

The regular meeting of Mayor and Council was held on the above date with Council members Jim Reynolds, Drew Chas, Jim Royston, Aaron Blythe, Bruce Orr and Craig Sherman present. Vice-Mayor Reynolds presided until Mayor Branner arrived. Town Manager Morris Deputy and Town Solicitor Scott Chambers were also present.

1. Call to Order**2. Pledge of Allegiance**

3. Minutes Approval: Moved by Mr. Chas and seconded by Mr. Blythe to approve the Minutes for April 3, 2023 as presented in printed form. Motion Carried Unanimously.

4. Treasurer's Report: Moved by Mr. Chas and seconded by Mr. Sherman to approve the Treasurers Report as presented in printed form. Motion Carried Unanimously.

5. Bills Payable: Moved by Mr. Royston and seconded by Mr. Orr to approve the Bills Payable as presented in printed form and pay as funds become available. Motion Carried Unanimously.

6. Police Report: Chief Bill Texter

The MPD responded to 922 calls for service for the month of April.

- 1 District: 4/12/23 – Doc Levinson/Ramunno Dr. – accident/assault
4/23/23 – Middletown-Warwick Rd./Ash Blvd. – reckless endangering
- 2 District: Nothing significant to report.
- 3 District: 4/1/23 – Lake Seymour Dr. – robbery & vehicle theft
4/11/23 – Wawa – W. Main St. – vehicle theft
4/22/23 – Middletown-Warwick Rd. (Village Wine & Spirits) – DUI (6th offense)
4/24/23 – Middletown-Warwick Rd./Levels Rd. – fatal accident
- 4 District: Nothing significant to report.
- Dispositions: 68 traffic summonses; 46 criminal arrests; 37 warnings; 259 reports written; 132 FSR/CPC
- Catalytic Converter Thefts – On April 6th, 12 thefts and 2 attempted thefts of catalytic converters were reported. Thefts occurred throughout various locations in Town; Mitsubishi vehicles were targeted. Chief Texter pointed out catalytic converter thefts are occurring throughout New Castle County and the City of Wilmington as well.
- Calls for Service: 1 District – 107; 2 District – 112; 3 District – 77; 4 District – 52.
- Community Service Events Highlights:
 - MPD worked with Real Life Church and Middletown businesses giving out food donations and participated in an egg hunt for Easter.
 - Coffee with a Cop at Amazon
 - Special Olympics at MHS and Kirkwood Soccer Club
 - MOT Movie Night in conjunction with SN4C
 - The DEA Takeback held April 22nd was well attended and very successful: 516 lbs. of prescription medication and 70 lbs. of sharps were collected; Narcan trainings were conducted; several other agencies attended the event as well.

Moved by Mr. Royston and seconded by Mr. Blythe to accept the Police Report as presented by Chief Texter. Motion Carried Unanimously.

7. Police Advisory Board Update: No meeting was held due to the accident and power outage. The next meeting will be held May 15th.

8. Middletown Main Street Update: Kristen Krenzer

Per the President of the Board of Directors, an offer was made to an applicant, and hopefully, the new Director will be introduced at next month's meeting.

9. Public Hearings:

9-A. Motion to approve closing of streets, use of Town parking lots, and parade permit for the 30th Annual Peach Festival, August 19, 2023.

David Matsen, Co-Chair of the Middletown Historical Society's Peach Festival, reported the festival will celebrate its 30th year this August. The festival will be held August 19th; the same format as last year will be followed:

1. Street closures will begin at 6 a.m. and end at 5 p.m.: (a) West Main Street from Broad Street to North Scott Street, and (b) North Cass St. from West Main to Pennington Street.
2. The use of the parking lots at Town Hall and S. Scott Street is requested.
3. The parade will be from 8:45 a.m. to 10 a.m. The route will assemble at Everett Meredith Middle School parking lot and fields: leave the lot at 8:45 heading North on S. Broad Street, turn right on E. Main Street, turn right on Catherine Street and disband at Silver Lake Elementary School. Duration: 1 hour and 15 minutes.

Moved by Mr. Chas and seconded by Mr. Blythe to grant approvals as requested for the Peach Festival, August 19, 2023. Motion Carried Unanimously.

Rt. 299 Construction Update from DelDOT

Mayor Branner announced that, per DelDOT, the Rt. 299 construction is on schedule and should be completed by the end of third quarter this year, but no later than the end of the year.

Proposed lane closures:

- Several lane shifts will occur from June through October as the center portion of the road will be completed, including a median down the center of the road from just east of Cleaver Farm Road to the Rt. 1 entrance.
- Sometime during that period, New Street will be closed at 299 to Lake Street for 20 days; access to Redding Middle School, St. Joe's Church and Green Hill Car Wash will be available.
- South Catherine and North Catherine Streets will be closed 10 days as each side of those intersections are completed.
- S. Catherine Street will be upgraded this year. Construction will start around June 16th after school is out. The street will be repaved and curbs and sidewalks will be added on the Silver Lake School side of the road from Main Street to Hoffecker Street. The road will be widened from E. Cochran to E. Hoffecker. The plan is to have the work completed by the time school opens.

All of the proposed closures will be posted on the web site; updates will be posted when specific dates are known.

