

**CITY OF LEWES
BOARD OF PUBLIC WORKS
Regular Meeting Minutes
December 5, 2017**

The Wednesday, December 5, 2017 regular meeting of the Lewes Board of Public Works was held at 4:00 P.M. in Lewes City Hall, 114 East Third Street, Lewes, Delaware.

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

In the absence of President Alfred, Vice President Lee called the meeting to order at 4:00 P.M. and led the Pledge of Allegiance. A moment of silence was observed for the troubles of the world.

2. ROLL CALL

Board Members Present:

D. Preston Lee, P.E.
Jack Leshner
A. Thomas Owen
Robert J. Kennedy, III

Board Member Not Present:

C. Wendell Alfred

Ex-Officio Members Present:

Theodore Becker, Mayor
Darrin Gordon, General Manager
Michael Hoffman, Legal Counsel

Others Present:

Austin Calaman, Assistant General Manager
Kristina Keller, BPW
Ann Marie Townshend, City Manager
City Councilman Dennis Reardon
Jackie Doherty, Recording Secretary

3. REVISIONS AND/OR DELETIONS TO THE AGENDA

Mr. Gordon requested the Treasurer's Report be reviewed separately from the Consent Agenda.

4. CONSENT AGENDA

- a) Receive the General Manager Monthly Report**
- b) Receive the White Marsh Environmental Systems, Inc. Report**
- c) Receive President Report**
- d) Receive Vice President Report**

- e) **Receive Secretary Report approval of Minutes dated October 25, 2017 and Special Minutes dated November 2, 2017**
- f) **Receive Treasurer Report**
- g) **Receive Assistant Treasurer Report**

ACTION: *Mr. Owen made a motion to approve the consent agenda as presented; Mr. Lesher seconded the motion, which passed unanimously.*

Mr. Gordon stated one item in the year-to-date financials under water and commercial shows 56% of revenues due to an extra \$10,000 per month being paid for usage in the state park.

Mr. Lesher stated he and Mr. Gordon do a policy-review report quarterly with the investment advisors. The last report included a review of policy percentages according to investment procedures and all are within range.

ACTION: *Mr. Lesher made a motion to accept the Treasurer's Report; Mr. Owen seconded the motion, which passed unanimously.*

5. Open forum/general discussion on the annual Lewes Volunteer Fire Department donation. INFORMATION/DISCUSSION/ACTION (D. Gordon)

Mr. Gordon stated the resolutions state an annual donation be given to one non-profit organization, and that organization is the Lewes Volunteer Fire Department. Each year the donation has been \$25,000, and the recommendation is \$25,000 be donated this year.

ACTION: *Mr. Owen made a motion to approve the \$25,000 donation for this year; Mr. Lesher seconded the motion.*

Mr. Owen stated the donation is considered a payment in lieu of taxes as opposed to a donation. Because of the number of important buildings and properties in Lewes, it would not be good for the City if the Fire Department moved their location due to a decrease in donations.

Mr. Kennedy stated he does not support the motion, we are all blessed to have a professional and volunteer fire company that has served us so well for so long. My opposition is based on my belief that we should not force ratepayers to become involuntary contributors to a non-utility, not-for-profit organization. The Charter of the City, unlike that of BPW, imposes a duty on the City with the responsibility for providing not only for the organization, but the financial support of the Fire Department. Since it is the responsibility of the City to provide funding for the Fire Department, a separate appeal to BPW is out of order and undermines the authority and responsibility of City Council under its charter to determine the level of financial support it deems to be appropriate. BPW should refrain from making a donation to the Fire Department when Council has already determined the appropriate level of financial support it deems appropriate.

Mr. Lesher stated a copy of the financial statement from the Fire Department for review would provide a basis to know more about the department's financial condition and supports giving the donation.

Mr. Lee stated the Department does provide a valuable service, the funds should be considered a payment and not a donation and supports giving the donation.

Mayor Becker stated the City increased their donation to \$30,000 a few years ago. There will be a time when the City will need a paid fire department because of the aging of the community. This will have a significant impact in the tax structure needed for its support, and agrees financial statements need to be reviewed.

Mr. Kennedy stated the Fire Department should receive the funds it needs, but it should be addressed at all levels because the Department's service area is 14 square miles with Lewes being 4 square miles. Costs should be shared among all recipients of the services. Mr. Kennedy stated he contacted the Sussex County Council representative to check if an adjustment is needed in funding since there is so much development in the Department's service area. Current funding needs to include the demographic changes and the services required with provisions to compensate the Fire Department.

Mr. Lee, Mr. Owen, Mr. Leshar voted yes to the motion to approve the \$25,000 donation. Mr. Kennedy voted no to the motion. With three (3) yes votes and one (1) no vote, the motion passed.

6. Open forum/general discussion on mounting a camera on top of the Lewes BPW water tank for WRDE television and the WRDE request that the BPW participate in paying for same. INFORMATION/DISCUSSION/ACTION (D. Gordon)

Mr. Gordon introduced Chuck Ward and Bob Backman representing WRDE stating City Councilman Dennis Reardon has been speaking with them in reference to their proposal.

