

City of Lewes
Board of Public Works Special Board
Meeting Minutes
September 9, 2021

The Thursday, September 9, 2021, special board meeting of the Lewes Board of Public Works was held at 9:00 A.M. at City Hall Council Chambers.

1. WELCOME AND PLEDGE OF ALLEGIANCE

President Lee opened the meeting at 9:02 am and led the pledge of allegiance.

2. ROLL CALL

Board Members:

D. Preston Lee, P.E.
A. Thomas Owen
Richard Nichols
Thomas Panetta
Earl Webb

Ex-Officio Members:

Theodore Becker, Mayor
Austin Calaman, General Manager
Michael Hoffman, Legal Counsel

Others:

Sharon Sexton, Executive Assistant
Joshua Gritton, IT
Mike Wolgemuth, Inframark
Nicole Faries, Legal Counsel
Andrew Williams, City Council
Todd Lawson, County Administrator
Laura Oakley, BPW
Susanne Powell, BPW
Tim Ritzert, City Council
Charlie, O'Donnell, GMB
Kristine Keller, BPW

3. EXECUTIVE SESSION

ACTION: *Mr. Owens moved to open executive session. Mr. Nichols seconded the motion, which passed unanimously.*

Moved to executive session at 9:03 am.

ACTION: *Mr. Panetta moved to return to open session. Mr. Owen seconded the motion, which passed unanimously.*

Returned to open session at 9:50 am.

**4. Open forum/general discussion of the wastewater system management.
INFORMATION/DISCUSSION/ACTION (A. Calaman)**

President Lee requested that Mr. Wolgemuth review recent event from Aug 13-16, 2021.

Mr. Wolgemuth stated:

- Issue with pump one was discovered late Friday morning. Pump one was not pumping. This pump station is checked every day. No clog up top.
- Determined that the clog was in the suction well.
- Called United Rental for a diesel pump and received it at 5:30 pm and decided not to install.
- Early Sunday morning, August 15th, received heavy rain and pump could not keep up.
- Richard Plack on call and called BPW to assist with getting bypass pump hooked up.
- Bypass pump was hooked up later that morning. Level returned to normal and was keeping up.
- Several hours later the coupling broke on diesel pump and led to the backup where it was discharged into the canal.
- Root Cause analysis in in rough draft. The Board has seen the draft.
- Mr. Nichols questioned the 57% increase in flow. Mr. Wolgemuth stated that the BPW was taking some of the county's flow in 2017(Severn Trent) but not as much now. Numbers were an estimate and will go back to get a more accurate number.
- Mr. Calaman stated that the county flow was not hooked up until 2019. BPW was accepting from the force main into the gravity, into pump station four. Data from Severn Trent was just the BPW flows. Peak flows in summertime and did not have normalization in winter.
- Mr. Panetta stated that Mr. Wolgemuth will look at annual and seasonal because numbers are skewed. Waiting on more info from Inframark.
- Mr. Owen stated that biggest concern is staffing and the ability. Mr. Wolgemuth stated that staffing is main focus. Inframark currently has three full time employees and one part time employee on the weekends. An offer made to another candidate.
- Mr. Wolgemuth has been bringing a mechanic from Elkton three days a week to help with preventative maintenance.
- Mr. Wolgemuth stated that he is spending half time at the wastewater plant.
- Mr. Webb questioned that an alarm system turned off but could see diminished flow. Mr. Wolgemuth stated that was correct. Mr. Webb questioned if alarm system would be beneficial to know that the flow is diminished.
- Mr. Wolgemuth stated that there are two pump stations, 4 and 8, that currently flow into the wastewater treatment plant. It is normal that they do not pump for periods throughout the night and at some point, to drop to zero. Mr. Wolgemuth stated the graph looked off and noticed diminished flow. It would be difficult to install alarm.
- Mr. Webb questioned leaving the pump station unmanned in the future. Mr. Wolgemuth stated that it will be manned in an event like this.
- Mr. Webb questioned other operations and their response time and what metrics are used. Mr. Wolgemuth stated; As per employee handbook, employee must be onsite within the

hour of receiving a call. Mr. Webb stated that those people from Elkton or Lancaster, that this is not feasible. Mr. Wolgemuth stated that they are not permanent employees and those that are hired, must live within 35-40 minutes of plant.

