

Town of Ellendale
Regular Meeting of Ellendale Town Council

November 6, 2024

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 by Karen Brittingham and the following council members were present:
Joe Beck – Council Member at Large
Tom Panas – President
Clay Walton – Vice President
Sam Noto – Secretary
Mr. Jamie Sharp – Town Attorney
Karen Brittingham – Town Clerk
4. **Approval of Agenda** – Jamie Sharp noted that there is a public meeting to be scheduled and held here this evening which was not on the agenda and wished to bring that to everyone's attention. Karen Brittingham also brought up the need to go into an executive session which was not indicated on the agenda as well as Mr. Sharp, which amends the agenda accordingly for item 14. A motion was made to approve the agenda by Joe Beck and was seconded by Clay Walton to include the amended changes. A Roll Call Vote was then taken to approve the agenda: Joe Beck – yes, Tom Panas - yes, Clay Walton - yes, Sam Noto - yes.
5. **Special Public Hearing for the Annexation of the Short Farm, LLC** – Karen Brittingham:
19.11 acres on N. Dupont Boulevard at the corner of U.S. Route 113 and Beach Highway known as State Road Route 16. The property is owned by Short Farm, LLC. Maps were included and presented by Karen Brittingham indicating the proper location of the property being discussed. They are not annexing any improvements to the site at this time and there are no homes. Basically, you are looking at a property that is located across from the Exxon Station and the Royal Farms and is adjacent to a telecom tower and is contiguous to existing properties located within the town of Ellendale. Therefore, the property meets the requirements and approvals for annexation into the town of Ellendale. All documents associated with this annexation are available at the Town Hall. The agreement has been approved by the State Planning Commission we have a letter stating it is eligible for annexation. Surveys have been received from

Artesian Water, Delaware Electric, Ellendale Police Department, Ellendale Fire Company, Chesapeake Utilities, Comcast utilities and Sussex County Sewer. Ellendale Town Council approved a resolution for the annexation. The property was properly posted, advertised and notified. I would like to officer Les Schaeffer for helping with the postings. A special election is set for Saturday December 7th, 2024, at the Ellendale Town Hall located @ 200 McCaulley Avenue 9 AM to 3 PM. A special meeting is scheduled for Monday December 9th @ 7 PM in Town Hall to announce the results and if approved adopt a resolution to approve the annexation. Attorney Jamie Sharp pointed out that the scheduled dates are tentative based on the outcome of tonight's meeting in which public discussion will be held on the property. Jamie asked that any subsequent discussions this evening be germane to this topic. Tom Panas asked each resident before speaking state their name.

Virginia Weller – I just wanted to know how our police department is going to handle this given the amount of current coverage and availability on Saturday and Sunday incidents. Both Karen Brittingham and Tom Panas responded – So noted. The public comment time was closed with no further public opinions raised. Karen Brittingham then voiced a need for a motion to approve the annexation of the property. Karen voiced that she would read aloud the resolution. Jamie Sharp interjected that he would read Resolution 24 for the annexation of the property into the Town of Ellendale and proceeded to read the resolution with the detailed parameters outlining the confines of the property. Clay Walton then made a motion to accept Resolution 24 and Joe Beck seconded the motion to accept Resolution 24. President Tom Panas then called for a vote:

Mr. Joe Beck – yes, Mr. Panas – yes, Mr. Walton – yes, Mr. Noto – yes.

Karen Brittingham: Mr. President, the resolution passed unanimously.

Mr. Jamie Sharp: I do have the resolution here for signature.

6. **Approval of Previous Meeting Minutes** – Tom Panas: We have the minutes from the regular meeting of October 2nd. Do we have a motion to approve the minutes: Sam Noto made a motion to approve the minutes and Joe Beck seconded the motion. Vote: Joe Beck – yes, Sam Noto – yes, Clay Walton – yes, Tom Panas – yes.
7. **Treasurer's Report** – Was provided by current Treasurer Terrie Ottomano as of September 30, 2024 from QuickBooks. The income and expenses were reported given pertinent activity for the month. (See attached report for details.) Karen Brittingham requested a motion to approve the Treasurer's report. A motion to approve the Treasurer's Report was made by Clay Walton and seconded by Joe Beck. Roll call vote: Joe Beck – yes, Tom Panas - yes, Clay Walton - yes, Sam Noto - yes. Motion passed unanimously to accept the Treasurer's report.
8. **Police Chief's Report** – The monthly report was given by Chief Bruce Von Gorres.
See attached report for details.
9. **Town Clerk's Report** – was given at the meeting by Town Clerk Karen Brittingham.

