

Town of Cheswold
1856



State of Delaware
1787

Town of Cheswold
Minutes of the Monthly Town Council Meeting
Monday – March 3, 2020
6:00 p.m.
Cheswold Town Hall
691 Main Street
Cheswold, Delaware 19936

The following persons were in attendance:

Acting Mayor Larence Kirby
Secretary/Treasurer Theon Callender
Councilperson Santo Faronea
Councilperson Mark Moxley
Absent: Councilperson Judy Johnson

Police Department: Chief Christopher Workman

Public Works: Michael Callender

Admin: Shadina Jones, Town Clerk

Community: Mrs. Lorraine Sine; Mr. Robert Sine, Jr.

Professionals: Mr. Ring Lardner, P.E.-Davis, Bowen & Fridel Engineering
Ms. Katie Burke, Ryan Homes

NOTICE:

Notice of this meeting has been made in accordance with the Delaware Open Meeting Act, by properly posting it on January 6, 2020, 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 February 18, 2020. Copies of the agenda were available for pick-up at the Town Hall.

MEETING:

The meeting was called to order by Acting Mayor Kirby, at 6:02 pm, and was followed immediately by the Pledge of Allegiance and a Moment of Silence also led by the Acting Mayor.

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

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REVIEW of AGENDA

Acting Mayor Kirby 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.

Secretary/Treasurer Callender made a motion to add review of a letter from the Immanuel Methodist Church to Item #17 – New Business. Councilperson Moxley made a second to the motion. A unanimous vote of the Town Council approved the motion.

REVIEW of PEVIOUS'S MONTHS MEETINGS

Acting Mayor Kirby 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 the Town Council minutes, as presented was made by Councilperson Faronea and Councilperson Moxley 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:

- January 6, 2020 – Monthly Town Council Minutes
- February 3, 2020 – Meeting Cancelled/Lack of Quorum

TREASURER'S REPORT:

The Acting 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 January and February 2020**, are as follows:

Monthly Cash Flow Comparisons

TOWN of CHESWOLD	January 2020	February 2020
Cash Receipts	\$ 60,385.75	\$49,551.43
Cash Disbursements	\$ 45,273.14	\$53,704.12
Negative Monthly Cash Flow	\$ 15,112.61	(\$ 4,152.69)
ADMINISTRATION	January 2020	February 2020
Cash Receipts	\$ 11,998.86	\$33,720.53
Cash Disbursements	\$ 41,013.62	\$27,298.90
Positive Monthly Cash Flow	(\$ 29,014.76)	\$ 6,421.63
POLICE DEPARTMENT	January 2020	February 2020
Cash Receipts	\$ 4,636.46	\$ 4,223.83
Cash Disbursements	\$ 6,361.76	\$25,132.83
Negative Monthly Cash Flow	(\$ 1,495.30)	(\$20,909.00)
PUBLIC WORKS	January 2020	February 2020
Cash Receipts	\$4,423.72	\$11,607.07
Cash Disbursements	\$ 135.75	\$ 1,272.39
Positive Monthly Cash Flow	\$4,287.91	\$10,334.68

TREASURER'S REPORT - "continued":

b. The Treasurer's Report, (Account Balances), for the Month of January and February 2020, is as follows:

As of:	January 2020	February 2020
Capital Account	\$ 30,871.61	\$ 30,890.01
Cheswold Heritage Day Account	\$ 5,278.41	\$ 5,278.41
Eide Grant Fund Account	\$ 6,087.19	\$ 4,007.19
Fire Company Account	\$ 42,685.06	\$ 42,710.51
General Fund Account	\$ 129,541.13	\$ 125,315.70
Land Use Applicant's Account	\$ 43,376.29	\$ 43,702.24
Litigation Account	\$ 20,164.68	\$ 16,915.37
Municipal Street Aid Account	\$ 50,589.63	\$ 49,410.41
Salle Grant Fund Account	\$ 3,289.35	\$ 2,864.35
DelDOT Projects	\$ 150,000.00	\$ 150,000.00

