

Town of Cheswold
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State of Delaware
1787

Town of Cheswold
Minutes of the Monthly Town Council Meeting
Tuesday – September 3, 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 Santo Faronea

Excused: Councilperson Mark Moxley

Absent: Councilperson Judy Johnson

Police Department: Chief Christopher Workman
Admin: Shadina Jones – Excused

Public Works: Michael Callender

Planning Commission: Mr. Barry Jones – Chairperson
Mr. Reginald Valentine - Commissioner

Residents: Ms. Karen Jones – Parkers Run

Visitor: Ms. Sarah Coakley – DelDOT Principal Planner

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 August 23, 2019. Copies of the agenda were available for pick-up at the Town Hall.

MEETING:

The meeting was called to order by Mayor Sine, at 6:01 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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REVIEW of AGENDA

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. Vice Mayor Kirby made a motion to approve as presented and a second was made by Councilperson Faronea. A unanimous vote of the Town Council approved the motion.

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.

A motion to accept Town Council minutes, as presented was made by Councilperson Faronea 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 the minutes as follows:
August 5, 2019

NOTE: In respect of her time and attendance, New Business was moved forward on the agenda to permit Ms. Coakley the opportunity to make a presentation to the Mayor and Council.

New Business

a. Transportation Improvement Districts – *Ms. Sarah Coakley, AICP – DelDOT Principal Planner*
Ms. Callender introduced Ms. Coakley to the Mayor, Council and attendees. Ms. Coakley then provided an overview of the components and reasons for participating in the Transportation Improvement District, (TID), program.

She explained that a TID begins with an agreement, in this case, between Kent County, DelDOT and the Town of Cheswold. The purpose is to plan for the future needs to be created by the development of land in Kent County and the Town and transportation facilities owned and maintained by DelDOT. The program provides the opportunity to address the potential increase and impact of increased traffic in the area and to develop layouts that are not only cost efficient but environmentally compatible with pedestrian traffic, bicycle paths, bus and traffic control. The program requires a developer to pay an "up front" fee to be used specifically for traffic needs and the cost will be shared by DelDOT. This fee replaces the need for a developer to contribute to off-site transportation improvements and in lieu of a Traffic Impact Study.

There are other aspects to the program including, but not limited to facility land use plans; existing conditions land use; DelDOT suggestions for improvements; cost estimates; creation of a fee schedule and traffic control monitoring.

QUESTION:

Mayor Sine - If an agreement is made, can changes be made if necessary and how would that happen?

RESPONSE:

Ms. Coakley responded that the agreement would have to be revised, which can be done at any time, and would possibly involve the revision of the current Comprehensive Plan as well.

QUESTION:

Commissioner Jones – Would homeowners of the involved developments be required to pay an fees?

RESPONSE:

Ms. Coakley responded that payments of the TID fee by new residential lot owners would be dependent upon the TID Agreement. However, the purpose of the TID is to accommodate future traffic and fees would only be charged to new development, not to existing homeowners.

QUESTION:

Commissioner Jones – Are these one-time only fees?

RESPONSE:

Ms. Coakley responded yes.

With no other program questions, Ms. Callender asked Ms. Coakley if she would be willing to do the presentation to the Planning Commissioners as this program would have to be approved by the Town Council, but the Planning Commission is responsible for the planning and recommendation to approve to the Council. Ms. Coakley agreed to do so sometime in January at which time she will have some specific traffic counts available.

Mayor Sine thanked her for attending and for the information and invited her to remain for the discussion of meeting discussion if she so desired. She stayed.

b. Salary Adjustment Request – Ms. Sam Callender, Town Administrator

Ms. Callender requested the Mayor and Council to consider making a salary adjustment to the four, (4), Town of Cheswold Police Officers. She explained that the current budget allocated a salary for an Administrative Clerk, who has since resigned from the position and that the resignation provides the opportunity to divide the salary into four, (4), equal payments of \$5,000.00 each. She further explained that the request was based on in-depth conversations held with Chief Workman.

Vice-Mayor Kirby stated that although he does not oppose the increase, we should be mindful that salary increases do not necessarily keep employees happy if they are really looking for other opportunities and assignment types.

