

Lewes BPW Regular Meeting Minutes  
October 26, 2022

The Wednesday, October 26, 2022, regular board meeting was held October 26, 2022, at 3:00pm in City 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**

*Austin Calaman, General Manager*  
*Robin Davis, Assistant General Manager*  
*Andrew Williams, Mayor*  
*Michael Hoffman, Legal Counsel*

**Others**

*Ann Marie Townshend, City Manager*  
*Elizabeth Owen*  
*Joshua Gritton, BPW*  
*Tim Ritzert, city councilman*  
*Doug Spelman*  
*Aaron Mushrush, Cape Gazette*  
*Kristina Keller, BPW*  
*Sharon Sexton, BPW*  
*Kimberly Bellere, BPW*  
*Scott Lynch, DEMEC*  
*Charlie O'Donnell, GMB*

**3. Executive Session**

President Panetta adjourned to executive session at 3:01pm.

**4. Return to open session at 4:00 pm.**

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

Open session resumed at 4:08pm.

**5. Consent agenda.**

- a. Receive Vice-President Report
- b. Receive Secretary Report- Mitigation Committee Report and approval of minutes of July 6, 2022, mitigation committee minutes, August 3, 2022, mitigation committee minutes, July 29, 2022 finance committee minutes, and August 29, 2022, joint meeting with the city minutes.
- c. Receive Treasurer Report- Finance Committee Report
- d. Receive Assistant Treasurer Report

**ACTION:** *Mr. Lee motioned to approve the consent agenda. Mr. Owen seconded the motioned, which passed unanimously.*

## 6. Receive the Inframark Report.

Mr. Wolgemuth presented:

- Filters: Recovery cleans on all four trains started last week. Inframark does a hypochlorite recovery clean followed by a citric acid clean. No other issues with the filters.
- Pump stations: Pump station three is checked every day. The bypass fittings and valves are in. Pump station sixteen is down to one pump. Mr. Calaman approved the purchase of a second pump from Hills and expected to ship the beginning of next week. The original pump was beyond economical repair. There are bypass fittings and valves there to hook up the bypass pump in the event of an emergency. Pump station thirteen on Schley Avenue only has one pump and there were a few issues. There is not a spare pump and Mr. Wolgemuth has solicited prices for a new pump. President Panetta questioned how many single pump, pump stations does BPW have. Mr. Wolgemuth stated that E1s and Schley Avenue only have one pump. Mr. Lee questioned how many houses the Schley Avenue pump serves. Mr. Wolgemuth stated that he is unsure, but the pump station is very small near the old power plant.
- Contractors were out to look at the sump pump and give a cost for predictive maintenance for the electrical grid and switch gear. Mr. Wolgemuth reached back out to get quotes for those projects.
- Personnel: Inframark has been interviewing candidates to fill Mr. Plack's position. Have not found anyone yet and in the meantime, Mr. Wolgemuth is in Lewes Monday through Thursday. Dave Weed is covering when Mr. Wolgemuth is not available. Mr. Wolgemuth contacted DNREC and submitted paperwork for the change in operators.
- The skids of diatomaceous earth have been cleaned up in the storage building. The bypass pump has been relocated to the building, to keep it under cover.

Mr. Owen questioned what type of response has been received for the operator position. Mr. Wolgemuth stated that it has been difficult to find a level four operators in Delaware. Inframark is using a headhunter. Mr. Wolgemuth has interviewed six candidates so far and one from Georgia was recommended for the next step and he withdrew from the process since the family did not want to relocate. Sharing the responsibility with Mr. Weed is working out fine so far.

Mr. Calaman stated that Mr. Wolgemuth coordinated replacing the liquid sensing probe on the Pista Grit. Mr. Wolgemuth stated that the whole panel was looked over.

Mr. Calaman stated that GMB has received the drawings back for the headworks. This will need to go through Inframark's CAD and sent to Keystone for final engineering on the electrical side, then submitted to DNREC. Mr. Lee questioned if the headworks project can go out to bid while it is submitted to DNREC. Mr. Calaman stated that there is a risk if DNREC provides feedback or changes. If this happens a change order to the bid will be needed. Mr. Calaman has reached out to DNREC to keep them up to date in the process.