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

c. Requisitions -

<u>Req. #</u>	<u>Department</u>	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>	<u>To Be Paid By</u>
R0-00038	Police	Major Police Supply	Gun Racks-Charger/Tahoe	\$746.30	SALLE
R0-00039	Public Wks.	Barkley Heating/AC	Return Grilles	\$675.00	General Fund
R0-00040	Public Wks.	Barkley Heating/AC	Blower Motors-Units/Filters	\$515.00	General Fund
R0-00041	Police	IACP	2020 Conference	\$425.00	SALLE
R0-00042	Police	DPCC Seminar	Registration & Housing	\$750.00	SALLE

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>
<i>NOTHING to REPORT</i>					

TAX COLLECTOR'S REPORT

a. Month of January and February 2020

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	\$ 87,119.35	\$ 3,483.53
09/30/2019	\$ 20,500.29	\$ 122.05
10/31/2019	\$ 1,095.22	\$ 168.11
11/30/2019	\$ 1,373.89	\$ 294.22
12 /31/2019	\$ 232.44	\$ 249.90
01/31/2020	\$ 859.55	\$ 101.89
02/29/2020	\$ 1,971.61	\$ 759.78
03/31/2020		
04/30/2020		
05/31/2020		
06/30/2020		

b. DELINQUENT TAXES – Town Clerk Shadina Jones

Ms. Jones reported that she is in contact with Town law firm, Schmittinger & Rodriquez and is waiting for the assignment of a new tax attorney to proceed with late tax collections.

POLICE DEPARTMENT REPORT – Chief Christopher Workman:

JANUARY REPORT

Grants – A new automated system is now in use for all OHS and State grants for reporting and records purposes. The Chief will continue to employ the internal system, but the new system for reporting and maintaining a running report of funds used will allow for a streamlined and productive process

CJC Grant – All items have been ordered and are awaiting delivery and installation for the 2018 Charger and the 2020 Tahoe.

Parkers Run– With the recent rash of issues in the Parkers Run Development officers will be performing extra patrols in the development and they will interview anyone in the area after dark. Anyone walking in the area after dark will be subject to contact and juveniles will be transferred home to parents, if they are out after curfew. Curfew is between 10:00 pm and 6 am for those under 18.

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POLICE DEPARTMENT REPORT – “continued”:
JANUARY REPORT– “continued”:

Special Olympics – On January 11 and January 28, 2020, Chief Workman attended the Special Olympics Boxing Tournament in Dover, DE, along with members of the Dover PD, DSP and Probation and Parole Departments, to participate in the opening ceremonies and presentation of awards.

National Night Out – The Cheswold Police Department will be working with the Cheswold Fire Company to organize the National Night Out program for Tuesday, August 4, 2020, from 6 pm to 9 pm. The plans for this event are still in their infancy and more information will be made available at a later date. **SAVE THE DATE**

Street Cameras – The street camera system is scheduled to be tested and running by the end of the week – 2/7/2020. After the system is up and running, we will begin discussing the addition of other cameras and working with the businesses in the industrial park and commercial areas to expand the system.

FEBRUARY REPORT

CJC Grant – All items have been ordered and are awaiting delivery and installation for the 2018 Charger and the 2020 Tahoe.

National Night Out – The Cheswold Police Department will be working with the Cheswold Fire Company to organize the National Night Out program for Tuesday, August 4, 2020, from 6 pm to 9 pm. The plans for this event are still in their infancy and more information will be made available at a later date. **SAVE THE DATE**

Street Cameras – The street camera system was un-operational due to a software issue and crews were out on 3/2/2020 in order to correct the problem.

Vacation – Chief Workman will be out of Town from March 29 through April 13. All issues will go through the on-duty officer.

Training - Sr. Cpl. Susan Kline will be attending a course on diversity and working with the LGBTQ+ community in California from April 5 -8.

PFC Eric Ketterer – resigned from the Cheswold Police Department on February 26, 2020 and will be starting his career with the State of Delaware Fire Marshalls Office in March.

