

**CITY OF LEWES
BOARD OF PUBLIC WORKS
Regular Meeting Minutes
August 26, 2020**

The Wednesday, August 26, 2020 regular meeting of the Lewes Board of Public Works was held at 4:00 P.M. via Zoom.

1. WELCOME, CALL MEETING TO ORDER

President Lee called the meeting to order at 4:00 P.M.

2. ROLL CALL

Board Members Present:

D. Preston Lee, P.E.
A. Thomas Owen
Robert J. Kennedy, III
Thomas Panetta
Earl Webb

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
Charlie O'Donnell, GMB
Vince Luciani, GMB
Josh Elliott, GMB
Paul Peris, White Marsh
City Councilman Tim Ritzert
City Councilwoman Bonnie Osler
City Manager Ann Marie Townshend
Kimberly Stank, Zelenkofske Axelrod, LLC
Jackie Doherty, Recording Secretary

3. REVISIONS AND/OR DELETIONS TO THE AGENDA

None

4. CONSENT AGENDA

- a. Receive Vice President Report**
- b. Receive Secretary Report, approval of minutes July 22, 2020 meeting**
- c. Receive Treasurer Report**
- d. Receive Assistant Treasurer Report**

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

5. Receive the White Marsh Environmental Systems, Inc. Reports

Mr. Panetta and Mr. Peris discussed concerns included in the reports:

- Shutdown of Trane #2 after it had been cleaned; Trane #1 and #2 are operating differently than #3 and #4; consulted with Suez regarding air being the issue; possibly valves are leaking; bubble traps for analyzers.
- Issue of air in the turbidity meters over the past three months; this is an air problem turning the turbidity meters into the alarm state; spoke to Mr. Gordon and Suez about a solution; this is not a membrane problem.
- Difference in the TMP numbers when the membranes are all the same age; the membranes were installed in January and May; Suez reported all numbers are fine.
- Trending data on critical parameters, nitrogen and phosphorus discharge; color code discharge data on monthly DMR; sampling is done once a week.

President Lee stated he was concerned about the recent stormwater event on July 10th and the amount of I & I that appeared at the treatment plant at 1.6M gallons. This remained up for several days before going back to where it was before the event. Is there a need for an I & I study with a check of the pumping stations? There is also concern regarding the filters being very dirty.

Mr. Gordon reported there will be an I & I study with additional monitoring of all lift stations; trending data checked with White Marsh.

Mr. Peris stated the amount of dirt on the filters is typical for inspection. The filters were very clean after a physical wash. The pictures will be sent to Suez to monitor the health of the plant. The plan is to begin the first week of September to begin a recovery, chemical wash of one Trane per week with all four cleaned by October. Manuals instruct inspections to be done monthly. The bi-weekly Suez report will note when there is any type of cleaning.

Mr. Owen questioned if information was received on the sludge analysis by the County.

Mr. Gordon stated they are still waiting for the answers from the County and probably will not hear until the County's plant opens in about 2 months.

6. Receive the President's Report

President Lee welcomed Mr. Webb as the newest member of the Board.

7. Receive the General Manager's Report

Mr. Gordon reported a proposal was received from Sargent & Lundy for two battery storage projects at Schley Avenue powerplant and at the wellfield. The proposal was received for the wellfield with the Schley Avenue proposal to follow.

Mr. Gordon continued stating Mr. Kennedy requested a rate review because of concern regarding the Capital Projects Budget, and we are checking into rate design consultants. Mr. Panetta is reviewing the information Mayor Becker requested on stormwater in open space. Work continues on the 5G two-part application that includes a partnership with the City for each to list their requirements. Mr. Panetta is also working with the Lewes Planning Commission on the application and design guidelines, and this information will be provided to the Board for review.

Presentation

8. Presentation of appreciation to the effort and 10 years of service Jack Leshar has given serving the customers of the Lewes BPW. (D. Preston Lee, P.E., President)

Mr. Leshar was present for everyone to express their appreciation for his 10 years of service and dedication to the BPW and how he will be missed.

