

Lewes BPW
Regular Board meeting minutes
September 28, 2022

The Wednesday, September 28, 2022, regular BPW Board meeting was held at 3:00pm in the City Hall Council Chambers.

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

President Panetta called the meeting to order at 3:00pm.

2. ROLL CALL

Board Members

Thomas Panetta

Earl Webb

D. Preston Lee, P.E.

Richard Nichols

A. Thomas Owen

Ex-Officio Members

Andrew Williams

Austin Calaman, General Manager

Robin Davis, Assistant General Manager

Michael Hoffman, Legal Counsel

Others

Richard Plack, Inframark

Mike Wolgemuth, Inframark

Madeline Nichols

Josh Gritton, BPW

Ann Marie Townshend, city manager

Tim Ritzert, city councilperson

Aaron Mushrush, Cape Gazette

Elizabeth Owen

Kristina Keller, BPW

Kimberly Bellere, BPW

Ring Davis

Ben, GMB

3. EXECUTIVE SESSION

ACTION: *Mr. Lee motioned to adjourn to executive session. Mr. Nichols seconded the motion, which passed unanimously.*

4. RETURN TO OPEN SESSION AT 4:00PM.

ACTION: *Mr. Owen motioned to return to open session. Mr. Nichols seconded the motion, which passed unanimously.*

The Board returned to open session at 3:59pm.

5. CONSENT AGENDA

- a. Receive Vice-President
- b. Receive Secretary Report-approval of minutes of August 24, 2022, regular meeting.
- c. Receive Treasurer
- d. Receive Assistant Treasurer Report

Mr. Webb requested to remove the treasurer report from the consent agenda to review the financials. Ms. Bellere questioned if the Board would like the financials presented every month or quarterly. Consensus is that the financials should be presented monthly.

ACTION: *Mr. Owen motioned to approve the consent agenda with the removal of the treasurer report. Mr. Webb seconded the motion, which passed unanimously.*

Ms. Bellere presented the monthly financials:

- Industrial: The electric and water was 28 days instead of 32 compared to last year which plays into the lower usage than last year, specifically SPI. SPI usage was down by 15% and water usage was down 26%. The reason is unknown for the significant decrease. Mr. Webb suggested reaching out to SPI. Municipal and BPW is lower than last year as well and Ms. Bellere has reached out for explanation. Ms. Townshend stated the difference may be contributed to a meter replaced for the streetlights. The streetlight billing has gone down.
- Repairs and Maintenance: In the electric department, transformer preventative maintenance is being done.
- Mr. Lee stated that he is surprised the water usage is low with the heat waves and irrigation. Ms. Bellere would like to see next month's numbers since there was a stretch with no rain. Mr. Lee stated that residents do not notify the BPW if the irrigation is cut off. President Panetta stated that the non-usage would show up on the meter readings. Mr. Calaman stated that some residents installed irrigation and then realized they were outside the city, so nothing prevents them from installing AG wells.
- The numbers for the BPW water were high last year due to cleaning filters.
- Line 12 for maintenance and repairs is proactive versus reactive.
- Sewer: Chemicals and Clean Delaware were big contributors. Micro c1000 is up 21% and aluminum sulfate up 30% in prices.
- Other supplies and subscriptions had renewals this period.
- Administrative: There were three pay periods in August.

