

*Town of Cheswold*  
1856



*State of Delaware*  
1787

**Town of Cheswold**  
**Minutes of the Monthly Town Council Meeting**  
**Cheswold Town Hall**  
**691 Main Street**  
**Cheswold, Delaware 19936**  
**Monday - June 1, 2020**  
**6:30 p.m.**  
**ZOOM Teleconference**  
**1-929-205-6099 Meeting ID: 9728359352#**  
**<https://us02web.zoom.us/j/9728359252>**  
**FACE MASKS ARE REQUIRED**

The following persons were in attendance in person:

Mayor Larence Kirby  
Vice Mayor Santo Faronea  
Secretary/Treasurer Theon Callender  
Councilperson Judith Johnson  
Councilperson Mark Moxley

**Police Department:** Chief Christopher Workman

**Public Works:** Michael Callender - Excused

**Admin:** Shadina Jones, Town Clerk (via ZOOM)

**Community;** None Present

**Professionals:** Mr. Brian Turner, P.E. – Mountain Consulting (in person)  
Mr. Chad Warren, E.I.T. -Davis, Bowen & Fridel Engineering (via ZOOM)

**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 May 28 2020. Copies of the agenda were available for pick-up at the Town Hall.

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**MEETING:**

The meeting was called to order Mayor Kirby, at 6:34 pm, immediately following the adjournment of the Public Hearing. As a result, it was not necessary to repeat the immediately by the Pledge of Allegiance and a Moment of Silence, as it was conducted with the same persons in attendance during the Public Hearing.

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

**REVIEW of AGENDA**

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.

Vice Mayor Faronea made a motion to accept the agenda as presented. Councilperson Moxley made a second to the motion. A unanimous vote of the Town Council approved the motion.

**REVIEW of PEVIOUS'S MONTHS MEETINGS**

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 Moxley and Councilperson Johnson 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:

May 4, 2020 – Monthly Town Council Minutes

**TREASURER'S REPORT:**

The 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 May 2020**, is as follows:

<b>Monthly Cash Flow Comparisons</b>	
<b>TOWN of CHESWOLD</b>	<b>May 2020</b>
<b>Cash Receipts</b>	<b>\$ 58,659.81</b>
<b>Cash Disbursements</b>	<b>\$ 42,947.26</b>
<b>Positive Monthly Cash Flow</b>	<b>\$ 16,612.55</b>

**TREASURER'S REPORT - "continued":**

**Monthly Cash Flow Comparisons**

ADMINISTRATION	May 2020
Cash Receipts	\$ 46,344.48
Cash Disbursements	\$ 22,181.53
<b>Positive Monthly Cash Flow</b>	<b>\$ 24,162.95</b>

POLICE DEPARTMENT	May 2020
Cash Receipts	\$ 1,699.00
Cash Disbursements	\$ 19,593.29
<b>Negative Monthly Cash Flow</b>	<b>(\$ 17,894.29)</b>

PUBLIC WORKS	May 2020
Cash Receipts	\$ 10,616.33
Cash Disbursements	\$ 272.44
<b>Positive Monthly Cash Flow</b>	<b>\$ 10,343.89</b>

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

as of:	May 2020
Capital Account	\$ 30,914.14
Cheswold Heritage Day Account	\$ 5,270.41
Eide Grant Fund Account	\$ 3,877.72
Fire Company Account	\$ 42,743.87
General Fund Account	\$ 116,138.49
Land Use Applicant's Account	\$ 44,592.79
Litigation Account	\$ 7,166.78
Municipal Street Aid Account	\$ 48,263.74
Salle Grant Fund Account	\$ 2,576.69
DelDOT Projects	\$ 150,000.00

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

c. Requisitions –

Req. #	Department	Vendor	Item	Amount	To Be Paid By
R0-00071	Police	Magnum Elect.	Cradlepoint-Tahoe	\$1,687.35	SALLE

d. Proposed Purchases -

P.O. #	Department	Vendor	Item	Amount	To Be Paid By
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**TAX COLLECTOR'S REPORT**

Month of May 2020

**TAX REPORT: FISCAL YEAR 2019 – 2020**

Total Amount Billed: \$157,443.60

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	\$ 58.50	\$ 56.10
04/30/2020	\$ 197.74	\$ 246.76
<b>05/31/2020</b>	<b>\$ 153.86</b>	<b>\$ 21.14</b>
06/30/2020		

**b. DELINQUENT TAXES – Town Clerk Shadina Jones**

There have been no significant changes. Ms. Jones plans to follow up with Attorney's office to determine if a new Attorney has been assigned to handle taxes.

