

**CITY OF LEWES
BOARD OF PUBLIC WORKS
Regular Meeting Minutes
June 26, 2024**

The Wednesday, June 26, 2024 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 moment of silence.

2. ROLL CALL

Board Members

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

Ex-Officio Members

City Councilman Tim Ritzert here for Mayor Andrew Williams
Austin Calaman, General Manager
Robin Davis, Assistant General Manager
Michael Hoffman, Legal Counsel

Others Present

Michael Wolgemuth, Inframark (via Zoom)
Jeffrey Kerin, Inframark
Jackie Doherty, Recording Secretary (via Zoom)
Bill Shull of the Cape Gazette

3. CONSENT AGENDA

- a. Receive Vice President Report**
- b. Receive Secretary Report—Review January 24, 2024 Regular Meeting Minutes**
- c. Receive Treasurer Report**
 - **May R&E**
 - **YTD R&E**
 - **2024 Cash Graph**
- d. Receive Assistant Treasurer Report**

ACTION: *Ms. Curtis made a motion to accept the consent agenda; Mr. Nichols seconded the motion, which passed unanimously.*

4. Receive Inframark Report

- **Attachments**

Jeffrey Kerin reviewed the following:

- There was an issue with one mixer in EQ tank, which is still operating but needs a piece welded onto it.
- Filters: Hypo and acid recovery cleaning completed on Train #4 on June 10th; after train returned to service, there was a spike in turbidity caused by debris in the lines going into the meter; lines were replaced on all four trains with new tubing; hypo cleaning was completed yesterday on Train #2 and acid cleaning is being performed now.
- Maintenance and chemical building: Structural reinforcement is completed with supports being kept in place an additional week for the concrete.
- Biofilter was serviced at Pump Station #4 a few weeks ago; it was re-primed last week because it was found during pump inspection that that the pump had lost prime.
- On June 13th both Kubota membranes were pulled with the crane and forklift on site; these were inspected with samples sent to Japan by the representative on site for an analysis of life expectancy and condition; results should be received in a few weeks.
- Working to update Pump Station #18 (Drake Knoll) by removing the pump for service, with a backup pump installed, and new wires from the junction box to the control panel replaced along with new floats.
- Wet well piping at Pump Station #1 was completed; Caswell made all repairs.
- Liquid sludge loading connection and foam pump modifications have been completed and are operating well.

Mr. Wolgemuth stated the Suez Report is received weekly and the bi-weekly report was not received until after submitting their report.

5. Receive the President's Report

President Panetta reported he attended the Mayor and City Council monthly meeting and workshop. Met with Amy Marasco and the City's Grant Committee. Ms. Marasco provided an education program for the City and BPW on the process to apply for federal grants and available grants. Also met with the County regarding the Wastewater Treatment Facility.

6. Receive the General Manager's Report

Mr. Calaman reported Teal has made progress in Donovan-Smith including water service and sewer installations. Labor Day is the goal date to have all water service installations completed. The contract date is November. There is also restoration and paving needed throughout the development. The Headworks Project is moving forward, and we are waiting for information on the screens. BPW and GMB Staff worked to submit the final applications for Hoornkill Avenue and Fourth Street to the State. Both were submitted last week, and we hope to hear by September. The Water Department completed videos of the stormwater structure needed for the Pilottown Village City Project, and all information was provided to GMB. All mass mailings have been sent by Staff; the \$450,000 funding has been secured and closing documents should be received soon; discussion continues regarding the State Park, but no designs have been submitted.

NEW BUSINESS

7. Open forum/general discussion on the selection of members for the finance committee. INFORMATION/DISCUSSION/ACTION (Richard Nichols)

Proposed

- **Austin Calaman**
- **Kimberly Bellere**
- **Richard Nichols**
- **Robert Heffernan**
- **Amy Marasco**
- **Mike Hogan**
- **Calvin R. Jaber**
- **Carolyn Jones**

Mr. Nichols stated the Finance Committee is to include four BPW ex-officio members, one ex-officio member from City Council, and three citizen volunteers. The term for BPW members will be until March 31, 2025. The proposed members are listed above.

