

**CITY OF LEWES  
BOARD OF PUBLIC WORKS  
Regular Meeting Minutes  
April 28, 2021**

**The Wednesday, April 28, 2021 regular meeting of the Lewes Board of Public Works was held at 4:00 P.M. via Zoom.**

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

President Lee called the meeting to order at 4:15 P.M. (due to technical difficulties) and led the Pledge of Allegiance.

**2. ROLL CALL**

Board Members:

D. Preston Lee, P.E.  
A. Thomas Owen  
Robert J. Kennedy, III  
Thomas Panetta  
Earl Webb

Ex-Officio Members:

Theodore Becker, Mayor  
Darrin Gordon, General Manager  
Michael Hoffman, Legal Counsel

Others Present:

Austin Calaman, Assistant General Manager  
Kristina Keller, BPW  
Lewes City Manager Ann Marie Townshend  
Michael Wolgemuth, Inframark  
Vince Luciani, GMB  
Jackie Doherty, Recording Secretary

**3. REVISIONS AND/OR DELETIONS TO THE AGENDA**

None

**4. CONSENT AGENDA**

- a) Receive Vice President Report**
- b) Receive Secretary Report—approval of the minutes from February 10, 2021 workshop meeting and regular meeting minutes on March 24, 2021**
- c) Receive Treasurer Report**
- d) Receive Assistant Treasurer Report**

**ACTION:** *Mr. Kennedy made a motion to remove the minutes of February 10, 2021 from the consent agenda for later consideration; Mr. Owen seconded the motion, which passed unanimously.*

**ACTION:** *Mr. Kennedy made a motion to approve the consent agenda with the February 10, 2021 minutes removed; Mr. Owen seconded the motion, which passed unanimously.*

**ACTION:** *Mr. Kennedy made a motion to approve the February 10, 2021 minutes as amended; Mr. Owen seconded the motion, which passed unanimously.*

## **5. Receive the Inframark Report**

Mr. Wolgemuth reported:

- Received two quotes to replace equalization pump controls and proposals for the effluent screener rehabilitation, which were sent to Mr. Gordon; engineering involved with removal of grinder pumps to be replaced with compactors; temporary solutions are being reviewed to include use of a sedimentation sock with samples being sent from the manufacturer.
- Trane #1, #2, and #3 online are at a good capacity for the Summer; may be backed up during a rain event; County will be sending less; chemical cleaning for one module while other two are running online.
- One of the main problems is wipes and increase in use during the pandemic; need to inform the public with ads in the Cape Gazette and sending postcards; email blast.
- Trane #1 filter has been cleaned and is back online with low transmembrane pressure; Trane #2 was chemically cleaned last week; air issues are better; trying to decrease mixed liquors for less clogging in the filters; digester membrane system running; made progress with static mixer on sludge line from the digester to drying beds.
- Solids handling in yellow; filter press from County, but they needed permit to transport sludge; DNREC will visit next week, and then the filter press from the County can be started.
- One pump in Lift Station #4 is offline and a diesel bypass pump is being used as a backup; waiting for delivery of cutter plate; installed the rebuilt foam pump in fire reactor building and will be online tomorrow.
- There are no major safety issues and work continues on the OSHA required programs; safety advisor will be here next week.
- Estimate is \$63,000 for parts to rebuild screen; considering rehab for each screen with the addition of compactor at \$45,000 for a temporary solution.

Mr. Gordon stated the County filters the wipes at their Wolfe Point pumping station. There is no legislation at this time, but the AWWA is helping to promote education with municipalities regarding this problem.

Mr. Calaman stated he, Mr. Gordon, and Mr. Wolgemuth met with Suez, who is actively involved, to discuss how to reduce the amount of clogging in the diffusers.

## **6. Receive the President's Report**

President Lee stated he will be away from May 19<sup>th</sup> until June 1<sup>st</sup> which will include the regular May meeting and election of officers.

Mr. Hoffman reported the Charter states the reorganization meeting needs to be after seven days from elections and within the same month.

The reorganization meeting is scheduled for Monday, May 17, 2021 at 9:00 A.M. via Zoom.

## **7. Receive the General Manager's Report**

Mr. Gordon reported the following:

- Construction of new line to the driveway of Lewes Dairy on Pilottown Road is complete and the overlay work will be done tomorrow; Coleman and Fourth Street pervious paver sidewalk is being built with pervious asphalt; the 2" reveal will connect to the existing sidewalk and slope down to the pavers for water to sheet-down into the pervious pavers; work will be completed in about three weeks.
- Hydrant flushing to be through the night with minimal lighting.
- Year-to-date financials included: Electric down 2.3%; Water up 20%; Sewer up 21% all the result of COVID-19.
- Revenues: \$335,000 from White Marsh; \$95,000 from Lewes Dairy property developer for the addition of manholes and water connections when zoning is approved; 5% increase in revenues.
- Purchase power up by 1.86%; sewer expense included DNREC \$65,000 paid for the spill; increase in contractual services due to Inframark; total expenses increased 2%.
- Increased revenues include the County \$190,000 for the Wastewater Treatment Plant but there is an increase in cost for solids handling and chemicals at 20%.
- Non-operating revenues: Dividend income; impact fees; Showfield and Point Farm buildout.
- Capital expenses for Pilottown Road and Coleman Avenue projects; interest and principal payments; interest on Jones Farm purchase will be noted in budget for next year.

