

Town of Cheswold
1856



State of Delaware
1787

Town of Cheswold
Minutes of the Monthly Town Council Meeting
Monday – January 7, 2019
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 Judith Johnson
Councilperson Santo Faronea
Councilperson Mark Moxley

Police Department: Chief Christopher Workman Public Works: None Town: None

Planning Commission: 0 Other Town Employees: 0 # Residents: 3 Visitors: 0

NOTICE:

Notice of this meeting has been made in accordance with the Delaware Open Meeting Act, by properly posting it on December 31, 2018, 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 December 31, 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.

The Pledge of Allegiance and Moment of Silence immediately followed and were led by Mayor Sine.

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

**Monthly Town Council Meeting
Monday, January 7, 2019**

PROPERLY POSTED: Based on the dates of the posting of the meeting and the agenda, Mayor Sine acknowledged that the meeting had been properly posted.

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 amend the agenda was made by Ms. Callender to add Section 18d. Fire Hydrants in Old Town and the motion was seconded by Vice Mayor Kirby. A roll call vote on the motion resulted in a unanimous vote to approve.

REVIEW of PEVIOUS 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:

- October 1, 2018 – Public Hearing
- December 3, 2018 - Monthly Town Council Meeting
- December 17, 2018 – Special/Emergency Town Council Meeting

A motion to accept the 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.

TREASURER'S REPORT: (read by Mayor Sine)

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

Monthly Cash Flow Comparisons

TOWN of CHESWOLD	December 2018
Cash Receipts	\$ 39,398.61
Cash Disbursements	\$ 39815.16
Negative Monthly Cash Flow	(\$ 416.55)

ADMINISTRATION	December 2018
Cash Receipts	\$ 30,418.81
Cash Disbursements	\$ 22,181.05
Positive Monthly Cash Flow	\$ 8,237.76

POLICE DEPARTMENT	December 2018
Cash Receipts	\$ 2,691.63
Cash Disbursements	\$ 17185.06
Negative Monthly Cash Flow	(\$ 14,493.43)

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

**Monthly Town Council Meeting
Monday, January 7, 2019**

TREASURER'S REPORT *"continued"*:

PUBLIC WORKS	December 2018
Cash Receipts	\$ 6,288.17
Cash Disbursements	\$ 449.05
Positive Monthly Cash Flow	\$ 5,839.12

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

As of:	December 2018
Capital Account	\$ 30,256.45
Cheswold Heritage Day Account	\$ 4,942.71
Eide Grant Fund Account	\$ 457.44
Fire Company Account	\$ 42,525.79
General Fund Account	\$ 226,115.56*
Land Use Applicant's Account	\$ 26,859.76
Litigation Account	\$ 21,454.69
Municipal Street Aid Account	\$ 49,946.91
Salle Grant Fund Account	\$ 176.83

*The December General Fund Balance for the Town in the Bank Statement reflects a balance of \$376,115.56; however, \$150,000 of that balance is dedicated to the Old Town Water Project as it was received from State Funds can only be used for the Water Project.

d. Requisitions -

<u>Req. #</u>	<u>Department</u>	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>	<u>To Be Paid By</u>
R9-00037	Police Dept.	EP Engine Perf.	Repl. Oil Cooler-Dodge 12	\$737.44	General Fund
R9-00039	Police Dept.	Red the Tailor	Bullet Proof Vest-Cpl. Kline	\$456.39	Grant-DOJ
R9-00041	Public Works	Gateway Constr.	Repair Pot Hole-School Ln	\$1,800.00	General Fund

Mayor Sine asked if the pot hole repair included the grading loss at the corner of Commerce and School Lane or just the pot hole. Ms. Callender responded that she was not sure and that subsequent to the meeting she would obtain an answer from Public Works.

It was determined after the meeting that the repair did include the corner of Commerce and School Lane.

A motion to approve the requisitions was made by Councilperson Faronea and Councilperson Johnson made a second to the motion. A unanimous vote taken by roll call passed the motion.

