

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

Vice-Mayor Reynolds reported that Mayor Branner is in the hospital recuperating from knee surgery and is doing very well.

Moved by Ms. Kelly and seconded by Mr. Faulkner to approve the Minutes for June 2, 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. McGhee and seconded by Ms. Burgess to approve the Bills Payable and pay as funds become available. Motion Carried Unanimously.

**4. POLICE REPORT for June, 2008 – Chief Henry Tobin and Pat Mullin**

The MPD responded to 1,314 calls for service during the month of June.

- 247 calls were documented through criminal or accident report.
- 137 arrests
- 126 parking violations
- Seasonal officers have been enforcing handicapped and fire lane violations. Some complaints have been received from people who received a citation for parking in a fire lane. Chief Tobin explained that only the Judge at Court 9 can void a citation. Anyone who has an issue with a citation should go to Court 9. Neither he nor Mayor and Council can void them.
- 33 accidents: 24/property damage; 7/hit & run (no injuries); 2/injuries
- A number of speeding complaints have been received from Willow Grove Mill and the Estates @ St. Anne’s.
- Calls for service: Zone 1 – 267; Zone 2 - 526; Zone 3 – 216; Zone 4 - 261.
- Top five calls for service: requests for radar/stop sign enforcement; public relations complaints; property checks; parking violations and alarms.
- A number of reports have been received about sheds being broken in to.
- Major crimes committed:

	<u>Middletown/Clearance Rate</u>	<u>NCC/Clearance Rate</u>
Assaults	20/80%	22/81.8%
Burglaries	8/50%	17
(National avg. is 12%)		
Criminal Mischief	82	84
Sex Offences	3/66%	3
Robberies	11/45%	5
Thefts	84	70

- Calls for service for the first four months of the year compared to NCC for the first four months of last year (some complaints and cell phone disconnects have been extracted):
  - 3,236 complaints compared to 2,713
  - 405 arrests compared to 338
  - 851 citations compared to 770
  - 503 warnings compared to 493
  - 1,245 no reports required compared to 978
  - 786 reports written compared to 731
- This information is compiled from the records management system networked with New Castle County Police and the computerized dispatch system maintained by the County. The incidents are up but the clearance rate is up also.

Ms. Kelly asked how many alarm calls are false alarms. Chief Tobin said about 99% and most of them are commercial. They are working on a mercantile list to be able to contact the businesses.

Dave Rich asked Chief Tobin to explain the difference between theft and robbery. Chief Tobin said robbery involves a person and use of force; a theft occurs when no one is present.

Chief Frank Bailey reported that the Town Police have recently extinguished two structure fires saving a lot of damage to the homes. The service from the department has been excellent and the fire department appreciates the enforcement of the fire lanes.

*Moved by Ms. Kelly and seconded by Ms. Burgess to approve the Police Report as presented by Chief Hank Tobin. Motion Carried Unanimously.*

**5. GRANT REQUESTS: None**

**6. FY '09 BUDGET**

Vice-Mayor Reynolds read the FY 2009 Budget recommendation from Mayor Branner:

“First I would like to give a brief update on the 2008 Budget. Spending is on pace to exceed the Budget by about 1% which is more than offset by increased receipts.

The spending increase is attributed primarily to the increased electric costs and the start of the “Public Safety Department” while stronger receipts were spread throughout most departments. Final figures will be available mid-July. Again, as in years’ past, we will come in under budget.

After the Public Budget meeting on June 25<sup>th</sup>, we have reviewed the comments from the public and I would like to present the balanced budget for 2008-2009.

The “Operating Budget” recommended totals \$29,765,950. This is an increase of 10.6 % over last year’s budget. This can be attributed mostly to higher energy costs and the full year of the new police department that started on November 1, 2007.

I believe that the remainder of 2008 and 2009 is going to be a very hard year financially for both the Town of Middletown and the residents, so I would also like to recommend to Council that you adopt this Budget without any increase in the existing utility rates.

I am asking Council to leave them at their current rates.

The “Capital Budget” I am recommending totals \$8,916,118. Last year’s Capital totaled \$6,338,518. This represents an increase of approximately 37%. These projects have been targeted but we might not do everything. Each Capital Budget will be prioritized and will be done only if we are comfortable that the funds are there. This will be based on timing and the financial atmosphere.

All of this will be financed by a combination of Capital Income, Capital Surplus Funds and/or debt.

