

DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL AUTHORITY
100 EAST FIFTH STREET
CHESTER, PENNSYLVANIA 19013

MINUTES

SEPTEMBER 21, 2021 (VIRTUAL)

The Regular Meeting of the Delaware County Regional Water Quality Control Authority was held on Tuesday, September 21, 2021, at 3:30 P.M. The meeting was held virtually via Zoom.com. REGULAR MEETING

Messrs. Kern, Knapp, Lucas, Monaghan, Mullen, Nagle, Pisani, and Madames Nichols and Sage, Board Members, constituting a quorum were present. ROLL CALL

Messrs. DiSantis, Hurst, Lehman, Lenton, McNichol, Pileggi, Willert, and Mesdames Amadio, Bonnett, Byrd, Caulk, and Cummings, were also present.

PUBLIC ATTENDANCE: The following were present: Mr. Mike Ewall of Energy Justice Network and D. L. Fuller of Guardian Environmental Products. There were no other members of the public present. PUBLIC ATTENDANCE

Mr. Lucas, Chairman, called the meeting to Order.

ORDER OF BUSINESS

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited by all parties present. PLEDGE OF ALLEGIANCE

COMMENTS FROM THE PUBLIC: Mrs. Amadio stated that there were no public comments or questions submitted. PUBLIC

APPROVAL OF MINUTES: It was moved by Ms. Sage, seconded by Ms. Nichols, and unanimously carried that the minutes of the Regular Meeting of August 17, 2021 be approved as submitted. APPROVAL OF MINUTES

REPORTS: REPORTS

1. COMMITTEES: COMMITTEES

a. Human Resources and Administration. Mr. Monaghan stated that the Committee met on September 13, 2021. He noted items requiring Board action would be considered later in the agenda. There were no additions to the meeting minutes. Human Resources and Administration

b. Strategic Planning and Goals. Ms. Sage stated that the Committee met on September 13, 2021. There were no additions to the meeting minutes. Strategic, Planning & Goals

c. Operations and Engineering. Mr. Lucas noted that Mr. Mullen's microphone was not working properly. Mr. Lucas stated that the Committee met on September 14, 2021. He noted items requiring Board action would be considered later in the agenda. There were no additions to the meeting minutes.

Operations and
Engineering

d. Finance. Mr. Knapp reported that the Committee met on September 15, 2021. He noted items requiring Board action would be considered later in the agenda. There were no additions to the meeting minutes.

Finance

e. Pension. Mr. Lucas stated that there was no formal meeting of the Pension Committee and had nothing to report at this time.

Pension

2. CHAIRMAN: Mr. Lucas had no items to report at this time.

CHAIRMAN

3. EXECUTIVE DIRECTOR: Mr. Willert stated that there were no additions to the written report.

EXECUTIVE
DIRECTOR

4. DIRECTOR OF ENGINEERING: Mr. Hurst stated that there were no additions to the written report.

DIRECTOR OF
ENGINEERING

5. DIRECTOR OF OPERATIONS & MAINTENANCE: Mr. DiSantis stated that there were no additions to the written report.

DIRECTOR OF
OPERATIONS &
MAINTENANCE

6. SOLICITOR: Mr. McNichol had no items to report at this time.

SOLICITOR

OPERATING FUND PAYMENTS:

OPERATING
FUND PAYMENTS

1. CHIEF FINANCIAL OFFICER REPORT: Mr. Pileggi stated that there were no additions to the written report.

CHIEF FINANCIAL
OFFICER

2. PAYMENT OF BILLS:

PAYMENT OF
BILLS

Approval of Operating Statement, Statement of Fund Balances and List of Bills for the month of August 2021.

It was moved by Mr. Knapp, seconded by Mr. Nagle, and unanimously carried that the statement and the list of bills in the amount of \$3,553,340.95 for the month of August 2021 contained in the Chief Financial Officer report be approved.

