

**Lewes Board of Public Works
BPW/City Council Workshop Minutes
April 22, 2024, 3:00 PM
Rollins Community Center**

1. 1. Welcome, Call the meeting to order

Mayor Williams called the meeting to order at 3:00 PM.

2. Roll Call BPW

Board Members

Thomas Panetta
Earl Webb
D. Preston Lee, P.E.
Richard Nichols
Barbara Curtis

City Council Members

Mayor Andre Williams
Khalil Saliba
Timothy Ritzert
Carolyn Jones
Joseph Elder

BPW Ex-Officio Members

Austin Calaman, General Manager
Robin Davis, Assistant General Manager
Michael Hoffman, Legal Counsel

City Ex-Officio Members

Ellen Lorraine McCabe, City Manager
Janet Reeves, ACM/Parks and Recs
Alexander Burns, Legal Counsel

3. Presentation and discussion with Sussex Conservation District.

Note: The audio recording was not operating for the first 11 minutes of the meeting.

David Baird, District Coordinator of the Sussex Conservation District (SCD), provided an overview of the organization's operations. SCD, which operates like a non-profit, employs 44 people and focuses on agricultural conservation, sediment and stormwater management, and heavy equipment services. They work with landowners and developers to implement conservation practices and maintain tax ditches.

A key cost-sharing initiative is the Cover Crop Program, aimed at preventing soil erosion and nutrient runoff, with plantings increasing from 30,000 to over 80,000 acres in 15 years. The program's 2024 cost was \$7.4 million, with landowners contributing over \$2.6 million. SCD also manages over 1,200 miles of tax ditches, a crucial infrastructure for stormwater management, with a 2023 cost-sharing payment of \$329,000, matched by additional funds.

Jessica Watson, SCD's Stormwater Program Manager, detailed the sediment and stormwater programs, including stormwater management regulations and practices. SCD reviews and inspects stormwater management plans and facilities.

Ms. Watson next provided a brief overview of the various types of stormwater management facilities overseen by SCD, including:

- Wet ponds
- Dry ponds
- Infiltration ponds
- Bioswales
- Bioretention
- Filter strips
- Constructed wetlands.
- Vegetated roofs
- Underground stormwater systems

They also offer online resources and engage with municipalities on stormwater management.

Mr. Ritzert raised concerns about stormwater management assets, specifically noting that some developments cause drainage onto adjacent parcels. He asked whether developments are required to manage all stormwater within their own systems. Ms. Watson clarified that it depends on the parcel's pre-existing discharge conditions. Some parcels naturally retain all incoming water due to their bowl-shaped topography, while others will discharge excess water onto surrounding areas after reaching a certain inflow. SCD calculates the total discharge for each parcel before development, and the development must ensure that post-construction discharge does not exceed this calculated amount.

President Panetta expressed concern that many stormwater management ponds might not be able to handle severe storms. Ms. Watson responded that these ponds are designed with features like elevated embankments to endure storms and flooding events. However, she acknowledged that some stormwater designs in Lewes are vulnerable to intense tidal surges or extreme rainfall and may not withstand a 100-year storm. She noted that SCD anticipates some level of flooding despite the investments made in stormwater management infrastructure.

Mr. Elder raised concerns about sediment buildup in stormwater pipes, which worsens with significant rainfall and can cause backups when large pipes connect to smaller ones. Ms. Watson addressed these concerns by explaining that SCD coordinates with municipalities and DELDOT to ensure adequate downstream discharge capacity for new constructions. She acknowledged that this past winter's sediment challenges overwhelmed their control systems, noting that while sediment controls like silt fences are designed for about an inch of rainfall, SCD is actively working to improve management of sediment issues.

Mr. Elder inquired whether municipalities like Lewes can implement regulations that are stricter than those set by SCD. Ms. Watson confirmed that while Lewes can make its regulations more stringent than SCD's, it cannot adopt less restrictive measures.

Mr. Ritzert asked if SCD is enforcing any municipalities' stricter codes. Mr. Baird replied that no such codes have been enacted yet, but SCD can collaborate with cities to define their respective responsibilities or enforce codes if agreed upon.

