

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

MINUTES

SEPTEMBER 20, 2022 (ON-SITE / VIRTUAL OPTION)

The Regular Meeting of the Delaware County Regional Water Quality Control Authority was held on Tuesday, September 20, 2022, at 3:30 P.M. The meeting was held in the Board Room of the Administration Building at 100 East Fifth Street, Chester, Pennsylvania and virtually via Zoom.com. 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, Rice, Willert, and Mesdames Amadio, Bonnett, Byrd, Caulk, Cummings, and Jackson were present. Mr. Michael Clarke and Ms. Samantha Newell of Rudolph Clarke were also present.

PUBLIC ATTENDANCE: Mr. Mike Ewall and an unidentified person labeled "SVI-NCI" were present. No other members of the public were present. PUBLIC

Prior to the start of the regular meeting, Mr. Willert introduced new employee Michelle Jackson. Ms. Jackson was hired as DELCORA's Community Engagement and Outreach Coordinator. He stated that she has already participated in several meetings and has been actively engaged and has shown enthusiasm in her new role. NEW EMPLOYEE INTRODUCTION

Ms. Jackson thanked the Board for this opportunity and looks forward to contributing to the Authority's objectives.

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 comments received from the public. PUBLIC COMMENTS

APPROVAL OF MINUTES: It was moved by Mr. Nagle, seconded by Mr. Moss, and unanimously carried that the minutes of the Regular Meeting of August 16, 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 September 12, 2022. 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 September 12, 2022. There were no additions to the meeting minutes.

Strategic, Planning
& Goals

c. Operations and Engineering. Mr. Mullen stated that the Committee met on September 13, 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 September 14, 2022. He noted one item requiring Board action would be considered later in the agenda. There were no additions to the meeting minutes.

Finance

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

Pension

f. Legal Liaison. Ms. Billings stated that a report from the Solicitor will be discussed in Executive Session.

Legal Liaison

2. CHAIRMAN: Mr. Kern reported that:

CHAIRMAN

- An Executive Session was held on September 12th to provide information to the Board on the 2023 Operating Capital Budget.
- Executive Sessions were held on September 13th, 14th, and 15th to discuss legal issues with the Authority's attorneys. In consultation with the Finance Chair, he asked Obermayer Rebmann Maxwell & Hippel to initiate the search for a new Rate Stabilization Fund Trustee.
- He attended the Safety Barbeque at the WRTP on September 16th; food provided by Mission Barbeque.
- Skye Nickalls, our Bond Council, has moved to the law firm of Ballard Spahr.
- Several requests for our Capital program and budget have been received. These have been sent to our solicitor for review. Responses will be drafted by the solicitor.
- A letter to Aqua has been prepared in response to their county-wide mailing, social media posts and website. This will be discussed further in Executive Session.

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. Rice stated that he is working with Staff on the response to the recent requests regarding the Capital program. He and Mr. Nelson continue to work on easements and other land acquisitions related to the tunnel construction, and are working out some title issues with some of the municipalities. He noted other legal matters will be discussed in Executive Session. SOLICITOR

Mr. Clarke reported that the Remand Hearing was held in front of Judge Dozor in early September. The judge entered an order that was consistent with his earlier order prior to being overturned by the Commonwealth Court. That order somewhat mirrored what Aqua was asking for in the order, especially as it related to having Judge Dozor declare that the Asset Purchase Agreement is legal and valid pending a decision by the PUC. We expect the County to appeal that portion of Judge Dozor's order back to the Commonwealth Court. He noted other legal matters will be discussed in Executive Session.

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 August 2022.

It was moved by Mr. Knapp, seconded by Ms. Billings, and unanimously carried that the statement and the list of bills in the amount of \$3,587,424.92 for the month of August 2022 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. 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 Close-Outs 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 \$1,808,226.80 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. ST-2207-C – Wastewater Tunnel Program – Contract Z – Site Preparation

Contract No. ST-2207-C Tunnel – Contract Z – Site Preparation

• Contract No. ST-2208-C – Wastewater Tunnel Program – Contract 2 – Pump Stations

Contract No. ST-2208-C Tunnel – Contract 2 – Pump Stations

Mr. Kern stated that the above contract advertisements 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 Ms. Billings, and unanimously carried to approve the advertisement of the contracts listed above.

AWARD OF CONTRACTS:

AWARD OF CONTRACTS

• Contract No. P2022-03 – Removal and Transportation of Ash. Mr. Kern stated that the lone bidder was J. P. Mascaro and Sons with a one-year bid amount of \$1,111,320.00; a two-year bid amount of \$1,148,760.00; and a three-year bid amount of \$1,193,760.00. After review with Staff, it was the Solicitor’s recommendation that this bid be rejected and the contract be re-advertised.

Contract No. P2022-03 – Ash Hauling

It was moved by Mr. Mullen, seconded by Mr. Nagle, and unanimously carried to reject the bid from J. P. Mascaro and Sons and to authorize the re-bid of this contract.

- Contract No. TEW-2206-C – Furnishing Equipment, Labor & Supervision For Electrical Maintenance, Repairs & Other Construction Related Projects. Mr. Kern stated that the lone bidder was Philips Brothers Electrical Contractors, Inc. with a one-year bid amount of \$424,300.00 and a two-year bid amount of \$866,800.00, and was in full compliance with DELCORA's requirements.

