

CAMDEN-WYOMING SEWER & WATER AUTHORITY

P.O. BOX 405, CAMDEN-WYOMING, DELAWARE 19934

*Minutes of the Camden-Wyoming
Sewer and Water Authority
Regular Session - Authority Meeting
Held on May 14, 2019*

Authority Members present: Mr. Daniel Ridgely, Chairperson
Mr. Mark Girty
Mr. Michael Quinn
Mr. Thomas Ness
Mr. James Winchell
Mr. Daniel Woodall

**Also in attendance representing
the CWS&WA:** Mr. Harold Scott, Authority Superintendent
Mr. Soheil Gharebaghi, P.E., Authority Engineer

Public in Attendance: Meeting Attendance/Sign-in Sheet;
available at the CWS&WA Office

The Camden-Wyoming Sewer and Water Authority (CWS&WA) met at the CWS&WA Conference Room on May 14, 2019. The meeting was called to order at 7:00 p.m. by the Chairperson, Mr. Ridgely.

Approval of the Consent Agenda:

Motion: Mr. Ness made a motion to approve the Consent Agenda, seconded by Mr. Quinn.
Motion carried unanimously.

Maintenance & Operations Status (Superintendent Report):

Mr. Scott distributed the Operation and Maintenance Report for the past period and discussed the same. Mr. Scott expressed concern about the vulnerability of the Authority's sanitary sewer collection and conveyance system as related to the Nellie Stokes pump station and went on to say that the Authority had recently spent about \$6,000 on this pump station. Mr. Scott noted that sanitary sewer discharges from Barclay Farms, Tamarac, Lowe's and the surrounding commercial land development, Tidbury Crossing, Walmart and the Town Center shops and restaurants, and Newell's Creek were contributors of flow into the Nellie Stoke's pump station. Mr. Scott noted that the infrastructure for the second phase of Tidbury Crossing had been completed. Sixteen townhouses at Tidbury Crossing and four of the same at the Greens at Wyoming were slated to begin construction in the near future, Mr. Scott added.

Mr. Scott indicated that future water meters in the Authority's service area would be installed in meter pits, which did not require access to the inside of customers' houses.

Mr. Scott was pleased to announce that the Authority had purchased the property at 12 S. West Street, adjacent to the Authority's office. This was quite a fortuitous purchase because the previous owner had been transferred out of State, Mr. Scott added. Mr. Scott indicated the Authority's new Attorney, Mr. Morris, Esq. had arranged for the closing of the real estate transaction. Mr. Scott indicated that the Authority crews would be involved in the clean up and salvage of worthy items from the property.

Maintenance & Operations Status (Superintendent Report, cont.):

Mr. Scott indicated that a dead tree next to the Authority's current parking lot, threatening the cars parked there, would be removed in the very near future. Mr. Scott also indicated that, while there were no advance plans, an extension of the office's parking lot would be most likely at the property next door to accommodate the proposed new conference room and revamping of the office interior.

Mr. Scott indicated that the Authority's current system balance was \$145,279, of which approximately \$38,000 had been for commercial billing and \$292,478 had been collected since the last period. The accounts receivable (AR), aging longer than 180 days, was approximately \$52,743, Mr. Scott added.

Engineering Report:

Gharebaghi provided an update on the water main crossing of Delmarva Central Railroad project and indicated that the project's design and specifications had been substantially completed. Gharebaghi anticipated the railroad permitting and property lease activities, including, but not limited to, certificates of insurance for the crossing project, would be undergoing a review by AEON - an engineering firm operating out of Philadelphia, PA. - and anticipated the completion of the permitting process in June, 2019.

Comprehensive Planning Committee (CPC):

Mr. Ridgely indicated that a Workshop Session was tentatively scheduled to be held on May 28, 2019, at 7:00 p.m. at the Authority's Conference Room, to review future capital projects' priorities and develop cost estimates for inclusion in capital projects in the Authority's future Budgets.

Correspondence:

Gharebaghi indicated that the Authority had received a letter from Mr. & Mrs. Crouse, of 3574 Upper King Road, dated May 9, 2019, in which they had essentially requested the connection of four houses [Equivalent Dwelling Units (EDU's)], existing and proposed at the Kemp Acres Subdivision, to the Authority's sanitary sewer and water distribution systems. The Crouse's also requested a discounted impact fee, Gharebaghi continued.

