

Lewes Board of Public Works
March 28, 2024
Regular Board Meeting Minutes

1. Call the meeting to order and pledge of allegiance

President Panetta called the meeting to order at 4:09pm and led the pledge of allegiance.

2. Roll Call

Board Members

Thomas Panetta, President- ZOOM
Earl Webb, Vice President
D. Preston Lee, P.E.
Richard Nichols, Treasurer
Barbara Curtis, Asst. Treasurer

Ex-Officio Members

Robin Davis, BPW Asst. General Manager
Andrew Williams, Mayor
Max Walton, Legal Counsel

Others

Mike Wolgemuth, Inframark
Jeffrey Kerin, Inframark
Ring Lardner, Sussex County Land Trust
Bill Shultz, Cape Gazette
Benjamin Hearn, GMB
Charlie O'Donnell, GMB
Sharon Sexton, Executive Assistant

3. Consent Agenda

Ms. Curtis would like to amend December 7, 2023, minutes to item 13. Change will be "Mr. Calaman stated that the Cape School District does **NOT** see an issue".

ACTION: *Mr. Lee motioned to approve the consent agenda with the change to December 7, 2023, minutes. Mr. Nichols seconded the motion, which passed unanimously.*

4. Receive the Inframark Report

Mike Wolgemuth presented the Inframark Report.

5. Receive the President's Report

President Panetta stated that he attended a meeting with Sussex County on WWTF, met with Burton Subdivision about concerns with water, attended individual budget meeting, and met with DNREC in regard to Cape Henlopen State Park and potentially taking their flow.

6. Receive the General Managers Report

Mr. Davis presented the General Manager's Report, as Austin Calaman, general manager, was absent.

7. Open forum/general discussion on the presentation from the Sussex County Land Trust.

Ring Lardner, Sussex County Land Trust, provided an update in the Ard na Greine property, a property outside city limits off Old Orchard Road. It is an opportunity for habitat preservation rehabilitation. Existing home residents will be there for the rest of their lives per the agreement. Expected to have the funds to go to settlement by the end of 2025. Sussex County Land trust is looking for strategic partnering. The property would allow for water main extensions to loop in projects. May be an opportunity to provide additional wells.

Mr. Davis stated that there is not a projected completion date for wellhead study.

Mr. Lee questioned the request for ongoing contribution. Mr. Lardner stated that it could be a long-term lease where BPW pays for an easement over a period of time instead of an immediate cash outlay.

Ms. Curtis suggested that the Board visit the property. Mr. Lardner agreed and will set a meeting with Mr. Calaman to visit the site.

The owners did not want to see a large water tower on the property and would like agriculture to be prominent as much as possible on the property, but it is not unreasonable to expect other uses.

The intention is to preserve the land.

8. Open forum/general discussion on the date the BPW will hold in person voter registration.

Ms. Sexton stated that an election will be held since there are four candidates. Typically, the BPW follows the city's registration in person registration, however the city has moved to follow the State registration process and will not be holding a Saturday or after-hours registration. Ms. Sexton will be the staff in attendance registering voters. Ms. Sexton suggested April 16, 2024, remaining open until 7:00pm. Refer to section 2.79 of the BPW Charter. President Panetta questioned the average number of walk-in registrations. Ms. Sexton stated that last year registration was held on a Saturday, and two people came in.

Ms. Curtis questioned if it would be better to stagger the terms better, so that there is not a majority turnover. President Panetta stated that this would be a Charter change. Ms. Sexton stated that this discussion will be a part of the policy review.

Action: *Mr. Nichols motioned to approve the registration schedule of April 16, 2024, from 4pm to 7pm. Ms. Curtis seconded the motion which passed unanimously.*

Moved item 10 up on the agenda.

10. Open forum/general discussion on the request form the Public Art Committee related to Block House Pond.

Heidi Lowe, Public Art Committee is requesting the help with the installation of one kinetic sculpture that interact with the environment in H.P. Smith Park. Sculptures to be delivered on April 23, 24, or 25, 2024. One sculpture has a 150-pound arm that needs to be lifted 15 feet, and the committee is requested the use of a boom truck along with manpower to operate the truck. The truck would be on the outside on stable ground, next to the pond. The park belongs to the city. Ms. Lowe is coordinating with the city. Mr. Davis will coordinate with Rhett on the dates. Mr. Walton stated that general liability would cover the Board.

Action: *Mr. Nichols motioned to authorize BPW staff to coordinate with the Public Art Committee to assist with the installation of the sculpture. Ms. Curtis seconded the motion, which passed unanimously.*

11. Open forum/general discussion on the request from the Bicycle and Pedestrian Committee.

Glen Dunnington, Bicycle and Pedestrian Committee presented a request to place a picnic table at pump station four. The bike corral at pump station is underutilized and the committee is trying to attract visitors to park bikes at the pump station rather than the streets. Mr. Webb stated that a trashcan will be needed at this location. Mayor Williams stated that the city would service the can at this location.

Ms. Lowe has been working on better utilizing the bulletin board as well. Mr. Dunnington also mentioned future a consideration of a mural on the pump station wall, planters, and access to water.

Ms. Curtis stated that the location is not a desirable place to eat and suggests benches. Mr. Webb agrees.

Mr. Davis stated that the diagram depicts the picnic table in position that does hinder access to the pump station. Mr. Lees stated that BPW staff must be able to move around the property in an emergency.

ACTION: Ms. Curtis motioned approve the placement of an 8-foot picnic table and two trash receptacles. Mr. Lee seconded the motion, which passed unanimously.