Mr. Ward spoke of the request for the station to broadcast the 360-degree views from the water tank on their newscasts of local news and cut-ins during the Today Show. A list of proposed costs and pictures with a description of the cameras was provided for review. This will provide recognition and valuable advertising for Lewes. Also, this may possibly help with the traffic monitoring by DelDOT on Savannah Road. The request is for BPW to pay for half of the total costs and a partnership.

Approximate costs include:

- Comcast \$150 a month
- Installation and mounting for camera \$2,500
- Electric cable \$300
- Maintenance \$100 per month
- Total cost \$8,200

Mr. Ward stated these costs are for the first year to diminish over the second and third years. He views the partnership with BPW as cost sharing and helping to promote the City of Lewes.

Mr. Leshar questioned that this is not a formally-organized, legally-structured partnership with BPW being responsible for ongoing maintenance or cost of storm damages to the camera. Mr. Ward stated all these issues would need to be discussed.

Mr. Owen stated he is concerned about the responsibilities of maintenance costs with a partnership.

Mr. Kennedy questioned if there were breaking news or a major event, could the camera be used for coverage? Mr. Ward stated this would be possible.

Mr. Backman stated a window could be installed on the homepage of the station's website to have a 24-hour access to the views. When he was given the license from NBC, he told them his station would be different because it will focus on the coastal communities. The costs to BPW will be about \$3,000 per year after the initial costs for installation the first year. Comcast could also be asked about lower costs for their contract.

Mayor Becker stated this has not yet been discussed with City Council. The City does have an exclusive contract for services with Comcast and this needs to be considered. DeIDOT needs to be consulted to see if there is an interest. The camera is similar to their cameras used for Route 1 traffic monitoring. There is the question also if this could eliminate the DeIDOT cameras at the bridge.

Mr. Lee stated BPW providing the tower is a very valuable contribution to the partnering. It may also be possible for the City to help with the costs.

Everyone agreed to consider the request including discussion with the City before a decision is made.

7. Open forum/general discussion of the proposed table top exercise testing the Lewes BPW water system and emergency response. INFORMATION/DISCUSSION/ACTION (D. Gordon)

Mr. Gordon stated the tabletop exercise tests the capacity and ability to respond to emergencies. Joe Thomas of Sussex County Emergency System has proposed an exercise to pretend a terrorist group has contaminated the water which is very unlikely to ever happen. The date is January 17th 9:00 A.M. to 2:00 P.M. at the DNREC Building on Pilottown Road and everyone is invited to attend. The emergency response plan for BPW and the City through the mitigation team will be reviewed. Because of the connection with Tidewater, a water supply can be provided if there is an issue. There may be an expansion to involve Tidewater and Rehoboth Beach.

Mr. Kennedy questioned if this is expanded to other utilities, will this take away the value BPW will gain from exercising their response plan. PSAs will be needed.

Mr. Gordon stated BPW can flush the entire system in about one-half a day. The purpose of the exercise is to test for any weaknesses in the emergency responses.

8. Open forum/general discussion of the Strategic Planning proposal of Hometown Connections. INFORMATION/DISCUSSION/ACTION (D. Gordon)

Mr. Gordon stated Hometown Connections has proposed three sessions at a cost of \$24,000 plus \$1,000 for travel and accommodations for a total of \$25,000.

Mr. Lee stated this will be a professional plan with the first step to identify participants in the planning process and topics etc.; the second step will involve the Board and Staff at different levels for implementation; third step will be implementation follow-up. This is a good investment and is needed to give direction to Mr. Gordon and Staff.

Mr. Owen questioned the cost if they could be here for an overview of what information is needed to get started. There may be a company closer to cut down on the travel costs.

Mr. Lee stated the cost would be one-third of the total cost. A local facilitator could be asked to provide this information, but Hometown Connections knows the industry and what is needed for the future with smart meters, electric vehicles and charging stations.

Mr. Leshner suggested this be accepted and be included in the budget as part of operating expenses. Someone local could come in to give preliminary information

Mr. Kennedy stated this could be discussed in January for a workshop, pre-meeting session to address all the areas of concern. The University of Delaware may be able to offer a facilitator at a lower cost.

After discussions, it was decided that Hometown Connections will not be scheduled for January. Instead, Mr. Gordon will have a local facilitator for the workshop meeting in January with the budget workshop at that time also.

**9. Open forum/general discussion of a shredding event in association with the semi-annual Household Hazardous Waste and Lewes Police Drug Take-Back Day.
INFORMATION/DISCUSSION (D. Gordon)**

Mr. Gordon stated there have been discussions about combining the two events. President Alfred stated to Mr. Gordon his concerns about the amounts of cars in line and people attending other shredding events such as Bethany Blues. BPW does not have the manpower to handle the large amount of people. Also, the day of Household Hazardous Waste and Drug Take-Back Day is always a very busy, full day. The hospital has a shredding day and may be asked to include the public or BPW could partner with the City to help manage a combined event.

Mr. Owen agrees the shredding event needs to be separate because of the crowds and safety issues.

Mr. Leshner suggested having a portable shredder rented for an event.

