

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

MINUTES

MARCH 15, 2022 (VIRTUAL / ON-SITE)

The Regular Meeting of the Delaware County Regional Water Quality Control Authority was held on Tuesday, March 15, 2022, at 3:30 P.M. The meeting was held virtually via Zoom.com and in the Board Room of the Administration Building at 100 East Fifth Street, Chester, Pennsylvania.

REGULAR
MEETING

Messrs. Kern, Knapp, Monaghan, Moss, Mullen, Nagle, and Madames Billings, Nichols, and Sage, Board Members, constituting a quorum were present.

ROLL CALL

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

PUBLIC ATTENDANCE: The following were present: Michael Clarke and Samantha Newell of Rudolph Clarke, LLC; John Rice and Peter Nelson of Grim, Biehn & Thatcher; and Traci Confer of Energy Justice Network. No other members of the public were present.

PUBLIC

Mr. Kern, 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: Mr. Kern stated that there were no public comments received.

PUBLIC
COMMENTS

APPOINTMENT OF LEGAL SERVICES:

LEGAL SERVICES

Mr. Kern announced the following:

The law firm of Grim, Biehn & Thatcher is appointed as the new Solicitor for the Authority for an hourly rate of \$215.00 for Partners and \$195.00 for Associates.

Grim, Biehn &
Thatcher
Solicitor

It was moved by Mr. Nagle, seconded by Ms. Billings, and carried by a vote of 6-3 to appoint Grim, Biehn & Thatcher as the new Solicitor for the Authority.

Mr. Kern requested a roll call vote be taken: "Yay" vote cast by Ms. Billings, Mr. Kern, Mr. Moss, Mr. Mullen, Mr. Nagle, and Ms. Nichols. "Nay" vote cast by Mr. Knapp, Mr. Monaghan, and Ms. Sage.

Mr. Kern announced the following:

The law firm of Rudolph Clarke, LLC is appointed as the new Legal Advisor for litigation services for the Authority for an hourly rate of \$280.00 for Partners and \$105.00 for Paralegals.

Rudolph Clarke
Legal Advisor

It was moved by Ms. Billings, seconded by Mr. Mullen, and carried by a vote of 6-3 to appoint Rudolph Clarke, LLC as the new Legal Advisor for the Authority.

Mr. Kern requested a roll call vote be taken: "Yay" vote cast by Ms. Billings, Mr. Kern, Mr. Moss, Mr. Mullen, Mr. Nagle, and Ms. Nichols. "Nay" vote cast by Mr. Knapp, Mr. Monaghan, and Ms. Sage.

APPROVAL OF MINUTES: It was moved by Ms. Sage, seconded by Mr. Moss, and unanimously carried that the minutes of the Regular Meeting of February 15, 2022, be approved as submitted.

APPROVAL
OF MINUTES

REPORTS:

REPORTS

1. COMMITTEES:

COMMITTEES

a. Human Resources and Administration. Ms. Nichols stated that the Committee met on March 7, 2022. She noted one item 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. Mr. Nagle stated that the Committee met on March 7, 2022. There were no additions to the meeting minutes.

Strategic, Planning
& Goals

c. Operations and Engineering. Mr. Mullen stated that the Committee met on March 8, 2022. 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 stated that the Committee met on March 9, 2022. There were no additions to the meeting minutes.

Finance

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

Pension

2. CHAIRMAN: Mr. Kern reported the following:

CHAIRMAN

1) On March 2, 2022, an Executive Session was held to gather information and to educate the Board Members on the Asset Purchase Agreement. 2) On March 15, 2022, an Executive Session was held to gather information and educate the Board Members on

pending legal topics. 3) Mr. Kern met virtually with Mike Ewall from Energy Justice Network and discussed a number of issues. He is requesting the following: regarding Odors – to move up in time a capital project to cover the aerated grit channels and primary tank inlets; and regarding Incinerators – to eliminate the acceptance of leachate from landfills that accept PFAS wastes. Mr. Kern referenced the Executive Director’s report to highlight the positive response to these concerns.

