

Lewes Board of Public Works  
Policy and Resolution Workshop  
August 5, 2021  
107 Franklin Ave

1. WELCOME, CALL MEETING TO ORDER

President Lee called workshop to order at 4:02 P.M.

2. ROLL CALL

Board Members

*D. Preston Lee, P.E.*

*A. Thomas Owen*

*Earl Webb*

*Thomas Panetta*

*Richard Nichols*

Ex-Officio Members

*Theodore Becker, Mayor*

*Austin Calaman, General Manager*

*Michael Hoffman, Legal Counsel*

Others Present

*Sharon Sexton, BPW*

*Joshua Gritton, BPW*

*Madeline Nichols, Ratepayer*

*Kim Bellere, BPW*

*Elizabeth Owen, Ratepayer*

*Ann Marie Townshend, City Manager*

*Kristina Keller, BPW*

3. REVIEW EXISTING AND PROPOSED BPW POLICIES VIA A TRANSPARENT PUBLIC PROCESS.  
(E. WEBB/T. OWEN)

Mr. Owen stated that the reason the BPW is dealing with these policies and resolutions is because of legal advice that the resolutions and policies should be all on one list. Mr. Panetta put together a spreadsheet that Mr. Owen and Mr. Webb reviewed and added to. The first section, 03-001 through 20-002, are resolutions and policies that already on the BPW's webpage. The section below is to be considered to make policies. Mr. Owen stated that the definition of policy and resolution was looked up. Mr. Owen questioned if the resolutions should change to policies or does it make any difference. It was thought that resolutions were more action items and policies could stand up in court better.

Mr. Hoffman stated that at the end of the day they are all policies, and the Board should not be concerned with the definitions. Resolution is the vehicle that adopts the policies. A series of resolutions are written documents within the policies. There is a series of policies that were adopted reflected in the minutes. Mr. Hoffman stated that at the end of the day, the policy is the policy. The general public should have access to a central location of policies. Anytime the Board wants to review, impact fees, requirements of subdivision tying into existing utility system, etc., there would be a single BPW policy document, and to amend the Board would adopt a resolution.

Mr. Hoffman used the city code as an example. Ordinances are the vehicle that change the city code. Resolutions are the vehicle that change the BPW policies, and this document would be the tool to look up the policies.

Mr. Panetta believes that the confusion comes in where a lot of resolutions are single point action items. Mr. Owen stated that the single action resolutions are not on this list. Mr. Panetta suggests moving forward when a resolution is made, move to make a policy, and filed in policy index. Mr. Panetta stated that currently the BPW keeps a resolution index. From an explanatory perspective, policies are ongoing and determine how business is conducted while resolutions can be to approve those policies or for expenditures of money.

Mr. Hoffman agreed that it is a tandem effort. Mr. Hoffman suggested that the BPW get clarity on policies and synthesize resolutions. This allows the BPW to review annually easier or review a single document. Mr. Hoffman continued that the BPW needs to make sure it is a clear list or index.

Mr. Webb referred to Line 30. Mr. Webb stated that there is a policy that a general manger must get approval above a certain amount of dollars. A resolution could come under that policy.

Mr. Owen stated the resolutions that are in the blue are in question if they should be turned in to policies. There are many that are not policy, for example Jones Farm was an action to approve expenditures. Action items not worthwhile to look at from a policy standpoint.

Mr. Hoffman stated that once a resolution is adopted, it is a policy of the BPW. The resolution is just a vehicle. Some resolutions are not to set policy, but just to approve a loan or a purchase. If a resolution is setting a policy, then it is a BPW policy. The resolutions that Mr. Owens has listed are policies and Mr. Hoffman suggests that to turn them into a singular document. Mr. Hoffman continued that there would be a section for underground electric lines and policies associated. Also impact fees, schedule or rates, pipe sizing, requirements for new subdivision, etc. would be compiled it into one document. This would allow for ease to search policy and resolutions.

President Lee questioned that if one vote would be needed to change all the resolutions into policies.

Mr. Hoffman recommends that the next step is preparing that document and a single resolution blessing this document as BPW policies. Once in place, changes can be made via resolution on a singular basis.

President questioned if there was a need to review and clean up the resolutions and policies.

Mr. Hoffman stated that this is the benefit of review of policy. Some may be outdated or the Boards does not follow the policies. Once in a single document, the Board can review and, in the recitals, can site where the policies came from (source) and that this supersedes all prior resolutions referenced there in and becomes a government document. Focusing on updating and tailoring policies.

Mr. Owen referenced possible other policies section. Mr. Owen stated that these are suggestions and sited that there were policies in the handbook that could be pulled out.

Mr. Hoffman suggested tackling what the Board has and get that into an organized structure and then address additions.

Mr. Panetta stated that employee handbook is still up in the air at the moment and should be a subsection of the document. Mr. Panetta stated that everything in employee handbook is a policy.

Mr. Webb stated that item 39 is the employee handbook and should be adopted as often as it comes out and Mr. Panetta agrees. Mayor Becker states that another policy does not need to be created for what is already there.

Mr. Calaman stated that the review of the handbook is being pushed to the September Board Meeting and RKL will be there to present.

Mr. Owen stated that harassment is in the handbook and is not a policy, but whistle blower is designated as a policy. Mr. Hoffman strongly recommends not getting hung up on policy versus resolution.