Some key projects scheduled for FY 2009 include:

- \$150,000 – Public Safety Donation – Volunteer Hose Company  
\$50,000 – per year for three years to ACT
- Administration  
\$3,000,000 – Construction/rehabilitation of E. Main St. to match W. Main St. A meeting will be scheduled with residents later this month.  
\$600,000 – possible land acquisition on Industrial Drive across the street from the Public Works Building  
\$101,200 – upgrade of security system at Town Hall and Public Works
- Parks Department  
\$3,180,190 – completion of the Levels Road Park  
\$10,615 – to purchase an overfeeder for parks
- Wastewater Department  
\$1,308,000 – upgrade capacity at both wastewater facilities  
\$131,000 – crane truck and 4 x 4 pick-up
- Water Department  
\$159,119 – replace transite water main on Industrial Drive  
\$79,000 – purchase small pump truck and 4 x 4 pick-up truck
- Public Safety  
\$43,000 – purchase 1 police vehicle  
\$41,580 – storage and vehicle search building at the new police station
- Streets  
\$80,000 – purchase dump truck and roller

- Meter Department  
\$24,000 – purchase metering test bench for electric meter calibration certification
- Electric Department  
\$20,000 – down payment for new truck for 2009
- Maintenance Department  
\$9,983 – construction repairs at Public Works shop and the Historic Society building  
\$3,525 – new lunchroom chairs and miscellaneous tools
- Pool  
\$3,000 – new cover

Dave Rich asked why some of the numbers in the minutes from the June 26<sup>th</sup> meeting were different than what was just presented. Lou Vitola said the budget hasn't changed since the meeting of June 26<sup>th</sup> – the minutes have summary level data and more detailed information than what Mr. Reynolds has. If there are any questions and anyone wants to see more detail they should call Mr. Vitola.

***Moved by Mr. Pierce and seconded by Ms. Burgess to adopt the FY 2009 Budget as recommended. Motion Carried Unanimously.***

#### **7. Abigail Harting – Civil War Re-Enactment Approval**

Abigail Harting requested approval of a camp fire and the discharge of reproduction firearms during the parade and throughout the event as part of the Civil War Re-Enactment at the Peach Festival. No live ammo will be used.

***Moved by Mr. Faulkner and seconded by Ms. Kelly to grant approval of the Civil War Re-Enactment requests by Abigail Harting. Motion Carried Unanimously.***

#### **8. Westown/Route 301 Construction Update**

Mark Tudor, from the Department of Transportation presented the update. The Department has been working on the circulation plan since it was recommended in 2005. The 301 Project is a partnership between the Department, the Town and developers. Levels Road has been upgraded and Bunker Hill Road is currently being upgraded.

The 301 project includes widening the existing 301 from two lanes to four travel lanes from the Levels Road intersection to Peterson Road. Additional turn lanes will be installed at critical intersections, sidewalks and other pedestrian improvements are proposed. The project should start in about two weeks and last for 2-1/2 years.

First Phase: Peterson Road/301 intersection will begin this summer and end in the fall of 2008. The intersection will be closed.

Phase Two: Start in the summer of 2008 and continue through the winter of 2009. The majority of the work will occur south of the Main Street intersection. In the spring of 2009 the intersection of Main Street and 301 will be closed. Vehicles will not be allowed to cross 301; detour routes will be set up.

Phase Three: Spring of 2010, the intersection of Doc Levinson Drive will be closed and rebuilt. Ultimately, the intersection will become a full intersection with a traffic signal.

Phase Four: Summer and winter of 2010, work will continue on 301.

The contractor is A-Del Construction Company.

The final improvements to the Westown area will include improvements to St. Anne's Church Road and Wiggins Mill Road at a later date.

Susan Love expressed concern about the traffic being diverted through Middletown Village. Mr. Tudor said the only traffic being diverted are the residents who live in the neighborhood – it's a detour for the residents to exit the neighborhood.

Ms. Love asked when the light will be installed at Doc Levinson Drive. Mr. Tudor said in Phase One but the intersection will be reconstructed in Phase Four. Phase One is right-in/right-out; Phase four will allow vehicles to cross 301 to Peterson Road.

Mr. Tudor said the intersection at the Market Square Shopping Center (Food Lion area) and 301 will ultimately be changed and not allow vehicles to cross 301 to Sandhill Drive. It will be monitored during construction for safety.

Ms. Love asked if any public information will be made available to residents to inform them of the construction. Mr. Tudor said either notices will be sent or meetings will be held to notify residents.

**9. PUBLIC HEARING – Record Major Land Development Plan for the MOT Charter School (tax parcel 23-045.00-002)**

**Tabled**

**10. PUBLIC HEARING – Preliminary Minor Land Development Plan for Lands of Richard C. Woodin (tax parcel 23-041.00-005, Lot 5 Levels Business Park)**

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

Take notice that a Public Hearing will be held on July 7, 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 Preliminary Minor Land Development Plan that proposes a 25,000 sq. ft. flex warehouse/office building for the Lands of Richard C. Woodin located on Lot 5 at 108 Patriot Drive in the Middletown-Levels Business Park (tax parcel 23-041.00-005).

Rick Woodin, owner of the properties, presented the plans for Lots 5 and 6 at the Middletown-Levels Business Park.

- Lots 5 and 6 are mirror images.
- A 25,000 sq. ft. flex warehouse/office building is proposed for each lot.
- Stormwater management has been constructed.
- A central access point is provided for deliveries, with an entrance/exit at each end.
- Planning and Zoning recommended approval.

Earle Silverman asked if the buildings were leased. Mr. Woodin said there is interest in the space but no leases are signed. Construction will not start until the buildings are at least 50% leased.