Ms. Callender responded that the requested increase request is not designed to change an employees mind on whether or not to remain as an employee of our Police Department, but rather it's an adjustment to the base salaries of each Officer designed to make the salary competitive and compatible to like Departments in the area.

Chief Workman additionally explained that the starting salaries of our Department are significantly lower than those of other Departments and he provided examples. He stated that it makes it difficult to acquire applicants should the need arise and that it should be kept in mind that this is not a raise, but a salary adjustment.

There were no other questions or expressed concerns and Ms. Callender made a motion to approve a \$5,000.00 salary adjustment, effective immediately, for all four, (4), patrol officers under the direction of Chief Workman. A second to the motion was made by Vice-Mayor Kirby and the motion passed with a unanimous vote of the Council.

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NOTE: The meeting then continued as regularly scheduled on the agenda.

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 August 2019**, are as follows:

Monthly Cash Flow Comparisons	
TOWN of CHESWOLD	August 2019
Cash Receipts	\$149,387.99
Cash Disbursements	\$ 21,453.36
Positive Monthly Cash Flow	\$ 127,933.73
ADMINISTRATION	August 2019
Cash Receipts	\$132,116.19
Cash Disbursements	\$ 13,741.08
Positive Monthly Cash Flow	\$118,375.11
POLICE DEPARTMENT	August 2019
Cash Receipts	\$ 6,340.63
Cash Disbursements	\$ 1,747.88
Positive Monthly Cash Flow	\$ 4,592.75
PUBLIC WORKS	August 2019
Cash Receipts	\$ 10,930.87
Cash Disbursements	\$ 5,965.00
Positive Monthly Cash Flow	\$ 4,965.87

- b. The Treasurer's Report, (**Account Balances**), for the **Month of August 2019**, is as follows:

As of:	August 2019
Capital Account	\$ 30,776.90
Cheswold Heritage Day Account	\$ 5,458.29
Eide Grant Fund Account	\$ 3,169.13
Fire Company Account	\$ 42,554.11
General Fund Account	\$ 132,090.53*
Land Use Applicant's Account	\$ 29,193.12
Litigation Account	\$ 36,409.46
Municipal Street Aid Account	\$ 53,291.61
Salle Grant Fund Account	\$ 2,730.15

***The August General Fund Balance for the Town in the Bank Statement reflects a balance of \$282,090.53 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.**

A motion to approve the Treasurers Report was made by Vice Mayor Kirby and Councilperson Faronea made a second to the motion. A roll call vote passed the motion unanimously.

TREASURER'S REPORT - "continued":

c. Requisitions -

<u>Req. #</u>	<u>Department</u>	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>	<u>To Be Paid By</u>
R0-00002	Police Dept.	Midway (Town of Cheswold)	AR Rifle Armor	\$1,134.34	SLEAF Grant
R0-00005	Public Works	Environmental Testing, Inc.	Asbestos Testing-30 New St.	\$ 864.45	Public Works
R0-00006	Public Works	ASTEC Environmental	Asbestos Removal	\$3,163.00	Public Works

A motion to approve the requisition above was made by Councilperson Faronea. Vice-Mayor Kirby made a section to the motion and a unanimous roll call vote passed the motion.

d. 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 August 2019

TAX REPORT: FISCAL YEAR 2019 - 2020

Total Amount Billed: \$157,443.60

Payments as of

Current Year: Past Due Paid:

07/31/2019	\$ 35,901.88	\$ 280.39
08/31/2019	\$ 83,895.03	\$ 3,448.41
09/30/2019		
10/31/2019		
11/30/2019		
12 /31/2019		
01/31/2020		
02/29/2020		
03/31/2020		
04/30/2020		
05/31/2020		
06/30/2020		

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

b. DELINQUENT TAXES - Town Clerk Shadina Jones

Ms. Jones reported the following to the Secretary/Treasurer prior to the meeting:

- \$6,100 of the highest delinquency of \$6,686.68 has been recovered
- The lien process for the remaining top three, (3), delinquent properties continues
- Attorney letters continue to be sent to remaining delinquent property owners

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POLICE DEPARTMENT REPORT – Chief Christopher Workman:

School Buses – With the opening of school and the prevalence of school buses, Officers will be in the areas of school bus stops to stop violators from ignoring the lights and signs of stationary buses.