- Impact fees are rising but not as fast as budgeted. Mr. Calaman cited supply chain issues causing the delay in developments coming on. President Panetta stated that the high interest could have an effect as well. Mr. Webb suggested a review of the budget and plans. Mr. Webb questioned if it is recommended for another cost study. Mr. Calaman stated that the PCA needs to be looked at. A cost-of-service study was done in 2016-2017, but recent financial projection a deep dive was not done. President Panetta stated that the BPW is seeing a 10% from DEMEC because of fuel prices and the Dagsboro power plant shutting down. Mr. Lee stated that the BPW learned from GHD that the BPW is grossly under billing impact fees. Mr. Lee suggested that the impact fees be raised 10-15% and have a study done to get the fees where they should be.
- Grant Revenue needed an adjustment for the head work payments.
- Change in market value was a \$153,000 for last month.
- Mr. Owen questioned the significant change in the non-operating revenues and expenses on the year-to-date spreadsheet. Ms. Bellere stated that the BPW is doing better in the interest income category than predicted. Compared to last year, the interest expense is higher because the loan obligation is higher (Jones Farm). Impact fees are higher and grant revenue is higher. Mr. Webb questioned if the grant revenue is inclusive of the city council money. Ms. Bellere stated that it has not been received yet. Ms. Townshend stated that for the ARPA funding, the city will be developing agreements for each of the recipients so that the requirements are clear. Ms. Townshend is hopeful to have agreements done next month. Mayor Williams stated that expenses that are eligible can be reimbursed if need be. President Panetta stated that the BPW has several major projects and the decision on where to allocate the ARPA funds needs to be done. Ms. Townshend stated that council has approved allocating the funds, the agreements are just administrative.

ACTION: *Mr. Nichols motioned to accept the financial report. Mr. Owen seconded the motion, which passed unanimously.*

6. Receive the Inframark.

Mr. Wolgemuth and Mr. Plack presented:

- Membrane System: Train three de-ragging complete. Train three continues to show significant improvement and it is anticipated to increase when the headworks upgrade is complete. All four trains have been completed for the year. There was a VFD failure for train two. A new VFD was sourced and will be installed in a few days.
- Mr. Lee stated that in the report, the oxidation ditch reflects a green status and there is an issue. There are two cracks. Mr. Wolgemuth will make the change.
- Pump station seventeen utilizes antiquated technology. Clogging affects the ability of components to explode and damages the windings.
- Mr. Plack has put in his notice that he will be leaving. President Panetta thanked Mr. Plack for his service.
- Pump Stations: Pump station three bypass valves and fittings have been completed. Pump station sixteen had a pump failure due to antiquated electrical system and was

sent out for emergency repair. Due to supply issues and the age of the pump there was trouble obtaining parts. Could be 7-8 weeks for the parts and even longer for a new pump. Mr. Calaman stated that a bypass will be put in as well.

- Mr. Lee questioned if there are any concerns with the upcoming rain from the storm. Mr. Wolgemuth stated that Inframark is topping off the fuel and the bypass is ready.
- President Panetta referred to maintenance and repair section and the sealed cracks in the sodium hypochlorite feed pump. Mr. Plack stated that the sodium hypochlorite had weakened the plastic material of the pump housing due to age. New pumps were installed earlier this week.
- Mr. Calaman stated that the temporary generator will fit most of the smaller pump stations.

Mr. Lee questioned if the city prepared for the storm/rain by sweeping the streets. Mayor Williams stated that he is unsure if the sweeping has been confirmed. Ms. Townshend stated the city can have a meeting with staff to make sure the preparations for the storm are done.

7. Receive the President's Report.

President Panetta stated that Suez visited for the yearly tour and review of the wastewater treatment plant. One minor change was made to the control system and will look to make another to improve the efficiency of the plant. Nothing outstanding was found and Suez was pleased with the condition of the membranes.

President Panetta, Mr. Calaman, and Mr. Davis met with Beebe staff and toured their facilities and gave a tour to Beebe staff of the wastewater treatment plant. There is a lot of potential to cooperate on the ragging issues both entities are experiencing.

Mr. Lee questioned the battery project and if it is moving forward. President Panetta stated that DeLorean approached BPW because of change in legislation. Other vendors have also approached BPW and DEMEC. The legislation passed but the regulations are not in place yet. There is more potential for the battery market. Peak shaving or reliability direction needs to be determined. Mr. Lee stated that peak shaving would be the biggest return. President Panetta clarified that the BPW has high reliability, but the battery storage would be storm resiliency or another event resiliency. Mr. Webb questioned if this would be shared benefit or just a BPW benefit. President Panetta stated that an option is to have DEMEC own the battery or the BPW own it. It will be a shared congestion charge that is prorated.

