

Lewes BPW and Mayor & City Council
August 29, 2022, 5:00 pm
Joint Meeting

The Monday, August 29, 2022, joint City of Lewes and BPW meeting was held at the Margaret Rollins Center at 5:00pm.

1. Welcome and call the meeting to order.

Mayor Williams called the meeting to order at 5:00pm.

2. Roll Call.

BPW Board Members

Thomas Panetta, President
D. Preston Lee, P.E.
Richard Nichols, Treasurer
A. Thomas Owen, Asst. Treasurer

City Council Members

Mayor Andrew Williams
Khalil Saliba, councilperson
Timothy Ritzert, councilperson
Carolyn Jones, councilperson
Candace Vessella, councilperson

BPW Ex-Officio Members

Austin Calaman, General Manager
Robin Davis, Asst. General Manager
Michael Hoffman, Legal Counsel

City Ex-Officio Members

Ann Marie Townshend, City Manager
Glen Mandalas, Legal Counsel

Others

Charlie O'Donnell, GMB
Ellen Lorrain McCabe, City of Lewes
Michael Wolgemuth, Inframark
Kimberly Bellere, BPW
Charlie Steiner, plumbing inspector
Barbara Curtis
John Robitaille, City of Lewes
Ed Tessein
Aaron Mush rush, Cape Gazette
Blue Jade, City of Lewes
Sharon Sexton, BPW

3. Discussion about transfer of plumbing inspections from the BPW to the City of Lewes.

Mr. Calaman stated that the Board has been working on compiling current policies into a centralized document. With this, the Board is looking at current plumbing applications and the history of plumbing inspections. Chapter 145 of the city code does not tie to any existing BPW policies. Chapter 145 says that BPW is in the supervisory role of all plumbing inspections. Minutes were provided where the plumbing fee was established and where the inspection role was changed to an outside contractor versus an internal position. The question is the process of

plumbing inspections. The BPW currently does not have a policy. The fee has not been changed since 1983. The plumbing permit is 25% of the building permit. The plumber license fee is \$10.

Ms. Jones questioned the justification for keeping the plumbing inspections with the BPW. Mr. Calaman confirmed the city code only refers to the BPW as a supervisory role and no other documentation.

Mayor Williams questioned what is the cost to the BPW and do the fees cover the cost? Mr. Calaman stated that 70% goes to plumbing inspector and the 30% goes to administrative cost. Ms. Townshend stated that John Robitaille is present and would take on the responsibility if the city takes on plumbing permits. Ms. Townshend spoke with State of Delaware, Division of Public Health plumbing inspections and most municipalities in Kent and Sussex, the state performs the plumbing inspections. It is a possibility to send a letter to the state and request the state to take on that responsibility.

Mr. Ritzert questioned what the fee structure is with the state. Ms. Townsend stated that the state charges \$100 for three inspections. Mr. Davis stated that it is \$50 for additional inspections.

Charlie Steiner, plumbing inspector for BPW is present.

Mr. Calaman stated that the BPW is responsible for property line, curb stop, and clean out. The unique situation is that Mr. Steiner is inspecting internals of the property four or five feet from the property line. Mayor Williams questioned the reason the municipality would not take it on or was initially charged to the city. Ms. Townsend stated that she investigated back to the mid-1960s minutes and was unable to find any explanation to the system. Ms. Townsend stated that it is odd that the BPW is doing interior plumbing inspections. Mr. Calaman stated that he was unable to find other municipalities that operated this way.

Mr. Calaman stated that this topic is just to be a conversation and presenting facts. Mayor Williams stated that for the city to take responsibility would require a code change.

Mr. Ritzert questioned the focus of the BPW, interior or exterior infrastructure. Mr. Calaman stated that the BPW does a trench inspection when service is installed. When the meter is installed, it is a separate inspection. The BPW concern is from the main to the clean out or curb stop. All external. The trench from the meter pit to the house is usually open at the time of inspection. It is not required to be open. Ms. Townsend questioned if the trench is inspected. Mr. Calaman stated that it does not make sense to backfill half of the trench, so Mr. Foraker, water supervisor, inspects the trench when he is there.

Mr. Ritzert questioned what the trench is inspected for. Mr. Calaman stated that it is inspected for depth and the lateral being installed correctly, per plan. President Panetta stated that the water and sewer is separate and is under the same inspection. Mr. Ritzert stated that the chances are that the inspection for both water and sewer will be done at the same time but could be separate.

