

Lewes Board of Public Works
June 28, 2023
Regular Board Meeting Minutes.

1. Welcome, Call the meeting to order and pledge allegiance.

President Panetta called the meeting to order 12:00pm and led the pledge of allegiance.

2. Roll Call:

Board Members

Thomas Panetta
Earl Webb
D. Preston Lee, P.E.
Richard Nichols
Barabara Curtis

Ex-Officio Members

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

Others

Michael Wolgemuth, Inframark
Jeffrey Kerrin, Inframark
Tim Ritzert, Councilperson
Charlie O'Donnell, GMB
Vince Luciani, GMB
Benjamin Hearn, GMB
Kimberly Bellere, BPW
Michael Posey, BPW
Sharon Sexton, BPW

3. Consent Agenda

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

4. Receive the Inframark Report

Mr. Wolgemuth presented.

- Headworks- Inframark continues to utilize the dewatering roll off container to capture screening while the Lipactor is offline. A replacement circuit breaker panel for the headworks building lighting has been received. Work will be scheduled for Q3.
- Filters- De-ragging UF Train 4 was completed during the week of 4-24-2023. UF Train 1 de-ragging began on 5-4-2023. Two of the three cassettes cleaned.

- A rental emergency generator is online at Pump Station 4 while plans for a permanent solution are being evaluated. A control panel and level pressure transducer were received to replace controls at PS16. Work to PS16 will be scheduled for Q3.
- Electric Manhole Sump Pump Systems and alarms repaired during April, May, and June.
- VFD (variable frequency drive) failures, all 15 years old. Staff discussed stocking spares. One acquired, another on order.
- Replace the control panel at PS16 is on the schedule.
- Inframark reviewed maintenance expenses in the budget. The rental generator located at PS4 is \$1770 a month.
- Working with CDI and Sussex County under the solids handling agreement for CDI to transport to Sussex County facility instead of Pennsylvania. This will save money.
- Ms. Curtis asked questioned handheld versus the DNREC 24 hour-monitoring requirement. DO was online but using the result from the handheld was recorded. Inframark has responded to the letter.
- M2 Construction is finalizing final documents in a bid package for the headworks. Execution will trigger ordering materials. Couple weeks.

5. President Report

President Panetta reported:

- Met with DNREC regarding Wellhead Protection Study kickoff. 18–24-month project.
- Met with Orsted Wind and discussed offshore wind projects.
- Attended mayor and city council meetings.
- Attended SCAT dinner.
- Held multiple WWTF workshops. Next one will be July 19, 2023.

6. General Manager Report

Mr. Calaman reported:

- DSMHP project in working in Cooper Circle.
- Continue to apply for planning grants.
- Hosted tour of facilities for DEMEC.
- Worked on NPDES permit. Due to be finalized in October.
- WIAC approved the canal crossing water tower project and received binding commitment letters. Two biggest projects in the next few years.

Ms. Bellere stated that regarding financials, overall BPW performed over budget. Water utility was the only underperforming utility due to the long billing period and rain. Loss in investments is not as dramatic. A meeting is scheduled to review investments.

7. Open forum/general discussion on the Capes Cove MOU from DNREC and DHSS.

Agenda item 7 will be moved to after the executive session.

8. Open forum/general discussion of the color and logo for the Lewes BPW water tank to be located on the Jones Farm.

Staff recommends using a base color of light “water tower” blue. No efficiency issues based on color. There are some upgrades in terms of coatings. The logo will be included in the bid packet.

Ms. Curtis questioned if the BPW could sell advertising, such as SPI Pharma logo. Mr. Webb would like to include the Cape School District logo. Mr. Lee does not think advertising is the best path. Mr. Lee stated that the City Crest should be included. Mr. Webb agrees. Mr. Calaman stated that BPW is planning for conduit and railing for future agreements with communication companies and will be included in the bid package. The railing is a safety measure but is not required. The conduit would be assessed and part of lease agreements.

Mr. Lee stated that light blue is the least invasive. Mr. O’Donnell stated that tower color always appears darker on the water tower than the paint chip.

Mr. Webb would like to talk to the high school. Mr. Lee is concerned because the high school is not in the city.

The logo on the current tank is the BPW and the city crest combined and says Lewes. President Panetta stated that the new tank will be 3-4 times the size of the current tank.

