

Lewes Board of Public works
August 23, 2023
Regular Board Meeting Minutes
City Council Chambers

1. Welcome, Call the meeting to order.

President Panetta called the meeting to order at 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

Kimberly Bellere, BPW Finance Director
Josh Gritton, BPW IT Manager
Michael Wolgemuth, Inframark
Jeffrey Kerrin, Inframark
Kayla DeMar, Zelenkofske Axlerod
Kim Stark, Zelenkofske Axlerod
Ann Marie Townshend, Lewes City Manager
Bill Shull, Cape Gazette

3. Consent Agenda

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

4. Receive Inframark Report:

Mr. Wolgemuth presented:

- Filters- De-ragging UF Train 4 was completed during the week of 4-24-2023. De-ragging UF Train 1 Completed during the week of July 3, 2023. A new motor was installed during the week of 7-24-2023 to UF Blower B. Frequent shutdowns occurred for UF Trains 1 and 2 low flow during July. The permeate pump to UF Train 2 was replaced with a rebuilt spare and UF Train 1 settings were adjusted to increase the startup flow. A Sodium Hypochlorite Recovery Clean was completed on UF Train 1 during the week of August 7, 2023. Standby for equal time is desirable.

- Pump Stations- A rental emergency generator is online at Pump Station 4 while plans for a permanent solution are being evaluated. A new control panel and junction box were installed on Pump Station 16 during the week of July 31, 2023.
- Plant Electrical- Building Power Feeds were meggered, during the week of July 24th. Power cables to the Process Building, Chemical Building and Control Building passed. The yellow leg to the Digester Building failed. During the first two weeks of August, the main breaker to the digester had been tripping. The breaker trips after an extended period and we cannot determine that the potentially compromised power leg is the cause. After several days of troubleshooting, we brought in Nickle Electric to install a monitor onto the power lines to the digester building. The monitor was online for four days, but the breaker did not trip over that time. The report from the monitor shows no anomalies. Staff will continue to work with BPW to determine the issue and to further determine an action plan for the potentially compromised leg. Do not think it is power cable insulation. Possibly related to a piece of equipment that needs to be tracked.
- Mr. Webb questioned the impact on influent from precipitation. What are the top three pump stations affected. Mr. Wolgemuth stated that the impact depends on the rain event. During high rain events, PS5 and PS6 would be impacted. Mr. Webb suggested acquiring additional pumps from Sussex County. Mr. Wolgemuth stated that the County extra pumps may be too big.
- President Panetta questioned maintenance fee expenditures for PS16. Mr. Wolgemuth stated that the expenditure was for the electrical panel upgrade. Receipts are submitted monthly.
- Nutrient effluent was well below limit but what was the reason for nitrogen increases last month? Mr. Wolgemuth will have to investigate. Sampling is done at the beginning of the month and generally related to air.
- Pre-Construction meeting for headworks project was held. The supply chain is an issue. Compactors may be quicker and can get started earlier. All orders have been placed and the schedule has been revised. Mr. O'Donnell stated that this time next year the project will be done. Inframark continues to utilize the dewatering roll off container to capture screening while the Lipactor is offline.
- President Panetta questioned the issues will turnover and progress of new employee search. Mr. Wolgemuth stated that he has a pool of potential employees, and more people are applying for jobs. Inframark has a requisition for an electrician.
- Inframark has worked 1,000 days without lost time (accident).

5. Receive President's Report

President Panetta presented:

- Met with DPNL on upcoming outage September 14, 2023, Oct 5, 2023, and Oct 27, 2023. BPW staff will be conducting preventative maintenance during the outage. Mayor Williams stated that the police department is aware on standby. Mr. Calaman stated notices were sent out, three email blasts will be sent, and staff has talked to key account customers.
- Attended the National Night Out, fundraiser for the police department.
- Held WWTF Workshop
- Met with City leadership.

