

Town of Ellendale
Regular Meeting of Ellendale Town Council

April 2, 2025

Ellendale Fire Hall -302 Main Street

Minutes – Recorded on Apple iPad

1. **Call to order** – President Tom Panas began the meeting @ 7:00 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
Joe Beck – Council Member at Large
4. **Approval of Agenda** – Karen Brittingham: Mr. President, there will be one additional item added to the agenda which is a brief presentation by Chesapeake Utilities. President Tom Panas called for an approval with the additional item added. A Roll Call Vote was then taken to approve the agenda: Clay Walton - yes, Joe Beck - yes, Bob Billbrough - yes, Tom Panas - yes, Sam Noto - yes.
5. ***Approval of Previous Meeting Minutes** – the transcription of the previous meeting minutes for February 5, 2024 for review and approval was made at this time. A motion was made by Bob Billbrough seconded by Clay Walton. Minutes were passed unanimously by the present council members.
6. **Treasurer's Report** – Tom Panas asked that the Treasurer's report to be given by the current Treasurer Bob Billbrough be tabled till later as it wasn't quite ready.
7. **Police Chief's Report** – The monthly report was given by Tom Panas for the month of March 2025 in the absence of Chief Von Goerres. (See attached)
8. **Town Clerk's Report** – was given next by Town Clerk Karen Brittingham. (See attached) Continued working with the Town Manager on projects and the day-to-day operations of issuing permits and licenses. To date, Business Licenses are 95. Paid rental licenses are 57. Building permits to date are 28. (See attached for further details)
9. **Town Manager's Report** – was given by Town Manager Kayla Adkins for the month of March(See attached for details). Tom Panas raised a question regarding the concrete pads for the installation of the benches on the Town Hall property as to price quotes and Clay Walton reported that a contractor was coming in this week.
10. **Committee Reports:** Tom Panas: the Committee Reports:

- **Community Outreach** – Terry Ottomano the chairperson was out of town. Karen Brittingham: was asked by Terrie to give the report on her behalf. (See attached for details)
- **Police and Emergency Response Committee** – Per Tom Panas: The committee chair is not here. I can report that there was no meeting and we are trying to more participation to get this committee re-established.
- **Vistor Recognition** – Tom Panas announced that at this time, anyone wishing to address the council may do so. They will be given two minutes to speak with no rebuttal from the council.

No visitors in attendance had anything to say during this segment.

11. Presentations:

- a. War Memorial presented by Bella Terra – The intro to the project presentation was given by Dale Annis from the Community Outreach Committee. Dale gave a heartfelt speech about background and what the memorial represents within the town and the beautification improvements being sought. The outreach committee has been working with Ashley of Bella Terra on the proposal being presented at tonight's town meeting. (See recording and attachment for further information) Ashley Games from Bella Terra gave a detailed presentation of the design rendering of the proposal. The proposal calls for the moving of the flagpole as well as the addition of two more flagpoles. Estimated cost is around \$2700. This would require a change to the lighting in this area for proper flag display for all three flags. At the base of the flags would be a blue stone stepper as a place to stand other than the gravel for the raising and lowering of the flags. All-inclusive for that project is \$16, 447.73 not including irrigation. We are highly recommending that irrigation be installed in this area to ensure the healthy watering of the plants within the proposal. The cost of the irrigation project is \$2,995 and we would tap right into the Town Hall building. So, the total cost is \$19, 942. 73. Discussions then ensued between the Council and Bella Terra with questions regarding the proposed project, costs and potential phases to break out the expenditures over time as raised by Councilman Noto. (Further details of the discussion and questions and answers can be obtained from the recording).
- b. Cedar Crossing Master Plan – Tom Panas: We have a representative. Alan Hill introduced himself presenting the design of engineers working on the project. Alan presented the Master Plan for the project. The land is approximately 200 acres along the west side of route 113 close to route 16 near Royal Farms and is zoned both residential and commercial. The proposal is for 154 single homes and 220 Town Homes, 620 apartments, 60,000 square feet of retail space, and another 34,000 square feet of commercial space. We have a mix of flex space, storage space which is 45,000 flex and 40,000 for personal storage. There is

