

**CITY OF LEWES
BOARD OF PUBLIC WORKS
Regular Meeting Minutes
December 10, 2025**

The Wednesday, December, 10, 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 called to order at 4:03 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:

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

Others Present:

Kimberly Bellere, BPW Finance Director
Jeffrey Kerin, Inframark
Ben Hearn, GMB
Joshua Gritton, IT Manager

3. CONSENT AGENDA

- **Receive Vice President Report**
- **Receive Secretary Report**
- **Approval of minutes from September 24, 2025, Regular meeting minutes and October 27, 2025, Joint meeting minutes**
- **Receive Assistant Treasurer Report**

Action: Ms. Curtis motioned 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 decision, 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.**

Alan Roth, 437 Kings Hwy: Requested clarification of the Wastewater Treatment Agreement regarding the 0.8 million gallons of sewage per day going to Wolf Neck facility and if future annexation was considered. Also questioned the current number of average daily flow.

5. Receive the Inframark Report

- **Discharge Monitoring Report**
- **Gantt Chart**
- **InSight Report (October, November)**
- **Work Orders Completed**
- **Pump Station**

Mr. Kerin:

- No Gantt chart due to projects being completed and there are new ones starting at the time.
- Chemical coating completed.
- New chemical tanks have been installed.
- Chemical switch to Coyne Chemical.
- Neo Water Trail is concluding, down to 7gallons a day from 60 gallons a day. Sussex County sees no issues with sludge, testing was completed weekly and numbers are good. Mr. Kerin recommends we make the change from Alum to Neo Water.
- Trains #3 and #4 had membranes swapped.
- Yearly maintenance cap \$114,009.76, over by \$34,000.00 but a decrease of \$42,749.00 from last year. Of the \$34,000.00 over, \$22,992.84 is from the generator rental for pump station 4.
- Jerry Shupe has taken a new position, and the new Regional Manager is David Gaipo.

Ms. Curtis inquired about same corrective action four times in work orders for process pump 35. Mr. Kerin advised that 35-1 is 4 different process pumps and a hose relief was changed on all four.

Ms. Curtis questioned Sussex County small contributions on October 28th, 29th, 30th, and 31st and asked if there was an issue. Mr. Kerin thinks Sussex County may have been trying to lower monthly average.

Ms. Curtis questioned if Lewes BPW are doing the recommended extra weekly hypochlorite maintenance cleaning on UF4. Mr. Kerin stated this recommendation was pre recovery plan and numbers are much lower now.

Mr. Heffernan questioned why skid steer tires keep appearing. Mr. Kerin advises it is under the responsibility of Lewes BPW to have tires replaced. Mr. Davis will take next step to have tires replaced.

Ms. Curtis questioned the compactor fail. Mr. Kerin stated two weeks after warranty expired compactor failed, JWC stated technology proprietary and only they can fix it. Compactor is in the head building. Initial repair did not work, looking to replace PLC.

Ms. Curtis questioned the status of the water reuse project. Mr. Kerin advised contractor would be there

on December 11th to walk the system and will assess.

Mr. Heffernan expressed concern about the price increase for pumping and hauling, inquired about solutions. Mr. Davis says there have been discussions about closing in drying beds again. President Panetta concerned with this being a cost-efficient option due to excessively high winds.

President Panetta commended the great condition of the Wastewater Treatment Plant that he experienced during the walkthrough last week.

6. Receive the President's Report

President Panetta:

- Commended the Lewes BPW staff and crew for their response to restoring the water leak on Gills Neck Rd.

7. Receive the General Manager's Report

Mr. Davis:

- Provided summary of Gills Neck Rd. water leak.

Mr. Lee questioned if water leak repairs are permanent. Mr. Davis advised yes.

Mr. Heffernan questions about how much water leak approximately cost to fix. Mr. Davis will get an analysis for him.

