

**CITY OF LEWES
BOARD OF PUBLIC WORKS
Regular Meeting Minutes
September 25, 2019**

The Wednesday, September 25, 2019 regular meeting of the Lewes Board of Public Works was held at 4:00 P.M. in Lewes City Hall, 114 E. 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.

2. ROLL CALL

Board Members Present:

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

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 Manager Ann Marie Townshend
City Councilman Dennis Reardon
Zach Crouch representing Dutchman's Harvest
Jackie Doherty, Recording Secretary

3. REVISIONS AND/OR DELETIONS TO THE AGENDA

President Lee requested Agenda Item #7 be discussed with Agenda Item #9.

4. CONSENT AGENDA

- a) **Receive the White Marsh Environmental Systems, Inc. Report**
- b) **Receive Vice President Report**
- c) **Receive Secretary Report, approval of minutes dated August 28, 2019**
- d) **Receive Treasurer Report**
- e) **Receive Assistant Treasurer Report**

ACTION: *Mr. Kennedy made a motion to accept the consent agenda as presented; Mr. Owen seconded the motion, which passed unanimously.*

President Lee congratulated Mr. Gordon and the BPW Staff on the DEMEC awards received from APPA with a certificate of excellence for excellent service and reliability significantly outperforming the industry's national standards. APPA also awarded the first-place safety award for obtaining low incident rates in 2018.

5. Receive the President's Report

President Lee stated he had nothing additional to report.

6. Receive the General Manager's Report

Mr. Gordon stated he had nothing additional to report.

PRESENTATIONS

7. Presentation on the 2018-2019 BPW Financial Audit. (Presentation by Kimberly Stank, CPA, CGMA, Zelenkofske Axelrod, LLC.

To be discussed with Agenda Item #9.

OLD BUSINESS

8. TABLED ITEM—Consideration of waiver of pre-annexation agreement and the requirement to connect BPW utilities for property tax parcel 335-8.00-9.00, New Road and Captains Circle. Tabled at the June meeting. INFORMATION/DISCUSSION/ACTION (D. Preston Lee)

ACTION: *Mr. Owen made a motion to remove Agenda Item #8 from the table; Mr. Kennedy seconded the motion, which passed unanimously.*

ACTION: *Mr. Kennedy made a motion to waive the pre-annexation agreement contained in Resolution #13-004 as it applies to this property; Mr. Owen seconded the motion.*

Mr. Hoffman stated property owner, Mr. Peter, is not present but read the letter provided by Mr. Peter, addressed to Mr. Gordon and dated September 24, 2019, into the record.

Mayor Becker stated he did not receive a copy of the letter and is hearing of it for the first time today.

Mayor Becker requested the Board respect the City's resolution regarding the required signing of a pre-annexation agreement until completion of the legal process.

Mr. Owen stated Mr. Peter has requested service from the Board during several meetings and has now stated he is being harmed by the Board's failure to act on his request. Mr. Peter's property is within the BPW service territory and BPW has an obligation to provide service.

Mayor Becker stated there is a legal question before the court regarding the effectiveness of the pre-annexation agreement and again requested action be delayed until this is resolved.

President Lee asked for a vote on the motion, and the motion passed unanimously.

President Lee stated all services would be provided to Mr. Peter.

9. Open forum/general discussion to accept the Annual Audit Report. INFORMATION/DISCUSSION/ACTION (Jack Lesher, Kimberly Stank of Zelenkofske Axelrod, LLC, D. Gordon)

Ms. Stank provided a copy of the audit report and financial statements for review stating it was a clean opinion and clean audit. Discussion today included: Management analysis; economic factors; revenue and operating expenses statements; operating net income; cash flow statement; pension trust fund liability; increases and decreases in capital assets.

