

**CITY OF LEWES
BOARD OF PUBLIC WORKS
Regular Meeting Minutes
June 27, 2018**

The Wednesday, June 27, 2018 regular meeting of the Lewes Board of Public Works was held at 4:00 P.M. in Lewes City Hall, 114 East Third Street, Lewes, Delaware.

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

President Lee called the meeting to order at 4:00 P.M. and led the Pledge of Allegiance. A moment of silence was observed for World peace.

2. ROLL CALL

Board Members Present:

D. Preston Lee, P.E.
Jack Leshner
A. Thomas Owen
Robert J. Kennedy, III
Thomas Panetta

Ex-Officio Members Present:

Theodore Becker, Mayor
Darrin Gordon, General Manager
Michael Hoffman, Legal Counsel

Others Present:

Austin Calaman, Assistant General Manager
Kristina Keller, BPW
City Councilman Fred Beaufait
Ellen Lorraine McCabe, City of Lewes Financial Officer
Jackie Doherty, Recording Secretary

3. REVISIONS AND/OR DELETIONS TO THE AGENDA

None

4. CONSENT AGENDA

- a) Receive the General Manager Monthly Report
- b) Receive the White Marsh Environmental Systems, Inc. Report
- c) Receive President Report
- d) Receive Vice President Report
- e) Receive Secretary Report approval of Minutes dated May 23, 2018
- f) Receive Treasurer Report
- g) Receive Assistant Treasurer Report

ACTION: *Mr. Owen made a motion to approve the consent agenda; Mr. Leshar seconded the motion.*

Mr. Owen withdrew his motion to approve; Mr. Leshar withdrew his second.

ACTION: *Mr. Kennedy made a motion to have Item (f) Treasurer Report be moved to discussion outside the consent agenda; Mr. Leshar seconded the motion, which passed unanimously.*

ACTION: *Mr. Owen made a motion to approve the consent agenda without Item (f); Mr. Leshar seconded the motion, which passed unanimously.*

5. Presentations

A. Discolored Water

Mr. Gordon stated there has been an issue with discolored water and Richard Martin of Cedar Avenue is present today with samples of his water. The rusty, discolored water does taste bad, but it is safe to drink and is not a health concern. One exception is people with a condition called hemochromatosis. BPW is responsible from the meter at the property line to the main and the homeowner is responsible from the meter to the home. There was a problem with the water in Cape Shores last month due to the removal of the railroad tracks.

Mr. Gordon reviewed a map showing the years from the 1940s and 1950s when some of the pipes were installed on Cedar and Bay Avenues, the pipes that were replaced, and the plans for the pipes to be replaced on Pilottown Road, Third Street and Burton Avenue. The probable cause for the water issue on Cedar was an employee operated a hydrant that caused the rust to come loose from the pipes. There were also problems with the water main break and work on Front Street and Gills Neck Road. The systems have been flushed more times than the usual twice a year and this also may have caused the rust to come loose. Chlorine testing is done weekly. Lead and copper testing is being done this year in certain houses identified by DNREC.

Mr. Martin stated he has been having problems with the water for about a year beginning with laundry being discolored. He made a report to BPW on May 25th. All his plumbing has been replaced from the meter to inside the home with PVC. He was pleased with Mr. Gordon's response and that this problem is being presented to the Board.

Mr. Gordon stated a map is being created with Mr. Kennedy to show where there are customer complaints with the neighboring homes being checked also. Samples from the meters and the home will be tested for chlorine residual and a flow test will be done to determine if the problem is system-wide or from the plumbing inside the home service line. Cedar Avenue is on the capital improvement list, but the work is limited by DelDOT because work can only be done on Pilottown Road from September to April.

Mayor Becker stated BPW could work together with the Lewes building officials to inform residents when they are doing renovations and construction on their homes regarding plumbing being replaced from the meter to the house.

President Lee stated how important it is to inform the public about concerns for anyone with hemochromatosis.

6. Consideration of Items Removed from the Consent Agenda

Mr. Kennedy asked for clarification why there is a reduction in water volume for the City from last year; why the industrial sewer usage was down, and water usage is up for the same period.

