

**CITY OF LEWES
BOARD OF PUBLIC WORKS
Regular Meeting Minutes
July 23, 2025**

The Wednesday, July 23, 2025 regular meeting of the Lewes Board of Public Works was held at 4:00 P.M. in Lewes City Hall.

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.

President Panetta stated the meeting today is not being held via Zoom. The City's servers have been hacked, and our server system is separate from the City with no video service available at this time. The meeting is being recorded by audio for review.

2. ROLL CALL

Board Members:

Thomas Panetta
Barbara Curtis
Richard Nichols
Bob Heffernan

Ex-Officio Members:

Amy Marasco, Mayor
Robin Davis, General Manager
Sharon Sexton, Assistant General Manager
Michael Hoffman, Legal Counsel

Absent:

D. Preston Lee, P.E.

Others Present:

Kimberly Bellere, BPW Finance Director
Jeffrey Kerin, Inframark
Ben Hearn, GMB
Scott Lynch, DEMEC

3. CONSENT AGENDA

- **Receive Vice President Report**
- **Receive Secretary Report**
 - Approval of Minutes June 25, 2025, Regular Board Meeting**
- **Receive Assistant Treasurer Report**

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

4. Call to the Public

Members of the public wishing to address the Board on any BPW-related matter, whether on tonight's agenda or not, should make their request known at this time. Please note that there will be no opportunity for additional public comment on matters listed on the agenda until the end of the meeting. Each speaker will be given three (3) minutes. No action or Board discussion, including to answer questions, will occur during the public comment period; however, the Board President may ask Staff to review a matter, and individual members of the Board may ask that a matter be put on a future agenda.

Nick Carter, 1510 Lewes Beach, was present to speak about his concerns regarding the Lewes Beach advisory for the presence of fecal bacteria. He submitted a document to the Board stating his concerns over the past 20 years.

Mr. Hoffman explained that this is an opportunity for public comments on agenda items or a topic that is not on today's agenda. The next time public comments will be heard is at the end of the meeting today.

5. Receive the Inframark Report

- **Discharge Monitoring Report**
- **Gnatt chart**
- **InSight Report**
- **Work Orders Completed**
- **Pump Station**

Mr. Kerin began his report with an update of projects, stating he and Mr. Davis will meet on Friday with the representative from Neo Water for the chemical trial. We have informed DNREC that we may be moving forward with the trial.

Mr. Kerin's report included:

- Chemical tank replacement is being double-checked.
- Assessment from Teal for Pump Station #17 will be reviewed with Mr. Davis and Mr. Hearn.
- The seals for Train #4 slide gate have been shipped; when received, there will be a temporary shutdown to complete the replacement and begin recovery.
- There was an issue with Train #4 pump being blocked when the flow meter was replaced requiring the pump to be replaced a second time; will meet with the repair company to discuss the issue why the pump was not operational and how to prevent this from happening again.
- Train #4 is back online and running well; increased water usage at the plant coming from the screens and compactor, which has been addressed.
- Problems with rust in the sprayer heads from the old system when the reuse pump was back in operation; screens and sprayer heads were cleaned from the rust and debris clogging the system.
- We lost one operator and are interviewing applicants for his replacement.
- Secondary RAS pump was pulled from Train #1, and it was replaced and sent for repair.

- Callouts were for one Train shutdown and the power outage on June 23rd and 24th.
- Installed rebuilt pump in the old EQ tank and the dump pit pump station; replaced check valves in Pump Station #32, which is also needed for Pump Station #33.

Mr. Kerin stated he has quotes for replacement pumps, which require approval from the Board. He has had discussion with Mr. Davis about smaller bypass pumps for the pump stations that will require bypass connections. Review is also needed by GMB. A list will be provided to the Board of what is needed to purchase and what will be addressed by the Resiliency Study.

6. Receive the President's Report

President Panetta reported he attended the Leadership Meeting with the City and Mayor and City Council meetings. University of Delaware meetings have begun with the City and BPW regarding archaeological surveys and underground infrastructure. A public workshop will be scheduled for September to explain the process and ask for input.

President Panetta reviewed information about the June power outages, stating it was determined by Potomac Testing that it was a failed relay. Three new relays have been ordered, two for replacement and one as a spare. BPW apologizes to the residents for any inconvenience. Ms. Sexton and Mr. Gritton are working to prevent the Call Center issues from happening again. Residents have been notified about receiving \$100.00 for their recycled used appliances that are in working order.

President Panetta continued stating there have been meetings with Sussex County over the past two weeks to discuss the last details regarding the Wastewater Treatment Plant. We hope to schedule a public workshop meeting in August when the final agreement will be presented.