8. Receive the General Manager's Report.

Mr. Calaman presented:

- Projects continue: Wrapping up Pilottown Road and Savannah Road punch list items.
- Mr. Calaman and Ms. Bellere attended the APPA conference. Power supply costs increases are being seen across the board. Big push for time of use rates. Huge

discussions on supply chain. Utility companies are starting to look into parametric insurance. Mr. Calaman has spoken with BPW insurance company about this type of insurance and will gather more information. Ms. Bellere took courses discussing Gasby 62 and 87, regulatory and leases. PCAs are a hot topic. Small utility roundtable discussed grants and the availability of funding has never been seen like this before. One utility had a grant writer. Mr. Lee questioned what type of grant the utilities were trying to obtain. Ms. Bellere stated that the grants were for hardening and mitigating infrastructure. Mr. Lee requested that this topic be discussed what was learned at the next mitigation committee. Mayor Williams stated that the University of Delaware is offering assistance writing grants.

- President Panetta stated there are utilities across the country applying for 20% rate increases and have been granted. Ratepayers need to be educated on the outside factors and be aware of conditions.
- Donovan Smith Mobile Home Park pre-bid meeting is scheduled for October 13th. The bid opening is tentatively on October 27th.
- Hydrant flushing is scheduled on November 8th and 9th. Postcards are being sent out.
- Efficiency Smart contract is expiring and there will be a presentation in October from Scott Lynch. Mr. Lee stated that the BPW paid \$250,000 and is unsure of the benefits.

Mr. Gritton presented IT:

- Security Report: Numbers are at an acceptable level of intrusion detections. The firewalls are stopping the intrusions.
- The .gov was approved and working with the web host company for rollout. Tentative to rollout at the beginning of the year.
- Improvements to the upstairs conference audio equipment completed.
- Lewes Fire Department requested GIS data to confirm accuracy.
- Ongoing Cyber audit and not reporting any surprises at this time.
- 2019 there was a data breach at the BPW, and the FBI has closed the case this month. The FBI has returned the assets and sealed evidence is being retained. President Panetta questioned if there is a required retention period. Mr. Gritton stated that the FBI did not give any indication of a retention period and he will keep it sealed unless otherwise directed.
- FirstNet switch over will replace all the BPW mobile devices and there will be a substantial savings. The month-to-month price is similar. FirstNet has SAT phones available.
- Mr. Gritton and Mr. Posey attended the DEMEC round table. Learned that there will many grants becoming available.
- Mr. Gritton completed CompTIA A+ certification.

9. Open forum/general discussion on a request from Henlopen Properties LLC for the BPW to consider serving water and electric services to the approved Mitchells Corner Subdivision. INFORMATION/DISCUSSION/ACTION (Austin Calaman, Charlie O'Donnell, Benjamin Hearn)

Ring Lardner presented.

Mitchell's Farm is located at the corner of Gils Neck Road and King's Highway. This project was approved by county council in July. It was found that the electric split properties. It was suggested that to come before the Board to see if the BPW was interested in serving utilities. Mr. Lardner will request two separate actions. A preliminary map of Mitchell's Corner was presented. The dashed line is about 600 feet off King's Highway and is the demarcation line between the BPW and the Delaware Electric Co-op. Splitting is not a viable interest. The first request is for the BPW to have a discussion with the co-op to redistrict line that makes sense for everyone and to state the BPW interest in serving the property currently approved by the Public Service Commission (PSC). If the property is debarked by the Public Service Commission, BPW must serve it whether or not a pre-annexation agreement is signed. The second request is the interest in serving water to the property. The BPW is currently serving Cape Henlopen Medical Center. These actions would allow Mr. Lardner to go to the city of Lewes.