- Mr. Panetta questioned where the BPW full time employees live? Mr. Wolgemuth stated that they live in Seaford, Ocean View, and Milford.
- Mr. Webb questioned the communication package and if it had been reviewed recently and if any changes needed to be made. Mr. Wolgemuth was not familiar, and SOPs have not been produced yet. Mr. Wolgemuth stated it is on the list to complete along with Emergency Action Plan. Mr. Webb stated that these procedures could be helpful to understand whether within requirements.
- President Lee stated that Mr. Wolgemuth did not understand DNREC requirements for responding. Mr. Wolgemuth stated that his understanding was from Pennsylvania and email can be used and is less of a formalized communication. Five-day report was submitted with facts and amount discharged and believed that the requirement was met. Mr. Wolgemuth stated that it is generally a management function and did not consult with anyone at that time.
- Mr. Webb questioned what things would be done different. Mr. Wolgemuth stated that the bypass would have been set up Friday night. If Godwin was called instead of United Rental, Godwin would have sent a crew to set up pump. Mr. Wolgemuth would have used a different provider to get the pump hooked up.
- Mr. Webb questioned communication perspective. Mr. Wolgemuth stated that he should have notified Mr. Calaman of issue on Friday. Mr. Wolgemuth stated that if coverage could not be secured, he should have stayed.
- Mr. Webb questioned the decision process. Mr. Wolgemuth stated that notifying Mr. Calaman would allow to have the water department on site if needed. Mr. Calaman and Mr. Plack were onsite all night.
- Mr. Wolgemuth stated Mr. Plack made an assumption that the pump would continue to run.
- Mr. Webb questioned if there were any technical solutions that can be done in the future? Mr. Wolgemuth stated that critical equipment was submerge and turned off the breakers.
- President Lee questioned if rental pumps have a sensor or run all the time. Mr. Wolgemuth stated that the rental pumps have floats, and on/off. No high level alarm. There is an option to rent ones with cellular dialer for high alarms. Did not foresee it being required.
- Mr. Webb questioned the initial assessment and if Mr. Wolgemuth would have done something different. Mr. Wolgemuth stated that Inframark should have gone to every pump station, they did not. It was difficult to assess the condition of headworks. There were only seven sludge drying beds during walk through and three have been added.
- Mr. Nichols stated that the report mentioned prior to April of 2021 there was no clogging, but clogging was noticed at that time. What was noticed? Mr. Wolgemuth stated that pump one was getting clogged and pump two was not. Entire wet well was cleaned. After that time, pump one was clogged again and had to bypass and utilize vac truck. Determined that because of the influent pipe was pointed at the suction pipe, the flow was pushing all rags toward pump. At that time, decided to run pump two as the lead. Mr. Wolgemuth did report that this was the strategy. Inframark and BPW has not pursued fixing wet well, more of an engineering issue. Both pumps have two 90s and is not ideal. Notified BPW of the issue and pump one would only come on in high flow situation. Mr. Nichols questioned if that is what happened on August 13th. Mr. Wolgemuth stated that it was not a high flow situation and not sure why pump one came on.

- Mr. Calaman stated that they are having discussions with GMB, possible aeration situation to continuously move the ragging and looking at the elbows. Option to eliminate a 90 with the use of a T that would allow for an easy clean out with a jet truck
- Mr. Webb questioned if the county was not there, would it have been worse? Mr. Wolgemuth stated that the county pulled from pump station three wet well. Pump station three is a large collection system, gave relief. The county has a 3500-gallon vac truck and pulled three loads, discharging at the wastewater plant.
- Mr. Webb stated that he reviewed board meetings, most of time and energy spent looking at WWTP and never saw an action. Mr. Wolgemuth stated that he requested a review of the pump station control and discussed with Mr. Gordon and looking at as a project. Mr. Wolgemuth put together a list of spare pumps that we need with pricing. Mr. Wolgemuth stated that he did not request to board.

