

**CITY OF LEWES
BOARD OF PUBLIC WORKS
Regular Meeting Minutes
May 27, 2020**

The Wednesday, May 27, 2020 regular meeting of the Lewes Board of Public Works was held at 4:00 P.M. via Zoom.

1. WELCOME, CALL MEETING TO ORDER

President Lee called the meeting to order at 4:00 P.M.

2. ROLL CALL

Board Members Present:

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

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
Jeremy Johnson, Sargent & Lundy
Eric Hope, Sargent & Lundy
Udit Narayanan, Sargent & Lundy
Bruce Patrick, White Marsh
Paul Peris, White Marsh
Jackie Doherty, Recording Secretary

3. REVISIONS AND/OR DELETIONS TO THE AGENDA

None

7. SWEARING IN OF OFFICERS

Mr. Gordon conducted the swearing in of President Lee and Vice President Owen for their three-year terms.

8. ELECTION OF DIRECTORS OF THE BOARD AND THE DELIGATION OF RESPONSIBILITIES (D. Preston Lee, P.E. President)

<u>Current</u>	<u>Elected</u>
a) President—D. Preston Lee, P.E.	Proposed
b) Vice President—A. Thomas Owen	Proposed
c) Secretary—Robert J. Kennedy, III	Proposed
d) Treasurer—Jack Leshner	Proposed
e) Assistant Treasurer—Thomas Panetta	Proposed

Vice President Owen proposed the following nominations for the Board:

President—D. Preston Lee

Vice President—A. Thomas Owen

Secretary—Robert J. Kennedy, III

Treasurer—Jack Leshner

Assistant Treasurer—Thomas Panetta.

ACTION: *Mr. Kennedy made a motion to accept the nominations; Mr. Panetta seconded the motion, which passed unanimously.*

Delegation of Responsibilities from the May 23, 2018 Board meeting:

Tom Owen—Insurance to include reviewing the City’s current insurance program

Jack Leshner—Assist Mr. Owen in reviewing the City’s current insurance program

Thomas Panetta—Electric, Disaster Mitigation, Sea-Level Rise

Robert Kennedy—Strategic Planning

ACTION: *Mr. Panetta made a motion to accept the list of responsibilities; Mr. Kennedy seconded the motion, which passed unanimously.*

4. CONSENT AGENDA

- a) **Receive the White Marsh Environmental Systems, Inc. Report**
- b) **Receive Vice President Report**
- c) **Receive Secretary Report, approval of minutes April 22, 2020**
- d) **Receive Treasurer Report**
- e) **Receive Assistant Treasurer Report**

Mr. Panetta requested the White Marsh Report be removed from the consent agenda for discussion.

ACTION: *Mr. Panetta made a motion to accept the consent agenda with removal of the White Marsh Report; Mr. Kennedy seconded the motion, which passed unanimously.*

Mr. Panetta stated White Marsh needs to provide more information on tracking nitrogen, phosphorus and biological oxygen demands in the report. Also, a more important interpretation of specific parameters is needed.

President Lee requested Mr. Panetta provide a report with Mr. Gordon to send to White Marsh stating what additional information needs to be included in their report.

Mr. Kennedy asked that a timeline for completion dates of the safety issues be included in the Safety Report.

5. Receive the President’s Report

President Lee stated he had nothing additional to report.

6. Receive the General Manager’s Report: fiscal year 3/31/2020 financial report. Parking Project Update.

No further discussion today.

OLD BUSINESS

9. Open forum/general discussion to receive the Sargent & Lundy Electric System Analysis and Study. INFORMATION/DISCUSSION/ACTION (J. Johnson, Sr. Project Manager, S&L)

Jeremy Johnson, Eric Hope, and Udit Narayanan reviewed the ‘Conclusion’ portion of the Electric System Analysis and Study.

ACTION: *Mr. Panetta made a motion to accept the Sargent and Lundy Electric System Analysis and Study as submitted; Mr. Owen seconded the motion, which passed unanimously.*

10. Open forum/general discussion of Agreement and Memorandum of Understanding for Donovan-Smith MHP Utility Improvements. INFORMATION/DISCUSSION/ACTION (M. Hoffman, D. Gordon)

Mr. Hoffman stated Governor Carney has introduced a Clean Water for Delaware Initiative identifying infrastructure improvements in the Donovan-Smith community. The Donovan-Smith MHP owner has spoken with the State, City of Lewes, and Lewes BPW regarding the improvements. The Memorandum of Understanding (MOU) is close to being finalized with the project being approved by the State and DNREC. Conditions of approval will be included in the MOU to be presented to the Board for review when finalized.

Mr. Hoffman reported that the owner has requested the Board consider allowing for the \$318,575 Sewer District payment to be paid in monthly payments with interest instead of requiring payment of the entire amount. The property owner will be responsible for the utility costs for the next 20 years without raising rents based on these costs.

President Lee stated this is an important project that needs to move forward, but questions why BPW needs to provide a loan when the owner is financially able to pay the full amount and the improvements will increase the value of the property. BPW has provided loans in the past for individual homeowners who could not afford the whole balance payment at one time.