Ms. Keller stated the industrial sewer usage is down because there is no sewer usage for campers in the state park, but water usage is up because of the irrigation charge.

Mayor Becker stated the reason for the reduction in water for the City may be due to less people going to the beaches because of the rainy weather. The usage for irrigation is also down because of the increase in rain. Also, the new restrooms are more energy efficient.

ACTION: *Mr. Kennedy made a motion to approve the Treasurer Report; Mr. Panetta seconded the motion, which passed unanimously.*

OLD BUSINESS

7. Open forum/general discussion and consideration of Resolution 18-003 concerning utility service for Sussex County Parcel 3-35-8.00-37.01, owned by Mitchell Family Trust. INFORMATION/DISCUSSION/ACTION (D. Gordon)

Mr. Gordon stated this resolution will allow BPW to serve the parcel at Kings Highway and Gills Neck Road, which is outside the City limits with plans to build a commercial business. Part of the requirements for service outside the City limits is the signing of a pre-annexation agreement. After discussion, the owners stated they did not want to sign this agreement. The resolution will remove the responsibility of signing the pre-annexation agreement and the proposal is for the Board to approve this resolution.

Mr. Panetta stated he is concerned this will set a precedent and discussed the recent decision by Beebe to move their new medical office building to the Route 24 campus questioning if this would change the owner's decision on the use of the property.

Mr. Hoffman stated the question before the Board is for provision of utilities regardless of the use. The resolution is for a limited application for the 3.2-acre parcel.

ACTION: *Mr. Owen made a motion to have Mr. Hoffman read Resolution 18-003 into the record by title only for Board consideration; Mr. Kennedy seconded the motion, which passed unanimously.*

ACTION: *Mr. Owen made a motion to adopt Resolution 18-003; Mr. Kennedy seconded the motion. President Lee, Mr. Owen, Mr. Kennedy, and Mr. Leshner voted yes to the motion to approve. Mr. Panetta voted no to the motion to approve. With four (4) yes votes and one (1) no vote, the motion to approve passed.*

8. Open forum/general discussion of the PKS Auditors Report. INFORMATION/DISCUSSION/ACTION (D. Gordon; J. Leshner, Treasurer)

Mr. Gordon provided a letter to the Board reporting the progress of the audit. PKS noted there is an outstanding notes receivable with deferred revenue relating to the Highland Acres Project. There will be an audit of specific individuals to be sure each payment option is handled correctly. Also, funding continues for the Defined Benefits Pension Plan that was frozen 10 years ago at about \$180,000 per year and reported on an annual basis. The next report will show the difference in how this is reported.

Mr. Leshar stated more information is needed before there is a decision to make any changes to the pension funding.

No action was needed on this agenda item.

NEW BUSINESS

9. Open forum/general discussion of Teal Construction retainage reduction request from the Front Street, Gills Neck Road & Savannah Road Water and Sewer Improvement Phase 2 Project. (INFORMATION/DISCUSSION/ACTION (D. Gordon))

Mr. Gordon stated Phase 1 of the project has been completed with Teal Construction doing part of the contract and work to continue on Phase 2 beginning January 2, 2019. Their contract states they can request 50% of their retainage to be paid if the work is 50% complete. The work is 57% complete and the amount requested is \$58,324. The letter presented today from GMB agrees all work has been done according to the contract. The recommendation to the Board is to approve the request from Teal.

Mayor Becker stated he has no objection to the request for the retainage reduction but is concerned about the timing of Phase 2 construction, which is predicted to take six months. The merchants reported a 30% decrease in business during Phase 1 of the project. It is so important to work with Teal to stress how critical closing portions of downtown from January 2nd to May 1st is to the business district.

President Lee questioned if the contract states work can include two, 10-hour shifts and if this could be considered.

Mayor Becker said the reason there were no two, 10-hour shifts, was the depth of the project to install sewer lines at night. The new project, with the exception of the area of manhole #13, has no depth. There also needs to be consideration of the schedule for the bridge work and the contract being awarded by DelDOT.

