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

The Wednesday, April 23, 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.

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

2. ROLL CALL

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

Ex-Officio Members:
Robin Davis, General Manager
Michael Hoffman, Legal Counsel

Others Present:
Sharon Sexton, BPW Special Projects Coordinator
Kimberly Bellere, BPW Finance Director
Jeffrey Kerin, Inframark
Ben Hearn, GMB
Scott Lynch, DEMEC
Josh Grittion, BPW IT Manager
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, February 18, 2025 Finance Committee Minutes, March 18, 2025 Workshop Minutes, and February 26, 2025 Regular Meeting Minutes.**

c. Receive Treasurer Report

d. Receive Assistant Treasurer Report

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

4. Receive the Inframark Report

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

President Panetta stated there was an investigation regarding the issue on March 8, 2025, and it was determined there were several separate failures. The panels have been reworked to address the failures, and we are looking into long-term preventative actions. This failure should not happen again.

Mr. Grittion stated a program is being created to address concerns about cybersecurity issues.

Mr. Kerin reported:

- He received quotes to replace the doors and repair the roof on the office building.
- Failure at Pump Station #2, the pump was pulled, sent for rebuild, and replaced with a spare; pump currently being rebuilt is a backup for six pump stations.
- Reinstalled pump at Pump Station #17; it was up and running for a month until it was clogged with rags and failed; tried again after rags were removed, but it was still not working; it will be pulled and sent again for rebuild.
- The pump at Station #17, located on Savannah Road at Huling Cove, has had problems with ragging in the past and we considered installing a basket to help reduce the costs for pump repairs from ragging.
- Mr. Kerin to provide options for the Board to review next month regarding issues with the pumps and replacements.

Mr. Hearn spoke about past discussions regarding eliminating Station #17 and running all by gravity flow to the station behind Huling Cove that serves Savannah Place.

Mr. Kerin continued:

- One small pump used for the drying beds was sent for rebuild.
- Recovery cleanings were completed for Trains #1 and #2 with #3 in process; the gate is functioning; Train #4 is leaking and spoke to the engineer and the vendor representative for the gates; seals will be checked on the gate, but it may be cracked and need to be replaced.
- Call out to Pump Station #74 and level had receded when responded; call out for issue on March 8th; call out for Pump Station #1 on March 31st, electrician identified a bad relay preventing auto, it was replaced and is up and running.
- Spoke to Mr. Davis about the option to buy a small bypass pump instead of backup pumps.
- There was an issue with Train #4 that will be included in next month's report; the membranes will be pulled and inspected.
- Turbidity readings are off when the tubing needs cleaning or replacement; nitrogen numbers are less than this time last year.

President Panetta requested a different process to track projects stating some of the priorities are not shown on the table.

5. Receive the President's Report

President Panetta reported he attended meetings with DP&L and Exelon. The new representative has been responsive and proactive regarding notifying us about the two poles being removed on Kings Highway. Also attended a City/BPW Leadership meeting; multiple meetings with the County about Wolfe Neck plant agreement; Mayor and City Council meetings. We will be scheduling a workshop meeting in the next few months on the Wolfe Neck project.

6. Receive the General Manager's Report

Mr. Davis reported he attended progress meetings for projects including the Burton Subdivision, Mitchell's Corner, Wellfield Header Pipe and Canal Crossing, and Fisher's Cove Pump Station. Also attended Lewes Planning Commission and the City/BPW Leadership meeting. Applications are being reviewed for the assistant general manager position.

Mr. Davis continued stating the Wellfield Header Pipe and Canal Crossing projects are coming to a close. Concrete was poured for the relocation of the bike path on Gills Neck Road; wells are up and running and tested, which helped with the hydrant flushing. The only problem for a short time was at Tower Hill on New Road. The Fourth Street/Park Avenue Project is moving along on schedule with GMB providing designs and surveying. Funding has not been an issue. The start date for construction on Fourth Street is September 2026. New Road construction and bridge repair has been discussed with DelDOT, but they do not have a definite date to start due to delays regarding wetlands. Site clearing and test pilings for foundations of the water tower began last week. Completion is scheduled for September 2026.

The Hazardous Waste Take-Back Day will be Saturday from 10:00 A.M. until 2:00 P.M. at the Schley Avenue warehouse. The BPW/City joint workshop meeting is on Monday, April 28th beginning at 1:00 P.M. There will be no election of officers held this year.

President Panetta stated there is an Earth Day Celebration on Friday, and he and Ms. Curtis will be on the panel to review salt water and surface water intrusion and wellhead protection.

7. Receive the Finance Manager's Report

- **Revenue and Expense Report**
- **Quarter 4 Report**
- **Year-to-date Report**
- **Cash Graph**

Ms. Bellere provided the reports and reviews for Revenue and Expenses, Quarter 4, Year-to-Date, and Cash Graph noting there was a $28,000 loss in investment accounts. $900,000 was deposited into the money market account meeting the Reserve Fund within three years.

Invitation

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

Mr. Lynch stated the dinner is Tuesday, June 3rd from 5:00 P.M. to 7:00 P.M. at the DEMEC offices in Smyrna. Information will be reviewed on energy costs and legislative regulatory updates.