**POLICE DEPARTMENT REPORT – Chief Christopher Workman:**

**Training**– All officers are scheduled to complete this year's first firearms qualification on June 5, 2020.

**Current Restrictions** – In an effort to lessen the chances for officers to have contact with possibly infected persons, the Cheswold Police Department has restricted its interactions with the public to emergency and need for assistance situations. All calls that can be handled through the communications for reporting will be utilized and any personal interaction will be made a case by case basis.

Officers will continue to answer emergency calls for service and traffic investigations with PPE and self-protection protocols in place.

Officers have resumed traffic stops for violations and other issues on a case by case basis and are observing personal protection protocols.

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

***Current Restrictions*** – *continued*:

The Department has seen a slight increase in violations during the last few months and with the relaxation in restrictions and more vehicular and pedestrian traffic, Officers are taking more protective steps to provide for the safety of those travelers and pedestrians

***Scheduling*** – Beginning June 1, the Summer Schedule for Chief Workman will begin until August 28. The schedule will be from Monday to Thursday, 0600 – 1400 hrs.

***Grants***– The Cheswold Police Department was awarded \$9,000.00 from the Criminal Justice Council, which administers the FY2020 Coronavirus Emergency Supplemental Fund. This grant will be allocated to cleaning, PPE supplies and other virus related issues.

***Budget*** – The Department’s budget has been completed and submitted to the Secretary/Treasurer as required. Copies are available upon request.

***Traffic Summonses*** –

Officers issued 110 traffic summons’ s during the month of May.

***Monthly Activity Report*** –

Officers responded to or completed reports for 156 Incidents for the month of May.

***Monthly Incident Report*** –

May report is 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>
May 2020	11	0	0	9	0

**CODE ENFORCEMENT PROPERTIES**

- **33 New Street – PENDING: NO CHANGE.**

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- **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.

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**PUBLIC WORKS REPORT – “continued”**

**CODE ENFORCEMENT PROPERTIES – “continued”**

- **179 Commerce St. – ONGOING:** The Building Permit for this structure was issued to the contractor and the property owner. The property owner and his attorney are aware and accepted that a Certificate of Occupancy will not be issued until the issue with the sink hole and associated pipe, located on his property is properly abated.

**Violations:**

- **NOTHING TO REPORT**

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

**a. 2020 Comprehensive Plan:** The Draft of the Plan is scheduled to be complete by August 30, at which time it will be sent to the City of Dover and Kent County for review and request for written agreement. It will then be forwarded to the Office of State Planning Coordination for review and approval to be sent to Governor for approval.

**b. Alexis Properties -** Mrs. Callender informed the Mayor and Council that Alexis Properties is located at 5083 North Dupont Highway and is owned by Mr. Peter Nau. She also informed them that approximately two years ago, a Variance Request had been approved for the property development plan and submitted at that time. However, since the Final Plan had never been approved or recorded, it was necessary to re-start the application process again. As a result, the Planning Commission and Town Engineer have recommended approval of the Preliminary Plan, Application# 2020-03-02-081 dependent upon the approval a new Variance Request by the Board of Adjustment. Such approval was obtained on May 24, 2020 through a unanimous decision.

Ms. Callender then requested Mr. Brian Turner, P.E., of Mountain Consulting and representative of Mr. Nau to make his Plan presentation to the Council. Mr. Turner provided the following information about the Plan:

- Original plan was for two, (2) buildings
- Current plan reduces buildings to one, (1)
- Site is almost closed in on the northside
- Have requested all ability to serve agreements
- Has received approval from State Fire Marshall
- Submitted approval request to Kent Conservation District on April 26, 2020 – Pending response
- Existing tenants looking forward to completion of plan
- Grading and stormwater improvements will be made

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- Building will be warehouse style – consisting of five, (5), 1,000’ sq. ft. areas and two, (2) 1,500 sq. ft. areas

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**PLANNING COMMISSION REPORT – “continued”**

**b. Alexis Properties**

- Landscaping will be outside the proposed improvements
- Zoned C-2 (Highway Commercial)
- Map ID 4-03004600-01-0800-000

There were no questions or concerns expressed by the Mayor or Council. Vice Mayor Faronea made a motion to approve the Preliminary Plan, Application # 2020-03-02-081 for the warehouse development of Alexis Properties at 5083 North Dupont Highway, Cheswold, Delaware. Councilperson Moxley made a second to the motion as presented, and a unanimous roll call vote passed the motion.