Contract No.
TEW-2206-C
Annual Electrical

It was moved by Mr. Mullen, seconded by Mr. Moss, and unanimously carried to award Contract No. TEW-2206-C to Philips Brothers Electrical Contractors, Inc. in the amount of \$866,800.00 for two years.

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. Catania Engineering – Proposal Dated September 7, 2022 – For Professional Engineering Services For Design Of CSO #10 Diversion From CSO #8 To The West End Interceptor – Total Amount Not To Exceed \$61,405.00 (Capital Funds).

Catania
Design CSO #10
Diversion

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. Monaghan, and unanimously carried to approve the Professional Services proposal listed above.

B. Catania Engineering – Proposal Dated September 7, 2022 – For Professional Engineering Services For 10% Design Of The Tilghman Street Diversion Project – Total Amount Not To Exceed \$7,500.00 (Capital Funds).

Catania
10% Design of
Tilghman St.
Diversion Project

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. Monaghan, and unanimously carried to approve the Professional Services proposal listed above.

C. D'Huy Engineering Inc. – Proposal Dated September 9, 2022 – For Professional On-Call Engineering Services For 2022-2023 – Total Amount Not To Exceed \$375,000.00 (Capital Funds).

D'Huy
On-Call Services

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 Ms. Nichols, and unanimously carried to approve the Professional Services proposal listed above.

D. Pennoni Associates, Inc. – Proposal Dated September 8, 2022 – For Professional Engineering Services For Engineering Assessment And Original Cost - Update – Total Amount Not To Exceed \$25,000.00 (Capital Funds).

Pennoni
Assessment &
Original Cost Update

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. Monaghan, and unanimously carried to approve the Professional Services proposal listed above.

2. Authorization for Professional Services: (Operating Funds)

Authorization for
Professional
Services

A. Chavond-Barry Engineering Corp. – Proposal Dated September 6, 2022 – For Professional Engineering Services For 2023 Stack Testing – Total Amount Not To Exceed \$208,500.00 (Operating Funds).

Chavond-Barry
2023 Stack Testing

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 Ms. Nichols, and unanimously carried to approve the Professional Services proposal listed above.

3. Advisor Appointment:

Engineering Advisor

- Engineering Advisor Services For Fourth 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 Ms. Nichols, and unanimously carried that Weston Solutions, Inc. be appointed as Engineering Advisor for the fourth quarter of 2022 in the amount of \$2,500.00 per quarter.

Ms. Nichols requested this advisor appointment be made on an annual basis instead of quarterly. Mr. Willert stated that it will be placed on the agendas in January as a yearly appointment.

4. Approval Of The Following Easement Agreement And Payment For The Wastewater Tunnel Project In Accordance With The DELCORA Board Of Directors Resolution 2020-34:

Tunnel Easement

<u>Parcel No.</u>	<u>Location</u>	<u>Type of Easement</u>	<u>Cost</u>
49-11-00158-00	PMX TERRA, LLC. 2 nd Street and Harwick Street Chester, PA	Subterranean	\$3,982.50

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. Nagle, and unanimously carried to approve the subterranean easement agreement and payment listed above.

5. Resolution No. 2022-06 – Authorizing The Minimum Municipal Obligation Budget For 2023 – Pension Fund:

Res. No.
2022-06

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

It was moved by Ms. Sage, seconded by Mr. Monaghan, and unanimously carried to adopt Resolution 2022-06.

6. Resolution No. 2022-07 – Authorizing The Acquisition Of Land Easement Across A Portion Of Tax Map Parcel No. 31-00-01383-02 For Sanitary Sewer Purposes:

Res. No.
2022-07

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 to adopt Resolution 2022-07.

7. Authorization To Purchase:

Authorization to
Purchase

- Purchase Of Five (5) RAM Pick-Up Trucks From Susquehanna Auto Through The PA CO-STARS Contract #025-E22-418 – Total Amount Not To Exceed \$235,000.00 (Capital Funds)
- Purchase A Portable 4" Hydraulic Submersible Pump System From Xylem Through PA CO-STARS Contract #016-008 – Total Amount Not To Exceed \$39,700.00 (Capital Funds)

Five RAM Pick-Up
Trucks

Portable 4" Hydraulic
Submersible Pump
System

Mr. Kern stated that these items were added to the agenda and not previously discussed in committee.

It was the consensus of the Board to recommend approval.

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

Mr. Nagle inquired as to the expected delivery time for the vehicles. Mr. DiSantis responded that delivery is unknown at this time but the order was placed and the trucks will be built. In response to a question from Ms. Nichols, Mr. DiSantis confirmed that this expense for equipment and vehicles was included in the budget.

EXECUTIVE SESSION: There was an Executive Session held to discuss certain legal and litigation matters.

EXECUTIVE
SESSION

ADJOURNMENT: It was moved by Mr. Mullen, seconded by Ms. Billings, and unanimously carried to adjourn the regular meeting after the Executive Session at 4:15 P.M.

ADJOURNMENT

ATTEST
Secretary