

**Utility Commission
February 22, 2010**

The regular scheduled meeting of the Delmar Utility Commission was called to order by Council Member Pase. In attendance were Commission Member Dewald, Commissioner Henderson, Council Member Thompson, and Clerk of Council Fisher. Absent: Commission Member Dickerson and Town Manager Bynum-King. Guests: David Ring, Sharon Levadnuk, and Jason Loar

Approval of Minutes

Commission Member Dewald made some spelling corrections to the January, 2010 Utility minutes. Commissioner Henderson made a motion to approve the amended January minutes which was seconded by Council Member Thompson. The motion passed with 4 ayes and 1 absent.

Unfinished Business

TESI INTERIM AGREEMENT

Chairman Pase read a letter that was provided by Tidewater Environmental Services, Inc., asking the Commission to defer any action on their proposed Interim Agreement until the economy changes and construction begins on the various projects in the Delmar, Delaware community.

Commissioner Henderson expressed concerns that when the time comes that the developers can actually start building homes Tidewater will not be able to service them. Council Member Thompson mirrored Commissioner Henderson's concerns. He said that he's afraid the Town won't be ready to service these new homes.

Chairman Pase read from the notes Town Manager Bynum-King (attached to these minutes) left for the Commission in her absence. The note said that if the Commission did agree with this, they would have to make a motion to honor TESI's request not to take any action on the Interim Agreement until the economy changes, construction begins and they have a commitment from the various projects projected for Delmar, Delaware.

Commissioner Henderson stated that he wants to make sure that this would not interfere with the original agreement with Tidewater. He said that while he has not been on the Commission for very long, he is aware that the Agreement has taken on several revisions. Council Member Thompson said that he is afraid that Tidewater will find some sort of loop-hole that will let them off the hook for their original agreement. Commission Member Dewald stated that she would feel more comfortable if this was reviewed by an attorney before she votes on it.

Council Member Thompson made a motion to table Tidewater's request to not take any action on their Interim Agreement until the March Utility meeting. Commissioner Henderson seconded the motion which passed with 4 ayes and 1 absent.

WWTP UPGRADE

Jason Loar, Project Manager for Davis, Bowen & Friedel was present to give a status report of the WWTP Upgrade and explain the draft Consent Order prepared by Maryland Department of the Environment (MDE). He said that the project is behind schedule basically due to the weather as well as ordering parts, which in most cases are on back order. He estimated the projected completion date is anticipated during the summer rather than during the spring.

He explained that the Town has been working with MDE regarding the proposed Consent Order. He explained that the Town has been operating under the current permit with new regulations that was issued in 2007, and has had difficulty meeting the terms of the permit. The recent Consent Order is designed to give some relaxed and temporary limits to the water quality. The WWTP has had no upgrades at all since it was originally built, so this project is a major improvement which will eliminate most of the wastewater treatment issues.

Commissioner Henderson questioned the number and amounts of the fines. Mr. Loar explained that the fines have been since July, 2007 through September, 2009. It has not been just one single occurrence. The Town made the State aware of its struggles to meet the new regulation limitations and submitted a letter in March of 2008 asking for MDE's assistance and guidance. According to Mr. Loar, the WWTP Upgrade was supposed to begin in the summer of 2008 and be completed by September, 2009. He said that he immediately sent a letter to MDE explaining that those dates were not possible to meet. He said that March, 2008 was the first request by the Town for a Consent Order. Mr. Loar said he would work with the Town Manager to draft a letter to the State regarding the Consent Order and ask for considerations on the amount of fines assessed as well as adjusting the assigned permit limitations to allow additional grace until the WWTP Upgrade project is completed.

Commission Member Dewald stated that the Town should hold steady in their commitment in insisting that no fines be levied against them. The consensus of the Commission is that the Town should attempt to negotiate with the MDE; little or no fines should be incurred due to the ongoing upgrades to the WTTP.

New Business

Chairman Pase referred to the notes left by Town Manager Bynum-King (attached to these minutes) which reported that conversations have been held with Town Engineer Friedel in reference to Dr. Chandra's project at the Delmar Square Plaza. He stated to the Town Manager that the Town could assess him 5 EDU's for the project.

Commissioner Henderson made a motion to grant Dr. Chandra for the Delmar Square Plaza project in Delmar, Delaware 5 EDU's. Council Member Thompson seconded the motion which passed with 4 ayes and 1 absent.

Town Manager's Report

Chairman Pase referred to the notes left by the Town Manager (attached to these minutes). She reported that Hopkins Construction Company did complete the Media Filter project this past Friday and is running smoothly. The operator is currently tweaking the iron removal process.

She continued by reporting that there was a water main break on Jewell Street that has been repaired by Schrock & Sons. She also reminded everyone that the first budget workshop will be held this Wednesday at 6:30 p.m. This workshop will consist of the Department Heads with their presentations of their departmental needs this upcoming fiscal year.

Commission's Report

Commission Member Dewald stated that she would like to challenge all Utility Commission Members and all Council Members and Commissioners to make a donation to Utility Commission Member Howard Dickerson and his family to help with their plight of having their house burn down during the recent blizzard. She herself started it off with a donation of a \$25.00 gift card to Howard and his family.

Chairman Pase thought that it is a good idea. She said that there have been some offers and they are very grateful for all the things that have been given to them.

Council Member Thompson reported that the Delmar Fire Department had offered their house that they own for the Dickerson's to stay in. Commission Member Dickerson thanked him and said that they would be moving into the Pond's Edge complex.

Adjournment

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

Cindy Fisher
Clerk of Council