

Board of Public Works
Regular Meeting Minutes
January 24, 2024

1. Welcome, Call meeting to order and pledge allegiance.

President Panetta called the meeting to order and led the pledge of allegiance.

2. Roll Call

Board Members

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

Ex-Officio Members

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

3. Consent Agenda

ACTION: *Mr. Nichols motioned to approve the consent agenda. Mr. Lee seconded the motion, which passed unanimously.*

4. Receive the Inframark Report.

Mr. Wolgemuth, Inframark, presented the Inframark Report.

- Flows are higher than average, due to the amount of rain seen in the past month. January 2024 average daily flow is 1.39 million.
- December 17 and 18, 2023, pumps station (PS) 4 was in high level condition for several hours and the EQ levels were rising. Staff back flushed settings as a temporary measure. Max flow for 24 hours.
- Data error on Viola's part on the 1st of the month. Viola has been notified.
- Filters: Train 4 recovery clean before the end of the month. No noticed increase of ragging.
- Compactor is expected to be delivered in February and work is to be expedited to replace compactor before summer season.
- Borrowed a bypass pump from the county at the canary creek PS.
- Received new control panel for PS17 and will be installed ASAP.

- Mr. Lee questioned the status of PS4 generator. Mr. Calaman stated that the generator depends on the future of the wastewater treatment facility (WWTF). A new generator will be a lead year time and cost 100-120 thousand dollars. Another option is to purchase another bypass pump. The rented generator costs \$1700 a month.
- PS19 octopus junction box was removed and added a float switch.
- The Digester Feed Building project was completed. There is no data because the digester feed was so low, there was not a reading.
- President Panetta would like to see megger numbers instead of pass/fail.
- The journeyman electrician accepted offer. Expect to start before the end of the month.
- A new set of locks for all of the PS and will be replaced this week.
- DEF is an additive to put in diesel fuel.

5. Receive the President's Report.

President Panetta stated that BPW was holiday party held for staff. Commended staff for hard work. Attended Mayor and City council meeting, meetings with GMB, Joint Meeting with the city, and ongoing BPW/city leadership.

6. Receive the General Manager's Report.

Mr. Calaman presented the general manager's report.

7. Open forum/general discussion on the 2024 Election notice.

Kristina Keller, BPW, stated the election candidacy opens on February 1, 2024, and will be in the paper. Mr. Hoffman stated that there are two ways to be on the ballot, by nominating yourself or by five letters of recommendation with acceptance from candidate.

8. Open forum/general discussion on the request from Theodore Becker to consider a reduction in the Ready to Serve Fee for water/sewer for his property at 108 Front Street (Unit 1).

Mr. Becker has requested a reduction in water and sewer ready-to-serve rates for 108/110 Front Street. Mr. Calaman stated that the existing policy states that BPW bills of the meter size. The request is bill on a residential style meter as a 1 inch instead of one and half inch. The consumption rate does not change. Theodore (Ted) Becker stated that this build was an anomaly and was determined that there was not enough water pressure to operate the fire suppression system. For ten years, Mr. Becker has been paying a commercial rate for the one and half inch meter. Mr. Becker stated that the rate is double the regular residential ready to serve rate and there is no commercial activity at this location. Meters are installed and the interior would need to be redone to change out the meter. Mr. Becker is requesting a

rate adjustment for the water and wastewater ready to serve fee. The pressure is a benefit for the fire suppression system. There is no benefit for the water having a larger size pipe.

Mr. Calaman stated that there were two larger meters installed that service the residential second story units. The water serves the residential piece. The lower commercial units are served through the fire suppression system. There is a fire suppression system. Typical applications, the BPW does not meter through fire suppression. In this case everything is metered through the two meters.

Mr. Hoffman cautioned that the Board should be aware that when there is a policy and the Board begins making exceptions, the exceptions become precedent for future requests. Mr. Lee stated that because of the current code, this situation would be nonexistent.