- Participated in Joint Meeting between BPW and the City. Purpose to make sure two organizations stay connected. Several people had concerns over storm water/ponding on private property and who's responsible for the maintenance. BPW storm water tariff defines that the money received from stormwater charge is for maintaining public infrastructure and drainage, not private. Residents feel that this is not a private issue. President Panetta stated that the BPW understands that there is an impact and will be greater with sea level and climate change. If it is the will of the Board to move forward, liability and easement issues must be considered. The stormwater fee barely covers the maintenance of the existing system. This topic will need further discussion. Mr. Hoffman recommended adding the topic to next month's agenda and cautioned against looking at specific properties and looking broader.

6. Receive Generals Manager Report

Mr. Calaman presented the General Manager's Report. Mr. Calaman provided an update on the water tower project and stated that the project will be brought back to the Board at next month's meeting. The Board discussed the upcoming outage and the importance of messaging to the public. Concern with power surge from the public and if the power outage is extended by Delmarva Power.

7. Open forum/general discussion on the 22/23 Draft Audit Report.

Kim Stark, Zelenkofske Axlerod, presented the Governance Letter. There are minor changes and there were no disagreements. The Financial opinion is unmodified and the greatest level of assurance. Lewes BPW was provided a Clean Opinion.

The Board will review and give final approval of the 22/23 audit report at the next Board meeting.

8. Open forum/general discussion on a forbearance agreement for 49 Sussex Drive.

Mr. Hoffman stated that the first step is to decide whether the Board is open to a forbearance agreement. Once a forbearance agreement has been approved for a particular property, it is signed, and a notice of lien is on file, then if the owners sell the property, the new owner can take over the forbearance agreement without having to come back to the Board.

Mr. Lee questioned if it would be better to do it for everyone. Mr. Hoffman stated that it is possible, but the staff does not know who wants. It is the will of the Board to decide how to proceed. Currently handling on a request basis but the Board can authorize a blanket approval. Mr. Lee feels that the blanket authorization is a cleaner approach.

Mr. Nichols questioned how the 2% fee derived. Mr. Calaman stated that the fee is passed down from the loan. The loan was taken out years ago to complete the project and there is no risk of the interest rate going up. If timely payments are not made in a timely manner, there are penalty fees.

The single request for 49 Sussex Drive is before the Board today. If a blanket authorization and a standard is preferred, the Board can review a policy amendment and standard agreement at the next meeting.

ACTION: *Mr. Nichols motioned to approve the forbearance agreement for 49 Sussex Drive and formalizing a blanket acceptance at a future date. Ms. Curtis seconded the motion, which passed unanimously.*

9. Open forum/general discussion on an update from the Finance Committee.

Mr. Nichols would like to nominate Calvin Jaber to the finance committee as a citizen volunteer.

ACTION: *Ms. Curtis motioned to approve the nomination of Calvin Jaber to the finance committee. Mr. Webb seconded the motion, which passed unanimously.*

10. Open forum/general discussion on a resolution to pursue the water CPCN for the Mitchells Corner Residential (335-8.00-37.00) and Mitchells Corner Commercial (335-8.00-37.02) Parcels.

Mr. Calaman stated that Mitchell's Corner is separated in to two parcels: commercial and residential. A CPCN application is needed for the BPW to serve water to the commercial and residential properties. Subdivided. Resolutions are a required piece to apply for CPCN as well as an application from the property owner. The BPW already has prior consent from the mayor and city council.

BPW has the capability of serving.