**c. Alston’s Walk:** Mrs. Callender explained that the Alston’s Walk project had passed all the Preliminary Plan; Planning Commission and Town Engineer requirements associated with a request to approve a Final Plan. She also explained that the Landscaping requirement requested by the Planning Commission had been submitted and would become a part of the recorded document should the Plan be approved.

Final Plan Application# 2020-03-24-084 was presented by Mr. Chad Warren, E.I.T. of Davis & Friedel Engineering for Town Council Review and he provided the following information:

- The property is owned by Ashburn Homes
- Project proposes to construct 85 townhouse units in 16 buildings consisting of 2-1/2 stories
- Two, (2), parking spaces per unit
- Sixty-four, (64), overflow parking spaces
- Certified and sealed landscaping plan is part of the plan
- Water to be provided by Tidewater, connected through Parkers Run
- Sewer service to be provided by Kent County through Main Street
- All utility ability to service agreements have been received
- Has associated drive aisles
- One, (1), stormwater facility will be located at rear of property to the north side
- Landscaping buffer will be constructed on the west side between Alston’s Walk and Blanton’s
- Fifteen, (15) acres
- Zoned R-3 (Multi-family/Townhouse)
- Map ID: 4-03-04611-01-0200-000

Ms. Callender confirmed with Mr. Warrant that the following pre-Construction requirements will be adhered to prior to the issuance of building permits:

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**PLANNING COMMISSION REPORT – “continued”**

**c. Alston’s Walk: – “continued”**

1. Until a home-owners association or maintenance corporation is established, the Owner is responsible for the care and maintenance for all site improvements including but limited to open spaces, landscaping, roads and sidewalks, stormwater facilities, etc. At such time that a HOA or corporation is established, that entity will then assume responsibility of said site improvements.
2. Provide documentation that DelDOT will accept and maintain the internal roads as indicated in the application/plans.
3. DelDOT and the Kent Conservation District require construction meetings. The Town of Cheswold must attend all pre-construction meetings and will discuss its administrative procedures, inspections, reporting and escrow release requirements, contacts, inspectors, etc.
4. An inspection escrow must be established prior to the commencement of construction. (See Section 9.6 of Town of Cheswold Land Use Ordinance)
5. A performance bond or other form of guaranty for the required improvements must be established prior to the commencement of construction. (See Section 9.7)
6. A maintenance bond may be required to guaranty maintenance is provided for a minimum period of 18 months post construction approval. (See Section 9.7)
7. Provide the Town with Record Plans upon completion of final construction activities.

There were no questions or concerns expressed by the Mayor or Council. Councilperson Moxley made a motion to approve the Final Plan, Application # 2020-03-24-084 for the townhouse development of Alston’s Walk, located on Main Street, immediately east of Blanton’s Trailer Park on Main Street, in Cheswold, Delaware. Vice Mayor Faronea made a second to the motion as presented, and a unanimous roll call vote passed the motion.

**ORDINANCES for REVIEW - *Town Administrator Theon Callender***

The following Draft Ordinances, reviewed for public comment in the Public Hearing, held at 6:00 pm, just prior to the Town Council meeting, were presented to the Mayor and Town Council for review, comment and vote:



- **Ordinance 11-14-19-058 Ordinance for the Revision of Article 17-Violations & Penalties of the Town Land Use Ordinance - Purpose:** To permit the assessment of fines and penalties that may be related the Land Use Ordinance and which are provided for in other specific Ordinances.

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ORDINANCES for REVIEW – “continued”

- **Ordinance 01-07-08-004 Ordinance for a Total Revision of the Ordinance Est. a Surcharge ADDED to Building Permits to support the Public Safety Departments and Companies of the Town of Cheswold - Purpose:** To meet the current process of the Town of Cheswold Ordinance standards, and to provide new guidelines for the distribution of collected funds.
- **Ordinance 11-14-19-057 Ordinance for NO PARKING REGULATIONS during SNOW EVENTS - Purpose:** To document the procedures for the immediate removal of vehicles from Town owned streets upon notice from the United States Weather Bureau of a snow event of sleet or snowfall.
- **Ordinance 11-14-19-056 Ordinance for the Total Revision of Article 13-SIGNS of the Town of Cheswold Land Use Ordinance - Purpose:** To ensure that all applications for signs are processed fairly and equitably in like situations and that requirements and/or restrictions are clearly defined.

There were no comments, questions, or suggestions for change, except on Ordinance # 11-14-19-057.

Vice-Mayor Faronea questioned if there was an intent to tow cars for violations. Ms. Callender read the section on fines and penalties associated with violations and responded that there was no wording addressing towing. Mayor Kirby indicated that he felt the monetary fines were sufficient as long as there were going to be signs advising that vehicles had to be moved to provide for safe street clearing. Vice Mayor Faronea repeated that he felt towing was appropriate and that it was done in New Jersey.

