

Lewes Board of Public Works
July 26, 2023
Regular Board Meeting Minutes.

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

President Panetta called the meeting to order 4:00pm 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
Bill Hague, DRWA
Rick Moore
Sumner Crosby
Bill Shull, Cape Gazette
Kimberly Bellere, BPW
Michael Posey, BPW
Sharon Sexton, BPW

Item 7 will be moved to after the executive session.

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.

6. General Manager Report

Mr. Calaman reported:

- Completing fiscal audit to present to the Board in August
- DSMHP project in working in Cooper Circle.
- Continue to apply for planning grants.
- Submitted for a PFAS NOI.
- Working with Mr. Kennedy and DelDot on the water main project.
- Notified that Delmarva Power is planning three electric outages, one in September and two in October, 12am- 4am. Coordinating with Delmarva power throughout project.
- Hosted tour of facilities for DEMEC.

Ms. Bellere presented financials. Mr. Webb questioned what in the year-to-date financials is a concern. Ms. Bellere stated that impact fees are a concern because they are difficult to budget and the electric utility because the BPW is being more proactive rather than reactive.

7. Open forum/general discussion on a resolution forming an ad hoc committee to pursue alternative options for our wastewater treatment plant.

Item 7 will be moved to after the executive session.

8. Open forum/general discussion on the painting of BPW pump station(s)/fencing.

Sumner Crosby, member of the Lewes Bicycle and Pedestrian Advisory Committee, stated that the committee has held discussion about the bike coral near pump station 4 near the bridge and ways to attract more bicyclists to the bike parking. Mr. Crosby is suggesting that the art committee could apply a mural to the side of the pump house building. The wall faces Gils Neck Road. The art committee would like to move forward and would like to see if utilizing the BPW asset was even a possibility. Mr. Lee is in favor of the idea. There would need to be considerations of placement. The bicycle parking is owned by the city. President Panetta stated that with the WWTF future planning may include demolishing pump station 4. Mr. Crosby agreed that this may play a factor in timing. Mr. Calaman stated that expanded the wet well may or may not affect the building. Mr. Webb is in favor of beautifying the pump station.

Mr. Crosby questioned the next steps. Mr. Hoffman stated that there is a legal component to murals. There will need to be an agreement with the artist. Mr. Lee warned that the area sees a lot of maintenance throughout the year. Mr. Calaman stated that a site visit can be arranged with staff and Inframark.

Mr. Webb also said that the fence across from the WWTF would be a great location for another project. The BPW does not own the fence. Could be state owned.

9. Open forum/general discussion on a proposal from GMB for engineering and construction services for Alaska Ave.

Mr. Calaman stated that the Quill property is on the corner of Alaska Avenue and there were discussions with DelDot about entrance access to the parcel. The city has not discussed moving forward at a meeting yet. The Board needs to decide whether to complete utility upgrades while the city is completing the road project or not. There is a sewer main the runs to what could be the state park and their flow could negate the need to upgrade the line to a larger size.

Mr. O'Donnell, GMB, recommended earmarking the engineering and construction costs when the state park comes online because the state park would be responsible for a portion of the improvements. Currently a 8-inch pipe and would need to be upgraded to a 10-inch. The current pipe is also terracotta. Mr. Lee stated that the pipe runs through wetlands and the condition of terracotta could be questionable. Mr. O'Donnell stated that there are no significant issues with inflow and infiltration.

Mr. O'Donnell stated that the proposed upgrade to Alaska Avenue is necessary for the proposed development on the corner. Mr. Nichols questioned the reason for the upgrade now. What is the push? Mr. O'Donnell stated that the development under consideration would need the city to improve the road. Mr. Nichols questioned if the developer is paying for the upgrades. Mr. O'Donnell stated that it is unknown for city upgrades. Mr. O'Donnell stated that the developer should pay his/her fair share of the water main and possibly the sewer.

