

Town of Ellendale
Regular Meeting of Ellendale Town Council

February 5, 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** – A motion was made to approve the agenda by Clay Walton and was seconded by Joe Beck. 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 (2 sets)** – the transcription of the previous meeting minutes for December 4, 2024 for review or approval at this time as well as the minutes of January 8, 2025. Town of Ellendale, January 7th was a special meeting. A motion was made by Clay Walton to accept the sets of previous meeting minutes. Minutes were seconded for approval by Sam Noto and passed unanimously.
6. **Treasurer's Report** – The report As of December 31, 2024 was given by current Treasurer Bob Billbrough. (See attached) President Tom Panas inquired amount the number of outstanding taxes. Town Manager Kayla Adkins reports that the number is now low.
7. **Police Chief's Report** – The monthly report was given by Chief Bruce Von Gorres. (See attached)
8. **Town Clerk's Report** – was given at the next by Town Clerk Karen Brittingham. (See attached)
9. **President's Report** – President Tom Panas talked about a situation that he was involved with which affects everyone in town so everyone should be aware of it. Tom was driving home one evening where Tom quickly had to apply his brakes. Someone was walking in the middle of the street with their ball wearing dark clothes. If something else would have happened, then I would have hit the pedestrian. We have to address the fact that the town has sidewalks. The town has spent a lot of money on their own plus the developers putting in sidewalks. We need to encourage people to use the sidewalks and the kids. If you watch the school bus, the kids are walking down the middle of the street.

We have to get the word out to use the sidewalks. It's becoming dangerous and with all of these new cars and families coming into town, we've gotta watch ourselves. That's my report. Thank you.

10. Committee Reports:

- **Community Outreach** – The Community Outreach report on the various was read by Kayla Adkins. (See attached for details)
- **Police and Emergency Response Committee** – Per Tom Panas: The committee chair is not here; but, I can say that we did not have a meeting in December. We are scheduled for a meeting in January and are trying to regroup moving forward for this year. Terrie Ottomano pointed out that it is too late to schedule the meeting in January since we are past the posted announcement date. Tom responded that the meeting will then be scheduled for February.
- **Visitor 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.

Virginia Weller – Wished to thank Jamie of the Maintenance Department for the job which he did with snow removal being out long hours and many rounds over the span of two days of snow removal.

Patsy Young – I just wasn't here for the last meeting; but, under old business the Ponder Road update. Council responded that there is a report coming up on tonight's agenda. Also, Patsy wanted to know about the Police and Emergency Response committee's report. Patsy is trying to regenerate interest in the committee to try to protect the town.

Debbie Shorts – Ellendale. I think we need some clarification as to who is eligible to be on the Election Board. Although it may not have been intentional, my understanding is that someone was an election official during the Annexation voting that doesn't really live in town. So, they got paid; but, they may not have been eligible to be working there. And so, I think that we need to familiarize ourselves with the charter to see who is eligible and who is not. They must have an Ellendale address and live in the town. Another thing is there an issue with the phone because I have tried calling down there and it just rings and rings and I can't get an answer. I've talked with some neighbors as well and they just can't get through.

Kayla: There is nothing wrong with the phones. We answer them unless we are in a meeting or working on stuff. We check and listen to the voice messages afterwards for returning the calls.

Debbie Shorts: Is everyone being bonded and getting background checks?

Patsy Young – when we do the polls explained as a polling judge the items that are checked to ensure that only residents are voting.

Stacia Billbrough – regarding the sidewalks. There are a lot of people parking and blocking the sidewalks causing people to go out and around. I just wanted to mention that and see if anything can be done about people parking in the pedestrian walkway.

