

Town of Ellendale

Special Meeting of Ellendale Town Council

February 28, 2025 12:30 PM

Town Hall -300 McCauley Avenue

Minutes – Recorded on Apple iPad

1. **Call to order** – President Tom Panas began the meeting @ 12:30 PM
2. **Pledge of Allegiance** was recited and a **Moment of Silence** was observed
3. **Roll Call** – was taken and the following council members were present:
Tom Panas – President
Clay Walton – Vice President
Bob Billbrough – Treasurer
Sam Noto – Secretary via phone
Absent:
Joe Beck – Council Member at Large
4. **Approval of Agenda** – Tom Panas: Requested a motion be made to approve the agenda. A motion was made to approve the agenda by Clay Walton and was seconded by Bob Billbrough. A Roll Call Vote was then taken to approve the agenda: Clay Walton - yes, Joe Beck - absent, Bob Billbrough - yes, Tom Panas - yes, Sam Noto - yes.

- **Vistor Recognition** – Tom Panas announced that at this time, anyone wishing to address the council may do so. What ensued next was an exchange of dialogue which was heated at times that broke protocol. Council members as well as visitors engaged in a lengthy dialogue type of discussion which was initiated by police officer Les Shaffer. Each member of the Council engaged in the discussion along with Les as well as visitors Terrie Ottomano, Town Clerk Karen Brittingham and Town Police Chief Bruce Von Gorres and Town Manager Kayla Adkins. The back and forth exchange occurred for well over forty-five minutes. For complete details of what was said during the exchanges, please listen to the audio recording of this meeting on the Apple iPad for February 28, 2025.

Other attendees @ the meeting included Chief of Maintenance Jamie, Anna Panas and Town Manager Kayla Adkins.
5. Updates:
 - I. Employee Communication Review and other topics – was given by Kayla Adkins, Town Manager: I have spoken with a couple of surrounding towns and they do not tax differently for commercial vs. residential. It is based on the assessed value

of the property and there is no difference in rates. Clay: I thought that our wording says differently that in our tax in that we get our values from Sussex County. So, without us changing the whole structure, creating a new tax model would get us away from taking the document from Sussex County and taxing a different percent. Right now, all of our tax is based off of Sussex County. What we talked about yesterday is a whole re-writing of the Ellendale tax code. Kayla: Yes, it is. We can't just arbitrarily pick and choose here that we're going to tax this development individually because of the way they are building; but, we're going to tax this development based on Sussex County. Karen: So, we are doing the taxing based on the information provided by Sussex County. Sussex County is asking if it was annexed as R3 or C3. It's definitely different as to how that land is appraised. Clay: So, Sussex County will provide the calculated amount. Karen: yes, but what are you going to provide to them for that 889 acres? You're going to provide to them that it is an overlay district? It Could potentially be residential, Potentially be commercial? Because I've never seen a floating zone. I should be able to go into the room and tell them I have 10 acres that are commercial and I have 10 acres of residential. Clay: agreed. So, Sussex County may then say that you have 10 acres that are at \$10 and 10 acres that are at \$5. So, the bill is then \$15 for you to send to them. So, the reality is that we can't tell them what it is going to be. Clay: but, none of us agreed to the overlay district so that is the hand we are dealt with. So, now we find out how other people deal with it and move on. We can cry about it that it's a mess; but, that isn't going to fix it. We can find out what kind of latitude we have to manage the cards we've been dealt now. Terrie: what's an overlay district? Tom: that's another conversation. Clay: it's undeclared. Terrie: so, I can do whatever I want. Tom: that's correct. Terrie: I don't like that. Tom: we don't either. Clay: it's another Aaronism. Clay: Kayla, find out as much information as you can. Kayla: yes, I'm going to reach out to some other towns and see if they have any experience in the overlay district. Clay: and how they tax it. Karen: Clay, I would be the first to say if I have 189 acres and you're going to send me a \$150 bill. I have 22 acres commercial over here and you're billing me \$322? I'm sorry; but, you're going to have some challenges. Kayla: but, it is based off of the assessment. Clay: their challenge would be back to Sussex County, it would not be to us. Karen: but, the challenge is based on the information that you provided to Sussex County because it is no longer Sussex County it was annexed into the Town of Ellendale. Tom: So, we have some challenges for ourselves to gather some information and share it with others. Terrie: Just one more thing Mr. Panas, who determines whether Town Hall will be closed for snow or for holiday? Who is going to tell the employees? Have we established that? Tom: No, we have not. Clay: so, I would look at the model of others and have it announced via television, etc That the Town of Ellendale is closed. Tom: as a rule of thumb, if the

schools were closed, then the town was closed. That's what I used in the past.

