

The regular meeting of Mayor and Council was held on the above date with Council members Aaron Blythe, Drew Chas, Jim Royston, Craig Sherman, Bruce Orr and David Thomas present with Mayor Kenneth Branner presiding. Town Manager Morris Deputy and Town Solicitor Gary Junge were also present.

1. Call to Order

2. Pledge of Allegiance

3. Minutes Approval: Moved by Mr. Sherman and seconded by Mr. Blythe to approve the Minutes for August 4, 2025 as presented in printed form. Motion Carried Unanimously.

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

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

6. Police Report: Captain Ron Davis

The MPD responded to approximately 1,185 calls for service during the period of July 15 thru August 15, 2025.

- 1 District: 7/16/25 – Middletown Village – thefts from vehicles; 7/22/25 – Star Vision Eye Care – burglary; 8/4/25 – Jackson House Restaurant - burglary
- 2 District: Nothing significant to report.
- 3 District: Nothing significant to report.
- 4 District: 7/28/25 – Royal Farms – robbery
- An arrest was made by NCC PD and MPD for multiple vehicle theft incidents in Middletown and New Castle County.
- Dispositions: Traffic Summonses: 246 – DUI - 4; Criminal Arrests 72: Felony - 12, Misdemeanor – 23, Civil Penalty – 0, Violation – 37; Warnings: 120; Reports Written: 276; FSR/CPC: 322.
- Community Service: Collaborative meetings; nonprofit checks; business checks; coffee with a cop; Dirt bike Operation at Preserve at Deep Creek; Boys Youth Leadership Academy/Girls Youth Leadership Academy.
- Calls for Service: 1 District: 158; 2 District: 203; 3 District: 397; 4 District: 39
- TAC Report: Gloucester Blvd. – speed: 7C/1W; E. Cochran St.: speed/stop signs: 1C/1W – high speed 50; 299/Dove Run – traffic violations: 2C/2W high speed 70; 299/Cleaver/Gloucester - speed/redlight: high speed 70 mph; Levels Road – speed: 2W – high speed 58 mph. Total crashes: 69. A study on Cochran Street revealed the high speed was 43 out of 20,069 cars tracked.

Moved by Mr. Thomas and seconded by Mr. Royston to accept the Police Report as presented by Captain Davis. Motion Carried Unanimously.

Mayor Branner asked why no tickets were written for the high speeds on Cochran Street and Levels Road. Capt. Davis indicated it was data collected with the speed trailer; actual officers didn't record the speeds.

7. Middletown Main Street: Kate Rokosz:

- The Ladybug Micro Music Festival will be held from 3 p.m. to 8 p.m., September 20 in the Town Hall parking lot. It's a free community event that features five female bands, food trucks, vendors, etc. Bring a chair for seating.
- The October Charcuterie Fall Crawl is October 9th. The last three events sold out; tickets go on sale next week. Five downtown businesses will host the Charcuterie courses and beer & wine tasting. Tickets will be available on the web site downtownmiddletownde.com.

Moved by Mr. Royston and seconded by Mr. Sherman to approve the MMS report as presented by Executive Director Rokosz. Motion Carried Unanimously.

8. Public Hearings:

8-A. MSgt. Scott Saunders – PAL Program Presentation.

MSgt. Scott Saunders introduced Sam Postlethwait, principal of Appoquinimink High School and Natasha Warner, members of the team working on the initiative to bring a PAL organization to Middletown.

A video featuring retired Sgt. Kenny Ragland, PAL Board President for the National Police Athletic League, provided an insight of PAL's history of accomplishments over the last 100 years. He noted there are currently over 300 PAL Chapters in 700 cities. Sgt. Ragland commended the community for considering a PAL organization in Middletown. A letter of support from the Chief of Police and Mayor and Council is required as part of the application process for a PAL organization.

Natasha Warner commented, in addition to PAL building trust between youth and law enforcement, she believes it will further enhance resources for parents and the Appoquinimink School District. PAL centers offer educational programs, provide character building, boost academic success, strengthen community bonds and bring together families, police, school and local organizations to create unity.

Sam Postlethwait said the school district is excited about the opportunity to collaborate with the community through a PAL's organization. One of the goals for the new Redding Middle School was to provide a community center. Being able to launch a new PAL center within the infrastructure of Redding Middle School is a great opportunity for the community, school district and PAL. Mr. Postlethwait provided many positive reasons to open a PAL center for the youth in Middletown.

MSgt. Saunders acknowledged a number of organizations and businesses in attendance that support a PAL center. He officially requested a letter of support from the Chief of Police of the Middletown Police Department and Mayor and Council.

Mr. Thomas asked what commitment is needed from the Middletown Police Department to work with PAL. He pointed out, at this time it is very difficult to hire officers and to keep the number of officers at a needed level. MSgt. Saunders replied there is no commitment at this time. National PAL recommends that civilians run the PAL center with the support of police. Retired officers could be used. He said they envision organizations helping that can bring dedicated people into the program. Sgt. Saunders indicated he would be involved on his own time.

Mr. Thomas asked if any financial commitment was required from the Town.

