CITY OF LEWES
BOARD OF PUBLIC WORKS
Regular Meeting Minutes
March 26, 2025

The Wednesday, March 26, 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, General Manager
Michael Hoffman, Legal Counsel

Others Present:

Ellen Lorraine McCabe, Lewes City Manager
Jeffrey Kerin, Inframark
Nathan Laucks, Inframark Regional Manager
Kimberly Bellere, BPW Finance Director
Sharon Sexton, BPW Special Projects Coordinator
Scott Lynch, DEMEC
Ben Hearn, GMB
Vince Luciani, GMB
Hans Medlarz, Special Projects Engineer for Sussex County
Jackie Doherty, Recording Secretary

3. CONSENT AGENDA

a. Receive Vice President Report

b. Receive Secretary Report

- **Approval of minutes from December 12, 2024 Regular Meeting Minutes, January 22, 2025 Regular Meeting Minutes, January 27, 2025 Joint Meeting Minutes, and February 18, 2025 Finance Committee Meeting.**

c. Receive Treasurer Report
d. Receive Assistant Treasurer Report

Ms. Curtis noted there are corrections to a few of the meeting minutes.

ACTION: *Mr. Lee made a motion to approve the Consent Agenda; Mr. Nichols seconded the motion, which passed unanimously.*

4. Receive the Inframark Report

- **February Veolia Report, Work Orders, Flow, DMR**

Mr. Kerin reported:

- The pumps for the wet well have been ordered with approval from GMB to be delivered in about eight weeks.
- Trash pump was rethreaded to charge the spark plug and replace batteries; bypass pump was moved to a different building with a triple change to be ready at all times.
- Floats at Pump Station #14 were changed; entry into Kubota tank to correct sections of coating causing issues with the pump, and the pump is running well now.
- Now in the process of chemical cleans for the trains with #1 completed and #2 in progress, #3 and #4 may need the slide gates replaced, the chemical cleaning will still be done and require light picking but there may still be bacteria in the train; checking into estimates to replace the slide gates.

Regarding the issue on March 8, 2025, President Panetta explained there was no discharge into any surface drain or the canal and was limited to within the plant area running out to the shoulder and contained at American Legion Road. The response from Inframark was everything that could be expected.

Mr. Kerin stated tests were performed on samples from the canal as a precaution. The area on American Legion Road was completely cleaned.

Review by Mr. Kerin continued:

- Tower Hill pump stations will be #35 and will check with GMB to align all numbers.
- Pump Station #4 upgrades will all be coordinated with GMB; the generator is still being rented with the decision to replace in the future; transfer switch is now manual, and replacement would be automatic; all decisions to move forward are on hold in regard to the Wastewater Treatment Plant Project.
- Quote for the new generator is $185,000 and the rental is $23,000 per year; permanent bypass pump for #4 is $100,000, but it was determined that it would not be sufficient for the station.
- Digestor lines above ground should be replaced.

Mr. Nichols requested information be provided on choices and costs for a new generator and bypass pump, and what is the timeframe regarding Pump Station #4.

5. Receive the President's Report

President Panetta reported meetings continue with the County on Wastewater Treatment Outfall; met with Sargent and Lundy yesterday about underground power lines including the Fourth Street Project with reports to follow on costs and viewsheds of how the area will look. April 25th will be Hazardous Waste Take-Back Day along with the City having Drug Take-Back Day.

6. Receive the General Manager's Report

Mr. Davis reported he attended the County meetings with President Panetta, City Council meetings, University of Delaware meeting along with Ms. Curtis to update the Wellhead Protection Study with their report to be submitted at the end of March. The Canal Crossing became operational March 18th, and Teal is installing water services to American Legion Road to be completed tomorrow. Wellfield Header Project includes work being done on Well #1 now and the other four are complete. There will be testing to see if flow has been increased. Site and foundation work to begin for the Water Tower Project next week. Fourth Street/Park Avenue Water/Sewer/Stormwater Streets Project is on schedule with the loan closed on March 14th. GMB is surveying and creating designs and estimated construction to begin September 2026 and completion June 2028.