Mr. Ritzert stated that the meter pit installation is at the expense of the property owner/builder and the meter at the BPW's expense. Mr. Ritzert questioned the piece that runs out from the

meter pit toward the structure. Mr. Calaman stated that it is a service line and runs all the way to the structure. Mr. Davis stated on the sewer side there is a clean but is no stub out. At the meter pit there is male adapter that the plumber ties into. Mr. Ritzert questioned if the meter pit is installed on a city right-of-way. Mr. Davis stated that the meter pit and 100% of the lateral is on private property, but the curb stop is in the right-of-way.

Mr. Robitaille, City of Lewes Building Official, stated that in past experience at Newcastle, the municipality did everything from the from the house to the curb regarding inspection. Mayor Williams questioned the how Newcastle calculated fees. Mr. Robitaille stated that some services were a straight fee while others were a percentage. Mr. Robitaille will research the fees. Ms. Townsend stated that another way to calculate fees is by fixture count.

Mr. Ritzert stated that there is an inspection for geothermal heat pumps and questioned if the BPW is going to abandon this practice. Mr. Steiner stated that the permit goes through DNREC. Mr. Calaman stated that the BPW does not do a field inspection. The permit comes to the BPW is signed off on and sent to DNREC.

Mayor Williams stated that the city needs a concept of how to charge fees and look at this at a future workshop. Ms. Townsend suggests setting a date for a transition, even if the inspections will be done by the state. The city would possibly hire someone or contract out until fully staffed. The city would not have to hire if went the state. Mr. Robitaille has the ICC, International Code Council, certification for plumbing plan review, residential plumbing inspection, and commercial plumbing inspection.

Mr. Ritzert questioned who presently the reviews the plumbing plans. Mr. Steiner stated that there is a permit submitted and some plans are submitted based on the scope of work. Mr. Steiner does the plan review, and all inspections are done onsite. President Panetta stated that there are not always plans for everything, but a description in the permit. Mr. Steiner stated that isometric drawings are not required by the state for residential plumbing plans.

Mr. Davis stated that by the Delaware Code, all plumbing inspectors must be practical with ten years' experience, skilled, and well trained in matters pertaining to plumbing and sanitation generally. Mayor Williams questioned if Mr. Robitaille had ten years of experience. Mr. Robitaille stated that he has ten years of experience.

Mr. Ritzert questioned Ms. Townsend if the stated would be able to handle the inspection load. No concern was expressed. Mr. Steiner stated that the state has come out with new system and a request for inspection must be emailed. The state is doing a lot of subbing out to First State Inspection.

4. Discussion of City of Lewes and BPW facility needs.

Mayor Williams stated that there have been meetings with Senator Carper and Senator Coons and have made it known that the Army Reserve facility is a desire. Ms. Townshend stated that under the MOU the city and the BPW are to work on a master plan for Schley Avenue which is hard to do when the Army Reserve is unknown. There will be more functional space with the Army Reserve facility. President Panetta stated that space needs for the city and the BPW need

to be determined, no matter the location. Mayor Williams suggested forming an ad hoc committee between the city and the BPW with citizen participation. President Panetta stated with the Mitigation and Finance Committees just starting the BPW is stretched thin. Mr. O'Donnell agrees that determining square footage needs is the first step and that the obtaining the Army Reserve is a major piece to the puzzle. Ms. Townshend stated that another factor is the equipment needs now and what is anticipated in the future in terms of growth. Mr. Calaman this will be difficult because of the current market and stockpiling inventory. The buildings are older and need to be modified to house the newer equipment. The question is at what point do you stop modifying and demolish the building. Mr. Lee stated that the battery storage project may be back on and will be utilizing the old power plant building. Mr. Calaman stated that the old power plant building currently is used for storage and that equipment and material will need to be relocated.

Mayor Williams reported that Senator Carper stated that there will be no news on the Army Reserve property for at least another month. Mayor Williams suggested that in the interim, the entities should find what the footprint is for the BPW and the city. If nothing is heard in the next month it would be a couple of years. The BPW and the city will work to get a more current inventory.

5. **Discussion of stormwater grant and project scope and funding for Lewes Beach Storm Water Study.**

Mr. O'Donnell stated that the city applied for a surface water matching planning grant, and it was awarded for \$35,000. The BPW and the city will pay \$17,500 each. The project scope will focus on stormwater management on the Beach side, from Savannah Road to Roosevelt Inlet. The study will coordinate all the efforts and data collected to come up with problem areas, and potential areas can be used for green BMP (best management practices) solutions.

