



**Town of Cheswold
Minutes of the Monthly Town Council Meeting
691 Main Street
Cheswold, Delaware 19936
Monday – October 3, 2022
5:30 p.m.**

ZOOM Teleconference

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

The following persons were in attendance in person:

Mayor Santo Faronea
Vice Mayor Michael Wysong
Secretary/Treasurer Theon Callender
Councilperson Judith Johnson (Zoom)
Councilperson Maxwell Amoako
Excused: Councilperson Mark Moxley

Police Department: Chief Chris Workman
Administration: Ms. Shadina Jones, Town Clerk (Zoom)
Administrative Clerk: Ms. Camryn Tunnell
Public Works: Code Enforcement Officer Mr. Mike Callender
Town Engineer: Mr. Tom Wilkes, P.E., Carroll Engineering (Zoom)
Special Guest: Ms. Morgan Miller (Wilmington University Student)

Community Attendees- Joined via Zoom:

Mr. Rodney Callender (Parkers Run)
Mr. Stephen Williams & Mrs. Jeanette Williams (Parkers Run)
Ms. Melinda Baker (Parkers Run)
Mr. David Malone (Parkers Run)
Ms. Ebonie Taylor (Parkers Run)
Mr. Ron Duggins (Parkers Run)
Ms. Benita Ogburn-McLean & Mr. Clayton McLean (Parkers Run)

NOTICE:

Notice of this meeting has been made in accordance with the Delaware Open Meeting Act, by properly posting it on December 15, 2021, 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 September 26, 2022. Copies of the agenda were available for pick-up at the Town Hall.

MEETING:

The meeting was called to order by Mayor Faronea at 5:26 pm.

PLEDGE of ALLEGIANCE and MOMENT of SILENCE

The Pledge of Allegiance and Moment of Silence was conducted during the Public Hearing which was held previous to the Town Council meeting at 5pm.

PROPERLY POSTED:

Administrative Clerk Camryn Tunnell noted that the meeting was properly posted.

ROLL CALL:

Mayor Faronea requested the Administrative Clerk to call the roll. And with five, 5) members of the of the six (6) person Council present, Ms. Tunnell 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.

Councilperson Amoako made a motion to accept the agenda as presented. With a second from Vice Mayor Wysong and a unanimous roll call vote of the Town Council approved the motion.

REVIEW of PREVIOUS 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.

A motion to accept the Town Council minutes, as presented was made by Councilperson Amoako and Vice Mayor Wysong made a second to approve the motion. A roll call vote on the motion resulted in a unanimous vote to approve the following minutes:

October 3, 2022 – Monthly Town Council Meeting

TREASURER’S REPORT:

a. The Treasurer’s Reports for the Month of September 2022, is as follows:

Monthly Cash Flow Comparisons

TOWN of CHESWOLD	SEPTEMBER 2022
Cash Receipts	\$ 217,160.67
Cash Disbursements	\$ 83,675.30
Positive Monthly Cash Flow	\$ 133,485.37

ADMINISTRATION	SEPTEMBER 2022
Cash Receipts	\$ 200,825.99
Cash Disbursements	\$ 40,122.09
Positive Monthly Cash Flow	\$ 160,703.90

POLICE DEPARTMENT	SEPTEMBER 2022
Cash Receipts	\$ 4,641.37
Cash Disbursements	\$ 42,139.65
Negative Monthly Cash Flow	(\$ 37,498.28)

PUBLIC WORKS	SEPTEMBER 2022
Cash Receipts	\$ 11,693.31
Cash Disbursements	\$ 1,413.56
Positive Monthly Cash Flow	\$ 10,279.75

b. The Treasurer’s Report, (Account Balances), for the Month of SEPTEMBER 2022:

as of:	SEPTEMBER 2022
Capital Account	\$ 30,012.63
Cheswold Heritage Day Account	\$ 6,017.02
Eide Grant Fund Account	\$ 3,675.66
Public Safety Account	\$ 90,882.48
General Fund Account	\$ 736,775.47
Land Use Applicant’s Account	\$ 57,658.34
Litigation Account	\$ 87,684.08
Municipal Street Aid Account	\$ 66,296.63
Salle Grant Fund Account	\$ 1,615.27
DelDOT Projects	\$ 90,890.90
ARPA	\$ 510,464.19
Municipal Complex Building	\$ 745,185.53

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>
<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>					

Mrs. Tunnell read the Treasurer's Report aloud for Councilperson Callender. The Council had no questions or comments following the reading.