Grants- Grant applications for an upgraded Motorola for Mobile Radio has been forwarded to SLEAF and the Violent Crimes Grant has been submitted for Overtime Shifts and the street camera system.

Bike Patrol – The Cheswold Police Department will resume bike patrols in the late summer and early fall when the heat and humidity, which is best for officer safety. Bike patrols allow officers to patrol areas that vehicles cannot go and also lets the Department interact better with residents.

Parking Ordinance – In February 2019, the Mayor and Council passed an amendment to the Parking Ordinance prohibiting parking on any grass or unimproved area within the Town which has not been specifically designated as a parking area by an appropriate traffic control device, including but not limited to any grass or unimproved area in front of any residence, apartment building or business.

The Police Department will be notifying violators of this Ordinance for first offenses and issuing violations to the homeowner thereafter.

Ride-a-Longs – With school starting and school projects beginning, the Department would like to remind parents that the Cheswold Police Department does have a Ride-a-Long program geared towards educating teens and adults on a day in the life of a law enforcement officer. Information and applications can be on the Police Department Web page.

Training– Officers will be completing this year’s firearms qualifications in the coming months. The training will include low light training and certification and deployment of patrol rifles for duty.

Police Town Hall Meeting – Cheswold PD will hold a Town Hall meeting on Thursday, September 19, 2019, at 6:30 pm at the Cheswold Fire Hall. This is a free program open to the public but geared towards Town business and property owners and residents.

Traffic Summonses –

Officers issued 290 traffic summons’ s during the month of August.

Monthly Activity Report –

Officers responded to or completed reports for 131 Incidents for the month of July.

Monthly Incident Report –

Available for view at Town Hall

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PUBLIC WORKS REPORT – Code Enforcement Officer Michael Callender

• **Status Report –**

	PERMITS <u>ISSUED</u>	NEW <u>VIOLATIONS</u>	CLOSED <u>VIOLATIONS</u>	BUSINESS LICENSES <u>ISSUED</u>	BUILDING <u>INSPECTIONS</u>
August 2019	7	5	7	10	0

CODE ENFORCEMENT PROPERTIES

- **21 Commerce Street – PENDING:** A 2nd Notice of Violation was sent to the property owner concerning the maintenance of the weeds, grasses and trees.
- **33 New Street – PENDING:** No Change.
- **53 School Lane – PENDING:** A 2nd Notice of Violation was sent to the property owner regarding the weeds, grasses and trees and the stockpile of topsoil located on the property.
- **179 Commerce St. – ONGOING:** The property is still awaiting approval from DNREC to affect repairs. A fence has since been put up around the sinkhole as recommended. The Board of Adjustment ruled to restore the “grandfather” status of the property and to require the property owner to report the status of the rehabilitation to the Town Administrator every two, (2) months effective, July 10, 2019.

Violations:

- **Villages of Nobles Pond – PENDING:** Two, (2), violations were issued this month on Lots #57 & 237.

• **PLANNING COMMISSION REPORT** – Land Use Administrator Sam Callender

Memorandums:

The Planning Commission submitted the following Memorandums of Recommendations for approval to the Mayor and Town Council, and they were accepted as submitted:

- **Memo 19-001** Ordinance 08-06-19-054 Revision of Article 5 Section 5-3C1 Termination of Legal Non-Conforming Status
- **Memo 19-002** Ordinance 08-06-19-055 Addition of an Agricultural Zoning District and Land Use Code Designation

2020 Comprehensive Plan:

- a. **Survey** – To-date, eleven, (11), completed Survey responses have been returned. Commissioners plan to attend the Police Department Town Hall on Sept. 19 and to solicit additional responses from attendees at that time.

ORDINANCES for REVIEW/APPROVAL - Town Administrator Sam Callender

The following Draft Ordinances were presented for discussion, review and necessary corrections, deletions and/or revisions:

- **Ord. 05-17-19-052 Ordinance for Police Service Fees**

PURPOSE:

It is the intent of the Town Council by the adoption of this Ordinance to impose on and collect from the person or persons in charge of or responsible for any nuisance event or activity that generates extraordinary cost or costs to the Town that over and above the cost of providing normal law enforcement services and police protection to the Town of Cheswold.