Mr. Lee stated that if the BPW decides to not do the Alaska Avenue upgrades now and the city paves the street, the BPW will have to break the new street when upgrades are needed. Mr. Lee questioned if the 8-inch sewer pipe has the capacity to handle the new development flow. Mr. O'Donnell stated that development will not force the upgrades, but if the state park comes online then the sewer would need to be upgraded. The state park would be responsible for their portion.

Mr. Calaman stated that this discussion can continue at the joint meeting with the city. Mr. O'Donnell stated that the Board's cost for construction and engineering would be \$219,000. Mr. Webb questioned if the project included stormwater. Mr. O'Donnell stated that the city's portion includes porous asphalt with a small swale. DelDot is looking to address the ponding in front of Dairy Queen.

Mr. Hoffman stated that if the city is conducting road improvements, then there are efficiencies in timing if the Board decides to begin the project jointly with the city. President Panetta stated that the cost later would increase because the BPW would have to break the street. Mr. Nichols' concern is that the BPW would not be considering this project now if it were not for the development. Staff will clarify if anyone pays their share up or down stream before the Board will make a decision.

10. Open forum/general discussion of the selling of a retired bucket truck.

BPW is selling a 1995 40ft Versa Lift bucket truck. The vehicle is taking up space and is not used. There are issues with the truck. Per policy, any equipment over \$5000 must go to bid and sold as is. BPW will set a reserve on lower end vehicle estimate. Ms. Curtis suggested a municipality site to list and auction off used equipment. Staff will look into this option. The advantage would be the potential for more bidders and the downside may be consignment fees.

ACTION: *Ms. Curtis motioned to authorize staff to dispose of surplus equipment greater than \$5000 via "auction" and exploring municipal site. Mr. Nichols seconded the motion, which passed unanimously.*

11. Open forum/general discussion on an agreement with Delaware Electric Cooperative to adjust the CPCN line for the Mitchell Corner property.

President Panetta stated that the Board has been discussing the service boundary at Mitchell's Corner that divides the parcel into two CPCN territories, BPW and Delaware Electric Cooperative. Mr. Calaman stated that the agreement would amend the line with both parties formally agreeing. Once both parties have agreed the next step is to file a revised map with PSC. The PSC must approve the revised map. The residential service portion of Mitchell's Corner will belong

entirely to the Delaware Electric Cooperative. The Delaware Electric Cooperative is compensating the Board \$300,000 for this revision, which will be held in escrow pending approval by the PSC.

Ms. Curtis questioned if the property is split in terms of sewer and water services. The property is currently designated to Sussex County for sewer service but is undesignated for water. The property owner will have the choice to petition for either BPW or Tidewater for water service.

ACTION: *Mr. Nichols to approve the agreement with Delaware Electric Cooperative to amend the service line territory. Ms. Curtis seconded the motion, which passed unanimously.*

12. Open forum/general discussion on a resolution to submit an application for the water CPCN for Capes Cove.

Mr. Calaman stated that BPW staff is working with the state to provide water services to Capes Cove development, which has an undesignated CPCN. A resolution is needed to file for the CPCN. To extend utilities to property outside the city of Lewes, prior written consent of mayor and city council. Mayor and City council has discussed and issued consent.

ACTION: *Mr. Nichols motioned to read resolution 23-004 by title only. Mr. Webb seconded the motion, which passed unanimously.*

ACTION: *Mr. Nichols motioned to approve resolution 23-004. Mr. Webb seconded the motion, which passed unanimously.*

13. Open forum/general discussion on a resolution to submit an application for the water CPCN for the Lewes Auto Body.

Lewes Auto Body is the adjacent parcel to Capes Cove. This resolution approval would be pending written consent of mayor and city council. Mr. Hoffman stated that this property already has a pre-annexation agreement on file. BPW already has sewer service territory. Both Capes Cove and Lewes Auto Body are requesting sewer service as well.