about 25,000 open space. We have two clubhouses: one for the residential district and another one for the apartment complex. Karen has a comprehensive list of the relief which we are requesting. Karen: What they have come in with so far is a concept which is still awaiting the necessary approvals to move forward. The Planning Committee has agreed to the plans of the overlay district. Alan thanked Karen and then continued with his presentation that they are working with DelDOT to receive approval of the proposed entrances to the district from Rt. 113 as well as entrance from Rt. 16. Traffic studies have been done over the last three years and a decision must be made regarding the proposed entrances if they meet with DelDOT's approval. Councilman Noto asked about the reserve of space for the proposed water tower and Alan stated that yes they have a space for it in the Master Plan. Clay Walton asked whether the housing development area would be under an HOA? Alan's response was yes. Clay then proceeded to ask about the commercial areas to which Alan responded that they would be covered by a management company with no burden on the town for maintenance and snow removal. Tom Panas as well as our Town Engineer Andrew Lyons had some questions and points of discussion with Alan on the 113 entrances. (Further details of the discussion and questions and answers can be obtained from the recording

- c. Garey Farm Master Plan – Tom Panas: the next presentation is the Garey Farm Master Plan. Doug Lieberman introduced himself representing Mike and Kathy Horsey who were also present at the meeting. The proposed development is on the West side of Old State Road heading North leading from Ellendale into Lincoln. They made a presentation to the Planning Commission and they approved what we are looking at here tonight. This is 178 single family homes, 108 town homes and 240 apartments. We have some ponds and open space areas along with a pool and clubhouse. We were asking for some waivers to the lot sizes and setbacks. The Planning Commission approved those. Looking for a sidewalk setback from 8 feet to 5 feet. Decrease the lot size from 5,000 to 4400 feet. From 20 feet to 15 feet on the Town House side setback and still meet the requirement of 25 feet building separation. Decrease the rear back setback from 25 feet to 20 feet and decrease the middle lot size from 2500 feet to 2300 sq. feet. Even with these changes we are within the maximum density requirements within the subdivision of what the town would allow. Karen then requested an explanation on the road and sidewalk part of the proposal. Doug then proceeded to talk about the driveways, roads and sidewalks in detail which led to many questions from the Council. A letter from GMB as well as this recorded town hall meeting should be referred to gain all of the detailed information and discussions which ensued. Tom and Kathy Horsey also joined in to the discussion and can be heard on the defending Sussex County's position for subdivision layouts. The main point of contention is that the Annexation Agreement allowed for this as

well as the Planning Commission approved of this plan as well. (See these references for the further information details).

- d. Chesapeake Utilities – Tom Panas: the other presentation added to the agenda is by Chesapeake Utilities regarding natural gas. Tiffany Giroux introduced herself and began her presentation. Chesapeake Utilities is the company that provides natural gas to all of Sussex County. The company is over 160 years old. We have seen a lot of growth in our company in recent years, mainly because of new development projects like this that allow us to expand our natural gas pipeline. We are regulated by the Public Service Commission, so the pricing, revenue and expense of the service is monitored and regulated. So, we are tracking the growth and potential growth here in Ellendale. We know that the demand is there and both the developers and residents have a preference towards natural gas. So, it's an opportunity to serve those needs. So, I'm here to start the dialogue with the town for a potential partnership for providing gas service to the residents of Ellendale. (See the recording for further details of the questions and discussions of details on this presentation).

12. Old Business:

- I. Reed Property Solar Farm Update – Karen Brittingham: Yes, so as was discussed at the last meeting, we inherited the solar farm when we annexed in the Reed property. One of the concerns that we had was the decommissioning plan. I have been able to get the information from/through Sussex County and one of the things that Sussex County required from the site was a decommissioning plan that includes financial security to insure that funds are available for the decommissioning and removal of the solar farm in it's entirety throughout the life of it's conditional use. So, therefore the protection that we were asking for the Town of Ellendale will be in place. It will be secured by fencing with a Knox box enabling access to the site in the case of an emergency.
- II. 2023-2024 Audit Proposal from Lank, Johnson & Tull, CPAs – Tom Panas: Kayla's got some information on that. Kayla: I do not have estimates from other companies; however, I did speak with them over the increase of price. I believe that there was a misunderstanding over what we were paying per year. We were actually paying \$5000/year and they were billing us in \$2,500 increments. So, it's not as much of a jump as originally perceived. It is still an increase; but, not as much as originally thought to be.
- III. Police Accreditation Consult Proposal – Tom Panas: We did receive the information from Mr. Kevin Jones. We went through his contract and I believe are ready to move forward. We just need to vote, so we need a motion to implement that and get it started. Clay: if no one has any questions, then I make a motion to hire Kevin Jones to get us through accreditation. He's put a timeline together to have this done by the end of summer or sooner. Seconded by Treasurer Bob

Billbrough. Roll call vote : Clay Walton – yes, Bob Billbrough – yes, Joe Beck – yes, Sam Noto – yes, Tom Panas – yes. Secretary Sam Noto : Motion passed. Om : we'll let the Chief know. Kayla: And I'll let Kevin Jones know.

