

Town of Cheswold
1856



State of Delaware
1787

**Town of Cheswold
Minutes of the Monthly Town Council Meeting
691 Main Street
Cheswold, Delaware 19936
Monday - June 5, 2023
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- *Excused*
Vice Mayor Maxwell Amoako
Secretary/Treasurer Theon Callender
Councilperson Judith Johnson
Councilperson Mark Moxley
Councilperson Robin Ridgway

Police Department: Chief Chris Workman

Administration: Ms. Camryn Tunnell - Administrative Clerk, Mrs. Shadina Jones – Town Clerk

Public Works: Code Enforcement Officer Mr. Mike Callender

Community Attendees-

Mr. Cliff Mumford (Davis, Bowen & Friedel) *Attended Via Zoom*

Mr. Richard Durham (Immanuel United Methodist Church)

Mr. Noel Buckle (A Better Mindset, LLC)

NOTICE:

Notice of this meeting has been made in accordance with the Delaware Open Meeting Act, by properly posting it on December 15, 2022 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 April 21, 2023. Copies of the agenda were available for pick-up at the Town Hall.

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

MEETING:

The meeting was called to order by Vice Mayor Amoako at 5:31 pm.

PLEDGE of ALLEGIANCE and MOMENT of SILENCE

The Pledge of Allegiance and Moment of Silence were conducted during the Public Hearing which was held at 5:00 pm., at the same location and via ZOOM.

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. With five (5) members of the of the six (6) person Council present, Ms. Tunnell presented a quorum to the Vice Mayor and the meeting continued.

REVIEW of AGENDA

Vice Mayor Amoako 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 for Item 12.b to follow Item 6. With a second from Councilperson Moxley and a unanimous roll call vote, the Town Council approved the motion.

REVIEW of PREVIOUS MONTHS MINUTES

Vice Mayor Amoako 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 revisions or amendments as needed.

A motion to accept the Town Council minutes, as presented, was made by Councilperson Johnson 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 following minutes:

Town Council Monthly Meeting – June 5, 2023

TREASURER'S REPORT: *Town Clerk Shadina Jones*

a. The Treasurer's Reports for the **Month of May 2023**, is as follows:

Monthly Cash Flow Comparisons

TOWN of CHESWOLD	MAY 2023
Cash Receipts	\$ 100,553.63
Cash Disbursements	\$ 79,412.54
Monthly Cash Flow	\$ 21,141.09

ADMINISTRATION	MAY 2023
Cash Receipts	\$ 75,952.62
Cash Disbursements	\$ 33,302.04
Monthly Cash Flow	\$ 42,650.58

POLICE DEPARTMENT	MAY 2023
Cash Receipts	\$ 4,460.66
Cash Disbursements	\$ 28,383.34
Negative Monthly Cash Flow	\$ (23,922.68)

PUBLIC WORKS	MAY 2023
Cash Receipts	\$ 20,140.35
Cash Disbursements	\$ 17,727.16
Monthly Cash Flow	\$ 2,413.19

b. The Treasurer's Report, (**Account Balances**), for the **Month of May 2023**:

as of:	MAY 2023
Capital Account	\$ 33,360.59
Cheswold Heritage Day Account	\$ 14,690.63
Eide Grant Fund Account	\$ 4,983.58
Public Safety Account	\$ 141,311.51
General Fund Account	\$ 662,329.80
Land Use Applicant's Account	\$ 59,687.74
Litigation Account	\$ CLOSED
Municipal Street Aid Account	\$ 60,408.76
Salle Grant Fund Account	\$ 2,258.12
DelDOT Projects	\$ 91,034.90
ARPA	\$ 511,379.64
Municipal Complex Building	\$ 746,521.92

TREASURER'S REPORT: *"continued"*

Mrs. Jones stated the Treasurer's Report was sent via email and stated there is not much to report, however, the Town is in a positive financial standing.

c. Requisitions –

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

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>
NOTHING TO REPORT					

TAX COLLECTOR'S REPORT – Administrative Clerk Camryn Tunnell
Month of May 2023

The Tax Collector's Report was sent out prior to the meeting and Ms. Tunnell informed the Council that no residents were removed from the delinquent tax listing during the previous month.