9-B. 27 E. Lockwood Street – Public Assembly Permit request for Middletown Camp Revival at Trinity A.M.E. Church for seven (7) days July 10 -16, 2023.

Rev. William Dickerson, VP of M.O.T. Pastor Alliance, Rev. Luther Walker III, Treasurer, and Rev. James Hill, Jr., Pastor of Trinity A.M.E. Church, requested approval to hold the Middletown Camp Revival from July 10th to the 16th.

Rev. Dickerson said they have coordinated with Ryan Chambers to obtain porta-potties and hand washing stations, and will coordinate with the MPD for traffic control on Sunday.

Moved by Mr. Reynolds and seconded by Mr. Chas to grant approval for the Middletown Camp Tent Revival at Trinity A.M.E. Church from July 10th to the 16th at 27 E. Lockwood Street. Motion Carried Unanimously.

9-C. 213 Silver Lake Road – Public Assembly Permit request for M.O.T. Fall Fest on October 8, 2023 (Rain Date October 15) at the M.O.T. Football & Cheerleading Complex.

Danielle Masterson and Monica Brooks requested approval for the M.O.T. Fall Fest on Sunday, October 8, 2023, from 10 a.m. until 4 p.m., a fundraising event to support the league. This will be their second Fall Fest event.

- Activities will include vendors, food trucks, live music, a family fun area, touch-a-truck, and more.
- Last year's event raised over \$8,500 with over 2,000 attendees.
- This year's event will be larger. Fall activities will be added, the number of vendors and food trucks will be increased, etc.
- The league is in the process of obtaining a liquor permit to have a pop-up beer garden which will highlight the breweries in Middletown.
- If anyone is interested in participating in the Fall Fest as a vendor, activity provider or sponsor, all the information can be found on the MOTFallFair.com web site, as well as the link to all social media pages, which will have all the updated information.
- Ms. Masterson thanked Mayor and Council and the MPD for their support last year for providing safety and several trucks for the touch-a-truck event. Their support for this year's event will also be greatly appreciated.

Mr. Reynolds added that Mayor Branner and he, along with a couple of other members, started the MOT Football organization in the late 70's. Several boys went on to play college football and the NFL. About 75 girls participate and compete in travel cheer and have won numerous championships over the years. He said they are great organizations and wonderful representatives of the Town. He hopes everyone will come out to support the event.

Mayor Branner said, as last year, they can coordinate with Chief Texter and Jim Reynolds for anything else that might be needed.

Moved by Mr. Reynolds and seconded by Mr. Royston to grant approval for the Public Assembly Permit for the M.O.T. Fall Fest at the M.O.T. Football & Cheerleading Complex on October 8th and rain date October 15th, as requested. Motion Carried Unanimously.

9-D. 890 Middletown-Warwick Road – Public Assembly Permit request for Greenhill Car Wash to host a Car Show on Friday, May 5, 2023.

Steve Trifose, General Manager of Greenhill Car Wash, requested approval to host a car show on May 5th in their parking lot. About 50 to 75 vehicles are expected. A DJ and food truck will be available; prizes will be given.

Moved by Mr. Reynolds and seconded by Mr. Orr to grant approval for the Public Assembly Permit for Greenhill Car Wash, 890 Middletown-Warwick Road, to host a car show Friday, May 5th. Motion Carried Unanimously.

9-E. 299 E. Main Street – LED sign request for Greenhill Car Wash.

Mike Hewitt with Hes Signs requested approval to replace the existing manual message board with an electronic sign to display different messages.

Mr. Blythe asked if the current sign is grandfathered and if the new sign is taller than the existing sign.

Mr. Hewitt said no changes are proposed for the pole structure; only the message board is being replaced. The sign will not flash; the message will change and have movement like the Bruster's sign but it will not flash.

Mr. Chas asked if the sign would stay on all night.

Mr. Hewitt said it will be controlled by computer so there are options, but the intent is to leave it on all night.

Mr. Blythe questioned the use of LED signs in the C-2 zoning district. The church requested an LED sign for day care in January that was tabled.

Morris Deputy said LED signs have been allowed in the C-2 district, with Mayor and Council approval.

Discussion on the daycare sign: Request was tabled because the location had not been determined and no photos of the sign were available. The request will be presented again after the 299 construction is completed and placement of the sign has been decided.

Moved by Mr. Orr and seconded by Mr. Chas to approve the LED sign request for Greenhill Car Wash at 299 E. Main Street. Motion Carried 5 – 1. Mr. Blythe voted “Nay”.

9-F. 215 N. Cass Street – Conditional Use Permit request for a compost bin project (The Nest) in an R-2 (residential) zoned area. The project proposes to host a community compost site in partnership with the Delaware Community Compost Project. CU-05-23. Tax Parcel No. 23-005.00-094.

Bridgid Gregory, Program Director for the Delaware Community Composting Initiative, who is working in partnership with Katelynn and Ryan Scott, owners of “The Nest”, presented the plan. The Conditional Use Permit is for a community composting site as an addition to the existing community garden.

- No more than 6 or 7 cubic yards of materials will be on hand at any given time.
- A food-scrap composting program is proposed. Only trained participants will operate the system. Ms. Scott has taken the training course offered by the U of D.