- **Ord. 06-24-19-053 Ordinance for Special Events/Block Parties**

PURPOSE

The purpose of this Ordinance to provide processes, procedures, fees, fines and guidelines, associated with the hosting requirements of conducting a block party or special event within the corporate limits of the Town of Cheswold.

- **Ord. 08-06-19-054 Ordinance for the Revision of Article 5 – Section 5-3C1 and Addition of Definitions to the Town of Cheswold Land Use Ordinance**

PURPOSE:

The purpose of this Ordinance is to revise Article 5-Section 5-3C1, Termination of Legal Non-Conforming Status, as currently defined in the Land Use Ordinance of the Town of Cheswold, to provide a precise and definitive explanation of the parameters required for the termination of a non-conforming status, associated to structures which do not conform to the requirements of the Land Use Ordinance including permitted uses by zoning codes.

- **Ord. 08-06-19-055 Ordinance for the Addition of an Agricultural Zoning District and Land Use Code Designation to the Town of Cheswold Land Use Ordinance**

PURPOSE:

The purpose of this Ordinance is to accommodate the requirements of the Town of Cheswold Comprehensive Plan by improving the maintenance of existing properties and the management and development of properties as requested by the property owner/s that is in alignment with the Town's small-town residential and country character and appearance.

The Ordinances were reviewed by Council and the Mayor discussed the need to re-define Item 17.2 and to add an Item addressing exemptions for Churches in Ord. 06-24-19-053 Ordinance for Special Events/Block Parties with Town Administrator Callender.

RESOLUTIONS for REVIEW/APPROVAL - Town Administrator Sam Callender

The following Resolution was presented for review and approval:

- Res. 09-03-19-053 Public Hearing for Review of four, (4), Ordinances, (shown above)

Secretary/Treasurer Callender made a motion to approve the Resolution as submitted and Councilperson Faronea made a second to the motion. The motion was passed unanimously after a roll call vote.

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PROCLAMATIONS for REVIEW/APPROVAL - *Town Administrator Sam Callender*
NOTHING to REPORT

OLD BUSINESS:

- a. **Town of Cheswold vs. Cheswold Business Park** – *Town Administrator Sam Callender*
Next Steps – NO CHANGE REMAINS AS PENDING
- b. **Water to Old Town/Fire Hydrant Project** - *Town Administrator Sam Callender:*
NO CHANGE – Pending notification of next meeting from Project Coordinator.

COMMUNITY COMMENTS:

NOTHING to REPORT

COUNCILPERSON COMMENTS:

Councilperson Larence Kirby – *Nothing to Report*

Councilperson Theon Callender –

- Informed the Mayor and Council that a special consideration needs to be given to the Emergency Management needs of the Town. As Town Administrator, she is receiving consistent emails about Emergency Management classes and recently has begun receiving notices about Disaster Debris Management. She explained the Mike Callender and Matt Maugle have attended some classes, but the Town still does not have a clearly defined method of operation and process to share with residents.

Chief Workman additionally explained that there is a series of educational courses that should be completed if a person is going to be responsible for Emergency Management and that he has taken and passed all classes except one, which he is scheduled to complete next year.

Mayor Sine added that he had taken and attempted to take courses, but they require pre-requisites which never seem to be scheduled.

Chief Workman volunteered to coordinate the Emergency Management responsibilities for the Town.

NOTE: *Subsequent to the meeting, Town Clerk Jones reminded Mrs. Callender that Councilperson Moxley had previously volunteered to be responsible for Emergency Management. Mrs. Callender discussed this with Chief Workman and he agreed to work with Mr. Moxley as a team.*

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COUNCILPERSON COMMENTS – “continued”:

Councilperson Judith Johnson – Absent

Councilperson Santo Faronea – Nothing to Report.

Councilperson Mark Moxley – Excused

MAYOR’S COMMENTS:

Nothing to Report.

Motion to Adjourn

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

Minutes Submitted by: Secretary/Treasurer - Sam Callender
September 5, 2019