TAX COLLECTOR'S REPORT – *Town Clerk Shadina Jones*
Month of September 2022

TAX REPORT: FISCAL YEAR 2021 – 2022

Total Amount Billed: \$179,447.60

Total Amount Paid: \$168,106.82

Paid As of:	Current Year:	Past Due Paid:
07/31/2022	\$ 15,913.33	\$ 460.38
08/31/2022	\$ 43,141.87	\$ 1,059.61
09/30/2022	\$ 109,051.48	\$ 1,278.87
10/31/2022	\$	\$
11/30/202	\$	\$
12 /31/2022	\$	\$
01/31/2023	\$	\$
02/29/2023	\$	\$
03/31/2023	\$	\$
04/30/2023	\$	\$
05/31/2023	\$	\$
06/30/2023	\$	\$

2022 -2023 PROPERTY TAXES - *Town Clerk Shadina Jones*

Mrs. Jones read the tax report aloud via Zoom and she informed the Council that despite overcoming a few "hiccups", the Nobles Pond tax bills were mailed on time.

A motion was made by Councilperson Amoako to approve the Treasurer's Report along with the Tax Report. The motion was seconded by Councilperson Callender. The motion passed with a unanimous roll call vote.

POLICE DEPARTMENT REPORT – *Chief Christopher Workman:*

Chief Workman stated he was unable to send the Police Report via email prior to the meeting. However, he will send the Report to Council next week, at the latest. The Report was added to the minutes as follows:

New Vehicles - The department received a SALLE grant to up fit the 2022 Ford Explorer (PIU) we are still awaiting the delivery of some equipment to be installed. **The Explorer is currently in shop having all equipment added.**

SLEAF - New SLEAF grant approved to complete the 2021 Ford F150, lights, siren, console, radio and cradlepoint and all equipment has been ordered. **Installations have been scheduled for immediately following return of Explorer.**

Firearms Training - All officers have completed their 2022 Fall Qualifier which is taking place on three dates: Oct 3, 7 or 11, 2022.

Crime Watch Meeting - Chief Workman attended meeting with Nobles Pond and Kent County Crime Watch at Nobles Pond Club House - Chief Workman invited to attend Kent County Crime Watch meetings held at Kent County Levy Court on the 4th Thursday of each month at 7pm. Next Meeting: October 27th

Axon - We have received word that the department should be receiving its upgraded Taser 7 equipment in October.

Other Training -

Take Care Delaware Training - All officers are in the process of completing the training for this program a partnership between law enforcement and schools to adopt a trauma-informed approach to children who have been identified at the scene of a traumatic event.

POLICE DEPARTMENT REPORT – Chief Christopher Workman: “continued”
Other Training – “continued”

Take Care Delaware Training – “continued”

Take Care Delaware promotes school-community partnerships aimed at ensuring that children who are exposed to trauma in their home, school or community receive appropriate interventions to help them achieve academically at their highest levels despite whatever traumatic circumstances they may have endured.