ACTION: *Mr. Nichols made a motion to propose that the people listed above be accepted as members for the remaining fiscal year; Ms. Curtis seconded the motion, which passed unanimously.*

8. Open Forum/general discussion on the ex-officio member of the BPW to the Lewes Planning Commission. INFORMATION/DISCUSSION/ACTION (Thomas Panetta)

President Panetta stated he recommends that Ms. Curtis remain as ex-officio member of the BPW to the Lewes Planning Commission.

ACTION: *Mr. Nichols made a motion to approve the recommendation for Ms. Curtis to remain the ex-officio to the Lewes Planning Commission; Mr. Lee seconded the motion, which passed unanimously.*

Ms. Curtis accepted.

9. Open forum/general discussion on the BPW Mitigation Committee. INFORMATION/DISCUSSION/ACTION (D. Preston Lee, P.E.)

Mr. Lee stated he has not submitted nominees or issues to discuss because the Committee will not be meeting soon.

Mr. Hoffman explained that structurally, this is considered a standing committee which needs nominations and to meet as a standing committee four times per year in order to meet its charge. The Board may decide to establish an ad-hoc committee to meet when issues arise. This would require a motion to disband the standing committee and to meet as an ad-hoc committee when needed. The present Committee did submit a report of its findings to the Board who will make a decision on the implementation of the recommendations. This may also be a future agenda item for further review.

President Panetta stated he and Mr. Lee discussed the accomplishments of the Committee. What is needed now is review and discussion regarding the hardening of our electrical system, which is considered an extremely high risk for coastal communities and may include cyberattacks.

Mr. Lee stated a consultant could be hired, possibly Sargent and Lundy, to prepare information for the Board since President Panetta is the only member of the present Committee who has the background and knowledge of this information.

Mr. Lee and Mr. Davis will prepare a list of items that could impact the BPW's assets that are in the City's Building Code. We would provide these to the BPW Board members, who serve on the City's Planning Commission Environmental Subcommittee, so the City can coordinate with the BPW to address the issues.

Review and discussion included:

- A different focus with new members may be needed; present Committee focused on storm threats, Code changes for elevating buildings, goals for the organization moving forward.
- Focus now on the hardening of the electrical system; identify transformers; address the Sargent and Lundy Reports.
- Present Committee has reviewed the Emergency Response Plan, and this should be reviewed on an annual basis; BPW has made significant updates to the Plan, which will be a future agenda item for Board approval.
- Board to request the Planning Commission Environmental Subcommittee address the importance of protecting BPW assets, help to homeowners, and offer recommendations.

ACTION: *Mr. Nichols made a motion to approve disbanding the present Standing Mitigation Committee; Ms. Curtis seconded the motion, which passed unanimously.*

**10. Open forum/general discussion on the Tranquility at Breakwater Development Agreement.
INFORMATION/DISCUSSION/ACTION (Austin Calaman, Robin Davis, and
Michael Hoffman)**

Mr. Calaman stated Tranquility at Breakwater is a parcel located behind Oyster Cove development to be accessed through the Orchard Plaza parcel off Old Orchard Road. It is within our sewer service territory. The development agreement encompasses everything needed to provide sewer service to the parcel. A letter was sent to the City Manager this week stating Sections 4.2 and 4.20 of the Charter, which is to receive consent from Mayor and City Council to serve the parcel as part of the Charter. The vote of the Board today will include the pending action from Mayor and City Council.

In answer to Ms. Curtis' question, Mr. Calaman stated the developer provides a construction schedule and we implement the deposit amounts into the development agreement. This is a small section for sewer, and BPW will take over the gravity that will flow into the Sussex County system. There is an existing flow agreement dating back several years.

Mr. Hoffman explained that there were language changes to the agreement with the City. The amount of the deposit is set based on the size of the project and estimates approved by BPW; any amount not paid within the 30-day period shall incur interest at the lesser amount of 8%; if they fall below the

replenishment, and there is a request to replenish that is not paid, it will accrue interest.

Ms. Curtis questioned Section 7 regarding BPW's access to all parts of the property undergoing development or involving construction of any BPW improvements. Will there be an objection.

