

A swearing-in ceremony was conducted by Mayor Kenneth Branner for re-elected Councilmen James L. Reynolds, Robert McGhee and Robin Burgess.

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

**1. MINUTES APPROVAL:** Moved by Mr. Pierce and seconded by Ms. Burgess to approve the Minutes of March 10, 2014 and March 24, 2014 as presented. Motion Carried Unanimously.

**2. TREASURER'S REPORT:** Moved by Mr. Pierce and seconded by Mr. McGhee to approve the Treasurer's Report as presented in printed form. Motion Carried Unanimously.

**3. 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.

**4. POLICE REPORT: Chief Hank Tobin**

The MPD responded to 893 calls for service for the month of March 2014.

- 306 incidents required documentation.
- 52 incidents required arrest action totaling 107 criminal arrests.
- Calls for service: Zone 1 – 238; Zone 2 – 284; Zone 3 – 112; Zone 4 – 141.
- 51 accidents; 36 property damage; 9 property damage/hit & run; 6 personal injury.
- Several drug arrests.
- 2 Burglaries: New Street and W. Main Street.
- Theft: Diamond Car Wash
- Call volume analysis: busiest days Friday – 141; Saturday – 145; peak times: 1 p.m. thru 10 p.m.
- Top calls for service: 264 – vehicle stops; 60 property checks; 52 public relations; 44 alarms and 36 property damage.
- Chief Tobin read the following announcement: “The Middletown Police Department is scheduled for an on-site assessment as part of a program to achieve accreditation by verifying it meets professional standards.

Administered by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA®), the accreditation program requires agencies to comply with state-of-the-art standards in four basic areas: policy and procedures, administration, operations, and support services.

As part of the on-site assessment, agency employees and members of the community are invited to offer comments at a public information session April 28, 2014 at 6:00 p.m. the session will be conducted in the MPD Community Room located at MPD, 130 Hampden Road.

Agency employees and the public are also invited to offer comments by calling 302-376-9960 on April 28, 2014 between the hours of 2:00 and 4:00 p.m. Comments will be taken by the Assessment Team.

Telephone comments as well as appearances at the public information session are limited to 10 minutes and must address the agency's ability to comply with CALEA'S standards. A copy of the Standards is available at the Middletown Police Department. Local contact is Chief Tobin, 302-376-9950.

Anyone wishing to submit written comments about the Middletown Police Department's ability to comply with the standards for accreditation may send them to the Commission on Accreditation for law Enforcement, Inc. (CALEA), 13575 Heathcote Blvd., Suite 320, Gainesville, Virginia, 22030-2215 or [www.calea.org](http://www.calea.org).”

Moved by Mr. Pierce and seconded by Ms. Burgess to accept Chief Tobin's Police Report as presented. Motion Carried Unanimously.

## **5. PUBLIC HEARINGS:**

### **5-B. M.O.T. Charter School, 1156 Levels Road – Request for temporary classroom trailers on the school lands. Tax parcel 23-045.00-002.**

Rick Woodin presented the plan for the Charter School.

- The temporary building is approximately 65' x 105' and will be located near the overflow parking lot.
- The building will be connected to Town sewer.
- The water main will be extended and a fire hydrant will be installed within 250' of the building.
- The facility will be used for the ninth grade.

Mayor Branner commented that Planning and Zoning recommended approval.

***Moved by Mr. Reynolds and seconded by Ms. Burgess to approve the request for temporary classroom trailers at the M.O.T. Charter School. Motion Carried Unanimously.***

### **5-C. Main Street Station, 5485 Peterson Road – Revision to the Record Major Land Development Plan to make it a one-story 18,000 square foot building, instead of a two-story 30,000 square-foot building. Tax parcel 23-005.00-130.**

Tabled by developer.

### **5-D. Introduce an Ordinance to Amend Chapter 120 in the Town of Middletown Code regarding Rental Properties.**

Morris Deputy: The Ordinance will add a definition for an authorized person, and an "Improvement Acknowledgement Form" for rental units that have a habitable area but the owner did not get the proper permit. It will give them a year to become compliant.

### **5-E. Introduce an Ordinance to Amend Chapter 136 in the Town of Middletown Code regarding Sewers.**

Morris Deputy: The Ordinance will reduce the number of gallons per day for an apartment to around 100, for the calculation of sewer impact fees. The reduction is based on data that indicates that amount is more in line with actual usage.

### **5-F. Adopt a Resolution to amend the Rules and Regulations, including the Electric Tariff for the Town of Middletown.**

Morris Deputy recommended Council adopt the Resolution to adjust the PPCA base rate to 0.07888/\$ per kWH based on a billing rate increase from DEMEC as a result of the harsh winter.