President Panetta questioned the effect of Hurricane Ian on the wastewater treatment plant. Mr. Wolgemuth stated that there were higher flows at the EQ tank but there were no high-level

alarms at any of the pump stations. There was tidal flooding on the roadway at the treatment plant. Mr. Plack spent the night in the plant on Sunday evening. No high levels or overflows. President Panetta stated that the last time Suez visited the plant, a set point was changed, and another was going to be suggested to change to improve the efficiency of the membranes. Mr. Wolgemuth was unaware of this suggestion and will follow up with Suez. Mr. Calaman stated that Mr. Plack gave updates throughout the night when Ian was happening. Mr. Wolgemuth stated that in the past, pump station four would get high levels, but with the new check valves and new rotating assemblies there was not an issue with the storm.

President Panetta questioned the last Suez report and the permeability decrease on train one. Mr. Wolgemuth stated that manual recovery cleans were done and information was sent off to Suez. Suez does not get the report if not on the automatic cycle. Mr. Wolgemuth stated that Inframark is currently doing recovery cleans and using the automatic cycle, but it is difficult due to any pickup and the automatic cycle aborts. The recovery clean must be finished manually when this happens. If employees must dose, then the recovery clean will need to be put into manual.

Mr. Webb questioned if Mr. Wolgemuth is seeing less “wipes in the pipes”. Mr. Wolgemuth stated that there has not been as many clogging issues.

## **7. Receive the President’s Report.**

President Panetta stated that he and Mr. Calaman had a meeting with DNREC on the State Park and will have another in November. The meeting concerned the state park sending their sewage to the BPW and the BPW to treat it. Mr. O’Donnell attended as well.

President Panetta has attended two meetings on the IRA (Inflation Reduction Act). This is a federal bill that emphasizes electric vehicles and clean energy. The bill is not clear on what funding is available for strengthening the grid from storm events or the electrification of EVs, heat pumps, etc.

## **8. Receive the General Manager’s Report.**

Mr. Calaman presented:

- Continuing to finish punch list items from Pilottown Road Project
- Moved the Donovan Smith Mobile Home Park (DSMHP) bid opening from October 27<sup>th</sup> to October 31<sup>st</sup> because there was addendum issued and wanted to allow enough time for contractors.
- Community meeting for DSMHP on November 17<sup>th</sup> at 6pm.
- Continued discussions with GHD wastewater treatment plant long range planning.
- Reached out to insurance provider for information on parametric insurance.
- Continued to meet with Mike Hogan and Richard Nichols for finance committee.
- Mr. Calaman, Mr. Davis, and Ms. Bellere met with University of Delaware for information on grant assistance. Mr. Lee questioned what the grant would be for. BPW staff discussed what projects are planned and the University of Delaware is waiting for more clarification from the

IRA. University of Delaware will reach back out in a few months. Does not have to be related to University of Delaware.

- Hydrant Flushing is scheduled November 8<sup>th</sup> and 9<sup>th</sup>
- Household Hazardous Waste and Drug Takeback is scheduled October 29<sup>th</sup> 10am-2pm
- The IRA Bill's biggest incentive program is from the tax side. President Panetta stated that the IRA does specifically call out battery storage or energy storage in general.

Mr. Gritton presented IT:

- Data for security is trending downward for intrusions. Low 100s, this is expected and acceptable.
- There were six verified malware attempts and mitigated.
- The migration of the entire fleet of mobile devices to AT&T is almost complete.
- Cyber audit is complete, and the results were favorable overall. There was a small punch list, and IT has begun remediating these items.
- Quarterly physical checks of BPW inventory for remote assets is being complete.

