

BOARD OF PUBLIC WORKS

Regular Meeting Minutes

October 26, 2016

4:00 p.m.

City Hall Council Chambers

114 E Third Street

1. WELCOME, CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

At 4:00 PM President Alfred welcomed everyone, called the meeting to order and led Pledge of Allegiance. A moment of silence was observed for our troops serving our country.

2. ROLL CALL

President Alfred stated Jack Leshner is out of town all other Board members are present. Also present are Darrin Gordon, General Manager, Glenn Mandalas, Legal Counsel and City of Lewes Mayor Ted Becker.

3. REVISIONS AND/OR DELETIONS TO THE AGENDA

Item #6 removed

4. CONSENT AGENDA

- a) Receive the General Manager Monthly Report
- b) Receive Severn Trent Report for September 2016
- c) Receive President Report
- d) Receive Vice-President Report
- e) Receive Secretary Report, Approve Regular Minutes September 28, 2016
- f) Receive Treasurer Report
- g) Receive Asst. Treasurer Report

INFORMATION/DISCUSSION: D. Preston Lee asked why the Industrial Revenue is down almost 40% from last year. Darrin Gordon; SPI had an shut down for over a week and they had less production. Robert Kennedy; information form, what is the purpose for it? Darrin Gordon; we would like to send it out in this billing and what we are doing is asking people to give us as much contact information so we can contact them and what we have in our system is correct. Robert Kennedy would like to talk to Darrin about clarification on the form prior to it going out. C. Wendell Alfred his is part of the issue when we were out of water and trying to contact our customers. Robert Kennedy question on the Severn Trent Report clarification on the heavy rain fall at the plant, processing more than the 1.5 MGD design as the maximum design of 2.25 MGD. Darrin Gordon max design is 1.5 MGD but with the holding tank we can hold 2.25 MGD. Robert Kennedy would like clarification on the Electric outages. Darrin Gordon 4 outage in September. One on September 1,6,8,13. The one on the 13th was caused by a squirrel at 412 Kings Highway and effected three customers. September 8 at Donovan Smith Trailer park with old equipment. 227 Second Street equipment failure with three people effect and 2157 with 2 people effected caused by a squirrel.

ACTION: A motion was made by A. Thomas Owen with a second by D. Preston Lee. All in favor; motion carried.

5. Open forum/general discussion to create a Sewer Advisory Committee to review and advise the Board on the upcoming Request for Proposal (RFP) for wastewater treatment plant operations. INFORMATION/ DISCUSSION/ACTION (D. Gordon)

INFORMATION: C. Wendell Alfred: Recommended the Subcommittee Members, Russ Tatman, D. Preston Lee, Austin Calaman, Darrin Gordon and Scott Getchell, Engineer with GMB.

DISCUSSION: Severn Trent Contract expires End on December but have requested an extension until Beginning of February,

ACTION: a motion was made to accept the members of the committee as listed above with a motion by Robert Kennedy with a second by Tom Owen. All in favor. Motion approved.

6. Open forum/general discussion to award the contract to the qualified bidder for the Iowa Ave storm water improvement project. INFORMATION/ DISCUSSION/ACTION (D. Gordon)

Removed

7. Open forum/general discussion to accept the first amendment to addendum, assignment and assumption agreement between the University of Delaware and the BPW regarding the U of D wind turbine. INFORMATION/ DISCUSSION/ACTION (D. Gordon)

INFORMATION: Darrin Gordon with have a contact with the University of Delaware for the wind turbine for the past five years. We purchase power from them at the same rate we purchase from DEMEC. Complete wholesale rates. I would like to extend this contract for five (5) years.

DISCUSSION: D. Preston Lee how does this work out financially? Darrin Gordon some months we pay them and we pay them D. Preston Lee we are spending the same about as our wholesaler? Darrin Gordon same amount to the cent. D. Preston Lee do we review this annually. Darrin Gordon I review with Jeremy Firestone. Glenn read the first amendment to the addendum. Included as part of these minutes.

ACTION: a motion was made by A. Thomas Owen to authorize the General Manager to sign the agreement. Second by D. Preston Lee. All in favor. Motion approved.

8. Open forum/general discussion and review of Resolution 09-002 a policy on the donation of funds by the Board of Public Works. INFORMATION/ DISCUSSION/ACTION (R. Kennedy)

INFORMATION: I make a motion to reconsider Resolution 09-002 a policy on the donation of funds by the Board of Public Works to include all charitable donation.