There is tremendous topography data between the city, BPW, and GMB and can be augmented with drone aerial survey work. Mr. Calaman will be able to access the DelDot database for infrastructure and GMB will add this data to the base plan. The base plan will be used to investigate during light, medium, and heavy storm events to determine where the worst areas are ideal for locations for the BMPs. There will be a report that will be presented to the BPW and the city.

Mr. Owen questioned if the state has committed to the \$35,000. Mr. O'Donnell confirmed that the state has awarded the matching planning grant.

Ms. Townshend stated that the city would be the grant recipient and will manage the grant. The city will pay it and bill the BPW for half.

Ms. Townshend stated that it is hard to identify solutions until the problem areas are determined. Bay avenue was a good candidate for porous asphalt and is true for the connecting streets until Cedar Street. The underlying soil changes closer to the beach.

Mayor Williams questioned if there will there be money available through grants for the solutions. Mr. O'Donnell stated that it is difficult to get grant money inside the City of Lewes. Mayor Williams questioned if this was an issue concerning the equity of access to the beaches. Mr. O'Donnell stated that this is an evacuation route. Ms. Townshend stated that anything that is quality improvement and could be potential grant money.

Mayor Williams questioned when will the study commence. GMB will provide Ms. Townshend a proposal and once signed, GMB will start immediately. Ms. Townshend stated that mid-September is the potential start date. Mayor Williams stated that there is some surveying on the beach and recommends sending out a notice to the public. Mr. O'Donnell stated that there is a lot of data already and would wait to send out a notice until additional surveying is needed.

Mr. Lee reminded Mr. O'Donnell of BPW needs regarding surveying and Cedar Street as there is water and sewer project in the budget. Mr. O'Donnell stated that a lot of the data GMB already has is from that project. This is a great time to do this study because of the BPW and city projects that will be done over the next 5-10 years.

6. Discussion of BPW Mitigation and Finance Committees.

Mr. Lee stated that Mitigation Committee is looking specifically at the utilities and how the assets will be affected by seal level rise and more frequent storms. The committee is using 2050 as the design year and is finalizing the design elevation. The committee came up with an elevation similar to the elevation GHD was designing to. The next meeting is Wednesday, August 31st and the committee will be discussing storm intensities, wind, etc. The committee will be putting together policies and programs and preparing a mitigation plan to recommend to the Board. Going forward the question will be when to start implementing the design.

Mayor Williams questioned how often the Mitigation Committee is meeting. Mr. Lee stated that typically every three to four weeks. President Panetta encourages the public to review the minutes. Cape Gazette published an article, and some things were not 100% correct.

President Panetta questioned where the city is at with the results of the Executive Committee and public hearings. Ms. Townshend stated that Mr. Mandalas was to start work on real estate disclosure and the city needs to work on a plan to move forward with the resiliency fund. There needs to be public input. Ms. Townshend anticipates setting dates after the summer. A hearing would look for public feedback and there needs to be more information before holding a hearing. Mr. Lee suggests the Mitigation Committee would work with the city in the next few months

The first Finance Committee meeting was at the end of July and has reviewed key financial documents. The next Finance Committee meeting will be held Thursday, September 1st. The Finance Committee is working on a scenario analysis and four different forecasts over ten years. By analyzing those scenarios with several derivatives, the committee will come to an expected forecast with cash flow positives and cash negatives. The committee will look at each division as an independent entity. The committee will then look into the policies. Mr. Calaman stated that

this will provide a benchmark how to fund that source. This will allow to see shortfalls of an utility and align investments with the needs of each utility.

Electric, water, stormwater, and sewer are separate.

7. **Discussion of progress made on implementation of the MOU between the city of Lewes and BPW.**

Mayor Williams stated this is a review of the MOU and to check the status of working towards those agreements.

1. Charter Amendment- Extension of the Utility Services Outside City Boundaries.

Mayor Williams is under the understanding that the city and the BPW are currently following this amendment. Recently the city has annexed Donovan Smith Mobile Home Park into the city and given permission to the BPW to serve Donovan Smith Mobile Home Park.

2. Charter Amendment- BPW Authority to Sue and Be Sued.

The city and the BPW have made this change.

