Town of Ellendale

Regular Meeting of Ellendale Town Council

May 7, 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
   Joe Beck – Council Member at Large
   Sam Noto – Secretary
4. **Approval of Agenda** – Tom Panas: The agenda has been posted. Before we approve it, we have an amendment. Under Committee Reports, the Police and Emergency Response – there is no report. Under presentations, under 10.a, that will be removed. Jamie Sharp: and just to be clear, that is because you will table that decision of that application pending a new master plan based on the last meeting. The record is closed, so that is under Old Business. That's where you will discuss that. I think you will need a motion to approve the amended 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, Bob Billbrough - yes, Joe Beck - yes, Tom Panas - yes, Sam Noto – yes, agenda is approved.
5. **Approval of Previous Meeting Minutes** – the transcription of the previous meeting minutes for April 2nd, 2025 for review and approval was provided. Bob Billbrough: Suggested a change to the Treasurer's report. Line 6 of the Treasurer's report, any after ready in the first line should be removed because nothing was reported and it was tabled. Clay: So, you have a new Treasurer's report now, right? If we include the new Treasurer's report into the minutes, then that would be accurate. Kayla: What he is saying is that since we didn't discuss the report at all, it should just be that it was tabled. A motion was made by Bob Billbrough seconded by Clay Walton. Minutes were passed unanimously by the present council members. A Roll Call Vote was then taken to approve the minutes: Bob Billbrough - yes, Clay Walton - yes, Joe Beck - yes, Tom Panas - yes, Sam Noto – yes, the minutes approved and passed.
6. **Treasurer's Report** – Bob Billbrough then presented two reports. One for last month and one for the previous month. The report As of February 28, 2025, was given by the current Treasurer Bob Billbrough. The report was also given with data reporting as of

March 31, 2025. Bob reported on the current revenue and expenditures for the month as well as the fund balances held in the various accounts (See attached for details and specific figures). Bob also reported on the outstanding delinquent taxes still owed to the town of Ellendale. Clay: Just one question, the generator amount went down by roughly $2,000 under the grants. Do you happen to know what that was? Bob Billbrough: Off the top of my head, no. I'll have to look into that for you. The generator is the same. It's the Feral Cat that went down. Clay: I see, yep.

7. **Police Chief's Report** – The monthly report was given by Chief Bruce Von Gorres for the month of April 2025. (See attached) The Chief also explained the current contract arrangement with the Delaware State Police. Sam Noto asked the Chief how he thinks the current program is working out for him and the Chief responded with very positive feedback. Tom Panas asked the Chief a follow-up question along the same lines.
8. **Town Manager's Report** – was given by Town Manager Kayla Adkins (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.
9. **Committee Reports**:
   - **a. Community Outreach** – the Chair of the Community Outreach Terrie Ottomano gave the report on past and current events planned. (See attached for details)
   - **b. Police and Emergency Response Committee –** Per Tom Panas**:** There is no monthly report.

   Vistor Recognition – Tom Panas announced that at this time, anyone wishing to address the council may do so. Raise your hand and state your name. You will be given two minutes to speak with no rebuttal from the council.

   Brandy Knox who lives in Ingram Village: I wanted to have put on the agenda for the next meeting Sylvia Avenue. There is nothing but garbage along the road. I spoke with the Town Manager and Insight. For what we are paying, I should not look outside and see tons and tons of garbage. And today, they were doing some kind of construction and you were seeing gallons of water bottles. It's just disgusting and I don't know who is supposed to clean it up. I want to be able to sit outside and not see that. Today, one of my girlfriends was telling me that there's a black ford escape that is flying around and they need to put in more speed bumps. I had to tell my granddaughter not to move because this car is flying down Gladys Street and made a left on Sylvia. He left and then he came back again. The kids are outside riding their bikes and I don't know who this person is and I couldn't get the license plate.