Mr. Lee stated there is a company in Pennsylvania that charges \$1,500 for four hours on a Saturday. Some companies charge by the box or pound.

Mayor Becker stated he would check about what is available.

**10. Open forum/general discussion of a proposed loan assumption resolution.
INFORMATION/DISCUSSION/ACTION (D. Gordon)**

Mr. Gordon stated transfer of liens for customer debts from one homeowner to the next when property is sold has been approved. Mr. Hoffman has prepared the resolution and will explain. Mr. Gordon stated he has reviewed the resolution, has found it to be appropriate, and his recommendation is for it to be approved.

Mr. Hoffman stated he is presenting the resolution with revisions requested at the last meeting; the substance has not changed from last discussion; sole discretion was changed to reasonable discretion in terms of the Board adopting the agreement.

Mr. Lee questioned the use of the term ‘in-fill’. Mr. Hoffman stated ‘in-fill’ development refers to Savannah Place, as an example. This policy is not only for special utility projects that expand outside the City limits, but also special utility projects within the City limits. This is the reason for the wording that states: “including but not limited to in-fill extension”.

Mr. Gordon stated the responsibility is on the homeowner to bring the petition to BPW to be presented to the Board for their decision to accept and approve.

Mr. Owen stated it is important to note this is not for customers with overdue bills, but only for special utility projects.

ACTION: *Mr. Owen made a motion to read by title only Resolution #17-006 which includes Exhibit A to be placed before the Board for consideration; Mr. Kennedy seconded the motion, which passed unanimously.*

Mr. Hoffman read the resolution by title only into the record: **A resolution of the Board of Directors of the Board of Public Works of the City of Lewes establishing a Policy on Liens for Unpaid Utility Rents, Rates, Fees, and Assessments concerning special Utility Projects.**

ACTION: *Mr. Owen made a motion to approve per title; Mr. Kennedy seconded the motion, which passed unanimously.*

Mr. Kennedy stated the resolution has been available to the public on the website.

11. Open forum/general discussion of current project review. INFORMATION/DISCUSSION (D. Gordon)

Mr. Gordon reported on Phase I of the Savannah Road, Gills Neck, Front Street Project to date stating the timing is on target to be completed by middle December. The 1812 parking lot should be available for the Christmas season. Phase II of the project is scheduled to begin January 2nd with the bridge and intersection closed until January 9th with timeframes being met. A meeting is scheduled for Donavan Smith/Savannah Place on January 15th to discuss the resolution for all residents to pay per capita costs vs. all payments made upfront.

Mr. Gordon reported Highland Heights/Mariners Retreat progress meetings have been held to discuss the tax ditch. We are now waiting to hear from the developer. Valve exercising has been completed on the beach side with the project to begin in Town. This may create some rusty water--the water is safe—and information on dates and locations will be provided to residents by emails and the BPW website.

Mr. Gordon reported an electric pole was replaced on Savannah Road, tree trimming around the powerlines will begin, but there is no easement for trimming trees at the light poles.

Mayor Becker stated an email blast should be sent to the residents to notify about the tree trimmings. Also, Mardi Thompson of Parks and Recreation should be notified to be assistance and offer guidance. Ms. Thompson is the Commissioner for trees and has the information on the tree inventory.

Mr. Kennedy asked if a PSA could be sent to the Cape Gazette to notify residents of the valve work and tree trimmings. Mr. Kennedy complimented BPW and the Streets Department for their work on the Christmas lights.

Mayor Becker stated the Police Force has submitted an inventory list of lights that are out throughout the City to be submitted for replacement.

Mr. Gordon stated there is a 6:00 P.M. meeting tonight at the library for the Off-Shore Wind Symposium.

12. MEETINGS ATTENDED BY BOARD MEMBERS OR STAFF

Mr. Kennedy reported he attended two meetings of the Annexation Committee. The Committee is preparing a progress report to submit to Mayor and City Council.

Mr. Lee reported he attended Mayor and City Council progress and pre-bid meeting for the new project; Hometown Connections conference call.

Mr. Owen reported he attended the Lewes Planning Commission meeting who approved the lot subdivision and the Schell medical building/assistant living for the 9-acre section on Kings Highway. The request for the 6-acre section to be a medical office building was denied after comments from residents of Henlopen Gardens. Schell will return with plans for affordable housing for the section.

13. BOARD OR STAFF REQUESTS FOR AGENDA ITEM(S)

Mr. Kennedy stated he and Mr. Owen are reviewing the bylaws to be submitted to Mr. Gordon to be a January agenda item.

14. CALL TO THE PUBLIC

None

15. CALL TO THE PRESS

None

16. EXECUTIVE SESSION

ACTION: *Mr. Owen made a motion to adjourn to executive session; Mr. Kennedy seconded the motion, which passed unanimously.*

The meeting adjourned at 5:30 P.M.

17. RETURN TO OPEN SESSION

**18. OPEN FORUM/GENERAL DISCUSSION AND/OR ACTION ON ANY ITEM FROM
THE EXECUTIVE SESSION**

19. ADJOURNMENT

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