Lt. Kline - Mid-Atlantic Association of Women in Law Enforcement Conference Oct.
23-27 Wildwood, NJ

Chief Workman - IACP Training Conference & Expo Oct 15-20 Dallas, TX

- Use of Force Symposium Nov 28-Dec 1 Uncasville, CT

- FBI-LEEDA Board Meeting Dec 15-18 Philadelphia, PA

Traffic Violations Charged – Officers issued 126 traffic summonses’ during the month of June. These are the number of violations issued. {**Note:** *One, (1), traffic stop could equal two, (2), or more violations, e.g.: Speeding; no driver’s license*}

Actual Traffic Stops – 124

Graphs depicting traffic stops made in June and dispositions, were presented to the Council. The following reflects the data depicted on the graphs by ethnicity and gender:

POLICE DEPARTMENT REPORT – “continued”:

Male Traffic Stops

September

African American	33
Caucasian	29
Latino	10
Other/Undetermined	1

Female Traffic Stops

September

African American	28
Caucasian	21
Latino	2
Other/Undetermined	0

Dispositions

Summons

September

African American	55
Caucasian	44
Latino	10
Other/Undetermined	2

Verbal Warnings

September

African American	6
Caucasian	4
Latino	1
Other/Undetermined	0

Written Warnings

August

African American	0
Caucasian	2
Latino	0
Other/Undetermined	0

In an effort to expand transparency it is added to the monthly report to show who our officer’s stop for violations and how they complete the stop.

Anyone interested in obtaining a copy of the associated 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 135 Incidents for the month of August.

ADDITIONAL DISCUSSION:

Councilperson Amoako asked if Chief Workman would be replacing the part-timer. Chief Workman stated he would not be replacing the officer at this time.

IF YOU DON’T CALL – WHO WILL – CALL 911

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

PUBLIC WORKS REPORT – Code Enforcement Officer Michael Callender

	<u>Permits Issued</u>	<u>New Violations</u>	<u>Closed Violations</u>	<u>Building Inspections</u>
September 2022	11	1	0	1

After the Status Report, the following information was presented concerning Town properties:

- **Code Enforcement Properties:**
 - 179 Commerce St. – **PENDING:** This property remains under a Notice of Violation for Condemnation & Demolition; Nothing has been accomplished on the property other than grass and weeds maintenance, fines are being continually issued.
 - 41 Commerce St. – **PENDING:** This property is under a Notice of Violation for Exterior Property Areas and current fines which have been placed on hold for review during the previous Council meeting by Max Walton.
- **Updates:**
 - Stonington – Construction continues as usual.
 - Alston’s Walk – There has been no new communication with Ashburn Homes regarding pending construction.
- **Public Works:**
 - Railroad Property Parking – The parking permits there have been rescinded as a result of communication with the railroad who have stated, in writing, that there not be any parking along their property within Town limits due to liability concerns. On Friday all no parking signs were posted in lieu of the parking permit signs along with the Tow signs which will be enforced by McKinney’s Towing.

Infiltration Status:

- The GTA Infiltration report was received by the Town on 9/21/2022. In short it has been found that the ground in the adjacent field is suitable to support a proposed basement for the new Town Hall facility.

PUBLIC WORKS REPORT – “continued”

Comments:

Mr. Callender stated there has been no parking along Commerce Street parallel to the Railroad. Mayor Faronea stated he saw some cars parked along that side of the road; however, Mr. Callender informed him that the cars he saw are out of the Town’s jurisdiction.

The Mayor stated that he noticed that Mr. Hettinger’s property (41 Commerce St) had been cleaned up. Mayor Faronea asked if the fines can be decreased by half of the total fine(s). Mrs. Callender informed the Mayor that Mr. Max Walton, Esq., asked for an additional month to review the response to be sent to Mr. Hettinger. Once Mr. Walton has reviewed the documents, he will update the Town on what the next the next steps are.

PLANNING COMMISSION REPORT – *Land Use Administrator Sam Callender*

a. Town Council Final Plan Application Review/Vote - Application # 2022-08-11-114