Mr. Calaman stated that he has already had discussion with Rhett Passwaters, electric supervisor, and serving electric will not be hard to do. Mr. Webb questioned if this solution requires changing the lines. Mr. Calaman stated that this is the first time dealing with the PSC. Mr. Hoffman stated that there is a process for the PSC that involves engaging the Co-op. Mr. Hoffman questioned if there was a CPCN for water currently. Mr. Lardner stated that there is not. Mr. Lardner does have a will-serve from Tidewater. Mr. Lee questioned how the decision will be made. Mr. Lardner stated that today is a just a request for interest, and then it would be taken to the city for a waiver from the city for pre-annexation. If this granted, the client would have to check rates. If the city does not grant the waiver, the client will go with Tidewater. Mr. Hoffman clarified that the request for election would be to proceed with service conditioned on Mayor and City Council consent and conditioned on staff engaging with the Co-op and proceeding with the PSC as to the line. The Board does not weigh in at all on the pre-annexation agreement. Mayor Williams questioned the cost associated for the BPW. President Panetta stated that there is no cost on the water side.

Mr. Hoffman stated that it is important to have two separate requests. For the electric side, there needs to be an agreement of both utilities to move the line and then present to the PSC. For water, CPCN can be applied for since nobody has it. Mayor Williams questioned the fee for electric and moving the line. Mr. Hoffman stated that this will be part of the conversation with the Co-op. Mr. Lardner stated that the cases he has seen the cost has been minimal because both parties are trying to resolve an issue. Mr. Owen questioned if the BPW is in position to provide these services. Mr. Hoffman clarified that the homes do not currently exist, and part of the conversation will be where to put infrastructure to serve the homes. Mr. Hoffman recommends having the conversation with the Co-op before landing on a solution. The request is there any interest to serve, and the motion is to support staff engaging to move the line and pursue a CPCN with Public Service Commission on electric and pursuing a CPCN for water, conditioned on the mayor and city council. Mr. Owen questioned if the BPW has the capability to provide electricity. Mr. Calaman stated that the short answer is yes. Mr. Nichols questioned what happens if the plan changes, such as more commercial than houses. President Panetta stated that in the event of plan changes, the BPW would have to go back to mayor and county

council. Mr. Lardner stated that there will be continuous conversations with BPW staff and GMB staff. Mayor Williams stated that the developer could always build less.

ACTION: *Mr. Owen motioned to allow staff to engage the Delaware Electric Co-op with discussions of moving the service line and pursuing that shift with the Public Service Commission conditioned on receiving prior consent from Mayor and city council. Mr. Lee seconded the motion, which passed unanimously.*

Ben Hearn, GMB, stated that after researching well development, water allocation projects, system capacity demands, and future projects like the new water tower, it was determined that the BPW could accept this development. Mr. Lee questioned if the recommendation is contingent upon the tower and well development. Ben stated that these projects are in the works, but these projects are important. Mr. Lardner stated that the developer is looking for approval in 2023 and starting 2024. Construction would more than likely be four years. President Panetta stated that the other improvements regardless and Mitchell's corner is not materially significant portion of the BPW water system. Mr. Calaman questioned if ag wells, or irrigation tied into the system. Mr. Lardner stated that it is unknown. Mr. Lee stated that the upgrades and restoration to the wells must be done either way. The tower is about two years out. Mr. Lardner reminded the Board that impact fees would be paid as the project comes online in addition to the normal water and electric fees. Sewage would go to Sussex County. President Panetta stated that receiving the impact fees would help the BPW to amortize the project costs of the well restoration and water tower.

Mayor Williams questioned the capacity calculation and what is left. Mr. Hearn stated that with the water allocation permit, GMB projected usage based on organic growth a committed developments in the city. In 2027, based off committed development, 1405 EDUs are projected, including Mitchell's Corner. Mr. Hoffman questioned if GMB considered all the property that the BPW currently has a CPCN for. Mr. Hearn stated that GMB assumed that the CPCN is consistent with the city municipal boundary. Mr. Hearn is unaware of additional CPCN area that needs to be developed. The current water CPCN being served is included in the calculations. Mr. Hoffman questioned if Mr. Hearn has any concerns to capacity based on the committed development and the CPCN. Mr. Hearn stated that he does not have any concern with capacity and accounted for .9% annual growth in the system in addition to the committed development. Mr. Lee questioned what the current capacity of the BPW water plant. Mr. Hearn stated that the capacity is currently 2.88 mgd based on a 1.8 mgd peaking factor for the plant. Mr. Lee stated that he wells are about 4,000 gallons per hour.