   Terence Knox: can we get more speed bumps? The speed bumps that we have are good; but, they are so far apart that they are ineffective. Clay: you and I are in the minority. Terence: there should be a speed bump on every block. Kayla: so, I will answer this. So, currently the town has not taken over the roads in Ingram Village and we are working with the developer so that we can take over the roads; but, we want to make sure that they are done appropriately and that there is no issues before the town takes over them. In some areas, the roads are not completely coated. When we take over the roads, we will have to talk with them about adding additional speed bumps. (see recording for further discussion on this topic).

(Unidentified visitor) Are the developments on Old State Road going to be connected? Kayla responded yes.

Patsy Young: Was asking about getting back our Police Department and more police officers. I'm on the Committee and we went to Greenwood. Patsy then spoke about the program at the Greenwood meeting. (see recording for further details on this)

10. Old Business:

I. The Garey Farm Master Plan – Town Solicitor Jamie Sharp – I was not at the meeting; but, reviewing the minutes and the notes from it looks like what was proposed was a master plan by the applicant and Council had some concerns about the road width, the curbing and the sidewalk and table tabled that which means the record was closed with no further public comment – you held your meeting already. The process here would be that Council does have a right because this is in the large district overlay zone to give more flexibility to the design as well as the conditions. This applicant does have an annexation agreement with the town and what would happen is the master plan would first go to the commission which happened in March and then it comes to Council. The Council has the right to impose reasonable conditions for safety type concerns and then a final design master plan incorporating those conditions would have to be submitted bringing that to the commission for final approval. At that point, the applicant could proceed with any site plan. Kayla: they did submit a revised. I did share that information with GMB. They took away the asphalt walkways and did 22 foot streets with concrete sidewalks and curbs. (see recording for further details on this) Clay: so, we are adamant that this be a 24 foot wide street and a 5 foot sidewalk with a curb. Jamie: I think if that was the sentiment of Council we need a motion to that effect. You can do a motion to approve the Master Plan subject to revisions based on the engineer's comments that have not made it in the plan yet. You have to make it part of the record. You could make that part of the approval and the applicant would take a final plan to the Commission. Tom: do they have to present that to us before …? Jamie: No. This isn't a back and forth. Commission has a hearing they can make recommendations. Council has a hearing. You can make recommendations and set conditions. Then, the applicant would take that information and provide the final plan showing they have met those conditions and the code. And the

Commission would verify that and approve it. That's what the code contemplates. Sam: So, this letter that we received … Kayla: It would be number 7 where it talks about proposed sidewalks. Clay: so, I make a motion to approve the Master Plan with the conditions of inclusion of the comments and revisions that GMB provided and additionally in the March 18th meeting and additionally that the Council is firm on by providing the setbacks and approvals that we will not move forward without a 24 foot wide street, curb and 5 foot sidewalks as a condition of the approval. Tom questioned the concessions. Jamie stated that the concessions were already addressed. Mr. Hyde's office provided a letter on March 18th with comments. You're accepting those comments and they have to be conditioned as well, they have to be met. In addition, you are saying with a 24-foot-wide street, curb and 5-foot sidewalks as a condition of the approval. Is it your position is that you are helping protect the public health and safety? Clay: Absolutely. Tom: That is the motion. Bob: I second it. A Roll Call Vote was then taken to approve the motion: Clay Walton - yes, Bob Billbrough - yes, Joe Beck - yes, Tom Panas - yes, Sam Noto – yes, motion is passed given the recommended changes to the Master Plan.

II. 2023-2024 Audit Proposal – Kayla Adkins, Town Manager: I have reached out to several surrounding municipalities and town managers for recommendations regarding different audit companies that they have used. Lank, Johnson & Tull is one of them. Another one was PKS. There was a couple firms out of state and one in Wilmington. I was unable to get any quotes before this meeting. So, that is in progress.

