

# BOARD OF PUBLIC WORKS

## *Vision*

The Board of Public Works exists to improve the quality of life of the customers we serve.

## *Mission*

We are dedicated to providing our current and future customers with utility and other value added services in a safe, reliable, and economical manner consistent with sustainable growth, community involvement, and environmental stewardship.

**The Regular Meeting of the Board of Public Works was held in the Lewes Public Library on Wednesday evening, June 24, 2009 at 7:00 p.m.**

**Members Present:** President Gary Stabley, Vice President and Assistant Treasurer C. Wendell Alfred and Secretary James Carmean

**Members not Present:** E. James Monihan and James Gayhardt

**Others Present:** Kenneth Mecham – General Manager  
Darrin Gordon – Assistant General Manager  
James L. Ford, III – Mayor, City of Lewes  
Victor Letonoff – City Of Lewes  
Paul Eckrich – City of Lewes  
Tempe Steen – Board’s Legal Counsel  
Hubie Galati – Board of Public Works  
Paula Liner – Board of Public Works  
Walt Baumer – Severn Trent  
H.J. Evans, Jr. – Cape Gazette  
Tim Crowley – Resident

### **1. Welcome, Call Meeting to Order and Pledge of Allegiance.**

President Stabley welcomed everyone, called the meeting to order, and led the Pledge of Allegiance.

### **2. Roll Call.**

President Stabley noted that all members were present except for Messrs. Monihan and Gayhardt.

### **3. Open forum/general discussion of items, if any, removed from the Consent Agenda.**

Mr. Stabley stated that Item #7 has been removed from the Agenda.

### **ACTION**

Mr. Alfred motioned to approve the consent agenda, Mr. Carmean seconded, and the Board voted unanimously.

These items are considered routine by the Board of Public Works and will be enacted by one motion, without discussion. The consent agenda is a time saving device and Board members have received documentation on these items for review prior to the open meeting.

Any Board member may remove any item from the consent agenda for discussion and a separate vote if deemed necessary.

The public may view the documentation relating to the consent agenda at the offices of the Board of Public Works, located at 107 Franklin Avenue, Lewes, DE, weekdays from 9:00 a.m. to 4:00 p.m.

It is recommended that the Board approve a. through e. as consent agenda items.

### **4. CONSENT AGENDA:**

- a) Approval of regular Board Meeting May 27, 2009.
- b) Receive the Treasurer’s Report
- c) Receive Severn Trent’s Report.
- d) Receive the General Manager’s Monthly Report.

5. It is recommended that the Board of Public Works propose to the Mayor and City Council amending the Subdivision and Land Development Ordinance, Chapter 170, in required, GPS coordinates, pipe elevations along with upgrading the storm water systems on as-built plans.

## **INFORMATION**

Mr. Mecham stated that the Board has put forth a request of the City for suggested additions to Chapter 170-19 of the Subdivision and Land Development Ordinance, as outlined in Tab #5 of the Agenda packet. The Board requests that the City consider these additions to the city code to provide GPS coordinates in GIS format to the lots including pipe elevations on storm water and upgrading storm water systems on as-built plans, including manholes and inlets. It would be helpful to have those elevations on the as-built plans.

Mayor Ford stated that they have not received details on this item and suggested Mr. Mecham ask the building official and Planning Commission for their comments or additions and they can correspond back to the General Manager. Mr. Carmean viewed it as being useful in assisting Mr. Crowley or any other citizen. Solicitor Steen clarified that this item specifically adds requirements to the developer before a subdivision process has been completed—it does not address later buildings, after a project is finalized and submitted.

## **ACTION**

Mr. Stabley declared the motion adopted and the Board voted unanimously.

6. It is recommended that an administrative fee of 15% be added to bills for professional services provided by others that are collected by the Board of Public Works.

## **INFORMATION**

Mr. Mecham stated that there are situations in which the BPW serves as a “middle man” between persons requesting professional services and the professional doing the work. When a Subdivision Review takes place, the developer makes an escrow deposit with the BPW; we draw against that as we receive bills from the professional. The cost of administering this is borne by the Board without any recovery of administration costs. Therefore, we feel 15% is a fair and reasonable fee for providing that.