Ms. Sexton presented:

- Ms. Sexton and Ms. Keller attended the Lewes Historic Farmers Market for Public Power Week. Energy efficient information and LED light bulbs were handed out.
- Gift baskets with energy saving tools were given away for Public Power Week.
- A customer satisfaction survey was sent out and received a good response of over 700. Last survey was sent out in 2011. Received ratings overall average 4- 4.5 out of 5. Biggest concerns were brown water and the ready to serve charges.
- Lewes Lights approached BPW to provide an incentive to participate. Ms. Sexton presented options of gift baskets or a \$25 credit for the first 25 registrants. Mr. Calaman suggested speaking with locally restaurants about donations for the gift baskets. Mr. Owen questions if a credit on the bill would be against the BPW donation policy. Mr. Owen remembers the policy as stating that discounts or free services cannot not be given, except for the city. Mr. Lee stated that the BPW does not usually contribute to the event. Mr. Lee stated that there were a few people who were upset that the BPW has contributed to the hospital and the fire department during COVID. Mr. Lee suggests being careful of the policy. President Panetta agrees with the baskets. Ms. Sexton will begin putting baskets together and talking to local businesses.
- Mr. Webb requested copies of the customer satisfaction comments. Ms. Sexton will get those to the Board.

Ms. Bellere presented monthly, year to date, and Quarter 2 financials:

- For September:
  - Line Two, Commercial: Sewer is being investigated further. DRBA had a replacement of their cooling system. With the decrease in water, the sewer bill decreased \$4,000.
  - Industrial, SPI: Has been down the past two months for water and electric. Ms. Bellere and other staff have tried other avenues to contact SPI. Unsuccessful.
  - Municipal is down because of the street light readings.
  - Line twelve, Repairs and Maintenance: Distribution is higher which includes items for the field. Water: Paving for Henlopen Acres was done. Sewer: Chemicals and Clean Delaware.

- Line Thirteen. Professional Contractual Services: There was an additional \$5,000 for the long-range study for the wastewater treatment plant.
  - Line Fourteen, Other Expenses and Supplies: Water: There was a travel expense for work done at the treatment plant.
  - Bad Debt: Staff wrote off bad debt for deceased and people who have moved and have been unreachable.
  - Impact Fees: Reversed the elementary school. Sewer was higher than last year, but not as high as predicted.
  - Line twenty-seven: Change in market value of \$313,000 loss.
- Fiscal year-to-date
  - Some of the items from the monthly report smoothed out.
  - Municipal is still on here and staff needs to update the budget.
  - Line five: Water is affected by the filter cleaning. Mr. Wolgemuth has provided Ms. Bellere with a cleaning schedule to update.
  - Revenue other under electric: special work at Graves Uniform and poles were sold to Nickel Electric.
  - Line twelve: \$27,500 in preventative maintenance for transformers. For Sewer, \$134,000 in sludge hauling and \$189,000 in chemicals this fiscal year so far.
  - Line Fourteen, Other supplies and expenses: Dues and subscriptions, travel expense, and cell monitoring fees included.
  - Line 24, Impact Fees: Reversed the elementary school. Sewer was higher than last year, but not as high as predicted.
  - Change in market value for this year is at a \$953,000 loss.
  - Mr. Lee questioned the service provided to Grave Uniforms and if it was an emergency. BPW does not typically offer services for private entities. Mr. Calaman stated that it was an emergency during freezing weather, and temporarily hooked up electric.
  - Mr. Webb questioned line seven, storm water and the 2.44% and if this accounts for work in the future and the different requirements. Mr. Calaman stated that this only refers to maintaining storm water. Mr. Webb questioned if there are any insights when higher requirements may hit the BPW. Mr. Calaman stated that it is unknown when MS4 will be implemented and has been rumored for last couple of years, at any time. MS4 has not been designated yet; COVID may have impacted the designation.
- Quarter 2
  - Comparing to last year, revenues are up \$217,000 but expenses are also up at a higher rate of \$433,000.
  - Non-Operating incomes are down \$216,000. Operating income has decreased almost \$217,000. Total income has decreased almost \$433,000 which is the sum. Mr. Webb questioned how much is affected by inflation. Mr. Calaman referred to the chemicals purchased, and the inflation is 20% to 53%. President Panetta questioned how much of the chemical cost was hypochlorite because there was a factory that exploded, creating a shortage in the industry. Ms. Bellere added that hauling had an additional fuel surcharge.
  - The variance from the budget:
    - Commercial: DRBA