ACTION: *Mr. Nichols motioned to read resolution 23-005 by title only. Mr. Lee seconded the motion, which passed unanimously.*

ACTION: *Mr. Nichols motioned to approve resolution 23-005 pending mayor and city council approval. Mr. Lee seconded the motion, which passed unanimously.*

14. Open forum/general discussion of the cross-connection control plan.

Mr. Davis provided the latest draft incorporating the revisions and Board members' comments. More changes are needed based on further review by Board members. There is a draft resolution for the adoption of the cross-connection plan. There are sample letters in the document and staff will be revising the letters to the customers. This plan must be approved by February 2024, according to state regulations.

Mr. Lee stated that he is concerned with irrigation and sea level rise and back flow. Mr. Davis stated that staff can look into other municipalities and how to address the concern with

potential low point flooding and back flow. Rehoboth did not address this concern in their plan. There are not many communities in Delaware that have adopted a plan yet. Mr. Lee questioned why double check valves are not allowed. Mr. Hague stated that double check valves are considered low hazard and irrigation is high hazard. Mr. Hague stated that plumbers/inspectors must go by the code.

Mr. Lee stated that there is a section that states “as soon as possible” and recommends defining a timeframe. Mr. Davis agrees.

Ms. Curtis suggested creating a record retention policy. President Panetta cautioned against keeping documents longer than government mandated. Rick Moore stated that the BPW is more obligated to the public on prolonged records retention rather than protecting the entity. Mr. Moore recommends retaining records for as long as possible for public protection.

15. Open forum/general discussion on the new capital budget reflecting the watermain assessment study done by GMB.

Mr. Calaman stated that staff worked with GMB and city staff to review city street projects and BPW capital projects and any possible overlap. Projects included:

- Fourth Street
- Third Street
- Monroe Avenue and Railroad Avenue
- Manila Avenue

A joint capital projects meeting is scheduled next month to review the water main assessment impact on projects. President Panetta questioned what impact the study has on the 5-year budget. GMB’s assessment includes the worst-case scenario numbers. Mr. Calaman stated that the biggest impact is on the stormwater utility. Ms. Bellere stated that even with rate increases that were approved, stormwater utility will be about \$800,000 short of the budget. This information will be passed on to Dawn Lund, UFS, who is conducting the cost-of-service study.

Mr. Webb questioned is there is an uplift factor in the budget. Mr. Calaman stated that the projects are bided projects, and the cost will not change from year to year. Mr. Webb would like to see uplift factors at least in the later years.

The wastewater treatment plant long-range plan is on the budget as a placeholder with no amount determined yet. Army Reserves is another placeholder. There are some federal time constraints regarding the Army Reserve Building.

Sumner Crosby questioned if there was a worst-case scenario being worked on if all projects, like MS4 and PFAS, all happen at the same time. Ms. Bellere stated that the Finance Committee is working on projections for each utility that include worst-case, best- case, and estimated. There is a weighted average.

Mr. Crosby questioned the reasoning for a joint capital projects meeting. Mr. Calaman stated that if the projects align, cooperation will save the BPW and rate payers money by completing the work while the road is open and not having to pave the road a second time.

16. Open forum/general discussion on the design/color for the new water tower.

Mr. Calaman stated that the Board decided the color of the water tank will be blue, but exact shade and logo still needs to be determined. Directions need to be given so that it can be included as part of the bid package.

Mr. Webb questioned how tall the letters would be. Mr. Calaman estimates that the letters would be six feet or more. Mr. Webb is in favor of the school logo. President Panetta also agrees that the school logo would be a good gesture of the community.

Mr. Lee would like to incorporate the city of Lewes name into the logo not just the BPW. President Panetta stated that the water tower is the BPWs and likes the cursive print over the block letters. Ms. Curtis also likes the cursive BPW logo.

The current tank has the same logo on both sides.

Ms. Curtis would be agreeable to the school logo if they contributed to the cost. Mr. Lee questioned what the school would put on the tower. Mr. Webb suggested leaving the design up to the district.

Mr. Moore suggested conducting a community survey and inviting the Cape Gazette to involve the public. President Panetta questioned if it would be possible to go to bid without finalizing the logo. Mr. O'Donnell stated that putting the logo on is not a simple process. The tank manufacturer will work with the graphic designer. The water tank on Route 24 had the logo painted on in sections.