See attached report for details.

10. President's Report – President Tom Panas: At this time, I would like to bring up a council objective:

- Structure: The Town of Ellendale was founded and assembled with structure.
- Over the years, changes and improvements were made and put into place.
- Also, over those same years, the plan and the structure have deteriorated in the later years.
- This council, these people at this table are not recreating Ellendale; but, are putting back into place the structure which is needed. With that said, it can appear that moving forward with the re-establishment of the structure will have obstacles and setbacks. Establishing a sound foundation, our structure will keep Ellendale on track and become a successful township.
- In closing, The year 2024 is coming to an end. This month the citizens will have an opportunity to take part in the 2025 council. Two positions on the council will need to be filled. Consider yourself or talk to a neighbor; but, some individuals need to step up and be part of the solution in continuing to build the foundation for a solid structure. This concludes the President's Report.

11. Committee Reports:

- **Community Outreach** – Committee Chair Terrie Ottomano. Gave a report of the activities and plans of the Community Outreach Committee and events.
- Candy Rain
- Terrie thanked the judges of the costumes competition: Karen Brittingham, Diane Noto and Samantha Beck.
- Upcoming Veteran's events and recognition of town veterans Councilmen Tom Panas, Joe Beck, and Dale Annis, Ms. Patsy Young in honor of her husband who served.

See attached report for complete details of the other events and activities.

Tony Ottomano: provided a separate proposal and presentation for the purchase of a new folding machine for Town Hall for the purpose of the folding and mailing the quarterly newsletter as well as tax billing and other correspondence mailouts from the town.

See attached proposal for details

Clay Walton wished to do further research into the matter and options available.

- **Police and Emergency Response Committee** – Per Deborah Shorts: We had an extremely low turnout last month. We did have activities surrounding the lighting in the town providing more visibility throughout. We had residents attending the sign-up events for available installable fixtures to be provided with property security.

About 40 to 45 residents attended the events. Generally, they were installed within 2 to 3 days. We are trying to encourage people to join the Neighborhood Watch Program. We have gotten some safety gear donated by DelDOT. I was interviewed by Zakiya Jennings of WRDE news regarding the Neighborhood Crime Watch Program. Deb announced her stepping down from the committee due to health issues. Ellendale Chief of Police acknowledged and thanked Deb Shorts and Virginia Weller for contacting and reporting to him incidents that occurred. We do have a neighborhood watch program and it is going very well just by people reporting what they see to the authorities. Ms. Patsy Cline announced that she would step up and chair the committee.

- **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.

Tony Ottomano – Elected officials and Town Council members should be acting on the best interests of the Town. Personal agendas and baggage should be left at the door. In the past, some have said that; but, didn't necessarily do that. There are 3 major issues: delayed decisions can have a very negative impact on the town of Ellendale. How is reducing our police force by 1/3 in the best interest of the town? After ten months, we are now back to a chief and one captain who works primarily on weekends. Replacing police officers is difficult and financially more than substantial. Meanwhile, this town is soon to increase over double in size. Seems to me, something more should have been done to alleviate this situation. Additionally, the town has been without a Secretary position on the council for over 36 days now. There was an opportunity to fill this long before the November meeting. Yet, we sit here with four members and no secretary. Yes, the Charter is flawed and needs major revisions; but, it still needs to be followed, not interpreted to be convenient when needed to do so. The position needs to be filled within 45 days with a council member. Nine days remain, that's November 15th. I asked who's making decisions or not to make decisions because nothing appears in any of the town meetings minutes. Are all the council members aware of and included in these decisions? I ask the council to remember that the town voters put three of you where you are and they are counting on you to get this right.

Terrie Ottomano – August 2022 the Council and town voted on increasing the town taxes which in effect doubled the taxes for the residents of Ellendale. The catalyst to increasing the taxes was to improve the police department of the town looking ahead to the influx of homes to be built. My concern is what exactly do the town residents get by paying their taxes.

Melissa 601 Washington – We have all these other reports and I was just curious as to where I can find any maintenance records. We have been doing a lot of events held for our kids such as at the park. When was the last time that it was inspected, preventive maintenance or anything else like that? We have a lot of revenue coming in now. The one thing that I want to make sure of is that we have a safe environment there for our kids.

Patsy Young – Ever since I was on Town Council I've been coming down here to meetings and we used to have a crowd. Something is wrong. You can feel it, you can see it in the faces of council. I don't know what's going on; but, we need to get it together. We have to work together and this is the only way that this town is going to grow. Like we were saying with the policemen, you need a lot of help and what I'm saying to the Town Council is that no one person can make the decisions. You have to have a president do his job, so let him – he is a good president. There is a lot of stuff you hear that's going on; but, Ellendale, we need to get it together. If not, we're going to go down. We say we all love one another; but, it's sad when the town can't get along. So, we need to get it together.

