



**Town of Cheswold
Minutes of the Monthly Town Council Meeting
691 Main Street
Cheswold, Delaware 19936
Monday - April 5, 2021
6:00 p.m.
Council Members Only**

ZOOM Teleconference

1-929-205-6099 Meeting ID: 9728359352#
<https://us02web.zoom.us/j/9728359252>

The following persons were in attendance in person:

Councilperson Theon Callender

Mr. Maxwell Amaoko

Mrs. Judith Johnson *(via phone)*

Mr. Santo Faronea

Mr. Michael Wysong

Excused: Councilperson Mark Moxley

Police Department: Chief Chris Workman *(via Zoom)* **Administration:** Town Clerk Shadina Jones *(via Zoom)*

Code Enforcement Officer: Mike Callender

Community Garden Planner: Barry Jones, Jr. *(via Zoom)*

NOTICE:

Notice of this meeting has been made in accordance with the Delaware Open Meeting Act, by properly posting it on December 30, 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 March 29, 2021. Copies of the agenda were available for pick-up at the Town Hall.

MEETING:

The meeting was called to order by Secretary/Treasurer, at 6:02 pm and immediately followed by the Pledge of Allegiance and a Moment of Silence.

PROPERLY POSTED: Ms. Callender noted that the meeting posted was properly posted on Mar. 29, 2021.

COUNCIL RE-ORGANIZATION MEETING

PROCESS EXPLANTION:

Mrs. Callender read the required Council Organization process from the Town Charter, along with the process for selecting a new Mayor. She explained that the Charter does not allow for volunteers for the position, but the members must select and vote for a candidate from among themselves to serve in the position until the next organization period.

She additionally explained that every year, three, (3), Council positions become eligible for re-election and three, (3), positions remain in place. This year, in association with the resignation of Mayor Kirby, a fourth position became available for a period of one year.

Former Councilperson Judith Johnson whose position was scheduled for re-election decided to accept the remaining one-year position of Mayor Kirby. Therefore, the three remaining positions are to be accepted by two, (2), previous Council persons and one, (1), new Councilperson.

And as no other applicants applied to run for the vacant positions prior to the deadline, it was not necessary to hold an election. The legality of this process was confirmed by the Town Clerk with the Board of Elections.

INTRODUCTION and SWEARING-IN of EXTENDED COUNCIL MEMBERS:

The following gentlemen were introduced and sworn-into a two, (2), year Council positions by Councilperson Callender:

Mr. Santo Faronea – Nobles Pond
Mr. Michael Wysong – Nobles Pond

INTRODUCTION and SWEARING-IN of EXTENDED COUNCIL MEMBER:

The following gentleman was introduced and sworn-into a two, (2), year Council position by Councilperson Callender:

Mr. Maxwell Amaoko – Parkers Run

INTRODUCTION of EXTENDED COUNCIL MEMBER:

The following lady was introduced as an one, (1), year Council position holder by Councilperson Callender:

Mrs. Judith Johnson – Old Town

A motion was made by Mrs. Callender to accept Mrs. Johnson as a one, (1), year Councilperson. Councilperson Wysong made a second to the motion and a roll call vote passed the motion unanimously.

Note: Mrs. Johnson will be sworn-in, in person, at the next Council meeting.

ELECTION of MAYOR by TOWN COUNCIL:

Councilperson Callender requested the Council to make motions to elect a new Mayor as required by the Town Charter. Councilperson Wysong then made a motion to appoint Councilperson Faronea as the Mayor. With a second from Councilperson Johnson, a roll call vote was taken that resulted in the unanimous election of Councilperson Santo Faronea to the position of Mayor.

POSITION APPOINTMENTS by MAYOR FARONEA:

Newly elected Mayor Faronea made the following appointments:

Vice Mayor – Councilperson Michael Wysong
Secretary/Treasurer – Councilperson Theon E. (Sam) Callender
Town Administrator – Secretary/Treasurer Theon E. (Sam) Callender

CONCLUSION OF RE-ORGANIZATION MEETING:

Immediately following the appointments of Officers by Mayor Faronea the regularly scheduled monthly Town Council meeting began.

