COUNCIL MEETING **DECEMBER 1, 2025**

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. Mayor Kenneth Branner presided. Town Manager Morris Deputy and Town Solicitor Scott Chambers were also present.

Mayor Branner announced the Town's meetings will be live-streamed from this date forward.

1. Call to Order

2. Pledge of Allegiance

3. Minutes Approval: Moved by Mr. Sherman and seconded by Mr. Royston to approve the Minutes for November 3, 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: Chief William Texter
The MPD responded to 1,206 calls for service during the period of October 15 to November 15, 2025.

- 1 District: 11/12/25: Middletown Warwick Rd. @ Doc Levinson Blvd. – fatal auto collision
- 2 District: 10/17/25: Legends – 2 vehicle thefts; 10/29/25: Mill Branch – vehicle theft; 11/14/25: Mill Branch – Fire Marshal assist with explosive devices
- 3 District: 10/29/25: Cricklewood Grove Shopping Center – burglary; 11/7/25: St. Anne's – vehicle theft
- 4 District: Nothing significant to report
- Dispositions: Traffic Summonses: 174 – DUI 2; Criminal Arrests: 54 – Felony 11, Misdemeanor 43; Warnings – 118; Reports Written: 304; FSR/CPC: 368
- Calls for Service: 1 District: 169; 2 District: 122; 3 District: 100; 4 District – 63
- 76 crashes during the reporting period – mostly contributed to driver inattention.
- A significant number of tickets were issued for speeding and stop sign violations in the area of E. Cochran Street at Silver Lake Elementary and the YMCA, and E. Green Street.
- Community Services: Bunker Hill Elementary, meeting with SN4C, Trunk or Treat, Princess Ball collaborated with NCC Police. DEA Takeback collected 361 pounds of medication and 12 pounds of sharps.

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

7. Middletown Main Street Update: Kate Rokosz

- The Christmas Tree lighting ceremony was held Friday night.
- The lamp posts are being decorated; voting takes place via the website.
- The Holiday Parade will take place this Saturday, December 6th at 10 a.m.

Mayor Branner commented the tree lighting ceremony was a very enjoyable and well attended event. Everyone seemed to have a great time.

Moved by Mr. Blythe and seconded by Mr. Chas to approve the Middletown Main Street Update as provided by Executive Director Kate Rokosz. Motion Carried Unanimously.

8. Public Hearings:

8-A. Proclamation (moved to January meeting).

8-B. Motion to approve a Public Assembly Permit for the M.O.T. Pastor's Alliance to host a prayer vigil on January 1, 2026 at Cochran Square, from 10 to 11 a.m.

On behalf of Rev. Dickerson, Kristen Krenzer requested approval for a prayer vigil on January 1st at Cochran Square from 10 to 11 a.m.

Moved by Mr. Orr and seconded by Mr. Thomas to approve a Public Assembly Permit for the M.O.T. Pastor's Alliance to host a prayer vigil on January 1, 2026 at Cochran Square, from 10 to 11 a.m. Motion Carried Unanimously.

8-C. 700 N. Broad Street – Conditional Use Permit request for a locker company (PENCO Products, Inc.) to fit out a vacant warehouse space for receiving locker parts, store them in racks and upon customer orders, assemble lockers by a rivet process and ship to customers, in an M-I zoned area. CU-14-25. Tax Parcel No. 23-003.00-009.

John Furgele requested approval to fit-out a portion of the building to assemble lockers for PENCO Products, a locker company.

Mayor Branner indicated the building is part of the old Johnson Controls facility.

Mr. Royston asked if the lockers are Amazon-type lockers.
Mr. Furgele said the lockers are typical lockers found in a locker room, not Amazon lockers.

Mr. Sherman asked if the old building will be taken down.
Mr. Furgele said the tower in a different area is currently being removed; the existing building is being retro-fitted for the locker company.

Mr. Blythe asked if PENCO is using only a portion of the building.
Mr. Furgele replied yes.

Mayor Branner noted Planning and Zoning recommended Council grant approval.

Moved by Mr. Royston and seconded by Mr. Orr to approve 700 N. Broad Street, Conditional Use Permit request for a locker company (PENCO Products, Inc.) to fit out a vacant warehouse space for receiving locker parts, store them in racks and upon customer orders, assemble lockers by a rivet process and ship to customers, in an M-I zoned area. CU-14-25. Motion Carried Unanimously.

8-D. 737 Wallasey Drive – Conditional Use Permit request for a mobile dog grooming service (Pawsh Paws). The request is to provide all grooming services off-site at clients' homes with no customers or traffic to the residence. Address to be used solely for business registration. CU-15-25. Tax Parcel No. 23-044.00-072.

Mayor Branner noted Planning and Zoning recommended Council grant approval.

Jordyn Hale requested approval for a mobile dog grooming service.

Kristen Krenzer noted a letter was received from the Preserve at Deep Creek HOA stating the Board approved the business with the condition the vehicle must be parked entirely within the driveway and may not obstruct the sidewalk, and no grooming or related business activity may take place at the residence.