11. Old Business:

- I. The Ponder Road Update – Kayla Adkins, Town Manager: There is a concern with large vehicles driving down Ponder Road. We are looking into having a study done with regard to these vehicles use of the road. Tom Panas also made reference to a study to prohibit the use of heavy vehicles on the road. Jamie is also looking into contracts to repave the road per Clay Walton. A letter from Peter Haag was received. (see attached)
- II. Department of Public Works Standards and Specifications Manual – Clay Walton made a motion to table further discussions on the manual until everyone's had a chance to read it. Joe Beck seconded the motion. Council voted unanimously to table the agenda item to a future meeting.
- III. Security Camera Update –Clay Walton: it's inched a little bit further now. DelMarva Power has found what they have needed with the Public Service Commission's help and we will not have to install meters on every pole for every camera as they were alluding to before. So, we can have unmetered electric to the cameras which puts them in the same category as a streetlight. So, now we're waiting because they don't have a mechanism in their billing to bill us for the cameras the way that they bill us for the streetlights. So, they must create a line item in their billing system to bill us for the cameras. Then, we can move forward, buy the cameras and put them up. The billing for engineering will be worked out to adapt the camera to attach to the electric source.
- IV. Planning Commission Vacant Seat Appointment – Tom Panas: We have advertised and put it out there and we do have a letter of intent. We've had one young lady Sabrina Young, she lives in Ingram Village, so with that she can be on the commission we just need to have a vote to send her to the commission to be sworn in. (See attached letter of intent) Clay Walton made a motion to add Sabrina to the Planning Commission. Seconded by Joe Beck. A unanimous vote of approval was taken.
- V. Thomas W. Berry, III Memorial Bench – (See attachments) Much discussion centered around this topic. Tom Panas: We reached out to Rogers Sign Co., Inc. to provide us with various options. The proposal that we originally had was different from the one which they came back with. We've been in touch with them and they have said that they can do pretty much what we want. The one that they

proposed was all metal where originally, we wanted the one with the composite seats. So, let's look at the pictures and take any other suggestions from Council as to preferences. Joe Beck: I like both. Kayla: there is one bench being placed in the cemetery. Tom Panas: Yes, and our bench will be placed in the park. Currently, the mothers are in the park with their toddlers and there are no seats to sit upon. With that in mind, the town is considering having more than one bench there. In the future, if some citizen wants to dedicate a memorial for the other bench, then we could do so. Karen Brittingham: originally in the catalogue, the composite bench had a lifespan guarantee. The reason that the fire company went with the metal one was more weather friendly than the composite which chips, cracks, etc being out in the sun and weather elements. With the metal, it must be on a surface and not on the ground to prevent rust. There's pluses and minuses; but, that's why they went with the metal bench. Clay Walton: so, if we looked at the engraved benches vs. the plaque, the benches that are engraved would mean for any engraving, maintenance that bench would have to be pulled and sent to engraver. Especially if the bench starts to degrade vs. bolting something on. Joe Beck: personally, I like the metal benches better. I think the composite leaves itself open to vandalism. The benches I've sat on they all seem to sag over time. Sam: either one is fine with me. I'm ok with each design. Tom: The metal bench with the plaque gives us the flexibility if they want one with a name or a symbol they could go either way. Sam: right. Tom: whatever bench that we get we want it to set on a concrete pad. Clay: the guy that did the sidewalk said it was like \$400 for each section of sidewalk which is roughly the size of a bench. Joe Beck: what about using footers. Clay: the idea of the pad is to keep weeds out from underneath and prevent the need for repainting. Tom: colorwise for the Town Park? Green was the preferred color. Clay recommended uniformity with the plaques for name, logo, color to keep the benches look the same. Tom: let's have a motion: The question was then raised by Clay and echoed by Joe as to the number of benches that should be purchased at this time. Kayla then mentioned the prices associated with the benches. Prices were quoted for the plaque and installation as well. Kayla: We need to put for a motion proposing the bench purchase. We need to keep the benches separated. Tom Panas put forth the selection for the Thomas Berry bench to be the green metal bench with the plaque as previously discussed and presented and Joe Beck approved the motion. Bob Billbrough seconded the motion. The motion passed and was unanimously approved with positive yes votes. Clay put forth further the idea of purchasing four (4) benches for future use and continuity and consistency in appearance. The purchase of 4 still being below any threshold of large purchase items. Joe Beck made the motion to purchase three (3) additional benches which was seconded by Clay Walton and unanimously approved.