- **Application Type:** Prelim/ Final Plan (*Sub-division*)
 - **Applicant:** McGinnis Green
 - **Map ID:** 4-03-04700-01-0100-000; 4-03-04700-01-0200-000;
 - *Lots are being combined into one, (1) parcel. Pending new Map ID assignment*
 - **Acres:** 3.3
 - **Currently Zoned:** C-2 (Highway Commercial)
 - **Post Application Approval Zone:** : C-2 (Highway Commercial)
 - **Approvals Received:**
 - Fire Marshall
 - Tidewater
 - **Approvals Pending:**
 - DelDOT
 - DNREC
 - Delmarva
 - **Represented by:** Mr. Ring Lardner, P.E.; DB&F Engineering
- Mrs. Callender presented the Application # 2022-08-11-114 to Council for a Final Plan Review/Vote. The specifics of the plan are shown below. Mrs. Callender then asked Mr. Lardner, who is the engineer for the project to provide any remarks he finds applicable. Mr. Lardner stated he received approval from DNREC. However, Delmarva Power does not grant approval; only electric upon request. Tenant site plans will be submitted when appropriate.

PLANNING COMMISSION REPORT - *Land Use Administrator Sam Callender "continued"*

**b. PLUS Review Status – Amendment to 2020 Comprehensive Plan
RE: Lot Line Adjustment Central Delaware Business Park**

Mrs. Callender informed the Council of the PLUS Review, which states, "Based on the relatively minimal level of disturbance and increased potential for historic and precontact archaeological resources, this office recommends archaeological survey prior to any ground disturbance. If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch.54). A copy was also forwarded to Mr. Jonathan Richard, P.E., and Mr. Rich Julian for their records.

Subsequent to discussion, Mrs. Callender contacted Mr. Max Walton, Esq. and he advised that there is no requirement to complete an archaeological survey before breaking ground, and if not completed, the Town will not face any liability.

c. The following items are to be reviewed at the next Planning Commission meeting, which is scheduled for: Thursday, October 13, 2022 at 5:00 p.m.; 691 Main St.:

- **Public Hearing for Ordinance Reviews:**

- **08-29-22-067** Ordinance to Re-Zone Parcels with Outdated M-1 Designations to I-1, (Industrial) Designations Consistent with the Current Land Use Ordinance and the 2020 Comprehensive Plan

- **08-29-22-068** Ordinance to Re-Zone Parcels with Outdated M-1 Designations to I-2, (Industrial) Designations Consistent with the Current Land Use Ordinance and the 2020 Comprehensive Plan

- **08-29-22-069** Ordinance to Re-Zone Parcels with Outdated M-1 Designations to C-2, (Commercial) Designations Consistent with the Current Land Use Ordinance and the 2020 Comprehensive Plan

- **08-29-22-070** Ordinance to Amend the Town of Cheswold Land Use Ordinance to Delete Section 16-6 in its Entirety

- **Revision of Land Use Ordinance – Land Use Table**

13. Ordinances - *Town Administrator Sam Callender*

3rd Readings - For Council Vote:

- a. **07-28-22-065** Ordinance to Amend the Town of Cheswold 2022 Comprehensive Plan to Allow or Re-Zoning of Parcels in the Central Delaware Business Park

- b. **07-28-22-066** Ordinance to Re-Zone Parcels in the Central Delaware Business Park

A motion was made by Councilperson Amoako to approve the ordinances as submitted. The motion was seconded by Vice Mayor Wysong. The vote passed with a unanimous roll call vote of the Council.

2nd Readings- For Council Review:

Mrs. Callender presented the following ordinances for a 2nd Review by the Council:

- a. **08-29-22-067** Ordinance to Re-Zone Parcels with Out-dated M-1 Designations to I-1, (Light Industrial), Designations Consistent with the Current Land Use Ordinance and 2020 Comprehensive Plan

- b. **08-29-22-068** Ordinance to Re-Zone Parcels with Out-dated M-1 Designations to I-2, (Heavy Industrial), Designations Consistent with the Current Land Use Ordinance and 2020 Comprehensive Plan

- c. **08-29-22-069** Ordinance to Re-Zone Parcels with Out-dated M-1 Designations to C-2, (*Highway Commercial*), Designations Consistent with the Current Land Use Ordinance and 2020 Comprehensive Plan

- d. **08-29-22-070** Ordinance to Amend the Town of Cheswold Land Use Ordinance to Delete Section 16-6 in its Entirety

RESOLUTION/S for REVIEW/VOTE –

NOTHING TO REPORT

PROCLAMATIONS – *Town Administrator Sam Callender*

NOTHING TO REPORT

NEW BUSINESS - Town Administrator Sam Callender

- **CURRENT STATUS OF LITIGATION ACCOUNT-** Mrs. Callender made The Council and attendees aware that there is a Litigation Account. The current balance in the account is approximately \$87,000.