7. Receive the General Manager's Report

Mr. Davis reported he attended the Mayor and City Council meeting, Mitchell's Corner monthly progress meeting, Sussex County for the Wastewater Treatment Plant, monthly meeting with the Burton Subdivision Task Force regarding Fourth Street/Park Avenue Project, and the Lewes Planning Commission. Met with Ms. Sexton and Mr. Hearn to review projects and will continue to meet monthly for updates. He, Ms. Sexton and Mr. Hearn met with engineer Zach Crouch to discuss sewer options for the Kennedy property on Gills Neck Road. We also met with DHSS to discuss funding for the Lead Service Line Project. Continuing to work on the CPCN documents for water service to the property on New Road.

Mr. Davis continued stating the Canal Crossing and Wellfield Header Projects are complete, and the contractors are finishing the punch list items. Foundation and underground piping work continues for the water tower. Some work has stopped for Summer due to issues with housing for employees and traffic. Site work will continue in the Fall. The street, water, sewer, stormwater projects for Fourth Street/Park Avenue and Hoornkill continue with GMB in the concept design phase and are still on schedule. All information is available online.

8. Receive Finance Manager's Report

- **Revenue and Expense Report**
- **Quarter 1**
- **Year to Date**
- **Cash Graphs**
- **Cash Reserve Update**

ACTION: *Ms. Curtis made a motion to move Agenda Item #13 to be included with Agenda Item #8; Mr. Nichols seconded the motion, which passed unanimously.*

Ms. Bellere gave a complete review of the reports provided.

Discussion and review included:

- Increased water usage for the high school and the BPW Wastewater Treatment Plant.
- \$83,000 gain in investment value.
- Decrease in electricity revenue for the first quarter; \$80,000 down from last year; may be the difference in impact fees.
- Water and irrigation usage for Zwaanendael and Canalfront Parks has increased.
- Expenses included stone driveway at the wellfield, containers for hazardous waste.
- Deposited \$2.65M in investments over the last 12 months; quarterly cash reserve reflects suggested budget adjustments; \$850,000 surplus; ARPA funds spending for the water tower.
- Review of all budget items highlighted that will be changed including water, sewer, wastewater treatment plant coating containment area, tank demolition quotes, Oceanview Blvd Project.
- Changes to O&M Budget are mostly electric due to lower rates and less usage.
- Depreciation/Amortization corrected work orders; proposed budget for this year to include a quarterly review.

ACTION: *Mr. Heffernan made a motion to accept the modifications presented by Ms. Bellere to include the O&M and 2025/2026 Capital Budgets; Mr. Nichols seconded the motion, which passed unanimously.*

Invitation

9. Formal invitation to DEMEC's Annual Joint Council Dinner. INFORMATION/DISCUSSION/ACTION (Scott Lynch)

Mr. Lynch was present to invite the Board to the DEMEC Annual Dinner at Bally's in Dover on Wednesday, September 17th from 5:00 P.M. to 8:00 P.M. Mr. Lynch spoke about the 28 pieces of Delaware State Legislation related to energy and municipal utilities, in addition to actions taken by President Trump, Congress, and the Regional Grid Operator. Our Joint Council dinner will include showcasing members who have received national awards and recognition, which includes Lewes BPW. Crew members from Newark and Dover who served on the Light Up Navajo Project will be present along with the General Manager of the Navajo Tribal Utility Authority.

Old Business

ACTION: *Mr. Heffernan made a motion to move Agenda Item #14 for discussion now; Ms. Curtis seconded the motion, which passed unanimously.*

14. Open forum/general discussion on the Roosevelt Landing Developer's Agreement. INFORMATION/DISCUSSION/ACTION (Robin Davis and Michael Hoffman)

Mr. Hoffman stated that Mr. Lewes, who is representing the developer, is present today to answer questions from the Board. This agreement needs approval by Mayor and City Council, but it is not certain if City Solicitor Alex Burns has included his changes.

Mr. Hoffman advised the Board to approve the agreement on the condition that it will be approved by Mayor and City Council. This is an agreement regarding construction of utility infrastructure.

Mr. Davis reviewed that this is an eight-lot subdivision on the former Lewes Dairy property located on Pilottown Road. It received final site plan and subdivision approval with conditions from Mayor and City Council in July.

ACTION: *Mr. Heffernan made a motion to approve the developer's agreement as written with the modifications subject to approval by Mayor and City Council; Mr. Nichols seconded the motion, which passed unanimously.*

Regarding Ms. Curtis' comment about the use of pervious asphalt, Mr. Hoffman stated this may be a change by Mr. Burns and is subject to approval by Mayor and City Council.

10. Open forum/general discussion on Pump Station Resiliency Study. INFORMATION/DISCUSSION/ACTION (Robin Davis and GMB)

Mr. Davis stated GMB submitted possible designs for options at the last Board meeting.

Mr. Hearn presented two options in conceptual phase specific to Hoornkill Pump Station. Discussion at the last meeting included the choice of the floating dock option or elevated platform option.