Mr. Hoffman states there are 3 buckets:

- BPW policy concerning utility system- pipe size etc., affects operation of utilities
- Policies that affect the operation of Board- Bylaws
- Policies that govern the workplace- Handbook

Mr. Hoffman stated do not confuse the three and keep them separate.

Mr. Owen questioned if there was a policy in the employee handbook now, should it be excluded from the list.

Mr. Calaman stated that these policies should be placed into the buckets and employee handbook should be approved as a whole.

Mr. Owen recommends that the Board should look at the ones that are recommended to become policy. Mr. Owen stated that these could possibly be found in other documents elsewhere.

Mr. Owen used Item 1- GM must submit approval for funds as an example. There are resolutions to get approval from the Board for a loan, but nothing specifically said about general manager. Mr. Owen questioned if a policy should be created for that. Mr. Panetta questioned if this was true. Mr. Hoffman stated that are possibly under other policies and may be worth making a policy. Anything related to funding and loans is governed by the charter. At the minimum, the Board must follow the Charter procedure and can add anything to it as long as it does not conflict with the Charter.

Mr. Panetta stated that the Board should be careful not to be redundant. Mr. Owen agrees.

Mr. Webb is questioning threshold under a certain amount and to look at Delaware code that could just be lifted and brought in.

Mayor Becker stated that we need to specify reference to Delaware code. Mr. Webb stated that the Board must be aware if the code changes and the mayor agrees. Mr. Panetta stated that is why it should be listed separately because of a change there would be a conflict.

Mr. Webb stated that the goal is to add clarity and pulling everything together.

President Lee stated that we should start to clean up what the Board has. Mr. Owen would like to look at possible others and report back if worthwhile. Mr. Webb stated that we have a good board. Mr. Webb stated that there should be a customer complaint log and review on a monthly basis. The idea is to make sure complaints being taking care and if looking down the log, you can see what is happening a certain area. Mr. Webb stated that this will give us a look at the DNA of what we do and how we do it. Mr. Nichols stated that a trackable feedback.

Mr. Owen stated that the possible others are ones they could not find in policy/resolution or any other document. Mr. Owen stated that he understands that everything in the handbook is a policy and does not need to be looked at individually. Mr. Webb stated that some lean into a structure rate. Mr. Webb stated that a builder may owe us money and there are certain instruments the Board is able to put in place. Mr. Webb questioned how to take a good policy and how do we make it better. Mr. Webb stated that the BPW has this issue that we do not get all time. Mr. Webb stated the Board needs to find a solution to eliminate issues without creating new ones

President Lee questioned how to move forward, possibly in breaking smaller pieces and discuss at future meeting or meetings.

Mr. Owen stated that the Board should work with the buckets. Mr. Owen stated that the buckets can then be brought to a workshop for feedback. Mr. Panetta questioned if the links were hyperlinked. Mr. Owen confirmed that the resolutions were hyperlinked as well as listed on the website.

Mr. Owen stated not only are the resolutions listed but some discussion that goes along with it.

Mr. Webb stated that the Board could possibly review 3 or 5 a meeting and prioritize the resolutions/policies. Mr. Webb questioned the best way to go about it. Consensus was to prioritize them before the next meeting. Mr. Panetta stated that some resolutions may not be clear as what they were trying to accomplish and reading the text will help to solidify.

Mr. Owen stated that he did not find any that were unclear. Mr. Owen stated that the Board can put "x"s on those to throw out the door. Mr. Panetta stated that some resolutions outdated and repetitive for example the Gasification plant.

Mr. Webb questioned if Mr. Calaman is the best person to work with the technical stuff. Mr. Calaman stated that GMB would be able to provide the specs. Mr. Hoffman stated that he could work with Mr. Calaman and GMB to pull all of this into that single document. Once the document is given to the Board, resolutions will be cross referenced and will aid in the review.

President Lee stated that the specs would be covered by a manual 10 state standards and should check with Mr. O'Donnell if this is updated. Mr. Calaman stated that in 2018, the BPW updated the specs. President Lee stated that the BPW should not be setting slopes, and such but should be using the national standards. Mr. Hoffman stated that if there is a national standard document then the policy can state that the board adopts as set in "x" and identify the document with the following revisions.

Mayor Becker stated that the Board must adopt the version you are doing. The city may skip the 18 and may jump to 21, the latest edition.

President Lee stated that the national standard had been around for decades and assumes it is still around.

Mr. Webb stated that he read that a builder approved a slope of a pipe and was a recent topic for city council. President Lee stated that council should not be deciding the slope of a pipe. Mayor Becker agreed that it was inappropriate and should have deferred to Mr. O'Donnell.

Mr. Webb reviewed plan on the resolutions, outsource more, such as GMB, and review new policies. Mr. Continued that possibly putting them into buckets of "A, B, C, D" .

Mr. Hoffman stated that no action in workshop, just consensus. Mr. Webb questioned if he could send out action items. Mr. Hoffman stated no discussion.

Mr. Panetta questioned how many participants joined via zoom. There were 8 participants.

#### **4. ADJORNMENT**

**ACTION:** *Mr. Owens made a motion to adjourn; Mr. Nichols seconded the motion, which passed unanimously.*

The workshop was adjourned at 4:48 P.M.

Respectfully Submitted  
Sharon Sexton, Administrative Assistant  
Lewes Board of Public Works