Old Business

9. Open forum/general discussion on exclusivity with DEMEC and CPower.
INFORMATION/DISCUSSION/ACTION (Scott Lynch)

Mr. Lynch was present to continue his presentation from the March meeting. His discussion included the value of incentives when decreasing the usage at peak hours for commercial and industrial businesses. There is another program available for residential customers.

ACTION: *Ms. Curtis made a motion to elect the DEMEC Demand/Response Program as exclusive to Lewes; Mr. Lee seconded the motion, which passed unanimously.*

In answer to Mr. Nichols' question, Mr. Lynch stated the exclusivity means that no other companies will be permitted to contact customers in Lewes.

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

President Panetta reported there have been regular meetings with the County. The timeline includes a high-level draft of terms by the end of May, draft agreement by June, and public workshop in July to determine the next steps. The plan is for BPW to join the County in Wolfe Neck, which will be run by the County.

11. Open Forum/general discussion on possible upgrade options for pump stations as part of the Pump Station Resiliency Study.
INFORMATION/DISCUSSION/ACTION (Robin Davis and GMB)

Mr. Hearn gave a review of the three options for Pump Station #3 discussed at the March meeting. He was asked to return with updates on prefabricated stations, easements and property acquisitions. One option that will not require permanent acquisition is to place the station in the exact location where it is today. This is an expensive option because a bypass pump would be needed during the entire demolition and construction.

Mr. Hearn continued explaining the prefabricated stations design options as the same with no actual cost savings. Inframark has expressed some concerns about access to the wet wells in these stations. The prefabricated station would not be feasible for Option #2 due to concerns that the pumps may not fit inside.

Prices for the structure, including transportation:

- Large--$600,000
- Medium--$200,000
-

Discussion continued concerning the height and depth of the prefabricated stations; how the existing stations would continue to function while the new are installed; highest cost is installing the wet well.

Mr. Hearn stated this type of design is not funded or part of any ongoing projects. DEMA is managing the funding under FEMA, and he would suggest sending the list of requested changes to the scope of the project for review. The estimated increase needed would be $115,000, which is 46% of the original grant amount. This amount will cover a certain percentage of the design drawings to submit to FEMA with the Board paying the additional cost percentage. 55% of the grant amount has been spent including the Resiliency Study for 16 stations and the report. Also included is the design for #3, #4, #5, and #8.

After discussion, the Board is in favor of Option #1(b) and Option #2 (b) with the caveat to redirect flow and maintain the existing wet well in the street.

17. Open forum/general discussion on outside-City water-only rates. INFORMATION/DISCUSSION/ACTION (Thomas Panetta and Robin Davis)

President Panetta stated there have been requests from customers to use their existing irrigation well to supply domestic water to the house (outside the City limits and inside the service territory), and another to install an irrigation well inside the City limits (outside the City limits).

Mr. Davis stated one customer is in Showfield and one is in Tower Hill, and both are being charged outside-City rates.

Laurie Shippen of Tower Hill was present stating she is speaking on behalf of her neighbors. A new development beside Tower Hill is being serviced by Tidewater with total charges of $94.70 for three months. Tower Hill is being charged $128.25 by BPW for one month, and they want to change over to Tidewater. She feels Tower Hill is being robbed, and the water rates need to be reconsidered.

President Panetta explained the BPW CPCN and that other companies cannot service our territory. The Board will take Ms. Shippen's issue under advisement and decide how to proceed.

16. Open forum/general discussion on the request from Parcel 335-8.00-5.04 (New Road) owner to connect to BPW water and sewer and discussion and consideration of resolution requesting CPCN. INFORMATION/DISCUSSION/ACTION (Robin Davis)

Mr. Davis stated he received a call from Beacon Engineering on behalf of their client, property owner Michael Piorkowski, who is requesting to be connected to BPW water and sewer systems. The letter from Beacon and a map of the property were provided today for review. The property is located in the sewer service area but not in the water CPCN area.

Property owners Marjorie Adams was present today, and her husband Mr. Piorkowski was present via Zoom. Their plan is to build a 2,300 square foot home on the property with water and sewer service by BPW.

Mr. Davis said it may be possible to run service lines along the front of the property under New Road to connect to existing water and sewer on the other side of the road and would run 500 feet into the right-of-way, and DelDOT agreed.

Mr. Piorkowski stated he has spoken to DelDOT, and since their construction plans are delayed, suggested going ahead with building the house and installing a temporary septic tank. Another option may be to tie their service lines to the area at the 'Welcome to Lewes' sign. He and his wife are asking BPW for the estimated cost.

Review and comments continued to include:

- DelDOT usually does not want private lines in the right-of-way; the other four lots beside this property are not served.
- There was a review of the temporary lines under New Road installed for their construction and bridge repairs to be replaced with permanent when complete; no provisions were made for the houses on the side of the road where Mr. Piorkowski's and Ms. Adams' property is located.
- Ability to serve is based upon easement from the other four properties that currently have septic systems and wells; minimum would be an 8" watermain to the property; must meet fire code requirements.
- The property owners of the four other properties and not interested in changes and do not want to share the costs.
- Estimated cost to include service to the five properties.