Mr. Davis continued stating the Hoornkill Project continues to include the 11 properties currently on wells and septic tanks. The loan closing was March 14th. Letters will be sent to residents to inform them that GMB will be on the site to locate the wells and septic tanks. Estimated completion date is June 2026. Final design phase for New Road 13-unit mobile home facility park with estimated start date August 2025 and completion March 2026.

President Panetta thanked everyone involved with the Canal Crossing Project, including Teal Construction and Spring Associates, for top notch work and completing the project on schedule.

7. Receive Finance Manager's Report

- **Revenue and Expense Report**
- **Year-to-date Report**
- **Cash Graph**

Ms. Bellere reported the water account for the State Park is being reviewed due to low readings for the last few months, and a high reading for this month. Also, Excelcare uses 50% more water and sewer than Harbor Health.

Ms. Bellere reviewed the cash graph which shows a shortage for current investments vs. Cash Reserve Policy. $900,000 was transferred to the money market account this month.

Presentation

8. Presentation by Scott Lynch, DEMEC, on exclusivity with DEMEC and CPower. INFORMATION/DISCUSSION/ACTION (Scott Lynch)

Mr. Lynch provided a PowerPoint Presentation including a review of Demand/Response Program.

Review included:

- Administrative benefits and DEMEC management; the program needs to be renewed each year.
- Customers will receive an additional shared savings for each peak; agreement with CPower for customers to receive 78%; congestion peak rates decreased.
- Peak times are announced through social media or phone app; attachment to meter will automatically change temperatures in the home during peak events.
- This is a program existing for 13 years; an explanation of the reasons and incentives for DEMEC exclusivity and the reasons or circumstances not to be exclusive.
- BPW Staff involvement will be minimal; BPW is asked to provide the names of any businesses they recommend for the program.
- Request information on case studies showing the reduction in rates for customers; DEMEC will provide a report each year before the renewal time showing the number of enrollments and how the program has performed.

Mr. Hoffman stated DEMEC is asking the Board to approve exclusivity to allow them to implement its program. The Board may also decide not to take a position.

<u>ACTION</u>: *Ms. Curtis made a motion to approve the exclusivity arrangement with DEMEC for the Demand/Response Program. The motion failed because there was not a second.*

Ms. Curtis stated the Board would be irresponsible not to support this program because we all recognize we need to do something to shave peak electric use shortages. Exclusivity will allow DEMEC to approach customers that are high users to participate. We will all benefit and should try the program for a year.

Mr. Lynch explained why DEMEC is not offering the services without exclusivity. In answer to questions from Mr. Hoffman, Mr. Lynch stated that nothing prevents DEMEC from contacting BPW customers to present the program without exclusivity. Mr. Lynch also listed the three benefits exclusivity would provide to DEMEC.

<u>ACTION</u>: *Mr. Nichols made a motion to table this discussion until a future meeting; Mr. Heffernan seconded the motion. Mr. Lee, Mr. Nichols, and Mr. Heffernan voted yes to the motion. Ms. Curtis and President Panetta voted no to the motion. With three (3) yes votes and two (2) no votes, the motion passed.*

In answer to Mr. Lynch's question regarding how to handle applications received that are not DEMEC, Mr. Hoffman stated until the Board takes action to change course, the status quo remains.

<u>Old Business</u>

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

President Panetta stated Rehoboth Beach has rejected the $20M offer from BPW and the County in February. Last week's workshop meeting included two options: 1) Return to existing discharge point at a cost of $10.5M to include demolition of existing plant and upgrades to Pump Stations #4 and #8 and 2) Discharge to a point closer to Wolfe Neck for environmental benefits and lower cost of $3.5M. The County and BPW decided to review Option #2 for consideration. We are asking for public comments posted to our webpage.

Mr. Medlarz stated he, Mr. Hearn, and Mr. Lee met with Mr. Davis to discuss options. BPW is asked to take action on the convey and the County will take action on treatment with a new process. The County has an environmental firm under contract in conjunction with GHD to conduct hydraulic and environmental quality studies associated with the general area between Wolfe Point and the current outfall and the overall movement of water in the canal from the Bay to Roosevelt Inlet. The answer regarding discharge conveyed cannot be answered until the studies are completed and will take about two years.