Mr. Hoffman stated the agreement has been signed. This is a standard provision in development agreements.

Mr. Calaman said because this parcel is outside the water service, a rate will be created in the future conducive to a commercial, outside the City, sewer only customer.

In answer to Councilman Ritzert's question, Mr. Calaman stated there are other commercial, outside the City, sewer only customers. In addition to Tranquility at Breakwater, there is Orchard Plaza, which is a medical facility with a system to empty directly into a manhole. Oak Orchard will own the system and not be part of this development agreement. A rate will also be created for these properties.

Mr. Hoffman stated both properties cannot be serviced by the County because they are within the BPW service territory.

ACTION: *Mr. Nichols made a motion to accept the development agreement with the condition that the City provides prior consent under Section 4.20 of the Charter; Mr. Heffernan seconded the motion, which passed unanimously.*

**11. Open forum/general discussion on the updated holiday policy for the handbook.
INFORMATION/DISCUSSION/ACTION (Austin Calaman and Michael Hoffman)**

Mr. Calaman reported BPW will update the handbook to match changes to the City's holiday policy so everyone will be off on the same days. All adjustments have been reviewed by Mr. Hoffman and his firm and our Staff. There will be a review of additional changes in the future.

ACTION: *Mr. Nichols made a motion to accept the updated holiday policy for the handbook; Mr. Lee seconded the motion, which passed unanimously.*

OLD BUSINESS

**12. Open forum/general discussion on the WWTP long range plan and an update from the Wastewater Treatment Plant Contingency Committee.
INFORMATION/DISCUSSION (Thomas Panetta and Barbara Curtis)**

President Panetta reported there have been meetings with the County; we are scheduled for the Rehoboth Beach agenda on July 8th for a presentation to the Commissioners to question if they are willing to share, sell, or lease a portion of their outfall to the County and Lewes BPW. This would remove the treated effluent from the length of the canal and make use of an asset (Rehoboth Beach ocean outfall) that is underutilized. The agenda has not been posted with the exact time for our presentation. We will be scheduling a workshop meeting after the July 8th meeting.

13. CALL TO THE PUBLIC

None

14. CALL TO THE PRESS

Bill Shull of the Cape Gazette asked how many Donovan-Smith homes have been connected.

Mr. Calaman stated 36 units were connected to the sewer system as of June 14th. There is a progress meeting scheduled for July 3rd to review the number of units for water and sewer. The sewer and water services should be connected sooner than expected, which may be attributed to dry soil. The goal is Labor Day.

Mr. Shull requested additional discussion regarding the vulnerability of Lewes' electrical system.

President Panetta led a discussion including the increase in 40" to 50" rainstorms post hurricanes and concerns about storm events and the infrastructure; preparations by homeowners; results in Florida after a hurricane when their entire distribution system was hardened; this is a national and international problem; BPW spend a large amount of money to move the substation from Burton to Schley Avenue in the early 2000s; the planned overnight outage last October was a wakeup call to the vulnerability of the system; Lewes is dark if the feed is lost from Delmarva Power; Lewes needs to be proactive; trees have been trimmed to clear the power lines; BPW is speaking with Delmarva Power about a second feed into the City.

15. Executive Session

ACTION: *Mr. Heffernan made a motion to adjourn to Executive Session; Mr. Nichols seconded the motion, which passed unanimously.*

16. Return to Open Session.

ACTION: *Mr. Nichols motioned to approve the March 28, 2024, April 24, 2024, and May 15, 2024, Executive Session minutes. Ms. Curtis seconded the motion, which passed 4-0-1, Mr. Heffernan abstained.*

ACTION: *Ms. Curits motioned to approve the May 10, 2024, Executive Session minutes. Mr. Nichols seconded the motion, which passed 3-0-2, Mr. Lee and Mr. Heffernan abstained.*

ACTION: *Mr. Nichols motioned to approve the May 22, 2024, Executive Session minutes. Mr. Lee seconded the motion, which passed unanimously.*

17. Adjournment

The meeting was adjourned at 6:11 P.M.

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