informed the Mayor and Council that prior to his departure Attorney Townsend informed her that he opposed the inclusion of Section 11, which requires landlords to add an addendum to lease notifying lease holders that they are subject to eviction should they be found to have engaged in criminal activity on three, (3), occasions within a twelve, (12), month period. Mr. Townsend did not feel eviction was justifiable based on activity rather than conviction.

After discussion Chief Workman agreed removal of the section will expedite the passage of the Ordinance and the contents of Section 11 is probably best added as a revision to the Town's Nuisance Ordinance which he will revise.

The Council agreed and it was decided to make the necessary revisions and to proceed with a Public Hearing for public comment, prior to the August Town Council meeting.

Old Business:

1. Town Charter Update - Vice Mayor Kirby

Section 6.4.2 - Forfeiture Proceedings

A forfeiture of his office shall occur when any Council member:

From: is convicted of a felony or any crime involving moral turpitude.

To: is convicted of a felony.

A motion was made by Secretary/Treasurer Callender to approve and include the suggested TO version, written above in the final submission of changes to the Town of Cheswold Town Charter. A second to the motion was made by Councilperson Johnson and a roll call vote resulted in the unanimous passage of the motion.

New Business:

1. Proposal to Purchase Town Owned Lane - Town Administrator Sam Callender

Mrs. Callender, reported that the parties interested in purchasing the lane were to have been in attendance at the meeting, but neither were. As a result the Council agreed to table this discussion until the July Town Council meeting.

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New Business: *“continued”*

2. Habitat for Humanity - Vice Mayor Larence Kirby

Vice Mayor Kirby informed the Mayor and Council that he has been in touch with the Habitat for Humanity concerning the possibility for coordinating with them to build homes in our Old Town section of Town. The caveat is that the Town must own the property.

3. Main Street Crossing - Vice Mayor Larence Kirby

The lack of DelDOT approved crosswalks in Town has been another pending and troubling issue. The Vice Mayor has attempted to obtain agreement from DelDOT to install crosswalks at the Fire Company location and at the intersection of Main Street and Parkers Run Drive. DelDOT has informed him that they cannot install crosswalks at locations without a four, (4), way intersection, so the Fire Company is not qualified. He will continue to attempt to have a crosswalk installed at the other location.

COMMUNITY COMMENTS:

Councilperson Johnson took the opportunity to provide requests from Mr. Steve Coker. He requested that the Town install speed bumps the intersection of Kent and Fulton Streets; enforce speed limits; and enforce stops at stop sign along with cleaning up the ditch behind 211 Fulton Street. Chief Workman explained that Kent and Fulton Streets are outside of Town limits, and as such Cheswold is not responsible for traffic violations although they will enforce them if they observe active violations. But the Town has no obligation to station police personnel at the location. Mrs. Callender added that if speed bumps are required, the request should be made to Kent County. She also explained that the ditch situation is not a Town problem, but a property owner problem and will have to be resolved in that manner.

COUNCILPERSON COMMENTS:

Vice Mayor Larence Kirby – *Nothing to Report*

Secretary/Treasurer Theon Callender – Informed Councilperson Johnson that they have been invited to the Elected Women’s Official Day on July 13, 2018, at 1:00 pm at the Tatnall Building.

Councilperson Judith Johnson – informed the Mayor and Council that she will be conducting a Heritage Day meeting on June 13th, at 6:00 pm at Town Hall.

Councilperson Santo Faronea – *Excused*

Councilperson Mstk Moxley– *Excused*

MAYOR’S COMMENTS:

Mayor Sine expressed his honor at attending the Veteran’s Day ceremony held on Memorial Day.

Motion to Adjourn

A motion was made by Councilperson Callender, seconded by Vice Mayor Kirby to adjourn at 6:55 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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