TAX REPORT: FISCAL YEAR 2022– 2023

Total Amount Billed: \$216,333.36

Total Amount Paid: \$212,455.89

	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	\$ 15, 189.13	\$	437.94
11/30/202	\$ 15, 741.38	\$	1,185.86
12 /31/2022	\$ 2,976.31	\$	310.31
01/31/2023	\$ 1,060.30	\$	131.54
02/29/2023	\$ 3,365.80	\$	231.92
03/31/2023	\$ 4,200.19	\$	1,336.69
04/30/2023	\$ 903.14	\$	355.59
05/31/2023	\$ 912.82	\$	239.60
06/30/2023	\$	\$	

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June 5, 2023
Agenda Posted: May 25, 2023

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POLICE DEPARTMENT REPORT – *Chief Christopher Workman:*

Monthly Town Council Meeting, June 5, 2023

Training - Lt Kline will be attending the Mid-Atlantic Association of Women in Law Enforcement Conference September 10-14, 2023.

Hiring - Cheswold PD will be presenting a COPT certified officer for the Mayor and Council to approve as a new hire at the June 5, 2023 meeting.

Medical Leave - Chief Workman had shoulder surgery on Feb 15th and has been released as of June 5, 2023.

Extra Patrols - extra supplemental patrols have been scheduled for the spring and summer. This will provide for extra officers to be on duty at different times of the day and evening.

2023-24 Budget - Submitted to Administration for dissemination.

Council Meeting Notes:

Chief Workman stated he sent his report via email to the Council. He also stated that he has been fully released to return to work, per his doctor, after recovering from shoulder surgery.

Chief Workman extended apologies from Mr. John Mitchell, as he was unable to end the Council Meeting as promised. Mr. Mitchell will be a lateral transfer from the Newport Police Department and will be joining our Department as a Sargent should the Council approve his hire. He plans to be present at the July Council Meeting.

Mr. Colin Hill will be attending the Wilmington Police Academy in August of this year.

A motion was made by Councilperson Johnson to approve the hire of Mr. John Mitchell. The motion was seconded by Councilperson Moxley and passed unanimously by the attending Council.

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POLICE DEPARTMENT REPORT – Chief Christopher Workman: "continued"

Traffic

Traffic Violations Charged –

Officers issued 183 traffic summons during the month of May. These are the number of violations issued. (One traffic stop could equal 2 or more violations, eg. Speeding, no driver’s license)

Actual Traffic Stops - 123

Graphs depicting traffic stops made in May and dispositions were presented to the Town Council. The following reflects the data depicted on the graphs by either ethnicity or 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.

Male Traffic Stops

African American	31
Caucasian	39
Latino	1
Other/Undeter.	0

Female Traffic Stops

African American	35
Caucasian	12
Latino	2
Other/Undeter.	3

Dispositions

Summons

African American	59
Caucasian	47
Latino	3
Other/Undeter.	3

Verbal Warnings

African American	4
Caucasian	3
Latino	0
Other/Undeter.	0

Written Warning

African American	3
Caucasian	1
Latino	0
Other/Undetermined	0

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POLICE DEPARTMENT REPORT – Chief Christopher Workman: “continued”

Monthly Activity Report – Officers responded to or completed reports for 156 Incidents for the month of May.

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

Public Works Status Report – Code Enforcement Officer: Michael E. Callender

	<u>Permits Issued</u>	<u>New Violations</u>	<u>Closed Violations</u>	<u>Building Inspections</u>
May 2023	9	2	0	1

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

- **Code Enforcement Properties:**
 - 179 Commerce St. – **PENDING:** Letters sent out from the Law Firm of Connolly Gallagher, LLP to the property owners demanded compliance with properly securing demolishing the property along with the proper remediation of the sink hole have been responded to by the property owners. They have petitioned and been granted an extension of time to complete the required demolition and remediation until June 30, 2023 by the Town.
 - 41 Commerce St. – **PENDING:** None of the previous fines have been paid yet nor has the cleanup been completed within the given time frame of six (6) months. He has been notified that the said fines have been reinstated and new fines will be accrued as a new letter has been sent out.

- **Violations:**
 - 179 Commerce St. (x2)

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Public Works Status Report – Code Enforcement Officer: Michael E. Callender “continued”

- **Updates:**

- Stonington – A walkthrough of the development phases 1-4 occurred on 22nd May 2023 to assess the condition of curbs and sidewalks in need of repair as the builder is seeking to topcoat (final paving) those completed sections.

- **Public Works:**

- The alleyway known as East St. leading from New St. to Main St. will be demolished, reconstructed, and paved. The unnamed side alley branching off from East St. to Commerce St. will also be demolished, reconstructed, and paved. The work is being completed by JD Asphalt, Inc. and paid for through the MSA (Municipal Street Aid) Grant.