5. Open forum/general discussion to update the Lewes BPW COVID-19 policy. INFORMATION/DISCUSSION/ACTION (P. Lee)

Mr. Calaman stated that it is an ongoing policy that the city has updated and the BPW had followed suit enacted in June. The policy refers to the use of sick time and how/when someone is asked to stay home. President Lee stated that the city has reviewed with the Lewes Board of Health and requested Mayor Becker give an overview.

Mayor Becker stated that Ms. Townshend has announced to city employees that this policy will go into effect on Monday, September 13, 2021. President Lee questioned what the Board of Health recommended. Mayor Becker stated that the Board of Health encourages people to get vaccinated. Employees must provide information about vaccination status and for those unvaccinated, they are required test weekly. The city intends to offer a vaccination clinic, either onsite or at the hospital if they choose to get vaccinated.

Mr. Calaman questioned if the weekly testing only pertained to the unvaccinated. Mayor Becker stated that those vaccinated with no symptoms had no requirement.

Mr. Webb questioned if it was in line with the what the state was doing. Mayor Becker stated that it was recommended by Dr. Cowan and in line with what the state is doing.

Mr. Calaman that it is a concern from BPW employees that both vaccinated and unvaccinated can transmit Covid the same. The question is: should everyone be tested the same? President Lee stated that the Board received four anonymous letters from employees with concerns. One letter was like one the city received and other three had similar concerns. Mayor Becker questioned if letters were from citizens or employees. President Lee stated that the letters were from employees and the biggest concern was that the vaccinated would not be tested even though they could transmit COVID. Mayor Becker stated that it did not come up in discussion with Dr. Cowan.

Mr. Webb stated that at the gym, there is a thermometer scanner and questioned if the BPW could implement something similar. Mr. Calaman stated the city currently has one mounted and Mayor Becker stated that it could be utilized.

Mr. Panetta stated that he would like Dr. Cowan's opinion on testing for the vaccinated and the unvaccinated and may help to alleviate some concern.

Mr. Webb stated that there was strong opposition to receiving shot from employees when he spoke with them.

Mr. Webb reached out to four prior board members and their perspective. Jack Leshar shared that he went to hospital March prior to the vaccine being available and was diagnosed with bleeding in the brain. The doctors believed that it was attributed to COVID. Mr. Leshar has a strong belief in vaccine. Mr. Webb stated that he struggled with the choice and has come to support this process. Mr. Webb would be interested in using the scanner camera to make sure temperature was not elevated.

President Lee stated that Delaware Department of Health and city's Board of Health is recommending the vaccine or testing. President Lee stated that the use of a monitor as employees come in is a good idea. Mayor Becker stated that the monitors should be readily available. Mr. Webb stated that this would benefit those who are asymptomatic and vaccinated without having to test. Mr. Panetta stated that two questions should be directed to Dr. Cowan: Is it appropriate to not be tested if vaccinated and is a temperature check effective?

President Lee questioned if Mr. Panetta is suggesting waiting on a decision. Mr. Panetta stated that the policy can be revised down the line. President Lee stated that the board should move forward and revise as needed. Mr. Panetta agreed.

Mayor Becker stated that he understands the concern and that four employees have been out with COVID, one vaccinated and three unvaccinated.

President Lee stated that the BPW is a small organization and COVID would be devastating to the BPW and is important to protect employees and the ratepayers.

Mr. Owen would like to put policy into practice now with caveat for a screening.

Mr. Webb questioned where are swabbings done. Mayor Becker stated that the hospital and Aspira does the test. Aspira will charge. Mayor Becker stated that one could use their own doctor. Mr. Panetta stated that the test Beebe uses, the results are available in 3-4 hours.

Mr. Webb questioned if employees could leave early to get the test completed. Mayor Becker stated that this policy does not call for this.