OLD BUSINESS

9. Open forum/general discussion to receive the 2019-2020 annual Audit Report. INFORMATION/DISCUSSION/ACTION (K. Stank, Partner -Zelenkofske Axelrod LLC)

Kimberly Stank was present stating the draft for year ending March 31, 2020 was provided to everyone for review of the following:

- Clean opinion with no issues; it is not certain at this time about the impact of COVID-19; may be able to recover some losses from COVID, but this will depend on State CARES regulations.
- No deficiencies or weaknesses found in the testing of internal controls; healthy asset balance; slight decrease in operating revenues due to the mild Winter; change in net position less than last year but with a positive increase.
- Regarding separation of duties and responsibilities within the office, it was noted in prior years that the Staff and Kris Keller are stretched; no issues with internal control and policies are being followed; discussion needed when closer to 2023 about new leases and what changes will need to be implemented.

Mr. Gordon stated the final draft will be presented for approval at the meeting in September.

Mr. Kennedy thanked and congratulated Mr. Gordon for the Board's receiving another unqualified financial statement from the auditors. The financial statements conform to generally accepted accounting principles and fairly present the BPW's financial position for the past year. This confirms that BPW is paying their bills and ending the year in the black.

10. Open forum/general discussion of the DNREC conciliation order of consent, Secretary's Order #2020-W-0025. INFORMATION/DISCUSSION/ACTION (D. Gordon)

Mr. Gordon stated the order from the Secretary of DNREC has been provided to everyone for review. The \$64,000 fine will be paid by White Marsh. A statement will be issued to the residents stating payment of the fine will be no harm to the ratepayers of BPW.

Mr. Panetta reported the steps taken by the Board and White Marsh to help resolve and mitigate the issue helped reduce the fine from a possible \$400,000 to \$64,000.

Mr. Panetta reviewed the final report:

- 30 days to provide an update of the action plan using corrective actions from the root cause report including improving redundancy and reliability of the plant; GMB is writing a report on specific failures and ways to enhance plant reliability.
- Report to include control systems to check for failures and alarm systems design.
- Emergency contingency plan is covered in the corrective actions report and will be part of the response to root cause.
- Interim statement reported no impact to the wetlands from the spill and no need for additional future inspections

Mr. Panetta stated the draft of the response to DNREC will be presented to Mr. Gordon and GMB on Friday, August 28th for their review and to be used as closure. The due date for the response is on September 6th.

President Lee stated he has spoken to the Secretary to report the response will be sent to him by the due date. He has not received a response regarding the suggestion to the Secretary that the \$64,000 could be used for improvements to the plant.

Mr. Peris spoke about the August 19th overflow issue at the wastewater treatment plant. White Marsh is investigating for the root cause and solution to prevent it from happening again. When the plant locked down, no alarms were sounded to have someone come to check. It was not until Staff came in at 7:20 A.M. was it discovered for White Marsh to be notified for response. We are working with BPW and Keystone for a separate backup system. DNREC was informed immediately that 200,000 gallons of wastewater was spilled; the 5-day report was submitted; they conducted an inspection and have not stated that there will be any further action; this was totally unrelated to the December incident.

ACTION: *Mr. Owen made a motion to accept Secretary Order #2020-W-0025; Mr. Kennedy seconded the motion, which passed unanimously.*

11. Open forum/general discussion of three Capital Budget projects: 1) Cedar Avenue; 2) Phase 24 Street Improvement, Coleman Avenue. INFORMATION/DISCUSSION/ACTION (D. Gordon)

Mr. Gordon reviewed the City's plans for repaving Coleman Avenue, repair all sidewalks and ADA ramps; BPW will renew the waterline and replace valves as needed; GMB did the engineering and reported on the shared cost amounts; BPW cost is \$329,053, which was not included in the capital

budget but is being recommended today. Schley Avenue yard to be used for the laydown of materials during the project; contractor will ask for permission from the City if the working times of 7:00 A.M. to 5:00 P.M. need to be changed.

Mayor Becker requested further discussion with Mr. Gordon regarding the laydown area location.

Mr. O'Donnell stated the work is scheduled to begin around October 1st after agreements are sent and the pre-construction meeting in mid-September; 105-day contract with completion in late December; an inspector will be on-site to coordinate the intermittent street closures with the residents, who are pleased with the project; Fourth Street between Savannah Road and Kings Highway watermain replacement is also included in the cost of the project.

Mayor Becker stated Coleman Avenue residents met this morning and are excited about the project to have their street rehabilitated. The only delay may be in waiting for a response regarding the request for additional funding.