Mrs. Callender added that following last month’s meeting, she personally spoke with the resident who presented the concern about the paving and apologized to him if he had considered her response last month to his request to be somewhat rude or uncaring. Mrs. Callender noted to Mr. Amoako that New Street, West Street, East Street, School Lane and Fulton Street are maintained by the Town.

- The Town truck was taken to Winner Ford to have the brake lines repaired as it appears they have rusted completely through.
- Property owners including the railroad have been notified regarding the maintenance of grasses and weeds on their respective lots, most of which have complied with said request. Those that have not responded have been sent formal letters prior to receiving fines.

ADDITIONAL INFORMATION:

Mr. Callender emailed his report to Council. He stated Mr. Hedding paid his fines a week prior to the meeting, but after the report was completed. Mr. Callender inspected the property and confirmed that the property was maintained.

Grass maintenance notices were sent out to residents and all residents responded to the notice by taking care of their property.

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

- a. **Next Meeting:** Thursday, June 8, 2023
CANCELLED DUE TO LACK OF QUORUM

- b. **Final Plan Application 2023-05-03-119**
 - Applicant: Lot 3 & 4, LLC (*McGinnis Green*)
 - Location: Lot 6 – Taco Bell
 - Map ID: 4-03-04700-01-0101-000
 - Acres: 1.3
 - Current Zone: C-2 (C-1 Highway Commercial)
 - Commercial Industrial Plan
 - Existing Conditions:
 - Drainage = Approved by KCD
 - Electric = Willingness & Ability to Serve per Delmarva
 - Sewer = Willingness & Ability to Serve per Kent County
 - Water = Willingness & Ability to Serve per Tidewater
 - Gas = Willingness & Ability to Serve per Chesapeake Gas
 - Fire Marshal = Approved
 - Easements = Not Involved
 - Property Tax = \$.60 per \$100 of assessed value
 - Owner: Lot 3 & 4 LLC
 - Owner Contact: Arik Jakob, 410-977-7787
 - Engineering Representative: DB&F Engineering - Cliff Mumford, P.E

Ms. Callender reminded the Council that this Application has been reviewed numerous times by the Planning Commission; Town Council and Town Engineer and at this time she is reporting that the Town Engineer and the Planning Commission are recommending that the Council approve the Final Plan. She additionally certified that all agency letters required for approval and statements that they are ready to serve have been received.

Mr. Mumford introduced himself and stated following Council approval, they will begin construction. The motion to approve the application was made by Councilperson Johnson and seconded by Councilperson Moxley. Ms. Callender recused herself from the vote. The vote passed unanimously with a roll call vote of the present Council.

Ms. Callender informed Mr. Mumford that he will receive notification in the mail of the Council's approval and his right to record his Final Plan with Kent County. (*Notification letter was written and sent on June 7, 2023.*)

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

- c. **Annexation Application 2023-01-29-116 Immanuel Methodist Church**
- Applicant: Immanuel United Methodist Church
 - Map ID: 4-00-04602-01-3300-000 (*Currently located in Kent County*)
 - Location – 756 Main Street
 - Current Zone = BG (*Business General – Kent County*)
 - **Planning Commission Assigned Zone = C-1 (Neighborhood Commercial)**
 - Acres = 2.3
 - Existing Conditions:
 - Drainage = Discuss during Review Process
 - Zoning = Re-zoning Required from County to Town
 - Electric = Delmarva
 - Sewer = Kent County
 - Water = Well (Tidewater available)
 - Easements = None Required
 - Property Tax = EXEMPT
 - Owner Representative = Richard Durham – President Board of Trustees
 - Town Representative = Shadina Jones, Town Clerk

As amended on the agenda, this segment was presented after Item 6. Mrs. Jones presented the Annexation Application to the Council and introduced Mr. Richard Durham, who acts as the President of the Board of Trustees for the Church.

Councilperson Johnson made a motion to approve the Annexation Application, which was seconded by Councilperson Moxley. The vote passed unanimously among the five (5) that were present of the six (6) person Council.

After the vote, Secretary/Treasurer Callender informed Mr. Durham of the next steps following approval, which include a Public Hearing and a final vote of annexation approval by the Council.