Sgt. Saunders said no financial commitment is required; the chief partner in the program is the Appoquinimink School District dedicating the space at Redding Middle School. Once the program is up and running, the organization can submit grants, accept donations from the business community, etc.

Mayor Branner commended Capt. Davis and Sgt. Saunders for being the primary supporters for PAL when the center was here years ago. He said having Sgt. Saunders' commitment to PAL long after he retires from the MPD adds a lot to the decision moving forward.

Moved by Mr. Thomas and seconded by Mr. Royston to provide a letter of recommendation from the Chief of Police and Mayor and Council endorsing the formation of a PAL Center in Middletown. Motion Carried Unanimously.

8-B. 1023 Bunker Hill Road – Record Major Subdivision Plan for The Grove at Middletown Exchange – 432 Townhomes and 33 single family lots. Tax Parcel Nos. 23-024.00-287 and 23-024.00-172.

Alex Schmidt with Century Engineering, presented an update for The Grove at Middletown Exchange.

- The first phase is the flex space which is currently in the final construction plan approval stage, followed by the residential development.
- The first parcel is the 33 single-family homes section on approximately 30 acres, that includes 9.4+/- acres of the athletic area currently used by the Town. The athletic area will be formally dedicated to the Town. A pump station will be installed on a section of that parcel to serve the whole project.
- Adjacent to the flex-space is the 432-townhouse parcel on approximately 50 acres that is zoned R-3 and meets the Town's code.

Mr. Orr asked if any thought has been given for amenities on the open space parcels for the townhome section. Mr. Schmidt said a clubhouse area is currently shown.

Annie Luttrell said they are still working with the builder to determine what will be put in the open space. The one large space is a stormwater management facility.

Mr. Orr indicated there is about a 2-1/2-acre area that could be used for some amenities.

Claude Newton, Spring Arbor resident, questioned the location and addition of the single-family homes and sports complex area.

Mr. Schmidt replied this development will not impinge on the piece of property being used for soccer. He explained it's a parcel that was originally created for the town to accept, but it was never officially transferred by the previous owner. This plan will formally transfer that parcel to the Town.

Mayor Branner added the athletic field is already there and in use. Mr. Ramunno would not transfer it until he had resolution on the 33 single-family home parcel. He further explained, after the piece of property used for soccer is transferred to the Town, the Town will then be able to work with the soccer league on improvements.

The 33 single-family home section in the back of Middletown Village, was originally Ramunno's property that wasn't developed because the construction for the 301 Bypass had not yet determined how much of Ramunno's property would be needed. DelDOT ended up not using what they expected and that parcel has been turned over to the developer of The Grove.

Mr. Newton commented surveyors have recently placed flags/stakes on the Spring Arbor side of Bunker Hill Road marked "cable buried". He asked if that is where landscaping will be installed and if Spring Arbor can be involved with the landscaping project.

Mr. Schmidt said the plan is still to do the landscaping as discussed. The flags were installed to identify where the edge of the right-of-way and easements are located so the developer will know where the landscaping can be placed. He said they can definitely take Spring Arbor's ideas into account.

Mayor Branner responded that was part of the commitment when final approval was given for the Record Plan.

Mr. Newton said he just wanted that confirmed.

Moved by Bruce Orr and seconded by Mr. Blythe to approve 1023 Bunker Hill Road – Record Major Subdivision Plan for The Grove at Middletown Exchange, 432 Townhomes and 33 single family lots. Tax Parcel No. 23-024.00-287 and 23-024.00-172. Motion Carried Unanimously.

8-C. 410 Diamond State Blvd., Suite E – Conditional Use Permit request for an e-commerce, warehousing, import/export operations and freight forwarding business to be located in an M-I zoned area. CU-11-25. Tax Parcel No. 23-008.00-115.

Nuritdin Ismailov commented that at the last meeting it was questioned how goods would be shipped from Middletown to New York. He said he sent an email explaining the shipping procedure and also provided a letter from the authorized IATA agent, DELEX, Inc. He pointed out DELEX also comes to the office to teach the employees that dangerous goods are not accepted. Laptops shipped with lithium batteries have a specific label on the box when ordered and are not usually ordered in bulk; for large volumes of cargo, the customer works with the authorized agents directly regarding all the procedures.

Mr. Royston asked if the DELEX agents would be onsite at this location.

Mr. Ismailov explained DELEX agents will send their truck to pick up the products to take to their facility.

Mr. Royston explained his concern was that the consolidated number of products to be shipped could amount to 2200 lbs. and would require DOT hazardous materials shipping regulations. He said he is satisfied with the explanation provided that their shipments are limited and would not meet that amount.

Mr. Ismailov confirmed shipments of those items would be limited.

Moved by Mr. Thomas and seconded by Mr. Blythe to approve the Conditional Use Permit request for 410 Diamond State Blvd., Suite E for an e-commerce, warehousing, import/export operations and freight forwarding business in an M-I zoned area. CU-11-25. Motion Carried Unanimously.