- Local zoning approval is required prior to obtaining the DNREC Composting Permit, hence, the request for a Conditional Use Permit.
- The three-bin wooden system is completely enclosed with a retractable lid. The outside is covered with wood or hardware cloth.
- Food and vegetable scraps, egg shells and yard waste (wood chips, grass, leaves) will be used.

Mr. Chas asked if the neighbors had been notified of the proposed use.

Ms. Gregory said neighbors have been contacted; the closest house has been for sale for some time. Other neighbors already compost and most of them are fine with the project. The intention is to keep the bins at least three feet away from the property lines.

Mr. Chas asked how rodents and bugs will be kept out.

Ms. Gregory said the bin will be constructed to prevent any kind of rodents getting in. The roof will be some type of metal and the sides will be reinforced. Pavers will probably be on the bottom to keep ground hogs, and other digging animals out. The goal is to have it in an area with lots of space to help prevent rodent issues. The layout will be shifted toward the middle of the back lot.

Mr. Chas said if the area will be locked, how will participants access the facility, and will the participants know when it's full.

Ms. Gregory said there will only be a specific group of people participating, who have been trained to operate the system to prevent any contamination at the site. She said she isn't sure what hours the Scott's are proposing, but probably between 7 a.m. to 7 p.m.

Bruce Orr asked if a maximum number of participants had been determined.

Ms. Gregory said she believes 40.

Mayor Branner responded that based on what was said at the Planning and Zoning meeting:

- not more than 6 or 8 people would be involved
- anybody involved would have to go through training
- participants might stop by once a week to drop off waste
- proposed hours would possibly be 7 a.m. to 7 p.m.

Mr. Royston pointed out Ryan Scott indicated to Planning and Zoning the amount of compost on site at any one time was 2.5 cubic yards versus 8 to 10.

Ms. Gregory said it should be 6 cubic yards.

Mr. Royston asked if the community composting application submitted by Ryan Scott is the business model.

Ms. Gregory said this is a project they are doing as part of their community organization and she is the technical assistant to help them with getting the site permitted from the State.

Mayor Branner questioned that the State wants the Town to approve the project prior to the State issuing a permit permit for them to move forward.

Ms. Gregory said yes, the Town has to grant approval before the State will issue a permit.

Mr. Royston questioned the type of waste to be collected. He said the application mentions carbon materials in 27-gallon buckets. He said there are a lot of things on the application that aren't applicable to what is being presented.

Ms. Gregory said waste would be fruits and vegetables, egg shells and yard waste; carbon is needed to prevent issues with smells and rodents. She said the carbon is leaves and yard waste. The black

round bins shown on the plan will store carbon (leaves, twigs); each will hold about 1 cubic yard and there are 6 carbon bins on the site. The food scraps are stored in the 3-bin wooden system, which is the actual composting system where it's mixed to produce good compost.

Mr. Royston commented that if the temperature is always monitored, what would happen if there is a fire.

Ms. Gregory said, hopefully they follow fire procedures and call 911. They would also be following up with DNREC because if there is a fire, there are other issues that would need to be addressed.

Mr. Reynolds questioned if the Scott's are currently composting.

Ms. Gregory responded that the State allows residents to compost food scraps at their house; the Scott's are currently composting.

Mr. Sherman said the regulations say "if prohibited waste is put in, it will be removed within 72 hours". He asked if someone other than participating members would be checking this every day.

Ms. Gregory said more than likely there will be a schedule for dropping off material; the co-op will have a schedule for one of the members to check it weekly. The Scott's will probably check it also. If the bin gets full they will notify the group that nothing can be dropped off until it's clear to do so. She said part of the training includes an agreement that if anyone sees anything prohibited in the bins, they will remove it; trash bags will be on site for this purpose. Records will be kept on prohibited waste dropped off, and a log is kept with names, dates and times that members come to the site. Food waste will be weighed and tracked and reported to DNREC.

Mr. Blythe asked how contaminated waste removed from the bin is disposed of.

Ms. Gregory said the owner will put it at the curb or it would go to the landfill.

Mr. Blythe said it isn't allowed to be placed at the curb for pick up; it has to be taken to the landfill.

Mayor Branner said a condition can be added that if anything illegal is found, it's noted in the log, and certified that it was sent to the landfill.

Mr. Orr asked if the end product will be used on site or given to the members.

Ms. Gregory said the majority will be used on site; whatever is left will be given to the members.

Mayor Branner suggested, based on the concerns discussed, the permit be approved for a six-month trial period starting May 1st. The permit can be reviewed after the sixth-month trial period for consideration of a permanent permit.

Ms. Gregory said it will take more time to get the DNREC permit and they will not be ready by May 1st.

Mayor Branner said if Council agrees, the 6-month permit can start after the DNREC permit is issued, of which the Town should receive a copy.

Moved by Mr. Chas and seconded by Mr. Sherman to approve a six-month Conditional Use Permit for 215 N. Cass Street for a community compost bin project (The Nest) in an R-2 (residential) zoned area. CU-05-23. Any illegal material shall be noted in the log and sent to the landfill. The six-month trial period will begin when the DNREC Permit has been issued. Motion Carried 5 - 1. Mr. Royston voted "Nay".