Mr. Webb questioned how many wells the BPW has and how close are they together. Mr. Calaman stated that there are five well, roughly 400 feet apart.

Mr. Lee believes that the BPW does have capacity. Mr. Webb is concerned that the wells are close together and is not in favor of the water request. President Panetta made the case that the system improvements that will be done will help to amortize those costs and this development would not make a material significant difference. Mr. Lee stated that the aquifer is

huge has there is a lot of water. President Panetta reminded the Board that is agreed to split the cost for an aquifer study for the well field. Mr. Webb is still against adding Mitchell’s Farm to the water system. Mr. Owen is comfortable with the capacity.

Mr. Hoffman stated that if the BPW applies for the CPCN and the PSC gives the CPCN, then that obligates the BPW to be ready and willing to serve. Mr. Owen questions what happens if Tidewater applies as well. Mr. Lardner stated that there can only be one CPCN and Mitchell’s Corner will only request one, BPW or Tidewater.

ACTION: *Mr. Owen motioned to authorize staff to pursue a water CPCN for the Mitchell’s Corner property, conditioned on mayor and city council’s approval. Mr. Lee seconded the motion.*

President Panetta stated that the well study that was requested did not pertain to capacity, but wellhead protection area.

Aye	No
<i>Thomas Panetta</i>	<i>Earl Webb</i>
<i>Preston Lee, P.E.</i>	
<i>Richard Nichols</i>	
<i>A. Thomas Owen</i>	

Motion Carries.

Mr. Hoffman’s recommendation is to come back to the Board after discussion with the Co-op and PSC and the arrangement of where the line is.

10. Open forum/general discussion on setting the date for Household Hazardous Waste and Drug Take Back Day. INFORMATION/DISCUSSION/ACTION (Austin Calaman)

Mr. Calaman stated that this is a national event that the BPW and Lewes Police Department work together. The BPW collects the hazardous waste and electronics, and the PD will handle the drug take back. The event will be held October 29 2022, from 10am to 2pm. President Panetta stated that there is always a good turnout. President Panetta believes that it was a record year for the PD and the drug take back last year. Mayor Williams stated that the city has issues with residents putting batteries in the recycling and requests that the BPW promotes collecting batteries at the event. The Board stated that they do accept batteries.

11. Open forum/general discussion on approving a 50/50 cost share on the matching planning grant that the city received for a Cedar Street Stormwater Study. INFORMATION/DISCUSSION/ACTION (Austin Calaman)

At the past BPW/city joint meeting the it was discussed that Cedar Street stormwater that may be associated with the sewer project. The city handles the above ground infrastructure such as curbs, gutters, etc. and the BPW handles the underground infrastructure pertaining to

stormwater. This is an area where not a lot of infrastructure exist. The city is the applicant of the 50/50 planning grant and would owe 50%. The BPW will give 25% to the city, \$17, 500.

ACTION: *Mr. Nichols motioned to approve the cost share, 25%, of the matching planning grant for the Cedar Street stormwater study. Mr. Owen seconded the motion, which passed unanimously.*

12. Open forum/general discussion on the selection of the Board member to sit on the City's capital projects committee. INFORMATION/DISCUSSION/ACTION (Austin Calaman)

Mr. Calaman does attend all Capital Projects Committee meetings, but there was discussion to have a Board member to sit on the committee. The recommendation was Mr. Nichols.