Mr. Gordon stated he will be speaking with Teal in August regarding their schedule, their request to start some of the water work on Savannah Road in September, and the dates for permission from DelDOT to work on State roads.

Mr. Panetta questioned if there is consideration for overdue penalties or bonuses for work completed before schedule.

Mayor Becker stated there were no overdue penalties in the contract for Phase 1 and recommended these be added to future contracts.

President Lee stated the Board would agree to additional money being paid to complete the project faster in order to help the merchants. This may include adding a second crew.

ACTION: *Mr. Panetta made a motion to approve the request from Teal for the retainage reduction; Mr. Owen seconded the motion, which passed unanimously.*

10. Open forum/general discussion of water quality at the Lewes Beaches, and the recent State advisory after heavy rain events. INFORMATION/DISCUSSION/ACTION (D. Gordon)

Mr. Gordon stated there was a recent advisory of unsafe water for Lewes Beach with the beach being closed for swimming. There was a rumor that the advisory and closing was the fault of BPW. DNREC reported the cause was from the excessive rain and birds. BPW has no pipes going into the bay; all effluent from the wastewater treatment goes into the Lewes/Rehoboth Canal; about 20 storm drains from the inland go into the canal from both sides; filters at the wastewater treatment plant will not allow the bacteria to pass through the microfiltration.

Mr. Owen stated there was discussion at the Waterworks Convention regarding these problems being caused by dog parks and has been confirmed by a DNA test through NOAH.

Mr. Panetta stated there is also the issue of stormwater drains being a contributor after heavy rains.

11. Open forum/general discussion of proposed dates for system-wide outage to complete the Bypass switches on the 69KV transmission line. INFORMATION/DISCUSSION/ACTION (D. Gordon)

Mr. Gordon reported one of the 50-year-old switches on the 69KV transmission broke and a replacement cannot be found. Three new switches will need to be installed requiring an outage. This will require three days of outage from 10:00 P.M. to 8:00 A.M. or five days from 12:00 midnight to 4:00 A.M. for the dates in October of 15 to 19 or 22 to 26. This will be coordinated with Exelon to prevent having two separate outages. This is an estimated timeline and may be completed in a shorter time. There will be a two-week notification given to residents.

After discussion, it was decided to have the work done over the dates of October 15th to 19th from the time of 12:00 midnight to 4:00 A.M.

12. MEETINGS ATTENDED BY BOARD MEMBERS OR STAFF

Mr. Panetta reported he attended the APPA meeting.

Mr. Kennedy reported he attended the APPA meeting; Savannah Place property owners meeting for discussion of the project.

Mr. Owen reported he attended the Lewes Planning Commission monthly meeting; American Waterworks Association meeting.

President Lee reported he attended the Savannah Place meeting; APPA meeting; Mayor and City Council monthly meeting.

Discussion of the meetings attended included:

- Broadband expansion
- Impact of electric vehicles
- Concerns about distilled water
- The problems in Flint, Michigan
- Smart meters
- Use of cameras on water towers
- Request by Verizon to install computer equipment on utility poles

Mayor Becker spoke of the Association of Coastal Towns meeting where Bonnie Metz of Verizon gave a PowerPoint presentation on camera attachments for water towers. The Board could invite her to a meeting for discussion.

13. BOARD OF STAFF REQUESTS FOR AGENDA ITEM(S)

None

14. CALL TO THE PUBLIC

None

15. CALL TO THE PRESS

Nick Roth of the Cape Gazette was present.

16. EXECUTIVE SESSION

ACTION: *Mr. Leshner made a motion to adjourn to executive session; Mr. Owen seconded the motion, which passed unanimously.*

17. RETURN TO OPEN SESSION

18. OPEN FORUM/GENERAL DISCUSSION AND/OR ACTION ON ANY ITEM FROM THE EXECUTIVE SESSION

19. ADJOURNMENT

The meeting adjourned at 5:30 P.M.

Respectfully submitted,
Jackie Doherty, Recording Secretary
Lewes Board of Public Works