CONSTRUCTION FUND PAYMENTS:

CONSTRUCTION
FUND PAYMENTS

1. ENGINEERING ADVISOR'S REPORT: Mr. Lehman stated that there were no additions to the written report.

ENGINEERING
ADVISOR

2. CHANGE ORDERS: Mr. Lucas stated that there were no Contract Change Orders at this time.

CHANGE ORDERS

3. CONTRACT CLOSEOUT AND FINAL PAYMENT APPROVAL: CONTRACT
Mr. Lucas stated that there were no Contract Close-Outs at this time. CLOSEOUT

4. PAYMENT OF BILLS: PAYMENT OF
BILLS

It was moved by Mr. Knapp, seconded by Ms. Sage, and unanimously carried as follows: (a) that the bills of contractors, engineers and others for construction costs, engineering services and related costs under the Renewal & Replacement Fund in the amount of \$2,813,758.84 are hereby approved; and (b) the requisitions on the Renewal & Replacement Fund under the Trust Indenture with TD Bank, in payment of said bills, are hereby approved pending approval by the Treasurer, and the proper officers be and are hereby authorized and directed to execute same.

AUTHORIZATION TO ADVERTISE CONTRACTS: AUTHORIZATION
TO ADVERTISE
CONTRACTS

• Contract No. TCR-2103-O – Plant and Facilities Services (added to BOD agenda): Mr. Hurst stated that this contract advertisement was added to the agenda and not previously discussed at the Operations and Engineering Committee meeting. Mr. Hurst stated that this contract will provide support services for the plant and remote facilities.

Contract No.
TCR-2103-O
Plant & Facilities
Services

It was the consensus of the Board to recommend approval.

It was moved by Mr. Knapp, seconded by Ms. Sage, and unanimously carried to advertise the above contract.

AWARD OF CONTRACTS: AWARD OF
CONTRACTS

• Contract No. P2021-06 – Ash Hauling: Mr. Hurst stated that two bids were received and that the lowest qualified bidder was J&K Trash Removal, Inc. with a bid amount of \$705,600.00 and was in full compliance with DELCORA's requirements.

Contract No.
P2021-06
Ash Hauling

It was moved by Mr. Knapp, seconded by Mr. Nagle, and unanimously carried to award Contract No. P2021-06 to J&K Trash Removal, Inc. in the amount of \$705,600.00.

• Contract No. P2021-07 – Primary Clarifier Spare Parts: Mr. Hurst stated that the Solicitor recommended that the bids be rejected and that this contract be re-bid.

Contract No.
P2021-07
Primary Clarifier
Spare Parts

It was moved by Mr. Nagle, seconded by Mr. Knapp, and unanimously carried to reject all bids received.

It was moved by Ms. Sage, seconded by Mr. Knapp, and unanimously carried to authorize the re-advertisement and re-bid of Contract No. P2021-07 – Primary Clarifier Spare Parts.

• Contract No. TC-2009-C – T-28 Construction And PS-5 Modifications:

Contract No.
TC-2009-C
T-28 Constrctn. &
PS-5 Modifctns.

▶ Contract A – General Mr. Hurst stated that three bids were received and that the lowest qualified bidder was Allan Myers, L.P. with a total combined bid amount of \$22,475,505.50 and was in full compliance with DELCORA's requirements.

Contract A - General

It was moved by Mr. Knapp, seconded by Ms. Sage, and unanimously carried to award Contract No. TC-2009-C – Contract A – General to Allan Myers, L.P. in the total combined amount of \$22,475,505.50.

▶ Contract D – Electrical Mr. Hurst stated that four bids were received and that the lowest qualified bidder was Philips Brothers Electrical Contractors, Inc. with a total combined bid amount of \$1,099,000.00 and was in full compliance with DELCORA's requirements.

Contract D - Electrical

It was moved by Mr. Nagle, seconded by Mr. Knapp, and unanimously carried to award Contract No. TC-2009-C – Contract D – Electrical to Philips Brothers Electrical Contractors, Inc. in the total combined amount of \$1,099,000.00.

OLD BUSINESS: Mr. Lucas stated that there was no Old Business at this time.

OLD BUSINESS

NEW BUSINESS:

NEW BUSINESS

1. Authorization for Professional Services: (Capital Funds)

Authorization for
Professional
Services (Capital)

A. Brown And Caldwell – Proposal Dated September 2, 2021 – For Professional Data Analysis And Preliminary Engineering Services To Assess Options To Mitigate Sanitary Sewer Overflows At The Rose Valley Pump Station – Total Amount Not To Exceed \$25,703.00 (Capital Funds)

Brown & Caldwell
Assess Options to
Mitigate SSOs at
Rose Valley PS

B. CDM Smith, Inc. – Proposal Dated September 1, 2021 – For As Needed Engineering And Consulting Support For Incineration System – Total Amount Not To Exceed \$15,000.00 (Capital Funds)

CDM Smith
Incineration System
Support Svcs.