9-G. 107 Patriot Drive, Suite B - Conditional Use Permit request for an energy solutions company (Unison Energy) to store energy materials and products in addition to training on-site employees at the location. CU-06-23. Tax Parcel No. 23-041.00-026.

Dr. Scott Fiveland with Unison Energy, a national, independent energy producer, presented the request. They currently supply about 99% of power to Christiana Hospital in Elkton, and the Gaylord National in National Harbor, MD.

- 107 Patriot Drive will be used for IT-based training for the heat and power systems (large natural gas engines), as well as storage for parts (spark plugs, connecting rods, etc.).
- Not more than 6 or 8 people will be on-site for training at one time.

Planning and Zoning recommended approval unanimously.

Mr. Royston asked if people from other parts of the country will come for training.

Dr. Fiveland said yes. The company has a Mid-Atlantic group that operates about 12 megawatts (about 20,000 horsepower) in Maryland, a large footprint in New York, New Jersey, and Colorado, two data centers in Boston and projects starting in Texas and California. This location will be their only training site.

Mayor Branner asked when new people come in for training, if those who were just trained leave. Dr. Fiveland said yes, but there will be some anchors in the area.

Moved by Mr. Royston and seconded by Mr. Blythe to approve Conditional Use Permit CU-06-23 for 107 Patriot Drive, Suite B for Unison Energy as presented. Motion Carried Unanimously

9-H. 1023 Bunker Hill Road – Preliminary Major Land Development Plan for a proposed warehouse with 795,600+/- square-feet and a proposed warehouse with 286,000+/- square-feet on 75 acres. Tax Parcel No. 13-022.00-001.

Richard Carter from the Spring Arbor Board of Directors said he has a petition with 237 names against the project.

Mayor Branner explained that comments from the public are not taken until after the proposal is presented, a motion is made and opened to the public for comment.

Alex Schmidt with Century Engineering and Aaron Tappana with Panattoni Development Co. presented the Land Development Plan.

Mr. Schmidt said that since the plan has been presented before, and respect for Council's time, his presentation will be brief.

- Panettoni Development builds warehouse projects focusing on quality products that work well with the community and being a good steward for the site.
- The parcel was annexed and received Conditional Use approval for warehousing.
- Access to the parcel is on Bunker Hill Road; all utilities are available and it's well suited for development.
- Architectural elevations were presented.
- At the last public hearing, many concerns were expressed regarding traffic; at the Town's request, the developer, engineer and Town Manager met with DelDOT. DelDOT sent a letter stating that they have plans for a roundabout at the intersection of Bunker Hill and Merrimac, and under their constraints, the site did not warrant a TIS.
- Mr. Schmidt said his understanding is that DelDOT's preference is not to put in any turn lanes now; they have their study done for the Westown TID and know what improvements they want to make, and they will put those improvements in place. They do not want the developer to construct any off-site improvements at the intersection; DelDOT has a plan in place that they want to execute.

- Concerns were also brought up about trucks parking in front of the site. “No Truck Parking” signs will be installed. If trucks do park, they will be instructed to move.
- “No Right Turn on Merrimac Avenue” signs will be installed for trucks.
- “No Right Turn” signs for trucks will be installed on-site to keep trucks from turning right toward the school. The operator of the site will be made aware of how important these issues are to the Town and local residents. If the signs aren’t obeyed, there could potentially be police action to ensure enforcement.
- Visibility and lighting from the site: A berm and vegetation will be installed along Bunker Hill Road to shield the warehouses from sight. The vegetation will also block vehicle lights from shining from the area. The site lighting will have cutoffs to prevent light from spilling off the property line.
- The berm will also help block noise from the site.
- The preliminary plan has not changed since the initial presentation. Two warehouses are proposed with a single entrance/exit in approximately the same location as the existing entrance/exit.
- Parking around the site and turn-arounds will comply with the Fire Marshal’s requirements.
- Stormwater management will be located on the front of the site.
- The entrance, as required by DelDOT, will have a right turn lane into the site; a bypass lane will be provided for through traffic. The Record Plan has been presented to DelDOT for approval. The entrance plan has a few minor comments that are being addressed.

Mr. Blythe said some of the feedback he heard about was the noise from the traffic on Bunker Hill; he asked if a berm could be placed on the opposite side of the road for the houses along the street. Mr. Schmidt said that property is private property of the residents.

Mayor Branner noted that would include all the residents that back up to Bunker Hill Road from the bridge to Merrimac – all of the residents would have to agree that they would like to see some type of sound barrier on that side of the road. He said it would have to be determined how much of an easement would be required from DelDOT’s right-of-way, back to the berm with vegetation on top. Mr. Schmidt said that can be done.

Mr. Reynolds asked if DelDOT was doing a TIS.

Aaron Tappana said DelDOT thought it would be redundant because the area was studied when the Westown TID was done. They were asked to pay into the areawide study fee in lieu of a TIS to help fund the improvements. DelDOT’s letter also mentions that they are adding the roundabout improvements to the July 2024 budget.

