UTILITY COMMITTEE

The Utility Committee Meeting was held on August 12, 2013 at 6:00 p.m. with Chairwoman Williams presiding. Members present were Mr. Perza, Mr. Slavin, Mr. Blakeman, and Mr. Snaman. Members of Council present were Mr. Dixon (arrived at 6:05 p.m.), and Mr. Hutchison. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Snaman moved for approval of the agenda as presented, seconded by Mr. Blakeman and unanimously carried.

Request for Abandonment of Right-of-Way (Unimproved) - Overlook Place

Mr. Scott Koenig, City Manager, advised members that a letter was received from Mr. Michael P. Bouchard, 126 Overlook Place, dated November 13, 2012, requesting the abandonment of an unimproved portion of the Overlook Place right-of-way within the Overlook on Silver Lake Subdivision. He stated that the area extends approximately 30' from the eastern edge of public improvements within the right-of-way and that Mr. Bouchard requested that this area be disposed of in its entirety to his parcel at 126 Overlook Place. Mr. Bouchard indicated that this area is poorly maintained and that it would be a benefit to the community if this area was disposed of to the property owners for proper maintenance. As a result, a letter was sent to the other adjacent property owner, Ms. Chu Pao Robinson of 125 Overlook Place, to determine her interest in participating in the abandonment and having a portion of the right-of-way conveyed to her.

Mr. Koenig stated that both adjacent property owners were interested in participating in the abandonment. Public Works' staff confirmed that this area was unimproved; however, if abandoned, public utility easements would be required for the existing water and wastewater infrastructure located therein. He noted that the right-of-way for Overlook Place is 51' wide and, in accordance with City policy, half of the right-of-way, or 25.5', would be conveyed to the requesting parties. Mr. Koenig assured members that staff had no objections to the abandonment of the subject right-of-way and recommended conveyance of 25.5' of said right-of-way to 125 and 126 Overlook Place with the stipulation that a public utility easement be retained for each parcel. Members were provided a map depicting the right-of-way proposed for abandonment (noted in red).

Staff recommended the following action: 1) abandonment of the subject right-of-way with conveyance of 25.5' of said right-of-way to 125 and 126 Overlook Place, currently owned by Chu Pao Robinson and Michael P. Bouchard, respectively, in conjunction with the provision of a public utility easement for each parcel; and 2) adoption of a resolution by Council setting a public hearing regarding the proposed abandonment for September 9, 2013.

Mr. Blakeman moved to recommend approval of staff's recommendation and adoption of a resolution by Council setting a public hearing regarding the proposed abandonment for September 9, 2013, as recommended by staff. The motion was seconded by Mr. Perza and unanimously carried. ***[City Clerk's Office Note: In accordance with the City's Procedure for Alley Abandonments, Resolution No. 2013-21 setting a Public Hearing (Attachment #1) will be presented to Council for consideration.]***

TEA/NAES Report (May)

The TEA/NAES Monthly Report for May 2013 was provided to members to enable them to monitor electric sales and revenues received, which will provide a better understanding of any fluctuations that occur and allow the opportunity to make improvements if deemed necessary.

Mr. Scott Koenig, City Manager, noted that last year overall power supply costs were $668,296 under budget due to the lower than budgeted cost of energy purchases. He stated that moving into Fiscal Year 2014, the margins and differential were tightening as a result of power supply budgets, hedge purchases, etc.; therefore, the expectation was that there would be a much smaller spread between the budgeted versus actual amounts.

In response to Mrs. Williams regarding the projected hedge variance, Mr. Koenig stated that the numbers being used for financial forecasting were the budgeted amounts for power purchased. He explained that the actual numbers were currently tracking just slightly lower than these figures. Mrs. Donna Mitchell, Controller/Treasurer, indicated that the unhedged amount is included in the PJM charges and, as more hedges are filled in, that number would decrease and the hedge number would increase. She stated that until the hedges are all filled in, the City would not know the final amounts and stated her hope that the hedge ratios would change in the City's favor over time.

Responding to Mr. Blakeman, Mr. Koenig stated that the hedge ratios were locked in at the figures listed in the report through 2015-16 and the portfolio target was to have approximately 80% hedged for the current year. In the past, this percentage had been in the high 80s and possibly up to 90% but had been decreased to take advantage of favorable purchases in the spot market since the City's transition to TEA. He indicated that this matter was being analyzed on a monthly basis.

Mr. Slavin moved to recommend acceptance of the TEA/NAES Monthly Report for May 2013, seconded by Mr. Blakeman and unanimously carried.

