

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

1. Minutes Approval: Moved by Mr. Pierce and seconded by Mr. McGhee to approve the Minutes of June 7, 2010 as presented. Motion Carried Unanimously.

2. Treasurer's Report: Moved by Mr. Pierce and seconded by Ms. Burgess to approve the Treasurer's Report as presented. Motion Carried Unanimously.

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

4. Police Report: Chief Hank Tobin and Lt. Ed Murray

The MPD responded to 1,501 calls for service for the month of June.

- 306 calls were documented with an incident or accident report.
- 94 incidents required arrest action totaling 203 criminal arrests.
- Calls for service: Zone 1 – 313; Zone 2 – 493; Zone 3 – 246, and Zone 4 – 190.
- Accidents – 33; property damage – 22; property damage/hit & run – 6; personal injury – 5.
- Thefts: 31
- The “Welcome to Middletown” sign was recovered.
- 24 drug related incidents were investigated – drugs and money were seized.
- Burglaries: 3 (Middletown Village, Willow Grove Mill and Lone Manor)
- Peak times for calls for service: Wednesdays averaged 217 calls and Tuesdays averaged 216 calls. Peak hours: between 1p.m. and 3 p.m.
- Top five calls for service: vehicle stops – 330; property checks – 188; public relations – 68; alarm calls – 59, and parking violations
- Chief Tobin reported that the cell phone and texting law was passed and will become effective January 2, 2011. The law bans texting while driving and hand-held cell phones – hands free devices are legal. The ban also includes the use of pagers, PDA's, Blackberrys, laptops, games, portable computers and any two-way communication while driving. First offense is \$50. Exemptions: law enforcement, fire fighters, EMS technicians, emergency vehicle operators, persons operating farm vehicles and equipment; business and government employees who use a two-way radio attached to their vehicles to communicate with a central dispatch.
- The MPD has obtained grant funding to have phones installed in each vehicle for officer's use.
- The Youth Academy, run by Officer Brenner, started today and has 14 children enrolled for the two-week period.

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

5. PUBLIC HEARINGS

5-A. Approval of the Fiscal Year 2011 Budget for the Town of Middletown

Mayor Branner recommended Council approve the FY 2011 Operating Budget of \$30,489,491, an increase of 1% over last year. No tax or utility rate increases are proposed.

- The budget authorizes two new positions: an inspector in the project management group created earlier this year and a civilian executive assistant position in the Public Safety Department. The total number of full-time employees will increase to 153.

- This budget marks the third consecutive year that utility rates will not change and at least the twenty-first consecutive fiscal year that property taxes will not increase.
- The monthly trash rate will increase by \$0.50 per household. This is the final year of a three-year contract with Waste Management. Next year will include the state law mandate of recycling.
- Rate comparison: Compared with eight municipalities and the unincorporated areas of New Castle County Middletown is lowest again.

The recommended FY 2011 Capital Budget is \$11,771,592.

- \$8.8 million of the proposed budget is related to water and wastewater infrastructure improvements supported by Delaware's Office of Drinking Water and Clean Water Advisory Council. Each agency has offered low-interest financing and the Office of Drinking Water is providing \$1 million in grant funding for the following projects:
 - New pump station off Rt. 1 and over two miles of 10" force main
 - Route 301 pump station upgrades and force main realignment
 - New or upgraded water and sewer lines on New, Shallcross, Lockwood, Pennington and South Cass Streets
 - Industrial Drive water line improvements continue
 - Pump Station upgrades or installations on North Broad St., Silver Lake Drive, Tennyson Ct., and in Sharondale
 - Upgrade approximately ½ mile of sewer line from Silver Lake Park to Lakeside
 - Greenlawn storm water remediation (DNREC green project)
 - Improvements and filter upgrades to wells #4 and #6
 - Demolition of Hercules Tank; possible replacement of cellular tower

Other projects recommended for approval include:

- The continuation and completion of a second filtration unit at the relocated filter plant on Industrial Drive (\$900,000)
- The continuation of engineering work related to the E299 roadwork, which will ultimately be reimbursed by new development (\$560,000)
- Town-wide financial accounting and billing software upgrade (\$250,000)
- Levels Road Park construction to expand the dog park parking lot, expand a sidewalk and add a walking path (\$163,000)
- Wastewater improvements and construction related to the expansion of the Frog Hollow WWTP, Saint Anne's Spray facility permitting, soil compaction remediation on WWTP spray fields 1 and 3, Villagebrook I&I study completion.
- Reconductor work on three circuits at the Electric Substation on Lake Street to improve system reliability (\$112,000)
- Purchase of other vehicles, equipment, tools, construction & building improvements, software and information technology asset investments (\$650,000)

FY'10 Projects Completed/Near Completion

- Filter Plant Relocation is nearly complete
 - Work on 2nd filter is ongoing
 - Pumping water to farmers
- East Main Street should be completed by the end of summer
- Frog Hollow WWTP expansion is underway
- The first half of Industrial Drive is completed

Mayor Branner also commented that most of the work in the Capital Budget would not have been possible without the Town employees. He commended the employees on their ability and capability to perform projects and save the Town money.

Mayor Branner recommended the adoption of the 2011 total Budget of \$42,261,083.

Moved by Ms. Burgess and seconded by Mr. Pierce to adopt the 2011 Operating and Capital Budget in the amount of \$42,261,083.00 as presented by Mayor Branner. Motion Carried Unanimously.

