

The regular meeting of Mayor and Council was held on the above date with Council members Reynolds, Faulkner, Kelly, McGhee, Pierce and Burgess present with Mayor Branner presiding. Town Manager Morris Deputy and Town Solicitor Scott Chambers were also present.

Moved by Mr. Reynolds and seconded by Ms. Kelly to approve the minutes of April 7, 2008 as presented. Motion Carried Unanimously.

Moved by Mr. Pierce and seconded by Mr. McGhee to approve the Treasurer's Report as presented. Motion Carried Unanimously.

Moved by Mr. Reynolds and seconded by Ms. Kelly to approve the Bills Payable as presented and pay as funds become available. Motion Carried Unanimously.

4. POLICE REPORT – Chief Hank Tobin and Pat Mullin

Chief Tobin reported that the MPD responded to 1,095 calls for service for the month of April.

- 348 incidents were documented via criminal or accident report.
- 63 incidents were cleared through arrest.
- Vehicle Stops: 264
- Accidents: 34; Property damage: 24; Hit & Run: 7; Personal injury accidents: 3
- Burglaries: 2 – \$500 was taken from The Rehoboth Church of God; a vacant property was burglarized.
- Criminal mischief: Two individuals were apprehended by the DE State Police in the St. Georges area who were also responsible for spray painting numerous locations in Middletown.
- Calls for service per zone: Zone 1 – 280; Zone 2 – 376; Zone 3 – 141; Zone 4 – 271.
- Alarm calls: 105; Property checks: 61
- Six seasonal officers have been hired to perform traffic enforcement, patrol park lands, fire lane violations and assist other officers.

Moved by Ms. Kelly and seconded by Mr. McGhee to accept the Police Report as presented by Chief Tobin and Pat Mullin. Motion Carried Unanimously.

5. GRANT REQUESTS/VALIDATION REPORTS – Lou Vitola

- a. Validation Report: Appoquinimink School District for 2007's Educational Fair. The grant for \$1,000 was spent as indicated.
- b. Grant Requests:
 1. Appoquinimink Boys and Girls Club – \$5,000: The grant is for their One Campaign which supports operating funding throughout the year. It's a matching grant through the National Club. The Committee recommended approval of the grant.
 2. Appoquinimink High School – Positive Behavior Support Initiative – \$1,000: The Committee's opinion is that behavior issues should be handled by the district's budget. In addition, Appoquinimink and its units have received over \$20,000. The Committee does not recommend approval of the grant.
 3. Delaware Deacon's Youth Basketball Organization - \$3,000: Based on the fact that they have not yet received all approvals for non-profit status and other reasons, the Committee does not recommend approval of the grant.

Moved by Ms. Kelly and seconded by Ms. Burgess to approve the validation report for the Appoquinimink School District's 2007 Educational Fair, the grant request in the amount of \$5,000 from the Boys and Girls Club and to deny the grant requests from the Appoquinimink High School for \$1,000 and the Delaware Deacon's Youth Basketball Organization for \$3,000. Motion Carried Unanimously.

Ms. Kelly asked if the balance in the grant fund is \$2,334. Mr. Vitola said yes, and the fund will increase with the July 2009 budget. Any grant requests received in June will be paid from the 2009 budget.

6. PUBLIC HEARING – Concept Plan for Westown – Phase 1 located along the easterly side of Levels Road and northerly side of St. Anne’s Church Road

Per the following notice a Public Hearing was held on the above date:

Take notice that a Public Hearing will be held on May 5, 2008 at 7:30 p.m. at Town Hall, 19 West Green street, Middletown, DE at which time the Mayor and Council will review the Concept Plan for Westown – Phase 1 to be located along the easterly side of Levels Road and northerly side of St. Anne’s Church Road.

Rick Woodin, representing Westown Ventures LLC, said the property was previously known as the Woodward and Rocks and Reading farms.