- Industrial: SPI
- Municipal: Street Light Reading
- BPW: Filters
- Repairs and Maintenance: Transformers, Henlopen Acres paving, chemicals, sludge hauling
- Other Supplies and Expense: Purchase of concrete and cement for Second Street, travel expense, cell monitoring fees
- Impact Fees: Elementary School
- Change in market value: \$218,000 loss

Mr. Lee questioned why the transformer maintenance has increased so much. Mr. Calaman stated that the maintenance for one transformer was to rebuild for \$20,000 or wait a year and pay \$70,000 for a new one.

Ms. Bellere stated that the actual numbers compared to the budgeted number are better for operating. Staff does not budget for a change in market value because it cannot be predicted. With a budget adjustment with the reversals will make a difference.

## **NEW BUSINESS**

### **9. Open forum/general discussion on the renewal of the AMP Efficiency Smart Program. INFORMATION/DISCUSSION/ACTION (Scott Lynch and Austin Calaman)**

Mr. Lynch, Vice President of Asset Development, DEMEC, presented:

- The current 3-year contract for Efficiency Smart ends at the end of this month.
- Mr. Lynch is looking to renew contract for another three years.
- This is a power supply program. The cheapest form of electricity is the electricity the BPW does not buy. It is a business retention and growth program. The State of Delaware has an energy efficiency program that Efficiency Smart reports to about the activities of the program.
- DEMEC is the BPW electric wholesale provider. Efficiency Smart is a hands-on service that interacts directly with the municipality's electric customers to reduce their usage. Efficiency Smart staff and DEMEC staff are meeting with the BPW retail customers and help to be successful to reduce usage.
- Efficiency Smart offers the LED light program, which offers high quality light bulbs for 99 cents, a resource to understand electric bill, residential product rebates, technical services for small to large customers, and incentives for residents and business.
- Customer and utility focused.
- Efficiency Smart program was affected by COVID, but customers are reaching out now post-COVID. A quote from Cape Henlopen School District was shared. The process was not cumbersome, and the incentive check was impressive.
- Program results for BPW: Goal was an energy savings of 658 megawatt hours (MWh). The expected energy savings by the end of this month is 538 MWh, 82%. Energy Savings is guaranteed by DEMEC. There was a contract savings for over the life of the equipment installed of 7,084 MWh. The avoided wholesale power costs of \$405,417. The investment of \$236,000 will give double the money back.

- Dashboard through September 30, 2022:
  - 249 residential transactions
  - 13 completed Commercial & Industrial (C&I) transactions- this was with twelve different commercial companies. There are fourteen potential companies that are looking to participate in the next three years.
- New Program Option: The numbers are like the previous program
  - Avoided Wholesale cost \$443,344. Higher energy costs provide higher savings. These are conservative numbers. There is a third party outside of Efficiency Smart that verifies the numbers.
  - Program Cost is \$229,489

Mr. Lee stated that the program has been a phantom program and has not had anyone in town mention the program. Mr. Lee questions who the people are and where the information is coming from. MR. Lee referred to the transactions. Mr. Lynch stated that if a resident comes in to buy a light bulb one week and then another week buys another, this is a separate transaction. Mr. Lee questioned how it is verified that the BPW ratepayers are receiving the services. Mr. Lynch stated that several the services are online, and customers are able to put in the service address. Mr. Lee stated that people can live in Longneck, but the address can say Lewes. Does anyone verify that the customer is a BPW ratepayer. Mr. Lynch stated that one of the locations is downtown, limiting the service territory. Mr. Lee questioned what businesses downtown are included in this data. Mr. Lynch stated that the Lewes Yacht Club, restaurants on Second Street, the hospital, and the Cape Henlopen School District has been approached. Mr. Owen questioned how many businesses in Lewes are in the program. Mr. Lynch stated that thirteen businesses participated. Mr. Webb questioned if the BPW is going to pay for the program whether it is decided to participate or not through membership. Mr. Lynch stated that the BPW will pay for mwh in the wholesale bill. Where those mwh come from is what is being asking for. DEMEC could go to the market and procure those mwh for the next three years, but with the prices in the market now DEMEC would not be able to get the BPW this amount of hours for the cost. The question is to buy high or buy low.