9. Open forum/general discussion on updating the water, sewer, and electric rates.

Mr. Davis provided the proposed increase to the impact fees. The last time water impact fees were updated was in 2002 water. The electric impact fees were updated in 2004, and the sewer impact fees have been updated periodically since 2007. Calculations were made by using the Consumer Price Index for Urban (CPIU) and the plan is to use CPIU on an annual basis.

Mr. Webb questioned the reason a 1" meter is less than a 5/8" meter. Staff did not make any change to the method and can be discussed. Majority of new construction request is for 5/8" meters.

Mr. Walton that an impact fee must be reasonably related to the cost to provide services. Staff went through this exercise and is in the range of reasonability, but still significantly lower and there is room to make the adjustment.

Ms. Curtis questioned if the size of the meter impacts the ability to sustain pressure to run fire suppression systems. Mr. Davis stated that usually there is a separate line for suppression that is tapped off the service line. Fire suppression lines are not metered and there is not an impact fee for fire suppression.

Mr. Walton is comfortable with the proposed increased. There will be further analysis as needed. Mr. Lee would like to revisit in six months.

Mr. Davis stated that the rates would take effect April 1, 2024.

ACTION: *Mr. Lee motioned to approve impact fee rate increase with the stipulation to review within six months. Mr. Nichols seconded the motion, which was approved unanimously.*

10. Open forum/general discussion on the DRAFT 24/25 O+M Budget.

Ms. Bellere reviewed changes from last month.

Mr. Webb questioned staff concerns. Ms. Bellere stated that wastewater utility is operating at a loss, but bottom line is making a small amount of money after impact fees and interest. Mr. Webb agrees. Ms. Bellere requests approval of the budget as is with the ability to amend as more information comes in regarding the wastewater and electric utilities.

ACTION: *Mr. Nichols motioned to approve the 24/25 O+M Budget with the condition to be able to amend at a later date. Mr. Lee seconded the motion, which passed 4-1. Mr. Webb opposed.*

11. Open forum/general discussion on the DRAFT 5-year Capital Budget.

Mr. Davis reviewed capital improvement budget changes.

- Headwork project added back due to lead times.
- Increased bucket and digger trucks costs
- Noted grants and principal forgiveness loans

Mr. Davis reviewed line items:

- Canal Crossing: The loan is closed and GMB has submitted permits.
- Lead service replacements: This is a mandate from the state and an inventory listing is due October 16, 2024. 120 Water is assisting. The BPW is responsible for the utility side and 2 feet into the customer home. We will need customer assistance to determine current material of water lines.
- Water Tower: GMB is finalizing design and details. Bidding should go out in next few months. Mr. Lee stated that the Board needs to know the capacity of the header before ordering the size of the tank. The header is under construction. President Panetta thought the size of the tank was going to be based of pricing difference, not dependent on header capacity. Mr. O'Donnell, GMB, stated that the best-case scenario to determine capacity would be the end of the year. The water tower project is expected to go out to bid September, October and the capacity information will not be known. Mr. Lee wants to know the capacity before ordering the tank. This will push the timeframe of the water tower project.
- Water pipe assessment- Mr. Webb directed question regarding the pervious and impervious surfaces to the city. Mayor Andrews stated that the city has a policy to is pervious surfaces where it is possible.
- WWTF Headworks- Project is estimated to be completed August 2024.
- Electric AMI
- Electric Undergrounding projects- Preventative maintenance to add conduit for the future.
- Combined projects:
 - Monroe Ave- On hold because the city changed priorities. When city moves forward, so will the BPW.
 - Hornkill- Only six of the eleven properties have requested annexation. City will be forming an annexation committee after the election. City is willing to commit ARPA monies. BPW budget includes replacing services for the entire road.
 - Fourth Street- Replace infrastructure and stub out the side streets. Includes paving of the streets and the sidewalks. The BPW can revise their request to include additional streets or modify until June 2024.

ACTION: *Mr. Nichols motioned to approve the 5-year capital projects budget. Ms. Curtis seconded the motion, which passed unanimously. Motion Nichols approve capital budget, Barbara, unanimous.*

Ms. Bellere added that she will be transferring \$1.5 million from the operating account to a money market account at 4.5% through UBS. Mr. Webb requested to look at other options and find the best percentage.

12. Open forum/general discussion on the DEMEC GRIP funding and letter of commitment.

Mr. Walton stated that DEMEC is requesting a signed letter of commitment to the GRIP funding just as it was done last year.

ACTION: *Mr. Nichols motioned to approve the DEMEC GRIP funding letter of commitment. Mr. Lee seconded the motion, which passed unanimously.*

13. Open forum/general discussion on the Option 1 & 2 alternatives presentation from the WWTP Contingency Committee.

Ms. Curtis stated that the contingency committee has been disbanded and report was submitted to the Board in January. Next step would be to submit a proposal for HDR and GHD for an engineering assessment. If making progress to with Sussex County, then an engineering assessment does not make sense. The Board previously received the report with small edits.

ACTION: Mr. Nichols motioned to approve the contingency committee's draft report. Ms. Curtis seconded the motion. Mr. Lee abstained. Motion carries 4-0-1.

14. Open forum/general discussion on the WWTP long range plan update and an update from the Wastewater Treatment Plant Contingency Commitment.

President Panetta recommends keeping this item on the agenda and can determine direction to move forward. The BPW continues discussions with Sussex County. No agreements have been made.

15. Call to the Public.

None

16. Call to the Press.

None

17. Executive Session

None

18. Return to Open Session.

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

20. Adjournment

ACTION: *Mr. Nichols motioned to adjourn. Ms. Curtis seconded the motion, which passed unanimously.*

Respectfully Submitted

Sharon Sexton

Executive Assistant