

**COUNCIL MINUTES****MARCH 5, 2012**

The regular meeting of Mayor and Council was held on the above date with Council members Jason Faulkner, Robert Pierce, Chuck Dixon and re-elected Jim Reynolds, Robert McGhee and Robin Burgess present with Mayor Branner presiding.

Results of the election were as follows:

**FOR COUNCIL MEMBERS**

<b>Robert McGhee</b>	<b>576</b>
<b>James L. Reynolds</b>	<b>575</b>
<b>Robin Burgess</b>	<b>429</b>
David Fisher	368
Mary Harris	277

Total number of Voters:	840
Write-ins	<u>11</u>

Total Votes Cast:	851
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We hereby declare Robert McGhee, Jim Reynolds and Robin Burgess re-elected Council members for a two -year term.

Moved by Robert Pierce and seconded by Robert McGhee to recess and reconvene at 7:30 p.m. on Monday, March 12, 2012. Motion Carried Unanimously.

**COUNCIL MINUTES****MARCH 12, 2012**

The reconvened meeting of March 5, 2012 was held on the above date with Council members Jim Reynolds, Jason Faulkner, Robert McGhee, Robert Pierce, Robin Burgess and Chuck Dixon present with Mayor Branner presiding. Town Manager Morris Deputy and Town Solicitor Erin Fitzgerald were also present.

**1. Swearing-in of Town Council Members**

- Mayor Branner announced that the election results have been certified; 851 residents voted which included 11 absentee ballots.

**Voting Results**

<b>Robert McGhee</b>	<b>576</b>
<b>James Reynolds</b>	<b>575</b>
<b>Robin Burgess</b>	<b>429</b>
David Fisher	368
Marry Harris	277

Mayor Branner presided over the swearing-in of the re-elected officials. The newly elected officials will serve a two-year term.

The following appointments were made:

<u>Council Member</u>	<u>Department</u>
Jim Reynolds	Vice-Mayor/Streets and Parks
Jason Faulkner	Electric Department
Robert McGhee	Water Department
Robert Pierce	Inspection Department
Robin Burgess	Main Street Coordination
Chuck Dixon	Meter and Billing Departments
Ken Branner	Police/Maintenance/Administration

- Sgt. Paul Rominicki nominated Mayor Branner to receive the Patriot Award. The Patriot Award is presented to employers for their dedication and support of the National Guard and Reserve. Sgt. Rominicki was employed with the Town when deployed in 2003/04 during the initial invasion of Iraq.
- Shane O'Neill, owner of Shane O'Neill's Infamous Tattoo business on Main Street, was crowned the "Ink Master" on the Spike TV reality show. He competed with some of the best tattoo artists in the United States. Mayor Branner presented Mr. O'Neill a proclamation proclaiming March 12, 2012 as "Shane O'Neill Day" in the Town of Middletown.

**2. MINUTES APPROVAL:** Moved by Mr. Pierce and seconded by Ms. Burgess to approve the Minutes of February 6, 2012. Motion Carried Unanimously.

**3. TREASURER'S REPORT:** Moved by Mr. Pierce and seconded by Mr. Dixon to approve the Treasurer's Report as presented. Motion Carried Unanimously.

**4. BILLS PAYABLE:** Moved by Mr. Reynolds and seconded by Ms. Burgess to approve the Bills Payable as presented and pay as funds become available. Motion Carried Unanimously.

**5. POLICE REPORT:**

The MPD responded to 914 calls for the month of February.

- 282 calls required documentation with an incident or accident report.
- 55 incidents required arrest action, totaling 151 criminal arrests.
- Calls for service: Zone 1 - 257; Zone 2 - 283; Zone 3 - 152; Zone 4 - 138.
- 41 accidents; 25 property damage; 10 property damage/hit & run; 1 personal injury/hit & run, and 5 personal injury.
- 2 robberies; 4 drug arrests; 2 burglaries; 3 thefts; 1 vehicle theft; 1 follow-up investigation; 1 miscellaneous – assisted State and County Police.
- Call Volume Analysis: Busiest days – Friday with 141 calls and Saturday with 143. Peak hours for the time period were 11:00 a.m. and 6:00, 7:00 and 8:00 p.m.
- Top calls for service: 279 Vehicle stops; 53 public relations; 49 property checks; 49 alarms and 35 follow-up calls.

***Moved by Mr. Reynolds and seconded by Mr. Pierce to approve the Police Report as presented by Chief Tobin. Motion Carried Unanimously.***

## **6. GRANTS**

### **A. Grant Requests – Lou Vitola**

**1. Middletown High School After Prom - \$500:** The Grant Committee recommended approval of the grant because the group demonstrated a valid need and benefit to the community. The Town has funded this event in the past.

***Moved by Mr. Pierce and seconded by Mr. McGhee to approve the grant request to Middletown High School After Prom in the amount of \$500. Motion Carried Unanimously.***

**2. Silver Lake Elementary School “Leader in Me” program - \$2,000:** The grant will provide staff training and materials after staff attends several conferences about the program. The Committee recommended approval of the grant because the program teaches the seven habits of effective leadership tailored toward school-age children. The program has demonstrated success in a pilot program in Silver Lake’s third grade classes. The organization will apply for matching funds.

Mayor Branner asked if the committee’s recommendation to approve the grant was based on obtaining matching funds from the school district. Mr. Vitola said the condition is that they apply for matching funds. The grant money will not be wasted because it will fund some state of the program.

Bob Gouge voiced his objection to the grant. Although he agrees with the need for the program, his issue is that staff development should come from district funds, not a Town grant.