C. ERM – Proposal Dated September 10, 2021 – For Professional Real Estate Support Services For The ESA Tunnel Supplemental Proposal – Total Amount Not To Exceed \$128,345.00 (Capital Funds)

ERM
Real Estate Support
Svcs. – ESA
Tunnel Project

Mr. Hurst stated that the above items were discussed at the Operations and Engineering Committee meeting, and it was the consensus of the committee to recommend Board approval.

D. Catania Engineering – Proposal Dated September 17, 2021 – For Professional Engineering Services To Perform A Flow Diversion Feasibility Study From Various Properties In Eddystone Connected To The Boeing Pump Station – Total Amount Not To Exceed \$24,340.00 (Capital Funds) (added to BOD agenda)

Catania
Flow Diversion Study
– Properties in
Eddystone to Boeing
PS

Mr. Hurst stated that this item was added to the agenda and not previously discussed at the Operations and Engineering Committee meeting. Mr. Hurst stated that this proposal is to perform a feasibility study to determine if the flow from various Eddystone properties can be disconnected from the privately-owned Boeing Pump Station and re-direct that flow either to our collection system, the Central Delaware County Authority, or to the Eddystone Pump Station.

It was the consensus of the Board to recommend approval of Item D.

It was moved by Ms. Sage, seconded by Mr. Knapp, and unanimously carried to approve the Professional Services proposals A, B, C, and D listed above.

2. Authorization for Professional Services: (Operating Funds)

Authorization for
Professional
Services (Operating)

A. Chavond-Barry Engineering Corp. – Proposal Dated September 8, 2021 – For Professional Engineering Services To Perform 2021 Stack Testing – Total Amount To Not Exceed \$215,300.00 (Operating Funds)

Chavond-Barry
2021 Stack Testing

B. CUES – Proposal Dated August 16, 2021 – For Professional Services To Provide GraniteNet Software And Support Services – Total Amount Not To Exceed \$28,110.00 (Operating Funds)

CUES
GraniteNet Software
& Support Svcs.

C. EMA – Proposal Dated August 19, 2021 – For Professional Services To Develop A Data Interface To Copy Lab Data Entered On DELCORA Lab Bench Sheets To The EOPS System (Phase 1 And 2) – Total Amount Not To Exceed \$30,245.00 (Operating Funds)

EMA
Develop Data
Interface – Lab Data

D. Trinity Consultants – Proposal Dated August 17, 2021 – For Professional Services To Provide Assistance In Preparing A Plantwide Applicability Limit (PAL) Renewal Application – Total Additional Amount Not To Exceed \$4,000.00 (Operating Funds)

Trinity Consultants
Prepare PAL Renewal
Application

Mr. Hurst stated that the above items were discussed at the Operations and Engineering Committee meeting, and it was the consensus of the committee to recommend Board approval.

It was moved by Mr. Knapp, seconded by Ms. Nichols, and unanimously carried to approve the Professional Services proposals A, B, C, and D listed above.

3. Authorization To Purchase:

Authorization to Purchase

- Purchase Of One VFD Drive For A Pump At The Darby Creek Pump Station Through PA CO-STARS Contract #016-034 (DRV, Inc.) – Total Amount Not To Exceed \$66,857.26 (Capital Funds): Mr. Hurst stated that this item was discussed at the Operations and Engineering Committee meeting, and it was the consensus of the committee to recommend Board approval.

1 – VFD Drive for DCPS

It was moved by Mr. Nagle, seconded by Mr. Knapp, and unanimously carried to approve the above purchase.

4. Advisor Appointment:

Engineering Advisor

- Engineering Advisor Services For The Fourth Quarter 2021 – Weston Solutions, Inc. – Total Amount Not To Exceed \$2,500.00 Per Quarter

Mr. Knapp stated that this item was discussed at the Operations and Engineering Committee meeting, and it was the consensus of the committee to recommend Board approval.