Mr. Hoffman advised the Board not to take action on the CPCN resolution since the property owners are waiting to see the costs involved before submitting a petition to begin the process. The question for the Board is whether to extend the infrastructure to service the property.

12. Open forum/general discussion on the resolution approving the supplemental funding for the elevated storage tank project. INFORMATION/DISCUSSION/ACTION (Michael Hoffman)

Mr. Davis gave a review regarding the funding for the water tower, the contract award, approval by the Board to move forward with the process for supplemental funding of $1M for the project with terms for 30 years at 2%, signed a binding commitment letter in March. BPW and the City now need to approve a resolution for the loan closing.

ACTION: *Mr. Nichols made a motion to have Resolution #25-003 read into the record by title only for consideration and adoption by the Board; Ms. Curtis seconded the motion, which passed unanimously.*

Mr. Hoffman read Resolution #25-003 into the record by title only.

ACTION: *Mr. Heffernan made a motion to adopt Resolution #25-003; Ms. Curtis seconded the motion. Mr. Heffernan, Ms. Curtis, Mr. Nichols, and President Panetta voted yes to the motion to approve. Mr. Lee abstained. With four (4) yes votes and one (1) abstention, the motion passed.*

New Business

13. Open forum/general discussion on implementing credit card fees to payment transactions. INFORMATION/DISCUSSION/ACTION (Kimberly Bellere)

Ms. Bellere reported information on credit card transactions through this fiscal year paid in fees was provided for review. Ms. Sexton also provided the amounts other cities are charging. We are paying

.61% per transaction, and others are paying 2.5 to 3%. Total cost was $36,000 for $5.9M. Flat rate is $1.74 if we do not use the percentage. We have about 21,000 transactions each year. Cash payments are deposited at the bank once a week.

Ms. Sexton said there is currently a policy for credit card fees, which is 2.95% on anything over $5,000.

Ms. Bellere recommended charging the percentage that would cover cost.

President Panetta suggested charging 1% with the excess going to an account to help people in need.

Mr. Hoffman stated a resolution to amend the policy will be prepared for the May meeting.

14. Open forum/general discussion on water testing approach.
INFORMATION/DISCUSSION/ACTION (Barbara Curtis and Sharon Sexton)

Ms. Curtis spoke about Mr. Heffernan's concern that customers come to the office with water samples and we have no control over when, where, or how these samples are collected. Kits available for lead/copper testing do not address the issue of dirty water claims. A procedure is needed where BPW collects the water in the customer's home and outside to include prior arrangements with the customer.

Discussion and comments included:

- This may be considered a customer service issue; it is important to have a fair sample from the home and the street requiring BPW taking the sample to send to a certified lab.
- Cost for the residential lead test is $30.00 per sample; no charge to the customer for the water testing taken by BPW.
- President Panetta is against going into private property; possibly have the customer sign a waiver or hire a contractor.
- There is a precedent when there was a policy from the State concerning cross contamination that included a component of entering private property.
- About 60 lead/copper tests were done since November; there have been other requests for pH and nitrate levels.
- Technicians are usually escorted to the meter areas in a commercial property; residents should witness when the samples are taken.

15. Open forum/general discussion on communication strategies.
INFORMATION/DISCUSSION/ACTION (Bob Heffernan)

Mr. Heffernan spoke about the need to make information available to full-time residents and homeowners who are not here all the time. This would include updates on our projects, finances, solar issues, sending emails, include information in the bills a few times per year, update the website, advertising the dates for workshops and Board meetings, and articles in the Cape Gazette.

Mr. Heffernan provided an outline for a suggested letter to review.

Bill Shull of the Cape Gazette was present stating there are advertisements that may be presented as an article for the paper.

18. Board or Staff requests for agenda item(s).

Discussion throughout the meeting.

19. Call to the Public

No comments tonight.

20. Call to the Press

Mr. Shull questioned if the March 8, 2025 failure was a cybersecurity issue.

President Panetta stated this was an equipment failure at the plant and not a cybersecurity issue. There is sensitive information about how the plant and equipment is designed.

21. Executive Session

ACTION: *Mr. Lee made a motion to adjourn to Executive Session at 7:30 P.M.; Mr. Nichols seconded the motion, which passed unanimously.*

22. Return to open session.

ACTION: *Mr. Lee made a motion to return to open session at 8:28 P.M.; Mr. Nichols seconded the motion, which passed unanimously.*

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

ACTION: *Mr. Nichols made a motion to approve the Executive Session minutes from February 14, 2025, March 11, 2025, March 26, 2025 (Parts I and II); Mr. Heffernan seconded the motion. Mr. Nichols, Mr. Heffernan, Ms. Curtis, and President Panetta voted yes to the motion to approve. Mr. Lee abstained. With four (4) yes votes and one (1) abstention, the motion passed.*

24. Call to the Public

No comments tonight.

25. 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.

5/30/25
Date