- VI. Ingram Village Tax Ditch Update – Karen Brittingham: they are in the process of cleaning certain parts of it. (See attached letter from Justin Witters) Justin is working with DNREC on the project.
- VII. Subdivision Updates: Cedar Creek; New Dale Acres; Forest Landing – Kayla: piggybacking on Karen's report (See attached) 18 permits with New Dale Acres; working with Cedar Creek as well; Karen: we attended a pre-construction meeting with DelDot regarding Old State Road @ Forest Landing. Part of it was put on hold because DP&L was replacing poles. They are keeping us in the loop. Right now due to the temperatures the asphalt plants are closed. They sold like 63 lots. New Dale Acres there are 18 Town Houses. The conceptual design for Cedar Creek Landing is coming in to the planning commission; and WaWa has submitted a set of plans. (See attached)

12. New Business:

- I. Employee Policy Draft Review – Kayla Adkins: One of my premiere tasks upon my hiring as Town Manager was to construct an employee manual. So, I compared ours with other town's manuals. Made changes including our policies which we wanted to have in our manual. I have received some feedback with some edits to be made from council input. Let me know if there are any further comments. Sam Noto: I just have a couple of edits, nothing major; but, I just wanted to thank you for the wonderful job that you did. It is just a wonderfully organized and well written document and I think that you should be very proud of the work that you did on that. Joe Beck: I think that you did a great job. The only thing that I've noticed so far is a misnumbering of a section. Kayla is working on correcting that. Also, working on the Bereavement policies and Drug and Alcohol policies changes. Clay Walton: So, for the benefit of the other 3 members, we are acknowledging the vacation policy which there had not been a vacation policy honored for the employee for Jamie. So, effectively, by certifying this Jamie is going to jump to 3 weeks of vacation. So, we will be implementing this at the same time. The original document called for vacation; but, then he was moved to part-time, so this clears all that up. So, I make a motion that we accept the new document and the amendments that will be presented to Kayla correcting the document with one final review. The motion was seconded by Joe Beck. Votes were as follows; Tom Panas – yes; Clay Walton – yes; Sam Noto – yes; Bob Billbrough – yes; Joe Beck – yes.
- II. Ingram Village Speed Bump Repair – Kayla Adkins: So, during the last snow that we had, Ingram Village hired their own snow removal companies and unfortunately during that they damaged some of the speed bumps while Jamies did the roads within town and there was no damage to any speed bumps in town. So, I have had some calls and spoke with Ingram Village representative and they will pay for the repair. Once the weather gets better, Jamie has already begun some repair to the ones that were damaged. Joe Beck questioned the

extent of the damage and Kayla responded that some of the spikes were damaged; but, the speed bump itself was fine and reusable. Jamie will be reimbursed for his time spent on the repairs.

- III. The Reed Property Solar Farm Update – Karen Wittingham: When the Reed property was annexed into the town of Ellendale, it was already in process through Sussex County for use as a solar farm. So, when we annexed it into the town, we inherited a solar farm. They came in to pull the permit and we basically said it's no problem we just wanted to receive full documentation outlining all of the agreements and conditions associated with the property to be used as a solar farm. In doing a little research on solar farms, solar farms have a little bit of a dark side. If a solar farm is damaged, then you cannot recycle the stuff that comes out of it. There is chemical damage to the ground so you can longer use it for agricultural purposes. A tornado like we had last year makes it extremely difficult to extract the broken glass from the land. Bottom line, we are discussing this with Liam and I believe the town should ask for a decommissioning bond to cover in the event that the solar farm fails, then it is not at the expense of the town of Ellendale to recuperate any of the losses. Clay Walton: So, this sounds like we are asking for insurance on a property which is privately owned. Shouldn't the property owner be responsible for this? Karen: we're just trying to ensure that the town is protected. Liam: So, we are just at the preliminary stage of looking into this. We are going to research it some more and a bond may not be necessary; but, at this point we're just indicating that this is something which we need to look into and we will bring it back before council. Tom: how do we tax it? Karen: we tax it as commercial land.