Mr. Lee questioned the list of transactions and if they were directly related to Efficiency Smart efforts or were the transactions going to occur anyway. Mr. Lee stated that the program has not been talked about amongst the Board because it is not obvious in the community. Mr. Lee questions what credit the BPW is getting for spending a quarter of a million dollars of ratepayer's money.

Mr. Webb referred to the line of the presentation that states, "included with your membership". Mr. Lynch stated that the money is going to be used to pay for what DEMEC procures from the market or from the program. It will be to the BPW advantage to do the program because it is a lower cost. Mr. Webb stated that mathematically there is no reason not to do the program. Mr. Lynch states that DEMEC encourages staff and Board members to get involved and help market the program. Mr. Webb would like the program to be more need-based. Mr. Lynch stated that goal is attack the capacity and the transmission of energy.

President Panetta stated that years ago when there was incentive to go to compact fluorescent was based upon moving from incandescent. Then there was a program moving to LEDs. Mr. Lynch stated that the State of Delaware still gives credit for LED replacement. There is a market out there, that still

needs these products. Efficiency Smart is aware that when the market shifts, they will need to shift as well.

Mr. Calaman stated that Carolyn Doherty, Efficiency Smart, reaches out with promotions. The BPW does bill print messages and there are handouts at the front desk. Efficiency Smart takes the initiative and if they need help to get their foot in the door, the BPW assists.

President Panetta questioned if Mr. Lynch has seen any information that would tie this program to the IRA. Mr. Lynch stated that DEMEC is working with American Municipal Power to discuss items, like resiliency. Could possibly offer incentives for programs like AMI.

Mr. Lynch stated that DEMEC is encouraging members to do more. City of Newark is looking to do more for energy efficiency and Milford has taken a step to do more. This is a minimal step to help.

Mr. Lee questioned how Efficiency Smart's program interrelates with the state's program. Mr. Lynch stated that the two programs do not overlap. DEMEC's relationship with the state is to work with them with the Efficiency Smart program, the Sustainable Energy Utility, etc. The state feeds DEMEC people, and DEMEC feeds the state people. DEMEC just upgraded HVAC and applied for State money and Efficiency Smart money. The state said that it would pay \$500 and Efficiency Smart decided to only contribute \$100 because it was felt that \$600 was a good investment for the project.

Mr. Webb questioned if the BPW could provide a list of ratepayers that are behind on payments, and the program could help them in the long run. Mr. Lynch welcomed the idea.

President Panetta questioned the staff recommendation. Mr. Calaman stated that the program has been successful in the past and the recommendation is to continue the program. Mr. Webb supports the recommendation. Mr. Calaman stated that the BPW is building social media presence and adds bill print messages about Efficiency Smart.

Mayor Williams questioned the cost of the program and if it will decrease if more municipalities participate. Mr. Lynch stated that the number is a function of the amount of power the utility uses.

Mr. Webb agrees that there is a need to determine who is using the program and the BPW and program would better help those that need it. Ms. Sexton stated that efficiency information has been added to the BPW website, including a direct link to the Efficiency Smart program. Mr. Lynch stated that there is a newsletter that anyone can sign up for to learn information in the community.

Mayor Williams questioned Mr. Lynch's title and what is the asset. Mr. Lynch stated that the asset is the program, just a plant with a turbine. Mr. Lynch manages other assets like solar projects, AMI program, Demand Response program, Renewables program, and substation development.