Part Time Officers – the Cheswold Police Department is in the process of interviewing officers for the position of part time police officers.

POLICE DEPARTMENT REPORT – “continued”:

Traffic Summonses –

Officers issued 226 traffic summons’ s during the month of January.
Officers issued 225 traffic summons’ s during the month of February.

Monthly Activity Report –

Officers responded to or completed reports for 175 Incidents for the month of January.
Officers responded to or completed reports for 109 Incidents for the month of February.

Monthly Incident Report –

Both January and February are available for view at Town Hall

PUBLIC WORKS REPORT – Code Enforcement Officer Michael Callender

• **Status Report** –

	<u>PERMITS ISSUED</u>	<u>NEW VIOLATIONS</u>	<u>CLOSED VIOLATIONS</u>	<u>BUSINESS LICENSES ISSUED</u>	<u>BUILDING INSPECTIONS</u>
February 2020	5	2	0	10	1

CODE ENFORCEMENT PROPERTIES

- **33 New Street – PENDING:** NO CHANGE.
- **36 New Street – COMPLETE** An inspection was conducted by Public Works on the property regarding reports of a fire. There were no indications that a fire took place at the residence though electrical issues were noted by Code Enforcement Officer and Building Inspector. Upon the date of the inspection, the electrical issues were in the process of being corrected.
- **53 School Lane – PENDING:** There has been no response from the property owner who now has six, (6), violations against the property and will continue to be fined.
- **179 Commerce St. – ONGOING:** On December 25, the Town received a set of plans from the property owner’s contractor Green Diamond Builders. This set of plans is currently awaiting the review by the Fire Marshall’s office and will not be reviewed by the Town Building Official until said review is completed and documented. NO CHANGE.

Violations:

- **3 Commerce St. – PENDING:** Two, (2), Notices of Awareness have been sent to the property owner this month regarding an unauthorized above ground sewer attachment. This situation was reported by the Town to Kent County Sewer, A Final Notice will be issued to the property owner and if no action is taken to abate the situation, the matter will be turned over to the County for collections and fines will be issued by the Town.
- **61 Commerce St. – PENDING:** The property owners have been notified of two, (2), unregistered vehicles in various states of disrepair. They have issued a final warning and if not abated by the weekend, both vehicles will be towed.

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

a. 2020 Comprehensive Plan: The Commission; Town Engineer and Land Use Administrator are continuing to work on the written portion of the Plan. They will review five, (5), pages per meeting until the entire plan is ready for submission to the Town Council for review and approval.

b. PC Memo 19-004/Preliminary Plan Review

Stonington - Application #2019-06-06-076

Mr. Ring Lardner, P.E., who represented the developer and property owner, explained to the Acting Mayor and Town Council, the plans for the proposed development. He shared that a community meeting was held with existing homeowners whose major concerns were grass cutting and repairs to potholes. Vice Mayor Kirby asked how many homes currently exist and the response was twenty-four, (24). Mr. Lardner also shared that the major concern of the Planning Commission is that provisions are made for overflow parking. Ms. Callender reported that the Town Engineer as well as the Planning Commission recommended approval of the Preliminary Plan, as specified in PC Memo 19-004.

Councilpersons Callender and Faronea interjected that they also have concerns about the lack of overflow parking. Ms. Katie Burke, General Manager for Ryan Homes, the contractor for the development explained that each home will be able to accommodate at least four, (4), cars for parking and in some cases, five, (5). That explanation was not satisfactory to either Ms. Callender or Mr. Faronea. Ms. Callender explained that the Parkers Run development can accommodate six, (6), cars without being required to park on the street, yet the streets are filled with curb and sidewalk parking. Chief Workman added that experience has taught that residents will do as they are initially permitted to do. Specifically, if they are not hindered from curb/street/sidewalk side parking from the beginning, then it will be extremely if not impossible to stop them later.