## **PRESENTATIONS**

None

## **NEW BUSINESS**

### **8. Open forum/general discussion of 1145 Savannah Road—application for sewer services discussion. INFORMATION/DISCUSSION/ACTION (D. Gordon)**

Mr. Gordon provided a map of the property showing the manhole and closest sewer main and the area of the road with a bank of communication, fiber lines, electric and water making it almost impossible to get through. The best option for sewer is the manhole near Huling Cove. The Jones' would need a heat pump installed across Savannah Road, which is a DelDOT road, and parallel with the road to the manhole.

Mr. Gordon continued stating the Jones' have questioned if the Auto Gallery could participate in sharing the cost to install sewer lines since they now have a septic system. BPW has agreed to charge the Jones' half the cost for the sewer line and then charge the Auto Gallery the other half when they decided to have the installation.

Property owners David and Christine Jones were present. Ms. Jones stated she has not received a response from Mr. Gordon regarding the email she sent with three questions. Mayor Becker said he did receive Mr. Gordon's response.

Mr. Hoffman stated any questions concerning zoning or City Code applications will need review by Mayor and City Council.

Mr. Gordon stated the answers to the three questions asked by Ms. Jones are all good.

Ms. Jones stated she asked Harry Caswell from Harry Caswell Plumbing to be present today to review the design plans he submitted, but Mr. Caswell was not present.

Mr. Jones said Mr. Caswell has suggested a difference in the design showing the line coming from the house and across the road to the Auto Gallery parking lot and then going down.

Mr. Gordon stated this will not set a precedent since this has been done in the past for Savannah Place and Highland Acres when costs were passed on to the next homeowner at the time of installation. The estimated amount from GMB is \$54,000.

Mayor Becker stated the Auto Gallery property is not located within the City limits, and the County would refer to the City for any requests for connection to sewer.

Mr. Gordon stated the request for the Board is to allow the cost for Auto Gallery to include a 2% carrying cost each year. Also, since there will be higher effluent from the brewery compared to a single-family home, sampling equipment will be installed in the manhole. The Board will be presented with information in the future regarding how additional testing for BOD loads should be paid by restaurants and commercial businesses that are added online.

Mr. Webb stated the interest should be higher than 2% and include labor associated with the prevailing wage.

Mr. Hoffman stated there is an existing BPW policy that includes a latecomer fee that is applied if the connection is not made within three years. The recommendation would be to return with a resolution for documentation and to answer any questions regarding the latecomer fee. The Board may give authorization for Mr. Gordon to proceed, and the policy update will reflect this arrangement.

**ACTION:** *Mr. Owen made a motion to proceed with the cost-sharing approach for the utility extension to occur and be split consistent with the BPW Utility Extension Policy with the understanding that the policy will be documented and memorialized at the next Board meeting; Mr. Webb seconded the motion, which passed unanimously.*

Mr. Gordon stated this includes splitting the line that runs parallel down the road and not across the road.

**9. Open forum/general discussion of the proposed 2021/2022 strategic planning objectives.  
INFORMATION/DISCUSSION/ACTION (D. Gordon, Robert J. Kennedy, D. Preston Lee)**

President Lee reported this is the third year for implementing the Strategic Plan. Discussion today will include the potential objectives that were included in the February workshop and the original plan.

Mr. Gordon stated the Electric Study by Sargent and Lundy was completed and the report has been received.

- 1) We are moving forward with the battery energy storage system with it currently going out for bids. Plans also continue for solar energy and smart meters working with DEMEC and AMP.
- 2) Billing system with timeline, administrative operations included implementing the NISC system and completed the RKL study by reviewing the staffing and modifying internal roles. We hired a finance officer, administrative assistant, and lineman.
- 3) Iron and lead replacement with timelines continues on Pilottown Road to be completed by the Fall. Project 24 with the City included all service lines being replaced and observed with no lead issues reported. Continue to move forward on capital projects.
- 4) Policies for customer data security included updated websites and new administrative system to keep the website up to date on a daily basis to be interactive.
- 5) Policy for competitive wages and workforce development included the RKL study with all wages reviewed and changed when needed.

Mr. Kennedy reviewed the proposed items for emphasis which were provided to everyone. Some items are from the last fiscal year.