**ACTION:** *Mr. Owens motioned to renew Efficiency Smart contract for three years. Mr. Webb seconded the motion.*



**DISCUSSION:** Mr. Lee would like a commitment from DEMEC to make a stronger effort to make sure the work that is being taken credit for is because of Efficiency Smart and DEMECs efforts. Mr. Lee would like the program to be more visible that it is for BPW clients and provide staff with continuing information. Mr. Lee has no indication that the public is aware of the program, nor businesses like Henlopen Appliance. Mr. Lynch stated that Efficiency Smart has a staff member that is in town, Carolyn Doherty and works with the DEMEC office. Anytime that there are events, Efficiency Smart will be there to promote. President Panetta questioned if there was any information that could be handed out on Saturday, Household Hazardous Waste. Ms. Sexton stated that the BPW lobby has an abundance of material.

Mr. Owen stated that he made the motion because it helps the BPW in its overall wholesale costs. Mr. Lynch confirmed that this is the purpose. This is the benefit of working in the Lewes community. The BPW as a DEMEC member will also reap the benefit of what happens in the in the other communities. Mr. Lynch emphasized that this is a conservative number. Mr. Webb questioned if Mr. Lynch or other staff could come back to report from time to time. Mr. Lynch stated that the report is done monthly and provided to Mr. Calaman.

**VOTE:** *The Board voted unanimously to renew the Efficiency Smart contract for three years unanimously. Motion carries.*

**10. Open forum/general discussion on the request from 1302/1304 Savannah Road to connect to sewer only. INFORMATION/DISCUSSION/ACTION (Austin Calaman and Robin Davis)**

Mr. Calaman stated that this request refers to the Viking Way water and sewer project, where a force main was placed behind properties and curb stops were placed in front of the properties. The request is to only connect into the sewer service and not the water service. The BPW has presented this project as a water and sewer project from the beginning. If the waiver is granted, a new rate will need to be made because the sewer is billed off the water usage. This would be an outside city, commercial, sewer only charge.

Mr. Owen clarified that the project was to provide both water and sewer services. Infrastructure was put in place and the policy states that the property must take both services. Mr. Calaman stated that this was an environmentally driven decision to extend services because of the close location to the BPW wellfield. Initially it was discussed to do a gravity sewer in the front, but the costs were very high, \$50,000. Easements were obtained to put the force main in the back. Utilized DelDot's sidewalk project to put in the curb stops.

President Lee stated that this waiver would create an administrative burden to the staff with the need to create a new set of rates. This would open the door down the line. Mr. Owen stated that the infrastructure was put there for the purpose of connecting both services.

Mr. Owen is of the opinion that property owners must take both water and sewer. Mr. Nichols agreed and stated that it was well understood by everyone. Mr. Calaman stated that there are two other properties about to connect to both water and sewer.

Mr. O'Donnell questioned if the property owner has said if the waiver was denied, they would refuse service. Mr. Davis stated that refusing service was never discussed. Mr. Calaman stated that the property owner stated that the Board did not flat out say that both services must be taken. However, it is a water and sewer project, and the sewer is billed off water. Every correspondence was water and sewer. The request to the city was to allow the BPW to serve was water and sewer. Mr. O'Donnell stated that when Savannah Place was done, there was only a year to tie. It seems that people are trying to pick and choose. Mr. Calaman stated that the difference between Savannah Place and the Viking Way project is that Savannah Place was an entity. Mr. O'Donnell stated that a lot of work went into making the project affordable for the sixteen residents. The infrastructure is spread to so few users. Mr. Nichols stated that this is a capital improvement and increase the value of the properties.

**ACTION:** *Mr. Nichols motioned to deny the request of a waiver for requiring both water and sewer services. Mr. Lee seconded the motion, which passed unanimously.*

Staff will notify the property owner.

**11. Open forum/general discussion on a proposal from A.C. Schultes to case well #1.  
INFORMATION/DISCUSSION/ACTION (Tom Panetta, Charlie O'Donnell, and Austin Calaman)**

Mr. Calaman received a proposal to reline number one well. The discussion is whether to drill a new well or reline. Many conversations with A.C. Schultes and GMB regarding the plan for the well field. Well one is starting to show some sand and is now seizing up the motor. The most cost-effective way to remediate the situation is to reline the well. There is an existing 12-inch case now and could go to an 8-inch casing. The packing and the screen will be in there. There will be a little lost capacity in the well production, but it is like having a new well.