UPDATES

Members were provided the following updates:

Green Energy Funding and Programming

Mr. Scott Koenig, City Manager, reviewed a summary of Green Energy Funding and Programming. He reminded members that this is a continuous, revolving fund since there is a green energy component to each City utility bill; therefore, money is collected and put into this fund for these types of projects. He advised members that the funding reimbursement was lagging behind implementation of some of the projects since the "flow" into the fund is slower than the "flow" out of the fund at times.

No further action was taken by the Committee.

Update - National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permit

Mr. Scott Koenig, City Manager, stated that staff would be meeting with representatives of the Delaware Department of Natural Resources and Environmental Control (DNREC) within the next few weeks to discuss the procedure for renewing the City's permit relative to the National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4). He advised members that the current permit expired and DNREC had not issued new permits.

Mr. Koenig stated that future staffing issues for the permit were being reviewed, which would probably include efforts from the Public Works and Planning Departments. He noted that this permit would serve as the foundation document for how the City designs the Street Department and addresses storm sewer cleaning, street construction, and reconstruction, etc., since the permit requires constant review and maintenance relative to the quality of stormwater that falls on road infrastructure and the way it falls through the City's storm sewer infrastructure. He stated that, as a result, staff would need to determine ways to embed the requirements of this permit into the City's daily operations.

Mr. Koenig advised members that a large component of how the City complies at this time involves street sweeping, maintenance of roads to avoid potholes and deterioration, etc. Although Dover does not have large geographic differences in heights that would cause damage from stormwater, some projects, such as the replacement of the Tar Ditch stormwater interceptor, etc., would be worked into the permit in order to comply - not only for maintenance but improvement of the systems. In some instances, it would include pond maintenance and retrofits, how park systems are run, and private property maintenance involving construction controls, etc. Mr. Koenig explained that this is a comprehensive permit that has the ability to dictate how the City conducts business as it relates to construction matters of this nature.

Calpine Energy Center and Garrison Oak Technical Park Project

Mr. Scott Koenig, City Manager, advised members that the City had been participating in weekly meetings and telephone conference calls with the Calpine Energy Center. Most of the review related to the Site Plan approval had been completed. Since this was a component of the Garrison Oak Technical Park, he stated that a meeting was held last week with the Delaware Department of Transportation (DelDOT) to discuss delivery schedules of the large turbine items and other items associated with the Energy Center. He advised members that beginning in late fall, there would be a constant stream of equipment deliveries, some by barge into the Leipsic area as well as by oversized trailer hauling, into the Garrison Tract to begin assembly of the fixed components of the combustion turbine.

Mr. Koenig noted that the City was attempting to finalize the design aspects of the Garrison Oak Technical Park so that the bid package for the street, water main, gravity sewer main, and storm sewer system could be let out to bid. He stated that a meeting was held last week with DelDOT to finalize the tie-ins for the water system on White Oak Road that would occur in the DelDOT right-of-way. While this design was being completed, Penonni Associates was finalizing the design of the sanitary sewer pump station, to be located in the center of the Garrison Tract land, and the force main, to be located south of White Oak Road over to White Oak Station #5.

Mr. Koeng noted that during the City Council Meeting scheduled for later in the evening, Council would consider the final package of sale for Lot #12 at the Garrison Oak Technical Park. If this project were to come to fruition, construction would begin on the west side of Garrison Oak. He stated that discussions had been held with another potential tenant at the Park and that activity at the Park had generated additional interest from buyers and companies wishing to locate their facilities there.

In response to Mrs. Williams, Mr. Koenig stated that when the City begins construction on the road, these efforts will be concentrated on the east side, which is the shortest distance back to the Calpine project. Once the storm sewer, gravity sewer, water main, and road bed are completed on the east side, construction traffic would be switched over to the east side so that construction could begin on the west side without interfering

with daily construction traffic. Coordinated efforts would be required between the City, the City's contractor, DelDOT, Calpine, and all delivery contractors to ensure that they do not interfere with each other. It was hoped that there would be evening and weekend work while all the components were being pieced together.

As a result of the delivery route, Mr. Koenig stated that roadway improvements may be made to Route 9 and/or along roadways outside of City limits in order to accommodate the anticipated oversized and supersized loads delivering to Calpine; however, this had not been finalized.

Responding to Mr. Blakeman, Mr. Koenig stated that 85%-90% of the rights-of-way had been acquired to accommodate the transmission line from the energy block at the Garrison Tract to the Cartanza Substation.

