



Town of Cheswold
Minutes of the Monthly Town Council Meeting
Monday - August 6, 2018
6:00 p.m.
Cheswold Fire Hall
371 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
Councilperson Santo Faronea
Councilperson Mark Moxley

Police Department: Chief Christopher Workman
Town Clerk: Shadina Jones

Public Works: Code Enforcement Officer Mike Callender
Administrative Assistant: Lizett Ayala

Planning Commission: 2

Other Town Employees: 0

Residents: 0

Visitors: 2

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 July 27, 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 6:34 pm and the Pledge of Allegiance; Moment of Silence and Roll Call were eliminated as they were conducted at the Public Hearing held at 6:00 p.m., previous to the Council meeting. All members of Council remained in attendance.

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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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 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:

July 2 2018 - Monthly Town Council Meeting

A motion to accept the Monthly Town Council minutes, as presented was made by Councilperson Johnson and Councilperson Faronea 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 July, 2018**, is as follows:

Monthly Cash Flow Comparisons

TOWN of CHESWOLD	July, 2018
Cash Receipts	\$ 48,292.12
Cash Disbursements	\$ 39,970.89
Positive Monthly Cash Flow	\$ 8,311.23

ADMINISTRATION	July, 2018
Cash Receipts	\$ 38,760.19
Cash Disbursements	\$ 21,914.60
Positive Monthly Cash Flow	\$ 16,845.59

POLICE DEPARTMENT	July, 2018
Cash Receipts	\$ 3,886.64
Cash Disbursements	\$ 10,919.92
Negative Monthly Cash Flow	(\$ 7,033.28)

PUBLIC WORKS	July, 2018
Cash Receipts	\$ 5,635.29
Cash Disbursements	\$ 7,136.37
Negative Monthly Cash Flow	(\$ 1,501.08)

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TREASURER'S REPORT "continued":

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

As of:	July, 2018
Capital Account	\$ 30,243.77
Cheswold Heritage Day Account	\$ 2,646.43
Eide Grant Fund Account	\$ 1,123.32
Fire Company Account	\$ 41,234.83
General Fund Account	\$ 162,866.08
Land Use Applicant's Account	\$ 28,274.94
Litigation Account	\$ 33,458.92
Municipal Street Aid Account	\$ 39,974.46
Salle Grant Fund Account	\$ 269.54

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

d. Requisitions -

<u>Req. #</u>	<u>Department</u>	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>	<u>To Be Paid By</u>
R900010	Police Dept.	Axon	Laser Cartridges	\$2,015.00	Violent Crimes

Approved for Record Purposes Only

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 July 2018**

TAX REPORT: FISCAL YEAR 2018 - 2019

Total Amount Billed: \$150,827.40

Payments as of:

	Current Year:	Past Due Paid:
07/31/2018	\$ 22,750.94	\$ 212.72
08/31/2018		
09/30/2018		
10/31/2018		
11/30/2018		
12 /31/2018		
01/31/2019		
02/29/2019		
03/31/2019		
04/30/2019		
05/31/2019		
06/30/2019		

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

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TAX COLLECTOR'S REPORT – *“continued”*

b. DELINQUENT TAXES – *Town Clerk Shadina Jones*

Ms. Jones reported that Town Attorney Junge has forwarded the delinquent tax list to his in-house Attorney Bill Pepper who handles tax liens. Mr. Pepper will contact us when he has something to report.

POLICE DEPARTMENT REPORT – *Chief Christopher Workman:*

JULY 2018:

- **Probationary Officer**
Officer Little has completed his first month of FTO and is starting the second phase of his training.
- **Shift Changes**
Beginning October, 2018, the Cheswold Police Department will be testing out a new schedule covering 24/7. This schedule will be evaluated during the last quarter of the year to determine feasibility and to make any necessary adjustments.
- **Buses/School Children**
The end of summer is fast approaching and as we come to the end of the month, school will be starting. Please remember to stop for school buses and watch and wait for children in the morning and afternoon hours.
- **Parkers Run**
While vehicle break-ins have slowed down, we are still having issues with residents leaving their car doors unlocked in the development. Please remember to take your valuables take you keys and lock your doors.
- **Traffic Summons** –
Officers issued 242 traffic summonses during the month of July.
- **Monthly Activity Report** -
Officers responded to or completed reports for 144 incidents for the month of July, 2018. A total of fifteen, (15), incidents were handled by outside agencies after hours or not dispatched.

