

Lewes BPW
June 14, 2023
6:30pm
WWTF Workshop

1. Welcome, Call the meeting to order.

President Panetta called the workshop to order.

2. Roll Call

Board Members

Thomas Panetta

Earl Webb

D. Preston Lee, P.E.

Richard Nichols

Barbara Curtis

Ex-Officio Members

Andrew Williams, Mayor

Austin Calaman, General Manager

Robin Davis, Assistant General Manager

Michael Hoffman, Legal counsel

There were 12 people from the public in attendance in person and 4 online.

3. Continued discussion of the long-range planning on the Lewes BPW wastewater treatment facility. INFORMATION/DISCUSSION

President Panetta reviewed past information presented.

- First meeting on March 22, 2022, on long-term planning for WWTF. GHD results were first presented in January 2023. The Board has held monthly workshops.
- Option 1- Keep existing plant and harden to be less susceptible to sea level rise.
- Option 2 a, b, c – BPW to build a new plant.
- Option 3 a and b- partner with Sussex County. Sussex County will rebuild the Wolfeneck facility.
- Financial percentages were presented in the GHD report. Board provided an estimate cost based on the 4000 average gallon water usage.

New Information:

- BPW has met with Sussex County to discuss terms. The Board has heard the concerns from the public on the oversight and not fueling additional growth in the county. President Panetta stated that growth in the county or the city of Lewes is under the Sussex County council and city council. Out of BPW control.
- 40% of growth in county septic systems is taking septic sewers offline.
- Working to put a draft together. No new discussions about detailed design.
- Board does not want to spend engineering dollars on multiple options. Goal to narrow the scope.
- As options and design progress the cost schedule will be refined and updated.
- No discussion regarding the potential use of the existing WWTF.

- Reviewed attendance of the workshops and the decrease of public presence. The Board encourages public to participate and would like to hear the public has to say.

Sharon Corbett, 312 Burton Avenue, questioned if the Board is exploring contingencies if the partnership with Sussex County does not work out. President Panetta stated that the general support has been for option 3 up to this point and the Board and option 1 and options 2a, 2b, 2c are held in abeyance. The Board does not want to spend further funds on engineering for the latter options at this point. Exploring option 3 to see if an agreement could be established. Ms. Corbett stated that there are trust issues with Sussex County and is concerned that other plans would not be discussed further until after the partnership fell through. Ms. Corbett feels that contingencies should continue to be looked at. President Panetta stated \$250,000 was spent on the GHD study and the Board feels that the results are thorough. Mr. Lee stated that if things broke down, there is still plenty of time to evaluate for the other options.

Mr. Medlarz stated that County Council would not venture into agreements without having clarity, certainty to lead to an outcome.

Member of the public questioned the timeline and when will the contract come to pass for option 3. President Panetta stated that the Board is striving to have a formal agreement drafted by the end of the year. Regardless of the option that is selected in the end, each will take three to five years to complete. Public member questioned if there will be negotiations with the county on items the BPW feel are relative to Lewes. President Panetta confirmed there will be negotiations. The agreement will be made public before acceptance.

Mr. Hoffman stated that the Board cannot evaluate option three unless it is known what option three entails. The agreement could not be voted on unless in a public session, where the agreement would be available.

Calvin Jaber, Burton Avenue, asked for clarification on working on an agreement for option 3 and if this means once the agreement is complete would it then be compared to the other two options. President Panetta stated that the other options have already been evaluated and whittled down. If the agreement is acceptable and the Board gets the public's by-in, then this is the option that the Board will go with.

Mr. Jaber questioned the current plant and the book value. President Panetta stated that the cost that the BPW would incur is \$20 million for demolition. Mr. Calaman stated that the current bond will be paid off in 2027. President Panetta stated that some of the major equipment could be salvaged. Mr. Calaman stated that there is still the headworks loan that was taken out last year. Continuous maintenance will still be needed for the facility to be operational and reliable for the next 3-5 years.

Ms. Curtis is concerned that the agreement will be complete before that studies are completed. President Panetta stated that there will need to be conditions in the agreement. Mr. Hoffman

stated that this reinforces the need to draft or gather information for the agreement to evaluate as an option.

President Panetta stated that the Board will continue to discuss WWTF at monthly Board meetings. Next Board meeting is June 28th at 12:00pm. Comments will be accepted until June 30, 2023.

Board will evaluate the need for monthly workshops. Next workshop will be July 19, 2023, at 6:30 in City Hall Council Chambers.

Mayor Williams questioned the process if the agreement is acceptable and what is the next step for county council. Mr. Medlarz stated that the agreement would be presented to county council in an open forum. President Panetta stated that the BPW already has three agreements in place with Sussex County. Mr. Medlarz stated that the agreements are in the mutual interest of each entity.

Mr. Jaber requested assurance that before the agreement was signed, it would be presented to the public. President Panetta confirmed that the agreement will be presented to the public before commitment.

A member of the public questioned if the employees would belong to the BPW or the county. President Panetta stated that the BPW will retain the collection system, piping and pump stations. Residents would remain BPW customers and BPW employees will still maintain the collection system. What happens if there is a crisis and who is responsible. Mayor Williams stated that the current WWTF is operated by contractor, not BPW employees. President Panetta stated that there is a point on Gils Neck (handoff point) and the BPW will be responsible up to that point.

4. **Executive Session-** A strategy session including those involving legal advice or opinion from attorney-at-law where an open meeting could have adverse effect on the position of the public body with respect to pending or potential litigation.^{29 Del C § 10004(b)(4).}

None

5. **Adjournment**

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

President Panetta adjourned the meeting at 7:17pm.

Respectfully Submitted
Sharon Sexton
Executive Assistant