*Moved by Mr. Faulkner and seconded by Mr. Pierce to grant approval for the Preliminary Minor Land Development Plan for Lands of Richard C. Woodin, Lot 5, (tax parcel 23-041.00-005), Middletown-Levels Business Park. Motion Carried Unanimously.*

**11. PUBLIC HEARING – Preliminary Minor Land Development Plan for Lands of Richard C. Woodin (tax parcel 23-041.00-006, Lot 6 Levels Business Park)**

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

Take notice that a Public Hearing will be held on July 7, 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 Preliminary Minor Land Development Plan that proposes a 25,000 sq. ft. flex warehouse/office building for the Lands of Chartwell Homes, Inc., located on Lot 6 at 110 Patriot Drive in the Middletown-Levels Business Park (tax parcel 23-041.00-006).

See comments for Lot 5, above.

*Moved by Mr. Faulkner and seconded by Mr. McGhee to grant approval for the Preliminary Minor Land Development Plan for Lands of Chartwell Homes, Inc., Lot 6 (tax parcel 23-041.00-006), Middletown-Levels Business Park. Motion Carried Unanimously.*

**12. Unfinished Business**

- Mr. Reynolds thanked the Volunteer Hose Company and the Middletown Police Department for their support at the Fireworks event.
- Mr. Silverman thanked Morris Deputy for expediting the repair on 301.
- Susan Love asked when the streets in Middletown Village will be paved. Morris Deputy said the final punch list has been done and Mr. Ramunno is getting bids to do the work. He's showing good faith. Mr. Reynolds said the Town should put some pressure on to get the work done.

- Mr. Silverman said last month Council approved a grant to the Chamber of Commerce for their scholarship fund. He questioned why a member of Council who is on the Chamber of Commerce Board of Directors didn't ask to be recused from voting; he feels this was illegal and asked for the Town Solicitor's opinion. Town Solicitor Scott Chambers said opinions rendered to the Town are confidential; if there is an issue he will be glad to discuss it with Council. Mr. Silverman said he thinks the money should be returned to Council. Mr. Reynolds said the money has been given to a student.

Mr. Faulkner said his opinion is that it was not an illegal procedure – the Council person will not gain financially from that vote. There is no conflict of interest.

### **13. New Business**

#### **a. Main Street Manager, Acting Interim Manager Tracy Skrobot**

Ms. Skrobot presented an update on the Unicity Festival scheduled for August 2, 2008. The Festival will take place between Broad and Scott and Green and Main Streets. The hours are 11 a.m. to 9 p.m. The inside stages will continue until 11 p.m. Over 100 artists are scheduled to perform. Ticket prices range from \$15 to \$40. Food vendors will be available along with musical, comedy and children's acts in various locations around town. It's hoped to become a yearly event and fundraiser. This is in addition to the Friday night events in the summer.

Jay Heath expressed concern about entertainers John Waters and Sandra Bernhard and doesn't feel these are the types of acts that should come to Middletown. He also said tax payers' money shouldn't go toward private events for profit.

Mr. Reynolds said that he and Mr. Faulkner met with the organizers of the festival. There is no tax payer money involved. Mr. Faulkner said concerns have been expressed and the objectionable acts have been moved inside buildings. The idea of the event can be a positive one.

Ms. Skrobot said the Main Street association is not giving any money; however, if there is any profit from the event, it will be given to Main Street. She said they understand the concerns but those acts are closed to the public and admission is by ticket only. It was originally scheduled to be in the Everett but after the roof collapsed they approached Main Street to seek other locations. ACT was excited at the prospect of having a lot of people in town so they could also showcase their artists.

Mrs. Heath commented that ACT runs the theatre and Gibby Center so tax payer money is sponsoring the event. She said she totally disagrees with the "Save the Everett" effort.

Ms. Kelly asked for a list of all performers coming to town associated with the festival.

- Ms. Burgess announced that the Chamber of Commerce is hosting a Business Expo in September. Information is on the table.
- John Gill, Michael and Martha Sturtevant, and Lynn and John Higgins of Middletown Crossing expressed their concerns about the removal of the fence around the stormwater management pond, the pond being drained down and cutting down the growth around the pond. Reasons cited were safety of the children in the area and removing wildlife habitat. Mr. Gill presented the following copies to be made part of the record: Middletown Crossing Maintenance Declaration, RBA Ordinance, Record Major Re-Subdivision Plan for Middletown Crossing and a petition (32 signatures) to let the SWM pond remain as is. He requested Council follow the Record Plan and leave the pond fenced.

Mr. Reynolds told the residents that the Town was following DNREC'S guidelines for the removal of the fence and the pond was being drained down for maintenance. The pond is a stormwater maintenance pond, not a recreational pond. Mr. Reynolds said the Town will review the situation and resident's request. The fence will not be removed at this time.

***Moved by Mr. Pierce and seconded by Ms. Burgess to enter into an Executive Session to discuss legal and personnel issues. Motion Carried Unanimously.***