- IV. New Property Tax Assessment/2025 Tax Rate – Kayla Adkins: Everyone knows and is concerned with the new Sussex County tax assessment that has come out. So, we have come to the decision that it is not in our best interest to use the new tax assessment this tax year because of the fact that there are still appeals happening with Sussex County and we don't believe that we will receive all of the up-to-date tax data in order for our tax bills to go out. So, I am proposing that we use the same old assessments of our properties as well as keeping the tax rate the same for this year. We will reassess for the 2026 year once Sussex County has worked out the kinks, gone through all of the appeals process and the new data comes out. Then, we will reassess our tax rate to go along with implementing the new assessments. Liam: Tom, Karen has indicated to me that according to the Charter, we must use whatever information is provided by Sussex County. I would ask that we table this till next month so that I can review the charter and whatever it requires of us for using tax rates and assessed values. Tom: Ok, I had this understanding that other towns were also doing it. I guess it's just because

of our charter that you're saying it. Liam: Yes, that's correct. Clay Walton: So, hold the rate the same, some may see an increase where others see a rebate if the assessment goes down. If we pause it going forward, Sussex County can only increment 10% per year. Sam Noto: but, we can change the rate. Clay: yes, we can change the rate; but, we are going to have to wait to see what Sussex decides. Karen: I would also suggest that there be a period for appeals when it does change so that residents could come in for their questions and explanations to their tax changes.

- V. Newsletter distribution process – Tom: Mr. Ottomano presented a proposal. Kayla: of us making the copies and a local company will mail them out for us. Tom: So, Tony will still do the process of putting it together and printing it. We will give it to this company and they will get it folded and mailed out. Kayla: yes. Tom: on their bulk mailing stamp. Kayla: yes. Tom: So, as we are moving forward with all of the building for the town, this will be a big plus as far as the intensity of labor. Further discussion centered around whether the newsletter should be included or not with the tax billing; but, kept separate. Clay made the motion that we give a try this new way keeping the two events separate. Joe Beck seconded. Votes were as follows: Tom Panas – yes; Clay Walton – yes; Bob Billbrough – yes; Joe Beck – yes; Sam Noto – yes.

13. Correspondence

Tom Panas – at this point, there is no correspondence to bring forward from other council members. Clay Walton: Addressing the sidewalk situation as discussed earlier, we need to address this as there seems to be a gray area as far as the enforcement aspect of vehicles and objects blocking the sidewalks in people's driveways, illegal parking, jay walking, etc. Chief: According to Delaware law he can write tickets for certain laws when broken under this purview if it's in the roadway; but, not on private property. Karen: this should fall under once we accept the responsibility under the dedication of the streets and sidewalks of the infrastructure that anything in violation of our town codes should be enforced. This is way, way overdue and we want to make sure that all the I's have been dotted and the t's crossed. We need to sit down with Liam to determine what we are going to be responsible for. Clay: (to the Chief) with that, does that give you the ability to ticket anyone in violation? Chief: Yes.

14. Executive Session

Tom Panas – asked for a motion and Clay Walton made a motion to go into Executive Session seconded by Bob Billbrough. Voting roll call: Tom Panas – yes; Clay Walton – yes; Bob Billbrough – yes; Joe Beck – yes; Sam Noto – yes.

Return from Executive Session - Clay Walton made a motion to return from Executive Session. Joe Beck – seconded. Voting roll call: Tom Panas – yes; Clay Walton – yes; Bob Billbrough – yes; Joe Beck – yes; Sam Noto – yes.

15. Possible Action on Executive Session – No action necessary

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

Meeting Adjourned @ 8:43 PM.

Minutes transcribed by Council Secretary Sam Noto February 7 through 21, 2025