Mr. Ritzert also inquired about the term "cooperator." Ms. Watson explained that cooperators include farmers, homeowners, developers, engineers, and others working with SCD on conservation efforts, with a broader range of participants now involved.

Mr. Ritzert asked if the growing residential development in eastern Sussex County is adequately represented. Mr. Baird noted that State code mandates the Board's composition, which includes four farmers, two at-large members, a County Council Representative, and a non-voting Ex-Officio from the University of Delaware.

Ms. Curtis, inquired about SCD's enforcement tools for post-construction projects. Ms. Watson explained that SCD requires certifications for all projects to obtain a building permit, which is a key enforcement tool. If issues of non-compliance persist, DNREC can intervene. Additionally, SCD uses performance bonds as a further enforcement measure.

Mr. Elder asked if SCD informs local building authorities and planning departments of its requirements. Ms. Watson clarified that developers must get SCD approval before receiving a municipal or county permit.

Mr. Elder also questioned dust control regulations. Ms. Watson explained that while dust control primarily addresses construction vehicles and machinery, SCD may take additional steps, such as requiring on-site water trucks, limiting vehicle speeds, or, in severe cases, halting work to manage dust.

Thierry Poirey, 19 Harborview Road, asked if SCD updates its flood calculations with more recent data beyond the 2015 FEMA Flood Plain Maps and whether performance bonds can be used against HOAs if a stormwater management feature fails after construction. Ms. Watson clarified that once an HOA takes over a stormwater system, SCD has already verified the construction and the bond has been redeemed, so no continuous bonding is in place. Regarding flood maps, she explained that SCD must use the latest FEMA maps available, even if they are several years old by the time projects are approved and built, and SCD cannot mandate more current data.

4. Discussion of joint capital projects planning.

Charlie O'Donnell, GMB, presented.

Hoornkill Avenue:

- A State Revolving Fund (SRF) loan application for approximately \$2.6 million has been submitted. Of this, \$1.8 million is allocated for sanitary sewer projects, with the rest for water projects. Street restoration and pump station improvements are included. The project will extend beyond city limits and has been prioritized by DNREC and the Office of Drinking Water. A 30-year loan term is expected, and there may be up to \$704,000 in congressional funding if the application is submitted by June.

- Mr. Elder inquired about the project's prioritization. Mr. O'Donnell explaining the need to address issues like houses still using wells. He also noted that initial cost estimates did not include unincorporated areas, assuming residents would cover those costs.
- Mr. Nichols, asked about the street paving method. Mr. O'Donnell described a plan for six inches of base stone and four inches of asphalt.
- Mr. Ritzert questioned whether the incorporated street area would need full repaving. Mr. O'Donnell confirmed that the road surface will be disturbed for the water and sewer work, necessitating improvements to the entire street. Ritzert also asked about stormwater management, and Mr. O'Donnell stated it would be addressed as needed, with no catch basins or stormwater piping included in the estimate.

Monroe Avenue and Railroad Avenue:

- The design for Monroe Avenue & Railroad Avenue is approximately 60-70% complete. GMB is working with the Sussex Conservation District to obtain the necessary permits, as well as DELDOT regarding discharge into their system.
- Mr. O'Donnell questioned if the city and the Board had budgeted for the projects. Ms. McCabe confirmed that only the Monroe Avenue portion has been budgeted.
- The total cost estimate for both streets is \$2,755,000, with a cost split of \$1,455,000 from the city and \$1,300,000 from the BPW. For Monroe Avenue alone, the cost share would be \$710,000 from the city and \$750,000 from the BPW. The project covers the area from Kings Highway to just beyond the intersection of Monroe Avenue and Railroad Avenue.
- Mr. Elder questioned the reason for selecting this area. Mr. O'Donnell explained that the infrastructure is nearing the end of its useful life, and it was decided to include sidewalks and multi-use pathways as part of the roadway redesign.
- Both Monroe and Railroad Avenues will feature permeable paver parallel parking systems. These systems are part of projects eligible for FEMA grant funding, which he anticipates securing within this calendar year.

