

Utility Commission January 2, 2018

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, Commissioner Unsell, Town Manager Bynum-King and Clerk of Council Fisher. Absent: Council Member Smith. Guests: Richard Rush, Public Works Director Jerome Reid and Town Engineer Joshua Taylor.

Approval of Minutes

Commission Member Dewald stated that on page 1 of the December, 2017 minutes, under new business, two words needed to be separated. Commission Member Dewald made a motion to approve the amended minutes which was seconded by Commission Member Dickerson. The motion passed with 3 ayes, 1 absent and Deputy Mayor Unsell abstaining due to his absence last month.

Unfinished Business

Back-up Well Project Update-

Town Manager Bynum-King stated that a walk-thru was done and a punch list was created. There are a few things left to do. The contractor is due in tomorrow (Wednesday) to set the pump and to finish some of the smaller items off of the punch list. The electrician should be in Town either Wednesday or Thursday to hook everything up. The project is complete minus those few items on the punch list.

Pine Street Pump Station Upgrade Update

Town Manager Bynum-King said that there are no updates. She knows that there has been communications between the engineers and the funding source. Hopefully she will have more information next month.

New Business

Richard Rush- Beracah Homes- Yorkshire Estates, Delmar, DE - Credit of \$900.00

Mr. Rush identified himself as being with Beracah Homes and stated that the reason he is here this evening is to get a better understanding of and to discuss a \$900.00 charge going to one of his clients, Dr. Bastian for the connection of his sewer line. The supervisor of this project is not here this evening since he lives in Virginia. Mr. Rush said he was not onsite, therefore he will be going off the conversation and information provided to him by this supervisor.

Mr. Rush explained that he feels that Dr. Bastian should not be charged this additional \$900.00 due to the fact that his project supervisor was given wrong information by a representative from the Town. The actual sewer connection was a distance of 115 feet from the water line instead of 10 ft. as indicated by the Town representative. Mr. Rush said that David, the project supervisor, informed him that he had 3 conversations with the representative from Delmar about where the water and sewer connections should be. There was a stick in the ground and his project supervisor was led to believe that was the location of the water. The Town representative said

that historically the sewer connection is 10 ft. from the water connection, however, that was not the case. The actual sewer connection was 115 feet from the water connection.

Mr. Rush said that when a representative from Delmar was asked to come to the job site, the representative did come but did not get out of the vehicle he was in and later told the project supervisor that no one came out to him to ask any questions. He spoke with no one nor did he call the project supervisor.

Mr. Rush said that he did bring the bill from Top Notch Plumbing that indicates the total of the extra day, extra men and equipment. Mr. Rush said that another thing he wanted to discuss was the fact that the Town is charging more for a hook-up to existing pipes than an individual who would drill their own well and their own septic by more than \$1,000.00. He is asking for consideration for Dr. Bastian not to have to pay the additional \$900.00 fee which he believed, could have been avoided.

Commission Member Dickerson stated that he did not understand what the \$900.00 bill was for. Mr. Rush answered by saying it is for 3 men, an extra day on the job and the connection of the sewer. Mr. Rush did say that he did not know if a trench was dug prior to the finding the sewer connection. He did say that the trench should have been 10 ft. on one side or the other side of the water main marker. The short trench turned into a 115 ft. trench. Top Notch could not complete the job in one day because they did not have the equipment for such a long trench. It took an additional day to do the job. Someone from the Town should have been on-site assisting in trying to find the connection. There was a person in Town Hall that actually had all the information. The Town representative who came to the project did not have any information.

Town Manager Bynum-King said that the Director of Public Works Jerome Reid was present this evening. He was the Town representative that was on the job site. Director Reid said that he did speak with the plumbers and informed them that normally the connection to the sewer is 10 ft. from the water connection. He said that if the connection couldn't be found within the 10 ft. distance, then a test fit should be done. Town Engineer Josh Taylor said that the location is also a double lot that was converted into one lot. Mr. Rush asked, that if the information is on paper showing where the connections are, then why spend money looking for the connection when the information is right there. The Public Works Director did not bring the information with him when he came out to the site and spoke with the plumber.

Public Works Director Reid said that the developer should have on hand the same information that was later shared by DBF's project inspector, who was on site for another phase of the development. Mr. Rush said that he didn't deal with Mr. Marshall. PW Director Reid said that the developer has the "as built" connector paperwork that would have given the general location of the connections. Mr. Rush said that the paperwork the Town has showed as being installed, laying the pipe and connections and being capped off by the Town. It showed each and every lot in Yorkshire Estates and where the connections are located.