ORDINANCES for REVIEW/VOTE – *Town Administrator Sam Callender*

- a. Ordinance 05-02-12-035 Ordinance to Define Regulations for Peddlers, Solicitors, Street Vendors and Professional Promoters within the Corporate Limits of the Town of *Cheswold (aka: No Solicitation Ordinance)*

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ORDINANCES for REVIEW/VOTE – *Town Administrator Sam Callender "continued"*

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Purpose: The purpose of this Ordinance is to define the regulations, processes, applications, requirements, fees and fines to obtain a Business License to authorize door-to-door, (house-to-house), sales, offers, trades or trafficking in tangible or intangible goods or services, and to provide for the safety of Town residents and property owners through the pre-identification of such persons engaged in such services. The Ordinance shall also specify situations and conditions in which street vendors may offer goods and services for purchases and the requirements for the services of a Professional Promotor to and for charitable organizations.

A motion was made by Councilperson Johnson and seconded by Councilperson Moxley to approve this ordinance. The vote passed with a unanimous roll call vote of the present Council.

b. Ordinance 11-16-20-062 Ordinance for the Adoption of the 2018 International Property Maintenance Code – Revision #1

Purpose: The purpose of this Ordinance is to eliminate Sections 111.1 and 111.8 of the 2018 Property Maintenance Code and to modify Section 111.2; 111.2.1; and 111.2.5 of the same code to transfer the functions of the Board of Appeals to the Board of Adjustment of the Town of Cheswold.

A motion was made by Secretary/Treasurer Callender and seconded by Councilperson Moxley to approve this ordinance. The vote passed with a unanimous roll call vote of the present Council.

c. Ordinance 05-03-21-063 Ordinance for Special Events and Other Assemblies

Purpose: The purpose of this Ordinance is to establish standards of behavior for special Events and other outdoor assemblies within the Town of Cheswold. This Ordinance shall be known as the Special Events Ordinance.

A motion was made by Councilperson Johnson and seconded by Councilperson Moxley to approve this ordinance. The vote passed with a unanimous roll call vote of the present Council.

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ORDINANCES for REVIEW/VOTE – *Town Administrator Sam Callender “continued”*

d. DRAFT Ordinance 05-03-23-071 Farm Animals

Purpose: The purpose of this Ordinance is to clarify and specify the types of animals that are generally known as farm animals and will thus be prohibited from habitation within the corporate limits of the Town and to specify that there are no conditions or situations that will permit the housing, feeding or breeding of such animals within the corporate limits of the Town, other than the exception expressed within this Ordinance in Section 8.

Mrs. Callender informed the Council that if the Ordinance is approved, there will be one residence that will be “grandfathered-in” as they currently have chickens.

RESOLUTIONS for REVIEW/VOTE – *Town Administrator Sam Callender*

NOTHING TO REPORT

PROCLAMATIONS – *Town Administrator Sam Callender*

NOTHING TO REPORT

NEW BUSINESS – *Town Administrator Sam Callender*

a. *Budget Review/Vote* – *Town Clerk Shadina Jones*

Mrs. Jones reviewed the budget and informed the Council that the Town will be in great standing in the upcoming fiscal year. Mr. Amoako verified with the Police Department that included items discussed last year are to be added to the upcoming fiscal year’s budget. It was confirmed by Chief Workman that those items have been included in the proposed budget.

Mr. Amoako was informed that the “carry-over” funds shown on the proposed budget can and will be used to pay for bills regarding the proposed Municipal Complex Building.

The motion to approve the proposed budget was made by Councilperson Johnson, seconded by Councilperson Moxley and passed unanimously with a roll call vote.

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NEW BUSINESS – *“continued”*

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b. Marijuana Policy – Town Administrator Sam Callender

Mrs. Callender discussed the recently legalized bill. The Council was presented with an option to create a marijuana policy that is separate from the drug/alcohol policy. Mrs. Johnson questioned whether it should be considered with the drug policy as it is used as a drug. Mrs. Callender stated the drug policy refers to illegal drugs and now marijuana is technically not considered illegal and there is currently no policy in place for administrative employees stating they cannot use the substance outside of working hours.

The Police Department has its own no-tolerance policy, as officers can be called into work at any given time, regardless of their regular schedule.

Mr. Moxley stated that several people use marijuana for health-related issues. Mrs. Callender then stated that although the Town has an alcohol-free policy, it does not state that employees cannot drink outside of office hours.

Mr. Amoako stated that if a policy is put in place, it should state that employees cannot be under the influence while working.

Chief Workman stated marijuana is still federally illegal. He stated that as a Police Department, marijuana will never be allowed. Mrs. Callender stated that in some states, such as New Jersey, marijuana is legal; for officers to use off-duty. Chief Workman repeated that there are legalities involved, as the drug is not federally legal.

