CITY OF LEWES
BOARD OF PUBLIC WORKS
Regular Meeting Minutes
January 22, 2025

The Wednesday, January 22, 2025 regular meeting of the Lewes Board of Public Works was held at 4:00 P.M. in Lewes City Hall and via Zoom.

1. WELCOME, CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

President Panetta called the meeting to order at 4:00 P.M. and led the Pledge of Allegiance and a moment of silence.

2. ROLL CALL

Board Members:
Thomas Panetta
Barbara Curtis
D. Preston Lee, P.E.
Richard Nichols
Bob Heffernan

Ex-Officio Members:
Andrew Williams, Mayor
Robin Davis, Interim General Manager
Michael Hoffman, Legal Counsel

Others Present:
Jeffrey Kerin, Inframark
Nathan Laucks, Inframark Regional Manager
Sharon Sexton, BPW Special Projects Coordinator
Ben Hearn, GMB
Vince Luciani, GMB
Patrick McCoy of Spotts, Stevens, McCoy
Eileen Kaley of Spotts, Stevens. McCoy
Bill Shull, Cape Gazette

3. CONSENT AGENDA

a. Receive Vice President Report
b. Receive Secretary Report
- **Approval of minutes from July 29, 2024, Joint Meeting; August 23, 2024, Special Meeting; September 20, 2024, Special Meeting; September 25, 2024, Regular Board Meeting; October 7, 2024, Special Meeting; October 28, 2024, Joint Meeting; November 19, 2024, Special Meeting.**

c. Receive Treasurer Report
d. Receive Assistant Treasurer Report

Ms. Curtis requested the contact details be pulled for review.

ACTION: *Ms. Curtis made a motion to approve the consent agenda, Mr. Lee seconded the motion, which passed unanimously.*

Ms. Curtis stated that a customer reported their water was tested exceeding regulatory limits for nitrates and lead. A standard procedure is needed to check how the water was tested or if the resident had been away for a length of time. Staff may provide recommendations for standard procedure regarding testing water in the home and water coming from the street. Testing should be done in a State certified lab for testing water.

Mr. Davis stated it is not the responsibility of BPW to test water in homes. After reviewing the test results and testing our system, we determine the location of the problem. The timeline is approximately 60 days.

Mr. Heffernan noted the change in market value for investments is down for the year-to-date. This is considered an issue because it will have an impact on the rates and ratepayers.

4. Receive the Inframark Report

- **November Veolia Report, Work Orders, Flow, DMR**
- **December Veolia Report, Work Orders, Flow, DMR**

Mr. Kerins reported:

- Issue last month when both EQ wet well pumps failed with spare pump installed; pumps are obsolete and cannot be repaired; have quotes for new pumps; speaking with GMB this week about a plan if the spare pump were to fail.
- New aeration system for Pump Station #19 with a new electrical panel needed to handle the blower.
- Headworks lighting is being converted to LED this month; have quotes for containment area coating for the hypo and citric acid area, base concrete will need to be resurfaced; need approval from contractors for a timeline to resurface the concrete after the hypo and citric acid areas are coated.
- Generator at Pump Station #4 costs are over $7,000 for maintenance in the last two months; billing is every four weeks for a total of 13 payments per year.
- Monthly budget goal is $6,600 for the maintenance cap.
- Float at Lift Station #17B was replaced to repair the high alarm; reported 1,534 days without lost time.

Mr. Hearn stated there has been discussion about options to consider for the generator changes at Pump Station #4 including upgrading two pumps or adding a third pump. The plan is to return to the Board in February with additional information.

Mr. Lee requested starting a funding program to replace the pumps. There is also concern that the pumps will be damaged during work for flood resiliency planning.

5. Receive the President's Report

President Panetta reported he met with Rehoboth Beach on the wastewater treatment. It was a positive meeting with a majority vote from the Council to proceed with writing an agreement for Spring 2025. Also met with Sussex County regarding the wastewater treatment plant and had a preliminary meeting with the Army Corps of Engineers.