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; however, he noted that it’s been confirmed that a public meeting will be held this Monday at 6:00 PM in the Chester City Council Chambers to review the 537 Plan with interested parties and we were notified today that our Title V Permit has integrated a new piece called the ‘Plantwide Applicability Limit’ (PAL) and notification of this will be advertised for public comment. DIRECTOR OF ENGINEERING

5. DIRECTOR OF OPERATIONS & MAINTENANCE: Mr. DiSantis stated that there were no additions to the written report; however, he noted that the pollution limits in the ‘Plantwide Applicability Limit’ remain unchanged. DIRECTOR OF OPERATIONS & MAINTENANCE

6. SOLICITOR: Mr. John Rice of Grim, Biehn & Thatcher thanked the Board for his appointment as Solicitor to the Authority and looks forward to working with DELCORA. He had no items to report at this time. SOLICITOR

Mr. Michael Clarke, Managing Partner of Rudolph Clarke LLC, thanked the Board for his appointment as litigation counsel and looks forward to working with DELCORA.

OPERATING FUND PAYMENTS: OPERATING FUND PAYMENTS

1. MONTHLY FINANCIAL REPORT: Mr. Cherico 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 February 2022.

It was moved by Mr. Knapp, seconded by Mr. Mullen, and unanimously carried that the statement and the list of bills in the amount of \$2,325,695.75 for the month of February 2022 contained in the Monthly Financial 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. Kern stated that there were no Contract Change Orders at this time.

CHANGE ORDERS

3. CONTRACT CLOSEOUT AND FINAL PAYMENT APPROVAL: Mr. Kern stated that there were no Contract Closeouts at this time.

CONTRACT
CLOSEOUT

4. PAYMENT OF BILLS:

PAYMENT OF
BILLS

It was moved by Mr. Knapp, seconded by Mr. Nagle, 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 \$3,756,805.24 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: Mr. Kern stated that there were no Authorizations to Advertise Contracts at this time.

AUTHORIZATION
TO ADVERTISE
CONTRACTS

AWARD OF CONTRACTS:

AWARD OF
CONTRACTS

• Contract No. P2022-01 – Lawn Mowing And Maintenance. Mr. Kern stated that the lone bidder was Deerfield Mowing and Property Maintenance, Inc. with a bid amount of \$31,345.00 and was in full compliance with DELCORA's requirements.

Contract No.
P2022-01
Lawn Mowing &
Maintenance

It was moved by Mr. Mullen, seconded by Mr. Knapp, and unanimously carried to award Contract No. P2022-01 – Lawn Mowing & Maintenance to Deerfield Mowing and Property Maintenance in the amount of \$31,345.00.

• Contract No. SW-2104-C – SWDCMA Sewer Inflow And Infiltration Removal. Mr. Kern stated that there were two bids received and that the lowest qualified bidder was Standard Pipe Services, Inc. with a bid amount of \$821,135.00 (base bid) and was in full compliance with DELCORA's requirements.

Contract No.
SW-2104-C
SWDCMA Sewer
Inflow & Infiltration
Removal

It was moved by Mr. Mullen, seconded by Ms. Sage, and unanimously carried to award Contract No. SW-2104-C – SWDCMA Sewer Inflow And Infiltration Removal to Standard Pipe Services, Inc. in the amount of \$821,135.00 (base bid only). The contract award does not include the "Alternate Bid Items".

• Contract No. TC-2201-C – Incinerator – Annual Maintenance & Emergency Repairs 2022. Mr. Kern stated that the lone bidder was Industrial Furnace Company, Inc. with a one year bid amount of \$722,400.00 and a two year bid amount of \$1,491,400.00, and was in full compliance with DELCORA’s requirements.

Contract No.
TC-2201-C
Incinerator-Annual
Maintenance &
Emergency Repairs
2022

It was moved by Mr. Mullen, seconded by Ms. Nichols, and unanimously carried to award Contract No. TC-2201-C – Incinerator – Annual Maintenance & Emergency Repairs 2022, Inc. for a two year period in the amount of \$1,491,400.00.

OLD BUSINESS: Mr. Kern 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

A. Anchor Consultants, LLC – Proposal Dated March 7, 2022 – For Professional Engineering Services For Routine Inspection Of The Cellular Bulkhead Forming The Shoreline Of The DELCORA WRTP – Total Amount Not To Exceed \$23,000.00 (Capital Funds).