Mr. Blythe questioned that the truck would be parked in the driveway and asked if it had logos.
Ms. Hale confirmed the truck will be parked in the driveway and has logos.

Mr. Sherman asked if the business is new or if it has been operating elsewhere.
Ms. Hale indicated the business is new; it was started in November.

Mr. Chas asked if the wastewater would be disposed of at an RV park as indicated at the Planning and Zoning meeting.
Ms. Hale said yes, at Lum's Pond.

Moved by Mr. Thomas and seconded by Mr. Blythe to approve the Conditional Use Permit request for a mobile dog grooming service, Pawsh Paws as requested. Motion Carried Unanimously.

8-E. 128 Patriot Drive, Suite 9 – Conditional Use Permit request for a pest services company (Orkin) in an M-I zoned area. CU-16-25. Tax Parcel No. 23-041.00-015.

Clint Watson, owner of ACWJ Home Services, doing business as Orkin Pest Control, requested approval for a pest service business at 128 Patriot Drive.

- The business will have a total of eight (8) employees, most of whom will be in the field 95% of the time.
- Chemicals will be stored at the facility in a locked container.
- Chemicals will be dispersed to the employees at a regularly scheduled monthly meeting.

Mr. Royston asked if the pesticides were poisonous.
Mr. Watson said yes, particularly the rodenticide. Chemicals will be stored in a locked container, to which only he has access. Chemicals will be given to the licensed technicians at their monthly meetings. Spill kits are on site as well as in the vehicles.

Mr. Royston asked if Orkin requires any hazardous materials training to handle the poisonous chemicals and how the technicians respond if something gets spilled.
Mr. Watson said Orkin, as well as the Department of Agriculture, provides training. He said spill kits would be used to clean up any spills. Pesticide will not be disposed of in the sink. The containers will be triple rinsed and the water will be reused, per the EPA requirement.

Planning and Zoning recommended Council grant approval.

Moved by Mr. Royston and seconded by Mr. Thomas to approve 128 Patriot Drive, Conditional Use Permit CU-16-25 request for a pest services company (Orkin) in an M-I zoned area. Motion Carried Unanimously.

8-F. 300 Fields Way, Middletown Village – Minor Subdivision Plan for one R-1A-zoned lot to be subdivided into single-family lots at a later date, and one open space lot to be dedicated to the Town of Middletown. This plan was previously approved by Mayor & Council with 27 single-family lots and an open space lot dedicated to the Town of Middletown. Tax Parcel No. 23-024.00-172.

Annie Luttrell with St. John Properties, requested approval to subdivide the open space (existing soccer fields complex) from the residential portion of the Middletown Village parcel. St. John Properties plan to dedicate the open space lot to the Town of Middletown. Ms. Luttrell indicated the layout is still being designed for the 33 single-family lot plan that was approved in September.

Mayor Branner explained the Town will be able to support the soccer complex and teams once the open space (soccer fields) is officially dedicated to the Town.

Planning and Zoning recommended Council grant approval.

Moved by Mr. Blythe and seconded by Mr. Chas to approve 300 Fields Way, Middletown Village, Minor Subdivision Plan for one R-1A-zoned lot to be subdivided into single-family lots at a later date, and one open space lot to be dedicated to the Town of Middletown. Motion Carried Unanimously.

8-G. 336 Brick Mill Road – Record Major Land Development Plan for a 10,000 square-foot daycare building and a 21,600 square-foot office/medical/healthcare building, on 3.2 acres, in a C-3 zoned area. Tax Parcel No. 23-057.00-159.

Tim Anderson presented the Record Plan for approval. This is the same plan that received Preliminary approval about a year ago, as well as Conditional Use Permit approval for the daycare. The plan includes a two-story, 21,600 square-foot office/medical building and a 10,000 square-foot daycare center. The site plan was submitted to the State Fire Marshal's office, construction plans have been submitted to the Town's engineers for review, DelDOT's Letter of No Objection has been received and no changes have been made to the building elevation.

Mr. Orr asked Fire Chief Bailey if there are any radius issues with the layout.
Chief Bailey replied there are no issues if it's the same plan previously submitted.

Mr. Blythe asked Mr. Anderson if he had the elevations available.
Mr. Anderson said he did not bring the elevations tonight. He indicated the daycare will be a "Learning Experience" facility and the medical office building will be of similar material.

Moved by Mr. Orr and seconded by Mr. Chas to approve 336 Brick Mill Road, Record Major Land Development Plan for a 10,000 square-foot daycare building and a 21,600 square-foot office/medical/healthcare building, on 3.2 acres, in a C-3 zoned area. Tax Parcel No. 23-057.00-159. Motion Carried Unanimously.

8-H. Motion to ratify a contract with Orange Can for SBR sludge disposal.

Morris Deputy: The Public Works Director received three bids to haul sludge from the wastewater treatment plan. The recommendation is to award the contract to the low bidder Orange Can, for the amount of $54,480, estimated for two loads per week for six months, ending June 30, 2026. Future bids will be for a longer period of time once the Town has a better understanding of how much sludge will be produced.