Mr. Medlarz continued stating, as individual entities, BPW will hold the Conveyance Package Contract, and the County will hold the Treatment Package Contract. This puts new urgency on the development of the agreement for a basis of the two entities' spending costs and the future agreement. The question for the Board, as a future decision, is if you want an All-Flow Based Agreement or Reserved Capacity Type Based Agreement. Today, the County is requesting a conveyance concept and a prepared proposal to engineer the conveyance concept. The County will consider existing rates allocation, and nothing beyond will be considered.

President Panetta stated there would be a change in the order of the agenda.

11. Open forum/general discussion on possible upgrade options for Pump Station #4 and #8 as part of the Pump Station Resilience Study. INFORMATION/DISCUSSION/ACTION (Robin Davis and GMB)

Mr. Hearn and Mr. Medlarz presented a map showing the existing infrastructure with a review of the modifications for conveying.

Review and discussion included:

- Pump Stations #4 and #8; manifolded force main system which will convey wastewater from Lewes to the County system at Wolfe Neck tying into the County system at Wolfe Run; repurpose main on Gills Neck into force main for less cost and disturbance to Gills Neck Road.
- There are existing manifolding force mains on New Road at Tower Hill and Savannah Road.
- Evaluation of water distribution; show conditions that will be seen at Pump Stations #4 and #8 within two days; County to provide sequence of events for pipe replacements.
- Pump Station #8 to stand alone for service to the beach area with pipe connected to treatment plant.
- County constructing their wastewater facility while BPW is transmitting and evaluating the final disposal point.
- It is possible to construct a wastewater treatment plant and a conveyance system without a discharge pump.

- BPW will have control of the design, and under contract, hold the construction permit and the DelDOT permit; the County will hold the construction permit for the wastewater treatment plant.
- Mr. Medlarz requested the Board direct GMB to do an analysis of the 12" water main and a proposal for the conveyance.
- Plans for the new water tower will be considered for impact on the flow system; GMB may have the model ready in one month.
- The footprint of Pump Station #4 is suitable for conversion to a submersible and will include odor control.

ACTION: *Mr. Heffernan made a motion to authorize Mr. Davis to negotiate with GMB to model the 12" cast iron section; Mr. Lee seconded the motion.*

Mr. Davis stated there was an approval at the February meeting for the study at a cost of $22,000.

After discussion, Mr. Heffernan withdrew his motion, and Mr. Lee withdrew his second.

Mr. Hoffman questioned if the Phase I hydraulic evaluation of Pump Stations #4 and #8 is needed with the latest development, or will it be shelved in lieu of the limited evaluation of the force flow.

Mr. Hoffman advised the Board to direct Staff to examine the feasibility of the connection. A review will continue to determine if additional authorization is needed.

ACTION: *Mr. Nichols made a motion to direct Mr. Davis to work with GMB to evaluate the reuse of the 12" cast iron watermain pipe as part of the conveyance method for the wastewater treatment plant modifications; Mr. Lee seconded the motion, which passed unanimously.*

10. Open forum/general discussion on 2025/2026 Capital Improvements and O & M Budgets. INFORMATION/DISCUSSION/ACTION (Kimberly Bellere and Robin Davis)

Ms. Bellere provided a report and review of the changes made last month to Capital Improvements and O & M budgets. A review is needed concerning the $5,000 threshold in Capital for tools and equipment.

Regarding expenses for the wastewater treatment plant, President Panetta stated the plant continues to be fully maintained. There was a decision not to spend funds on programs not available for another 20 years, but to use these funds now to maintain the plant.

ACTION: *Ms. Curtis made a motion to approve the Capital Improvements Budget for FY 2025-2030; Mr. Nichols seconded the motion, which passed unanimously.*

ACTION: *Mr. Lee made a motion to approve the O & M Budget for FY 2025-2026; Mr. Nichols seconded the motion, which passed unanimously.*

New Business

12. Open forum/general discussion on possible upgrade options for Pump Station #3 as part of the Pump Station Resiliency Study.
INFORMATION/DISCUSSION/ACTION (Robin Davis and GMB)

Mr. Hearn and Mr. Luciani stated the Board requested options for Pump Station #3 located on Pilottown Road. It will require additional modifications over and above those proposed in the GHD report. The presentation will include three options, costs, and descriptions.