ACTION: *Mr. Owen motions to appoint Mr. Nichols as the BPW Board representative for the city's Capital Projects Committee. Mr. Lee seconded the motion, which passed unanimously.*

13. Open forum/general discussion on the recent pole attachment application from AT&T for wireless facilities. INFORMATION/DISCUSSION/ACTION (Robin Davis)

Mr. Davis stated that AT &T Singular Wireless is requesting to install two wireless facilities on BPW poles. One around 2500 Bay Avenue and one in the area of 9 Rhode Island. This will include an antenna on top of a box with a meter 8-14 feet from the ground level. The proposal includes the removal of the existing poles. According to AT&T engineers, the current poles are too short for optimal coverage. Mr. Davis sent the BPW pole attachment agreement to AT&T and AT&T responded with comments. There is a request to extend the time allowed for the billing period. Before the city can issue a permit, the pole attachment agreement must be completed first. The city will decide on the aesthetics meeting the city standards.

Mr. Owen questioned what else needs to go on the pole besides the antenna. Mr. Davis stated that the BPW will need to put a meter on the pole because of the make ready charge that is part of the agreement. The cost of the new pole is part of the make ready charge.

Mr. Davis showed the Board members a spec of the wireless facility. Mayor Williams stated that the city has an ordinance that spells out aesthetics, but it is more about practicality for the BPW. Mr. Davis stated that the current pole is 35 feet 3 inches, and the request is for the pole to be 38 feet six inches. Mr. Calaman questioned if the right-aways are city or Del-Dot owned. Mr. Davis stated that they are city right-aways.

AT&T is requesting to change the agreement from 30-day invoicing to 90-day or 120-day invoicing. Mr. Davis stated that there is also a schedule of fees that need to be determined by individual projects. One fee is the amount to charge annually for rent for the rental of the pole. President Panetta is concerned that AT&T does not want to pay invoices for 120 days. Mr. Lee questioned if AT&T is currently using any other BPW poles. Mr. Davis stated that AT&T utilizes the water tower. There are no wireless facilities on any BPW poles. MR. Lee questioned the

record of payment of AT&T in the past. Mr. Calaman stated that AT&T makes one payment a year and has not been an issue.

Mr. Hoffman questions the intent of staff, to approve the agreement or to discuss the proposal from AT&T. Mr. Davis recommends that the Board decide the blank fees and get a consensus if the Board is willing to change the dates in the agreement. Mr. Hoffman clarified that the goal is to get Board feedback on the form agreement and the request to change the form. Staff will take the response back to AT&T if the Board is not inclined to change the agreement and then the agreement will come back to the Board for approval. Mr. Hoffman questioned if staff is looking for a motion if the Board is comfortable with the proposed changes. Mr. Davis would like a motion if the Board would like to do so.

Mr. Nichols questioned if the BPW has the 40-foot poles available or would this be a supply chain issue. Mr. Calaman stated that the BPW does have the poles. Mr. Webb questioned if the wires would be moved to a higher level. President Panetta stated that the system would be at the same level. Mr. Webb stated that the wires would still need to be reattached to the new pole. Mr. Davis stated this would be included as part of the fee schedule and part of the make ready charge. Mr. Davis's recommendation on the make ready charge is to remain to be determined. Mr. Davis stated that BPW has a right to charge an annual fee. Mayor Williams stated that the fee must be reasonable as seen by the FCC. Mr. Davis has contacted other utilities, Milford, Dover, Rehoboth, and Wilmington. No response from Wilmington. Milford and Rehoboth charge the maximum allowed by the FCC, \$270 a year for the right-away to the attachment of the pole per attachment. Dover only charges \$50 per attachment. Mr. Webb questioned if the BPW could charge \$270 plus any escalators approved by the FCC. Mr. Hoffman stated that there are escalators approved by the FCC and the fee is technically higher than \$270. However, it is not abundantly clear. \$270 is the safe, clear answer.

Mr. Hoffman stated that the agreement is the BPW form agreement and the changes that AT&T are requesting are the time periods and are noted in the red line. The second question is the annual fee. Mr. Davis stated that there are other fees on the fee schedule that need to be determined. Mr. Davis referred to a pole transfer fee, unauthorized attachment discovery fee, unauthorized attachment daily fee, and the storm restoration fee. Staff feels that the pole transfer fee and the storm restoration fee can be "to be determined" or cost plus 15% or 20%. The unauthorized attachment fees are more like fines. Seaford charges \$150 for the discovery fee and \$5 per pole for a daily fee until AT&T fixes the issue. After 30 days the BPW can take down the attachment. Mr. Owen questioned staff recommendation.