***Moved by Mr. Reynolds and seconded by Mr. Faulkner to approve the grant in the amount of \$2,000 to Silver Lake Elementary School for the “Leader in Me” program. Motion Carried Unanimously.***

## **7. PUBLIC HEARINGS**

**7-A. 111 Patriot Drive, Suites A & B – Conditional Use Permit CU-03-12 – Request for a Daycare Center (Early Essentials) in a manufacturing-industrial area. Tax parcel 23-041.00-024.**

Elaine Leonard, owner of Early Essentials has been located in Middletown for the past 5 years. She would like to relocate to Patriot Drive and expand the facility.

Mayor Branner asked Morris Deputy if Planning and Zoning’s concerns have been addressed. Mr. Deputy said verification is needed for the required amount of outdoor space per child. Ms. Leonard said outside space is not required. Mr. Deputy said the Town’s code requires 100 sq. ft. of play space per child. Ms. Leonard said there is approximately 1,400 to 1,600 sq. ft. available outside.

Mayor Branner said it could be approved for 14 or 16 children playing outside at one time but if that number is exceeded, the facility would be in violation of the Town’s code.

Jim Reynolds asked if the outside play area would be fenced. Ms. Leonard said it would.

*Moved by Mr. Faulkner and seconded by Ms. Burgess to grant approval for Conditional Use No. CU-03-12 for Early Essentials Day Care Center with the condition 100 sq. ft. of outside play space per child is provided and the play area is fenced in. Motion Carried Unanimously.*

**7-C. Adopt a Resolution to request the Final Draft of the Town of Middletown 2011 Comprehensive Plan Update** be sent to the State of Delaware for PLUS review.

*Moved by Mr. Faulkner and seconded by Mr. McGhee to adopt a Resolution to request the Final Draft of the Town of Middletown 2011 Comprehensive Plan Update be sent to the State of Delaware for the PLUS process review. Motion Carried Unanimously.*

**7-D. Adopt a Resolution to approve the issuance of \$825,000 in General Obligation Debt of the Town of Middletown, Delaware in connection with the 2010 Delaware Drinking Water State Revolving Fund.**

Lou Vitola reported the Town was awarded \$2,186,000 in 2009 for Phase One of the project funding with 50% forgiveness from the State Revolving Fund (SRF) through the Office of Drinking Water. The funds were used to support various water system improvements. In 2010 the Town applied for \$825,000 through the SRF again for rehab projects on wells #6, #8 and #9. The State approved the funding with 40% forgiveness. In order to close on the loan, the Town is required to pass a Resolution approving the gross amount of the debt. All three projects have been bid and awarded per state funding requirements.

*Moved by Mr. Faulkner and seconded by Mr. Reynolds to adopt a Resolution to approve the issuance of \$825,000 in General Obligation Debt of the Town of Middletown in connection with the 2010 Delaware Drinking Water State Revolving Fund.*

**7-E. Adopt a Resolution to approve the issuance of up to \$2.5 million in General Obligation Debt of the Town of Middletown, Delaware to refund certain outstanding debt.**

Lou Vitola recommended Mayor and Council approve the refinancing of the balance of the G/O Bond at a lower interest rate; the refinancing will save the Town approximately \$300,000. The amount to be refinanced is approximately \$2,325,000.

*Moved by Mr. Faulkner and seconded by Mr. McGhee to adopt a Resolution to approve the refinancing of up to \$2.5 million in General Obligation Debt resulting in a savings of \$300,000. Motion Carried Unanimously.*

**7-F. Approve contract to begin Phase 2 of Rapid Infiltration Basin (RIB) study with the University of Delaware.**

Morris Deputy said Phase 1 of the study is complete. Phase 2 of the study covers the Rapid Infiltration Basin disposal area for the expansion of the treatment facility. The contract amount is \$142,988.00 and covers two fiscal periods.

*Moved by Mr. Pierce and seconded by Ms. Burgess to approve the contract to begin Phase 2 of the Rapid Infiltration Basin study with the University of Delaware in the amount of \$142,988 to be spread over two years. Motion Carried Unanimously.*

**7-G. Approve bids for the purchase of substation materials associated with the Johnson Controls facility.**

Morris Deputy said 3 bids were received for materials to upgrade the substation for Johnson Controls. Mr. Deputy recommended Mayor and Council approve the bid award to HD Supply and Substation Enterprises in the amount of \$110,254.38, based on the recommendation from Utility Engineers. The money will be reimbursed by Johnson Controls.

***Moved by Mr. Faulkner and seconded by Mr. Dixon to approve the bids for the purchase of substation materials associated with the Johnson Controls facility. The Town will be reimbursed by Johnson Controls for the \$110,254.38. Motion Carried unanimously.***

**7-H. Introduce an Ordinance to amend Chapter 40 in the Town of Middletown Code pertaining to the duties of the permits and inspections department supervisor.**

Morris Deputy explained that the Ordinance will allow the Inspection Department Supervisor to approve administrative variances up to 12 inches for setbacks on houses to avoid Board of Adjustment hearings. The State passed House Bill 455 several years ago which allowed municipalities to adopt an Ordinance giving them the authority to grant these variances.

**8. Unfinished Business**

Tom Jacobs, a Middletown resident, expressed his disappointment that Amazon hired out of state contractors to work on the facility. Mayor Branner explained a fair bidding practice was followed – Delaware contractors were allowed to bid on the jobs. The strategic grant (\$4.475) to Amazon had nothing to do with construction; it was based on their guaranteeing 849 new jobs in the area. The infrastructure grant (\$4 Million) was to complete Merrimac Avenue and Industrial Drive; that work was awarded to a Delaware company.

**9. New Business: None**

Moved by Mr. Reynolds and seconded by Mr. McGhee to adjourn to Executive Session to discuss legal and personnel issues. Motion Carried Unanimously.