After listening to the concerns of the Town, Mr. Lardner and Ms. Burke agreed to the following to resolve the overflow parking situation:

1. Post NO PARKING signs throughout the development
2. Add that the Cheswold Police Department has State of Delaware traffic and vehicular enforcement rights to the deed restrictions
3. Make the Cheswold Police Department deed restriction irrevocable

Based on the recommendation from the Planning Commission and the Town Engineer and the agreement made by Mr. Lardner and Ms. Burke, (recorded in Items 1-3 above), Councilperson Callender made a motion to approve the Preliminary Plan contingent upon the fulfillment of those items. Councilperson Faronea made a second to the motion and it passed with a unanimous roll call vote.

c. PC Memo 20-001/Re-Zoning

**B&E Farms, LLC previously known as Saratoga
Application #2020-001**

Land Use Administrator Callender presented an application to re-zone the property previously known as Saratoga, and now known as B&E Farms. The application requests the re-zoning from R-2, (Residential), to A-1(Agricultural). The re-zoning will be alignment with Kent County zoning and the request of the property owner for the involved 326.0 acres of farmland. Councilperson Callender made a motion to approve the Re-Zoning Application and Councilperson Faronea made a second to the motion. The motion passed with a unanimous roll call vote.

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ORDINANCES for REVIEW

NOTHING to REPORT

RESOLUTIONS for REVIEW

NOTHING to REPORT

PROCLAMATIONS for REVIEW

NOTHING to REPORT

OLD BUSINESS:

- a. **Town of Cheswold vs. Cheswold Business Park** – *Town Administrator Sam Callender*
Next Steps – NOTHING NEW TO REPORT
- b. **Water to Old Town/Fire Hydrant Project** - *Town Administrator Sam Callender:*
NOTHING NEW TO REPORT

NEW BUSINESS:

- a. **2020 Municipal Election** – CANCELLED/Not enough candidates to hold an election
All current Councilpersons will be returning to their Council positions
- b. **Request for Assistance** – Secretary/Treasurer Callender read a letter from the Immanuel United Methodist Church requesting financial assistance in hosting a Community Dinner. After some discussion and a suggestion from Vice Mayor Kirby to make the donation from the Heritage Day fund, Secretary/Treasurer Callender made a motion to donate \$200.00 to the activity. With a second to the motion from Councilperson Faronea, the motion passed with a unanimous roll call vote.
- c. Wal-Mart Grand Re-Opening – per Chief Workman is scheduled for April 3rd and Wal-Mart will be making donations to several entities including the Cheswold Police Department

COMMUNITY COMMENTS:

NOTHING TO REPORT

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COUNCILPERSON COMMENTS:

Acting Mayor Larence Kirby – asked Mrs. Callender if she had received important information about the MSA, (Municipal Street Aid). She inquired as to what information he referred, and he explained that MSA funds had increased for all municipalities. She responded that she and Ms. Jones are always included in updates and information about MSA and that she handled all reporting on a regular basis.

Councilperson Theon Callender – NOTHING to REPORT

Councilperson Judith Johnson – ABSENT

Councilperson Santo Faronea – NOTHING to REPORT

Councilperson Mark Moxley– NOTHING to REPORT

MAYOR'S COMMENTS: Town Administrator Callender acknowledged the presence of Mrs. Lorraine Sine and Mr. Robert W. Sine, Jr. She then opened and read the resignation of Mayor Robert W. Sine, Sr., due to health reasons. He also thanked the Town of Cheswold for the opportunity to serve and asked that his resignation be effective Tuesday, February 18, 2020.

Mrs. Callender shared her personal appreciation to Mayor Sine for serving as a mentor and historian as well as a Mayor and her thanks and recognition of the time, energy, and financial sacrifices made by him and his family as a result of him holding that position.

The Vice Mayor, Council members, employees and Police Chief shared in the expressed sentiments and **no action was taken on the resignation.**

Motion to Adjourn

A motion was made by Councilperson Callender, seconded by Councilperson Moxley to adjourn at 6:57 p.m. A roll call vote on the motion resulted in a unanimous vote to approve. The meeting adjourned immediately thereafter.

Submitted by: Secretary/Treasurer Sam Callender – March 13, 2020