- Mr. Woodin stated that when Levels Road is reconstructed it will cross the Woodward property, create an intersection (round-about) and merge into St. Anne’s Church Road. A round-about will be constructed of the intersection at Wiggins Mill Road. The road will be reconstructed up to the railroad bridge; DelDOT has a contract to reconstruct the railroad bridge.
- Title for the right-of-way and intersections will be deeded to DelDOT.
- Four or five acres contiguous with the Town’s park will be dedicated for additional public park area with improvements such as tennis courts, basketball courts, an access road and parking area, funded by the developer.
- A site for the police/fire substation with access to Levels Road will be given to the Town to be deeded to the fire company.
- A produce/lawn/garden center is proposed.
- A community center, swim club and tot lots are proposed. Pocket parks will be located throughout the community. The community center and pool facility will be privately owned by the Westown Home Owner’s Association.
- A village center is proposed with live/work units featuring small shops such as sandwich & coffee shops and convenience-type retail – no major retail is proposed.
- A neo-traditional style community is proposed with houses situated up front, large porches and alley ways.
- The area will eventually tie in to South Merrimac Avenue -- from Bunker Hill Road, Merrimac Avenue will extend down to the north side of Westown.
- Townhomes, twin homes and single family housing are proposed.
- Westown will pay a \$2,000 per lot fee towards a contribution for the road work improvements.
- Approximately 500 units are proposed with build-out five to seven years.
- Housing prices will start in the low \$200,000 range.
- Construction will probably start early fall – it will be timed with DelDOT’s road work.

Mayor Branner announced that a Public Hearing for the reconstruction of St. Anne’s Church Road will be held on May 12th in the Council Chambers. The project has been funded.

Mr. Faulkner asked if the commercial area was always proposed. Mr. Woodin said the property is zoned residential and conditional use approval would be required. The commercial was proposed in the original presentation a couple of years ago.

7. UNFINISHED & NEW BUSINESS

- Mr. Carey asked when road improvements on the East end of Town will start. Mayor Branner said the consultants are performing the traffic impact study and public meetings could start in June. Construction of East Main Street from Broad to Catherine might be in next year’s budget depending on costs.
- The poles (Verizon’s) on Main Street should be removed by summer. The infrastructure is completed; Verizon’s crews need to complete the transfers – a couple of poles on 301 still need to be tied in.
- Jay Heath complimented the MPD on their efficiency and professionalism.
- Eagle: Kristen Krenzer reported that the eagle should be delivered in July.

- St. Anne's Golf Course: Mayor Branner said a meeting was held last week. It was reported that construction will start on the last four holes and clubhouse; Capano will proceed on the remaining 357 units. The infrastructure will be in place; the golf course dedication should happen about October. A resident asked if the area could be watered to keep the dust down.
- A question was raised about grass maintenance along St. Anne's/Wiggins Mill Road: The road belongs to the State - it's their responsibility back to their easement.
- Debra Sutton commented that kids are skateboarding on her front porch. It was suggested she report any further incidents to the MPD on the non-emergency police number (573-2800). Mayor Branner said he is scheduled to meet with an individual for a presentation of a skateboard park design. If an area is designated, it might keep the skaters from the downtown area and off private property.
- A resident asked for the Bills Payable to be printed in a larger font for easier reading.
- A resident from Middletown Village presented a complaint against Tom Foolery's Restaurant/Bar citing loud noise and music, profanity, intoxicated patrons and fights lasting until 1 a.m. and requested the Town's intervention to come to a mutual resolution of the problem. Individuals also use Ash blvd. for drag racing. She said Rick Biddle, the owner, assured everyone at an Appeals Hearing with the ABC that the patio would be used for dining and outside music would last only until 11 p.m. He also agreed to plant trees to create a buffer between the houses and the shopping center.

Mayor Branner requested the Civic Association initiate a letter stating the commitments made by Mr. Biddle and his representation to the ABC for the patio license. This is the first time the issue has been brought to Council's attention.

Chief Tobin said the MPD has responded to several calls to Tom Foolery's for fights, loud music and drag racing on Ash Blvd.

Moved by Mr. Reynolds and seconded by Mr. Pierce to go into Executive Session to discuss legal and personnel issues. Motion Carried Unanimously.