Mr. Becker stated that condo rental agreement prohibits and commercial service with food service, which would normally trigger a requirement of 1 ½ inch meter for a building of this size. President Panetta questioned if the waiver was granted could the Board put a condition of amount of water to be drawn. Mr. Hoffman stated that it will be difficult to enforce. Mr. Calaman stated that this would be inconvenient for billing each month. Mr. Hoffman suggested that the condition be that the 1 ½ inch line feeds both the fire suppression and the domestic line. Mr. Calaman stated that there is an alternative to the waiver, to put in a "T" connection. Mr. Becker stated this is not an option due to cost and disruption to the building and the sidewalk. Mr. Nichols confirmed that the customer would still be paying a ready-to-serve charge but for a one-inch meeting moving forward from today.

Mr. Calaman stated that if a waiver was granted and the meter failed in the future, BPW would replace with 1 ½ inch meter. Customer will be able to pull more water.

Buildings were built in 2006. Occupants have never lived in Lewes before.

Ms. Curtis suggested a reduction in the sewer ready-to-serve charge. Mr. Lee stated it would be difficult for staff to manually calculate the bill each month. President Panetta agreed that this will be too difficult.

The issue is that the commercial service is feeding the domestic use in above property. Mr. Hoffman questioned if this configuration could happen today under city codes. Mr. Calaman stated that the code dictates that there cannot be a meter on a fire suppression line. On a commercial building, there must be a separate fire line. Any new residential must have fire suppression service and would follow BPW standard, to "T" off to domestic.

President Panetta suggested clarifying the code and potentially writing a policy if needed. Mr. Hoffman clarified that BPW is only responsible to the curb stop, anything more would be a city code issue. President Panetta stated that the risk will be lower to BPW if the code restricts this situation from happening in the future.

ACTION: *Ms. Curtis motioned to deny 108/110 Front Street request to reduce water and sewer ready-to-serve fees.*

Motion fails without a second.

ACTION: *Mr. Nichols motioned to approve 108/110 Front Street request to reduce water and sewer ready-to-serve fees with the conditions:*

1. There would be no retroactive application
2. Should the configuration change then the meter charged by current policy.
3. Should the meter be replaced the configuration must change.

Motion fails without a second.

Mr. Webb acknowledges that the situation is not fair but is not sure how to make it right. Mr. Lee's opinion is that the configuration has been there for so long and previous owners paid the ready-to-serve charge and new owners should have been aware at the time of purchase. Mr. Lee agrees with Barbara.

Mr. Hoffman offered a third option to table discussion until the next meeting. Ms. Curtis would like more time to fully understand.

ACTION: *Mr. Webb motioned to table the discussion until the next Board meeting. Mr. Nichols seconded the motion, which passed unanimously.*

9. Open forum/general discussion of an easement agreement with the Cape Henlopen School District.

This easement agreement alleviates the access issue since the track and field was built. The easement agreement covers BPW in utilities current configuration and future undergrounding of the line if needed. BPW would have access from Dupont Avenue through the school district property to the utilities. Mr. Hoffman stated that the Board is not taking on any obligation to maintain the easement area. BPW will maintain the utilities and if BPW damages anything, the BPW is responsible for the damage.

Ms. Curtis questioned where utility facilities term is defined. Mr. Hoffman stated that the definition is in paragraph one of page two.

ACTION: *Mr. Nichols motioned to approve the easement agreement with Cape Henlopen School District. Ms. Curtis seconded the motion, which passed unanimously.*

10. Open forum/general discussion on the expectations for Engineering services.

President Panetta and Mr. Calaman have been working with GMB over the last several months to develop a set of expectations, roles and responsibilities. Mr. Lee questioned if the roles and responsibilities follow EJCDC (Engineers Joint Contract Documents Committee). Mr. O'Donnell confirmed and stated there were a few items added based on their experience. Mr. Lee stated that this document does not address when the RPR (Resident Project Representative) is on site and for what type of work. Mr. O'Donnell stated that this issue is more addressed in the proposal for a project based on a contractor's schedule of work. Mr. Lee stated that there have been client concerns with RPR's on site and the amount of time spent in the truck and would like to include it in the expectations document.