Mayor Branner read an excerpt from the DelDOT letter:“While this development is under DelDOT review currently for a Letter of No Objection to Recordation (LONOR), and is required to complete this process and requirements as well as entrance plan approval afterwards, DelDOT does not have any concerns about the impact of this development’s traffic, including truck traffic, on the proposed roundabouts. We design our roundabouts to accommodate truck traffic with additional truck apron space and will do so at these locations also”.

Mr. Royston asked what the distance is from the crest of the bridge to where the trucks will make a left turn.

Mr. Schmidt said his guestimate would be about 300 feet from the crest of the overpass over 301. He said the sight visibility is good.

Mr. Chas asked if any illustrations of the back berm toward Middletown Village were available.

Mr. Schmidt said vegetative screening would be provided - a berm is not proposed for that area. It was considered and determined that a berm could pose an issue with drainage, as some of those properties drain toward the warehouse site.

Mayor Branner questioned the turning radius for emergency vehicles.

Mr. Schmidt pointed out the odd looking cul-de-sac configurations at the end of the two dead-end streets, are one of the approved layouts they got from the Town.

Fire Chief Bailey said he provided the turning radius information back in March; however, a turning radius of a different type of truck that has a 2-foot shorter wheel base was used.

Mr. Blythe asked for the timeframe for the traffic roundabout.

Mayor Branner said according to Sarah Coakley with DelDOT, it would be fast-tracked for the 2024 budget, which will be July 1, 2023 to June 30, 2024.

Mr. Orr asked if it coincided with the construction of the facilities so the roundabout will be in place. Mayor Branner said conditions of approval can include the completion of the roundabouts, the turning radius per the Fire Chief's information and working with the Town Manager on the setbacks for the berm on the west side of Bunker Hill Road, before the certificate of occupancy is issued for the building.

The meeting was opened for public comment.

Richard Carter from Spring Arbor expressed appreciation for addressing most of the items on the petition. He said the berm needs to be high enough with vegetation on top to prevent lights and sound, and suggested the Town meet with the Board regarding the berm.

Mayor Branner said an agreement is needed from 100% of the residents who are affected and back up to Bunker Hill Road before the berm can move forward.

Mr. Carter said he will work on getting everyone together. He said he would still like to hand in the petition.

Mayor Branner said the petition can be turned in, even though all of the questions were answered.

Comments/questions from residents (names were not provided):

Q. Will the new berm be in front or on top of the existing berm already on the Spring Arbor side?
The berm is loaded with trees.

A. Mayor Branner said the berm will be angled and made bigger with vegetation on top. The berm will require a study and an engineered plan to determine the size and what can be done with the existing berm and trees.

Q. Where is the entrance to the facility? What is the distance from the entrance to the facility to Merrimac Avenue?

A. The proposed entrance location was shown on the plan displayed. It was also noted a roundabout will be constructed at Merrimac Avenue. A discussion followed which included several residents expressing safety concerns with trucks and buses using the roundabout.

Q. Why can't the trucks be routed to Sleepy Hollow to exit onto Bunker Hill Road?

A. DelDOT would not give the approval to exit from Sleepy Hollow. The proposed route is: vehicles turn left from the facility onto Bunker Hill, go toward the roundabout at Merrimac, and continue to Middletown-Warwick Road to pick up the bypass.

Q. How many trucks are expected in a day?

A. Mr. Tapanna said it will depend on the user, but it could be 100 to 700 per day. He said an inquiry was received from one user who only wanted 9 dock doors which indicates they don't need many trucks. When information is submitted to DelDOT, it's based on a conservative worst-case

scenario so the improvements can be designed to support that level of traffic, if needed. That is not what is anticipated here.

Mayor Branner said Amazon went through the same scenario with their 1.2MM square-foot building. The study was based on what could be built, and traffic per user. The issue is the user is not known at this time. DelDOT does all the studies based on worst-case scenarios; that's why two roundabouts are proposed.

Q. Did anyone do a study on the air quality with that number of trucks proposed?

A. That is part of the study done by DNREC, along with DelDOT's overall use of the property.

Q. If the building is built, will this Council approve the businesses that go there?

A. The Land Development Plan for the building is up for approval tonight. When businesses are proposed, they will come in for Conditional Use approval.

Q. If an additional barrier cannot be installed on the Spring Arbor side because of the trees, what are the options?

A. A study will be done to see if it's feasible to construct an earthen berm and if it isn't, a meeting will be held with Spring Arbor residents to discuss other options.

Q. Question on quality of life with additional truck traffic on Bunker Hill Road.

A. Meetings were held with Spring Arbor residents to discuss what could be built on the property. The residents at the meeting thought it would be better to have a distribution center versus apartments and townhouses.

Q. Where exactly will the entrance be?

A. The final Record Plan will show a more exact location for the entrance; this is a Preliminary Plan. DelDOT's concern is that it should be far enough away from the bridge; DelDOT will make the final determination and approval of the entrance.

Mayor Branner suggested the engineer prepare an aerial plan to be presented to the Spring Arbor residents showing where the entrance is proposed to be located on Bunker Hill Road.

Q. What is the timing of the trucks?

A. The hours are generally 7am – 7pm. The facilities usually operate in three shifts...morning, evening and night. Night shift is typically security, cleaning and people inside moving products off pallets to stage and get ready for delivery. The trucks normally don't come in the evenings.