ACTION: *Mr. Owen made a motion to accept the audit report; Mr. Lesher seconded the motion, which passed unanimously.*

10. Open forum/general discussion to discuss the progress in accomplishing the tasks of the BPW Board Strategic Plan. INFORMATION/DISCUSSION/ACTION (D. Gordon)

Mr. Gordon stated there are five items included in the strategic plan for the next five years.

1. Electric Study with Timeline—Sargent and Lundy have started the work with data being supplied to help meet the 60-day timeline.
2. Billing System—NISC has started the training program with data collection and transfer to take about one year. Samples of the new bills will be presented to the Board for approval. The plan is to have everything completed by September 2020.
3. Iron and Lead Line Replacement—Preparing to take bids for the Queen Anne to Lewes Dairy area project. Plan is to begin work in early December and may require Pilottown Road to be patched during the Summer season and be permanently paved in the Fall of 2020.
4. Policy for Customer Data Security—Work has begun on this plan.
5. Policy for Competitive Wages and Workforce Development—Data is being collected from APPA and local municipalities.

Mayor Becker requested all property owners in the area of the iron and lead line replacement project to be notified.

NEW BUSINESS

11. Open forum/general discussion of the proposed Dutchman’s Harvest workforce housing and BPW assistance in improving affordability. INFORMATION/DISCUSSION/ACTION (D. Gordon)

Mr. Gordon reported he met yesterday with Preston Schell and Zach Crouch to discuss Mr. Schell’s proposal to reduce the impact fees for Dutchman’s Harvest and to allow payments made over time.

Mr. Crouch stated he reworked the water and wastewater plan for the senior-living facility to direct the flow through Dutchman's Harvest to Savannah Road instead of Kings Highway. This will allow the developer to save money which could help to lower the fees for the 42 units being purchased by the Diamond State Community Land Trust. The request was for the homeowner to have the monthly payments for the impact fees be paid over 30 years with no interest and be added to their utility bill.

President Lee stated the fees for the 42 units paid in monthly payments may be considered, but 30 years and no interest charges are concerns. This will not apply to the other 96 homes. A payment schedule spreadsheet is needed from Helen McAdory, of Diamond State Community Land Trust, for review.

Mayor Becker stated City Council will hold a public hearing on October 8, 2019, but no action will be taken until the November meeting.

**12. Open forum/general discussion on the Household Hazardous Waste and Electronic Equipment Collection/National Drug Take Back Day—October 26, 2019.
INFORMATION/DISCUSSION/ACTION**

Mr. Gordon stated the collection times are 10:00 A.M. until 2:00 P.M. with no latex paints accepted.

**13. Open forum/general discussion to announce the hydrant flushing date for early October.
INFORMATION/DISCUSSION/ACTION (D. Gordon)**

Mr. Gordon stated the dates will be Friday, October 11th and Saturday, October 12th. Notices will be sent to all customers one week before and the dates have been coordinated with the Cape Henlopen School District and SPI Pharma.

**14. Open forum/general discussion of current project progress.
INFORMATION/DISCUSSION/ACTION (D. Gordon)**

Mr. Gordon reported the NISC conversion has begun; wastewater treatment plant software upgrade; the Highland Acres tax ditch is 99% complete is dry and working.

15. MEETINGS ATTENDED BY BOARD MEMBERS OR STAFF

Mr. Leshar reported he attended the DEMEC meeting on September 18th.

Mr. Owen reported he attended the DEMEC meeting.

President Lee reported he attended the DEMEC meeting and the meeting of Mayor and City Council.

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

None

17. CALL TO THE PUBLIC

Mr. Peter arrived and thanked the Board for their acceptance of his request to waive the pre-annexation agreement and to provide him with all services.

18. CALL TO THE PRESS

Nick Roth of the Cape Gazette was present.

19. EXECUTIVE SESSION

The executive session was held today before the meeting at 3:00 P.M.

20. RETURN TO OPEN SESSION

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

22. ADJOURNMENT

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

The meeting adjourned at 4:45 P.M.

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