- Gave summary of department activities from Manager report

Ms. Curtis Questioned to the mayor snowflake lights that are around the city for holidays and inquired about the possibility of more in future years. Mayor Marasco stated that she requested Lewes BPW to keep the snowflakes up until February 1st and is also looking at the possibility of the public donating to the City Snowflake Project for next year to add more snowflakes.

Mr. Lee commended Lewes BPW for keeping up with the number of projects in process.

Mr. Lee requested more information on the PFAS project. Ms. Sexton advised that testing has been completed of 5 wells with the grant money that was awarded. Results part of GMB feasibility study. GMB and staff working to apply for additional funding. Mr. Lee inquired about the testing. Ms. Sexton advised this will help to identify if Lewes BPW needs an additional well, a new location or possibly a new treatment process. President Panetta mentioned a free training program PFAS401.

8. Receive the Finance Manager's Report

- **Revenue and Expense Report**
- **Year-to-Date**
- **Cash Graphs**

Ms. Bellere:

- Operations overperformed October by \$40,000.00, due to impact fees coming in slow, we are underperforming by \$60,000.00 on the bottom line.
- Advises due to open service order for a meter change for Cape Henlopen State Park there is a reporting issue.
- SPI did not shut down in October and are now looking at April, so numbers are higher.

- Made contribution to defined benefits plan that was not done last year.
- Year to date operations overperformed by \$425,000.00.
- Grant assistance overperforming \$44,000.00.
- Money continually being moved to money market account from operations account
- ARPA funds are exhausted.

Mr. Heffernan questioned the change in market value being down \$139,000.00 last year, and this year being up \$10,000.00. Ms. Bellere advised this reflects the market being better this year compared to October of last year.

President Panetta questioned how conservative we are with our investments, Ms. Bellere advised 82% is invested in bonds and the rest in stocks.

Old Business

9. Open forum/general discussion on Pump Station Resiliency Study.

Wastewater Pump Station Resiliency assessment.

INFORMATION/DISCUSSION/ACTION (R. Davis and GMB)

Mr. Hearn presented the possible final draft to the board and is open to comments.

Mr. Heffernan requested pump station priority. Mr. Davis stated that based on the guidance that was given and approved by the Board, priority is based on the flood plain and pump stations 34, 14, 10, 32, and 36 should be first. Pump station 10 is on the list but only property is in the flood plain not the structure. Bottom cabinet is exceeding critical level, but repairs will be considered under critical level. Mr. Davis recommended revision to the policy based on condition. Mr. Panetta agreed.

Action: Mr. Heffernan motioned to revise the Boards direction to staff to prioritize based on condition and flood zone. Mr. Lee seconded the motion, which passes unanimously

Mr. Davis Recommended prioritizing order to pump stations 5, 6, 15, 74, and 83 based on GMB condition assessment and Inframark input.

Ms. Curtis asked what the \$110,000.00 represents regarding raising the control panel for the pump stations. Mr. Hearn advised they used the lowest cost option due to quality and this solving the problem.

Ms. Curtis is concerned with the cost for the ladder. Mr. Hearn advised the estimates came from the structural engineers and that the pricing is also dependent on the height of the stations.

President Panetta inquired if any of these stations are package units. Mr. Hearn advised they are not, they are all custom built to an extent.

Mr. Lee inquired about the pump station by California Avenue and if the board can be hinged down when not in use. There is concern with the residents regarding size. Mr. Hearn will submit the suggestion to the electrical team. Mr. Hearn advised of the possibility of scaling the sizes down as well.

Ms. Curtis suggested the possibility of using lattice for the pump station.

Mr. Davis will provide financial overview of prioritized pump station at January meeting.