Presentation included:

- Option #1 create an entire new station with a new wet well to become a submersible station; remove exiting wet well; keep the existing building to become a valve vault. Cost $2.2M.
- Option #2 new station with a smaller diameter wet well; install an equalization pipe to increase capacity and wet well volume; this will be a submersible station; inside improvements to create a valve vault. Cost $1.9M.
- Option #3 modifications to flood proof the existing structure. Cost $1M.

Discussion and comments:

- Options #1 and #2 will require additional permanent easements; will review the new standards for flood proofing.
- Consider a prefabricated pump station installed at Pump Station #2, but the sizes are limited; size would need to hold the wet well and pumps; future ultimate flow is 1,300 gallons per minute.
- Reduce costs with changes to the concrete floors to 12" without reinforcement.
- Regarding Option #3, there is an issue with flood-proof doors required to be locked from the inside during a flood; flood-proof panels installed.
- Descriptions for the footprint of the two new buildings and the flood-proof building; view from the canal.

Mr. Hearn spoke about the October timeframe for the Pump Station Resiliency Study. He will meet with DEMA about funding to expand the Study to include improvements and to extend the scope and timeline.

Mr. Lee stated he would prefer Option #2 and eliminate Option #3.

President Panetta requested the discussion to continue at the April meeting and include a review for easements and information regarding Mr. Hearn's meeting with DEMA. A special meeting may be scheduled before the April meeting.

13. Open forum/general discussion on plumbing permit fees.
INFORMATION/DISCUSSION/ACTION (Robin Davis and Kim Bellere)

Mr. Davis stated discussion would not be needed since the budget was approved as presented.

14. Open forum/general discussion on BPW Parental Leave Policy.
INFORMATION/DISCUSSION/ACTION (Kris Keller)

Ms. Sexton provided the review for Ms. Keller.

Ms. Sexton stated the Board approved moving forward with this State mandated program. It is now being included in the Employees Handbook as policy, which will need approval from the Board.

Discussion included:

- Foster care and adopted children are included for all ages; application year to be defined.
- Will the leave time need to be consecutive; all applications are through the State and list requirements for paternity leave; employees may ask for assistance from Human Resources.

ACTION: *Mr. Nichols made a motion to approve the Parental Leave Policy to be included in the Employees Handbook as policy; Mr. Heffernan seconded the motion, which passed unanimously.*

15. Open forum/general discussion on BPW Shift Differential Policy.
INFORMATION/DISCUSSION/ACTION (Kris Keller)

Ms. Sexton stated this policy does not include on-call time, which is considered overtime. This policy is for any work scheduled not included in the normal schedule. This will be the first formal policy included in the handbook to be uniform for all departments.

Discussion included:

- All requests for time changes to shifts must be authorized; policy could result in an employee paid 2½ times the normal hourly rate; BPW does not provide flex pay or flex time.
- Employee working an overnight shift will not work a full shift the day before and will not work the day after; in the past when an employee worked overnight, they were off the day before and after with full pay.
- Lewes only pays differential to the Police Department when working the night shift at 75 cents per hour according to the negotiated contract; no differential for the Maintenance Department but receive overtime after eight hours.

After discussion, it was decided review will continue at the April meeting when the requested information on policies for Lewes and other towns is provided.

16. Open forum/general discussion on the updated BPW Drug/Alcohol Policy.
INFORMATION/DISCUSSION/ACTION (Kris Keller)

Ms. Sexton stated this is an existing policy in the handbook that is updated with new regulations that include those passed last June in Delaware.

Discussion included:

- THC stays in the blood for 7 days, urine for 30 days, and hair for 90 days may impact the testing methods.

- Random quarterly testing includes a urine sample; blood testing when there is a Workers Comp and is taken at the hospital; required when holding a CDL license, which is listed in the job description as safety sensitive; Mr. Davis is considered safety sensitive because he drives a BPW vehicle.
- Delaware does not allow a requirement for an employee to report a medical marijuana card.
- Reasonable suspicion observation checklist available in Human Resources; testing if accident results in injury to contractor or visitor.
- Drug testing for all employees including pre-employment; states employee who violates policy will be terminated, and another statement says employee who tests positive or refuses testing will be subject to discipline up to and including termination.