MONTHLY TOWN COUNCIL MEETING

ROLL CALL:

Mayor Faronea requested Secretary/Treasurer Callender to call the roll. And with five (4), members of the six (6) person Council present, Ms. Callender presented a quorum to the Mayor and the meeting continued.

REVIEW of AGENDA

Mayor Faronea 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 accept the agenda as presented and Councilperson Amaoko made a second to the motion. A unanimous roll call vote of the Town Council approved the motion.

REVIEW of PEVIOUS MONTHS MINUTES

Mayor Faronea 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.

REVIEW of PEVIOUS MONTHS MINUTES –“*continued*”

A motion to accept the Town Council minutes, as presented was made by Councilperson Wysong and Secretary/Treasurer Callender 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:

March 1, 2021 – Monthly Town Council Meeting

TREASURER’S REPORT:

The Vice 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 March 2021**, is as follows:

Monthly Cash Flow Comparisons

TOWN of CHESWOLD	MARCH 2021
Cash Receipts	\$ 74,487.42
Cash Disbursements	\$ 53,696.77
Positive Monthly Cash Flow	\$ 20,790.65

ADMINISTRATION	March 2021
Cash Receipts	\$ 31,738.35
Cash Disbursements	\$ 30,098.38
Positive Monthly Cash Flow	\$ 1,639.37

POLICE DEPARTMENT	March 2021
Cash Receipts	\$ 7,473.36
Cash Disbursements	\$ 23,398.99
Negative Monthly Cash Flow	\$ 15,925.63

PUBLIC WORKS	March 2021
Cash Receipts	\$ 35,275.81
Cash Disbursements	\$ 199.40
Positive Monthly Cash Flow	\$ 35,076.41

b. The Treasurer’s Report, (Account Balances), for the Month of March 2021, is as follows:

as of:	March 2021
Capital Account	\$ 29,956.54
Cheswold Heritage Day Account	\$ 4,793.57
Eide Grant Fund Account	\$ 4,504.90
Public Safety Account	\$ 42,823.11
General Fund Account	\$ 117,380.65
Land Use Applicant’s Account	\$ 62,831.15
Litigation Account	\$ 7,793.53
Municipal Street Aid Account	\$ 53,864.98
Salle Grant Fund Account	\$ 4,747.83
DelDOT Projects	\$ 150,375.72

c. Requisitions –

<u>Req. #</u>	<u>Department</u>	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>	<u>To Be Paid By</u>
<i>NOTHING TO REPORT</i>					

b. Proposed Purchase/s -

<u>Req. #</u>	<u>Dept.</u>	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>	<u>To Be Paid By:</u>
<i>NOTHING TO REPORT</i>					

The Mayor asked for a motion to approve the Treasurers Report, including Requisitions and Proposed Purchases.

A motion was so made by Councilperson Wysong and with a second from Councilperson Callender and a unanimous roll call vote, the motion passed.

TAX COLLECTOR’S REPORT – *Town Clerk Shadina Jones*
Month of March 2021

TAX REPORT: FISCAL YEAR 2020 – 2021

Total Amount Billed: \$157,085.40

Total Amount Paid: \$147,506.36

As of:	Current Year:	Past Due Paid:
07/31/2020	\$ 580.01	\$ 199.21
08/31/2020	\$ 37,604.14	\$ 300.77
09/30/2020	\$ 26,157.93	\$ 819.35

10/31/2020	\$ 22,650.37	\$ 546.30
11/30/2020	\$ 53,231.64	\$ 2,565.43
12 /31/2020	\$ 4,213.87	\$ 2,247.33
01/31/2021	\$ 2,577.00	\$ 421.99
02/29/2021	\$ 491.50	\$ 44.65
03/31/2021	\$ 3,070.30	\$ 661.23
04/30/2021		
05/31/2021		
06/30/2021		

b. DELINQUENT TAXES – Town Clerk Shadina Jones

Ms. Jones reported that she was able to collect on an eight, (8), year delinquent tax debt.

A motion was made by Councilperson Wysong to accept the Tax Report as submitted and a second was made by Councilperson Amaoko. A unanimous roll call vote resulted in the passage of the motion.

