

Lewes BPW
Regular Board Meeting
September 27, 2023
4:00pm

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

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

2. ROLL CALL

Board Members

Thomas Panetta, BPW President
Earl Webb, BPW Vice President- Virtual
D. Preston Lee, P.E., BPW Secretary
Richard Nichols, BPW Treasurer
Barbara Curtis, BPW Assistant Treasurer

Ex-Officio Members

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

Others

Kimberly Bellere, BPW Finance Director
Sharon Sexton, BPW Executive Assistant
Ann Marie Townshend, City Manager
Michael Wolgemuth, Inframark- virtual
Jeffrey Kerrin, Inframark
Bill Shull, Cape Gazette
Ben Hearn, GMB
Kristina Keller, BPW Office Manager
Sean Ennis
Rick Quill

3. CONSENT AGENDA

- a. Receive Vice-President Report
- b. Receive Secretary Report – approval of minutes from April 26, 2023, regular meeting, June 5, 2023, special meeting, June 14, 2023, WWTF workshop, June 22, 2023, special meeting, and June 28, 2023, regular meeting.
- c. Receive Treasurer Report
- d. Receive Asst. Treasurer Report

ACTION: Ms. Curtis motioned to approve the consent agenda. Mr. Nichols seconded the motion which passed unanimously.

4. Receive the Inframark Report.

Mr. Wolgemuth presented the Inframark report.

- The 5-ton Hoist in the Process Building needs repaired due to the manual chain driven trolley that moves the hoist to the right and left gets extremely tight when moving over UF Trains 3 & 4 to the area where we clean the membranes. Crane 1, a manufacturer's service representative, was onsite and generated a proposal to address the issue. The proposal was forwarded to BPW, and a PO was issued.
- Pump Stations- A rental emergency generator is online at Pump Station 4 while plans for a permanent solution are being evaluated. The repair clamp to PS15 wet well discharge piping failed. A proposal from Harry Caswell was accepted to replace wet well piping and valves. Should be schedule October 16th-27th.
- Nickle Electric returned and reinstalled the monitor for a 24-hour period during which the breaker tripped but the monitor did not catch the event as it likely fell between the three second recording interval. After discussing the issue with staff and Nickle electric, we changed the Digester Blower control to manual rather than automatic and the breaker has not tripped since that time. Staff continue to determine the cause of the issue. Running continuously. Mr. Kerrin stated that the blower runs four additional hours a day. Mr. Calaman's recommendation to bring in Nickle Electric.
- The lead electrician is leaving and Inframark has interviewed five applicants. The lead electrician will stay on for about a week after new hire. The lead electrician is a Master Electrician in the State of Delaware.
- Inflow and Infiltration (I&I)- Based on Pointwatch runtimes versus precipitation records. PS1, PS2, PS3, PS5, PS6 and PS10 collection system basins have the most significant I&I. I&I impacts priority of projects.
- No spare pumps for the pump stations is an item carried over from previous months. Mr. Calaman stated that there are pump stations that are not interchangeable. BPW Staff is working with the University of Delaware to review pump stations within flood plain. Difficult to retrofit within some pump stations.
- President Panetta requested a meggering update? The treatment plant's main cables are complete but not pump stations. The board would like to see a plan to megger the MCCs.
- Headworks update: Mr. Calaman stated that the biggest issue is the supply chain. A Pre-construction meeting was held. If able to bring compactor in earlier, then the contractor will begin that work. Pista Grit system is the biggest hold up, pushed back to April.
- GMB came out and assessed the erosion in the chemical building. There will be another walk-through with GMB on October 16th.

5. Receive the President's Report.

President Panetta presented:

- Weathered the storm of Ophelia. There were 2 or 3 pole top outages. 65mph gust on Lewes Beach and 3-inches of rain.
- Meeting with the county on wastewater treatment facility long term planning was held in

August. No major progress.

- Met with Beebe hospital twice for upcoming power outage. Attended by Excelon, BPW staff, etc. Down to one power outage, opposed to three.
- Household Hazard Waste and Drug Take back will be held on October 28th.

6. Receive the General Manager's Report.

Mr. Calaman presented the General Manager's Report. Mr. Calaman provided an update on the power outage that is now reduced to one outage on October 5, 2023, 12am to 4pm. Hydrant Flushing will be held on October 12, 2023, and October 13, 2023. BPW is continuing to work with staff on CPCN applications. Discussed the potential regulations on PFAS and what the BPW has proactively done and what is needed to prepare. Lewes BPW is working with EPA on potential assessment regarding risk and resiliency. BPW has supplied the EPA a letter of interest.