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POLICE DEPARTMENT REPORT - "continued"

• **Monthly Incident Report - July, 2018**

911 Disconnects = 2	Fireworks = 0	Rape = 0
Accidents-H/R = 0	Fraud = 1	Relay = 0
Accidents-PD = 1	Fugitives = 8	Repossessions = 1
Accidents PI= 0	Harassment = 0	Resisting Arrest = 1
AED/CPR = 0	Lock Jock = 1	Robberies = 1
Alarms = 7	Lost Property = 1	Sex Crimes = 0
Alcohol Violations = 0	Lost/Stolen Tag = 0	Shoplifting = 0
Animal Complaints = 0	Loud Party = 1	Shots Fired = 0
Assaults = 0	Medical Transport = 0	Solicitation = 0
Assigned in Error = 0	Megan's Law = 1	Stolen Vehicle = 2
Assist Other Agencies = 20	Mental Patient = 0	Suspicious Noise = 0
BOLO = 1	Misc. Investigation = 0	Suspicious Person/s = 3
Burglary = 0	Missing Person = 0	Suspicious Vehicle/s = 0
Burning = 0	Noise Complaint = 1	Terroristic Threat/s = 1
Check on Welfare = 0	Offensive Touching = 0	Thefts = 6
Civil Dispute = 0	Open Burning = 0	Traffic Hazards = 0
Court Violation = 0	Open Door/Window = 0	Traffic Hazard/Service = 4
Criminal Impersonation = 1	Ordinance Violation = 0	Traffic Violations = 38
Criminal Mischief = 0	Overdose = 0	Trespass = -1
Curfew = 0	Parking Violation = 0	Unassigned = 0
Custody Dispute = 0	Pay Job/Special Duty = 2	Unfounded = 0
Death Investigation = 3	Pedestrian Stop = 0	Vehicle/s - Abandoned = 0
Disorderly = 2	PFA Service = 0	Vehicle/s - Disabled = 0
Domestics = 3	PFA Violation = 0	Vehicle/s - Recovered = 0
Drugs = 8	Property Checks = 23	Vehicle/Unauthzd Use = 0
Dumping = 0	Psychiatric Incident = 0	Warrant Service = 1
DUI = 0	Public Assistance = 2	Weapon - Gun = 0
Fight = 0	Pursuit = 1	Welfare Check = 3

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

a. **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>
July, 2018	7	4	5	18	1

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PUBLIC WORKS REPORT – “continued”

b. CODE ENFORCEMENT PROPERTIES

1. **10 & 24 Wellington Way** - Responded to a call from a neighbor regarding sump pump water discharge across the sidewalk. Spoke to both home owners individually regarding a solution and notified them to remove the PVC piping. It appears that one property 24 Wellington has mitigated the issue and 10 Wellington continues to experience discharge. **PENDING**

2. **30 New Street** - 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. Have received legal opinion that property can be demolished, however financial cost is an obstruction at this time-August, 2018.* **ON HOLD – PENDING FINANCING**

3. **33 New Street** – All attempts to contact Doug Wiseman, the property owner, have been and 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**

4. **67 Main Street** – The swimming pool in question has been dismantled and removed from the property. **CLOSED**

5. **176 Boggs Run** – Property has been purchased by SS investments and is undergoing rehabilitation. The property owners are nearing completion of the rehab project. **IN PROGRESS**

6. **179 Commerce Street** – Plans are being drawn for submission to Town Building Official for the permit process. **PENDING**

7. **179 Commerce Street** – The property owner was contacted regarding boarding up the first floor windows and doors, as it was reported that unauthorized entry was being made upon the premises. The grasses around the property were also far exceeding the 6” limit and have since been cut. **COMPLETE**

c. Violations

1. **Villages of Nobles Pond** – Lots 77; 213; 228 and 297 have failed initial inspections for this reporting period and been fined accordingly. As of this date, four have corrected the inspection violation issues and three have had their fines satisfied. violations.