10. Open forum/general discussion on the update for Fourth Street project and Burton Neighborhood. INFORMATION/DISCUSSION/ACTION (R. Davis)

Mr. Davis:

- December 5th, 2025, staff met with GMB to go over the design and layout for water and sewer project and made minor changes.
- GMB is preparing supplemental loan application that will be submitted by January 2026 and to be reviewed by WIAC in March 2026. If approved, documents could be ready for signatures within six to eight weeks, which can significantly impact timeline for project. The request is for an additional \$8.4 million supplemental loan. \$5.5 million is for the Lewes BPW portion and \$2.9 million is for the City of Lewes portion.
- CCTV is being completed in additional four streets to verify the condition of piping.

President Panetta stated that Lewes BPW will make the six-week prior WIAC date deadline for the application to be submitted.

Mr. Nichols questioned when construction will begin this project. Mr. Hearn advises earliest starting date, September 2026.

Mr. Hearn stated bids will go out May-June 2026.

New Business

11. Open forum/general discussion on the draft agreement with Sussex County concerning the wastewater treatment. INFORMATION/DISCUSSION/ACTION (T. Panetta and M. Hoffman)

President Panetta gives summary of how the agreement was developed:

- While currently the wastewater treatment plant is not at flood risk, by 2050 there is a real risk for flood levels inundating the plant.
- Long term project with first board meeting on subject in 2022.
- First workshop was in 2023, with total of 7 workshops as of 2025.
- Hired GHD to explore options with first choice being constructed wetlands at Wolf Neck facility but was disrupted when archeology discoveries were found.
- Spent one year exploring a joint regional solution with Rehoboth holding ten meetings but offer was turned down February 2025; counteroffer was too high.
- Lewes BPW and Sussex County drafted a new agreement for Lewes BPW to pump wastewater to the Wolf Neck facility. Sussex County will take over pump stations 4 and 8. Both pump stations will be operated by Sussex County. Lewes BPW will pay 20% and Sussex County paying 80% of capital costs.
- Demolition and cleanup of existing wastewater treatment plant will be the responsibility of Sussex County.
- Once Sussex County starts accepting Lewes BPW flow Lewes BPW can no longer discharge into the canal.
- Lewes BPW project capital cost is capped at \$40 million.
- Lewes BPW will be sending 800,000 gallons average daily flow to Sussex County.
- Sussex County will have a dedicated staff to manage the treatment process which can be shared back and forth with their other wastewater treatment facilities.
- Larger system will be able to handle emergencies and backups more efficiently.
- It will reduce flood and wetland risk to Lewes BPW wastewater treatment facility.

- Lewes BPW will continue to own, operate, and maintain the collection system including the piping, pump stations, and other infrastructure with the exclusion of pump stations 4 and 8.
- Lewes BPW will be the sole point of customer concerns, contacts, billing, and setting customer rates.
- The future use of the land where the Wastewater Treatment Facility is will be a joint decision with Lewes BPW and the City of Lewes. The Board would like to see the property remain open space.
- If agreement is not approved there will need to be a redraft based on the concerns. If agreement is approved, it will be taken to Sussex County Council in their January agenda.

Action: *Ms. Curtis motioned to approve agreement between the Board of Public Work City of Lewes and Sussex County concerning wastewater treatment; Mr. Lee seconded this motion. Mr. Lee, President Panetta, Ms. Curtis, and Mr. Nichols all in favor of the agreement. Mr. Heffernan is against the agreement. The motion passes 4-1.*

Ms. Curtis stated that she originally joined Lewes BPW Board because of the concern with the wastewater treatment plant. Ms. Curtis was in favor of the idea of the constructed wetlands in the county and was disappointed when it was proven not possible. Ms. Curtis realized the proposed agreement is the lowest low risk option and felt it is responsible for Lewes BPW to choose. Being on the negotiating team Ms. Curtis believes this is a fair agreement and is happy with agreement as it stands.

President Panetta agrees that hardening the facility might be lower cost, but the risks of disturbing something outweighs the savings.

Mr. Lee agrees that it was a good process. Mr. Lee felt that due to very little citizen attendance at the Board meeting gave comfort that they also agree with this agreement.