Ms. Curtis and Mr. Lee are not in favor of the school logo because the high school is not in the city. President Panetta argued that they serve the city. Mr. Calaman stated that there are other schools in the district within the city limits. Mayor Williams stated that the water tower is not in the city limits.

President Panetta and Webb would like to approach the school district. Mr. Lee, Ms. Curtis, and Mr. Nichols would not.

Consensus is to include just BPW and the city crest in the logo with a light blue base.

9. Open forum/general discussion on the updated 5-year capital projects based on the GMB water main assessment study.

Mr. Calaman stated that he has put together narratives for each project and a 5-year and 10-year after the presentation for the watermain assessment. The BPW is not physically able to do all projects in 5 years. All projects combined are estimated to be 40 million dollars. Some projects would be considered pilot projects, like lining the main versus replacing.

Mr. Lee would like to see a correlation between projects and the water main assessment. Projects should use the same terminology. President Panetta would like an updated more detail map. Staff noting coordination with city projects and timing should be considered. DeIDot is also a factor. Mr. Lee would like the staff to make recommendations.

Ms. Curtis questioned how the lead and copper rule ties into the capital projects. EPA and State of Delaware will not fund a project if there are cast mains and copper joints but will fund a project that has lead goosenecks that serve a property.

Coordination with the city will affect the city budget.

Staff will modify the map and revisit next month.

10. Open forum/general discussion of the lessons learned from the 2023 Board Elections.

Ms. Curtis stated that while campaigning there were questions from voters and did not know the answer or there were frequent repeated questions.

Some concerns/issues during election:

- Disgruntled residents that they could not vote: There were 10 people that were not registered to vote that attempted to vote on election day. Ms. Sexton stated that out of those 10 people, 7 registered for the next election. President Panetta stated that there are always concerns that the election process is separate from the city. The city only allows residents to vote, whereas BPW allows all customers. Going to the state process would exclude some. Why do customers need to pre-register? Mr. Lee questioned if customers could show proof to vote. Mr. Hoffman can research this. Mr. Calaman stated that voting rules and regulations are within the Charter. Mr. Hoffman confirmed eligibility is in the charter, but more research is needed for pre-registration. Mr. Webb questioned how long someone stays active on voter logs. Ms. Sexton states that voters must vote in one of the last two elections to remain active and registered. Certified letters are sent to registered voters about removal.
- Concern with how BPW sets priorities of long-term strategic plans and the management of the utilities. Mr. Lee stated the Board has made long-range strategic plans. The Board reviews the plan each year. The Board is due to create a new plan with a consultant because items have been completed or have changed.
- Concern with not hearing more from the BPW. Ms. Curtis suggested being involved in the city's open house. President Panetta stated that there is a lot of information on website, and the BPW holds monthly public meetings, and multiple public workshops. Mr. Lee suggested incorporating some of the "lessons learned" into the FAQs on BPW website. Ms. Curtis suggested holding public comment at the beginning of the meeting as opposed to the end. May encourage more participation. Mr. Lee stated that there may need to be a time limit. Mr. Hoffman stated that the city of Newark does hold public comments at the beginning of each meeting, but parameters would need to be set. The Board would not discuss comment if it pertained to an agenda but would accept comment and listen.
- Customer is interested in information on the source of the BPW electricity and the accessibility of information on the website. How much is coal? How much is oil? Etc? President Panetta stated that the State of Delaware mandates the mix. The concern is with CO2 emissions.
- Interest in how much water and electricity is consumed over time, by Lewes residents, conservation trends. President Panetta stated that a key step is AMI implementation.
- Complaints to that Board members did not return calls.
- Education on cash reserve.
- How far outside city limits can be served and relation to annexation. President Panetta stated that service areas are laid out in the Charter. The BPW must get permission from the city council to serve any property outside the city. Available on the BPW website.

The city has control over annexation, but the city cannot request that we provide services. BPW has final authority on connection.

- A lot of appreciation for the hazardous waste events.
- Concern with the long-range plan of the WWTF. No trust in Sussex County. Customers are proud of the current plant and the effluent that is produced. Interest in continuing other options, different technologies, if the agreement breaks down.
- Interest in alternative energy, such as solar, wind, etc. Customers would like to see underground power lines. Concerned with the loss of net metering.
- Concern with development and the adequate ground water. BPW is putting in monitoring wells in and engaged in wellhead protection study.
- Complaints of “dirty” water.
- Storm water- concern with frequency of storms and what is being done to address the issue in the long term. Build the wetlands rather than development so close to wetlands.

