

**CITY OF LEWES
BOARD OF PUBLIC WORKS
Regular Meeting Minutes
January 24, 2018**

The Wednesday, January 24, 2018 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

President Alfred called the meeting to order at 4:00 P.M. and led the Pledge of Allegiance. A moment of silence was observed for our troops serving our country.

2. ROLL CALL

Board Members Present:

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

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
Jackie Doherty, Recording Secretary

3. REVISIONS AND/OR DELETIONS TO THE AGENDA

Mr. Gordon stated Agenda Item #5 is to be deleted since it has been approved and completed.

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 December 5, 2017**
- f) Receive Treasurer Report**
- g) Receive Assistant Treasurer Report**

Mr. Kennedy and Mr. Lee requested changes to the minutes as discussed.

Mr. Leshar questioned Mayor Becker in reference to a statement in the minutes that he would review the financial records of the Lewes Fire Department. Mayor Becker stated he has not yet reviewed the financial records.

Mr. Kennedy questioned the statement in the White Marsh report that the outfall pipe video scoping would be in January if weather permitted. Mr. Gordon stated this was not done due to the weather and will be scheduled when the vacuum truck and service schedule can be coordinated.

ACTION: *Mr. Owen made a motion to approve the consent agenda with the corrections to the minutes of December 5, 2017; Mr. Leshar seconded the motion, which passed unanimously.*

- 5. DELETED Open forum/general discussion on the adoption of Resolution 18-001, the allowing of the assumption of a BPW indebtedness from a seller of a home to the buyer of the home. INFORMATION/DISCUSSION/ACTION (D. Gordon)**

President Alfred stated Agenda Item #8 would be discussed next.

- 6. Open forum/general discussion on the adoption of Resolution 18-002, a policy for the Pro-Rata cost for the construction of utilities to existing developed areas. INFORMATION/DISCUSSION/ACTION (D. Gordon)**

Mr. Gordon stated there has been discussion about services to areas already developed outside the City limits that do not currently have Lewes BPW sewer or water systems. BPW would like to promote growth without a burden on the first or second groups. An example is Savannah Place. The resolution will allow BPW to take an area with a large number of EDUs and charge pro-rata per EDU for the entire group. This serves a purpose for BPW, to serve the already-developed areas without having an impact on the undeveloped. This is the first discussion and request for input from the Board.

Mr. Hoffman stated the language is not addressed, but is needed, for the distinction of when a developer comes into an undeveloped area vs. an established community; this would apply to the number of EDUs for an area within the City limits and not only outside the City limits; maps of the areas being considered will be needed.

Mr. Kennedy stated this resolution is needed to put BPW more on a business model. Areas to be reviewed to be included in the resolution are:

- The policy needs to adopt a method to address those who do not sign-up immediately to pay a rate that will recover the carrying costs that BPW will invest to serve that area; if a customer decides to sign-up after five years, they will pay an escalated cost plus the original amount to keep all customers from subsidizing the deferred customer.
- The developer for an undeveloped area will pay for the infrastructure within the community where they are building to be recovered from the sale of the lots; they will also pay impact fees to connect to BPW utilities.

Mr. Hoffman stated the Code requires a developer's agreement and includes the impact fees needed for a newly-developed area. Whatever policy the Board adopts should not create an ambiguity or confusion as to the application of the Code.

Mr. Owen stated he agrees that if a customer does not sign-up immediately, they will not be charged. Language is needed in the resolution to state that a customer who decides to sign-up after five years will pay the increased costs.

Mr. Gordon stated he has instructed GMB to move quickly on the construction in Savannah Place because of concerns that Donovan Smith construction may be during the same time. Plans are for the water main to come past Donovan Smith over to Savannah Road to take care of the 12 to 15 homes on Savannah Road. This is listed as a capital project for October and will be discussed at the February BPW meeting.

Mr. Owen asked if it would be helpful to have a consensus on whether the Board agrees with the principal of the resolution. Mr. Gordon said that would be very helpful.

Mr. Hoffman stated the Board can give direction and consensus to Staff through dialog and making their opinions clear. In order for it to be a resolution and policy, a formal vote is needed for it to be adopted.

Mr. Owen stated the Board agrees with the premise of the resolution and the language being reviewed for accuracy. Mr. Gordon is directed to proceed with the principal of what the resolution does for any negotiations that would be needed.