Moved by Mr. Orr and seconded by Mr. Chas to ratify a contract with Orange Can for SBR Sludge Disposal for the amount of $54,480 for a period of six months, ending June 30, 2026, per the Motion Carried Unanimously.

8-I. Motion to ratify a contract for the demolition of the structure on Green Street.

Morris Deputy: Three bids were received to demolish the structure at 12-14 W. Green Street. All bids were complete. The recommendation is to award the contract to the low bidder, Cirillo Brothers for the amount of $29,500.

Moved by Mr. Chas and seconded by Mr. Blythe to accept the recommendation of the Town Manager to ratify a contract for the demolition of the structure on W. Green Street. Motion Carried Unanimously.

8-J. Motion to ratify a contract for Electric System Engineering Analysis and Field Software and associated training.

Morris Deputy: The Power Director has recommended the Town enter into an agreement with Milsoft Utility Solutions to purchase their Engineering Analysis Essentials Software package for mapping and staking of the Town's electric system, for a total of $41,700 per year, plus $46,500 for nine days of training. In addition, it is recommended to enter into an agreement with Reavis Code, the developers of the map engine, for five weeks of training for a total of $65,000.00.

Moved by Mr. Chas and seconded by Mr. Blythe to accept the recommendation of the Town Manager and Power Director to ratify a contract for Electric System Engineering Analysis and Field Software and associated training as presented. Motion Carried Unanimously.

8-K. Motion to ratify a professional services agreement to prepare a Pollution Reduction Plan as required by the EPA MS4 permit for the Town of Middletown.

Morris Deputy: The Town is required by the EPA to prepare a Pollution Reduction Plan for all the stormwater facilities in the Town that drain to the Appoquinimink Watershed.

Both the Public Works Director and Town Manager recommends Council to ratify a professional services agreement with KCI Technologies to prepare the plan for an amount "not to exceed" $95,035. The reason for having a "not to exceed" price is because DNREC has not clarified how to perform the necessary calculation to assess the performance of the stormwater facilities. The Town has 197 facilities to assess. The agreement covers a multi-year period to perform the one-time analysis.

Moved by Mr. Chas and seconded by Mr. Royston to ratify a professional services agreement to prepare a Pollution Reduction Plan as required by the EPA MS4 Permit for the Town of Middletown as recommended by the Public Works Director, Wayne Kersey, and Town Manager, Morris Deputy. Motion Carried Unanimously.

8-L. Motion to ratify Resolution 25-12-01 to amend Section 4-15 of the Town of Middletown Personnel Policy.

Morris Deputy: This is an amendment to a former Resolution to update the drug and alcohol policy that further clarifies the requirement for the employees who have CDL licenses, and removes a prior restriction for "safety sensitive" positions.

Moved by Mr. Orr and seconded by Mr. Sherman to ratify Resolution 25-12-01 to amend Section 4-15 of the Town's Personnel Policy to clarify requirements for employees who have CDL licenses. Motion Carried Unanimously.

8-M. Motion to authorize the acceptance of the open space that is to be conveyed to the Town of Middletown from portions of Tax Parcel 23-024.00-172.

Morris Deputy: This motion references the open space to be conveyed to the Town with the subdivision plan for the Middletown Village plan presented earlier. Upon satisfactory review of the deed by the Town's attorney, it will be recorded and the open space will be accepted for the soccer club.

Town Solicitor Scott Chambers reported the deed has been reviewed and recommended acceptance of the open space.

Moved by Mr. Royston and seconded by Mr. Chas to authorize the acceptance of the open space to be conveyed to the Town of Middletown as presented for the sports complex for soccer, as recommended by the Town Manager and Town Solicitor. Motion Carried Unanimously.

9. Unfinished Business: None

10. New Business:

- Councilman Blythe announced, as with this meeting, all public meetings will be live-streamed beginning in January; links to the streaming site will be posted on the web site.
- Councilman Royston congratulated coach Reynolds and Middletown High School for another back-to-back State Championship.
- Paul Rabinovitch, a New Castle County resident, addressed the Mayor and Council with concerns about a variety of incidents involving the Middletown Police Department, and claimed he had documentation to support his concerns. The Mayor instructed Mr. Rabinovitch to deliver the documentary evidence to Kristen Krenzer at Town Hall. Ms. Krenzer would ensure the Town Solicitor received the documents for his review.

11. Executive Session:

Moved by Mr. Orr and seconded Mr. Chas to move into Executive Session to discuss personnel matters pursuant to 29 Del Code 29 §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. Thomas 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. Blythe and seconded by Mr. Thomas to approve the recommendation for discipline from the Chief of Police. Motion Carried Unanimously.

> **B. Discussion of 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.**

No votes were taken on this item.

Moved by Mr. Blythe and seconded by Mr. Orr to adjourn. Motion Carried Unanimously.

The meeting adjourned at 10:05 p.m.