In response to Mr. Hutchison, Mr. Koenig indicated that Calpine had acquired almost all permits necessary to complete the project; however, a final Site Plan approval letter from the City would be required, which was almost complete. Although filing with the Federal Energy Regulatory Commission (FERC) would be required, this would be the responsibility of Eastern Shore Natural Gas. He stated that the only remaining issues were the right-of-way alignments for the line going to the 230kV and an Administrative Site Plan from the City to Kent County to amend the 230kV tie to accommodate the expansion of the fence and the new equipment for Delmarva Power. As a result, he felt confident that there were no impediments to obtaining all approvals necessary to finalize the Energy Center. Mr. Koenig anticipated that all pending issues would be finalized prior to the end of the year.

Mr. Snaman moved for adjournment, seconded by Mr. Blakeman and unanimously carried.

Meeting adjourned at 6:28 p.m.

Beverly C. Williams
Chairwoman

BCW/TM/jg/js/mk/dd
S:\AGENDAS-MINUTES-PACKETS\Committee-Minutes\2013\08-12-2013 UTILITY.wpd

Attachment
Attachment #1 - Proposed Resolution No. 2013-21 - Setting a Public Hearing for Abandonment of Unimproved Right-of-Way - 125 and 126 Overlook Place

City of Dover

MAYOR AND COUNCIL

DRAFT PROPOSED COUNCIL RESOLUTION NO. 2013-21

A RESOLUTION PROPOSING THE VACATING AND ABANDONMENT OF A CERTAIN RIGHT-OF-WAY SITUATED IN THE CITY OF DOVER.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

Section 1. The Council of the City of Dover favors the vacating and abandonment of the following right-of-way:

Adjacent to 125 Overlook Place (ED-05-068.09-01-16.00)
Beginning at a point identified as the southeast corner of parcel #ED-05-068.09-01-16.00; thence running South 00 degrees 47 minutes 50 seconds West 25.50 feet along the easterly line of a 51' wide public right-of-way to a point in the same; thence running North 89 degrees 12 minutes 10 seconds West 30.00 feet to a point in the same; thence running North 00 degrees 47 minutes 50 seconds East 25.50 feet to a point in the southerly property line of parcel #ED-05-068.09-01-16.00; thence running South 89 degrees 12 minutes 10 seconds East 30.00 feet to the point and place of beginning and containing 0.0176 acres (765.00 square feet) of land be the same more or less. The above described parcel of land shall be considered a public utility easement, reserving the rights of the City of Dover, their agents or assigns to free access for ingress and egress to these premises and every part thereof at all times for purpose of installing, maintaining and operating its existing public utilities.

Adjacent to 126 Overlook Place (ED-05-068.09-01-48.00)
Beginning at a point identified as the northeast corner of parcel #ED-05-068.09-01-48.00; thence running North 00 degrees 47 minutes 50 seconds East 25.50 feet along the easterly line of a 51' wide public right-of-way to a point in the same; thence running North 89 degrees 12 minutes 10 seconds West 30.00 feet to a point in the same; thence running South 00 degrees 47 minutes 50 seconds East 25.50 feet to a point in the northerly property line of parcel #ED-05-068.09-01-48.00; thence running South 89 degrees 12 minutes 10 seconds East 30.00 feet to the point and place of beginning and containing 0.0176 acres (765.00 square feet) of land be the same more or less. The above described parcel of land shall be considered a public utility easement, reserving the rights of the City of Dover, their agents or assigns to free access for ingress and egress to these premises and every part thereof at all times for purpose of installing, maintaining and operating its existing public utilities.

Section 2. The Council of the City of Dover will sit on Monday, September 9, 2013, at 7:30 p.m., in the Council Chambers at City Hall, Dover, Delaware, to hear the objections of such residents of the City or owners of the property affected as shall attend, in accordance with the provisions of Section 27 of the Charter of the City of Dover (Chapter 158, Volume 36, Laws of Delaware).

Draft

Section 3. The Clerk of Council is hereby directed to post copies of this Resolution in five (5) or more public places in the City of Dover.

ADOPTED: *

S:\ABANDONMENTS\2013\126 Overlook Place\Resolution Setting the Public Hearing.wpd

CARLETON E. CAREY, SR.	DAVID L. BONAR
MAYOR	COUNCIL PRESIDENT

Actions History:

August 26, 2013 - Introduced at City Council

Draft

Overlook Place
Proposed Right-of-Way Abandonment



0 62.5 125 250 Feet

N

Date Printed: June 31, 2013
File: m:\gis_data\projects/tech_mxds
\st_abandonment_map
Department: Public Services GIS
City of Dover, Delaware

Legend

- Overhead Electric Pole
- Underground Electric Lines
- Overhead Electric Lines
- Water Main
- Hydrant Line
- Hydrants
- Manholes
- Sewer Line
- Dover Parcels
- Overlook Place