Mayor Becker stated he shared the draft resolution with City Solicitor, Glenn Mandalas. Mr. Hoffman was given the recommendations from Mr. Mandalas. Mr. Hoffman stated he did receive the language recommendations and spoke with Mr. Mandalas.

President Alfred stated the Board will direct Mr. Gordon to proceed with the language additions to the resolution to bring back to the Board for a vote for approval. Everyone agreed.

**7. Open forum/general discussion of the after actions from the boil notice issued on January 12th and rescinded January 13th and lessons learned.
INFORMATION/DISCUSSION/ACTION (D. Gordon)**

Mr. Gordon stated he was notified there was a cracked pipe at the intersection of Savannah Road between 3:00 and 3:30 A.M. on January 12th making it necessary to shut down the water plant to make the repairs. The repairs were completed by 6:30 A.M. and the water was back on by 7:00 A.M. The timeline for the water being off was available to the residents on the website. There was a second leak in the same area that was isolated with valves and three properties were without water for about 1½ hours.

Mr. Gordon stated he received a message on his answering machine at 10:22 A.M. from the State saying that because the water was off for four hours, they were issuing a boil notice to the hospital, schools, and all commercial customers. Mr. Gordon then spoke to Mr. Keith stating the information should have come from BPW because this information was false. Mr. Gordon stated he still has not

heard from the State about who gave them the information and why they acted on it without contacting BPW. Mr. Gordon said for better communication in the future, a flyer will be included in the next billing requesting everyone to sign-up online and provide an email address. After the water samples were tested and cleared, there was an email blast with help from Ms. Townshend for everyone to be notified.

President Alfred requested Mr. Gordon provide a statement to give the people assurance to trust that the email system is secure for the protection of their private information.

Mr. Lee suggested having two levels of emails with one for routine information and one for emergency notifications.

Ms. Townshend stated she and Mr. Gordon reviewed a product last week called 'Code Red' that is used by the State and Rehoboth Beach. The company will be providing a proposal, contract, and the cost for the remainder of this fiscal year for review. The annual cost of \$2,500 will be shared by the City and BPW. The system is geo-coded to select a street to then choose how the resident would be notified either by email, text, or social media. Residents will need to provide their email and phone numbers to be added to the system.

President Alfred requested Mr. Gordon speak to the State to see why the inaccurate information was provided in reference to the boil notice issued.

Mayor Becker stated he spoke to Jamie Mack of the Department of Health and Social Services, and it seems the information used to issue the boil notice came from Facebook. Mr. Mack realized there was a miscommunication and notified the City as early as possible (after 18 hours) that the tests were negative.

Mr. Gordon stated he is working to try to isolate part of the system for the schools and hospital to have constant water supply. Work continues on replacing valves, pipes, and GIS mapping. The tabletop exercise with the County, State representative, Tidewater, Bethany Beach on January 17th was an attack on the water supply with cryptosporidium.

8. Open forum/general discussion of the proposal to allow WRDE to place a camera on the Lewes BPW water tank. INFORMATIO/DISCUSSION/ACTION (D. Gordon)

Bob Backman and Chuck Ward were present. Mr. Ward stated that since the December meeting, he took pictures of the water tower views with a drone. The pictures taken from the drone, prices and pictures of the camera that would be placed on the water tower were provided for review. Also provided for review was a list for one-time equipment costs and estimated monthly internet costs.

Mr. Ward continued stating the station would need access to the internet to highlight the views on-air during the news broadcasts through the day including the Today Show. These views can also be seen on the station, Lewes Police Department, and the City's websites. The request is for BPW to share the estimated \$6,000 equipment and installation costs and the yearly estimated \$1,800 for the internet.

President Alfred stated this will need to be discussed with the Lewes Police Chief before a decision is made. The Charter does not permit BPW to donate or give anything away. The concern is how many other organizations will then have the same request.

Mr. Hoffman stated this would set a precedent. The use of telecommunication towers includes a license agreement that states the user of the tower owns and maintains the tower with usage allowed for a period of time. Questions that need to be addressed include: License agreement; what does the partnering mean for BPW; what is the agreement with WBOC for the camera in Rehoboth Beach?

ACTION: *Mr. Owen made a motion for BPW to not participate with WRDE to place a camera on the Lewes BPW water tower for the following reasons: 1) BPW should not be paying for this type of agreement; 2) Privacy concerns about the zooming camera coming down the streets of Lewes and hacking concerns since this an internet device. Mr. Lee seconded the motion.*

Discussion of the motion:

Mr. Backman stated every internet situation as this is protected by default credentials with hackers only having access for a few seconds. WRDE considers this request to be a promotional opportunity for the station and Lewes.