President Panetta stated that there have been two well failures in the last year. Well three went down because of perforations. Well one has been running by hand for a while. There are five wells total. The goal is to get in a position before next summer to have redundancy. The other concern is that three wells were drilled at the same time and the other two are only seven years younger. The well field is aging, and the Board needs to make sure that there is a plan in place to make sure there is adequate water supply going forward. Mr. Calaman stated that the five wells can out produce what the plant can treat, and this is a redundancy discussion.

Mr. Calaman stated that he received a quote for redrilling well three and it ranged from \$100,000 to \$120,000 depending on size.

President Panetta stated that the request today is for re-casing well one. Mr. Owen questioned the two options. Mr. Calaman stated that the re-casing of the well is \$39,290 and the second amount is an option for a stainless-steel casing. Mr. Owen asked for staff recommendation. Mr. Calaman stated that stainless steel will take longer to receive. There is about an eight-week lead time on the standard steel, and this will put the install time around January, February. Mr. Calaman's recommendation is to do the standard steel option. President Panetta stated that the current wells are 55 years old with standard steel, or carbon steel casings. Mr. Calaman stated that the screens will be stainless steel.

Mr. Nichols questioned how deep is the well. Mr. Calaman stated that the well is 101.5 feet deep. The design capacity currently is 600 gallons per minute (gpm). After the casing, it is expected to do 400-500gpm. Mr. Calaman does not expect to see a difference. Mr. O'Donnell stated that even though capacity would be lost, the other wells are bigger running a 1,000gpm. The wells would not lose as big of a percentage of capacity across all five wells. Mr. O'Donnell agrees that the stainless steel is not needed because the wells are regularly cleaned. Mr. O'Donnell stated that the treatment plant has a peak hourly capacity of over 4,000gpm and there is not enough supply with or without the new casing to meet that peak. Mr. O'Donnell stated that GMB is working on a plan to increase capacity and will bring it to the Board once it is worked out. Mr. O'Donnell reminded the Board that with the new tower, there will be more water available in the air that will add to the supply in the case of an emergency. Mr. Lee questioned if the plan included the header. Mr. O'Donnell confirmed that the plan does include the header. There is a section that is older and smaller, and the plan is to replace a section or the whole header.

**ACTION:** *Mr. Lee motioned to accept the standard steel relining proposal for well one for \$39,290. Mr. Webb seconded the motion, which passed unanimously.*

**12. Open forum/general discussion on setting a date for a special meeting in November to include, but to limited to, accepting DSMHP water/sewer bid. INFORMATION/DISCUSSION/ACTION (Austin Calaman and Tom Panetta)**

Mr. Calaman stated that the Board will establish a date to hold a special meeting that does not have to be exclusively used for the Donovan Smith Mobile Home Park (DSMHP) project. The DSMHP item will include the awarding of the contract.

Meeting was set on November 9, 2022, at 2:00pm in the City Council Chambers. Once this meeting occurs, another public meeting will be held with DSMHP to review the process and the scope of the project on November 17, 2022. A notice will be sent via email and mail. A translator will be provided.

**13. Open forum/general discussion on setting a date for the November/December regular board meeting. INFORMATION/DISCUSSION/ACTION (Austin Calaman and Tom Panetta)**  
**OLD BUSINESS**

Meeting for the November/December regular board meeting was sent for December 7, 2022, at 4:00pm.

**14. Open forum/general discussion on the AT&T pole attachment agreement. INFORMATION/DISCUSSION/ACTION (Robin Davis and Mike Hoffman)**

Mr. Davis presented a revised draft of the AT&T pole attachment agreement. AT&T is requesting to put wireless facilities on two of the BPW poles. AT&T have sent back requests regarding dates and timing. Mr. Webb questioned if there was any push back on the fees. Mr. Davis stated that there is no request to change fees yet as they have not seen the fees.