As all the legalities surrounding marijuana use as a legal drug have not been implemented by the State, it was agreed to not take any action at this time and to review it again once the State and other municipalities begin adopting specific policies.

c. Notice from MPO (Metropolitan Planning Organization) – Town Administrator Sam Callender

Mrs. Callender stated that she was required to submit Town goals and objectives for the Comprehensive Plan and as part of that process she included that a study be conducted to determine the feasibility of the installation of an overhead walkway over Route 13 from the west side leading to the McGinnis Green shopping plaza and Walmart. She reported that she was informed that the request for a walkway study has been approved by the MPO and will be conducted.

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OLD BUSINESS – Town Administrator Sam Callender

TOWN PROJECTS:

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- **Proposed Municipal Services Building – *Town Administrator Sam Callender***

Mrs. Callender informed the Council that a hybrid meeting will be held on June 7, 2023 at 3:30pm with the team from McGillin Architecture Inc. (MAI), Town employees, Chief Workman and our Town Engineer Mr. Tom Wilkes, P.E., based on the Council decision to add a basement to our construction plan.

Mrs. Callender also informed the Council that she applied for an infrastructure grant request of \$4 million. Mrs. Callender was encouraged by Representative Bill Bush to request the entire amount necessary for the completion of the entire building. Mrs. Callender informed Mr. Amoako that the request is not affiliated with the Town's budget. Mr. Amoako asked when the Public will be made aware of the Town's plans. Mrs. Callender informed him that all avenues are available to the Public to discover what is going on in Town, such as Zoom; Facebook; Town website, for example. However, there are very few people who join the meetings or review the sites.

- **Tidewater to Old Town – *Town Administrator Sam Callender***

Mrs. Callender stated there is a hold-up in the process as an easement is required for the work to continue. Mrs. Jones informed the Council that she had a meeting scheduled for the homeowners to sign documents regarding the easement, however, the homeowners did not show, so she has re-scheduled a signing meeting.

Mr. Amoako asked if the homeowners are looking for monetary payment. Mrs. Callender informed Mr. Amoako that the homeowners would be pleased with a monetary payment, however, the cost of their water hookup and well abandonment will be the compensation provided.

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

Vice-Mayor Amoako stated he has been using the list of businesses that he received from Ms. Tunnell and is continuing to research other Towns that are similar in size compared to Cheswold, to expand economic development throughout the Town.

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OLD BUSINESS – *"continued"*

TOWN PROJECTS:

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

Councilperson Johnson informed the Council that there have been several vendors that were contacted about Heritage Day, which is tentatively scheduled for September 30, 2023. The Chief of the Lenni-Lenape Tribe of New Jersey has been contacted. The team is anticipating that the Chief and his drummers will be available to participate. Mr. Amoako asked how much the vendor spots cost and was informed by Mrs. Johnson that there will be a charge of \$10 per space for all vendors, except those who are promoting health and community social services. The next meeting is scheduled for June 22, 2023, at 10am.

- **Park Committee** – *Town Administrator Sam Callender*

Mrs. Callender informed the Council that she, Mrs. Jones and Ms. Ridgway met with Mr. Tom Wilkes, P.E. to discuss their thoughts on other local parks and brainstormed about ideas that caught their attention for the Town's Park. Mrs. Callender stated DNREC currently has grants available for Municipalities to use as funding for things such as this.

Mrs. Callender presented a survey that will be included with Tax Bills this year. The survey includes boxes to be checked for residents to select the activities/functions they like best for the Town Park. All present Council members, except Mrs. Callender, completed their survey during the Council Meeting. There was also a letter included with the survey providing instructions on how to complete it.

- **Protest Plan Team** – *Chief Chris Workman*

On Hold Until Further Notice

- **American Rescue Plan** - *Town Administrator Sam Callender*

NOTHING TO REPORT

COMMUNITY COMMENTS/CONCERNS –

No comments or concerns were presented.

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COUNCIL MEMBER COMMENTS:

Vice-Mayor Amoako – *Thanked Mr. Buckle for his attendance at the meeting.*

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Secretary/Treasurer Callender – *Thanked Mr. Buckle for his attendance at the meeting.*

Councilperson Johnson –*No comments.*

Councilperson Moxley – *Thanked Mr. Buckle for his attendance at the meeting.*

Councilperson Ridgway –*Excused from meeting prior to comment segment.*

Mayor's Comments:

Mayor Faronea – *Excused*

MOTION to ADJOURN

A motion to adjourn was made by Councilperson Callender and seconded by Councilperson Johnson. The motion passed with a unanimous roll call vote. The meeting was adjourned at 6:29 pm.

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.

Submitted by: Administrative Assistant Camryn Tunnell – June 16, 2023