6. Receive the General Manager's Report

Mr. Davis reported:

- Canal crossing pipe was pulled and Teal Construction started installation on American Legion Road; installation will follow on Gills Neck Road with a one-month estimate for the project to be completed and operational.
- Teal Construction has installed a main piping for the wellfield with Well #5 now running; Well #4 should be running again by tomorrow; work will begin on #3, #2, and #1.
- A preconstruction meeting for the water tower is tomorrow at 10:00 A.M. in the BPW conference room; the caustic tank will be replaced on Monday due to leaking.

Mr. Davis stated he attended the meeting in Rehoboth Beach; City Council meetings; met with GMB, Mr. Luciani, and Mr. Hearn regarding the Pump Station Resiliency Study; grant opportunity committee meeting; January DEMEC meeting; Cape Shores HOA about proposed locations for the sewer line from Cape Henlopen State Park.

Mr. Luciani stated the design for the water tower foundation is complete with plans to begin the construction this March.

7. Receive Finance Manager's Report

- **November and December 2024 Revenue and Expense Report**
- **Year-to-date Revenue and Expense Report**
- **Q3 Revenue and Expense Report**
- **Q3 Updated O&M**
- **Cash Graphs—November and December**

President Panetta stated this report will be reviewed in February.

PRESENTATION

8. Presentation by Spotts, Stevens, and McCoy regarding the Lewes BPW Strategic Plan. INFORMATION/DISCUSSION/ACTION (Spotts, Stevens, McCoy)

Ms. Kaley and Mr. McCoy began the presentation with a review of the updated final draft plan including mission and vision based on comments and survey results from the workshop meeting in October.

Review and discussion continued to include changes requested by the Board.

9. Open forum/general discussion on the WWTP long-range plan update. INFORMATION/DISCUSSION/ACTION (Thomas Panetta)

President Panetta stated he attended a meeting on December 20th with Sussex County, Rehoboth Beach, Austin Calaman, Mr. Davis, and the City of Lewes. The vote by Rehoboth Beach Commissioners included one (1) against and the remainder in favor of proceeding forward with developing an agreement between the three parties for use of the Rehoboth Beach Ocean outfall. One Rehoboth Commissioner was absent for the vote. The plan is to create a framework for the agreement in the next two months. The estimated time for the agreement to be completed is by the end of Spring 2025. Sussex County is beginning the design phase, and discussion with the County regarding their agreement will start later today.

10. Open forum/general discussion on policy procedure resolution. INFORMATION/DISCUSSION/ACTION (Thomas Panetta and Michael Hoffman)

Mr. Hoffman reported he made some edits to the resolution based on discussion at the December Board meeting. The edited version is being provided today.

ACTION: *Mr. Nichols made a motion to have Resolution #25-001 read into the record by title only for consideration and adoption by the Board; Mr. Lee seconded the motion, which passed unanimously.*

Mr. Hoffman read Resolution #25-001 into the record by title only.

Ms. Curtis questioned if Section #3 requires a subsection for proposals posted on the website. It states in Section #4 that comments are due 15 days after approval by the Board and posted on the website. Are public comments during the following meeting considered. When is the word 'proposal' removed from Section #6.

Mr. Hoffman stated proposals for Section #3 are available on the website page. Regarding the question about public comments at the meeting, FOIA requires that all public comments be considered. The written comments need to be submitted before the next meeting to be included since these may provide additional information. The word 'proposal' will be removed from Section #6.

ACTION: *Mr. Lee made a motion to adopt Resolution #25-001 with the change to remove 'proposal' from Lines 114 and 115; Mr. Nichols seconded the motion, which passed unanimously.*

11. Open forum/general discussion on the Hoornkill/Fourth Street supplemental funding Resolution. INFORMATION/DISCUSSION/ACTION (Robin Davis and Michael Hoffman)

Mr. Davis stated the resolution is to move forward with funding for the Hoornkill Project and the Fourth Street/Park Avenue Project. Mr. Calaman signed the Binding Commitment Letter in September, and this will be the next step. There were changes made to the letter yesterday to keep language consistent with what is in the project description on the loan application.

Mr. Hoffman stated he also made some changes to the wording to show that the City would not be going first. Mr. Hoffman advised that the motion to accept should include that approval is conditioned on the City's granting its consent, as required by the Charter.