Ms. Bellere presented:

- August 2023 Revenue and Expense Report
- YTD Finance Report ending August 31, 2023

New Business

7. Open forum/general discussion on a Highland Acres group forbearance agreement policy. INFORMATION/DISCUSSION/ACTION (Austin Calaman and Michael Hoffman)

Approving the forbearance agreement for Highland Acres as a whole, as opposed to each individual property. Approved 49 Sussex Drive last board meeting. Mr. Hoffman stated that this agreement approves Highland Acres as a qualifying special project.

ACTION: *Mr. Nichols motioned to approve Highland Acres as a qualifying special project designation under section 3.9. Ms. Curtis seconded the motion, which passed unanimously.*

8. Open forum/general discussion on stormwater management. INFORMATION/DISCUSSION/ACTION (D. Preston Lee, Thomas Panetta and Austin Calaman)

President Panetta stated that there will be more detailed future discussions. A workshop or special meeting will be held to look at the stormwater system holistically. There have been individual requests.

Ms. Curtis questioned the dewatering for Donovan Smith Mobile Home Park. Mr. Calaman stated that this was approved by DNREC and is temporary during project construction.

President Panetta stated that the workshop will possibly be held in November. The Board will gather more input from other properties near the areas that have requesting stormwater management. GMB is actively looking at School Lane. Ms.

Townshend stated that the beachside stormwater analysis is almost complete. The Board will follow up with GMB about the flow throughout the city prior to the workshop.

Old Business

9. Open forum/general discussion on the approval of the 22/23 FY Audit Report. INFORMATION/DISCUSSION/ACTION (Kimberly Bellere and Austin Calaman)

Ms. Bellere stated that the audit report has not changed financially, just a few note changes. Note 11, purchase power: added that 2% for DEMEC is after netting.

ACTION: *Mr. Nichols motioned to accept the 22/23 Fiscal Year Audit Report. Mr. Lee seconded the motion, which passed unanimously.*

10. Open forum/general discussion on the water tower logo(s) and design(s). INFORMATION/DISCUSSION/ACTION (Austin Calaman, Robin Davis and Sharon Sexton)

Mr. Calaman stated that there were a few submissions of artwork and suggestions for the water tower design and logo. Staff met with Cape Henlopen School District and are interested in having the Cape Henlopen logo displayed, like the Route 24 water tower. Cape Henlopen School District submitted two designs that would face their football field. BPW logo would face Kings Highway. Mr. Nichols is concerned with the sightline from the school and over the trees. Staff feel that the tower will be well above the tree line. The designer will determine the size of the logo proportion to the tank.

No approximate cost for the logo at this point. Mr. Calaman did ask if the school board is willing to pay to pay for their logo. School representatives will take the request back to the school board.

Mr. Webb is in favor of the Cape Henlopen logo after the cost and sightline is figured out. Staff received five calls in favor of the Cape Henlopen logo on the water tower and one call opposed.

Consensus of the Board is to direct staff to determine if sightline is an issue and the willingness to contribute the cost of the logo.

11. Open forum/general discussion on the cross-connection control plan. INFORMATION/DISCUSSION/ACTION (Robin Davis)

Mr. Davis updated the Board on the status of the Cross Connection Control (CCC) plan. Staff is working on including proposed changes and definitions from the Board. Staff will provide a revised draft at the October meeting. The CCC plan must be approved by February 2024.

Mr. Lee stated that the mitigation committee has discussed the CCC plan. The concern is that the required anti siphon systems will be vulnerable to flooding over the air brake and allowing contaminated water back into the system. Other communities do not seem to be worried about this issue. Mr. Davis stated that most manufacturer specifications recommend 12" above the highest point of irrigation head. The Board has the option of requiring more but staff recommends putting the requirement in policy, not the CCC plan. Most places just require the manufacturer's specifications. Mr. Lee stated that backflow is a concern.

**12. Open forum/general discussion on the GMB proposal/estimate for Alask Ave.
INFORMATION/DISCUSSION/ACTION (Austin Calaman)**

Mr. Calaman stated that Alaska Avenue was discussed by the Board two months ago and at the joint meeting with the city last month. Mayor Williams stated that the City is paving the street regardless of BPW moving forward. If the BPW moves forward with upgrading infrastructure, then GMB's proposal will change.

Mr. Calaman stated that the State Park has shown interest in sewer services, and should the project move forward the Alaska Avenue infrastructure should be upgraded. The existing waterline is cast iron and may be replaced with PVC. The current sewer line is terracotta. Terracotta running through wetlands has the potential for issues of infiltration.