Mr. Hoffman advised that it be made clear in the handbook what the new policy is and what changes are to the existing policy. This is a review of changes, and a review of the full policy is needed.

Ms. Sexton will return with a review of the full policy for the April meeting.

17. Open forum/general discussion date for Household Hazardous Waste Dropoff Day. INFORMATION/DISCUSSION/ACTION (Robin Davis).

Mr. Davis reported this is scheduled for Saturday, April 26th from 10:00 A.M. until 2:00 P.M. at the Schley Avenue warehouse.

18. Open forum/general discussion on semi-annual hydrant flushing. INFORMATION/DISCUSSION/ACTION (Robin Davis)

Mr. Davis reported this is scheduled for Wednesday, April 16th and Thursday, April 17th and notices have been sent.

19. Open forum/general discussion on payment to Spring and Associates for cutter reamer broken during Canal Crossing Project. INFORMATION/DISCUSSION/ACTION (Robin Davis and Michael Hoffman)

Mr. Davis stated Spring Associates sent a request for reimbursement of the cost to repair the 24" cutter reamer totaling $20,308.60.

Mr. Hoffman advised today will be the formal vote for the payment.

ACTION: *Mr. Nichols made a motion to approve payment to Spring and Associates in the amount of $20,308.60; Mr. Lee seconded the motion, which passed unanimously.*

20. Open forum/general discussion on the recommendations for seats on the BPW Finance Committee. INFORMATION/DISCUSSION/ACTION (Richard Nichols)

Mr. Nichols stated all members of the Finance Committee are requesting to serve for another fiscal year. Members are Co-Chairs Mr. Nichols and Mr. Heffernan; BPW Mr. Davis and Ms. Bellere; City Council Ex-Officio Member Amy Marasco; citizens Michael Hogan, Calvin R. Jaber, Carolyn Jones.

ACTION: *Ms. Curtis made a motion to approve the appointment of the members of the Finance Committee for another fiscal year; Mr. Lee seconded the motion, which passed unanimously.*

21. Board or Staff request for agenda item(s).

Mr. Heffernan requested the following agenda items: Communication strategy possibly with information included in customer bills; continue discussion on leasing or buying membranes; policy for responding to water complaints.

Mr. Lee requested an agenda item to discuss credit card fees.

22. Call to the Public

Fely, 115 Schley Avenue, spoke by CHAT asking the status of the Remediation Plan and general beautification of the damaged area from the watermain project. The concern is replacing the bushes and trees that were removed by mistake with a complete landscaping plan.

Mayor Williams stated the City will be planting trees when the project is complete. The City is planning to install a water-bottle filling station at the trail with irrigation to water the trees.

Mr. Davis said the water services are being completed and the road will be restored in the area of Gills Neck Road. The contract specifies grass being planted and DelDOT wants to be sure there is positive drainage away from the road. Paving is scheduled to begin next week on American Legion Road.

President Panetta stated the Tree Service is responsible for replacing the trees removed by mistake. BPW and the City will provide water for the replaced trees. Plans are behind schedule because of the problems with the Canal Crossing Project, the final restoration will happen in Spring.

Ms. McCabe will speak to Fely to inform her about the dates when the landscaping and remediation will begin.

23. Call to the Press

No comments today.

24. Executive Session

ACTION: *Mr. Lee made a motion to adjourn to Executive Session at 8:01 P.M.; Mr. Nichols seconded the motion, which passed unanimously.*

25. Return to open session.

ACTION: *Mr. Lee made a motion to return to open session at 8:30 P.M.; Mr. Nichols seconded the motion, which passed unanimously.*

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

No discussion today.

27. Call to the Public

No comments today.

28 ADJOURNMENT

ACTION: *Mr. Nichols made a motion to adjourn at 8:30 P.M.; Mr. Heffernan seconded the motion, which passed unanimously.*

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

D. Preston Lee, P.E. | **Date** 5/30/25