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					

TOWN of CHESWOLD

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

**Monthly Town Council Meeting
Monday, January 7, 2019**

TAX COLLECTOR'S REPORT

a. Month of December 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	\$ 98,852.23	\$ 1,841.46
09/30/2018	\$ 15,520.22	\$ 2,554.16
10/31/2018	\$ 1,607.35	\$ 167.39
11/30/2018	\$ 289.20	\$ 32.13
12 /31/2018	\$ 0.00	\$ 0.00
01/31/2019		
02/29/2019		
03/31/2019		
04/30/2019		
05/31/2019		
06/30/2019		

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

b. DELINQUENT TAXES – Town Administrator Sam Callender

Prior to the meeting, Town Clerk Shadina Jones reported that letters from the Attorney's office are being dispatched and some payments have started.

POLICE DEPARTMENT REPORT – Chief Christopher Workman:

• **New Year**

As we begin the year of 2019, we reflect on a few of the goals that we accomplished in 2018. With the assistance of the Federal COPS Hiring Grant we were successful in hiring a fifth officer; we also implemented the body camera program and began 24 hr. police coverage in October 2018.

During the new year, we anticipate progression through the review and implementation of new policies and procedures to reflect our commitment to the Cheswold community and the 21st century style of policing. This style includes reaching out to our business community and community organizations in order to provide improved services and information, while updating our technology for more efficient and effective communication between our officers as they patrol and handle complaints.

**Monthly Town Council Meeting
Monday, January 7, 2019**

POLICE DEPARTMENT REPORT – “continued”

- **Training –**

The officers of the Cheswold Police Department attended 265 hours for training during the year for firearms; AED/CPR; Taser Re-certification; FBI LEEDA Leadership classes; Chiefs Developmental Seminar and Implicit Bias Training for Law Enforcement Officers among others.

In 2019, we will continue to focus on specific training in areas that each officer has chosen to excel; such as: investigations and evidence collection; supervisory and administrative concerns, along with the yearly COPT requirements and some emphasis on issues brought about in the Presidents Interim Report on 21st Century Policing released in 2015.

- **Uniform Patches –**

Chief Workman displayed the new American flag patch which will be worn on the right upper arm of Cheswold police officers and the new vibrant Department patch which will be worn on the upper left arm of their uniforms. The Chief explained that the change is a great morale booster for very little cost, as he purchased the flags and is personally sewing them on the uniforms.

- **Yearly Hours –**

Five officers worked 8,662.5 hours in 2018 (2,603.25 more hours than in 2017).

Of the total hours worked 348 were overtime and 26 were compensatory time off

Officers used 264 hours of vacation; 62 sick time hours; 120 personal hours; 35.5 compensatory time

- **Traffic Summons –**

Officers issued 89 traffic summonses during the month of December.

- **Yearly Police Department Statistics -**

Statistics for the year of 2018 can be obtained from Town Hall and are attached to these minutes.

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

The Police Department Report was accepted as presented.

APOLOGY to MAYOR and COUNCIL:

Ms. Callender, explained that she felt the need to apologize to the Mayor and Council for a bad decision made on her part last month to direct a property owner to the Town Council for input on a land use situation. She stated that she made the decision based on her zeal to have the Council be involved in something, when she should have followed the documented process and directed the property owner to make a request for an Administrative Review of the notice he received of the loss of his grandfather status. And he then should have also been informed that if he were dissatisfied with that decision, he had the option to apply to the Board of Adjustment for an override.

TOWN of CHESWOLD

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

**Monthly Town Council Meeting
Monday, January 7, 2019**

PUBLIC WORKS REPORT – “continued”

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-September 2018.* **ON HOLD – PENDING FINANCING**

2. **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**

3. **179 Commerce Street** – During the December Town Council meeting, Mr. James Dowd, property owner made a plea for an extension of the time period required to begin reconstruction of his property and it was granted. Upon subsequent conversation with the Town’s Land Use Attorney, the Town was advised that the decision was not valid and should be rescinded if Mr. Dowd had not made any financial progress toward reconstruction by the time of the next Council meeting. **PENDING**

VIOLATIONS:

1. **Villages of Nobles Pond** – Lot 280 had revisions done during this reporting period and been fined accordingly. As of this date all fines have been satisfied through payment. **ONGOING**

2. **McGINNIS GREEN** – Miracle Ear incurred five, (5), failed inspections during this reporting Period, all of which have been fined, corrected and the fine payments been made. **COMPLETE**