The Board would like to encourage the community to submit ideas and opinions on the logo design for the new water tower.

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

The next workshop will be held August 9, 2023, 5:00pm, at the Rollins Center. In regard to option 3, partnership with Sussex County, a geological survey was done, and there were archaeological findings on the Wolf Neck site. This will change what was planned. Sussex County will provide an update. Board continues to work on draft agreement. The document will be publicly available once drafted. Option three is the focus of the Board at this point.

A member of the public stated that she feels that the Board has already made a decision and questioned the purpose of the contingency ad hoc committee. President Panetta stated the Board is moving forward with option three and if the Board and Sussex County cannot reach an acceptable agreement, then options 1 and 2 to fall back on. The public member suggested thinking twice before handing over the wastewater utility to Sussex County especially without any control. President Panetta stated that the agreement must be acceptable to the Board regarding issues such as control and input.

Mr. Crosby stated that he looks forward to the modelling Sussex County will conduct in the future. Mr. Crosby suggests that the BPW invest in ambient monitoring in the canal and learning what is

happening with the nutrients up and down stream of the outfall. President Panetta stated that with an ocean outfall, nothing would be discharged to the canal.

18. Call to the public

Rick Moore stated that the BPW can provide any utility to the service area of Lewes. Any utility could be a wide range of services. There is a concern that the HOAs need to be partnering with the BPW and the city. Everything people do has an impact on energy. Need to be looking at sustainable energy. Mr. Moore would like to see a session exploring a way the BPW can expand its mission for the future. Mr. Moore recommends looking at 50-year and 100-year cycles. There is a concern that with the development that the natural flooding is going to pool to those undeveloped areas. President Panetta stated that the mitigation committee looked at topics like the ones described by Mr. Moore. Mr. Moore stated that a professor at the University of Delaware has a proposal to turn lawns in to national parks and is a concept that could be adaptable to Lewes as a town by utilizing flora that is adaptable to conditions coming. Planting trees to lower the temperature. President Panetta stated that projects like this are not within BPW jurisdiction. Mr. Moore argued that the BPW can provide anything that is a utility. No one has defined what sustainable energy or utility is. BPW can define these terms and Mr. Moore encourages the BPW to be creative.

19. Call to the press

None

President Panetta stated that the Board will return to open session at 6:50pm.

20. Executive Session

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

21. Return to open session.

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

Returned to open session at 6:48pm.

22. Discussion and action on items from Executive session, if applicable.

Ms. Curtis presented reasoning for forming a research committee for review of options 1 & 2 of the GHD study and alternative technology. The purpose is to have a contingency plan if Sussex County options do not move forward. Mr. Lee stated that he was against forming the committee and wants the committee to research only tried, true, and proven technology. President Panetta suggested that the committee present to the Board at the end of year.

Amendments to the resolution: The committee will be composed of 7 to 10 members including two Board members. The committee 's work will be completed January 31, 2024. Board directed counsel to incorporate language "proven operational alternative technology".

Mr. Hoffman stated that the committee is only an advisory committee. Two members of the public are concerned with the Board adding restrictive guardrails.

ACTION: *Mr. Nichols motioned to read resolution 23-006 by title only. Mr. Webb seconded the motion, which passed unanimously.*

ACTION: *Mr. Nichols motioned to approve resolution 23-006 with amendments. Ms. Curtis seconded the motion, which passed unanimously.*

23. Return to executive session.

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

Returned to executive session at 7:19pm.

24. Return to open session.

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

ACTION: *Mr. Nichols motioned to approve executive minutes from May 25, 2023, June 14, 2023, June 22, 2023, June 28, 2023. Ms. Curtis seconded the motion, which passed unanimously.*

Returned to open session at 8:09pm.

25. Adjournment

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

President Panetta adjourned the meeting at 8:10pm.

Respectfully Submitted
Sharon Sexton
Executive Assistant