ACTION: *Ms. Curtis made a motion to have Resolution #25-002 read into the record by title only for consideration and adoption by the Board; Mr. Nichols seconded the motion, which passed unanimously.*

Mr. Hoffman read Resolution #25-002 into the record by title only.

Mr. Heffernan spoke about the importance of replacing the aging infrastructure, but $11,530,000 is a large amount of money to borrow that will need to be repaid.

Mr. Hoffman reviewed the revised changes made to the 'Whereas' clauses in the resolution.

ACTION: *Mr. Nichols made a motion to adopt Resolution #25-002 contingent upon Mayor and City Council moving forward at their next meeting; Ms. Curtis seconded the motion, which passed unanimously.*

12. Open forum/general discussion on potential renovation or demolition of the Army Reserve Building. (INFORMATION/DISCUSSION/ACTION (Thomas Panetta and D. Preston Lee)

President Panetta stated the group from the City includes Mayor Williams, Councilman Khalil Saliba, and City Manager Ellen Lorraine McCabe. The group from BPW includes President Panetta, Mr. Lee, and Mr. Davis who will all review and discuss plans for the building. The removal of lead and asbestos will be decided when our plans are finalized.

Mr. Lee said the next step for the group is to inform the Reserve about our plans for the building, either demolition or renovations. The process of transferring the building to BPW will be quicker if not demolished, but then we will be responsible for cleanup.

Mayor Williams stated City Council is in favor of demolition to provide a clean site for BPW to then decide how to use the property. The City has hired an environmental attorney to help with our decision.

Ms. Curtis requested more information and documentation for studies on the site to be provided, including if there is a report about two underground storage tanks. This is a historic building in Lewes that is worth saving even with the costs for cleanup. There is also an issue with creating waste from demolition. It is too soon to make a decision until Phase I and Phase II can be completed concerning the site having an environmental assessment study for potential concerns and an environmental study and investigation to review the potential areas with intrusive drilling and water samples.

Mr. Hoffman advised this is not an action by the Board to approve a conveyance. The question is when the Board comes to that conveyance, is it the intent or preference to include the building or not. This is the guidance needed to continue discussion.

Mr. Hoffman stated Mr. Lee requested the following motion: Motion to confirm the Board's position that the Army Reserve Building property should not be conveyed to the City and BPW until after the existing structures are demolished and the Army confirms the subject property has been remediated as required under applicable law and best practice standards.

President Panetta said there are no estimates for renovation vs. a new building or design specifications.

There was discussion regarding the disadvantages of restoration due to hazardous waste removal costs, structural block walls being removed, roof structure painted in the 1950s. It is a very strong building built in the 1950s for military purposes.

ACTION: *Mr. Lee made a motion to confirm the Board's position that the Army Reserve Building property should not be conveyed to the City and BPW until after the existing structures are demolished and the Army confirms that the subject property has been remediated as required under applicable laws and best practice standards; Mr. Nichols seconded the motion.*

President Panetta requested an amendment to the motion to state the property is being conveyed to the City. Mr. Lee accepted the amendment to his motion and Mr. Nichols accepted the amendment to his second.

President Panetta, Mr. Lee, Mr. Nichols, and Mr. Heffernan voted yes to the motion. Ms. Curtis voted no. With four (4) yes votes and one (1) no vote, the motion passed.

13. Open forum/general discussion on the Indian River Plant shutdown and the impact to BPW rates. INFORMATION/DISCUSSION (Robin Davis and D. Preston Lee)

Mr. Davis stated the plant shut down 22 months earlier than proposed. The transmission lines were completed ahead of schedule. Ms. Bellere did an analysis that showed rates were down by 3.7%. The estimate was for a 10% increase in rates.

Mr. Heffernan requested an update from Ms. Bellere in six months to see if there are any changes.

14. Open forum/general discussion on the final acceptance of Donovan Smith Mobile Home Park. INFORMATION/DISCUSSION/ACTION (Robin Davis and GMB)

Postponed until the February meeting.

15. Open forum/general discussion on the pump station resiliency study. INFORMATION/DISCUSSION/ACTION (Robin Davis and GMB)

Mr. Davis stated this is an extension of the study done in 2022 when a report was presented on the four critical pump stations: #3, #4, #5, and #8. The study identified hazards and gave recommended solutions for corrections. BPW was given a grant in 2024 for engineering designs for the four stations and assessments on 16 other stations located in the floodplain. The Mitigation Team recommended raising critical infrastructure above floodplain levels, which was approved by the Board. GMB is here to present the Board with their designs for the four stations. The grant required a study be presented by October.

