

**Utility Commission**  
**July 27, 2009**

The regular scheduled meeting of the Delmar Utility Commission was called to order by Council Member Pase. In attendance were Commission Members Dickerson and Dewald, Commissioner Hodgins, Council Member Thompson, Town Manager Bynum-King and Clerk of Council Fisher.

**Approval of Minutes**

Commission Member Dewald noted some misspelled words in the minutes of June, 2009. Commission Member Dickerson made a motion to accept the corrected minutes of June, 2009. Commissioner Hodgins seconded the motion which passed with 4 ayes, 0 absent and Commission Member Dewald abstaining due to her absence in June.

**Unfinished Business**

Town Manager Bynum-King stated that at the May meeting, there had been some discussion on Tidewater and their agreement with the Town. She had said at that time of discussion, there had been no further communications from them; therefore she believed that their proposal to enter into another agreement with the Town to purchase EDU was dissolved. After the last meeting the Town Engineer, Jerry Friedel notified the Town Mgr. that he had communications from Mr. Bruce Patrick with Tidewater (TUI) and they are still interested in pursuing a temporary utility service agreement with the Town. She advised Town Engineer Freidel that Tidewater would need to submit a letter-advising the Town of their project status and their intent to pursue their project, which they did. TUI sent a letter stating that they desired to enter into an interim service agreement with the Town. The letter explained that their delay in moving forward with the new wastewater treatment facility was due to the slow down in the housing market, however they fully intend to honor the original agreement. According to what was written in the letter they have advanced in securing the location for the building construction and spray irrigation site. Town Manager Bynum-King reported that they needed to secure the proposed land before they moved forward with the plan. She also reported that they were hopeful to have a fully executed agreement with landowners no later than September 1, 2009. Tidewater is still requesting that the Town consider 100,000 gallons per day or whatever is agreeable for a 3-4 years period. Tidewater is working on a temporary service agreement for the Town to review and consider. The Town Engineer will review the draft first and make any technical recommendations before submitting to the Town and the Town's Attorney for final review.

Town Manager Bynum-King gave an update on the damaged sewer line on Pennsylvania Avenue during the streetscape project. She said that the Town is still in the process of resolving the matter for the damages that occurred. The contractors are trying to establish the responsible party, because the project drawing for lighting fixture casing was not consistent with the location for the existing sewer pipe. They also said that the pipes are old and crumbling and may have already been cracked due to the heavy equipment used for the project. We are looking to recoup cost assessed by the Slip Lining Contractor of \$2,500.00 for mobilization and our cost Public Works overtime for on site personnel.

### **New Business**

Town Manager Bynum-King reported that Delmar, Delaware will need to revise and restate the General Obligation Bond Series 2001-SRF for State of Delaware revolving funds. In 2001, the Town went to referendum on this bond and it passed allowing the Town to borrow funds for the WWTP facility upgrade. She continued by stating that as of June 15, 2009 the BNR/ENR project is just now getting underway. The State of Delaware has granted the Town permission to restate the Bond with the start and maturity date being revised to reflect the actual project start time so that the loan to be consistent with the project construction period.

### **Town Manager's Report**

Town Manager Bynum-King reported that the first progress meeting for the BNR/ENR project will be held tomorrow, on the site. If the construction trailer is not ready, the meeting will be held at Town Hall.

She also reported that the Town is monitoring the water usage of the Evolution Craft Brewery. Their consumption for a portion of the prior quarter (March, April and May) is 53,300 gallons. She stated that the Commission was told that the usage for the Brewery would be consistent with the prior business (IGA). At this time the consumption appears to be consistent with the previous business' usage during the summer months, however we will be monitoring the usage during the next two full quarters and if necessary make a recommendation to the Utility Commission for EDU adjustments.

Town Manager Bynum-King reported that the media filters still need to be replaced at the Water Treatment Plant. The estimate given was \$43,986.00 per filter, and there are 3 filters that need to be removed and replaced. The Treatment Operator is currently maintaining the operation. This has been an ongoing issue. The filters removal and replacement was something that was discussed during the time of the well digging but was not acted upon, since the well was the priority. She stated that some funds might be available through State Revolving Loans.

### **Commission's Report**

Commission Member Dickerson asked if there has been any research done on the length of term for the Commissions. Town Manager Bynum-King responded that an overview assessment has been done, but not specifically for the Utility Commission. It was discussed that because there are no resident volunteers for the different positions, the current residents stay in place. She did say that she thinks the term could be for three years.

Commission Member Dickerson also stated that he is not in favor of Tidewater hooking up with the main at the WWTP. He said that Tidewater has already made an agreement with the Town, so we should force them to build a WWTP like they agreed to.

Commissioner Hodgins asked about what the consequences would be if Evolution Brewery continues to consume more water than what they were allotted. Town Manager Bynum-King responded that they will then be re-assessed.

Commission Member Dewald expressed her condolences to Town Manager Bynum-King for the loss of her father.

**Adjournment**

Commission Member Dewald made a motion for adjournment which was seconded by Commission Member Dickerson. The motion passed with 5 ayes and 0 absent.

Cindy Fisher  
Clerk of Council