8-D. 128 Patriot Drive, Unit 2 – Conditional Use Permit request for a training and fitness facility (Engineered for Success Training Center) in an M-I zoned area. CU-12-25. Tax Parcel No. 23-041.00-015.

Dwight Burke, owner of Engineered for Success Training Center, requested approval to open a sports and fitness training center business at 128 Patriot Drive, Unit 2. He previously worked in Middletown at a training center for six years.

Moved by Mr. Chas and seconded by Mr. Blythe to approve 128 Patriot Drive, Unit 2, Conditional Use Permit request for a training and fitness facility (Engineered for success Training Center) in an M-I zoned area. Motion Carried Unanimously.

8-E. Motion to ratify a Contract for the 2025 SWM Pond Rehab Project.

Morris Deputy: Six bids were received to rehab several stormwater ponds in Town. The recommendation is to award the bid to Technivate for the amount of \$249,669.44, which was within the engineers estimate.

Moved by Mr. Orr and seconded by Mr. Chas to accept the recommendation from the Town Manager to award the contract for the 2025 SWM Pond Rehab Project to Technivate in the amount of \$249,669.44. Motion Carried Unanimously.

8-F. Motion to ratify a Contract with KCI Technologies for professional services related to the Town of Middletown MS4 Permit.

Morris Deputy: The proposal is to turn over all the MS4 EPA permitting requirements to KCI Technologies, for the amount of \$53,097.50. The permit allows the Town to discharge stormwater. KCI is familiar with the process and currently handles the requirements for other municipalities.

Moved by Mr. Chas and seconded by Mr. Thomas to ratify a Contract with KCI Technologies for professional services related to the Town of Middletown MS4 Permit for the amount of \$53,097.50. Motion Carried Unanimously.

8-G. Motion to ratify Resolution 25-09-01, to amend Section 1 and Section 6 of the Town of Middletown Personnel Policy.

Morris Deputy: The Resolution amends the Personnel Policy to make all employment at the Town “at-will”. Going forward, all new employees hired will have “at will” status. All previously hired employees will be entitled to certain due process requirements regarding discipline.

Moved by Mr. Royston and seconded by Mr. Orr to Ratify Resolution 25-09-01 to amend Section 1 and Section 6 of the Town of Middletown Personnel Policy. Motion Carried Unanimously.

8-H. Motion to ratify Resolution 25-09-02, to adopt an amendment to the FY '26 utility rates.

Mayor Branner stated, when the Budget was prepared in May, the Town did not realize that New Castle County’s reassessment project would increase the assessment of properties about 400% or more, nor that the Appoquinimink School District would pass on a 10% tax increase that they indicated would not happen if the referendum passed. During this year’s Budget preparation, Council lowered the tax rate from .30/\$100 of assessed value to .0564/\$100, as required with the new assessment. To further help, Council has agreed to amend the FY’26 utility rates by reducing the residential customer charge 50% for the electric, water and wastewater rates for the rest of the budget year. The tax payment time will be extended from September 30th to October 31st without penalty.

Morris Deputy recommended Council to adopt Resolution 25-09-01 to amend the FY’26 utility rates for residential customer charges as follows: electric rate - \$10.60; water rate - \$9.15; and wastewater rate - \$14.50.

Moved by Mr. Sherman and seconded by Mr. Blythe to accept the recommendation of the Town Manager to ratify Resolution 25-09-02 to adopt amendments as proposed to the FY’26 utility rates. Motion Carried Unanimously.

8-I. Motion to authorize participation in a Sheriff Sale for property located in the Town of Middletown.

Item removed from agenda.

8-J. Motion to approve an amended solar agreement for the Town of Middletown Wastewater Treatment Facility.

Morris Deputy: The previously approved solar project on the lagoons has a new owner. The request is to amend the agreement to reflect the new owner’s name, Gardner Capital, which is doing business as DEMEC Solar, LLC.

Mayor Branner commented it's a different company but the agreement hasn't changed. The agreement is for panels on the No. 3 lagoon; construction should start in September with a completion date by the end of the year.

Moved by Mr. Orr and seconded by Mr. Royston to approve an amended solar agreement with the new owner, Gardner Capital, for the Town of Middletown Wastewater Treatment Facility. Motion Carried Unanimously.

8-K. Introduce Ordinance 25-09-01 to add a Chapter in the Town of Middletown Code of Ordinances for fence permits and inspections.

The Ordinance was introduced and will be acted on at a future date.

9. Unfinished Business: None

10. New Business (Public Comment Section): None

11. Executive Session:

Moved by Mr. Orr and seconded by Mr. Chas to move into Executive Session to discuss personnel matters pursuant to 29 Del. Code §10004(b)(9) and the content of documents excluded from the definition of "public records" in §10002 of this title where discussion may disclose such documents, pursuant to §10004(b)(6) of 29 Del. Code. Motion Carried Unanimously.

Moved by Mr. Blythe and seconded by Mr. Sherman to exit the Executive Session and return to the regular meeting. 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. Chas and seconded by Mr. Royston to approve a Leadership Delaware application for an employee in the Permits and Inspection Department. Motion Carried Unanimously.

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

The meeting adjourned at 9:10 p.m.