

Utility Commission November 6, 2017

The regular scheduled meeting of the Delmar Utility Commission was called to order by Vice Mayor Pase. In attendance were Commission Members Dickerson and Dewald, Council Member Smith, Commissioner Unsell, Town Manager Bynum-King and Clerk of Council Fisher. Guests: Joshua Taylor from DB&F and Jerome Reid, Delmar Director of Public Works.

Approval of Minutes

September, 2017- Deputy Mayor Unsell made a motion to approve the September, 2017 minutes as circulated. Commission Member Dickerson seconded the motion which passed with 3 ayes and Vice Mayor Pase and Council Member Smith abstaining due to their absence in September.

October, 2017- Commission Member Dewald notated some grammatical errors in the minutes from October. Council Member Smith made a motion to approve the amended October, 2017 minutes. Deputy Mayor Unsell seconded the motion which passed with 4 ayes and Commission Member Dewald abstaining due to her absence last month.

Unfinished Business

Back-up Well- Project Update

Town Manager Bynum-King stated that a progress meeting for the back-up well was held on October 25th. The contractors said that they are in day 50 of the 90 day contract which will end on December 4th. During the meeting, the contractors made another payment request. This one for \$54,537.50. The work has been completed and has been reviewed with a recommendation by the Town's Engineers for the approval of the payment to the contractors.

Pine Street Pump Station Upgrade-Project Update

Town Manager Bynum-King reported that the contract has been awarded but we are waiting on MDE and the State to accept our recommendation.

New Business

Town Manager Bynum-King said that she anticipated a representative from Beracah Homes to be at the meeting this evening to discuss a sewer connection that occurred at Yorkshire Estates. She asked Josh Taylor from DB&F and Public Works Director Jerome Reid to be here this evening to be able to answer any questions the contractor or the plumber might have.

Beracah Homes represents a client that purchased property in Yorkshire Estates. When it came time to tie into the sewer, the plumber asked the Public Works Director where the sewer tie in was and Public Works Director indicated the sewer is usually 10 ft. from the water main connection. He then indicated the direction in which it should have been located. Historically, and regulations requires that the water and sewer mains are installed 10 ft. apart from each other. Upon the plumber looking to tie-in the sewer connection was not in the area suggested by the Public Works Director, at that location, it was found in another location.

The plumber and the contractor contend since the sewer tie in was not in the location as indicated by the Director of Public Works, it cost the builder an additional \$1,200 with the bulk of that

amount due to the labor involved. Town Manager Bynum-King said that her position, at best, would be since the sewer was located at a different location it would be a change order for the property owner. The contractor is stating that the responsibility falls on the Town and they are responsible for paying the additional fees. Mr. Rush, Sales Representative for Beracah Homes sent an email requesting to appear before the Utility Commission, however did not return the proper paperwork to be added to the agenda.

Joshua Taylor from DB&F informed the Utility Commission that the Town's Standards are very clear that it is the contractor's responsibility to locate the water main and the clean out. The contractors always find out where they tie in at and what they are tying into before any piping is installed. Mr. Taylor said that this is very strange and has never happened before. He further mentioned he believed The Town is covered by the Town's Standards and the General Contractors Standards.

Town Manager Bynum-King said that in September was when Mr. Rush, with Beracah Homes, made the request seeking reimbursement, however it, it took some time to sort everything out to finally see what the situation was. In the attempt to figure out what actually happened, she was receiving different views of what happened from the representatives from Beracah Homes and Town personnel. She said it was very confusing. Once everything came together, she informed Mr. Rush that she could not approve the payment and that he had the option to make an appeal before the Utility Commission. She mentioned that Beracah's Home's client is a long-standing resident of the Town of Delmar and it was difficult saying that The Town would not reimburse the cost, however, she strongly believes that the Town did nothing wrong and cannot take ownership of what the contractors and plumbers did incorrectly.

Town Manager Bynum-King reported that she did receive a letter from the Office of Drinking Water in reference to our most recent survey. It was noted from the Office of Drinking Water that no visible defects were observed.

Town Manager's Report

Town Manager Bynum-King said that on November 10th, the Town Office and Services will be closed for Veteran's Day. It also will be Water Operator Bob Windsor's last day. He is retiring after 20 years of service. The Director of Public Works will be overseeing the operations for the time being. The Department does have 2 staff members that have their Delaware license and have a temporary Maryland license.

Commission's Comments

Commission Member Dewald asked for a moment of silence for the people in Texas who were affected by the church shooting. She also asked for prayers that a similar situation doesn't happen in Delmar.

Vice Mayor Pase said that this area has been fortunate. She said that it is scary to think that you can't even go inside a church and feel safe.

Deputy Mayor Unsell said that this would be his last Utility Commission meeting for the year. He will going on his annual trip to Jamaica.

Commission Member Dickerson said that he was truly sorry to hear that Bob Windsor was retiring. He said that every time he looked at water mains being repaired, it was Bob who was down in the hole. He did say that 20 years was a long time.

Vice Mayor also stated that the leaves are coming down at a fast rate and suggested that residents help out Public Works by starting to rake their leaves now and not blow them out onto the street.

Adjournment

Upon hearing no public comments, Commission Member Dewald made a motion for adjournment which was seconded by Deputy Mayor Unsell. The motion passed with 5 ayes and 0 absent.

Submitted by:

Cindy Fisher
Clerk of Council