III. Annexation Moratorium Resolution – Town Solicitor, Jamie Sharp: I understand that at the last meeting you instructed Mr. Gallagher to compose a Resolution. He worked on one and I tweaked it a little bit. The prior one looked like we were still annexing when we were not. I wanted to clarify that it was a moratorium to allow the town to go through the annexation process with the ones that are already annexed in. Clay: I make a motion to pass the resolution to place a moratorium on further annexations. Joe: second. A Roll Call Vote was then taken to approve the motion: Clay Walton - yes, Bob Billbrough - yes, Joe Beck - yes, Tom Panas - yes, Sam Noto – yes, motion is passed unanimously which is a Resolution for a moratorium on the annexation of any new properties.

IV. War Memorial Update: Dale Annis: The only thing that I wanted to fill everyone in on at this point is you have all seen the work. I reached out to them this morning for feedback and the last thing that I got from them as far as the irrigation system is for later this month. I'm trying to get Jamie and whoever their irrigation system guy is together. This being their busy season, I catch them when I can. Tom: Do we have an explanation about what we wanted them to do first? That was a big deal. Dale: they are the ones installing it, so if they must go and take their work up and put it back down, then that's on them. I was under the impression that it would be done first. I think that they prioritized on getting the cosmetic things done up front prior to the ceremony. To be honest, the way it looks right now if the ceremony was tomorrow, then, I wouldn't have an issue with it. The other question that I would have for the Council because I didn't look this up is was there a timeline? Clay: Absolutely. The minutes reflect that the irrigation was first to preserve any future investment that we made. Dale: But, is it in the contract though? That is the question that I have for you guys… maybe that would be the leverage? There is no dates associated with when the various work should be done to be on time. I really don't think that we have a leg to stand on from that standpoint. The other point that I want to make is that they have cut a lot of costs. So, it's probably not going to be a real high priority. I'm sure they probably have bigger fish to fry. Clay: that's not a very good answer for us. Dale: I'm telling you from my standpoint we're also a customer, so we're between a rock and a hard place here. How much do we want to be aggressive going after a company which has done a lot to help us vs. how patient do we want to be. I'm inclined and leaning toward being a little more patient. Kayla: there's a holdup on the irrigation though because there are things that need to be installed before they can – Dale: that's why I'm trying to get Jamie and their irrigation manager together at the same time because each of them need to work this out. I'm going to continue to pursue it; but, I'm also taking into consideration that these folks are trying to help us. Clay: we said at the meeting that it wasn't a priority to try to jam this in before Memorial Day. But, we were adamantly clear that we wanted to move forward sequentially. That's what has not been done. And then, when I asked you last week and you followed up and checked with her, it was going to be done on Friday. Dale: I can only give you what I've been told. The vendor shouldn't be making statements and reneging on them constantly. Dale: Ok, at this point, if you really need to know that bad, then you need to reach out to them. Dale: I'm trying to be as diplomatic as I can. We don't have a timeline here to say this will be completed by such date. I am very happy with the work that has been done so far. I'm working with Terrie. We've donations from Ace. I've got some pavers; but, I'm not going to do anything until I'm sure they're not going to dig them back up.

V. Reed Property Solar Farm Update – Tom Panas: Kayla, you have some information? Kayla: Yes, so the Reed Property Solar Farm has been reviewed by Davis, Bowen and Purnell and have submitted their comments back to their engineer. They are revising the plan per the comments. It will be on the plan for the May 21st Planning Commission meeting. Clay: we should be copied on that so we know what the Planning Commission is being presented. Kayla: yes, I can copy you on that.