Mr. Webb stated that he understands that WWTF was the top concern for voters, but questioned what the next top issue was. Ms. Curtis stated that she felt energy was the next biggest concern for voters. The third concern would be with water.

11. Open forum/general discussion on the proposed City Policy as it relates to development review fees prior to execution of the Developer’s Agreement.

Mr. Calaman stated that the BPW is receiving preliminary reviews for preliminary submissions. The BPW would like to set the delineation point between the BPW and the city in Developer’s Agreement as number 5. Number 5 should say, once plans are finalized and the Developer’s Agreement is executed, as part of the delineation point. This is the point that BPW begins drawing from the escrow account. City Council has discussed and approved, pending Board approval.

BPW policy is to charge 15% for admin fees. Currently billing for admin items that are not under the BPW purview.

Charlie O’Donnell confirmed that preliminary and final phases go through the city, and construction phase goes to the BPW.

ACTION: Ms. Curtis motioned to approve the recommendation of staff for collecting escrow and payment of engineering expenses for development review by the city of Lewes until the execution of the Developer’s Agreement. Mr. Nichols seconded the motion, which passed unanimously.

12. Open forum/general discussion on the WWTP long-range plan.

President Panetta stated that a workshop was held last week. BPW is still waiting for further information on the archeological study and the found significant artifacts. The discovery will impact Sussex County long-range plan option but will not take the Wolf Neck off the table.

The next workshop will be held July 19, 2023, where discussions will continue with Sussex County. Public Comment is open.

Ms. Curtis would like to form an Adhoc committee for contingency planning in case negotiations fail or there are environmental issues. No engineering or spending. In case negotiations or environmental fail. Mr. Webb questioned if the committee would only look at the Nereda technology. Ms. Curtis stated that there could be other technologies. President Panetta is concerned that new technology would not be able to be built with current plant running. Mr. Lee stated the biggest hurdle will be location. Mr. Lee is concerned that there limited time and is hopeful that there would be a draft agreement by end of summer. Mr. Lee does not see benefit of the committee. President Panetta does not see harm in the committee looking into other technologies with the assumption the Board is continuing to move forward with Sussex County.

Best practice is to create a resolution. Mr. Hoffman will draft a resolution and present to the Board next month. Intention is to add action item to the workshop agenda. Mr. Webb is supportive of the committee.

13. Call to the public

Vince Cotter, Ethel Way stated that he is in favor of moving public comment to the beginning of the Board meetings. Mr. Cotter stated that he has been working with Kristina Keller on his excessively high water bill. Ms. Keller has provided policy statements. Mr. Cotter received water bill for \$750 for one billing cycle, April 14- May 17. This is a new property that was not settled on until April 22nd. Settling attorneys requested a water meter reading on April 14th. That weeks' worth of water amounted to about \$190. Mr. Cotter settled on April 22nd and left for Florida and did not return until June 8th. Water was shut off. Only water usage was water irrigation. Mr. Cotter contends that the irrigation water was not treated by a sewer system. Mr. Cotter is asking to waive the sewer charges. Mr. Cotter understands it is difficult to make exceptions but feels that he can prove that he was not at home and no water in the home was used. Mr. Lee questioned who was responsible for the sprinkler system. As of April 22nd, Mr. Cotter was responsible and believes that there was a leak. Mr. Cotter does not want to put in an irrigation meter, or the well or pit that has been recommended because of the expense. Mr. Cotter is asking for accommodation. Developer should be charged for the 7 days prior to April 22nd. Mr. Hoffman recommends reaching out to the settlement attorney.

14. Call to the press

None.

15. Executive Session

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

President Panetta moved to executive session at 1:53pm.

16. Return to open session.

The Board returned to open session at 3:55pm.

17. Discussion on Agenda item 7: Open forum/general discussion on the Capes Cove MOU from DNREC and DHSS.

ACTION: *Mr. Nichols motioned to approve the drinking water grant and clean water trust grant MOUs for the Capes Cove project. Ms. Curtis seconded the motion, which passed unanimously.*

The board directs staff to finalize documents with relative agencies.

18. Adjournment

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

President Panetta adjourned the meeting at 3:57pm.

Respectfully Submitted
Sharon Sexton
Executive Assistant