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PUBLIC WORKS REPORT – “continued”

2. **Stonington** – On July 6, 2018, a meeting was held at the Cheswold Town Hall between representatives of the Stonington property; the Town Building Inspector and the Town Code Enforcement Officer regarding the lack of upkeep and the current conditions of the property in the development. Multiple concerns were raised and have thus far begun to be addressed by the property owners/developers. It was also communicated to the Town that a re-start of home building will begin soon.

Construction Repairs

Main Street, (Rte. 42), Sidewalk Repair – There has been no further correspondence of which this office is aware regarding the sidewalk across from the Post Office. Continuing to wait for a response from DelDOT.

Town Hall Repairs

There has been a noticeable leak in the roof of Town Hall on the Police Department side of the building and around both outside entry doors. One estimate bid has been obtained and two are pending receipt. A motion was made by Vice Mayor Kirby and a second by Councilperson Moxley to accept the most reasonable and effective estimate for the repair. A unanimous vote of the Town Council passed the motion.

PLANNING COMMISSION REPORT – *Land Use Administrator Sam Callender*

2020 Comprehensive Plan: Ms. Callender informed the Mayor and Council that she contacted the University of Delaware IPA and requested assistance with the development of the 2020 Comprehensive Plan as they assisted the Town with the original plan and current Planning Commission members nor she has the knowledge or experience of developing such a plan. The University is willing to assist at cost. The maximum being approximately \$10,000, but guarantees the creation of the required maps. There is also the possibility of paying 30% of the cost with a grant. Prior to Ms. Callender making a motion to approve the expenditure, Vice Mayor Kirby suggested that a vendor with whom he is familiar is capable of providing the needed assistance. The Council requested that a cost estimate be obtained from Vice Mayor Kirby’s vendor before a decision is made.

Final Plan Reviews:

a. Application 2018-05-29-066 Nobles Pond Lot Line Adjustment

Proposes to increase lot sizes to fit larger homes on Lots 382 thru Lot 392; Lots 333 thru Lot 346; Lots 362 thru Lot 349 and Lots 309 thru Lot 320 to meet market demand. Ms. Callender informed Council that the Planning Commission and the Town Engineer recommend approval of the application as noted in Memorandum 18-003 to the Council on June 15, 2018. A motion was made by Vice Mayor Kirby to approve the application as submitted and Councilperson Johnson made a second to the motion. The motion passed with a unanimous roll call vote.

b. Application 2018-07-23-067 Cheswold Fire Company Parking Lot Expansion

As explained by Mr. Troy Adams, P.E., the Cheswold Fire Company desires to expand its parking lot on the south side of Main Street opposite the Fire Company at 371 Main Street. Ms. Callender added that the Planning Commission and the Town Engineer recommend approval of the application. The motion to approve the application was made by Councilperson Moxley and a second was made by Councilperson Faronea. A unanimous roll call vote resulted in the passage of the motion.

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ORDINANCES - *Town Administrator Sam Callender*

Prior to the Town Council meeting a Public Hearing was held to receive public comment on the following Ordinances:

a. Revision- Ordinance 08-05-11-024 Sprinkler System

Proposed Ordinance to eliminate the requirement for sprinklers in one, (1) and two, (2), family residential dwellings per the 2012 International Residential Code. There were several public comments made against this revision at the Public Hearing by members of the fire-fighters and National Fire Sprinkler Association and there was one comment made by a developer and representative of the National Home Buyers Association. *(See minutes of Public Hearing for details of public comments)* With no discussion or questions, a motion was made by Councilperson Faronea to approve the elimination of the requirement for sprinklers in one and two family residential dwellings with the stipulation that developers must adhere to HB 133 approved in August 2015. A second to the motion was made by Councilperson Johnson and the motion passed with a roll call vote as follows:

Vice Mayor Kirby - Yea
Councilperson Callender - Yea
Councilperson Johnson - Yea
Councilperson Faronea - Yea
Councilperson Moxley - Nay

b. Ordinance 05-04-15-009 Residential Inspection

Proposed Ordinance to require landlords to provide for code enforcement inspections prior to the rental of residential properties. There were no public comments made on behalf of this Ordinance. With no discussion or question, the motion to approve this Ordinance as submitted was made by Councilperson Faronea. Vice Mayor made a second to the motion and it passed with a unanimous roll call vote.

c. Ordinance 07-02-2019-051 Combination/Revision and Inclusion of Fee Schedules

Proposed Ordinance establishes a fair and equitable method of licensing various business types operating within the Town in any given fiscal year. With no discussion or question, the motion to approve this Ordinance as submitted was made by Councilperson Moxley. A second to the motion was made by Councilperson Johnson and the motion passed with a unanimous roll call vote.

RESOLUTIONS - *Town Administrator Sam Callender*

Nothing to Report

PROCLAMATION- *Town Administrator Sam Callender*

Ms. Callender presented a proclamation to declare the month of September as National Suicide Prevention Awareness Month in the Town of Cheswold. A motion was made by Councilperson Johnson to approve the proclamation as submitted and Councilperson Faronea made a second to the motion. The motion passed unanimously with a roll call vote.

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Old Business:

- a. **Town Charter Update** - *Vice Mayor Kirby*
Discussion was put on hold to next month's meeting.
- b. **Town of Cheswold vs. Cheswold Business Park** - *Town Administrator Sam Callender*
Ms. Callender reported that she and Mrs. Jones attended a meeting with Town Attorney Max Walton, and the owner and Attorney for the Cheswold Business Park on Friday, July 13, 2018 to discuss the next steps available to us as a result of our winning the lawsuit to administer current Land Use regulations within the Business Park. It was agreed to provide the owner and his Attorney the opportunity to review the potential affects of our Land Use Ordinance on their involved properties.
- c. **Water (Fire Hydrants) to Old Town** - *Town Administrator Sam Callender*
Ms. Callender additionally reported that the Town has received State documentation of the \$150,000 infrastructure award.
- d. **Habitat for Humanity** - *Vice Mayor Larence Kirby*
ON HOLD
- e. **Main Street Crossing** - *Vice Mayor Larence Kirby*
Pending feedback from pictures forwarded to DelDOT. Technically there is a 4-way crossing at Parkers Run Drive and Culligan Water.

New Business

Introduction of First State Community Action Agency, Inc. - *Town Administrator Sam Callender*

During the break between the Public Hearing and the Town Council meeting, Ms. Callender introduced Mr. Daniel Ash of the agency named above. He presented the Mayor and Council with flyers advertising the services of his agency and was encouraged to traverse the Town to identify potential residents who may benefit from the services to be provided.

COMMUNITY COMMENTS: *Nothing to Report*

COUNCILPERSON COMMENTS:

Vice Mayor Larence Kirby - *Excused*

Secretary/Treasurer Theon Callender - *Nothing to Report*

Councilperson Judith Johnson - Community/Heritage Day has been re-scheduled to August 11, 2018

Councilperson Santo Faronea - wanted to know if anything could be done about the bush inside the Cohee property on the corner of Main and Commerce because it blocks traffic. It will be investigated.

Councilperson Mark Moxley- *Nothing to Report*

MAYOR'S COMMENTS: *Nothing to Report*

Motion to Adjourn

A motion was made by Councilperson Callender, seconded by Councilperson Johnson to adjourn at 7:14 p.m. A roll call vote on the motion resulted in a unanimous vote to approve and the meeting was .

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