VI. Sale of Surplus Town Property including vehicles – Tom Panas including utility truck and the silver police car. Kayla Adkins: So, the older maintenance truck needed an older part (a shifter cable) which came in and was installed. As per the last meeting, we were keeping the older police vehicle and not selling it at this time. As for the one property that was in question that the letter was sent to Adams, they have received it, I have talked with them. We were researching the procedures for selling the property for the town. As of right now, I have not found a step-by-step process. Jamie: there is nothing specific in the Charter. I know some other towns have specific Ordinances. Tom: is that something that we should do? Jamie: Yes, I think that an ordinance would be appropriate and wouldn't hurt. I can check with Greenwood and send a copy to Kayla for us to get some ideas from it. We may like or not some of what they have written. Clay: so, with no binding conditions, do we want to get a realtor to assess the value of the properties currently? Kayla: so, with the one property the Adams had expressed an interest in buying it should be appraised at the fair market value. All three properties would be appraised at the fair market. The Washington St. property, … Clay: if you run the one property through, you're going to pay a real estate commission, whereas if you and the property owner come to an agreement, then you're going to save the commission. Bob: you don't want to give it away either. Clay: I'm still not sure we're going to avoid going to court anyway on that property based on their handwritten receipt. Let's get the other two taken care of and this one stand alone. Jamie: that receipt doesn't specifically say that property. Clay: It says about a property. Jamie: I think that if they litigated that they would have a tough time proving that, that's my position. Tom: by getting the other two properties appraised, we could get maybe get an opinion on the other property. Clay: Sure. Jamie: I think it would be wise for Council to get someone with a professional background in real estate to give an evaluation of that so that you can make an informed decision. Clay: I can call one of the local realtors and have them come in and walk them through the properties and send Kayla a proposal. Tom: That's fine. Clay: so, we're going to make a motion to contact a realtor and get a proposal on the 3 town properties that are in existence and we'll make a decision on where we go from there. Joe Beck: I second it. Vote: Clay Walton - yes, Joe Beck - yes, Bob Billbrough - yes, Tom Panas - yes, Sam Noto – yes, motion is passed.

VII. Employee Handbook Final – Kayla: So, I believe it was February that it was brought up to me about revising the handbook. I have made sure that everything aligned correctly between the table of contents and the body as well as putting in any grammar edits. Everything has been edited up to date. If there are any questions or changes, then I will need to know. Sam: I have the tiniest edit to propose here so under the pregnancy notice, that's in 4.5 in the 2nd paragraph here the "company" should be changed to town. Jamie: and in the 1st paragraph it refers to "company". Kayla: So, change where it says company to town. Ok. Clay: Did we previously conditionally approve the handbook with the edits? Sam: Yes, let's do that again. Jamie: You want to approve the handbook with the edits to paragraph 4.5 to change the reference to company to read the town. Clay: We'll make a motion to approve the final Employee Handbook Draft with the stipulation that anywhere the company is mentioned that it be changed to town. Bob: I second it. Vote: Clay Walton - yes, Bob Billbrough - yes, Joe Beck - yes, Tom Panas - yes, Sam Noto – yes, unanimously approved.

VIII. Chesapeake Franchise Agreement – Tom: That's the Chesapeake Utility Company with the natural gas line wanting to come into town. Clay: So, I have a comment on it. The proposal that the young lady gave us last month was that they would identify a pathway through town and if it was economically viable they would connect with people in close proximity to the line. As representatives of the town, why would we have certain residents through luck of the draw connected to natural gas and someone else at 3 blocks further get a much higher rate. We have the leverage at this point to see that everyone get a fair rate… If we want to move this forward, there is homework to be done because I'm sure that Ingram has already signed an agreement with Porr's where they put a tank farm in, put fences up. So, there's probably an exclusion somewhere that he's either going to need to be bought out or no natural gas for some time until this is settled. In my mind, they need to give us more information before we can give them permission. Bob: from what I read, it's sounds like they were not aiming to include everyone, only those within reasonable … Clay: Right, and they were determining what is reasonable. I think they need to come back with a lot more detailed explanation before we give them any kind of approval. Tom: Most definitely. Jamie: So, the question is do you want them to come back to see if they are available for the June meeting or a future meeting to come back and answer some of those questions? Clay: Yes, we need them to address some of our concerns. The presenter was a presenter and not in the position to answer the questions with any authority. We need to hear how this benefits Ellendale. Do we table this? Jamie: No, you don't need to table this it's just a motion to direct the Town Manager to contact Chesapeake Utilities to come back for a follow-up presentation to Council. Joe Beck: made a motion based on Jamie's statement. Clay seconded it. Vote: Joe Beck - yes, Clay Walton - yes, Bob Billbrough - yes, Tom Panas - yes, Sam Noto – yes, unanimously passed.