It was moved by Mr. Knapp, seconded by Ms. Sage, and unanimously carried that Weston Solutions, Inc. be appointed as Engineering Advisor for the fourth quarter of 2021 for an amount of \$2,500.00 per quarter.

5. Resolution No. 2021-09 – Retirement of Derick Blackburn: Mr. Willert stated that Derick retired after 29 years of service at DELCORA. Derick was a leader of the team, did his job very well, and he was a true pleasure to work with.

Res. No.
2021-09

Mr. DiSantis noted that Derick was one of the senior members of the department, rather quiet but very reliable, knowledgeable, and experienced. Derick will be greatly missed. His father also worked for DELCORA.

Mr. Lenton added that Derick was a great mentor to others and also assisted younger employees in buying homes in the area since he was also a realtor. He always showed up to work and never presented any negative issues.

Mr. Lucas read the resolution aloud and congratulated Mr. Blackburn on his retirement.

Mr. Lucas stated that this item was discussed at the Human Resources and Administration Committee meeting, and it was the consensus of the committee to recommend Board approval.

It was moved by Mr. Monaghan, seconded by Ms. Sage, and unanimously carried to adopt Resolution 2021-09.

6. Resolution No. 2021-10 – Authorizing The Minimum Municipal Obligation Budget For 2022 – Pension Fund: Mr. Pileggi noted that that this resolution authorizes the 2022 Pension Fund contribution as determined by the Actuary.

Res. No.
2021-10

Mr. Lucas stated that this item was discussed at the Human Resources and Administration Committee meeting, and it was the consensus of the committee to recommend Board approval.

It was moved by Mr. Knapp, seconded by Ms. Sage, and unanimously carried to adopt Resolution 2021-10.

7. Resolution No. 2021-11 – TD Banking Resolution To Update Signatories On Accounts: Mr. Lucas stated that this item was discussed at the Finance Committee meeting, and it was the consensus of the committee to recommend Board approval.

Res. No.
2021-11

It was moved by Mr. Knapp, seconded by Mr. Nagle, and unanimously carried to adopt Resolution 2021-11.

8. Amendment To The By-Laws – For Discussion: Mr. Willert noted that this item was first discussed at the Finance committee and placed on the Board agenda for further discussion.

By-Laws Amendment

Mr. McNichol, Solicitor, stated that the current By-Laws require written notice at a public meeting if there are to be any changes made to the By-Laws. Addressing post-closing issues relating to the Aqua transaction, certain Board members identified potential changes to DELCORA's current By-laws. The proposed amendments, if passed, will provide that: 1) Board members can participate in meetings by telephonic communication; 2) the current version of Robert's Rules of Order will apply; and 3) enhancements to the personal liability and indemnification provisions in the current By-laws giving greater protections to Board members.

Following discussion, it was the consensus of the Board to recommend approval of the amendment to the By-Laws. Formal approval will occur at the October Board meeting.

It was moved by Mr. Knapp, seconded by Ms. Nichols, and unanimously carried to place this item on the agenda of the Board of Directors meeting in October 2021 for formal approval.

Referring to the award of Contract No. P2021-07 – Primary Clarifier Spare Parts, Ms. Nichols inquired as to why the bids are being rejected. Mr. McNichol responded that there was too great a difference in total bid amounts and that there was an error found in the quantity of units in Item “D” in Section III of the Bid Form. The quantity set forth in Item “D” is 3,100 but should have been 310. Therefore, he recommended that the bids be rejected and that this contract be re-bid with the appropriate quantity in Item “D” along with other bid form modifications.

Mr. Kern requested input on the 2021 Act 65 and its impact on the Sunshine Law relative to the Board agenda requirements, and asked if meetings are still being planned to discuss capital and operating budgets.

Addressing his question about the capital funds meetings, Mr. Hurst stated that the 2021 capital needs will be discussed at the October Operations and Engineering Committee meeting.

There was a brief discussion on Act 65 and Mr. McNichol stated he will review the Act and provide further guidance.

EXECUTIVE SESSION: There was no Executive Session.

EXECUTIVE
SESSION

ADJOURNMENT: It was moved by Mr. Monaghan, seconded by Mr. Knapp, and unanimously carried to adjourn the meeting at 4:00 P.M.

ADJOURNMENT

ATTEST
Secretary