Town Clerk Jones requested to speak, and permission was given. She shared that the City of Dover places notices on vehicles prior in the event of weather requiring street clearing.

Ms. Callender stated that the Ordinance only applies to Town owned streets and named them, and then recognized that they are all located in Old Town. She additionally added that these vehicle owners probably have the least resources to obtain their vehicles should they be towed. Vice-Mayor Faronea indicated that the Town would have to contract with a towing company. Ms. Callender asked Chief Workman how much is typically charged for towing and then per day. The Chief responded that it is \$185.00 for towing and then \$50.00 per day for storage and then compounded daily. He also explained that a contract would not be necessary, the Town could

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use the same company as used by the Police Department. Councilperson Moxley suggested that the fines and towing be combined.

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**ORDINANCES for REVIEW – "continued"**

Vice-Mayor Faronea summarized by making a motion to approve all four, (4), Ordinances with Ordinance# 11-14-19-057, being revised to indicate that there will be a \$50.00 fine for the first offense; a \$100.00 fine for the 2<sup>nd</sup> offense and towing at the owners expense for all subsequent offenses.

Councilperson Johnson made a second to the motion, and with no further discussion, the motion was passed by a unanimous roll call vote of the Town Council.

**RESOLUTIONS for REVIEW**

*NOTHING to REPORT*

**PROCLAMATIONS for REVIEW**

*NOTHING to REPORT*

**OLD BUSINESS:**

**a. Water to Old Town/Fire Hydrant Project - *Town Administrator Sam Callender:***

Councilperson Johnson asked the status of the Fire Hydrant Project. Ms. Callender explained that the project had been on hold due to some financial questions and restrictions, however it is now on hold due to COVID-19.

**NEW BUSINESS:**

**a. 2020-2021 Budget Review & Vote – *Secretary/Treasurer Theon Callender***

**BUDGET SUMMARY**

**ANTICIPATED REVENUE:**

Cash Carry-Over 2019 – 2020 ( <i>As of 5/31/18</i> )	\$ 116,138.49
General Fund ( <i>Administration</i> )	\$ 478,400.00
Police Department	\$ 82,341.22
Public Works	\$ 204,125.00

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Capital Account – Cash Carry-Over (*As of 5/31/20*) \$ 30,914.14

Cheswold Heritage Day Account Cash Carry-Over (*As of 5/31/20*) \$ 5,270.41

**TOTAL \$ 917,189.26**

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NEW BUSINESS: – “*continued*”

## BUDGET SUMMARY

### ANTICIPATED EXPENSE:

General Fund* ( <i>Administration</i> )	\$ 513,525.00
Police Department	\$ 446,397.20
Public Works	\$ 17,800.00
Capital	\$ 10,000.00
Cheswold Heritage Day	\$ 1,000.00

**TOTAL \$ 988,722.20**

**DIFFERENCE \$ -71,532.94**

There were no questions or concerns expressed about the budget. A motion was made by Vice-Mayor Faonea to approve the budget as submitted and Councilperson Johnson made a second to the motion. The motion passed with a unanimous roll call vote of the Council.

#### b. Council Training –

Sam Callender, Secretary/Treasurer; Land Use Administrator and Town Administrator informed the Mayor and Council that she will probably not run for Council again, due to her failing eyesight and a need for a change. She also explained that it is time for other Council members to begin learning and to be prepared to run the Town when she resigns. She asked them if they were willing to participate in 15 minute training sessions at the end of every Council meeting and they all agreed.

The first session was conducted following this meeting and it went extremely well, with total Council participation.

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**COMMUNITY COMMENTS:**

*NOTHING TO REPORT*

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**COUNCILPERSON COMMENTS:**

Vice-Mayor Santo Faronea – *NOTHING to REPORT*

Secretary/Treasurer Theon Callender – *Gave kudos and appreciation to the Police Department and Public Works for the outstanding job of holding the line during the COVID-19 crisis.*

Councilperson Judith Johnson – *Thanks to Police Department*

Councilperson Mark Moxley– *Glad to be able to meet again in person. Hates ZOOM and expressed appreciation to Sam for everything she does.*

**MAYOR KIRBY'S COMMENTS:** *.Agreed with and reiterated comments of Council members.*

**Motion to Adjourn**

A motion was made by Councilperson Callender, seconded by Vice Mayor Faronea to adjourn at 7:43 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 – June 8, 2020*

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