Mr. Luciani and Mr. Hearn began by reporting changes to the four critical and the other 16 stations located in the FEMA floodplain will be based on today's elevations. There are additional FEMA grants available for future studies.

Mr. Luciani and Mr. Hearn continued by outlining the designs for the 16 pump stations including surveys to establish existing and critical elevations, photos, and site maps to show existing utilities. This also included a review of how each pump station functions. They will be working with Mr. Davis and Inframark to include operational improvements needed in the report.

Review and discussion continued to include the engineering designs for Stations #3, #4, #5, and #8. The designs include input from the structural engineer and architect on whether to restore or demolish and build a new #3 station. The design was created to protect the critical red line elevation, pumps, and electrical panels from flooding in all stations.

Regarding Station #5, photos show the panel is in the right-of-way, which does not allow room to elevate. There was a suggestion to install a type of vertical structure to enclose the panels. The concept for Station #8 is similar to #3. There are concerns about #8 collapsing from the flood waters. The grant funds are not sufficient for the modifications needed or for a new station in another location for #8. The solution may be to install a waterproof door.

Keystone Electric submitted a proposal for work on Station #4 stating most of the panels and conduits could be reduced. A site layout for Station #3 will be provided and there are a number of structural options.

Mr. Luciani and Mr. Hearn will return in the months ahead to report progress on the concepts and designs including plans for Station #8. They will also consult DEMA to verify the change in scope concerning the suggestions presented today.

16. Open forum/general discussion on bid acceptance for the stormwater Pilottown Village Project. INFORMATION/DISCUSSION/ACTION (Robin Davis and GMB)

Mr. Davis stated this was a City project to repair the streets when the HOA President spoke about the conditions during a joint City and BPW meeting. GMB looked at stormwater piping and catch basins on the streets and decided the work was needed. There was a bid opening on January 15th for lining the stormwater piping and repairs with epoxy coating for 11 catch basins.

Mr. Luciani reported there were three bids received with the low bid by HCE for $723,888,37. HCE was also the lowest bidder for stormwater items. GMB has worked with HCE as a subcontractor, who did the paving for Donovan Smith. He will do additional research before recommendation to the City.

Mr. Luciani reviewed the materials to be used for the lining. The City will be paving Ocean View Boulevard, including a full overlay, from Pilottown Road to Canary Drive. The storm drains system needs to be addressed before the paving project due to the presence of sinkholes related to the storm drains. The recommendation today is for the Board to accept the bid. GMB will propose making a recommendation, at the February 10th meeting, for the City to move forward with the street project.

Mayor Williams questioned if the City may choose another company since their Charter states they do not need to take the lowest bid.

Mr. Hoffman advised that the motion would state the bid is accepted based on approval by the City. If the City decides on another company, an emergency meeting may be held.

Mr. Luciani stated Tri-State Sewer will be doing the lining work and Teal the concrete work, both as subcontractors for HCE.

ACTION: *Ms. Curtis made a motion to accept GMB's recommendation for HCE contingent upon approval by the City; Mr. Nichols seconded the motion, which passed unanimously.*

17. BOARD OR STAFF REQUESTS FOR AGENDA ITEM(S).

Ms. Curtis requested to have someone speak to the Board concerning the pros and cons and costs for cyber security.

18. CALL TO THE PUBLIC

No comments at this time.

19. CALL TO THE PRESS

Mr. Shull of the Cape Gazette was present stating he had no comments.

20. Executive Session
21. Return to open session
22. Discussion and action on items from Executive Session, if applicable.
23. Call to the Public

24. ADJOURNMENT

ACTION: *Mr. Nichols made a motion to adjourn; Mr. Heffernan seconded the motion, which passed unanimously.*

The meeting was adjourned at 7:40 P.M.

Respectfully submitted,
Jackie Doherty, Recording Secretary
Lewes Board of Public Works

D. Preston Lee, P.E.

4/25/25
Date