Staff recommends charging \$270 for the annual fee per attachment. Mr. Owen is questioning the documentation provided and state municipalities are charging \$5900. Mr. Calaman stated that this was a study done in 2018 and the FCC has tightened the regulations. Mr. Owen referred to the public utilities charging \$14.99 for regulated and \$6292 for unregulated. Mr. Calaman stated that if other utilities in the area are only charging \$270, the FCC could say that the higher amounts are unjustifiable. Mr. Webb referred to the study and the "deviation of range" and that the definition of range is unknown. President Panetta recommends having staff

come back to the Board with recommendations. President Panetta agreed that the FCC has made many changes since this 2018 study. Mayor Williams stated that table 14 gives Delaware specifics to limited direct costs. Delaware is singled out. Mr. Davis stated that Delaware has deals with the Department of Transportation right-aways and has rules just for that.

President Panetta questioned the consensus of the Board on changing the invoicing time. Mr. Owen is comfortable with AT&T paying quarterly. Mr. Calaman explained that there will be a meter creating monthly charges like other BPW customers. Mr. Webb questioned how hard it is to send out the bills. Ms. Bellere stated sending the bills is not hard and the system calculates bills with the rates entered. Mr. Webb stated that having more time does not help the BPW but hurts in terms of cash flow. Mayor Williams stated that bigger corporations typically have longer time to pay invoices. Mr. Davis stated that the BPW/FiberTech agreement has mostly 30 days.

Mr. Lee is comfortable moving forward with \$270 annual fee and changing time to 60 days.

Mr. Davis stated that the items in the fee schedule that need to be addressed and the staff recommendations.

Fees	Recommendation
Auditor Inspector Fee	\$60 (based on Seaford's fees)
Make Ready Fee	Leave as To Be Determined
Annual Fee	\$270 with an escalator allowed by FCC
Pole Transfer Fee	Cost plus 20%
Unauthorized Attachment Discovery Fee	\$150
Unauthorized Daily Fee	\$5 per day
Storm Restoration Fee	Cost plus 20%

Mr. Webb questioned if the pole transfer fee should be cost plus 20%. President Panetta questioned is the standard policy. Mr. Davis stated another comment that the applicant put in the agreement is that the interest on late payments is at 10%. Mr. Webb agreed to the 10% but would recommend less days. Mr. Davis questions making the fees cost plus 10% to make the agreement consistent. President Panetta stated that the BPW should be consistent. Developer's Agreements have an administrative fee is 15%. Ms. Bellere stated that miscellaneous water revenue is cost plus 20%. The consensus is to use 20% on the agreement fee schedule for wireless attachments.

Mr. Davis stated that the term needs to be discussed whether the Board will keep the agreement for invoicing at 30 days or change to 90 or 120 days. AT&T commented different terms for different items within the agreement. Mr. Lee is comfortable at 60 days across the board. Mr. Davis questioned if the Board was comfortable with the 10% interest on unpaid invoices. The Board would like to change it to 20% to keep it consistent. Mr. Hoffman questioned if 20% would exceed legal interest. Mr. Hoffman will need to verify. Mr. Owen stated that he thought that this would be administrative costs. President Panetta stated that late payment of invoices is considered interest. Mr. Hoffman questioned if this agenda topic needs to be voted on today. Mr. Davis stated that AT&T would like to start moving forward.

Council's recommendation is to present a clean agreement to the Board to vote up or down. President Panetta and Mr. Lee agree and would like to vote on this item at the next meeting.