Mr. Lee stated he does not see any benefit to BPW for providing half the costs. If the station offered to rent space on the tower and would pay a fee, it could be considered. Mr. Lee stated he is not concerned with privacy issues since there are cameras everywhere now. There would be no objection if the City or the Police Department wanted to be involved.

Mr. Kennedy stated he supports the concerns of Mr. Owen and Mr. Lee, would also agree to the leasing of space on the tower, but is not in favor of BPW's financial participation since it would not benefit the rate-payers. This would be a good advertisement for businesses if the Chamber of Commerce wants to be involved.

Mr. Leshar stated he would like to have more information.

Mr. Gordon stated there may be a value in advertising for businesses through the Chamber of Commerce but none for BPW. There is a concern about what the partnership would mean in the future. Space is now being rented on the tower with payments being received and no maintenance required by BPW. One of the most solid and important points of resolutions is there is only one group that BPW gives to that keeps BPW running like a business.

The motion to deny participation passed unanimously.

9. Open forum/general discussion of approval of the Delaware Municipal Electric Corporation (DEMEC) and CPower to be a demand response aggregator in the BPW electric service area. INFORMATION/DISCUSSION (D. Gordon)

Mr. Gordon stated the high school, hospital, and SPI Pharma all have their own demand-response aggregator. Approval will allow CPower to speak with these three organizations about their product that pays large companies when they reduce peak load at certain times. The high school is now looking to renew the contract with their current aggregator.

ACTION: *Mr. Owen made a motion to approve DEMEC and CPower to be a demand response aggregator in the BPW electric service area; Mr. Lee seconded the motion, which passed unanimously.*

10. Open forum/general discussion introducing the PROPOSED 2018/2019 BPW Operating Budget. INFORMATION/DISCUSSION/ACTION (D. Gordon)

President Alfred requested everyone review the proposed budget to contact Mr. Gordon or Mr. Leshner with any questions or requests for changes.

Mr. Gordon stated the official proposal will be presented at the February meeting with any changes requested to be approved in March. Per requirements in the Charter, an approved budget is needed by April 1st.

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

Mr. Gordon reported the following projects:

- George and Lynch have finished the intersection. In one year it will be repaved, for now the temporary paving is good for the year.
- Teal Construction will take the 1812 parking lot sewer line to Front Street past the Inn to turn to the first manhole. Received approval today from DelDOT to go on to Front Street for the new 18" sewer pipe to be installed. DelDOT agreed the signs could be put up last week and work will begin on Monday, January 29th.
- The gravity sewer will be installed on Gills Neck Road with the 4" line services going into the 12" main. This is the reason for cuts in the road. There will be a shutdown for about 1½ hours in the area of Rodaline to Schley on Monday to connect the pipe and install the valves with the same to be done across the street on Tuesday, January 30th.
- There has been a problem with shutting down the restaurants on Neils Aly, so this work will be done at 12:00 A.M Tuesday, January 30th.

Mayor Becker asked Mr. Gordon to check about the resurfacing of the cuts in the road in the area of Freeman Bridge either by DelDOT, the County or BPW.

12. MEETINGS ATTENDED BY BOARD MEMBERS OR STAFF

Mr. Kennedy stated he attended the BPW/City Christmas luncheon; meeting with Mayor Becker on January 13th; PSE meeting on January 16th.

Mr. Leshner stated he attended the SCAT meeting on January 3rd.

Mr. Owen stated he attended the Christmas luncheon; January 23rd BPW workshop meeting.

Mr. Lee stated he attended the Christmas luncheon; Gills Neck Road Project progress meeting.

President Alfred stated everyone attended the January 23rd BPW workshop meeting and the meeting with Mayor Becker on January 13th.

13. BOARD OR STAFF REQUESTS FOR AGENDA ITEMS

President Alfred stated Resolution #18-002 and the budget will be discussed at the February meeting.

14. CALL TO THE PUBLIC

None

15. CALL TO THE PRESS

None

16. EXECUTIVE SESSION

None

17. RETURN TO OPEN SESSION

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

19. ADJOURNMENT

President Alfred adjourned the meeting at 5:30 P.M.

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