Penny Sharp – this is my first town meeting. I've lived in town for about four years now. I've lived in Sussex County all of my life and I've never lived in a town where we basically had only 1 police officer to be able to do the job of more than 1 police officer. I know the town is small; nonetheless, it is a town which is growing. And in a growing, we are going to need more presence I do believe. And being that I live on Main Street, I see these trucks come barreling in and these trucks come flying out. And with me being on the end I can really see them coming especially the big trucks that come in they pay no attention to the speed limit signs. My house shakes as they come through. I've seen Mr. Bruce and when I see Les around town there is a difference because there's a presence and you see it. And I knew from the time that I was 16 years old that if you're going through Harrington, you'd better slow down. In Greenwood, you'd better slow down. Ellendale it doesn't seem like you have to slow down anymore. If you see the police, you see someone out there, it is a difference.

Janet Saline – 911 Ponder Avenue. Ever since before Covid I have complained about the road. Nobody got back to me about it. There's like a hump in the road now. The road is all messed up.

Virginia Weller – Mr. Panas and Ms. Brittingham called and asked me for my resignation letter. I'd like to know where my check is. And the other thing is that I see Jamie out in that park cleaning up just about every time that we are out walking. So, the park is being maintained.

12. Old Business:

- I. Annexation Update – Tom Panas: yielded the floor to Karen Brittingham
Karen: Mr. President, I believe that we covered most everything during the presentation. The public hearing we know now that all of the requirements have been met. The resolution is now being signed and notarized. The election date and formal meeting date are being set. All we need to do now is to process it through the voting. I want to remind everyone that this is an annexation that was started long ago and we are in the process of wrapping it up and we have put a moratorium that no further annexations will be received until we review the process.
- II. Department of Public Works Standards and Specifications Manual – Tom Panas: Is completed and waiting approval. Moving forward, we would like to have a motion to take a vote on that so that we can apply for grants with that. Without it we can't. Mr. Walton: we don't have it, we only have the template.
Karen: The manual is about 98% done with all that I can do with it. Clay: we need to table this then until the next meeting until it's completed and can be reviewed. Copies will be available before the December meeting and give you time to review them.
- III. Employee Benefit Review - Tom Panas:
 1. The Employee Handbook, Clay can you fill us in on where we are. Clay: We have a number of tasks to knock out. putting the packets together. The review is not yet finalized. Hopefully, that is something that will be completed by the next meeting in January.
 2. Salary Review/increase - Tom Panas: We approved at the last meeting that we had a certain amount of leeway to go with the hourly wage increases with all the employees. The first part that went through was for the Chief and police department so that has been put in motion. We sorted out our Town Clerk situation with that position and we are moving forward with that amount from last month's meeting. Our last employee will be Jamie and we're moving forward with that within the budget that our 2025 budget put forward.

13. New Business

- I. Vacant Council Position - Tom Panas: There is a vacant council position. We are formally announcing that the position is open and are requesting letters of intent. The window will be open for the next week so for yourself or anyone else that you know that would like to fill the vacant seat to the end of the year. Please submit your letter of intent and we'll bring it up and have a special meeting. It will be a one-week window so that will make it 11/13 that the letter of intent will have to be in. And then on 11/14, a special meeting will be held to go through the letters, the vote and fill the seat.

- II. Construction Hours – Tom Panas: Proposed changes to the existing Ordinance. It was noted on the annexations and going through the meeting with the developers that for the most part everything was in order. Monday through Friday, Saturday and holidays; but, Sunday was left out. So, we must add that to the Ordinance to make it a permanent resolution. So, at this time, I would like to have a vote that under our construction hours we add the word Sunday to permit any work done by contractors on a Sunday. Karen: Mr. President, I would also recommend that if you are changing the Ordinance to include that along with Sunday change that the hours be posted at the site so that there is no misinterpretation of when the people can be on the job can read the published hours on the sign so there is no argument with the hours of operation allowed. Tom Panas: in the resolution can it be stated that the developer provide that sign? Karen: This is not a resolution, it is an ordinance, so I'm going to refer that to the attorney because I think that is beyond my scope. Attorney Jamie Sharp: You can make that part of an Ordinance. Typically, that's done in the Site Plan. I think that it would make sense to do that during the formal writing of the Ordinance process. That chapter and verse can then be cited by a council member at a later date. Then, if it ever comes up you can say well here's where it is. You would have to look to see what the enforcement is on that if someone violates it. Clay Walton: You may want to check with Milton and see what they do because I know that they enforce theirs. Karen: It is my recommendation that you table this until you can research it completely. Attorney Jamie Sharp: Yeah, I think that you should find out what other towns do and compare it with what you have on the books. Get some feedback, then draft the Ordinance. Tom Panas: Proposed a motion to discuss at the next meeting. Joe Beck – Yes, Clay Walton – seconded. Roll call vote: Joe Beck – Yes, Mr. Walton – yes, Mr. Noto – yes, Mr. Panas – yes.