Comment: School buses travel 7 – 9 a.m. and 3 p.m. and the track team runs on Bunker Hill.

A. An alternate route can be suggested, but we cannot tell them where to run.

Q. Any thought on what the economic, physical impact will have on the community at this time? Are any tax credits being received from the State to offset physical impacts to the Town?

A. Currently no incentives are being received from the State. Approximately 500+ jobs could be available, paying an average of \$20/hour. No tax projections have been estimated yet. The USDA analyzed this type of use and how many dollars are contributed to the Town's municipal services. It will take about 30 cents from every dollar contributed to the Town in terms of municipal demand costs, resulting in a net 70-cent benefit for every dollar contributed.

Moved by Mr. Blythe and seconded by Mr. Orr to approve the Preliminary Major Land Development Plan for 1023 Bunker Hill Road with the condition the roundabouts are completed before the certificate of occupancy is issued for the building, the turning radius complies with the Fire Chief's requirements, and the setbacks for the berm on the west side of Bunker Hill Road are confirmed with the Town Manager. Motion Approved 4 to 2. Councilmen Sherman and Blythe voted "Nay".

9-I. Middletown Reserve – Revised Fence Plan – Request from property owner at 5036 Summit Bridge Road to eliminate the fence along the southern border of that property and to change the type of fence remaining to an 8-foot, Certainteed Bufftech fence, Sherwood Style, Red Cedar in color. Tax Parcel No. 23-075.00-001.

Bill Rhodunda represented Joanne Armstrong, property owner of 5036 Summit Bridge Road, adjacent to the Middletown Reserve project. The original fence plan had about 1,200 feet of 8-foot, white vinyl fence circulating her property. Based on some issue with the back property line, she is requesting to change the style of the fence from 8-foot white vinyl to 8-foot red cedar, a significantly upgraded vinyl-type fence.

Mayor Branner commented that issue is a civil issue between the property owner and the developer. The Town doesn't have the authority to override an agreement on the Record Plan.

Mr. Rhodunda said the developer, Rockwell LLC, and Mr. Wittig, adjoining property owner, have agreed that this change would be appropriate, and therefore, an amended plan is being presented. The request is to change from a white vinyl to a red cedar, upgraded fence, and to eliminate one section of fence that runs from the back of the property to the front on the south side.

Mayor Branner asked if the neighbors, Jim Ciamaricone and Laurie Shahan, had been contacted. They were part of the original request requiring an 8-foot fence versus a 6-foot vinyl fence to be installed all the way down to the road and across the back.

Mr. Rhodunda said they were dealing with the adjacent property owners and have not contacted either Ciamaricone or Shahan.

Mayor Branner suggested the request should be tabled until approvals from Jim Ciamaricone and Laurie Shahan are provided. Letters of record are also requested from the developer and Wittig stating their approval of the change to the fence plan as presented.

Mr. Rhodunda agreed to table the project and obtain approval letters as requested.

9-J. Middletown Crossing Parcel B-3 – Motion to approve the request for a two-year extension of all approvals associated with the Record Major Land Development Plan recorded July 16, 2020, Instrument No. 20200716-0058603. Tax Parcel No. 23-020.00-191.

Elio Battista presented the request on behalf of Poet Holdings, LLC.

- The request is an extension for all the approvals associated with the Major Land Development Plan for Middletown Crossing, commencing from the current expiration date of July 16, 2023. The reason for the request is due to fluctuating interest rates, construction costs and material availability, and overall economic uncertainties.

Mayor Branner explained that this request isn't unusual based on the construction climate. He pointed out that the property owner agreed that if an extension was granted, it would have no bearing on getting the easement behind the post office and shopping center for the East Green Extension to Dickenson Boulevard.

Council briefly discussed the previous extension, the possibility of any future extensions and the chances of the economic climate changing within two years.

Mr. Battista said they hope two years will provide adequate time for economic improvement. Mayor Branner said the Town will also be tracking construction costs and interest rates for the Town's budgeting process. He requested Mr. Battista provide an update to Council one year from the extension commencement date of July 16, 2023.

Mayor Branner suggested adding a stipulation to the motion that this is the final extension for two years. He requested that Mr. Battista provide an update on their progress after one year.

Mr. Battista agreed with the request and confirmed they will provide whatever the Town needs for the easement for the Green Street Extension.

Moved Mr. Chas and seconded by Mr. Royston to approve a two-year extension for Middletown Crossing Parcel B-3 as requested. This extension will be the final two-year extension. An update on the project will be provided July 2024. Motion Carried Unanimously.

9-K. 5260 Summit Bridge Road/Summit Plaza Shopping Center – Record Major Land Development Plan for the phased construction of the Middletown Self-Storage and Retail Center, comprised of two, two-story self-storage buildings (45,940 square-feet and 42,030 square-feet) and retail center comprised of four retail buildings (25,155 total square feet) in a C-3 zoned area. Tax Parcel No. 23-001.00-141.