Mr. Alfred asked for more information and why this cost factor is an issue now. Mr. Mecham stated that the BPW continually assesses costs when they are incurred and they are often borne by the customer base which may not be appropriate. The BPW does not have the in-house expertise to provide answers to professional questions such as a legal opinion. Mr. Carmean agreed that for services such as an engineering survey or legal opinion, a 15% fee was reasonable. Mr. Alfred stated he was not in agreement with passing this item at this time. He has heard from constituents expressing concern over their increased utility costs and because of the present economic times, he feels it would be better to postpone this a year. When asked by Mr. Stabley if this could be incorporated into the Cost of Services Study, Mr. Mecham responded by saying it is not normally incorporated in it.

## **ACTION**

Messrs. Stabley and Carmean approved the motion; Mr. Alfred was opposed. Motion was carried by 2 to 1 and approved.

7. It is recommended that section V of the Board of Public Works Investment Policy be amended to not require the collateralization of funds deposited with a financial institution when those funds are insured by the Federal Deposit Insurance Corporation (FDIC).

## **ACTION**

**Removed from Agenda.**

## **8. MEETINGS/ACTIVITIES HELD BY BOARD MEMBERS OR BOARD STAFF**

Mr. Mecham spoke briefly about the American Public Power Association Annual Conference he attended last week in Salt Lake City. The Conference was very worthwhile and emphasized the shift to energy efficiency and conservation as a solution to some of the challenges we face. One thing everyone can do is simply use less energy and thus lower their energy bills. He circulated information on state legislation on energy efficiency standards as it relates to consumption of energy which is now a national concern.

Mr. Stabley stated that in reviewing information on kilowatt usage provided by Mr. Mecham, he noticed an 11% increase in consumption of electric this year possibly due to a colder winter and more people staying at home. He also noted water usage was down 2% during the same period.

Messrs. Carmean and Gayhardt attended the Water Resource Conference, a very good conference held at the Burton Center. Mr. Carmean commented on seeing a geological survey team drilling for a test well on Kings Highway. Messrs. Alfred and Gayhardt attended the presentation by Dr. William Ullman at the University of Delaware. It was similar to the other conference and was well attended.

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

10. Call to the Public:

Members of the public wishing to address the Board on matters not listed on the agenda should make their request known at this time. Time permitting, each presentation will be given approximately five (5) minutes. No action or Board discussion will result from public comments on matters not listed on the agenda; however, the Board President may ask staff to review a matter and individual members of the Board may ask that a matter be put on a future agenda.

Mr. Stabley stated that the Board and Mayor have received a letter and packet of information from Mr. Sleasman of the Pillotown Village Board requesting payment for dredging the storm water pond. He requested that this be placed on next month's agenda and each Board Member should receive a packet. He also requested that Mr. Mecham send Mr. Sleasman a letter.

11. Call to the Press:

Concerning the completion of the water reclamation plant, Henry Evens of the Cape Gazette asked the Board for an update on the status of the liquidation damages situation—if a determination has been made.

Mr. Mecham stated that from an operational standpoint, the plant is 100% operational. Issues related to execution of the work have been resolved and liquidation of the damages have not been resolved or accessed. When asked by Mr. Evans about a time frame for that, Mr. Mecham stated the contractor has certain responsibilities for providing information back to the Board regarding the completion of the contract. The Board is reserving action until it has resolved that particular question. All operational issues have been resolved.

Mr. Stabley asked the general public if there were any other questions and there were none.

12. Executive Session on a strategy session involving legal advice or opinion from our attorney-at-law where an open meeting could have an adverse effect on the position of the public body: Preliminary discussions on site acquisitions for the Board funded capital improvements; Personnel matters in which the names, competency and abilities of individual employees will be discussed; (29 Del.C. § 10004)(b)(4)(2)(9)

**INFORMATION**

Mr. Stabley made a motion to hold an Executive Session.

**ACTION**

Motion approved.

13. Return to open session.

14. Open forum/general discussion and/or action on any item from the Executive Session.

**ACTION**

No action necessary.

15. Adjournment. TIME: 9:15 pm

Recorded by: E. Delazzaro, June 24, 2009