ACTION: *Mr. Webb made a motion to read resolution 23-007(Commercial) to be read by title only. Mr. Lee seconded the motion, which passed unanimously.*

ACTION: *Mr. Nichols motioned to approve resolution 23-007. Mr. Webb seconded, which passed unanimously.*

ACTION: *Mr. Nichols made a motion to read resolution 23-008(Residential) to be read by title only. Ms. Curtis seconded the motion, which passed unanimously.*

ACTION: *Mr. Lee motioned to approve resolution 23-008(Residential). Mr. Nichols seconded, which passed unanimously.*

11. Open forum/general discussion on a resolution to pursue the water CPCN for 16161 Lynn Road (Dawson).

ACTION: *Mr. Nichols made a motion to read resolution 23-009 to be read by title only. Mr. Lee seconded the motion, which passed unanimously.*

ACTION: *Mr. Lee motioned to approve resolution 23-009. Mr. Nichols seconded, which passed unanimously.*

12. Open forum/general discussion on a resolution regarding the Water Tower and Canal Crossing Loans from DHSS.

BPW has secured separate loans from WIAC for the water tower and canal crossing project. Both the BPW and the city must pass resolutions regarding the financing. Mr. Lee questioned if the rate study is considering this financing. Mr. Calaman stated that the financing is included in the debt service payment.

Mr. O'Donnell anticipates that the water tower project will go out for bid mid-October and return with proposals in December. GMB expects three or four bids. This project will put a lot of water in the air and update the header pipe at the wellfield.

Ms. Curtis questioned if the loans will be enough. Mr. Calaman is hopeful that the amounts are sufficient.

Mr. Hoffman noted that the loan requires separate approval from the mayor and city council. Mr. Calaman stated that the city consent will occur in September.

ACTION: *Ms. Curtis motioned to read resolution 23-010 by title only. Mr. Lee seconded the motion, which passed unanimously.*

ACTION: *Mr. Nichols motioned to approve resolution 23-010 conditional on the consent from the mayor and city council approval. Ms. Curtis seconded the motion, which passed unanimously.*

13. Open forum/general discussion on a technical amendment to the line of credit promissory note for the line of credit with Fulton Bank.

Mr. Calaman stated that Fulton Bank had an administrative issue when billing and requested an amendment to the wording. The Board has approved the line of credit with Fulton Bank. The Charter places limitations on how the line of credit can be used; BPW cannot hold debt on any one item more than 10 years. The Board and staff are responsible for adhering to the agreement. Fulton will not and the amendment makes this clear.

Mr. Webb questioned what the trigger was for staff to come to the Board for approval to use the line of credit. Ms. Bellere stated that the line of credit can be used at the discretion of the administration (BPW staff). Mr. Webb would like to review resolution and add a provision to include limits at the next Board meeting.

ACTION: *Mr. Nichols motioned to read resolution 23-011 by title only. Ms. Curtis seconded the motion, which passed unanimously.*

ACTION: *Ms. Curtis motioned to approve resolution 23-011. Mr. Nichols seconded the motion, which passed unanimously.*

14. Open forum/general discussion on the new capital budget reflecting the watermain assessment study done by GMB and the joint capital projects meeting with the City of Lewes.

Mr. Calaman stated that the BPW will continue coordinating with the city. The Board will review next month.

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

President Panetta stated that a WWTP workshop was held last week. Sussex County has contracted with GHD for option 3c and is underway. Mr. Calaman will attend the kickoff meeting.

The Board is pursuing option 3 with the county. If the Board cannot reach an agreement with the county, for administrative or financial reasons, then the Board will re-evaluate. GHD is expected to complete the evaluation in three months.

The Contingency Committee held its first meeting discussing alternative technologies.

16. Call to the public

Mayor Williams noted that the city is holding a workshop for the Donovan Smith community. The focus is on ordinances regarding lot sizes. Mr. Calaman will attend the workshop.

17. Call to press

Bill Shull, Cape Gazette, questioned when the next joint meeting between the BPW and city will be held to discuss capital projects. No date has been set, but there are quarterly joint meetings.

18. Executive Session

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

President Panetta moved to executive session at 5:27 pm.

19. Return to open session.

Returned to open session at 7:35pm.

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

None

21. Adjournment

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

President Panetta adjourned the meeting at 7:36pm.

Respectfully Submitted
Sharon Sexton
Executive Assistant