AT&T wanted to extend the time to pay invoices to 90 or 120 days. Mr. Davis stated that the BPW standard is 30 days and recommends not making an exception. The interest rate of 1.5% or 18% every year is consistent with what BPW has been doing. MR. Davis recommends following what was done in the past. For the fees, the yearly attachment fee was the biggest question and what the FCC would allow. Other municipalities in the area are charging \$270 per attachment per pole. Mr. Webb questioned if the rates relate to the water tower. Mr. Davis stated that the water tower is separate. Mr. Webb questioned if AT&T will take items off the water tower. Mr. Davis stated that the water tower was not discussed. Mr. Davis thinks that the new wireless facilities are to enhance service. AT&T is requesting the BPW to replace two poles with higher poles.

Mr. Webb stated that with 120 days, the BPW should charge 2.5% interest and that it is not that uncommon. President Panetta questioned the cost plus 20%. There seems to be different amounts in different agreements and questioned if the Board be looking to consolidate all the cost-plus fees. Mr. Hoffman stated that at last meeting, the Board reviewed staff recommendation and there is no concern from a legal standpoint. If a uniform rate is desired, this is a question for the Board. This agreement is the first under the new form and is the opportunity to create the uniformity in this type of agreement. Mr. Lee stated that the uniformity was discussed at the last meeting and believes that it is reasonable but could do either.

Mr. Hoffman stated that the only item that did not have a staff recommendation is section 2.1, the term of the agreement. Mr. Davis stated that in the body of the document, it is noted for 10 years and in the fee schedule the term is 5 years. The current comcast agreement for the building is 10 years with additional 5 years terms. The FiberTech agreement is for 5 years with additional 4- or 5-year terms. Mr. Lee stated that prices were given for 5 years and questioned if the prices would increase after 5 years. Mr. Davis stated that because this would deal with FCC, he is unsure how much the \$270 would change. Mr. Lee suggests adding wording to the end of the fee schedule because the poles are being leased for ten years and pricing was only given for 5 years. Mr. Hoffman agrees with Mr. Lee. The options are:

- make a 5-year agreement and it would have to be renewed
- keep it at a 10-year agreement and add additional 5 years at \$270
- keep it at a 10-year agreement and the additional 5 years are subject to increase

President Panetta stated that it seems to be a changing technology that predicting what will be available in 5 years is difficult. President Lee suggests a 5-year agreement with an option to extend 5 years to make a 10-year term. President Panetta is doubtful that AT&T would install equipment without a commitment. Mr. Lee recommends using wording that would allow BPW to re-evaluate the fee schedule after 5 years.

Mr. Calaman suggests a 5-year agreement with option for a five-year extension at the prevailing price.

**ACTION:** *Mr. Owen motioned to approve the agreement and defer to staff to incorporate a ten-year term, with five-year fee schedule and renewable for five years at the prevailing rates. Mr. Nichols seconded the motion, which passed unanimously.*

## **15. Call to the Public**

None

**16. Call to the press.**

Aaron Mushrush, Cape Gazette, questioned if the applicant for the waiver can come back to the BPW to request services if the request includes water. Mr. Calaman stated that the applicant already has permission from City Council. The applicant must pay applicable fees associated with the construction costs. Mr. Hoffman clarified that the request was to only connect to one service. The Board policy states that if a property owner connects to one, then they must connect to the other.

Mr. Mushrush questioned the 5G placement and that he cannot find any other place in town with 5G other than the water tower. Mr. Calaman stated that this is the only location.

**17. Executive session**

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

President Panetta adjourned to executive session at 6:03pm.

**18. Return to open session**

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

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

None

**20. Adjournment.**

**ACTION:** *Mr. Owen motioned to adjourn. Mr. Webb seconded the motion, which passed unanimously.*

President Panetta adjourned the meeting at 7:10pm.

Respectfully Submitted  
Sharon Sexton  
Executive Assistant