11. New Business: Draft Fee Schedule – Kayla: I am proposing very minimal changes. We have discussed more extensive changes; but, I want to save that for our budget meetings. There are 3 changes that have been made. Two of them are correcting to reflect the ones that were approved previously that Council has approved. One of them is the certification for occupancy –

the fee schedule says $10 and it's actually $50. The other one is the current property tax rate. On page 3 it states that it's $.90 per using 50% it was approve that we use @ 2.00 per 100% using 100% of the Sussex County approved tax rate. So, with the 1997 assessed value we did the resolution that said that we would continue to use that rate. Sam: the 1974 value? Kayla: Yes, the 1974. So, I left that assessed value in there. Then, I added a brand new section which is on page 1 under permits. It is for commercial building permits. We currently do not have a category for that. We will have more of those coming in very soon with the developments. So, I am proposing that the permit be at a minimum of $100 plus $5 for every 1,000 up to 1 million. After 1 million it would be $2 per every 1,000. Part of this proposal is due to the solar field farm that is coming in. We did not necessarily have permitting that applied to them. I did research with the county and other municipalities for their rates. Clay: is there a category that captures windmills, TV antennas … I mean, there's a lot of things that are one offs that we the town has grown and not kept up with. Is there a category where you can lump all other stuff, cell towers, different utility stuff that we can capture that instead of someone coming in and saying, well, you don't have this in your schedule. Jamie: there's a section of your code that is called public utilities for essential uses and there's a list of items that kind of fall under that which your zoning code classifies. That may be a good one to utilize. Kayla: stated she could remove the asterisk and use this category. Clay: with that change, I'm good with moving forward unless anyone has some other questions. I make a motion that with change of the solar to utilities for essential uses to go ahead and amend the fee schedule. Bob: I second it. Vote: Clay Walton - yes, Bob Billbrough - yes, Joe Beck - yes, Tom Panas - yes, Sam Noto – yes, passed.

12 Correspondence

Tom Panas – checked with the other council members. Clay Walton: Just wanted to share on the contract police service. Everyone has questions and concerns about it and it has been talked about for a while. The rate that we're being charged – what we looked at was what we were paying an officer in the past, the benefits of an officer, the FICA portion of his payroll and then the insurance, the vehicle and it's insurance, the gas, tires, wear and tear on the vehicle over time, the ability to work weekends, holidays, off hours, no costs currently for going to court where our town officer is on the clock if he goes to court multiple times or single times, no training hours, no taser training, firearm training, none of the miscellaneous meetings or anything … what we get when we contract the state police is service for 100% of the money we pay! The bottom line is that at the Council's discretion we can cancel them at any time as Bruce, the Chief pointed out earlier, there's not anybody knocking down the door to get in (hiring wise). So, as an alterative for right now, we have this resource to get patrolling officers and we want you to patrol the area all night long, we want you to watch Ponder, we want you to watch Old State road – anywhere we wish to emphasize them to patrol. To move forward and Kayla's working on this to have a police department we need to have a competitive wage, we need to have a management system. We've had officers who signed up for work as part of a parttime thing and their availability was only 6 to 2 or something. There's not a lot of crime in Ellendale at

6 in the morning. At midnight or 10 o'clock at night, or at the bus stop – anywhere is where it is more meaningful. So, as an effort to get police back into the community, this is what we settled on; but, it's by no means written in concrete that this what we have to stay with. It is a step as we move forward here.

13 Executive Session – None.
14 Possible Action on Executive Session – None.
15 Adjournment – Tom Panas – Tom: that was good. With that, if there is nothing else do we have a motion to adjourn? Joe Beck: I motion to adjourn. Bob: I second it. Vote: Bob Billbrough - yes, Joe Beck - yes, Clay Walton - yes, Tom Panas - yes, Sam Noto – yes, passed.
16 President Tom Panas: meeting adjourned.
Meeting Adjourned @ 8:22 PM.

Minutes transcribed by Council Secretary Sam Noto May 20 through 21, 2025