- III. War Memorial Maintenance - Tom Panas: yielded the floor to Dale Annis. Dale Annis: The statement on the agenda is a little inaccurate. I wanted to come up here and propose to Council what I originally proposed which was to codify and action committee because what was done was ad hoc and almost died on the vine. There was never any furtherance or documentation or authorization to go out and do any fundraising. If I did, there was no way to document the funds to the General Fund for any improvements, I had no authorization to go out and seek bids. The kind of stuff that I really wanted to do the solicitor said don't assign anybody because then you must take minutes. That kind of defeated the purpose of the whole thing. So, three councils later, the whole thing that I was trying to do was to avoid situations like we're in right now. There is no defined responsibility. We don't have a definite person to talk to and that stuff could be fixed if you all would just make an actual committee. A legit committee that has a monthly meeting would hold my feet to the fire because I have life just like the

rest of you and if I have an obligation to go meet with people, then I'm more likely to do it. That committee I will volunteer to be on it. The other thing that I want to do is propose that instead of the War Memorial Committee would be Memorials and Ceremonies. This ad hoc setup is not working. I feel that this committee could be dovetailed under the Community Outreach Committee. I do have a pitch of a number of ideas that I could bring to the committee. Clay Walton: Are you looking for an appointment would you recruit your participants? Dale: Yes. Joe Beck: I'm on the Outreach Committee and hardly anyone come. She was just saying that for the Police Committee – nobody comes. So, to me, the War Memorial is an important part of this town. I was suggesting that we put it back on our maintenance department. Attorney Jamie Sharp: With regard to Mr. Annis references from prior solicitors and councils, one of the challenges of committees that come from council is that they are a public body themselves. They are subject to FOIA, they are subject to open meeting laws, they are subject to all those things which are difficult to navigate. Ellendale has a lot of folks who are passionate about and very involved in the town and want to help. It's a blessing in a lot of ways. However, from a committee and structure ship standpoint, it does lend itself to if you have so many committees, then you have more layers of your government which need to be followed because they are a body which makes a recommendation to this public body which controls the purse strings. I say that as your solicitor because it is something that you need to take into consideration whenever creating committees and what authorities those committees can have. I don't believe that committees can have the authority to enter into contracts on behalf of the town. That must come to Council. Dale Annis: Yes, I believe the committee should be able to put proposals together much like Tony presented earlier after doing some research and let the council decide and approve such projected proposals. Clay Walton: Is it possible with say "Friends of Ellendale" that Dale could form a group? And be awarded responsibility to maintain that would not as a FOIA required government meeting where it would be a volunteer entity? Jamie Sharp: They can't bind the town like you might see this down at Fort Miles and that's a little different because that's a state agency; but, the concept is similar in that they have "Friends of Fort Miles" where they will do whether it's fundraisers or events. Dale: Are they legit like a 501-C? Jamie Sharp: I don't know their status. Dale: You're talking a lot of legal work, filing ... all that to accomplish that and I'm not looking to raise that much money. Jamie Sharp: I think that the goal as I see it is admirable; but, you're going to have to think about how best for Council to address that under the existing structure of the town. I think that Mr. Annis' point is valid in that he in speaking with someone needs some gravitas; but, at the same time we have to balance that with some type of authority that has to come from Council. Terrie Ottomano: Dale, you had expressed the need for a council person to participate