- IV. Annexation Moratorium – Tom Panas: last year we put out notice that we were placing a moratorium further annexations until we could absorb what has been started. Other towns have suggested that we put out a referendum and have it filed for the record with Sussex County. Kayla: per resolution. Tom: yes. Clay: So, the question would be for what length of time. Dagsboro did a six month one. I would prefer a year or so. Tom: A question to Liam, can we make it for a year and then renew it, or stop it? Liam: So, you can make the language so that it self-renews until a new resolution is published. Karen: Mr. President, I would suggest that our Town Attorney Liam write the resolution. Clay: So, I make a motion that we have the Town Attorney draw up a resolution to address annexation moratoriums. Joe Beck seconded. Sam Noto: let's do a vote: Clay Walton – yes, Joe Beck – yes, Bob Billbrough – yes, Sam Noto – yes, Tom Panas – yes. Unanimous.

13. NEW Business:

- I. War Memorial Proposal – Tom Panas: So, we have a lot of information that's come at us with the War Memorial Proposal. Now's the time for the Council to discuss how to move forward. Clay: So, one part that I heard and would be interested in pursuing is cutting the cost on the demolition work. And the second part of this is how much that we can get volunteers to participate. I would be willing to come with a tractor and loader. Dale: I would be more than willing to assist with anything myself. Again, you and I could work on it. There is timeline concerns. Clay: I don't think that having all this done by Memorial Day is realistic. I don't think we can get there. It would be nice if it could. Dale: It could be done. Clay: Yeah; but, we've got to get there with you. Dale: I would request that the Council consider the initial proposal first before we talk about anything else. If the initial decision is a nay, then let's leave on the table the possibility of discussing it further. I'm holding to my initial proposal first. Further discussion continued between Council and the attendees. (See recording for further detailed conversation) Town Attorney Liam interjected at this juncture to point out that this portion of the Town Meeting should not be a further back and forth discussion between the Council and the attendees of the meeting. This part of the meeting should consist of voting on the proposal: Clay: so, let me be the one to say let's table this until we have further conversations and research this. Dale: Can we include this in the special meeting coming up? Tom Panas: yes. A Motion was made by Clay to table this item until the special meeting. The Bella Terra rep asked for some guidelines in order to meet the Memorial Day target date. The

motion was seconded by Joe Beck. Sam Noto: vote: Clay Walton – yes, Joe Beck – yes, Bob Billbrough – yes, Sam Noto – yes, Tom Panas – yes.

- II. Cedar Crossing Master Plan – Tom: we had the presentation. Clay: So, as long as we understand that it's an influx plan and the sizes of some of the amenities and what the amenities are and the entrances need to be determined and we'll have to review that when there is a revision to the plan I'm ok with making a motion to move this forward and approve this preliminary master plan. Karen: Mr. President, I think that your motion needs to include that they will go through the public hearing process and all agency approvals are required. Town Engineer Andrew Lyons: Since one of the requirements is that you hold a public meeting according to the code, I don't know that you have met that requirement to make that approval. The public has to have the right to comment before you can approve it. (At this point, there was some confusion as to whether the public hearing was sufficient to move forward. See audio tape for full disclosure of the discussion). A motion was made by Bob Billbrough to approve the preliminary plans, the Master Plan. Clay seconded the plan to include all of the items that Karen listed. Tom Panas: Alright. Sam Noto: ok, Bob Billbrough – yes, Clay Walton – yes, Joe Beck – yes, Sam Noto – yes, Tom Panas – yes. Sam: Unanimously passed.