POLICE DEPARTMENT REPORT – Chief Christopher Workman:

Chief Workman presented his March 2021 report, via e-mail, to the Mayor and Council, post meeting, as he was on vacation during the meeting, as follows:

Autism Awareness Campaign – On March 29th, 2021 the Cheswold Police Department held its Autism Awareness Campaign Kick-off and unveiled its 2021 Autism Awareness Car honoring Ethan Callender and Michael sine- Thank you to all of our sponsors and officers who made this happen.

Training - In 2020 we updated our policies and procedures regarding officer’s interactions with persons in crisis. As a result all officers must attend the National Alliance on Mental Illness, 40-hour, Crisis Intervention Team (CIT) Training in order to provide better understanding and service to our community when experiencing times of crisis. Chief Workman and Mst Cpl Simms will be attending this course June 14-18th.

FBI-LEEDA Conference - April 25-29th Chief Workman will be attending the FBI-LEEDA Executive Leadership Conference. In addition to attending the conference Chief Workman is also a candidate for the Executive Board position of Sergeant-at-Arms. If elected Chief Workman will represent small agencies and the State of Delaware as a member of a progressive board dedicated to executive training opportunities and courses designed for small and midsize departments. <https://fbileeda.org/default.aspx>

Firearms Qualifications - Officers will be scheduled for the first firearms qualifications of the year for the month of May. We are attempting to secure ammunition for qualification as supplies have been low.

POLICE DEPARTMENT REPORT – “continued”

TRAFFIC

Traffic Violations Charged –

Officers issued 118 traffic summons’s during the month of March. These are the number of violations issued. (One traffic stop could equal 2 violations, eg. Speeding, no driver’s license)

Actual Traffic Stops - 135

This is a graph of the traffic stops made in March. It shows the number of stops and dispositions of stops by race and gender. In an effort to expand transparency we are adding this to the monthly report to show who our officer’s stop for violations and how they complete the stop.

Traffic Graphs were presented with the report. Anyone interested in obtaining a copy of the graphs may send an email request to Cheswold.office@comcast.net or apply in person at Town Hall.

Monthly Activity Report –

Officers responded to or completed reports for 153 Incidents for the month of March.

Monthly Incident Report – Is on file at Town Hall and is available upon request.

Note: As the report was submitted after the monthly Town Council, there was no public review or vote on acceptance or denial.

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

PUBLIC WORKS REPORT – Code Enforcement Officer Michael Callender

Mr. Callender presented the following report to members of the Council via e-mail prior to the meeting:

• Status Report –

	<u>PERMITS ISSUED</u>	<u>NEW VIOLATIONS</u>	<u>CLOSED VIOLATIONS</u>	<u>BUSINESS LICENSES ISSUED</u>	<u>BUILDING INSPECTIONS</u>
March 2021	12	0	1	10	0

CODE ENFORCEMENT PROPERTIES

- **33 New Street – PENDING: NO CHANGE.**
- **53 School Lane – UPDATE** The property is currently under review by the Planning Commission for the purpose of a single family home development. **PENDING**
- **77 School Lane –** This residence suffered a fire on March 14, 2021. No injuries were reported; the structure was condemned on March 16, 2021. The homeowner has plans to place another home on the property. They have been informed that their grandfather status has been lost and they will have to bring their property up to the code of the current Land Use Ordinance standards. **PENDING**
- **179 Commerce St. – ONGOING:** On March 30, 2021, the office received a visit from Alan Angel of Kent County Levy Court, inquiring about the property and the sink hole. A-Del erected a temporary fix to the broken storm line there in order to continue with their installation of the water main and hydrants along Commerce St. The active storm line was broken at multiple locations including the crossing and in order to prevent a possible collapse during their installation, A-Del effected these repairs. The exact nature and purpose of Mr. Angels visit is unclear being Kent County Levy Court has not jurisdiction in Cheswold. **ON-GOING**

VIOLATIONS

- *Nothing to Report*

Construction Projects:

- **Stonington –** Construction on the four model homes completed and all are open for tours. Ryan Homes, the current builder, has recently acquired and paid for eight, (8), building permit applications, as well as two, (2), new monument signs that are to be installed along Lynnbury Woods Road and Igneous Rock Road.
- **Alston’s Walk – NO CHANGE** Pre-construction meeting is pending.