Mrs. Callender contacted the Town’s attorney and requested that he contact the Attorney of record to determine a lesser amount as a pay-off to be paid by the next payment date – November 1, 2022. Mrs. Callender was informed that she must choose a specific lesser amount and she presented a payment of \$75,000 to the Attorney.

To-date Mrs. Callender has not heard from the gentleman’s Attorney with a response. Mr. Amoako asked when the litigation should be closed in the event the payments remain on a schedule. He was informed that 2024 is the final year of payment. Mr. Amoako asked for the total amount of the litigation.

Mrs. Callender later searched for the documentation and stated the total amount starting August 2014 was \$294,565.91, at which time there was an agreement made to pay \$2,000 per month and that the amount would be increased by \$250 at the beginning of each fiscal year – July 1. There was also a bank loan of roughly \$200,000 being paid by the Town at the same time as the litigation and the payment focus was on paying off that loan. In 2017, the Town was notified that the gentleman would take a payment less than the total amount due if it were submitted in a lump sum payment. The Town could not afford to do it at that time and it was agree that the Town would continue making payments as previously agreed. Mr. Amoako asked for a payoff quote and wanted to ensure the lowest possible amount is paid. Mrs. Callender is concerned with making a payment to the gentleman as soon as possible, as there is a lien against the Town. She subsequently provided that the interest rate applied to the loan as 5-1/2% simple interest.

Vice Mayor Wysong made a motion to pay off the Litigation Account of \$87,000, unless a lower amount can be negotiated. Councilperson Callender seconded the motion. Councilperson Johnson was also in favor of the motion, however, Councilperson Amoako abstained from the vote, as he felt he did not have enough information to make a vote.

The motion passed with a majority roll call as follows:

Vice-Mayor Wysong – YES
Councilperson Johnson – YES

Secretary/Treasurer Callender – YES
Councilperson Amoako _ ANSTAIN

NEW BUSINESS - Town Administrator Sam Callender "continued"

- **TAP GRANT**- The TAP Grant is the Transportation Alternative Program, which was discussed at last month's meeting. An application was submitted for Main Street mid-block crossings in front of the Post Office, Fire Department and in between the Town Hall/Police Department and Family Dollar; going north to south and vice-versa.

Another application was submitted for an updated and improved Railroad Crossing. Mrs. Callender has received updates about the mid-block crossings, including an update from DeIDOT stating they will do a feasibility study for the Railroad and determine how much of the cost they will cover. The Town may be required to pay more than 20% of the total cost. Mrs. Callender thanked Mr. Dave Naples for his assistance in taking beautiful pictures to be submitted.

The Mayor asked if DeIDOT will be fixing the stop line on Main and Commerce. It was confirmed, Enforcement Officer Mike Callender that the line has already been restriped and readjusted.

OLD BUSINESS:

a. Town Projects –

- **Municipal Services Building – Town Administrator Sam Callender**
 - **Results of Infiltration Test** - Mrs. Callender reported that the results of the Infiltration test show there is no reason why a basement or second story can not be placed on the property, as the ground will sustain either or both and that she is providing that information to the architectural firm for a revision of the proposed Municipal Complex Building to include a basement and change the outside aesthetics of the building.

Additionally, she shared her prayer that Representative William Bush be re-elected added as a member of the Bond Committee.

- **Economic Development Plan/Cheswold Business & Merchants Association – Councilperson Maxwell Amoako**

NOTHING TO REPORT

OLD BUSINESS: "continued"

- **Activities Committee** – *Councilperson Judith Johnson/ Mayor Santo Faronea*

The Mayor, nor Councilperson Johnson had any updates to make for the Activities Committee.