ACTION: *Mr. Owen made a motion to accept the COVID-19 policy adopted by the city and continue to look into ways to improve from a medical standpoint. Mr. Nichols seconded the motion, which passed unanimously.*

**6. Open forum/general discussion of the Franklin Avenue/Church Parking Lot project.
INFORMATION/DISCUSSION/ACTION (A. Calaman)**

President Lee stated that the Board is holding off on this topic. Mayor Becker stated that the Board is waiting for more information. No action needed at this time. Mr. Calaman stated that he has notified GMB.

Mayor Becker stated that this was presented as a possible item. Mayor Becker stated that holding off is probably appropriate.

Mr. Calaman stated that the BPW was going to do this project in 2019/2020 and secured easement from the church. The project was put out to bid and engineer estimate was 50% cost of actual construction estimate. The project did not make financial sense at the time.

Mayor Becker stated to address shortage of parking, the city is encouraging employees to use Franklin/Schley parking lot during business hours.

Mr. Calaman stated that porous material would be used and both organizations, public, and church could use the parking spaces. Mayor Becker stated BPW and city likely to share cost since both would benefit.

**7. Open forum/general discussion of the Utility Complex Project.
INFORMATION/DISCUSSION/ACTION (A. Calaman)**

Mr. Calaman would look at the whole utility complex; both BPW and city properties and ways to gain efficiencies. Ann Marie Townshend, Mayor Becker, Tom Panetta, Richard Nichols, and GMB all involved. President Lee would like to wait until October to meet.

Mr. Calaman stated that he would like to look at what the BPW has existing, what the BPW would like to gain and unutilized area. The Board will discuss and bring to the meeting. President Lee stated that there is an aerial photograph and will send a copy to the city. The city will look to see what they would like to gain and come together in the meeting in October.

Mr. Panetta stated that the BPW will put together a requirements document for the future and if the city does the same, then the documents can be merged. Look to present to board at October Board Meeting.

**8. Open forum/general discussion on the Lewes Waterfront Preserve developers' agreement.
INFORMATION/DISCUSSION/ACTION (M. Hoffman and A. Calaman)**

Mr. Calaman stated that there was a meeting with Bob Sipple, developer for Lewes Waterfront Preserve. Mr. Sipple had questions concerning the cost share and will be in to execute the developer's agreement. The city will execute following Mr. Sipple and the BPW will be last to execute. Mr. Sipple will bring in escrow money as well.

Mr. Hoffman stated that the Board had approved the agreement in June and the agreement itself has not changed. The costs were updated and the exhibit that outlines cost. No action needs to be taken since the board has already approved the agreement. It is an actual cost contract.

**9. Open Forum/general discussion on the MOU for the Donovan Smith MHP utility project.
INFORMATION/DISCUSSION/ACTION (M. Hoffman)**

Mr. Hoffman states that MOU was approved by the Board in June 2020. Since the MOU, DNREC and Division of Health of Social Services (DHSS) have approved the MOU. The delay is getting the property owner to approve the MOU. The mortgage lender needs to approve the MOU. The lender has granted conditional approval to execute the MOU. The property owner is requesting a change to section 10 of the MOU. Section 10 provides that cost and expenditures associated with the MOU cannot for the basis of rent justification. Section 10 provides that during the funding period, Donovan Smith MHP owner shall not utilize or rely upon, directly or

indirectly, the utility improvements, loan interest, utility charges, sewer district capital improvement costs as defined in section 14 herein, or any cost or assessment contemplated as a basis for rent justification. The property owner has requested that this not be open ended and revised and to include specific defined terms. Also requested the heading to be changed to limits on rent justification.

Mr. Hoffman reminded the board of the structure of this arrangement. The BPW will be getting a loan from DNREC and DHSS to cover the cost of construction. After construction is complete, the principal of that loan will be forgiven. As a condition of the loan for loan forgiveness, the state has imposed requirements of the property owner. Ultimately, the Board is the middleman, acquiring the loan, completing the construction, and connecting the utilities. It is the State that is setting the conditions in terms of rent justification. Because these are the state's conditions, it is up to the state if they are okay with an open-ended term.