- III. Garey Farm Master Plan – Tom Panas: Do we have questions from the presentation that we received? Andrew Lyons: Just a point of clarification since I did hear some concerns over the recommendations that we had by the Planning Commission. You do not have to accept some of the recommendations or all of the recommendations. You can accept all or none that the applicant as has been presented. Clay: So, conditionally, with the sidewalk issue we can approve the Master Plan concepts as far as the buildings, townhouses and the streetlights. Andrew: Or send it back to the Planning Commission with comments. I've seen Master Plans go back and forth on certain items. Clay: the concern is, we don't want to narrow the streets; but, we do want the sidewalks. We made the concession of the bicycle trail, so there was an economic savings to the developer on that. So, I make the motion that we conditionally accept the Master Plan with the exception of the street width and the sidewalks. And we'll send that back to the Planning Commission to revisit. Joe Beck: I have concerns of what the HOA covers. Right now, the HOA was only covering the pools and there was no snow removal. Tom: Yes, I agree. Bob: yes, definitely. Clay: Well, then that's another issue that was not addressed. Andrew: I'm not sure if that was covered in the annexation agreement. Tom Horsey it is in the annexation agreement that you guys own the streets and you guys own the sidewalks and I testified at the planning commission and I disagree with what you say Clay. It was not a bicycle path it was a walkway. I'm tickled that it was taken out, I'll put it back in if you want; but, I want the sidewalks to be in the street. It's a county

standard. This town does not have a standard. I'll eat the streets, etc. only if we modify the annexation agreement that we have signed here today. Clay: so, this will require further discussions with everybody involved including the Planning Commission. The town consensus is that we want uniformity in all the Developments. For protection, for child protection up on the sidewalk behind the curb. Sam: so, is your motion now to table this until further discussion? Clay: Yes, to table this until further discussion. Joe Beck seconded the motion. Clay Walton – yes, Joe Beck – yes, Bob Billbrough – yes, Sam Noto – yes, Tom Panas – yes. Sam Noto: Motion to table passed.

- IV. Electronic Billboard – Tom Panas: We would like to put it out there and get some estimates on cost and where to put it. I think that our current bulletin board on McCaulley Ave is a bit outdated. The electronic billboard would suffice to give us a lot more exposure. There's already two of them in town. Clay: Where would the location be by the gazebo? So, there's some snags to that. Jamie's maintenance building is run off an extension cord from Town Hall. We need to get dedicated service to the Maintenance Building and power to this sign. Tom: So, are we going to move forward and get some estimates on what we have to do? Joe Beck made a motion to move forward on getting estimates. Bob Billbrough seconded the motion. Joe Beck – yes, Bob Billbrough – yes, Sam Noto – yes, Clay Walton – yes, Tom Panas – yes. Sam Noto: Motion unanimously passed.

- V. Sale of Surplus Town Properties – Tom: The next item is the sale of surplus town properties including the vehicles. Kayla: the list shows each of the owned town properties, their location, acreage, use and parcel identification#. Tom: the two concerns are the vacant lot of Welch Alley and the last one on the list which is 207 Washington Street which are both vacant lots. The one on Welch Aly we need to get Liam involved to write a letter. Kayla: The letter that needs to be written is from the Town Attorney to the resident that sold the town the property that there is not efficient documentation of the sale of the property between the resident and the town. Tom: and the reason for that is the adjacent homeowner thinks that he has a receipt that he bought that property. Kayla: There is no deed, no parcel # it just says Ellendale lot. Clay: I think there's a subject that needs to be decided by the Council. That lot can go two ways. There's an individual that has two receipts for two payments of \$500 to the Bonafide Treasurer of the town. The Treasurer of the town did not list a physical address or attach parcel ID – it just says a lot in Ellendale. So, there's a person with a receipt who says the he owns the lot; but the lot never got transferred into his deceased mother's name. So, either we still own the lot and owe him a \$1,000 back or he owns the lot and owes the town taxes since 2010 or we find some happy medium here. The lot is land locked all the way around. So, it is complicated. Sam Noto: so, I thought that you could not sell a plot of land that is totally land locked. Clay: it has a deeded