Mr. Rodney Callender of Parkers Run, expressed appreciation to Council for approving his request to use the Town's space for a yard sale that was scheduled for October 1, 2022, however, due to inclement weather, the yard sale was cancelled.

Mr. Callender asked the Council for permission to join the Activities Committee and was granted approval to become its newest member.

- **Park Committee** – *Vice Mayor Michael Wysong*
ON HOLD UNTIL FURTHER NOTICE
- **Protest Plan Team** – *Chief Chris Workman*
PROJECT ON HOLD UNTIL FURTHER NOTICE
- **American Rescue Plan** - *Town Administrator Sam Callender*
NOTHING TO REPORT

COMMUNITY COMMENTS/CONCERNS –

- **Mr. Stephen Williams – Parkers Run**
Asked if the fines that were assessed were for residents who park along the Railroad tracks. Enforcement Officer Mike Callender informed Mr. Williams that the fines were assessed to an individual property owner. Mr. Williams asked how long the resident was given to clean his property. Mr. Callender informed Mr. Williams that the resident has had several years to clean the property and when he continually failed to do so the fines were issued. However, the Town's Land Use attorney who provides advice to the Council advised the Council to wait until he reviewed the situation prior to them making a decision.

OLD BUSINESS: "continued"

COMMUNITY COMMENTS/CONCERNS –

- **Mr. Stephen Williams – Parkers Run**

Mr. Williams expressed his concern that others may attempt to take advantage of the Town if the resident is not held accountable. Vice Mayor Wysong stated that the Council looks at each case individually and they will take the advice of the attorney into consideration. Mrs. Callender stated that the Land Use Attorney is mostly concerned with ensuring that the legal process and procedures of administering the fines and processing the letter of the appeal has been followed; not in discussing whether the fines should be lowered.

- **Ms. Ebonie Taylor – Parkers Run HOA President**

Introduced herself as the representative of the Parkers Run HOA Board and proceeded to ask questions and make assertions which were incomprehensible to the Council.

Eventually, Ms. Taylor specifically asked the Council to accept Parkers Run into the municipality and was informed that Parkers Run has been annexed into the Town and thus been a part of the municipality since 2003.

As a result of Mr. Malone, another HOA Board Member asking Mrs. Callender via email, to be put on tonight's agenda, the Council explained that if the HOA would like to be added to the agenda, they must contact the Town Administrator at least 7 days prior to the next meeting. It was also suggested by Councilperson Amoako that the HOA consult with an attorney with whatever issues they may have.

Other personal attack comments were attempted by Ms. Taylor on Chief Workman and Mrs. Callender, but responses by both determined that the comments were unfounded.

COUNCIL MEMBER COMMENTS:

Vice-Mayor Wysong - *No comments.*

Secretary/Treasurer Callender – *No comments.*

Councilperson Johnson – *No comments.*

COUNCIL MEMBER COMMENTS: "continued"

Councilperson Moxley – *EXCUSED*

Councilperson Amoako – *Mr. Amoako asked if there was any way for Parkers Run HOA Board to receive the "process" in an email. Mrs. Callender and Vice Mayor Wysong responded that they had no idea what "process" was being requested. However, if the HOA Board presents a clear concise question or specifies a concern, they will receive a clear concise response.*

Mayor Faronea's Comments – *No comments.*

MOTION to ADJOURN

A motion to adjourn was made by Councilperson Callender. Councilperson Johnson made a second to the motion and it passed with a unanimous roll call vote. The meeting was adjourned at 6:37 pm.

*Submitted by: Administrative Assistant Camryn Tunnell
Reviewed by: Secretary/Treasurer Sam Callender – October 18, 2022*

29 Del C 10004 Sec. (e) (2)....."The agenda shall be subject to change to include additional items, including executive sessions or the deletion of items, including executive sessions which arise at the time of the public body's meeting".

The Agenda items as listed may not be considered in sequence and/or removed if warranted.