Mr. Nichols stated that Ms. Curtis' response to the agreement was very concise and considered a fundamental change in viewing the future. After listening to the discussions of the negotiating team Mr. Lee is fully behind proceeding with this solution.

Mr. Heffernan questioned the possibility of the reduction of the \$40 million cap for Lewes BPW. Stated there has been a study period of two annual cycles going up and down the canal and when that came back a second review of this agreement. With the technology to be used now how the cost went from \$20 million to \$40 million is not understood. While Mr. Heffernan agrees there are a lot of things in the agreement that were well negotiated between the parties, Mr. Heffernan is not sure that this is the right thing to do. President Panetta clarified that the 2-year study was not just about the wetlands, but also the canal because it must go through the spawning cycle and the whole life cycle of the fish.

12. Open forum/general discussion on the amendment of the flow agreement with Sussex County. INFORMATION/DISCUSSION/ACTION (R. Davis and M. Hoffman)

President Panetta Lewes BPW currently accepts a winter and summer flow limit from Sussex County. This agreement would increase the maximum gallons to 450,000 gallons per day and an increase in rate that Sussex County will pay.

Mr. Davis stated that original flow agreement was September 28, 2016, there have been three revisions to this document with this being the fourth. The rate increase which is currently set at \$3.02 and would increase to \$5.31 and will be retroactive April 1, 2025.

Mr. Hoffman stated that this is an agreement where the board accepts flows from the county and the terms are changing. This agreement is structured to go away once the new plant is completed and the turnover of flows goes to Wolf Neck. As of now the timing is unknown.

Action: *Ms. Curtis motioned that we adopt the agreement for wastewater services between Lewes Board of Public Works and Sussex County for and on behalf of Sussex County Unified Sanitary Sewer District in connection with the transmission and treatment of sewage discharge to/from the Unified Sanitary Sewer District area; Mr. Lee seconded the motion which passes unanimously.*

13. Open forum/general discussion on amending the Lewes BPW Compilation of Policies to include penalties for introducing prohibited substances into the Lewes BPW sewer system. INFORMATION/DISCUSSION/ACTION (M. Hoffman)

Mike Hoffman: Presented a resolution

To enforce penalties for improper discharge in the sewer system. The purpose of today's discussion is to present to the public for comment and will be considered at a future board meeting. The charter allows this penalty to be up to \$1,000.00 and the Board will need to discuss the desired amount that would be proposed.

President Panetta questioned if this could be a floating fee based on commercial or residential. Mr. Hoffman advised yes.

Mr. Nichols inquired how Lewes BPW will be able to identify the source. Mr. Lee suggests following the flow, while President Panetta stated there is ragging on the pump stations which can isolate a source. Mr. Hoffman advised that even if Lewes BPW were able to isolate the source, Lewes BPW does not have a policy to be able to enforce this penalty.

Mr. Heffernan stated about being fully behind having a deterrent for the improper discharge due to the price and the effort that has been put into this policy to correct prohibited substances in the sewer system.

Ms. Curtis asked what the origin of this list is and if there is going to be an outreach to the community of this penalty and how the improper discharge into the sewer system is extremely costly. President Panetta stated that we have made a large outreach effort and reached out to facilities. Agrees that once the policy change goes into effect to do another round of outreach to the facilities. Mr. Hoffman replied that the origin of the list is a compilation of other verbiages that have been used by other jurisdictions.

Ms. Curtis suggested we post a penalty amount of up to \$1,000.00.