in that. Dale: I don't want to say that I've changed my mind or am telling them what to do. These guys already have enough on their plate. I don't want to go that far. Terrie Ottomano: There are already committees that we have like Community Outreach which already have a council person on it. Dale: I'm not sure that this fits under that committee. We're not talking about safety or utilities anything like that. I think if we already have a committee and report back to you that would not increase the load to all of you. Tom Panas to Terrie: Do you want a sub-committee under the Outreach. Terrie O: I don't see why we couldn't. Dale: I think that it would dovetail very well with you guys. Terrie: I agree; but, I think that we need to separate the maintenance. Jamie Sharp: What you could have is Community Outreach bring that in and look at that as something more as a charge that they have to do. Then if they find maintenance issues that they be brought to town staff where you have someone to dedicate the maintenance to Mr. Beck's point. That way you're not creating any extra layers of committee; but, facilitates the ability to address the needs with the memorial. Terrie to Joe B: what are your thoughts? Joe Beck: I think that the maintenance should fall to the Town; but, I have no problem with Dale being part of the Community Outreach Committee. We hold events there and Dale's presentation at the last event was one of best, so I'd like to keep that going. I don't have a problem with it and I think that it's a great idea. Dale: One of the things that I'd like to address is to get the landscaping modernized. Clay: This would be where you would have a sub-committee and Dale would be lead. Dale: I feel better about that than what we had going on. Jamie Sharp: Just don't call it a sub-committee. He can be a member of the existing Community Outreach Committee. Dale: spoke of using some cadets from the military academy assist him as well with planting flowers and such for service hours. Karen: we need a motion to put this back into Community Outreach. Jamie Sharp: make a motion to put the War Memorial under the Community Outreach Committee as part of their charge. If they see maintenance issues, then notify the town staff. Clay: I make a motion to place the War Memorial and Dale to the Community Outreach Committee and we are going to have the town Maintenance Department take a more active role in the day to day maintenance of the whole War Memorial area and leave the beautification ideas up to the committee. Sam Noto – seconded. Tom Panas: we'll have a vote: Joe Beck – aye; Clay – yes; Sam – yes; Tom – yes.

- IV. Election Personnel for Annexation Election - Tom Panas: We will need three election officials to run the voting machines at the Town Hall for that December 7th vote for the annexation. We're looking for 3 volunteers to be judges. Clay: Verifying residency, verifying IDs. You must be of voting age. Tom Panas: If I'm not mistaken, I believe that you get paid \$100. Karen: Hours are 8 to 3:30. Diane Noto will be one.

14. Correspondence

Tom Panas:

- I. Sussex County CDBG Grant Assistance Offer - Tom Panas yielded to Karen Brittingham: Mr. President, we received two letters. The first one being from the Sussex County Council has authorized Sussex County Community Development Housing Department to assist within Sussex County with assistance of the application for a community block grant. Just to note, we have participated in this program in the past. You must have at least four targeted homes to qualify for the grant under their rehabilitation program. They also include infrastructure projects. I just wanted to inform you and mention that we do a little bit of research to respond back.
- II. Entrust Solutions Group – the LED Conversion: Tom Panas yielded to Karen Brittingham who said the following:
We received a letter from DP&L that we are working on the LED conversion for the town of Ellendale. They have recently approved the design for the work and they are sending out contracts for the work. They are replacing the street lights with LED lights.

15. Executive Session

Tom Panas – At this time the Council is going into an Executive Session to take care of some legal business. Motion for go into executive session – Clay; Sam – seconded.

Clay: I make a motion to come out of Executive session. Joe Beck: I second it.

Tom: motion carried.

16. Possible Action on Executive Session – We now have a candidate for the part time position of Town Manager. We would like to have a motion to offer her the position. I would like to contact her tomorrow and take care of that. Sam Noto: I make a motion to accept candidate A. Clay Walton – second it. Tom Panas: we'll have a vote: Joe Beck – yes; Clay Walton – yes; Sam Noto – yes; Tom Panas – yes. So, the motion is carried to move forward and offer the candidate the position of Town Manager.

Tom Panas: Under the public comments, there was an issue in Shorts Alley near the corner of McCaulley and Shorts Alley that the road has problems with it. When I first received this public comment, Clay and I addressed it with the maintenance man and moved forward with that. I received another public comment that was left here the barrels on the street and the signs on the road that they have been there too long. Clay: that's the paving project. Joe Beck: on Washington Avenue I still have a sign buried in the ground that they have left from when they did the sidewalk project and I'm about ready to take it out. Clay: So, it's not barrels on 16? Joe Beck: I think it's that too. I think it's a

combination of ... Tom Panas: So, we'll look into that. Karen: Just an update on the route 16 project. All of that is inactive and will not be resumed until June of 2025.

17. Adjournment – Tom Panas – Joe Beck: motion to adjourn this. Motion to adjourn – seconded by Clay Walton. Roll call: Joe Beck – yes; Clay Walton – yes, Sam Noto – yes, Tom Panas – yes.

Jamie Sharp: I need some signatures on this Resolution.

Tom Panas – yes.

Meeting Adjourned @ 8:46 PM.

Minutes transcribed by Council Secretary Sam Noto January 31 through February 3, 2025