Jerry Heisler presented a phasing request for constructing the project. The self-storage buildings would be built now; the retail center phasing is Note #31 on the plan: “Proposed retail buildings (1-4) within Phase 2 limits, cannot be built until an interconnection with Summit Plaza Shopping Center is in place, or additional changes in access configuration, or changes in the level of service along Summit Bridge Road.” The self-storage is a low producer of traffic.

Mr. Reynolds questioned that Mr. Heisler would not start the retail until the situation is resolved with the owner of the Summit Plaza Center.

Mr. Heisler said he would put the retail portion in abeyance until the litigation is resolved. He said if that doesn’t succeed, he would wait until improvements are made along the area. DelDOT did not want any improvements made until an overall solution is figured out rather than piece-meal it.

Mr. Blythe asked if this plan is approved tonight, is everything being approved with some unknown date for the front piece, or will it be separated.

Mr. Heisler explained that he would have to solve the interconnection issue between the properties, the level of service has to change, or an overall improvement is put forth in order to pull a permit for the retail.

Mr. Orr asked if that means the retail piece is not a guarantee.

Mr. Heisler said he cannot pull a permit in its present condition.

Mayor Branner said if permission is given tonight, it will be for the storage area only, with the condition nothing else will go forward until he comes back for approval for the retail in Phase 2. There could possibly be an agreement with the shopping center, DelDOT might make improvements, etc.

Mr. Chas commented that even if the interconnection is approved, he would still have an issue with safety. He said he feels people going north will still use the right-in/right-out.

Frank Bailey asked how emergency vehicles would access the property coming from the south and what the possibility is of having an emergency gate between the properties.

Mr. Heisler indicated the owner of the shopping center will not agree to installing a gate.

Mayor Branner pointed out that Chief Bailey has a valid point that EMT’s need access.

Mr. Heisler said he would be happy to table the plan and take another look at it.

The project was tabled at the request of Mr. Heisler.

Moved by Mr. Royston and seconded by Mr. Orr to approve the Record Major Land Development Plan for phased construction of the Middletown Self-Storage and Retail at 5260 Summit Bridge Road, as presented by Mr. Heisler. No vote was taken; project tabled by owner.

9-L. Motion to adopt Ordinance 23-04-01 to rezone tax parcels 23-057.00-158 and 23-056.00-023 (410 Brick Mill Road) from R-1B (single-family residential) to R-2 zoning (residential).

Steve Woodin with Apex Engineering represented the owner to rezone the property located at 410 Brick Mill Road.

- The parcels total approximately 9.19 acres.
- Rezoning is requested from R-1B to R-2 to allow construction of 22 semi-detached duplex units. A 55+ community is proposed.
- 32' drive aisles with a cul-de-sac in the back are proposed.
- Public open space is located in the front of the property; protected resources are to the rear.
- High-end homes with high-end architectural designs are proposed.
- The trip count when the property was proposed for an R-3 zone with 100 to 200 apartments, was 59/57 trips a.m. and p.m. This development proposes less than 20% of that (15/17). The total trips from this development will be less than 1% of the total trips on Brick Mill.

Planning and Zoning unanimously recommended approval.

Mr. Reynolds asked if an environmental impact study was done.

Rick Clark said he thought a Phase 1 study was done when the apartments were being proposed.

Mayor Branner said if it was done, there should be a record of it. If not, approval can be given for the rezoning with the condition a Phase 1 Environmental Study is provided.

Mr. Woodin asked if the environmental study had to be done before moving forward with the Preliminary Plan.

Mayor Branner said the environmental study can be presented at the same time the Preliminary Plan is presented.

Mr. Chas asked if only a stop sign was proposed, and when the speed limit changes on the road. He expressed concern with vehicles coming up the hill at the same time residents are coming out of the development.

Mr. Woodin said only a stop sign would be installed; during the plan process, he will prepare an analysis for the placement of the entrance; DelDOT will review the plan for approval.

Off-street parking and garages will be provided; streets will be dedicated to the Town.

Rick Clark said prices will range from \$600,000 to \$800,000.

Moved by Mr. Reynolds and seconded by Mr. Sherman to adopt Ordinance 23-04-01 to rezone tax parcels 23-057.00-158 and 23-056.00-023 (410 Brick Mill Road) from R-1B single-family residential) to R-2 zoning (single-family residential). A Phase One Environmental Study will be required when the Preliminary Plan is presented for approval. Motion carried Unanimously.

9-M. Motion to adopt Resolution 23-05-01 to repeal Resolution 22-01-02, concerning COVID policies.

Morris Deputy: This Resolution will lift all restrictions (masks, testing, etc.) that were put in place during the COVID-19 pandemic. The Governor is lifting all restrictions this month.

Moved by Mr. Blythe and seconded by Mr. Royston to adopt Resolution 23-05-01 to repeal Resolution 22-01-02, concerning COVID policies. Motion Carried Unanimously.

9-N. Motion to ratify a contract for the South Catherine Street Widening Project.

Morris Deputy: Six bids were received for the South Catherine Street Widening Project. The low bid was received from Cirillo Bros., Inc., for the amount of \$647,377.00. The engineer's estimate was \$815,039.50. After reviewing the bids, the recommendation is to award the contract to Cirillo Bros. for the amount of \$647,377.00.