Town Maintenance:

- **Fire Prevention Project** - The hydrant portion of the installation was completed on March 19, 2021. Curbing and sidewalk construction began on March 22, 2021. Curb installation has been completed to 117 Commerce Street.
- **Town Signs** – The installation of No Parking, Resident Only Parking and other signs throughout the Town has commenced along Commerce Street.

PLANNING COMMISSION REPORT - *Land Use Administrator Sam Callender*

a. **Revision of Land Use Ordinance** – Article 4 continues to be in progress.

b. **2020 Comprehensive Plan** – Ms. Callender was notified in a 12 page document that the Plan has failed the PLUS review and that there are six, (6) certification items that must be revised in order to receive a positive PLUS review and potential sign-off by the Governor. The remainder of the ten pages are recommendations for changes and should be considered but are not necessary to pass PLUS. Ms. Callender will begin the revision process and complete with a revision of the maps upon the return of the Town Engineer Tom Wilkes from his vacation.

ORDINANCES for REVIEW/APPROVAL – Town Administrator Sam Callender

ORDINANCES:

NOTHING TO REPORT

RESOLUTIONS: 04-05-21-097 Authority to Plan, Design and Develop a Community Park and Garden Complex

Councilperson Mike Wysong presented the above titled and numbered resolution to the Council, in association with obtaining a grant from the U.S. House of Representatives Appropriations Committee through Congresswoman Lisa Blount Rochester. The grant would provide funds to assist in the development of a community park and garden at the School Lane location. A motion to approve the Resolution was made by Councilperson Wysong and a second by Councilperson Callender. A unanimous roll call vote passed the motion.

PROCLAMATIONS:

NOTHING TO REPORT

OLD BUSINESS:

Vice Mayor Faronea requested a review of the open Town projects:

- **New Infrastructure** – Ms. Callender – Nothing new to report.
- **Economic Development Plan & Cheswold Business and Merchant’s Association** - In light of the resignation of former Mayor Kirby, Mayor Faronea accepted responsibility for heading this plan and association.
- **Activities Committee** – Mayor Faronea – Nothing new to report.
- **Park Committee** – Councilperson Wysong repeated need for all Council members to sign Resolution in a timely manner to allow for an on-time delivery to the office of the U.S. Congresswoman Rochester.
 - **Community Garden** – Mr. Jones, Jr., expressed his concerns about the proper methods for acquiring funds for the development of the garden and reported that he was set to initiate a Go Fund Me account to collect funds. Mrs. Callender expressed her concerns about collections made in the name of the Town and the importance of being responsible to account for all collections and expenditures. Mr. Jones, Jr., assured Council that there is a means to do that and there is a cost he believes to employ Go Fund Me. He believes that there is a \$.49 per donation charge and some percentage of the amount donated, but he is not completely sure at this time. He committed to obtaining precise information to be provided at a later date, but also requested that the garden be included in the 2021-2022 budget.
- **Fire Prevention Project** – Mrs. Callender stated that the decision has been made to continue the project west on School Lane and terminating in a hydrant in the park. This change in plan is the opportunity to provide water to the Town park and the proposed community garden.
- **Protest Plan Team** – Team Leader Chief Chris Workman – Nothing new to report.
- **MPO Participation** – Mayor Kirby’s recent resignation resulted in Mayor Faronea stepping to represent the Town in future MPO meetings.

NEW BUSINESS:

- **AMERICAN RESCUE PLAN ACT** – Mrs. Callender reported that she was contacted by a member of the office of the State Treasurer who informed her that in association with the recent approved \$1.7 trillion recovery bill signed by President Biden, that the Town is entitled to a portion of those funds under the ARPA, (American Rescue Plan Act).

The payments will be made by the federal government to state governments whose responsibility it is to forward allotments on to municipalities based on population.

The State has currently determined that the maximum allocation for our Town is \$860,000. However, a municipality may only collect a maximum of 75% of what their approved 2019-2020 budget was as of January 27, 2020.