Terrie: so, do you want the town manager to contact the employees or is the policy to be that if the schools are closed, then Town hall is closed? Tom: that is the decision that I have made in the past; moving forward we have to outline it and come up with the answer. Clay: Just because Town Hall is closed doesn't mean that Kayla, or Jamie or Bruce doesn't have to report to work? It might be closed for business; but, Jamie would be out here snowplowing.

Tom: we have used our past experiences and seen how it applies to this job, correct? In my past experience, I used to get a phone call. And the person I had to report to would ask – did you reach your numbers? And I would have to answer that. In order to reach that number, I had to have a plan in order to reach that number that he was looking for. With that being said, we are going to start having a weekly meeting to with Karen and Kayla and Jamie what is expected in town hall this week. The meeting may take a half an hour on Monday morning; but, we're going to review what we are working on and what the priorities are. We need to know some verification of time and not just the pay stubs. This may involve Bob the Town Treasurer being involved. Any more input? Clay: so, I just want to advise. The last time that we had a staff meeting, Karen provided a list of 49 items. Karen: it's up to 78. Clay: So, the list needs to be about four or five items that you plan to check off the list for the week. It's got to be realistic or you get bogged down where it's so overwhelming that nothing gets done. Sam: I like what is being said here. That for documentation purposes, as the work and number of employees grows, the supervisor needs to know what people are working on to organize their work for them and compensate them accordingly, do performance evaluations of just exactly what they are doing – all of that needs to happen. It's not going to happen overnight; but, all of these things need to be put on the list and just keep pounding away on the list. Kayla: so, this goes to signing off on time sheets. So, I would sign off on the employee time sheets and then he (Bob) would sign off on mine? Tom: yes. So, when ShyAnn comes in on Tuesdays ... so, the time sheets need to be ready on Monday or Tuesday for processing. Kayla: also, remarked about involving different council members to help with the resolution of items on the list. Clay: what council members are working on as well should be shared to keep communication and completion of tasks known. Tom: when council members have things that they think should be done, it should be communicated to Kayla so that she could disseminate it to Karen, Jamie or the Chief. If I see Jamie and tell him about something, I'm not telling him what to do. I am simply bringing up an observation which he should then bring up with Kayla. Kayla is the voice to the employees. We need to interact with Kayla. If we interact with an employee, then that needs to be communicated back to Kayla. Karen: suggests using the email system as well to

provide the time sheets between Kayla, ShyAnn and Bob. Tom: and where are the time sheets kept? Kayla: they are in the black filing cabinet.

Tom: back to the agenda, item #2 Clay was going to give us an update on the meeting that he attended.

II. Review of Horsey Meeting

Clay: So, the Horsey Presentation, Jamie Sharp was representing as our town attorney and Mike _____ was their attorney, an engineer of the Geary Farm Project (Doug Lieberman) and Mike Horsey. We had our town engineer Andrew here and George from GMB also, along with Karen, Kayla, and myself. The attorney for Horsey started out by painting the picture that he had a signed annexation agreement and documents and that anything Mike Horsey did was out of the goodness of his heart because he wasn't obligated to do anything because he had a signed document. I kept looking to Jamie and he wasn't moving very much. This went on and he stated that they wanted to do the right thing for the town and there was a lot of 'excrement' and finally Jamie spoke up stating: that at a minimum, the document stated that there may at a minimum, would be 24 foot wide roads. There were 2 or 3 superseding documents signed that they did not even have or were not aware of. So, at the end of the meeting the maps that they had weren't going to work, the proposal that they had put out was the blacktop street with an extra couple feet of blacktop with a white stripe painted. Your street and bike path area was all one grade. Numerous problems with the sidewalks were insufficient with no safety regard for pedestrians, you had very little storm drain management because everything is a flat surface so sand and your lawn could wash down into the storm drain and so it was subject to problems in your storm drain and retention pond and so I spoke for council on this and said it was a non-starter. Horsey said that it doesn't matter to him. I said then give us what we want. Two feet of blacktop is a lot cheaper than curbing and sidewalk and it takes up less space because you have to do that 18 or 24 inches, so you lose more building space. So, kinda to summarize, they heard that we weren't going to take that and that the minimum for the street would be 24. Personally, I'd like to see 26 or 28; but, I don't know how much that we can get out of it. We know we need to be wider than Ingram. So, they're going to go back and resubmit everything. This meeting more or less acknowledged the problem and that they had to start over. Just to make council aware, Roland had wanted a bike path all the way around the perimeter. Knowing this the streets were going to push for wider widths. The fact that you already had a mini bike problem in Ingram Village giving them a blacktopped circle around the development plus the trash and beer and whatnot that you would have to go around and pickup in the common area, we could do away with the bike path as far as I was concerned if we get the other things that we want. Karen: I was saying to pull it off, because