DISCUSSION: C. Wendell Alfred we have a motion on the table to amend Resolution 09-002 to include all charitable donations made by the Board of Public Works.

ACTION: No Second. Motion dies

9. Open forum/general discussion and review of Resolution 13-004 the procedure for application for utility services for areas beyond the limits of the City of Lewes. INFORMATION/ DISCUSSION/ACTION R. Kennedy)

INFORMATION: I make a motion the Board reconsider resolution 13-004 to remove all non-utility related conditions on application from utility services outside the Municipal boundaries.

ACTION: Motion was made by D. Preston Lee to discuss the proposed changes

DISCUSSION: Robert Kennedy; I believe that Board Resolution 13-004 is in conflict with the duty and obligation inherent in the certificate of convenience and necessity granted by the State of Delaware to the BPW to provide utility services to applicants residing outside the municipal boundaries of the City of Lewes. This resolution imposes additional non-utility requirements on applicants and discriminates against them in favor of current or potential customers within the City of Lewes. Both appear to be in conflict with the duty and obligation to provide service in a fair and non-discriminatory manner. Conditions which I believe to be non-utility conditions include: (1) The requirement for a signed pre-annexation agreement prior to the start of utility construction, (WHEREAS clause #6) Non-Utility condition and (2)A finding that is in the best interest of the City's rate payers to coordinate the utility service and City expansion (WHEREAS clause #7) non-utility condition and discriminatory to the City vs CPCN customer

Exhibit A paragraph 3 and 5 need to be rewritten and conformed with the revised resolution. CPCN grant of authority (State of Delaware). Board of Public Works to provide monopoly utility services at a fair and equitable manner. I believe these conditions violate that basic responsibility granted by the State to the Board.

D. Preston Lee asked for more clarification. Why

Robert Kennedy, it is a tie in condition that is inappropriate. The CPCN is an area that the BPW has exclusive jurisdiction to provide utility service. I don't see how it is in harmony with the grant of that authority to say that you can impose additional conditions that are not a utility related condition on an applicant before the Board will extend service to that applicant. If we don't extend them service, they do not get service. This is unfair bargaining that we put the customer in. The customer has the right to apply for services under fair and reasonable conditions. Also, we are going to accept the application for service and put them behind the needs of the City of Lewes customers, again discriminatory.

D. Preston Lee, wouldn't the customer have to agree to this. They should know about the pre-annexation in the Agreement.

Robert Kennedy If they see the agreement. My point is I do not think it is reasonable condition to require someone that is outside the city of Lewes to agree to that condition to in order to get utility service. They can't get utility service from anybody else than the Board of public works. I don't I don't think it is a reasonable condition to impose on them before we would give them service. They have a right to apply for service. I don't think it should be contingent based on some of these non-utility conditions.

A. Thomas Owen I need more information.

Darrin Gordon we have CPCN on Water, Sewer and Electric and they do not mirror area available. The CPCN we have the obligation to serve them.

Glenn Mandalas had sent a confidential memo to the director (Robert) and would like to share with the Board and discuss further at the next Board Meeting

ACTION: Robert Kennedy withdraw motion and will be put on next Agenda no action

10. MEETINGS ATTENDED BY BOARD MEMBERS OR STAFF.

C. Wendell Alfred we all attended a wonderful workshop that ran out of time. Participated in our Household Hazardous Waste and Electronic collection

D. Preston Lee, video conference, City Council meeting, Highland Acres, New Road residents on getting water service and the Household Hazardous Waste and Electronics collection

A. Thomas Owen Meeting on the Rate design and Meeting with Savannah Place homeowners

Robert Kennedy attended a meeting with the General Manager and a web conference on FOIA

Darrin Gordon, Meeting with SPI on water quality tested their water after the tank went down with the clearest water that they have ever had. I asked them to do a Chromium 6 test with a result of zero and then we went to the state to have them test our water and results were zero.

11. BOARD OR STAFF REQUESTS FOR AGENDA ITEM(S).

12. CALL TO THE PUBLIC: Kristina Keller, Lewes BPW, James and Wanda Berrigan, Residents, Nick Roth, Cape Gazette, Paul Eckrich, City Manager, Austin Calaman, Asst. General Manager, Rob Morgan, City Council

13 CALL TO THE PRESS:

None

14. ADJOURNMENT A motion was made to adjourn the meeting at 4:40pm.