Fourth Street:

- SRF loan pre-applications were submitted. The project includes new water, sewer, stormwater infrastructure, street improvements, curbs, and ADA-compliant sidewalks from Savannah Road to Burton Avenue. The estimated total cost is \$5.5 million, with \$4.4 million requested from DNREC and the Office of Drinking Water. The project has been prioritized by both agencies and expressed confidence that the city would secure funding. The loan terms are expected to be 2% interest over 20 or 30 years.
- Mr. Ritzert questioned the possibility of including a conversion to underground utilities in the project. This option has not been explored yet, and it would require coordination with Verizon and Comcast, potentially increasing the project's cost.
- Fourth Street Project involves extending water and sewer services beyond the Fourth Street right-of-way. This extension will enable the side streets to connect to the Fourth Street mains without causing further disruption to Fourth Street itself. I t

is currently unclear whether DNREC and Office of Drinking Water funds could be used to include the side streets in the project.

- Councilperson Elder raised concerns about the water quality in the Burton Subdivision and emphasized that it should be given priority. President Panetta stated that Fourth Street serves as a main conduit for water to the side streets, making it challenging to justify improvements to the side streets before addressing Fourth Street. He also stated that upgrading the piping on Fourth Street is expected to significantly enhance water quality for the side streets, including the Burton Subdivision.
- Kerri Tripp, 400 Park Avenue, expressed frustration over the lack of a firm commitment from the Council and BPW to replace the aging pipes in her neighborhood, which are over a century old. She also mentioned that residents had requested to be included on the agenda for this meeting but were postponed in favor of other projects. Ms. Tripp explained that the poor water quality has led residents to rely on bottled water for their daily needs. Ms. Jones assured attendees that their concerns are not being ignored.
- Brenda Afzal, 418 Park Avenue, stated that she distributed a survey to local residents, revealing that over 98% of respondents do not drink tap water from their homes. Additionally, she noted having spent more than \$7,000 to install a filtration system in her residence, with many other residents opting for similar solutions. Some residents use bottled water or small Pur or Brita filters.
- Bill Schmidt, 423 Park Avenue, presented a large photo to the Council and Board showing reddish-brown water coming from a fire hydrant directly in front of his house. He shared research indicating that elevated iron levels in water could lead to serious health problems, including cancer. Mr. Schmidt expressed concern that the Council and Board of Public Works are not addressing the water quality issue with the urgency he believes it requires. In response, President Panetta explained that the change in the agenda was primarily due to the absence of Austin Calaman, the General Manager of the BPW, who is currently on parental leave. Mayor Williams reminded those present that this workshop is purely for discussion, and no action will be taken today.
- Amy Marasco, 433 Park Avenue, recommended the use of Environmental Justice Grant Funds to facilitate the proposed project on Fourth Street. She also asked the Council and Board to consider adding dark-sky lighting for areas where there are overhead utility lines. President Panetta noted dark-sky lighting would be in the City's purview.
- Mr. O'Donnell estimated the total cost of the 4th Street project, if all side streets are included, would be over \$20,000,000.00. This would include all sidewalks, streets, sewers, and storm drains. Bill Schmidt asked what the cost would be to improve the entire length of Park Avenue; Mr. O'Donnell stated that the improvements to Park Avenue between Front Street and Johnson Avenue would cost approximately \$5,244,000.00. Mr. Lee questioned what the cost would be for the portion of Park Avenue between 4th Street and Johnson Avenue. Mr. O'Donnell stated he did not have those figures readily available; however, he estimated it would be approximately 40% of the cost for the entire length of the street.

Oceanview Boulevard, including cul-de-sacs:

- This project only covers mill and overlay of the street and does not involve piping. Mayor Williams requested to move discussions forward, as this is solely a city project.
- Stuart Griffin, President of the Pilottown Village Homeowners Association, addressed the Council, expressing that while his association appreciates the proposed mill and overlay work, they believe a more comprehensive approach is necessary. He inquired about the primary point of contact for the project. Mayor Williams clarified that surface stormwater management falls under the City's jurisdiction, while the BPW is responsible for servicing or replacing underground piping. Mr. Griffin also raised concerns about drainage, noting that the street level has settled lower than many of the catch basins and drainage boxes. He emphasized that both the City and BPW need to be involved to address these issues effectively.
- Mr. O'Donnell stated that the estimate for work in Pilottown Village includes 15% allocated for concrete improvements, which will cover some aspects of the project but does not extend to catch basin or drainage box replacement. Mr. Griffin also pointed out that the stormwater management pond in Pilottown Village is experiencing silt buildup, likely due to issues with the connections between the drainage boxes and the piping system. He asked how his association could engage more actively with the relevant City or BPW representatives and inquired if there was a timeline he could provide to his constituents.
- President Panetta stated the ponding of water occurring in Pilottown Village is primarily due to subsidence of the road surface, and that correcting the road grading should fix many of the drainage issues.
- Mayor Williams inquired about the timeline for the work in Pilottown Village; Mr. O'Donnell stated he is in communication with the City Manager's Office; however, the design work for mill and overlay projects do not take very long.
- Mr. Ritzert stated that there are tax ditches in Pilottown Village that frequently have standing water. This issue is likely due to dirt and sediment from neighboring properties, as well as some residents filling in the pipes that run beneath their driveways.
- Mr. Lee inquired whether the BPW would be involved in the Pilottown Village project. Mr. O'Donnell clarified that the project initially only covered road surface work by the City, but if issues with catch basins arise, BPW involvement would be necessary. Mayor Williams added that the mill and overlay work is already budgeted for fiscal year 2025, but including catch basin work would require additional design engineering. Mr. O'Donnell mentioned that while the mill and overlay itself doesn't need an engineering study, the concerns raised might necessitate one. Mr. Lee emphasized the need for BPW involvement to be expedited to stay on schedule. Mr. O'Donnell agreed to coordinate with Mr. Davis, to provide an estimate of BPW's costs.

Manila Avenue:

- The project would be a complete rebuild, including replacement of the 8-inch cast iron pipes, new residential water and sewer services, new stormwater catches basins and piping, and replacement or realignment of the 8-inch sewer pipes.
- There will also be coordination with the supermarket and doctors' offices in the area to improve pedestrian and bicycle access and safety.
- The total cost of the project is \$1,570,000.00, with a cost share of \$644,000.00 from the City and the remainder from the BPW. The city would be responsible for the crosswalks, curb & gutter improvements, and any improvements needed for pedestrian and bicycle traffic safety near the doctors' offices.
- Mr. Ritzert questioned the possibility of adding a sidewalk between Kings Highway and Savannah Road. Mr. O'Donnell responded that the current estimate does not include a concrete sidewalk. Ritzert then requested an estimate for adding a sidewalk on one side of the street. Mr. O'Donnell suggested waiting until the design is finalized, as there may be an option to slightly narrow the street to accommodate a sidewalk. He noted that the cost differences might balance out, but he preferred not to provide an estimate at this time.

Mr. Nichols questioned how many catch basins there are on the section of Oceanview Boulevard. Mr. O'Donnell stated it is approximately ten (10) and that he could assess the work needed by video inspection. Mr. O'Donnell referenced some small sink holes around a number of the catch basins, which is indicative of separations which allow silt into the system.

5. Discussion of the municipal complex.

Mayor Williams reported that there are no significant updates on the Municipal Complex Project. Mr. Lee inquired about the timeline for the property handover, to which Mayor Williams indicated that early 2025 is the earliest anticipated date. Mr. Lee questioned if the current owners planned to clean the property before the handover. Mayor Williams confirmed that they would, though the City would be responsible for the demolition costs.

Ms. Curtis questioned whether any Council or Board members had toured the inside of the building. Both Mayor Williams and President Panetta confirmed they had. Ms. Curtis requested if a tour could be arranged for the rest of the Council and Board to assess the potential use of the existing building. Mayor Williams and President Panetta said it might be possible to arrange a tour but noted that the current building would not meet the future needs of the City, BPW, and Police Department.

6. Selection of the date and topics for the next BPW/City joint meeting.

Mayor Williams stated that at the next meeting he would like to discuss forming a committee for the future municipal complex project.

The next joint meeting will be July 29, 2024 @ 1:00pm.

7. Adjournment

Mr. Ritzert motioned to adjourn the meeting. Ms. Jones seconded the meeting, which passed unanimously.

The meeting adjourned at 5:48pm.

Respectfully Submitted
Sharon Sexton
Executive Assistant