3. Waiver of Building/Construction Permit Fees and Inspection Fees.

Mayor Williams suggested reviewing this if the city does take over the plumbing inspections. Ms. Townshend questioned if the BPW was obtaining permits for street cuts. Mr. Calaman stated that the BPW does the best it can because there are emergencies and sometimes after hours.

Needs to be monitored.

4. Reestablishment of Capital Projects Committee

The city has reestablished the Capital Projects Committee. Ms. Townshend questioned who the representative for the BPW is. Austin Calaman the representative. Mayor Williams questioned if the language should be changed to include a BPW Board member. Ms. Townshend stated that the next Capital Projects Committee meeting is set for September 15th at 9am. Mr. Calaman stated that if he is unable to attend, the Mr. Davis goes, but both usually attend the meeting. Mr. Lee stated that since the committee is made up of council people, then the BPW representative should be a Board member. Mr. Mandalas feels that an update to the MOU is not needed unless the BPW does. The BPW will select a Board member at the next BPW regular meeting to join the Capital Projects Committee.

5. Waiver of Fees

The construction of the bathroom has been the only project that applies to this item. There was no invoice.

6. Review of Stormwater Fee Structure

Mr. Calaman and Mr. O'Donnell have discussed this topic and there will be a Board discussion on how to modify the stormwater fee structure. The fee structure has not been adjusted since early 2000's. President Panetta stated that the stormwater fee is per water meter. Mayor Williams stated that in Donovan Smith Mobile Home Park, there are only two meters and there are 80 homes. Donovan Smith Mobile Home Park and Lewes Beach does not have stormwater but because there are collective areas in the city where there is stormwater management. Mayor Williams suggests reviewing the stormwater fee. President Panetta stated that there is no database and the cost of implementing something more equitable would be more money for everyone. Mr. Calaman stated that it would have to be a conjunction effort with the city because the BPW is not involved with agreements.

Ms. Townshend stated that if the BPW does something derivative of lot coverage, it would require strong coordination with the building official's office and be based off permits. Things may be missed if permits are not submitted.

Mr. O'Donnell stated that the Finance Committee will discover whether the stormwater is sustainable on its own or not. Mr. Ritzert questioned if the stormwater fee is kept in a separate account and accruing or the general operating fund. Mr. Calaman stated that the BPW accounts for the stormwater fees but also utilizes the money for asset improvements and routine maintenance. Generally the stormwater utility is losing money every year and funded by another utility.

7. Compliance with Zoning Laws

Ms. Townshend stated that this has not happened recently. There were some complaints near the Schley properties. Per the code, public utility service facilities are mostly permitted in any zone. If a facility is built the appropriate screening will be done. President Panetta stated that Schley Avenue initiated the zoning discussion because of the residential zone and is largely industrial. Ms. Townshend stated that the code is clear that public utility uses are allowed and that both entities should hold each to the standards that others are held to.

8. Schley Avenue Property Master Plan

Work still to be done. Discussed earlier and will be revisited.

9. Use of Porous pavement

Mayor Williams stated that the city has not adopted anything in the code to require porous pavement yet. This will be revisited if or when this happens.

10. Title to Real Estate

Mayor Williams stated that the city and the BPW have gone through this process. Ms. Townshend stated that all properties have be re-titled except for the wastewater treatment plant areas. A parcel needs to be subdivided out and Atlantic Surveying and Mapping will be onsite this week.

Mayor Williams questioned if these assets have a mutual benefit. Ms. Townshend stated that any asset that has a utility benefit even if there is not a municipal benefit is jointly titled. Mr. Lee stated that these properties are properties that BPW paid for. And the Board was not on the titles at all.

Mayor Williams questioned properties going forward, like the tidal floodgates. Ms. Townshend stated this will be on city land and the Board has not agreed to take over maintenance. President Panetta stated the most recent property was the Jones Farm and was jointly titled.

Mr. Hoffman clarified that the MOU concluded that the wastewater treatment facility lay down yard is the city only and there is a use agreement. The only two items open in this section are the lay down yard (use agreement) and pump station 8. Ms. Townshend was under the impression that the lay down area was going to be subdivided and would be jointly titled. Mayor Williams stated that the MOU states that "this property will not be jointly titled". Mr. O'Donnell will need direction. Right now, the lay down yard and the wastewater treatment plant is being subdivided, not pump station 8. Mr. Hoffman stated that if there is a utility purpose and everyone agrees, then it can be done. Ms. Townshend stated that it makes sense to jointly title pump station 8 and questioned if the council wants to further discuss the subdivision of the lay down yard or the use agreement. Mr. Ritzert stated that the language in the MOU clearly states that the laydown yard will not be jointly titled. Mr. Mandalas and Mr. Hoffman will work on the use agreement. Ms. Townshend stated that the area is being cleaned up and working on a plan to better utilize space. The city and BPW will revisit this item at a future meeting.