Discussion and review included:

- Concern about additional costs for the decorative roof; is it needed for the waterproof panels.
- Floating panel raised by 4 ½' to be above the critical elevation.
- Current Hoornkill pump station to be removed and a new installed to service the additional properties being annexed.
- Base size for the elevated platform is based on electrical clearance; for the floating platform, there needs to be enough buoyancy force to lift the dock and equipment; enclosure to resemble a lighthouse.
- Recommendations from the BPW Resiliency Committee for design of critical elevations for pump stations and equipment protection; review curves that predict sea level rise; areas subject to flooding not in the flood zone.

- Raising the 16 identified pump stations to the base flood elevation criteria for the locations of the electrical boxes at that elevation or higher; elevation depends on the weight of what is placed on the platform.
- Suggestion to consult with an architect for an artistic design.

Mr. Hearn stated the Pump Station Resiliency Study needs to be completed by October to include the design for Pump station #5 and direction on the design for Hoornkill.

After discussion, it was decided to continue review at the August meeting.

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

President Panetta included discussion in his report.

New Business

**12. Open forum/general discussion on the final acceptance of Mariner's Retreat.
INFORMATION/DISCUSSION/ACTION (Robin Davis and Michael Hoffman)**

Mr. Davis requested this agenda item be removed until additional information is received.

**13. Open forum/general discussion on proposed 2025/2026 capital and O&M budget amendment.
INFORMATION/DISCUSSION/ACTION (Kimberly Bellere)**

Discussion and review were included with Agenda Item #8.

**14. Open forum/general discussion on the Roosevelt Landing Developer's Agreement.
INFORMATION/DISCUSSION/ACTION (Robin Davis and Michael Hoffman)**

Review and discussion following Agenda Item #9.

**15. Open forum/general discussion on the updated BPW Electric Tariff based on House Bill 62,
relating to the termination of utility services.
INFORMATION/DISCUSSION/ACTION (Sharon Sexton and Michael Hoffman)**

Ms. Sexton reported the requirements included in House Bill 62 are being followed and will now be formalized and added to the electric tariff. The requirements included shutoff hours between 8:00 A.M. and 4:00 P.M.; no disconnections Friday thru Monday or December 21st to January 1st; no cutoff if temperature is less than 35 degrees Fahrenheit or above 90 degrees; provide a 14-day letter and make multiple attempts to contact; 120-day hold if a letter of need is provided by a doctor.

ACTION: *Mr. Nichols made a motion to have Resolution #25-009 read into the record by title only for consideration and adoption by the Board; Mr. Heffernan seconded the motion, which passed unanimously.*

President Panetta noted that Ms. Curtis was out of the room when the vote was taken.

Mr. Hoffman read Resolution #25-009 into the record by title only.

Mr. Hoffman stated the Board has a procedure for adoption of provisions to their policy including an exemption that does not require the public comment period. The resolution states this qualifies for the exemption. The State requires a dispute resolution process, which is included and highlighted in the draft posted with the agenda. Letters or requests to speak at the next meeting may be sent to Mr. Davis.

ACTION: *Mr. Nichols made a motion to adopt Resolution #25-009; Mr. Heffernan seconded the motion, which passed unanimously.*

16. Open forum/general discussion on awarding the contract for the Capes Cove Water and Sewer Extension Project.

INFORMATION/DISCUSSION/ACTION (Robin Davis and GMB)

Mr. Davis stated the 13 manufactured homes on New Road outside the City limits requested service for water and sewer, which was approved. DHSS and DNREC provided grant funding for \$1.248M. GMB has submitted a letter regarding the bid (bid opening July 2025) awarded to the contractor. The grant funding will not include the Hertrich Collision Shop connection.

Mr. Hearn reported four contractor bids were received. It was noted in the GMB letter that bids included Schedule A and B to service Capes Cove. Schedule C was to service the Hertrich Collision Shop next to Capes Cove, requested by the previous owner to be connected as part of the project.

Mr. Hearn continued stating the Board made a suggestion in the past for an easement across the Hertrich property in 2024 that would also serve possible future development of neighboring farmland but would not require it to be fully across if future development is not included. The bid for Hertrich Schedule C is \$212,000. The cost to extend onto the Hertrich property by 20 feet is approximately \$20,000.

Mr. Hoffman advised that there needs to be a review of the easement to confirm the understanding that was discussed with the previous owner of the shop and BPW. The total bid amount has changed due to an increase in individual water costs. There may be supplemental funding available from DNREC.

ACTION: *Ms. Curtis made a motion to approve the bid award with the condition to confirm that additional funding will be available; Mr. Nichols seconded the motion.*

Mr. Nichols questioned if the contract is approved without the extension issue, what is the risk.