***Moved by Mr. Faulkner and seconded by Mr. McGhee to adopt a Resolution to amend the Rules and Regulations, including the Electric Tariff for the Town of Middletown as recommended by Town Manager Morris Deputy. Motion Carried Unanimously.***

### **5-G. Adopt a Resolution approving a project to be undertaken by the Delaware Municipal Electric Corporation (DEMEC) and the Town of Middletown authorizing the execution of an amendment agreement between the Town of Middletown and DEMEC and authorizing other matters related thereto. (Resolution pertaining to the new 138kV transmission line.)**

Morris Deputy: The Resolution will amend the current agreement and allow DEMEC to enter into an agreement with Delmarva to manage the debt and construction of the second feed. Mayor Branner added that the second feed will provide the Town with a backup system for electric service.

Resident Chuck Dixon asked if the second feed would eliminate shutting down electric in parts of the Town when it's necessary to perform maintenance. Mayor Branner answered yes.

***Moved by Mr. Faulkner and seconded by Mr. Reynolds to adopt the Resolution approving a project to be undertaken by DEMEC and the Town of Middletown authorizing the execution of an amendment agreement between the Town of Middletown and DEMEC and authorizing other matters related thereto (pertaining to the new 138kV transmission line). Motion Carried Unanimously.***

#### **6. OLD BUSINESS:**

- Mayor Branner read a response to a complaint made by resident Gregory Williams at the March meeting regarding Officer Fabroni, pertaining to an incident involving his son. Mr. Williams said that he was not contacted from the date of the incident, which was February 6, 2014, and that's why he came to the Town meeting.

Mayor Branner said he and Chief Tobin researched the incident and found the following: Mr. Williams failed to mention that he was contacted by Ofc. Fabroni that same day, and again, February 8, 17, 22 and March 7. She told him she had spoken to a witness but was unable to find other witnesses. On February 17, Ofc. Fabroni contacted Capt. Yeager. He called Mr. Williams. Ofc. Fabroni called Mr. Williams and he asked her to forward the case to the Attorney General's Office. On February 22, Ofc. Fabroni contacted Mr. Williams and said that she had forwarded the case to the Attorney General's Office and it was up to them to decide about the prosecution. On February 24, Ofc. Fabroni contacted them and scheduled an arrest intake, which is evidence. On March 5, Ofc. Fabroni responded to the Attorney General's Office and conducted the intake where she was told by the Attorney General's Office that there would be no prosecution going forward. On March 7, 2014, Capt. Yeager spoke to Mr. Williams and told him Ofc. Fabroni was off until the tenth and she would be contacting him on the tenth, which was the same day of the Council meeting. On March 10, Ofc. Fabroni stated that she was contacted by Capt. Yeager and was advised to contact Mr. Williams and again advise him of the findings. She said she contacted Mr. Williams on that date and advised him that the Attorney General's Office had declined prosecution and that no criminal charges would be filed.

This report was included in the record in response to Mr. Williams addressing the complaint about Ofc. Fabroni and the MPD at the Council meeting. According to the statement just read, Mr. Williams had been contacted several times.

#### **7. NEW BUSINESS:**

- Tracy Skrobot, Middletown Main Street, announced the Designer Showcase House, located at 202 S. Broad Street (the home of Ellen Combs-Davis), will be open from April 18<sup>th</sup> through May 11<sup>th</sup>. Tickets are \$15.
- Ciro Poppiti, Register of Wills, announced this is the fourth year for conducting evening hours at the Appoquinimink Library. To date, over 150 cases have been heard.
- Rob Stout, on behalf of the Everett Theatre, thanked Mayor and Council and the MPD for their support for the Everett's 25<sup>th</sup> Anniversary Celebration of the Dead Poets Society.

***Moved by Mr. Reynolds and seconded by Mr. Faulkner to go into Executive Session to discuss the competency and ability of various employees, pursuant to 29 Del. Code §10004(b)(9), and hearing on employee disciplinary or dismissal case, pursuant to 29 Del. Code §10004(b)(8). Motion Carried unanimously.***

#### **8. EXECUTIVE SESSION**

***Moved by Mr. Pierce and seconded by Mr. McGhee to exit the Executive Session and return to the public session in Council Chambers. Motion Carried Unanimously.***

**8-A. Discuss competency and ability of various employees, pursuant to 29 Del. Code §10004(b)(9).**

No vote was taken.

**8-B. Hearing on employee disciplinary or dismissal case, pursuant to 29 Del. Code §10004(b)(8).**

*Moved by Mr. Pierce and seconded by Ms. Burgess to approve the recommendations for discipline for various employees in accordance with the report prepared by Police Chief Hank Tobin. Motion Carried Unanimously.*

**9. Adjournment**

*Moved by Mr. Reynolds and seconded by Mr. McGhee to adjourn. Motion Carried Unanimously.*

The meeting adjourned at 8:45 p.m.