In fact, there were about 18 such lots in, and in the vicinity of, Kemp Subdivision that could be connected to the Authority's existing water and sewer infrastructure in the area, if their owners requested the same, Gharebaghi added.

For a financial perspective, Gharebaghi continued, just in the Authority's Quarterly Flat rates for sewer and water utility services, the Authority had irreplaceably, albeit on paper, lost revenue of about \$89,000 in the past 15 years. The proponents of the developments of Lowe's and the surrounding commercial land uses, in addition to the residential development of Tidbury Crossing, had already paid for the water and sewer infrastructure installation that were necessary for their land development projects, that had happened to land in the front yards and rear yards of the above referenced 18 EDU's, respectively, Gharebaghi maintained.

Correspondence (cont.):

Gharebaghi discussed the issue of Certificates of Public Convenience and Necessity (CPCN) and argued that whether in the incorporated limits of the Two Towns or annexed into each Town in the future, the water and sewer utility services must be through CWS&WA. Gharebaghi also discussed the role of Delaware Public Service Commission (PSC) and questioned the legality of the Authority being under the jurisdiction of the Commission. PSC's website, under "*Role of the Commission*," indicated that "*The Commission does not regulate the water services of municipalities or governmental authorities, with the exception of granting, under certain circumstances, CPCN's to those entities.*" The Authority was in fact, both, a municipal utility and a not-for-profit / tax exempt quasi government instrumentality of the State. The Authority was established pursuant to the Laws of the State of Delaware under Title 16, Chapter 14 of Delaware Code (16 Del. C. § 1401, et seq.) Gharebaghi asserted that if the Authority was a public body, subject to provisions of FOIA, then likewise, it ought not be under the regulations of the PSC.

Gharebaghi indicated that the Authority Operation planned to use the case of the Crouse's (4 EDU's) to test the legality of the Authority's position with respect to CPCN's. Gharebaghi noted that "*Created in 1949 to regulate investor-owned public utilities, the Delaware Public Service Commission (PSC) works to ensure safe, reliable and reasonably priced cable, electric, natural gas, wastewater, water, and telecommunications services for Delaware consumers . . . the Commission makes rules to level the playing field between competing providers, and resolve disputes between these providers.*" To the Authority Operations, Superintendent and Engineer, the leveling of playing fields between investor owned / for-profit public water utilities, was substantially less important than the health, safety and welfare of the public was, were ever they might reside. Gharebaghi indicated that this matter had previously been discussed at Regular Meetings and Comprehensive Planning Committee meetings. However, at the time, there were no applicants for the Authority's services from the subject area.

Gharebaghi noted that the matter would be fully discussed with the Authority's Attorney, Mr. Morris, Esq., toward the provision of the Authority's services to those in need who had fortuitously become eligible to connect to the Authority's systems because of the recent land development and annexation of properties into the incorporated limits of the Towns of Camden and Wyoming. Updated reports would be presented during the Authority's future Regular Meetings.

Gharebaghi indicated that he had met with Anita Beckel of the Delaware Rural Water Association (DRWA) regarding free Workshops offered by DRWA for any of the Board Members. The workshops' topics included Control Valves, Pumps, and fire hydrant Operation and Maintenance.

Visitors' Comments:

There were no visitors' comments.

Items to be placed on the Agenda of the Authority's June 11, 2019, Regular Meeting

Mr. Woodall suggested that instead of Regular Monthly Meetings, the Authority could regularly meet quarterly, and requested the Authority's consideration and discussion surrounding his suggestion during the Authority's next Regular Meeting. Mr. Woodall also indicated that the Budget Workshop and other special meetings could be called by the Chair when necessary.

Adjournment:

Motion: Mr. Quinn made a motion to adjourn the Regular Meeting, seconded by Mr. Girty. Motion carried unanimously.

The Regular Meeting adjourned at 7:35 p.m. The next Regular Meeting will be held on June 11, 2019, at 7:00 p.m. at the Authority's Conference Room.

Respectfully Submitted,
CAMDEN-WYOMING SEWER & WATER AUTHORITY

Harold L. Scott, Sr.
CWS&WA Superintendent