Anchor Consultants
Inspection of Cellular
Bulkhead at WRTP
Shoreline

B. Anchor Consultants, LLC – Proposal Dated March 7, 2022 – For Professional Engineering Services For Chester Pump Station Bulkhead Routine Inspection – Total Amount Not To Exceed \$16,800.00 (Capital Funds).

Anchor Consultants
Inspection of Chester
Pump Station
Bulkhead

C. AECOM – Proposal Dated March 7, 2022 – For Amendment To Professional Engineering Services For Design And Geotechnical Investigations For Changing To 14-Ft Diameter Tunnel. – Total Amount Not To Exceed \$473,087.00 (Capital Funds).

AECOM
Amendment for
Design Change to
14 Ft. Tunnel

D. Buchanan Public Relations, LLC – Proposal Dated February 24, 2022 – For Professional Services For Public Relations And Communications Support – Total Additional Amount Not To Exceed \$99,000.00 (Capital Funds).

Buchanan Public
Relations
Addtnl. PR Services

E. Chester Water Authority – Proposal Dated March 1, 2022 – For Professional Services For The Sewer Separation Project For Townsend Street – Total Amount Not To Exceed \$15,000.00 (Capital Funds).

Chester Water
Authority
Sewer Separation –
Townsend Street

F. Gilroy Damon Associates, Inc. – Proposal Dated February 16, 2022 – For Professional Engineering Services For ESA Tunnel Land Agent Support Services For The Darby Creek Pump Station, Central Delaware County Pump Station And Force Main – Total Amount Not To Exceed \$10,000.00 (Capital Funds).

Gilroy Damon
ESA Tunnel Land
Agent Support Svcs.

Mr. Kern stated that these 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. Mullen, seconded by Mr. Nagle, and unanimously carried to approve Items “A” through “F” listed above.

2. Authorization for Professional Services (Operating Funds)

Authorization for Professional Services

A. SEWERAI – Proposal Dated February 9, 2022 – For Professional Services To Use An AI-Assisted Process To Facilitate Rapid And Accurate Sewer Condition Assessments – Total Amount Not To Exceed \$60,000.00 (Operating Funds). Mr. Kern 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.

SEWERAI AI-Assisted Process for Sewer Condition Assessments

It was moved by Mr. Mullen, seconded by Ms. Billings, and unanimously carried to accept SEWERAI’s Proposal dated February 9, 2022, for a total amount not to exceed \$60,000.00.

3. Authorization To Purchase:

Authorization to Purchase

- Purchase Of Chlorosorb Ultra (Box) Media Through A Sole Source Provider (PURAFIL) For A Total Amount Not To Exceed \$55,904.46 (Capital Funds)

Chlorosorb Ultra (Box) Media

Mr. Kern 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. Purchase will be made through a Sole Source Provider (PURAFIL).

It was moved by Mr. Mullen, seconded by Ms. Billings, and unanimously carried to approve the above purchase.

4. Advisor Appointment:

Advisor Appointment Engineering Advisor

- Engineering Advisor Services For Second Quarter 2022 – Weston Solutions, Inc. – Total Amount Not To Exceed \$2,500.00 Per Quarter

Mr. Kern 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. Mullen, seconded by Mr. Moss, and unanimously carried that Weston Solutions, Inc. be appointed as Engineering Advisor for the second quarter of 2022 for an amount of \$2,500.00 per quarter.

5. Approval Of The New Collective Bargaining Agreement Between DELCORA And Teamsters Local No. 115: Mr. Kern 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.

Teamsters Local No.
115 – New Collective
Bargaining Agreement

It was moved by Ms. Nichols, seconded by Mr. Mullen, and unanimously carried to approve the New Collective Bargaining Agreement between DELCORA and Teamsters Local No. 115.

Mr. Nagle requested Mr. Willert provide a summary of changed items in the agreement. Mr. Willert responded that this is a three-year agreement including the following conditions: an increase of 3% per year; an increase in the on-call rate differential; an increase in the boot allowance from \$275 to \$300; work-day hours permanently changed to 6:00 AM to 2:30 PM; and first stage grievance response time was reduced.

EXECUTIVE SESSION. There was an Executive Session held prior to the Board meeting.

EXECUTIVE
SESSION

ADJOURNMENT: It was moved by Ms. Nichols, seconded by Mr. Mullen, and unanimously carried to adjourn the meeting at 3:55 P.M.

ADJOURNMENT

ATTEST
Secretary