3. **41 New Street** – The property owner was contacted and a Notice of Violation sent notifying the owner of trash and rubbish that was left on the curb blocking access to the residence. The trash and rubbish were removed in a timely manner. **COMPLETE**

Construction Repairs

- **Main Street, (Rte. 42), Sidewalk** – 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. **PENDING**

- **School Lane** – Reports of potholes on School Lane have necessitated review and potential repair. Currently investigating and will be contacting asphalt companies to gather estimates. White’s Custom Paving; Rock Bottom Paving; Dr. Sealcoat and Affordable Asphalt are all being considered for the job depending on the cost estimate. Upon receipt of all estimates a decision will be made on the selection of a contractor. **PENDING**

- **Town Hall Repairs** - Repairs to the Town Hall have been completed to include the roof, siding, lights, addition of awnings and replacement shutters. **COMPLETE**

PLANNING COMMISSION REPORT – *Land Use Administrator Sam Callender*
Nothing new to Report

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

Monthly Town Council Meeting
Monday, January 7, 2019

ORDINANCES for APPROVAL - *Town Administrator Sam Callender*
NOTHING to REPORT

ORDINANCES for REVIEW - *Town Administrator Sam Callender*

- a. Ord. 08-05-11-024 Rev. 3 of the Ordinance of the 2012 International Residential Code**
- to provide an exception to Section R311.22 requiring other doors be provided with landings or floors no more than 7-3/4 inches below the top of the threshold.

There were no questions or expressions of concerns on the above proposed revision to the Ordinance.

- b. Ord. 02-01-12-036 Rev. 1 of Parking Ordinance**
- to prohibit parking on grass or unimproved areas.

Councilperson Faronea asked if the proposed prohibition included no parking on the railroad property.

Chief Workman responded no and explained that the railroad property was under their authority and although they have given permission to the Town to monitor activity on it, if parking is denied then there would be no parking available to the property owners and tenants on the west side of Commerce St. He also stated that there is an option to discuss permitted parking with the railroad. He pointed out however, that the stimulation for the revision was prompted by issues on New Street and the potential interference with emergency service vehicles.

Councilperson Faronea then asked the Chief what response will be given to persons fined on New Street about persons parking on the railroad grass.

The Chief responded that he will explain that the railroad grass is railroad property and thus a railroad issue and that the new revision will stop the Department from tagging unregistered and disabled vehicles no matter where they are.

Councilperson Johnson then asked how Mr. Caldwell, who is handicapped, be handled. The Chief answered that Mr. Caldwell has another parking option and that he does not use his vehicle to block his front door.

Vice Mayor Kirby expressed his curiosity on the effect of the revision on summer time guests. Chief Workman responded that the Department always has been and will continue to be flexible with the administration of the Ordinance.

RESOLUTIONS for APPROVAL - *Town Administrator Sam Callender*

Resolution 09-13-18-088 Authorization to Hold Public Hearing on the Annexation of 5867 N. Dupont Hwy

Resolution 12-10-18-089 Authorization to Hold Public Hearing for the Revision of 2012 IRC Code

Resolution 12-13-18-090 Authorization to Hold Public Hearing for the Revision of Parking Ordinance

Resolution 12-31-18-091 Authorization to Amend 2010 Comprehensive Plan – Map 7 and Growth Area

A motion to approve the above Resolutions as presented was made by Councilperson Faronea and a second was made by Councilperson Moxley. A roll call vote of the Council passed the motion was an unanimous vote.

Monthly Town Council Meeting
Monday, January 7, 2019

PROCLAMATION- *Town Administrator Sam Callender*
NOTHING to REPORT

Old Business:

a. Town Charter Update – Vice Mayor Larence Kirby -

Section 6.7.1 – Regular Meetings

The Town Council shall meet regularly during the year. The time and place of each regular meeting shall be set by Council each year at their organizational meeting, but Council shall not hereby be prohibited from rescheduling such meetings from time to time during the year as need arises.

