

HISTORIC AREA COMMISSION  
1 Municipal Drive  
February 8, 2023

Present: Tera Hayward-Olivas, Chairperson  
Lisa Doak  
Cynthia Batty  
Michael Westman  
Leila Hamroun, City Architect

Absent: Kevin Wade

Ms. Hayward-Olivas convened the meeting at 6:30 p.m. Roll call followed and a quorum to conduct business was declared.

### **Gas Piping Discussion**

Ms. Hayward-Olivas provided background and concerns from Commission members and the public about the installation of the gas risers and how the project was conducted by DP&L.

Ms. Doak provided additional background and the main issues that were raised about where the gas riser assemblies (assemblies) were being placed on homes. She noted that the matter was never brought in front of HAC, but HAC does have purview of the streetscape of the Historic District. The two issues brought up were (1) was installation up to the homeowners or was DP&L required to install them out of the public viewscape and (2) what was DP&L's responsibility to obscure them if they were installed in the public viewscape. Additionally, was the homeowner required to contact DP&L regarding the location of the assemblies or was DP&L supposed to be doing this for each homeowner.

Ms. Hamroun stated that she could not speak to the contractual obligations between the city and Delmarva, but she could speak to conversations in which she was involved; including that homeowners would have the option to have the assemblies placed inside or outside and whether it was under the purview of HAC. Ms. Hamroun noted that various options to screen the assemblies were discussed and she walked the entire District with contractor representatives. The best type of screen was to be determined on a case-by-case basis.

Ms. Batty gave a presentation of her research into the matter, including:

- The purpose of the assemblies is to improve the way gas enters homes, to control it better, to reduce the amount of gas going into the home, to vent off gas in the event of an overload and so that if there is a disaster inside the house the assembly can be immediately turned off.
- A review of the various screening used by homeowners.
- MSC does not have any responsibility for the assemblies.
- There is Delaware State Legislation governing the installation of assemblies: Public Utilities Legislation, and the 2016 update to that legislation that required that the contractor work closely with homeowners in a historic district to do the work as aesthetically as possible. Ms. Hamroun noted that the legislation was part of

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conversations between the City Administrator and the City Solicitor. A discussion of how the assemblies were installed and issues that some residents encountered with Delmarva and its subcontractors resulting in damage ensued. Ms. Batty opined that the city has a cause of action and stated her intention to recommend legal activity.

- Various types of screening that some homeowners have installed were discussed and it was noted that many of them are inappropriate and could cause a safety hazard. Ms. Batty explained that if the screening is not vented properly the assembly could explode. Additionally, many of these screens are not properly identified. Ms. Hamroun spoke to standard contract qualification language.
- At least 10” of ventilation space is required.
- The city may need to initiate Ordinances with standards for a screening solution.

Actions:

- Ms. Batty sent a questionnaire to Delmarva but has not received a response yet.

Recommended Next Steps:

- Obtain a copy of the contract between the city and Delmarva from the City Solicitor.
- Ask Delmarva to provide an appropriate assembly cover.
- Ask the city to engage with Delmarva to determine why it was so difficult for homeowners and what its plan for the rest of the Historic District is.
- Ask the city to provide guidance and legislation on criteria.
- Ask the city to initiate a communication plan.
- Ask the city to initiate a safety inspection process.
- Ask Delmarva to initiate communications regarding potential safety issues.
- Discuss having a representative from Council appointed to this matter with Council President Souder.

Ms. Hayward-Olivas opined that the scope of the matter goes beyond the purview of HAC and that HAC should work with City Council. She suggested that questions be compiled to be discussed with Mr. Bergstrom at the March meeting. Ms. Hayward-Olivas noted that she has requested documentation pertinent to the discussion several times. Ms. Hamroun noted that when this was initiated there was a collaborative approach and suggested that HAC draft a menu of options that would be acceptable. She concurred that using unapproved screening could create a potential safety and/or liability risk to homeowners and/or the city.

Ms. Doak noted that installation of the assemblies is a federal requirement and opined that there must be other options. Ms. Hamroun noted that the contract holder (the city) can have a conversation with Delmarva. Ms. Batty suggested that when those conversations take place representatives from HAC, the Planning Commission, and City Council should be included. Ms. Hamroun cautioned that communications with Delmarva should go through the appropriate channels and recommended that a stakeholder in the contractual relationship contact Delmarva.

Ms. Hamroun stated that Delmarva should be asked to initiate a communication to homeowners regarding safety issues.

### **Public Comment**

#### Philip Crichton – 56 The Strand

Mr. Crichton suggested that the public be made aware of potential safety issues. Ms. Hayward-Olivas stated that the Building Inspector would be the individual to initiate that communication.

#### Pete Toner

In response to a question from Mr. Toner, Ms. Hamroun stated that there are specific safety requirements that should be adhered to in terms of appropriate ventilation.

In response to a suggestion from Ms. Batty regarding approved screening, Ms. Hamroun noted that HAC does not recommend contractors, and that anything that has been contractually agreed to should be followed. Ms. Doak reiterated that one question that needs to be resolved is whether the contract states that Delmarva was required to supply appropriate screening or if it only by request. She added that although HAC cannot make a contractor recommendation, perhaps Delmarva can contract with an appropriate vendor for approved screening.

### **Miscellaneous**

Guidelines Review – Ms. Hamroun noted that the HAC Guidelines and the two-tier review process will be reviewed over the next few months and recommendations will be presented to HAC to implement best practices at a future meeting, including taking advantage of Certified Local Government grants. In response to a question from Ms. Batty, Ms. Hamroun noted that a satisfaction survey with resident's interaction with HAC can be done as a separate aspect of the review.

### **March Agenda Items**

- Review of the HAC page on the city website to determine how information can be added, updated, deleted and/or corrected.
- Gas Piping Discussion Part 2.

### **Approval of the Minutes**

A quorum of members attending the November 9, 2023, Historic Area Commission meeting was not in attendance and approval of the minutes was deferred to the March meeting.

There being no further business to discuss, Ms. Hayward-Olivas called for a motion to adjourn.

**A motion to adjourn was made by Ms. Doak and seconded by Ms. Batty. The motion was unanimously carried, and the meeting adjourned at 7:41 p.m.**

Respectfully submitted,

Kathleen R. Weirich  
City Stenographer