11. Review of the BPW Lease.

Ms. Townshend stated that the review has not been done.

12. Street Sweeping and leaf collection.

Ms. Townshend stated that she was unclear that on expectations and what was being done to impede the stormwater systems. Mayor Williams stated that it was suggested to explore odd number houses park on one side of the street during sweeping. Ms. Townshend stated that this has come up from time to time. There could be parking restrictions. Ms. Townshend stated that there is not a consistent schedule. The city sweeps on Wednesday, Thursday, and Friday but does not have a specific route. Mr.

Ritzert stated that the city could create a structure. Mayor Williams stated that Rick endorsed the idea of scheduling, to do a thorough job.

Mr. Lee stated one of the reasons for adding this item to the MOU was because of the washed leaves over the grates during storms not being removed. Ms. Townshend stated that the leaves are not picked up by the sweeper. The city does leaf collection, but leaves continue to fall behind collection.

Mayor Williams stated that another issue is broken drainage boxes. Mr. Lee stated that the BPW should be notified so the boxes can be repaired.

Mayor Williams stated that street sweeping is important for the porous pavement and the sweeper is run down Bay Avenue occasionally. Mr. Ritzert stated that the BPW does a great job flushing hydrants twice a year but questioned if the BPW coordinate with cleaning of the debris before flushing. Ms. Townshend agrees with sweeping the street before the hydrant flushing. If a big storm is expected, staff of city and BPW could be sent before to check grates.

13. Parking at BPW Offices

Mayor Williams stated that there has been a good effort for people to start parking on Schley Avenue.

14. General

No discussion.

15. Renegotiate/New Agreement

MOU is to be renegotiated in 2026. Items that need to be reviewed:

- Section 6: stormwater fees

- Section 8: Schley Avenue master plan

- Section 10: wastewater laydown yard

- Section 11: review of BPW lease

Barbara Curtis, 17 Shipcarpenter Square, questioned what the lay down yard is. Mayor Williams stated that it is staging area or a place hold stuff temporarily, by the wastewater treatment plant.

Ed Tessein, 35 Sussex Drive, stated that he loves to see the city and the BPW coming together. Block house pond is part of the stormwater management system and is historically low. There are many exposures of pipe, and the pond is slowly dying. DNREC was there last week. This is beyond the scope of Parks and Recreation's scope and abilities. Mr. O'Donnell stated that the city did have testing done as a baseline and routine testing. Mr. Tessein stated that in the past few weeks, the erosion can really be seen. Mr. Ritzert stated this would be a good opportunity for documentation. Mr. Tessein stated that the pond is part city property, part school property, and part Beebe property. A collaborative effort is needed. Mayor Williams questioned if the pond is an asset that the BPW monitors. Mr. Calaman stated that this is unique as development

stormwater ponds are not include in BPW infrastructure. President Panetta stated that the school drains through the Block House Pond, directly pumped in. Mr. O'Donnell state that this was the purpose of the baseline testing. Ms. Townshend stated that a lot that is discharged is not managed and has no quality or volume control except for the school. Mr. O'Donnell would like to document the pipes quickly. Ms. Jones said the sight of the pond was very surprising.

Ms. Curtis questioned if there is other interest and if others were ahead of Lewes for the Army Reserve property. Mayor Williams stated that there is a pecking order and there is interest from the post office and other social organizations as well as state interest. Ms. Townshend stated that it is unknown how strong the interest is.

Mr. Ritzert questioned Whites Pond, in the Showfield community, condition and suggested this pond be looked at as well.

Aaron Mushrush, Cape Gazette, questioned the results of the water quality test. Ms. Townshend stated that the city does have the results but not available at this meeting.

Mayor Williams and Ms. Townshend expressed appreciation of government official's support towards the Army Reserve facility.

8. Adjournment

Mayor Williams adjourned at 6:43pm.

Respectfully Submitted
Sharon Sexton
BPW Executive Assistant