Moved by Mr. Reynolds and seconded by Mr. Chas to accept the recommendation from the Town Manager to award the contract for the South Catherine Street Widening Project to Cirillo Bros., for the amount of \$647,377.00. Motion Carried Unanimously.

9-O. Motion to ratify a contract for Phase 2 of the 138,000-24,940 Volt substation project.

Morris Deputy: Three bids were received for the work to connect and allow the startup of the second 100MVA transformer, which is on-site. The recommendation from the electrical engineer, consultant and power director, is to award the contract to the low bidder Utility Lines Construction Services in the amount of \$1,382,220.00. This will be an operating expense financed through DEMEC.

Moved by Mr. Chas and seconded by Mr. Reynolds to accept the recommendation from the Town Manager to award the contract for Phase 2 of the 138,000-24,940 Volt substation project to Utility Lines Construction Services in the amount of \$1,382,220.00. Motion Carried Unanimously.

9-P. Motion to adopt an amendment to the Town's Money Purchase Pension Plan.

Morris Deputy: When going through a "Restatement" process some clerical errors were found in the previous pension plan documents. This amendment will officially allow the corrections to be made per the IRS' Voluntary Correction Program.

Moved by Mr. Orr and seconded by Mr. Blythe to accept the recommendation of the Town Manager to adopt an amendment to the Town's Money Purchase Pension Plan as required. Motion Carried Unanimously.

9-Q. Motion to ratify an agreement for accounting software.

Morris Deputy: Council previously approved the purchase of GASB 87. The Finance Department would like to get the software update for the existing IGM/Gravity's GASB 96 module to assist with the implementation of GASB 96. The annual fee is \$4,000 for year one for the Gravity GASB 96 Module, and \$1,500 for Gravity Data Extraction Services.

Moved by Mr. Chas and seconded by Mr. Sherman to accept the recommendation of the Town Manager to ratify the agreement for accounting software for \$4,000 for year one and \$1,500 for Gravity Data Extraction Services. Motion Carried Unanimously.

9-R. Motion to ratify an agreement with Axon for police equipment.

Chief Texter: This agreement will allow the purchase of updated Tasers. The new weapon shoots almost twice as far as the current weapon; a credit will be given for trading in the old tasers and another year of service will be provided at the current price. The cost per new taser over the current is about \$3,750 per device. The cost will be \$165,000 over the course of five years.

Moved by Mr. Royston and seconded by Mr. Reynolds to ratify an agreement with Axon for IE Tasers for \$165,000 over a five-year period. Motion Carried Unanimously.

9-S. Motion to ratify an agreement with the Commonwealth of Pennsylvania.

Chief Texter: This will enable the MPD to get reimbursed for overtime wages as a “resource recipient” of the grant funds awarded to PAOAG. The MPD is part of PA’s group (Liberty Mid-Atlantic HIDTA) which is under the drug enforcement agency...New Castle County got lumped into the PA group. The Town Solicitor has reviewed the agreements.

Moved by Mr. Royston and seconded by Mr. Blythe to accept the recommendation from Chief Texter to enter into an agreement with the Commonwealth of Pennsylvania for reimbursement as a “resource recipient” of grant funds. Motion Carried Unanimously.

10. Unfinished Business: None

11. New Business:

- Vice-Mayor Reynolds announced that the New Castle County Chamber of Commerce presented Mayor Branner with the 2023 Free Enterprise Award the at the Chase Center earlier this evening.
Mayor Branner said it was an honor to receive the award. The NCC Chamber arranged their schedule to give him the award and get him back to Town in time for the Council meeting.
- Mr. Blythe thanked the police department and fire company for their support of the opening day parade for Little League. He said he thinks it was one of the best opening days in the last ten years.
Mayor Branner said many people have told him it was one of the best opening day parade’s they’ve ever seen; he’s heard nothing but positive comments about the organization.
Scott Chambers thanked Mayor Branner and Councilman Reynolds for originally starting MOT youth football.
- Sonya Comstock asked when the streets will be paved at Middletown Corporate Center.
Mayor Branner said not until the project is finished; paving is based on capacity and build-out for both commercial and residential construction.

Moved by Mr. Reynolds and seconded by Mr. Chas to go into Executive Session to discuss personnel matters in which the names, competency and ability of individual employees or students are discussed, and the content of documents, excluded from the definition of “public record,” where such discussion may disclose the contents of such documents. Motion Carried Unanimously.

12. Executive Session:

Moved by Mr. Blythe and seconded by Mr. Sherman to return to the regular meeting in the Council Chambers. Motion Carried Unanimously.

Moved by Mr. Blythe and seconded by Mr. Sherman to approve Juneteenth as an annual employee holiday. Motion Carried Unanimously.

A. Discuss personnel matters in which the names, competency and ability of individual employees or students are discussed, pursuant to 29 Del. Code §10004(b)(9).

Moved by Mr. Blythe and seconded by Mr. Sherman to approve the Chief of Police recommendations for traffic services. Motion Carried Unanimously.

B. Discussion of the content of documents, excluded from the definition of “public record,” where such discussion may disclose the contents of such documents, pursuant to 29 Del. Code §10004(b)96).

No vote taken on Item B.

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

The meeting adjourned at 10:46 p.m.