Mr. Hoffman explained that the Board will award the bid with the condition for confirmation of the additional funding. The confirmation needs to be in place before the contract is signed. This allows Staff to confirm the additional funding before the contract is signed. If funding is not available, an alternative option needs to be presented to the Board.

Mr. Hearn stated contractors are required to hold their bid amounts for 90 days, 60 days minimum.

After discussion, the motion passed unanimously.

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

Mr. Heffernan requested the Board be provided with monthly information from the electrical department.

Ms. Curtis has asked for a report on the amount of water usage for advanced planning regarding capacity limitations and our aquifers.

President Panetta suggested having meetings with Staff every few months to review this information.

18. CALL TO THE PUBLIC

No additional comments

19. CALL TO THE PRESS

Bill Shull of the Cape Gazette was present and questioned if the City's servers being hacked had an impact on BPW.

President Panetta stated the problem was seen early and there were no issues with our departments or customers. It does show how vulnerable we are with the increased number of hacks.

20. Executive Session

21. Return to open session

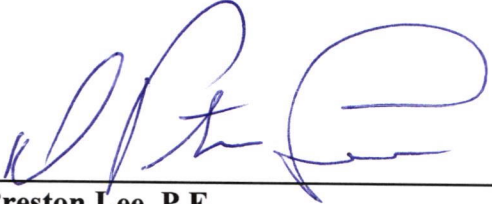
22. Discussion and action on items from Executive Session, if applicable.

23. Adjournment

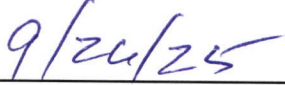
ACTION: *Mr. Nichols made a motion to adjourn; Mr. Heffernan seconded the motion, which passed unanimously.*

The meeting adjourned at 6:30 P.M.

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



D. Preston Lee, P.E.



Date

7/23/25
meeting

To the BPW members - For the Record.

Beach Advisory for Fecal Bacteria – 3 issues:

1. During this past busy July 4th weekend as well as last weekend and most mid-summer weekends – could it be possible that the Lewes WWTF pumps partially treated effluent beyond maximum capacity and storage per day into the Canal? The WWTF should disclose daily effluent volumes not “daily averages” based on a 30-day rolling average. This form of reporting dilutes the most active individual days during the weekend. What appeared to be remnants of fecal matter (not confirmed) was observed floating down the canal during a recent ebb tide, which ends up flowing on to Lewes Beach.
2. There are no bathroom facilities between Lewes (Savannah) Beach and Roosevelt Inlet, so thousands of all-day beach visitors use the bay, the beach, parking spaces, front yards and the dunes to do their #2 excrements. This human fecal bacteria is a severe health hazard and must be confronted - fecal contamination can no longer be blamed on birds and animals. Lewes and Rehoboth both have had recent fecal contamination alerts from the DNREC lab, but the problem is the testing takes at least 24 hours for incubation, so the reports come out a day or 2 late and are done again to confirm.
3. Both Lewes and Rehoboth have had and continue to have huge increases in jellyfish population over the month of July.
 - Eutrophication and jellyfish food availability: Sewage and fertilizer runoff introduce excess nutrients (nitrogen, phosphorus) into coastal waters. This can lead to eutrophication, where phytoplankton (microscopic algae) populations explode. Jellyfish feed on zooplankton, which, in turn, feed on phytoplankton. So, increased phytoplankton due to pollution provides more food for jellyfish, potentially leading to increased numbers and blooms.

Respectfully submitted on 7/23/2025 by

Nick Carter
Lewes Beach

Columbia Climate School

State of the Planet

Agricultural, animal waste and sewage runoff loads coastal waters with nutrients (nitrogen, phosphorus and potassium), which cause eutrophication where algae proliferate, then die, robbing the water of oxygen. Eutrophication provides more food for jellyfish polyps and favors jellyfish and polyps over fish because they can tolerate low oxygen levels. In addition, eutrophication clouds the water, which makes it harder for fish, who are visual feeders, to feed, while jellyfish don't rely on sight to feed.

Human coastal development has also helped jellyfish thrive. The structures and construction that we have placed in the water, such as piers, marinas, oil platforms, artificial reefs, refuse, rubble, aquaculture pens and structures, etc. provide an abundance of habitats for polyps to settle on.

- **Eutrophication:** Fecal matter, along with agricultural and animal waste runoff, loads coastal waters with nutrients like nitrogen, phosphorus, and potassium. This causes eutrophication, an excessive enrichment of nutrients that leads to an overgrowth of algae.
- **Food for Jellyfish:** Increased nutrients increase the plankton in the oceans, which serves as a food source for jellyfish.
- In short, effluent discharge contributes to nutrient pollution, leading to eutrophication, algal blooms, and oxygen depletion in coastal waters. This, in turn, creates a more favorable environment for jellyfish over other marine species, potentially contributing to the increase in jellyfish blooms in many regions.