

**COUNCIL MINUTES****MARCH 7, 2011**

The Municipal Election was held March 7, 2011.

Town Clerk Kelly Fletcher announced the election results:

|                     | <u>Name</u>                    | <u>Number of Votes</u> |
|---------------------|--------------------------------|------------------------|
| <b>For Mayor:</b>   | <b>Kenneth L. Branner, Jr.</b> | <b>416</b>             |
| <b>For Council:</b> | <b>Jason Faulkner</b>          | <b>373</b>             |
|                     | <b>Robert Pierce</b>           | <b>330</b>             |
|                     | <b>Charles Dixon</b>           | <b>238</b>             |
|                     | Mary Harris                    | 153                    |
|                     | Susan Mitchell                 | 113                    |
|                     | Valerie Jones-Robb             | 109                    |

**Total Number of Voters: 509 (6 absentee)**

Mayor Branner announced that the winners of the election, Jason Faulkner, Robert Pierce and Charles Dixon, will be sworn in at the March 14, 2011 Mayor and Council meeting after the votes have been certified.

*Moved by Mr. Reynolds and seconded by Ms. Burgess to recess and reconvene at 7:30 p.m. on Monday, March 14, 2011. Motion Carried Unanimously.*

**COUNCIL MINUTES****MARCH 14, 2011**

The regular meeting of Mayor and Council was held on the above date with Council members Reynolds, McGhee, Burgess and re-elected Faulkner, Pierce and Dixon present with re-elected Mayor Branner presiding. Town Manager Morris Deputy and Town Solicitor Erin Fitzgerald were also in attendance.

A swearing-in ceremony was held for re-elected Mayor Kenneth Branner and Councilmen Jason Faulkner, Robert Pierce and Charles Dixon.

**1. Minutes Approval:** Moved by Ms. Burgess and seconded by Mr. Pierce to accept the minutes for February 7, 2011 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. Motion Carried Unanimously.

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

**4. Police Report:** Chief Hank Tobin

The MPD responded to 917 calls for service during the month of February.

- 174 incidents were documented by police or accident report. 51 resulted in arrest action totaling 142 criminal arrests.
- Zone 1: 217 calls: 92 vehicle stops; 20 alarms; 10 domestics; 9 public relations and 7 property damage

- Zone 2: 265 calls: 93 vehicle stops, 18 alarms; 12 property checks; 12 public relations and 9 domestics
- Zone 3: 43 vehicle stops; 10 follow-ups; 8 alarms; 7 bookings and 6 property checks
- Zone 4: 62 vehicle stops; 24 property checks; 8 alarms; 6 public relations and 3 thefts
- 27 accidents reported: 16 property damage; 7 hit and run/property damage and 4 personal injury
- Several drug investigations were made.
- Peak times: Saturday 109 calls; Tuesday 144 calls; busiest hours: 9 to 10 p.m.
- Top calls: 341 Vehicle stops; 59 property checks; 56 alarms; 38 public relations and 35 follow-up investigations
- 114 applicants applied for the seasonal program
- Philip Delgotti and Matthew Schneider will be graduating on March 31<sup>st</sup> from the Academy.

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

Mayor Branner made the following appointments:

|                |            |
|----------------|------------|
| James Reynolds | Vice Mayor |
| Jason Faulkner | Treasurer  |
| Robert McGhee  | Secretary  |

Council members will continue to oversee the same departments as last year.

Howard Young, Jr. and Jim Royston will be appointed to the Planning and Zoning Commission.

Mayor Branner thanked the Election Committee, Dave Rich, Sonya Comstock and Lorraine Reeves for their efforts during the election and the Town employees who worked the election.

## **6. Public Hearings**

### **6-A. Proclamations honoring Town of Middletown's Sesquicentennial**

President Abraham Lincoln (portrayed by Jim Young) congratulated the re-elected officials and thanked them for their efforts on behalf of Middletown. He then presented a proclamation celebrating Middletown's 150<sup>th</sup> year of incorporation.

Senator Bethany Hall-Long reported that Representatives Quinn Johnson and Rebecca Walker are both ill and will not be attending. Senator Ennis has a meeting and is not available to attend. Senator Hall-Long presented both the House and Senate tributes to Council.

New Castle County Councilman Bill Powers congratulated Mayor and Council on the recent election and presented a tribute on behalf of New Castle County.

### **6-B. Historical Society request to close streets during Peach Festival**

Terry Markisohn, Middletown Historic Society, requested street closings for the 18<sup>th</sup> Annual Peach Festival on Saturday, August 20, 2011. The request is to close West Main Street from Broad to North Scott and North Cass Street from West Main Street to Pennington Street from 6:00 a.m. until 5:00 p.m. as well as the use of the Town Hall parking lot and Forrest Church parking lot.

*Moved by Ms. Burgess and seconded by Mr. Dixon to grant approval to the Middletown Historic Society to close West Main Street from Broad to North Scott and North Cass from West Main to Pennington Street and the use of the Town Hall parking lot and the Forrest Church parking lot on August 20, 2011 from 6 a.m. until 5:00 p.m. Motion Carried Unanimously.*

**6-C. *Ciro Poppiti, Register of Wills, presentation***

To provide service to MOT residents, Mr. Poppiti announced that beginning in April he will be holding office hours on the first Tuesday of every month in the Appoquinimink Library from 5 p.m. until 7:45 p.m. Mayor Branner said the Town will include this information on the Town's web site.