all of this stuff is behind everyone's backyard in public space and he was going to have to look after it and enforce it. One of the other things that was a big plus is that they took all of the commercial out of the project. Originally, it was a large overlay parcel district with flexibility and he took all of the commercial off. The product which is selling right now though they are rentals is the townhouses. So, as a result of that, no commercial is coming in and that was huge. Clay: if that happens as we discussed earlier, are we worried about a large overlay district for tax purposes? So, if he commits to residential the tax issue goes away, doesn't it? Karen: we would have to discuss that with Liam; but, if we did the annexation tax resolution amending it to say that the new zoning for this is this, then Sussex County would have the right to say this is all residential. We would say these parcels are all brought in as R3 and that's how you're developing it. But, yes, we would need a paper trail for what he is asking for. Clay: So, at the appropriate time, we are looking at how we are going to tax this and would be asking for their commitment that this is how you are going to proceed and this is how we are going to proceed. Karen: we have looked at this from the perspective of their conceptual design to what it is now and there were a lot of changes. So, we are in the position of whether or not we are accepting of this and whatever changes that they come back with – basically, they were saying instead of a 20 foot setback that they were asking for 6 or 8. Kayla: they were asking for a 5 foot setback on a single family dwelling. The minimum is 8 and they put 5. Karen: how many times did Roland bring in a set of plans, unroll the plans, say that this looks really good, everything is fine and approve it. Mike (Horsey) was looking for that and looking to the fact that there was no oversight and guess what, now there is.

- III. Impact Fee Review – Tom Panas: We are talking about 2024 impact fees for the fire department and also for the Police Department. Karen: Before you start, I apologize; but, I want you to take a look at the approved fee schedule. The fee schedule calls for impact fees to be listed; however, the total that I have been collecting for \$2400/unit. Based on this, I was supposed to be collecting \$895. So, the first thing that you need to do is to update your fee schedule because it's wrong. Clay: but, we have a resolution. Karen: you may have that; but, it's not reflected on here. Tom: so, what is this that you are showing me? Karen: The is you fee schedule: This is what I use to collect the impact fee and the building permit from when they come into the office. Tom: So, you're collecting the \$2400? Kayla: what she is saying is that you may have voted it in through a resolution; but, that never transferred to the fee schedule that the employee uses to follow. Terrie: This was last updated in 2022. Clay: So, the fee schedule (if the information that I've collected and we've talked about this numerous times now) that we don't necessarily have to follow those categories and I would say that on the first page here you are collecting an impact fee for local and street