5-B. Adopt a Resolution to approve the issuance of up to \$23,750,000 in General Obligation Bonds of the Town of Middletown, Delaware, to permanently fund capital projects including water and wastewater expansion and rehabilitation and to refund certain obligations to reduce interest expense.

5-C. Adopt a Resolution to approve the issuance of up to \$7,250,000 in General Obligation debt of the Town of Middletown, Delaware, in connection with the United States Department of Agriculture Water and Waste Disposal Loan and Grant Program.

5-D. Adopt a Resolution to approve the issuance of up to \$2,500,000 in Bond Anticipation Notes of the Town of Middletown, Delaware to temporarily fund certain capital improvements.

Mayor Branner pointed out that items 5-B, 5-C and 5-D are inter-related; after discussion each item will be voted on individually.

Bob Gouge asked if the adoption of 5-C, the \$7,250,000 obligation for water, is an option if the financing is more favorable than getting the \$23,750,000. Lou Vitola said Council is being asked to authorize \$23,750,000 in total debt. Of that, \$10 million is new projects and about \$8 million is water and wastewater. The \$7,250,000 may be funded by the USDA. If the Town gets USDA funding, it will be removed from the \$23 million, which would reduce it to \$16.5 million. Mayor Branner said the funding is required to be presented this way in case we have to go to bond.

Bob Gouge, referencing 5-D, suggested the Town use money from the Capital Improvement Fund and reimburse it. Lou Vitola said most of the investments in that account are locked in at a high interest rate. They would have to be sold and reinvested at a lower rate. With the Bond Anticipation Notes the Town gets \$2.5 million that will cost only \$3 or \$4 thousand dollars. It's the quickest way to get money without disrupting the asset portfolio.

Mr. Gouge suggested Council not consider refinancing and go to bond for funding.

Mayor Branner said Item A is just giving Council the authority to do so if it's necessary. Each one will be evaluated with Bond Counsel for the best option before any refinancing is done.

Moved by Mr. Reynolds and seconded by Mr. Pierce to Adopt a Resolution to approve the issuance of up to \$23,750,000 in General Obligation Bonds of the Town of Middletown, Delaware, to permanently fund capital projects including water and wastewater expansion and rehabilitation and to refund certain obligations to reduce interest expense (Item 5-B). Motion Carried Unanimously.

Moved by Mr. Faulkner and seconded by Mr. Reynolds to Adopt a Resolution to approve the issuance of up to \$7,250,000 in General Obligation debt of the Town of Middletown, Delaware, in connection with the United States Department of Agriculture Water and Waste Disposal Loan and Grant Program (Item 5-C). Motion Carried Unanimously.

Moved by Mr. Faulkner and seconded by Ms. Burgess to Adopt a Resolution to approve the issuance of up to \$2,500,000 in Bond Anticipation Notes of the Town of Middletown, Delaware to temporarily fund certain capital improvements (Item 5-D). Motion Carried Unanimously.

5-E. Adopt an Ordinance to amend Chapters 41, 42, 43, 44, 96, 115, 116 and 119 in the Town of Middletown Code regarding accepting supplements to the International Codes.

This Ordinance will allow any amendments made to the International Code to automatically become part of the Town's Code.

Moved by Mr. Pierce and seconded by Mr. Reynolds to adopt an Ordinance to amend Chapters 41, 42, 43, 44, 96, 115, 116 and 119 in the Town of Middletown Code regarding accepting supplements to the International Codes. Motion Carried Unanimously.

5-F. Adopt a Resolution to change name of Redding Estates to Redding Circle

The New Castle County Department of Public Safety has requested the Anderson Street portion of Redding Estates be changed to “*Redding Circle*” to clarify the confusion of duplicate street numbers and the use of “Redding Estates” as a street address by some residents. Redding Estates was part of the “development” of that area – the name was never a street name. If the Dept. of Public Safety receives a 911 call for a Redding Estates address, it doesn’t show up because it’s not a street name, and therefore the emergency response call cannot be completed.

Moved by Mr. Faulkner and seconded by Ms. Burgess to adopt a Resolution to change the name of Redding Estates to Redding Circle. Motion Carried Unanimously.

5-G. Introduce an Ordinance to Amend Chapter 176 in the Town of Middletown Code relating to Water

The Ordinance relates to late charges and non-payments. The Ordinance will be acted on next month.

5-H. Introduce an Ordinance to Amend Chapter 136 in the Town of Middletown Code relating to Sewer

The Ordinance relates to late charges and non-payments. The Ordinance will be acted on next month.

6. UNFINISHED BUSINESS

Mr. Reynolds reported the Fourth of July Fireworks was a great success – 817 cars were parked at Silverlake. He thanked Moon Nurseries for the use of their Kubotas and the Barrel House Blues Band who donated their time and provided entertainment. Many positive comments have been received. About 9,000 flags were distributed throughout the Town on the 4th.

7. NEW BUSINESS

Ms. Burgess announced that information for Middletown Main Street’s new fundraiser “Townoply” is available.

Mr. Dixon introduced Quinn Johnson, Representative for the 8th District, and two new candidates, Kate Rokosz running for the 8th District, and Andy Dally, running for New Castle County Council.

Bob Gouge asked if any discussions had been held with Waste Management regarding the recently passed recycling law and how it will impact the Town. Mayor Branner said collection fees will be increased. The Town’s contract ends in January; the recycling starts next September. Recycling will be negotiated in the new contract.

Moved by Mr. Reynolds and seconded by Ms. Burgess to adjourn. Motion Carried Unanimously.