

Lewes BPW
Special Meeting Minutes
December 28, 2022, at 10:00am

1. Welcome, call the meeting to order.

President Panetta called the meeting to order at 10:02am.

2. Roll Call

Board Members

Thomas Panetta
Earl Webb
D. Pres Lee, P.E.
Richard Nichols

Others

Sharon Sexton, BPW
Kimberly Bellere, BPW
Kris Keller, BPW
Robert Kennedy

Ex-officio Members

Austin Calaman, BPW General Manager
Robin Davis, Assistant General Manager
Michael Hoffman, Legal Counsel

President Panetta recognized the dedication of the crews over the holiday weekend in freezing temperatures.

3. Open forum/general discussion on the request to defer the water/sewer impact fees for 1201 Savannah Road. INFORMATION/DISCUSSION/ACTION. (Austin Calaman)

Mr. Calaman stated that a request was received from 1201 Savannah Road, the Ritters. The property is having issues with septic system. Property owners would like to connect to the BPW water and sewer system. There are water and sewer services to the property. Mr. Calaman has worked with GMB to determine the EDU count for the existing dwellings. For the sewer there are five EDUs at \$2540 each, and three 1-inch water services at \$2600 each, for a total of \$20,500. The total was sent to Mr. Parsons, representative for the Ritters. The Ritters have requested to defer payments over twelve months. Twelve equal payments are \$1708.34. Mr. Calaman referred to BPW resolution 19-003 that has been used one time to date. The Ritters have been accommodating to the BPW by allowing the BPW to use parking lot for lay down area and granted an easement for infrastructure. Mr. Hoffman stated that all past resolutions have been adopted to the BPW policy document. This resolution is section 5.1.1 in the policy document and allows the Board to defer impact fees if the request promotes economic development or supports an identifiable unique benefit to the city, Lewes BPW service area, or both. Mr. Calaman stated that the city has voted to allow the BPW to serve the parcel. The Ritters have been issued a Notice of Violation (NOV) by DNREC and are pumping the septic system every week. Mr. Lee stated that the property is not inside the municipal service area.

Mr. Hoffman suggests that the motion include two conditions:

- Outline what the monthly payments will be, \$1708.34
- Property owners execute an agreement with the BPW prior to connecting to BPW systems, that outlines the terms of the deferral, consistent with BPW standard practice concerning these agreements.

There is a sample agreement that has been used before, that has become standard practice.

ACTION: *Mr. Lee motioned to approve the request submitted on the behalf of Howard and Jacqueline Ritter concerning deferring impact fees associated with connecting the property at 1201 Savannah Road to the Lewes*

BPW water and wastewater systems with the following conditions. First, monthly payments to be provided of \$1708.34. Second, property owners execute an agreement with the BPW prior to connecting to BPW systems, that outline the terms of the deferral, consistent with BPW standard practice concerning these agreements.

Mr. Nichols questioned if the duration of the payments needs to be specified in the motion. Mr. Hoffman does not believe that it is necessary because the duration will be outlined in the agreement. For clarity, the payments will continue until the total impact fees are paid in full.

President Panetta stated that each case will be reviewed separately, and this action will not set a precedent for impact fees in general.

ACTION: *Mr. Lee amended motion to approve the request submitted on the behalf of Howard and Jacqueline Ritter concerning deferring impact fees associated with connecting the property at 1201 Savannah Road to the Lewes BPW water and wastewater systems with the following conditions. First, monthly payments to be provided of \$1708.34. Second, property owners execute an agreement with the BPW prior to connecting to BPW systems, that outline the terms of the deferral, consistent with BPW standard practice concerning these agreements. The payments will continue until the total impact fees are paid. Mr. Nichols seconded the motion, which passed unanimously.*

(A. Thomas Owen absent)

Mr. Hoffman's firm will work on the agreement.

Mr. Webb questioned if the agreement is transferrable if the property is sold. Mr. Hoffman stated that if the property is sold, the impact fees must be paid in full or return to the Board for additional approval.

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

President Panetta adjourned to executive session at 10:10am.

4. Executive Session

5. Return to open session

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

6. Discussion and action on items from executive session, if applicable.

7. Adjournment

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

President Panetta adjourned the meeting at 12:15pm.

Respectfully Submitted
Sharon Sexton
Executive Assistant