Town Engineer Taylor said that PW Director Reid gave to the plumber the information he had at the time. Generally, a contractor should not start any project without knowing where connections are located. He did say that there was a lot of confusion on this project probably since it was

once two lots now converted into one. He said there are times when the Public Works Director has asked the engineering firm for information about connections. In Phase I of Yorkshire Estates, the water and sewer was installed by contractors hired by the developer at the time of installation. General Construction Practices states that a project is not to start until everyone knows where the locations for connections are. Town Engineer Josh Taylor said that this situation could have been avoided.

Town Manager Bynum-King asked Mr. Rush about the \$900 invoice. She said originally she was presented with an invoice for \$1,200. Mr. Rush said that he is asking for only the amount associated with the additional labor difference of what it should have been if the connection was where it was originally indicated. He said that in the future everyone needs to be aware of where connections are located. He said that it is not the responsibility of the office workers to inform contractors of water and sewer locations.

Commission Member Dewald asked if the indicator sticks ever get moved on a construction site due to vandalism or other reasons. Mr. Rush responded that he didn't know. She also asked where Top Notch Plumbing was from. Mr. Rush stated that he did not know where they were from. Commission Member Dewald questioned why Mr. Rush did not appear before the Utility Commission in October even after he submitted a request to be placed on the agenda. Mr. Rush said that he didn't have a clear indication on what the Commission needed as information. He said his not being here in October should not have any bearing on this matter here this evening.

Vice Mayor Pase asked about the difference between 10 ft. and 115 ft. and why, if the plumbers were already on-site, did they need an additional day and more workers. Mr. Rush responded that the plumbers were not prepared to do the additional footage of trenching.

Deputy Mayor Unsell said that it was the contractor's responsibility to do his due diligence to know where to dig before any digging was done. He failed to do that. Mr. Rush said that when the supervisor of the project called for someone from the Town to come out and show them where the connection should be, that was them doing their due diligence. Deputy Mayor Unsell said that the documentation should have been found prior to digging.

Mr. Rush said that it was an oversight on everyone's part. The \$900 invoice will not be going to Beracah Homes but to Dr. Bastian. Deputy Mayor Unsell said that if indeed it was the Town's failing to locate the connection then he would agree with Mr. Rush. But the failing is on the part of the contractor and/or developer for not providing the locate information for the sewer connection.

Mr. Rush said that when the call was put through to the Town to have someone come out and assist in the location of the sewer line, the plans and drawings should have been gotten and provided at that time. PW Director Reid said that he didn't go to the project to verify anything. The plumber asked him if he knew where the hook-up normally is located. PW Director Reid said that he responded it should normally be 10 ft. from the water connection and left it at that.

Deputy Mayor Unsell said that maybe the Town is responsible for some of the invoice but not for the whole amount. Mr. Rush said that in the future they will know what to do. It is just an unfortunate thing for Dr. Bastian. He stated that he appreciated the Utility Commission's time.

Vice Mayor Pase said that due to Council Member Smith's absence, she would like to table any more discussion or motions on this until next month so that Council Member Smith can have an opportunity to be part of the discussion. Commission Member Dewald made a motion to table the discussion on this matter until next month. The motion was seconded by Deputy Mayor Unsell. The motion passed with 4 ayes and 1 absent.

Town Manager's Report

Town Manager Bynum-King stated that it is time for the budget calendars to come out. She has one for Commission Members Dewald and Dickerson this evening. The others will receive theirs during their individual meetings.

Commission's Report

Deputy Mayor Unsell informed the Commission that construction is about to start in Wood Creek. The water and sewer hook-up fees in Delmar are \$11,000. He said that other Towns have reduced their impact fees and he feels our high fees are a detriment for anyone to build on the Maryland side. He would like to have a discussion about reducing the impact fees from \$11,000 to \$7,100, making ours the same as Salisbury's. Commission Member Dickerson said that the Utility Commission did reduce the impact fees for a development a while ago, but still there was no building. He doesn't see where it encourages building.

Commission Member Dickerson was presented a Certificate of Appreciation from the Utility Chairman Pase for his dedicated service volunteering on the Utility Commission.

Adjournment

Commission Member Dewald made a motion for adjournment which was seconded by Commission Member Dickerson. The motion passed with 4 ayes and 1 absent.

Cindy Fisher
Clerk of Council