Ms. Curtis questioned if the Board should include a stormwater topic regarding the subdivision plan review. Mr. O'Donnell stated that the city code has been updated to include the engineer's role during the final review of the preliminary plans. Engineers do not have any actual responsibility of reviewing the pond, just to make sure that it is done by Sussex County Conservation District. Mr. Hoffman recommends clarifying when GMB is acting as engineering for the city versus the BPW. Mr. O'Donnell stated that this would require a whole new set of bills. This has not been done like this in the past but could be set up.

Mr. Webb suggests continuing to review the expectations of the engineering services. Mr. Webb questioned if both parties would sign. Mr. Hoffman stated that this document would be the guiding principles, an indication of the expectations of a BPW engineer. The Board is directed to send comments to Mr. Calaman. The topic will be added to the February agenda.

11. Open forum/general discussion on potential change order for the EQ tank bracing under the M2 construction headworks project.

Mr. Calaman stated that the original solution was to be a single brace that would go around the outside of the EQ tank. There was a request to modify the change order to include the inside and outside brace for stability against 130 mph winds. Mr. O'Donnell stated that the strength of the tank would be slightly less than the original condition of the tank with the inside brace.

Ms. Curtis questioned operations ability with tank half or less than half full. Mr. Calaman stated that GMB and BPW staff are working with Inframark staff to coordinate. Mr. Calaman is more concerned with the vibration from the project.

Ms. Curtis questioned how long this project will extend the life of the tank. Mr. O'Donnell stated that the bracing will extend the project area part of the tank for 10 years. A previous report recommended tank replacement in 2025. The board is waiting to make decision on

replacing tank until the wastewater treatment facility future is made. The cost of a new tank of the same size would be 2 to 2.5 million dollars. Mr. Webb questioned if there was value in installing a new tank. Mr. Calaman stated that the tank could be sold. Mr. O'Donnell does not know if it is worth installing a new tank with the cost of construction and demolition of the old tank.

ACTION: *Ms. Curtis motioned to approve the change order Penn Jersey. Mr. Nichols seconded the motion, which passed unanimously.*

12. Open forum/general discussion on the prioritization of policies.

Mr. Calaman stated that recommends that the Electric Tariff be updated within this year. Mr. Lee suggested sending the electric tariff to DEMEC for review before sending it to legal counsel. Mr. Hoffman agrees.

Staff would also like to update the water meter policy and has been discussed previously.

There are many policies that need to be reviewed and would like to prioritize the Board's opinions. The board should notify staff of any policies they wish to review.

13. Open forum/general discussion on the update for the Battery Energy Storage Project.

President Panetta stated that the Board has undergone two rounds of bidding, and neither was cost affective. Recently the market has stabilized, and a vendor would like to reintroduce the topic. Mr. Webb questioned what the advantage of peak shaving would be. The advantages would depend on the contract. The 5 highest coincident peaks, sets the rate the BPW purchases the power. Peak shaving will be a huge benefit to the customers.

The Board consensus is for staff and President Panetta move forward with battery discussions and return to the Board.

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

President Panetta stated that there is nothing solidified at this point. Discussions are continuing and another public workshop is needed. MS. Curtis stated that the WWTF contingency committee is compiling a report to present to the Board January 29, 2024 at 10 am at a special meeting.

15. Call to the Public

None

16. Call to the Press.

None

17. Executive Session

ACTION: *Mr. Lee motioned to move to executive session. Mr. Nichols seconded the motion, which passed unanimously.*

President Panetta moved to executive session at 6:03pm.

18. Return to open session.

ACTION: *Mr. Nichols motioned to return to executive session. Mr. Lee seconded the motion, which passed unanimously.*

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

None

20. Adjournment

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

President Panetta adjourned the meeting at 7:42pm.

Respectfully Submitted
Sharon Sexton
Executive Assistant