Review and discussion included:

- Electric and infrastructure: To see if the Sargent and Lundy recommendations are a cost benefit and a high, medium, or low priority; to consider in this upcoming fiscal year.
- Water/sewer system: Revise the capital budget to include construction based on test results for the suitability of the mains. Pilottown Road to be completed in the Fall when DelDOT gives permission to continue work on the project.
- Analysis of individual pumping stations to identify potential infiltration and inflow points: This has been completed and now the data needs to be studied to see any areas that need to be addressed to minimize the amount of inflow into the wastewater treatment plant.
- Sea Level Rise: this is a concern and need to review the Vulnerability Study to see how to protect the BPW assets. A goal for this year will be to identify the work currently in progress and work that still needs to be done.
- Engagement and transparency: Semi-annual customer appreciation and education; tours of the wastewater plant; Staff to be available to answer questions, resolve complaints, and address billing issues; contact HOAs and outreach to service organizations to discuss customer concerns.
- User-Friendly, transparent, and informative website: This was discussed earlier; locations of all outfalls on the GIS system, which is critical to understanding the sea level rise vulnerabilities with data showing the elevations and pitch.

Mr. Gordon stated a specialist contractor will be working to reduce the I & I for the whole system. The estimated cost is \$11,000 for the mains 6" and up based on the data received on the analysis of the pumping stations.

Mr. Panetta stated the Sea Level Rise Ordinance for Critical Infrastructure is before Mayor and City Council with a public hearing scheduled for May 3, 2021. Mr. Panetta reviewed the cross-section designs related to the wastewater treatment plant to protect the most vulnerable areas and determine needs for the near-term, mid-term, and long-term of sea level rise. There will be a meeting with GMB, Mr. Gordon, and Mr. Calaman to review the designs for specific vulnerable areas.

Mr. Gordon stated GMB will do an elevation certificate for the drying beds before the meeting.

Mayor Becker spoke about the impact flood insurance increases will have on the timeline BPW needs to address sea level rise concerns. The new rates will be announced in October. Concerns about the increases are throughout the entire Country.

Mr. Webb stated the importance of transparency regarding elections, best practice sharing with the surrounding communities, and the finance committee.

President Lee stated he and Mr. Gordon have met with the public works director of Rehoboth Beach, but meetings have been on hold since the COVID-10 pandemic.

Mr. Calaman spoke about his meetings and discussions regarding the information BPW requested for the AMI in order to consider moving forward with a final decision.

**ACTION:** *Mr. Panetta made a motion to accept the Strategic Plan with the items of verification discussed; Mr. Kennedy seconded the motion. The motion passed with one no vote from Mr. Webb.*

Mr. Webb voted no to the motion to accept stating the concerns include that he does not know what the priorities are and how is it determined, what are the costs, who is leading and participating on the teams, what is the real definition of transparency, does he have permission to form the finance committee that would check the BPW budget submitted by Mr. Gordon, and lack of clarity.

President Lee stated the plan was written as goals and priorities for the Board to give direction to the Staff and there was no plan for a structured committee.

Mr. Panetta explained how each Board member may have individual responsibility participation, this could be based on expertise, but it is Staff who does the work. Mr. Gordon is the owner of sea level rise and the lead, but Mr. Panetta speaks according to his participation in the Planning Commission's Sea Level Rise Subcommittee.

Mr. Webb suggested having continued discussion during Executive Session. He would also like to improve the election cycle every year with a post-election evaluation of election procedures to have presented as an agenda item.

Mr. Hoffman stated any member of the Board may request an agenda item, and if the Board is interested, form a sub-quorum of the Board to present a report. The Board President does set the agenda.

**10. Open forum/general discussion for the approval of Resolution 21-003 appointing a Board of Election for the 2021 Board of Public Works election to be held on May 8, 2021.  
INFORMATION/DISCUSSION/ACTION (D. Gordon)**

Mr. Panetta questioned if there is a problem with all Board members voting since three are up for re-election.

Mr. Hoffman stated it is not a problem for all Board members to vote since this vote is for a matter of general application.

**ACTION:** *Mr. Panetta made a motion to have Resolution #21-003 read into the record by title only for consideration and adoption by the Board; Mr. Kennedy seconded the motion, which passed unanimously.*

Mr. Hoffman read Resolution #21-003 by title only into the record.

**ACTION:** *Mr. Owen made a motion to adopt Resolution #21-003; Mr. Panetta seconded the motion, which passed unanimously.*

**11. Open forum/general discussion for approval of additional election officials for the 2021 Board of Public Works election to be held on May 8, 2021.  
INFORMATION/DISCUSSION/ACTION (D. Gordon)**

**ACTION:** *Mr. Panetta made a motion to approve Darin Gordon and Kristina Keller as election officials for the BPW elections to be held on May 8, 2021; Mr. Webb seconded the motion, which passed unanimously.*

**ACTION:** *Mr. Panetta made a motion to approve Marcie Gordon as election official for the BPW elections to be held on May 8, 2021; Mr. Webb seconded the motion, which passed unanimously.*

**OLD BUSINESS**

None

**12. CALL TO THE PUBLIC**

None

**13. CALL TO THE PRESS**

None

**14. Adjourn to Executive Session**

**ACTION:** *Mr. Owen made a motion to adjourn to Executive Session: Mr. Webb seconded the motion, which passed unanimously.*

**15. Return to open session**

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

**17. ADJOURNMENT**

The meeting adjourned at 6:15 P.M.

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