improvements. There shouldn't be anything on any impact fee that is local to any one thing. That impact fee does not give you money to go into Ingram Village and let you fix the street. It's got to be for the nexus of the entire community. Every thing you do park wise, bicycle path wise, common town hall item, the police station – they all fit that description. Kayla: yes, but the fee schedule needs to be changed for the impact fee and this is what the amount is. On that current one, it breaks it down. Clay: and that's what I'm saying, we fix that fee schedule to say police, fire and town operations. If you look at it it comes up to \$2406. Terrie: and if you look at that paper from 2006, they actually corrected the one thing to \$451 Clay: to make it out to \$2400. Most importantly, we need to make sure that we're all on board. Council members need to look at this and know that this will cover all of those categories that before were mandated into this breakdown. It is also my understanding that it is discretionary, so if we run short, then changes may be necessary upon review. Tom: So, we're saying that it's too late for March; but, maybe it could up for the April meeting? Karen: yes. Definitely. Terrie: That makes sense. Are we transferring money to the police and fire department. Tom: yes, this week. Terrie: I just want to make sure that all of council members are aware of that dollar amount. Tom: yes, a whole lot. Kayla: the fire department is on track; the police is the one that needs to be updated which has years of oweage that needs to be distributed. Tom: their total owed is from 2018 to 2024 is \$62,000! Karen: and just as a reminder, none of it can be used for wages. Terrie: and the grant of \$45,000 that was put into the police fund that goes to the general fund to cover payroll. Tom: Transfer, yes. Clay: from a bookkeeping standpoint, he's got to show where he uses it. So, we have to show where we use it. The fire company has given a letter which tells where that money is going for justification purposes. So, Bruce will have to show where he is using that money for gear or training; anything but hours. Terrie: how much is the fire department getting for 2024: Tom: \$32,016. Terrie: I just want everybody to know for the record, that's all. There's \$85,000 left there. And then there's \$17,000 left sitting over in one of these funds. Tom: yes, and that's the other transfer for the general fund. Clay: I think it's in these parks and recreation funds. There's somewhere ... Terrie: Jamie and I are working on a proposal and we have to update this Town Clerk with mulch and the edging. We've always had the mulch donated and we're wondering how much we can get. Kayla: so, there's money in the parks and rec. Clay: so, there's impact fees and then there's grants. There's residuals – like the generator fund has \$30,000 left over. We just need to find some connection on how we want to spend it that makes sense. Terrie: And that makes sense, we're putting this proposal together and Jamie needs to do this this spring and if there's grant money to help cover it, that's great. Karen: So, if we put mulch in the park, it will prevent the generator from being a fire hazard. So, therefore, we can use the generator funds to put mulch in the park to protect the generator.

Terrie: For the War Memorial, we are working on proposals. Is that part of the impact fee? If we update the War Memorial, where does that funding come from? Tom: that's part of parks and rec. Terrie: can that be part of the impact fees? Clay: if everyone agrees to it. Bob: is that where the benches are coming out of? Tom: could be, but we need to get the letter to Shupe to get some of the money that he offered. Karen: you also need to take a look at what the General Assembly released in grants, because there's a load of grants – that's how we got the feral cats, that's how we got the generator. You all need to review what grants are out there. Jamie: while we're on this grants subject, did you ever get the maintenance book? Karen: his point is that he can't go after people without this. Kayla: that's supposed to be approved at next month's meeting. Clay: I thought we passed it. Kayla: No, we tabled it because everyone had not read it yet. Karen: did we update the bonding period from 3 to 5 years? Kayla: I did not. Karen: I would do that before you approve that manual. Tom: I just had a flashback that I wanted to bring up during the employee review that we need to get the background check, that we need to have a basic background check on employees and council members. Clay: So, we need everyone to understand the magnitude of that. Is it for every applicant? We need to move the election forward because time is needed to do the background check and time to review it. Terrie: and Kayla is also researching. Right now, our bonding is at \$15,000 and looking at Milton's they're at \$250,000. Karen: And so, your Charter update will be 98% done. Clay: so, does the fire company have a description of the background check that's needed in order to be a fire fighter? Tom: but, there's different levels of how deep that you go into a person's background. Karen: I think that our charter had a level 4 or a level 3. We'll review that on Monday.. Clay: and then the question becomes, who pays for it? Karen: the person applying is responsible for it. Clay: We already have trouble getting people to sign up now. Then, if we throw a \$50 fee on top of that to everybody? Karen: playing devil's advocate, when I applied here I needed a background check and mine was already covered by a previous background check working with boys and girls and the school system. We'll cover this on Monday. We also need to have a discussion on inspections in the three active subdivisions now under development. Clay also addressed the chief that we have to clean up the issues associated with what can and can't be done with vehicle parking enforcement within the subdivisions (currently Ingram Village).

6. Adjournment – Tom Panas – I would like a motion to adjourn this meeting. Motion to adjourn – Bob Billbrough and seconded by Clay Walton. Roll call: Bob Billbrough – yes, Clay Walton – yes, Sam Noto – yes, Tom Panas – yes.

Meeting Adjourned @ 2:35 PM. Minutes transcribed by Council Secretary Sam Noto
March 24 through 26, 2025