The Town Council decided to leave the Section as is.

b. Town of Cheswold vs. Cheswold Business Park – Town Administrator Sam Callender
Next Steps – **PENDING**

c. Main Street Crossing - Vice Mayor Larence Kirby -

The Vice Mayor reported that he is continuing to pursue a resolution through State Senator Dave Lawson.

d. Fire Hydrants to Old Town - Town Administrator Sam Callender

Ms. Callender reported that she had been contacted by Ms. Heather Warren of the State of Delaware Drinking Water Revolving Fund that the Town of Cheswold will be receiving installation of fire hydrants in Old Town at no expense to the Town. The system is to be installed in a looping arrangement and property owners will not be required to tie into it. A meeting to present the project is being held on Wednesday, February 20, 2019 at 9:00 am, in Rm. 220 in the Kent County Levy Court building and Town officials are welcome to attend.

NEW BUSINESS

a. Zoning Proposal – Vice Mayor Kirby made a proposal that the Council refrain from making decisions about zoning issues and leave such decisions to the Subject Matter Expert. No one disagreed with the proposal.

b. Revision of Agreement with Property Owner of 179 Commerce St. – Discussion of revision was not required due to motion and vote taken earlier after the apology to the Mayor and Council by the Land Use Administrator.

COMMUNITY COMMENTS/CONCERNS:

- **Mr. Lee Ridgeway** – asked if the water project was going to be placed down New and West Street and if the loop will avoid stagnation. Ms. Callender responded that she's not sure, at this time exactly where the loop will be placed, but she will keep in mind to ask about the possibility of stagnation.
- **Ms. Connie Ridgeway** – thanked Chief Workman for the excellent job being done by him and his department. She is concerned about the traffic always blocking her driveway and the children who play in the street and shared a story of almost hitting a small child on a skateboard. The Chief

**Monthly Town Council Meeting
Monday, January 7, 2019**

COMMUNITY COMMENTS/CONCERNS: "continued"

appreciated her for her thanks and explained that traffic on New Street is an on-going issue and the No Parking sign has been replaced.

After some additional discussion Ms. Callender promised to investigate the feasibility of the installation of a NO OUTLET sign on New Street.

Ms. Ridgeway also questioned the status of the hole at 179 Commerce Street. Ms. Callender reported that Mr. Dowd stated that he had contacted the County and the State about filling the hole and was initially informed that it was a stormwater issue but has since determined that a gas main is running through the hole and it will have to be disconnected before addressing the issue. Code Enforcement will follow up on the status.

- **Mr. Mike Wysong** – introduced himself as a new resident of Nobles Pond and the Town of Cheswold. He informed the Mayor and Council that he was relocating from New Jersey and had been a member of the Town Council there and was very interested in small town politics and expected to volunteer his time, service and expertise once he has fully relocated.

COUNCILPERSON COMMENTS:

Vice Mayor Larence Kirby – *NOTHING to REPORT*

Secretary/Treasurer Theon Callender – stated she had two ideas for potential Council involvement:

1. **Spring Clean-Up:** She suggested that a Council person work with Mr. Matt Maugle of Public Works to conduct a Town wide Spring Clean-Up to consist of the placement of 3 dumpsters throughout the Town for Town resident dumping only. Additionally, the Public Works department will pick up items for the sum of \$30.00 and transport the debris to the dumpster if requested. She asked if a Council person was willing to volunteer to work on the project with Matt and received no responses. Eventually Chief Workman volunteered to assist and shared that he had some prior knowledge from his experience of working on a like project in Elsmere. He also stated that sometimes the Waste Company will donate the dumpsters if the Town will pay for the dumping.
2. **Business Contact:** Ms. Callender informed the Mayor and Council that it might be a good idea for a Councilperson to serve as the central point of contact for business owners within the Town of Cheswold and suggested that the starting point would be to visit the most recent businesses followed by the older businesses and inquire as to the needs of the owners as they relate to Cheswold. Vice Mayor Kirby graciously volunteered to serve and launch this project.

Councilperson Judith Johnson – *NOTHING to REPORT*

Ms. Callender asked Ms. Johnson is work on the 2019 Heritage Day project had begun. Ms. Johnson replied that she was meeting with representatives from the Tribe next week and the day will probably be in May.

Councilperson Santo Faronea – *NOTHING to REPORT*

Councilperson Mark Moxley– *NOTHING to REPORT*

TOWN of CHESWOLD

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

**Monthly Town Council Meeting
Monday, January 7, 2019**

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 adjourned.