**6-D. *Request by M.O.T. Football and Cheerleading to erect a cheer building at M.O.T. Football and Cheerleading complex on Silver Lake Road.***

April Ellis, Board member and Cheer Director for MOT Youth Football and Cheer requested permission to build a cheer gym on the land donated by the Town. The School District has changed their building usage requirements and they will no longer be able to hold practice there.

Mayor Branner reminded them that they will also have to receive plan approval and obtain building permits prior to constructing the building.

*Moved by Mr. Pierce and seconded by Ms. Burgess to grant approval for the M.O.T. Football and Cheerleading to erect a building at the M.O.T. football and cheerleading complex on Silver Lake Road. Motion Carried Unanimously.*

**6-E. *128 Patriot Drive, Units 6 and 7 - Conditional Use Permit Request CU-02-11 for a church in a Manufacturing/Industrial area. Tax parcel 23-041.00-015.***

Pastor Malcolm Duff requested permission to operate his ministry at 128 Patriot Drive. Counseling programs will also be offered for drug and alcohol addiction, anger management, youth mentoring, etc.

Mayor Branner said Planning and Zoning recommended approval with the condition an agreement is reached between this church and the church using Unit 5. An agreement has been signed by both parties defining the parking and hours of operation.

Moved by Mr. Reynolds and seconded by Mr. Pierce to grant approval for Conditional Use CU-02-11 to allow a church at 128 Patriot Drive, Units 6 and 7. Motion Carried Unanimously.

**6-F. *Motion to amend an ordinance annexing lands of Richard P. Money dated December 3, 2007.***

Morris Deputy: This amendment corrects the actual amount of acreage originally annexed. The original annexation was for 54.7 acres. The acreage subsequently changed to 55.86 after DelDOT amended its right of way taking for the proposed Rt. 301 Bypass.

*Moved by Mr. Faulkner and seconded by Ms. Burgess to amend the ordinance annexing lands of Richard P. Money dated December 3, 2007 from 54.7 acres to 55.86 acres. Motion Carried Unanimously.*

**6-G. *Adopt a Resolution to amend the Rules and Regulations, including the Electric Tariff for the Town of Middletown, regarding the addition of special contracts tariff classification.***

Lou Vitola: This Resolution defines and sets criteria for extraordinarily large electric users and will allow the Town to negotiate electric service needs on a case-by-case basis. This will affect only new users.

***Moved by Mr. Faulkner and seconded by Mr. Reynolds to adopt the Resolution to amend the Rules and Regulations, including the electric Tariff for the Town of Middletown, regarding the addition of special contracts tariff classifications. Motion Carried Unanimously.***

**6-H Ratify Electric Service Agreement with Johnson Controls Battery Group, Inc. for primary electric service**

Lou Vitola: Johnson Controls has a very high demand and requires unique interconnection requirements. This Interconnection Agreement clearly outlines who owns what equipment, maintenance responsibilities, load factors on a yearly basis, power factors, demand expectations, technical and billing considerations, etc. DEMEC, the Town's electric consultant and our solicitor as well as Johnson Controls' staff all concur with this agreement.

***Moved by Mr. Faulkner and seconded by Mr. Reynolds to Ratify Electric Service Agreement with Johnson Controls Battery Group, Inc. for primary electric service. Motion Carried Unanimously.***

**6-I. Ratify a Trash/Recycling Collection Services Contract for the Town of Middletown**

Lou Vitola: The Town's bid opening for a Trash and Recycling Collection Services Contract was held on March 4, 2011. Waste Management was the low bidder. Mr. Vitola said the recommendation to award the contract to Waste Management is based on their current service with the Town and their experience with recycling. Recycling should start in May if all details are worked out.

Mayor Branner said the proposed schedule is trash will be picked up on Tuesday and recyclables will be picked up on Friday. The Town received a grant of \$305,000 to purchase containers. Waste Management will deliver the containers.

Mr. Reynolds added that Waste Management will not pick up Delaware Solid Waste Recycling containers. Anyone using a DSWA container should have it returned to the DSWA. New collection containers will be delivered by Waste Management.

Lou Vitola said single family houses, duplexes and townhouses will all receive recycling containers this year. Apartments are considered commercial.

Recyclables do not have to be separated.

The special recycle collection igloos will not be removed – recyclables can still be dropped off at those locations.

***Moved by Mr. Faulkner and seconded by Ms. Burgess to ratify a Trash/Recycling collection Services Contract for the Town of Middletown. Motion Carried Unanimously.***

**6-J. Ratify an agreement for construction of new production well at Lake Street Water Treatment Plant (Well 9)**

Morris Deputy: Two Bids were received for Well #9. This is part of the Office of Drinking Water package for which the Town will receive 50% principle forgiveness. A.C. Schultes was the low bidder at

\$257,197. The bids have been reviewed and it is recommended to approve the bid submitted by A.C. Schultes.

*Moved by Mr. Pierce and seconded by Mr. McGhee to Ratify an Agreement for construction of a new production well at Lake Street Water Treatment Plant (Well #9). Motion Carried Unanimously.*

7. **UNFINISHED BUSINESS**: None

8. **NEW BUSINESS**

- Ms. Burgess announced that the Townoply Main Street fundraiser game has arrived – see Tracy Skrobot to purchase a game.
- Tracy Skrobot presented Mayor Branner with a Townoply game.
- Bill O’Neal, President of the Middletown Area Chamber of Commerce introduced Roxanne Ferguson as the Chamber’s new Executive Director.

*Moved by Mr. Reynolds and seconded by Mr. Faulkner to adjourn for an Executive Session to discuss personnel and legal matters. Motion Carried Unanimously.*