Our submitted budget, per our accounting system was, \$894,723.04, which would entitle us to \$671,042.28.

Our amended budget, as of January 27, 2020, was \$932,204.84, which would entitle us to \$699,153.63.

A copy of the Cheswold submitted and amended budget were forwarded to the Office of the State Treasurer, along with a requested and required form on March 29, 2021.

Payments will be made in two, (2), increments of 50% each.

The U.S. Treasury is required to release 50% of the local government allocations to the State Treasurer by May 10, 2021. The State has approximately 30 days from receipt of funds to make first municipal payment, which should arrive by June 30, 2021.

The 2nd payment must be made one, (1), year later.

Currently there are no guidelines on how or what to use funds. The State has 60 days to provide guidelines. (*Guessing that's 60 days from notifying municipalities of approval of act – so guidelines should arrive by the end of May or beginning of June*).

It is not known whether the State or the Feds will ultimately audit expenditures, so it is the intent of the Town Treasurer to maintain funds in a separate account and not co-mingle with the General Fund.

NEW BUSINESS: *"continued"*

- **COVID-19 RETURN to WORK GUIDELINES** – Ms. Callender attempted to explain that due to the expiration of the Families First Coronavirus Response Act, (FFCRA), expired on March 31, 2021, and which was implemented after the expiration of the Family Medical Leave Act, dealing with Coronavirus on December 31, 2021, cities, towns, states, municipalities were developing their own human resource policies and/or guidelines to dictate the process and procedures to be used for employees who may be exposed to COVID-19.

For this reason and at the suggestion of the Chief of Police, she requested the Council to consider and discuss what the guidelines should be for the Town of Cheswold.

Vice Mayor Wysong stated that he worked with the Fair Labor Standards Act, (FLSA), in his previous employment and that you can't make a policy that affects only one, (1), employee. Since FFCRA and its extension has expired. He recommends that we stay with the normal established guidelines and address employee sickness due to COVID on an individual basis. And whatever we do for one, we have to do for all.

Ms. Callender stated that she disagrees that an employee that may potentially have COVID should not have to take a benefit earned sick day. This ultimately will delete that employee's sick day at a disproportionate rate to like employees.

Ms. Callender responded that she prefers to address potential problem issues as early as Possible and feels that the Town should follow the direction of other cities, towns and municipalities and form a policy/guideline before someone addresses us with an issue.

Vice Mayor Wysong continued to advocate to wait to make a decision and Ms. Callender conceded without other Council members expressing an opinion.

COMMUNITY COMMENTS:

In response to a question concerning a spring clean-up day as was held in 2019, Resident Rodney Callender informed the Council that Parkers Run conducted monthly clean-up days within the development at one time.

COUNCILPERSON COMMENTS:

Vice-Mayor Michael Wysong – Asked if there were any plans to hold another Spring Clean-Up. Ms. Jones explained the process that was involved in conducting the clean-up in 2019 and promised to investigate feasibility and possibility of getting dumpsters donated again. He also expressed his appreciation for the Autism Awareness event.

Secretary/Treasurer Theon Callender – Expressed her thanks and appreciation to Chief Workman for the successful Autism Awareness event held on the previous Monday. She informed Council that the wrapped Autism police car is getting lots of attention. People are stopping and taking pictures and purchasing t-shirts and decals and making donations to be given to Autism Delaware at the end of month.

Councilperson Judith Johnson – NOTHING to REPORT

Councilperson Mark Moxley – Excused.

Councilperson Maxwell Amaoko – NOTHING to REPORT

MAYOR FARONEA'S COMMENTS – *Expressed his appreciation to the Council for electing him Mayor.*

Motion to Adjourn

A motion was made by Councilperson Callender seconded by Vice Mayor Wysong to adjourn at 7:48 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 – April 14, 2021

Revised by: Secretary/Treasurer Sam Callender – April 15, 2021

- *Revisions at request of Vice Mayor Wysong:*
 1. *State Representative corrected to be US Congresswoman*
 2. *Paragraph 3 re-written in its entirety*