Action: *Mr. Nichols made motion to post the policy for public comment and put on the agenda for January 2026; Ms. Curtis seconded this motion, which passed unanimously*

14. Open forum/general discussion on appointing ex-officio BPW member on the City of Lewes Economic, Environment, and Resiliency Commission. INFORMATION/DISCUSSION/ACTION (D. Lee)

Action: *Ms. Curtis made motion that we appoint D. Preston Lee, P.E. to The City of Lewes Economic, Environment, and Resiliency Commission to representative Lewes BPW ex-officio; Mr. Nichols seconded this motion, which passed unanimously.*

15. Open forum/general discussion on the annual Fire Department donation. INFORMATION/DISCUSSION/ACTION (R. Davis)

President Panetta suggests postponing this discussion until the fire department presents to the Lewes BPW. This will be discussed in the January meeting.

16. Open forum/general discussion of an electrical easement agreement with Donovan Smith Mobile Home Park. INFORMATION/DISCUSSION/ACTION (M. Hoffman)

Mr. Hoffman stated that the Board does not have recorded easement for the electrical infrastructure for Donovan Smith Mobile Home Park. This is a standard easement with some additions. The easement calls out to where the poles are but there is a blanket easement for the wires run. There is the ability that in the future if additional utility facilities are required for electrical service that the property owner is committed to supporting this.

President Panetta provided background that there are two sets of poles in Donovan Smith Mobile Home Park, ones that are the right of way, owned by Lewes BPW, and there are ones that are on private property owned by the park. Mr. Hoffman stated the easement is to grant Lewes BPW rights to the Lewes BPW poles.

Mr. Heffernan suggested that if this is accepted, we tag the Lewes BPW owned poles. Mr. Davis advises they are already tagged.

Ms. Curtis questioned if the term **distribution wires** in paragraph one should be defined or is a term of art. Mr. Hoffman clarifies that this is a term of art.

Ms. Curtis questioned the two kinds of maintenance of easement area in paragraph four and wants to know if this will be confusing. Mr. Hoffman advised the intent is to not have Lewes BPW undertake an obligation of lawn maintenance, Lewes BPW is responsible for the infrastructure. The mowing and regular maintenance in this easement area is the responsibility of the property owner.

***Action:** Mr. Nichols made motion to approve the easement and maintenance agreement with Donovan Smith Mobile Home Park; Mr. Heffernan seconded this motion, which passes unanimously.*

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

No comments

18. CALL TO THE PUBLIC

- **Members of the public wishing to address the Board on matters listed on the agenda should make their request known at this time.**
- **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.**

Alan Roth, 437 Kings Hwy: While reading the Wastewater Treatment agreement Mr. Roth did see that Lewes BPW has the right to ask for more than the 80% and Sussex County shall not unreasonably deny the request. Mr. Roth asked that Lewes BPW is mindful, with the rate that the City of Lewes is growing, that in the future of the 30-year agreement.

Jay Donecker, 1012 Bay Ave: Would like to compliment on the communications that were had regarding the Wastewater Treatment agreement. Second, regarding the substances Lewes BPW wants to control going into the sewer system, Mr. Donecker strongly recommends concentrations where applicable. Lewes BPW needs to have a level that trips the enforcement action. Having the concentration will help with enforcement.

Hans Medlarz, Sussex County: Mr. Medlarz confirmed with the Sussex County administrator to have the agreement go before the Sussex County Council in January for final action and execution. Mr. Medlarz addressed the unknown timeline. The study period is tied to the dredging of the canal, which was delayed for a year. There was also the technology evaluation which was at the request of Ms. Curtis. Lastly, the lagoon needs to be empty to build the facility. Once considerations are decided on, the design can start, and when the design is completed then the permit process can begin.

19. CALL TO THE PRESS

No comments

20. Executive Session

Action: *Mr. Lee motioned to go into executive session, Ms. Curtis seconded this motion which passed unanimously.*

Moved to Executive Session @ 6:21pm

21. Return to open session.

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

23. ADJOURNMENT

Action: *Mr. Lee motioned to adjourn meeting; Ms. Curtis seconded this motion, which passed unanimously*

Meeting adjourned @ 6:34pm

Respectfully submitted,
Melissa Rowe
Executive Assistant



D. Preston Lee, P.E.

1/28/26

Date