Ms. Bellere questioned if the project would qualify for ARPA funds. BPW would only be paying for water and sewer. The city would pay for the streets. The cost would need to be itemized.

Ms. Curtis questioned if impact fees would be enforced. Mr. Calaman stated that impact fees would only apply when an area is developed, and a building permit is issued.

Mr. Hoffman clarified that the city will be paving the street in the future is driving the discussion. The Board may decide to do nothing and wait until upgrades to infrastructure are needed or work jointly while the road is being paved. Working jointly will save the BPW the cost of paving later when improvements are made when necessary. If replacing infrastructure, the Board must decide whether to replace in kind or upgrade. If development requires an upgrade, then the developer covers the cost.

President Panetta stated that if the BPW would upgrade the terracotta pipe and size up for future state park requirements, the BPW would inventory the cost and charge impact fees when the state park comes online.

Ms. Townshend stated that DeIDOT completed a drainage analysis in front of Dairy and determined what is needed. DeIDOT is not planning on construction unless it happens as part of the project. Coordination with DeIDOT still needs to be worked out. The design depends on the direction the Board would like to go in. If the city does not have a design, then the developer cannot get an entrance permit from DeIDOT. DeIDOT will not authorize an entrance permit unless the street is upgraded.

Mr. Lee and Mr. Webb agree that this is a necessary project.

ACTION: *Mr. Lee motioned to approve the Alaska Avenue utility project with the details to be determined. Mr. Webb seconded the motion, which passed unanimously.*

13. Open forum/general discussion on an update of the Canal Crossing watermain

design/location. INFORMATION/DISCUSSION/ACTION (Austin Calaman and GMB).

Mr. Calaman stated that three area options were being considered for the canal crossing project and the staff is working with GMB, DelDot, and the property owner. The private property option would cause the least disruption. Construction and assets would be contained in the DelDOT right-a-way. BPW would need a construction easement. Mr. Calaman stated that the hardest issue will be permitting. Anticipates starting work this time next year.

14. Open forum/general discussion on the WWTP long range plan. INFORMATION/DISCUSSION (Thomas Panetta)

President Panetta stated that the BPW met in mid-August with the county. More discussions are still needed. Sussex County has contracted with GHD to look at outfall pipe and test boring.

Ms. Curtis provided an update on the Contingency Committee. The committee has held three meetings and attended a webinar from Aqua Nereda Technology on the installation performance of the seven operating facilities in the US. The committee is reviewing two technologies: Aqua-Nereda Aerobic Granular Sludge process and Sequencing Batch Reactor (SBR). The committee will be visiting the Berlin SBR plant. Aqua Nereda will be compiling a preliminary design plant and will be presenting to the committee on October 23, 2023. The committee invited the Board to attend. Option 1 from the GHD report seems to be the focus of the committee. Aqua Nereda is well above the flood plain and the system is resistant to salt water.

Mr. Webb questioned whether more than two Board members attending the presentation would be an issue with FOIA. Mr. Hoffman stated that committees cannot vote and is a public meeting. If the meeting is properly noticed, then the meeting would not violate FOIA. However, council is concerned with the optics of the meeting. Mr. Hoffman cautions Board members from actively engaging with a quorum present. The best practice is to observe and save discussions for a Board meeting. President Panetta has concerns. Site visits must be noticed and invite the public for the more than two Board members to attend. Mr. Hoffman will provide further guidance to the committee.

15. CALL TO THE PUBLIC:

This will be Ms. Townshend's last meeting attending as city manager. The Board commended Ms. Townshend's efforts.

Rick Quill, developer of Savannah Road property, was unaware that there were previous discussions at meetings on Alaska Avenue. Mr. Quill has worked on this project for seven years and it has been exasperating. Mr. Quill apologized to Mr. Davis. Mr. Quill looks forward to cooperation on the project.

16. CALL TO THE PRESS

Bill Shull, Cape Gazette, questioned if the stormwater management workshop is being held in response to the two residents at the previous joint meeting. President Panetta stated that residents' concerns are an instigator for looking at holistically instead of individual, but the Board has been addressing stormwater and sea level rise/climate concerns.

Mr. Shull questioned if the Donovan Smith Mobile Home Park project is still on schedule. Mr. Calaman confirmed that the project is on schedule and explained dewatering.

Confirmed the dredging of canal is scheduled October 9, 2023.

17. Executive Session

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

President Panetta moved to executive session at 5:56pm.

18. Return to open session.

Returned to open session at 6:59pm

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

None

20. Adjournment

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

President Panetta adjourned the meeting at 7:00pm.

Respectfully Submitted
Sharon Sexton
Executive Assistant