Mr. Hoffman's recommendation is for the Board to reaffirm approval of MOU and authorize direct staff to work with DNREC and DHSS to revise MOU and associated documents consistent with final conditions. If DNREC and DHSS are comfortable with requested change, no reason to object. DNREC and DHSS is currently taking that request under advisement. No conclusion.

Mr. Hoffman states that MOU does contemplate easement and the BPW needs the easements for utilities. Mr. Hoffman recommends drafting documentation now since the lender is engaged.

Mayor Becker stated that this will trigger annexation. Residents, BPW, and they city are anxious to complete this project.

ACTION: *Mr. Owen motioned to reaffirm approval of the MOU with Donovan Smith MHP, DNREC, and DHSS, Division of public health and authorize direct staff to work with DNREC and DHSS to revise the MOU and associated documents consistent with DNREC and DHSS conclusions, as to the final conditions of loan, as well to direct staff to prepare easement documentation for related utilities. Mr. Nichols seconded motion, which passed unanimously.*

**10. Open forum/general discussion on the acceptance of the General Manager's contract.
INFORMATION/DISCUSSION/ACTION (P. Lee)**

President Lee stated that this should have been approved at previous board meeting. President Lee suggested that Mr. Calaman's general manager contract should be accepted and that the salary be adjusted retroactively from his start date in that position. The Board agrees.

ACTION: *Mr. Owen motion to accept general manager contract and approve it retroactively to last meeting. Mr. Panetta seconded the motion, which passed unanimously.*

**11. Open forum/general discussion to schedule Lewes BPW policy workshop.
INFORMATION/DISCUSSION/ACTION (Earl Webb)**

Mr. Webb asked the board to read through the policies and decide if there are other ones that need to be discussed. Mr. Webb recommended sending to Josh to compile into an excel file. This is an opportunity how we want to manage this process and business moving forward. Mr. Webb will send out the list and schedule a workshop.

President Lee suggested that the board send their comments in the next two weeks to Josh. President Lee stated having the policies to guide Mr. Calaman makes his job easier.

Mr. Calaman suggested scheduling workshop at next board meeting.

M. Webb stated that he is mindful of project approval and rate study that was completed. Mr. Webb does not feel comfortable approving the reserve policy with rising cost. Mr. Webb requests to take action at next meeting on increase of rates. In 2020 it was approved to reduce electrical cost by 20%. Mr. Webb would like to go through expenses and rate study to determine what action is needed.

President Lee would like to put the workshop on the agenda for discussion. Mr. Webb stated that the board needs to put in a plan for expenses, reassess costs, and approve the budget. Mr. Owen stated that a workshop may be needed. Mr. Calaman stated that if modifying all of it, throws off the rate study. The rate study was based off December 2020 to January 2021. Mr. Webb stated that the board should look at projects within that window.

Mr. Calaman suggested that this be discussed via workshop and ask Dawn Lund to reevaluate. Mr. Owen stated that the board should consider the workshop and updating budget to include up to date projects. Mr. Owen agreed to send new information to Dawn Lund. Mr. Panetta stated that the board must be mindful of narrowing the window and electrical expenses down the road. President Lee would like to add the workshop to this month's agenda.

Call to Public/Press

None.

Mr. Owen questioned if the board would like to schedule a workshop with Hans and the county for Mutual Aid. The mutual aid workshop will be scheduled September 20th or 21st. Mr. Calaman will check with the county to see what date works for them.

12. EXECUTIVE SESSION

ACTION: *Mr. Owen motioned to adjourn to executive session. Mr. Nichols seconded the motion, which passed unanimously.*

The Board entered executive session at 11:08 A.M.

13. RETURN TO OPEN SESSION

ACTION: *Mr. Owen motioned to return to open session. Mr. Nichols seconded the motion, which passed unanimously.*

The Board returned to open session at 12:14 P.M.

14. DISCUSSION AND ACTION ON ITEMS FROM EXECUTIVE SESSION, IF APPLICABLE.

None.

15. ADJOURNMENT

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

President Lee adjourned the meeting at 12:14 P.M.

Respectfully Submitted
Sharon Sexton
Executive Assistant