access. Liam: So, you can sell it. It would have inherent access through another parcel. ... So, I would need some direction from Council one way or another. Clay: let me give you one more complication – his attorney is an attorney from your office/firm and has been for 20 years. So, is that a conflict that you are going to have to excuse yourself from anyway? Liam: Very likely, yes. Worst case, we hand it off to Jamie Sharp. Tom Panas: asked Liam in his experience, what would he recommend we do. Liam: My legal advice would be try reaching out to him and say there is no record, no deed other than what you produced. If you can produce something else, then we would be willing to honor it; but, we would need to talk about these back taxes that haven't been paid. Or you can say, there's no record. From our perspective, it still belongs to the town. We are willing to work with you as far as a sale and go from there if the town wants to fix a price. Sam: so, according to Sussex County records it shows that the property still belongs to us. Tom/Clay: yes, it never got transferred. Sam: that's where I would start from is that Sussex County records say that it belongs to us. Joe Beck: so, if it belongs to us, is there anything that we plan to do with it other than sell it? Tom: we would like for him to have it. Clay: It's value is very limited. Tom: So, can we have a letter to him expressing that we would like to resolve the issue and for him to have it; but, we have an issue of the back taxes and how is he going to address that. Liam: I think that is more than fair. Clay: So, how do we get all of this in a motion? Kayla: So, let me be clear on what I'm asking Jamie. A letter from Jamie to the resident that there is insufficient documentation and these are the options of whether to pay back taxes or that we transfer the property to him and he is responsible for all of the transfer fees, closing costs ... Clay: that we are willing to sit down with him and work this out. Tom: So, that's the motion, do we have a second. Joe: I second it. So, the motion was for Jamie Sharp to write the letter for the parties to meet and settle the property dispute. Clay Walton – yes, Joe Beck – yes, Bob Billbrough – yes, Sam Noto – yes, Tom Panas – yes. Clay: So, the other two properties are the Forest Landing and Washington Street. Clay: So, the next thing is the remaining properties and vehicles and what's the consensus of everybody on those. Kayla: So, list of properties I gave you is just the properties and does not include the vehicles. The two vehicles that we are looking at are the 2nd maintenance truck and the silver police vehicle. We do not have an estimate for the 2nd police vehicle. The 2nd maintenance truck we do have an estimate of it of \$9500. Karen: before you go on to the vehicles, I have a question on the two properties. So, the first one being that you have 44 acres of wooded land that is on the rail. The reason that the developer got rid of it is because of the cost of crossing the rail to develop it. So, therefore, it was donated to us. Originally, it was the concept that it could be used as a primitive campground. Again, I'm going to suggest that you take that off the table. I would like to request permission to pursue the option of how it would be affected by

rail use. And then, present that back to you before you do anything to release that property to see what your options are. (Further discussion on this can be found on the recording) Tom: So, with the vehicles we're going to move forward to get them up for sale? Clay: So, we talked about the truck. Everyone's in agreement to list the truck and see that we can get 9 to 10 thousand dollars for the truck. The 2nd, 3rd police car decommission the car as a police car and use it as a community patrol car. Sam: I don't think that we should be getting rid of any of the police vehicles at this point. We need to grow our police department. (Further discussion on this can be found on the recording) Clay: made a motion to list the truck. Joe: I second it. Vote: Clay Walton – yes, Joe Beck – yes, Bob Billbrough – yes, Sam Noto – yes, Tom Panas – yes.

VI. Draft Charter Review – Tom: I believe we all have a copy of the charter. Bob: did everybody look over it? Tom: Oh, yeah. Clay: Didn't we say that we were all going to look over it and mark up changes? Tom: yes, that's the special meeting and we finally got to it. With the Charter review, we're going to have a special meeting in approximately two weeks.

VII. Town Clerk Hire – Tom: That is coming up for a number of reasons. The fact is that Karen is eventually phasing herself out and we'll need a replacement and also Kayla will be going on maternity leave, so we need to address coverage and taking care of business. I think Kayla has reached out and got some information on Kelly Services. Kayla: Yes, so I put together a draft of the Town Clerk Job Description and received information back from two different temp agencies. (See recording for further information and details) Tom: Do we have a motion on the floor to pursue it? Joe Beck: motion. Clay: second. Vote: Joe Beck – yes, Clay Walton – yes, Bob Billbrough – yes, Tom Panas – yes, Sam Noto – yes.

14. Correspondence

Tom Panas: Correspondence.

- Karen: We have two letters of correspondence. The first one is from the Department of Transportation – the entrance plan for the entrance to Ingram Village has been approved. However, that doesn't mean that construction will begin to start.
- The second one that we got is a Letter of Intent to serve from David Blazek. He is asking that we consider him for the Council.

Tom Panas: motion to go into Executive Session. Joe Beck: seconded.

15. Executive Session – an executive session was held in which the following topics were discussed:

- Police Officers and the Financial aspects of funding that, pay raises, a new clerk.
- Treasurer's Report not to include copies of checks

- Minutes to be further summarized

16. Possible Action on Executive Session

Tom Panas: motion to come back into the regular session? Clay: motion to come back into the regular session. Joe Beck: second.

17. Adjournment – Tom Panas – I would like a motion to adjourn this meeting. Motion to adjourn – Clay Walton and Joe Beck: second

Meeting Adjourned @ 10:01 PM.

Minutes transcribed by Council Secretary Sam Noto April 15 through 17, 2025