Mayor Becker questioned how this request differs from the agreement with Preston Schell regarding the affordable housing and assistant living projects and spoke about the importance of the project to the recharge areas.

Mr. Hoffman stated conditions of the agreements with Mr. Schell have not been finalized.

Mr. Gordon stated Mr. Schell is required to pay the entire impact fees for his projects without financing.

Mr. Hoffman will present the final agreement and MOU, to include the Board's decisions, for review and approval. No action was required today.

**11. Open forum/general discussion of Forbearance Agreements for Savannah Place.
INFORMATION/DISCUSSION/ACTION (M. Hoffman, D. Gordon)**

Mr. Hoffman reported the resolution was passed in 2017 allowing monthly payments of utility charges for Savannah Place. As part of the resolution, the Board allows the monthly payments subject to a form forbearance agreement. The document being presented today is consistent with the formal agreement that allows forbearance agreements for property owners who want to make monthly payments. This agreement is not limited to Delaware residents.

ACTION: *Mr. Owen made a motion to accept the agreement as presented; Mr. Kennedy seconded the motion, which passed unanimously.*

**12. Open forum/general discussion to receive and accept the Lewes BPW Pole Attachment Agreement and coordination with the City of Lewes for 5G antenna installations.
INFORMATION/DISCUSSION/ACTION (A. Calaman, D. Gordon)**

Mr. Calaman stated the agreement was written for BPW as a member of DEMEC. Work continues to finalize the agreement with details that need to be reviewed by the Board. This agreement has been reviewed by Mayor Becker, City Manager Ann Marie Townshend, and Mr. Hoffman.

Discussion included:

- Agreement to address who pays the relocation costs for aerial to underground sections of the distribution lines; require the contractor to pay these costs as has been done in Seaford and Newark.
- Proof of insurance be required for attachments to infrastructure with notification if the insurance is cancelled.
- Specify that cell phones, 5G, micro-antennas are applicable; dual application process with the City controlling the aesthetics, sizes, placement, clearances; identify the poles owned by BPW and Verizon.
- Limits for providers who want use of the same poles to include Code requirements, height locations, spacing.

Mr. Hoffman stated no action is needed today. He will make the changes to the agreement based on comments today with review and discussion to continue at the June meeting.

NEW BUSINESS

13. Open forum/general discussion of the operations of the Howard Seymour Wastewater Treatment Plant. INFORMATION/DISCUSSION/ACTION (D. Gordon)

President Lee stated he has spoken to White Marsh CEO Bruce O'Connor, who has been very cooperative, to discuss time schedules and working with the possible new operator. Mr. O'Connor sent a request for a disclosure agreement which has been reviewed by Mr. Hoffman.

Mr. Hoffman stated the Board has presented the Root Cause Analysis Report and discussions continue regarding a decision about the replacement of White Marsh.

14. Open forum/general discussion to review the BPW Round Up Plus Program. INFORMATION/DISCUSSION/ACTION (D. Gordon)

Mr. Gordon reported the program has been doing well with a fund total of \$4,800 to \$5,000. These funds are made available to the Community Resource Center, Salvation Army, and Saint Vincent's who make the decision regarding which BPW customers will receive funds to help pay their utility bills. These agencies require the customer to have received a disconnect notice to be eligible.

Mr. Gordon stated they have been following information concerning the impact from COVID-19. There has been a 20% increase in late payments with no late payment fees being charged. Payment plans will be offered to these customers.

After discussion, it was decided to direct Mr. Gordon to include information in bills informing customers of the program and asking for donations. Additional funds will be needed to help customers impacted by COVID-19.

Mr. Gordon stated the information will be sent separately as soon as possible.

15. Open forum/general discussion of coordination with Lewes Mayor and City Council. INFORMATION/DISCUSSION/ACTION (D. Preston Lee, P.E.)

President Lee spoke about the information he sent to be posted on the City's website and the letter he submitted to the Cape Gazette concerning the disagreement with the City. There was to be a meeting on March 24, 2020 that needed to be cancelled due to COVID-19. The Board agreed that the meeting needs to be in person, open to the public, and not virtual because of its importance.

President Lee stated he received an email today from Senator Lopez requesting a meeting with him, Mayor Becker, and Representative Smyk.

Mayor Becker stated the City also wants to have this issue resolved.

16. Open forum/general discussion of a request from Mayor Becker to waive the monthly stormwater charge for the City. INFORMATION/DISCUSSION/ACTION (D. Gordon)

Mayor Becker stated the City is presently being charged a stormwater management service fee for all buildings including those related to the parks. The fee is based on the installation of a water meter. The request is for the Board to consider waiving the \$10 monthly fee for the park areas because these small areas are being charged the same amount as larger buildings such as city hall and the fire department.

President Lee stated the Board will review this request with further discussion at the June meeting.

17. CALL TO THE PUBLIC

None

18. CALL TO THE PRESS

Nick Roth of the Cape Gazette was present.

19. ADJOURN TO EXECUTIVE SESSION

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

20. RETURN TO OPEN SESSION

21. DISCUSSION AND ACTION ON EXECUTIVE SESSION ITEMS, IF APPLICABLE

22. ADJOURNMENT

The meeting adjourned at 6:15 P.M.

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