14. Open forum/general discussion on a proposal to seal a crack in the oxidation ditch of the Howard Seymour Wastewater Treatment Plant. INFORMATION/DISCUSSION/ACTION (Austin Calaman, Thomas Panetta, Charlie O'Donnell, and Richard Plack)

Mr. Calaman stated that the BPW is still awaiting a proposal for lining the inside of the ditch. With the depth of the ditch, Mr. Calaman is not comfortable trying to excavate from the outside to make the repair, it makes sense to line the one section. Mr. Lee questioned if there is any indication that the crack is increasing. President Panetta stated that the crack is just movement, because at one point the crack sealed itself. The ditch closest to the canal is the ditch being discussed. The second crack is where the two ditches split, and the BPW is waiting for a proposal. This second crack has been there for a long time and is unknown how long it has been there. The Board consensus is to wait to make a decision until the BPW receives all proposals.

15. Open forum/general discussion on a proposal to purchase the temporary generator at PS#4. INFORMATION/DISCUSSION/ACTION (Austin Calaman and Richard Plack)

Mr. Calaman stated that there was a previous question of whether the generator has the ability to operate more than pump station four. The generator does have the ability to run single phase to three phase at pump station four. Inframark and an electrician did confirm that this would be a solution for more than one pump station. Mr. Webb questioned if the \$55,000 was for a used unit. Mr. Calaman estimates a new temporary generator would be around \$80,000 if it is available. This quote is for the current temporary generator on site. The permanent generator will be replaced as part of the headworks project. President Panetta stated that pump station four and three upgrades would include a new generator.

Mr. Webb questioned if the county has better buying power and could get a better price. President Panetta stated that the county has is equivalent in size to the one the BPW is purchasing. President Panetta feels that the generator could be part of the mutual aid package and could be loaned to the county or they could loan to the BPW. Relying on the county is not a given because other utilities may be using the generator. Currently paying \$1680 to rent the generator a month. Mr. Webb would like to speak with Mr. Medlarz from the county to see if he could order it at a cheaper cost or shorter delivery time.

Mr. Lee questioned how many of the pumping stations currently have connections for a generator. Mr. Calaman stated that the majority do have the connections. This generator is set up to service four different voltages. Mr. Owen questioned staff's recommendation for a permanent generator. Mr. Calaman stated that there is a difference between stationary and permanent generators. A stationary generator can move to the smaller pumps. The new pump stations being installed have generators as part of the packages. Mr. Owen recommends finding the availability and cost of a generator through the county and if the generator is not cheaper

through the county, the BPW should purchase the generator through this proposal. Mr. Webb would like the cost of a new generator and leave the decision at the discretion of staff. The Board consensus is not to leave to the discretion of the staff. Mr. Hoffman recommends putting a cap.

Mr. Webb questioned if the generator was new when placed and how long has it been there. Mr. Calaman stated that it was used, and the Carter generator has been at the site for a bout a year. Mr. Webb is comfortable with a cap of \$70,000 for a new generator.

ACTION: *Mr. Webb motioned to authorize staff to purchase a temporary generator at pump station four, not to exceed \$70,000. Mr. Owen seconded the motion, which passed unanimously.*

Mr. Panetta clarified that it is a BPW asset, but a temporary generator.

16. Open forum/general discussion on the approval of the FY 21/22 audit performed by Zelenkofske Axelrod LLC. INFORMATION/DISCUSSION/ACTION (Kimberly Bellere and Austin Calaman)

Mr. Calaman stated that the audit was presented at last month's meeting.

ACTION: *Mr. Nichols motioned to accept the audit report. Mr. Owen seconded the motion, which passed unanimously.*

17. Call to the Public

None

18. Call to the Press

None

19. Executive Session

ACTION: *Mr. Owen motioned to move to executive session. Mr. Nichols seconded the motion, which passed unanimously.*

Adjourned to executive session at 6:38pm.

20. Return to open session.

ACTION: *Mr. Owen motioned to return to open session. Mr. Nichols seconded the motion, which passed unanimously.*

Returned to open session at 7:20 pm.

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

None

22. Adjournment.

ACTION: *Mr. Owen motioned to return to open session. Mr. Nichols seconded the motion, which passed unanimously.*

President Panetta adjourned the meeting at 7:21 pm.

Respectfully Submitted
Sharon Sexton
Executive Assistant