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**Resolution No. 19-002**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BOARD OF PUBLIC WORKS OF THE CITY OF LEWES ESTABLISHING A POLICY REGARDING INSTALLATION OF UNDERGROUND ELECTRIC LINES**

**WHEREAS**, Section 4.10, *inter alia*, of the Charter for the Board of Public Works of the City of Lewes (the “Lewes BPW”), being Chapter 10, Volume 77, Laws of Delaware, as amended (the “Lewes BPW Charter”), grants the Lewes BPW authority to enact and adopt such rules and regulations as the Lewes BPW deems proper in order to supply utilities and regulate the connection and access of public utility services within the Lewes BPW’s service area, as defined by the Lewes BPW Charter (the “Service Area”); and

**WHEREAS**, Section 1 of the Lewes BPW Charter defines the Service Area as “the corporate limits of the City of Lewes, the territory beyond such limits authorized in [the Lewes BPW Charter], and any franchised service area”; and

**WHEREAS**, Section 4.20 of the Lewes BPW Charter more specifically authorizes the Lewes BPW to supply utility services to properties located within two (2) miles of the corporate limits of the City of Lewes; and

**WHEREAS**, Section 4.20 of the Lewes BPW Charter further expressly vests authority with the Lewes BPW to “enact and adopt such rules and regulations as the [Lewes BPW] may deem proper in order to supply said utility services”; and

**WHEREAS**, the Lewes BPW does not currently require new or relocated electric service drop lines to be placed underground; and

**WHEREAS**, Title 26, Section 901 of the Delaware Code requires underground installation of all electric lines that furnish electric service to multi-occupancy buildings or to new residential buildings in a subdivision of five (5) or more lots; and

**WHEREAS**, the Board of Directors of the Lewes BPW (the “Board of Directors”) recognizes that overhead electric utility lines detract from the natural beauty of the City of Lewes and the surrounding area; and

**WHEREAS**, the Board of Directors desires to preserve the natural beauty of the City of Lewes and the surrounding area; and

**WHEREAS**, the Board of Directors recognizes that, as compared to overhead electric lines, underground electric lines are safer and less susceptible to damage caused by natural disasters or storms that may result in extended power outages; and

**WHEREAS**, to further these goals, provide a more reliable electric network, and protect the public’s health and safety, the Board of Directors concludes that the Lewes BPW should establish a policy requiring certain electric service drop lines to be placed underground; and

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**WHEREAS**, the Board of Directors deems it is in the best interests of the Lewes BPW utility system and customers, both current and future, to require underground placement of certain newly constructed electric service drop lines, certain existing electric service drop lines that are reinstalled, extended, or relocated, and existing electric drop lines where there is an increase in electric service capacity.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LEWES BOARD OF PUBLIC WORKS, IN SESSION MET THIS 24TH DAY OF APRIL, 2019, THAT:**

**Section 1.** Unless otherwise expressly authorized by the Lewes Board of Public Works, all new electric service drop lines installed within the Lewes Board of Public Works Service Area shall be placed underground. Electric service drop lines shall mean electrical lines that run from an overhead pole to a customer’s building, home, or other premises. Appurtenances and associated equipment such as, but not limited to, surface-mounted terminal boxes and meter cabinets, and terminations for concealed ducts in an underground system, may be placed above ground.

**Section 2.** Unless otherwise expressly authorized by the Lewes Board of Public Works, all existing electric service drop lines may remain provided that when existing electric service drop lines must be relocated, extended, or reinstalled, such electric service drop lines must be placed underground.

**Section 3.** Unless otherwise expressly authorized by the Lewes Board of Public Works, all existing electric service drop lines servicing a building within the Lewes Board of Public Works Service Area must be placed underground when there is an increase in such building’s electric service capacity, or when such building’s electric meter is relocated.

**Section 4.** Use of overhead electric service drop lines shall be permitted if the Board of Directors of the Lewes Board of Public Works, upon consideration of a written request from the impacted property owner, finds that topographical, soil, or other identifiable conditions, physical or economic, make such underground installations unreasonable or impractical.

**Section 5.** This Resolution shall take effect immediately upon its adoption by the Board of Directors of the Lewes Board of Public Works.

93 Adopted by the Board of Directors  
94 Of the Lewes Board of Public Works

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98 I, Robert J. Kennedy, III, Secretary of the Board of Public Works of the City of Lewes,  
99 do hereby certify that the foregoing is a true and correct copy of the Resolution passed by the  
100 Board of Directors of the Lewes BPW at its meeting on April 25, 2019, at which meeting a  
101 quorum was present and voting throughout and the same is still in full force and effect. 7

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Secretary