Mr. O'Donnell reviewed the project for watermain and sewer replacement on Cedar Avenue from Savannah Road to the Yacht Club, the side streets from Cedar to Bay, and Cedar to the canal. The Children's Beach House section to the Yacht Club section at Bay was not replaced during the project 10 years ago. Cost of the entire project is approximately \$8.3M. The pipes on Bay are from 1930s and the side streets are from 1950s. The purpose of the project is to remove cast iron pipes which are causing discoloration of water to homes.

Mr. Gordon stated if State funds are used for the project, costs would increase by 25% due to prevailing wage costs. Recommendation is to do Cedar Avenue only as a two-year project to be included in the capital budget without the added costs for State funding.

Discussion included:

- Would it be more cost effective to do Cedar Avenue separately and the side streets separately; increased costs from prevailing wage to offset costs to mobilize twice and reopening the intersections.
- Cedar is a DelDOT road and there is a concern that it would not be possible to complete in the seven-month construction season (October to May); only way possible to complete all of Cedar by May is if the project started on October 1st without any weather delays.
- Because some of the pipes are from the 1920s and earlier, the larger-scale project should be considered since reopening will be needed and repair work at the intersections; notify residents there may be a temporary problem with rust coming off the iron pipes when making the connection.
- Consider work on Cedar and the side streets one year and the Children's Beach House area the second year. The concern is if residents on the side streets are still having problems with rusty water and now Cedar Avenue pipes are producing clear water for those residents.
- Cost for Cedar alone is \$4.9M, cost for total project \$8.3M; estimate includes lining all the manholes; capital budget amounts \$400,000 for Cedar in 2020; \$2.5M for 2021; \$480,000 for 2022.
- DelDOT permits ready in advance of construction to avoid delays.
- All agree to having the project work in sections and to avoid the prevailing wage issue.

Mr. Gordon and Mr. O'Donnell will meet for further discussion to evaluate the segmented approach for the project.

ACTION: *Mr. Owen made a motion to approve Phase 24 for Coleman Avenue and West Fourth Street; Mr. Panetta seconded the motion, which passed unanimously.*

NEW BUSINESS

12. Open forum/general discussion of an RKL-Human Resources, Handbook, etc.—consulting proposal and contract. INFORMATION/DISCUSSION/ACTION (D. Gordon)

Mr. Gordon stated there is no conflict of interest since the creator of RKL is no longer a member of the Board. The contract includes their work to review the policy files, handbook, human relations, and employee job descriptions. The total cost proposed is \$29,500 (\$5,000-Handbook; \$8,000-Human Relations; \$16,500-Comprehensive Analysis) and will take about three to four months to complete.

President Lee stated this work is important and is something that has been needed for some time.

Mr. Webb spoke about the importance of addressing the issue of separation of duties and this document will be helpful.

Mr. Panetta stated this has been a discussion by Mr. Kennedy while organizing the strategic plan. The salary compensation needs review including updated job descriptions and adequate staffing levels.

ACTION: *Mr. Panetta made a motion for approval to move forward with the Study and direct Staff to work with Counsel to finalize the contract; Mr. Owen seconded the motion, which passed unanimously.*

13. Open forum/general discussion regarding the agreement to allow the Lewes City Art Committee to use the South-facing wall of the BPW 'Powerplant' building for a project. INFORMATION/DISCUSSION/ACTION (D. Gordon)

Mr. Gordon stated there has been an issue with the artist for the project, but discussion today will include an agreement for the alternate project.

Mr. Owen, who is the ex-officio member for the Public Art Committee, reported the first-choice artist had a problem agreeing to the contract, and the second-choice artist will now do the project. The request from the Committee is for BPW to paint the wall with white primer.

Mr. Hoffman explained the need for the liability waiver for access to BPW property as requested by President Lee.

ACTION: *Mr. Owen made a motion to approve the project moving forward and direct Staff to work with Counsel to finalize the liability waiver requested by the Board for the artist to sign, and also for BPW to agree to paint the wall with white primer; Mr. Kennedy seconded the motion, which passed unanimously.*

14. CALL TO THE PUBLIC

None

15. CALL TO THE PRESS

Nick Roth of the Cape Gazette was present.

16. ADJOURN TO EXECUTIVE SESSION

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

17. Return to open session.

18. Discussion and action on items from Executive Session, if applicable.

19. ADJOURNMENT

The meeting adjourned at 6:00 P.M.

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