

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

MINUTES

DECEMBER 20, 2022

The Regular Meeting of the Delaware County Regional Water Quality Control Authority was held on Tuesday, December 20, 2022, at 2:00 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, Mesdames Billings, Nichols and Sage, Board Members, constituting a quorum were present. ROLL CALL

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

Scott Shearer of PFM Financial Advisors, Skye Nicholls of Ballard Spahr, and Mike Clarke and Samantha Newell of Rudolph Clarke, were also present.

PUBLIC ATTENDANCE: No members of the public were present. PUBLIC ATTENDANCE

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

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

ORDER OF BUSINESS

COMMENTS FROM THE PUBLIC: Mr. Kern stated that there were no comments received from the public. PUBLIC

APPROVAL OF MINUTES: It was moved by Mr. Nagle, seconded by Mr. Mullen, and unanimously carried that the minutes of the Regular Meeting of November 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 December 12, 2022. She 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. Mr. Nagle stated that the Committee met on December 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 December 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 December 14, 2022. He noted items requiring Board action would be considered later in the agenda. There were no additions to the meeting minutes. Finance

Mr. Scott Shearer addressed the Board. He thanked the Board and Staff for their efforts during the last several months in securing the loan financing from FNB Bank in order to have the funds necessary to proceed with the capital projects. He briefly reviewed the "Bank Loan Document" handout provided. He stated that this is a \$30 million loan that can be drawn upon as needed. He also noted the following:

- Draw down must begin within two years of closing
- Closing expected on January 10, 2023
- Interest paid only on funds used
- Variable interest rate loan based on SOFR index, the most commonly used index
- 20 year amortization
- Collapses itself after 10 years
- This is a taxable loan
- Loan is flexible, if market interest rates go down, it can be refinanced
- Covenants associated with it are all in line with the existing provisions of the Authority's Indenture
- If closing with Aqua occurs, loan can be paid off
- No prepayment penalty
- Loan will be re-evaluated in six months if more money is needed

As a condition of this proposal, FNB is requesting that DELCORA deposit \$25 million in investments. He also stated that they are fine-tuning the fees related to this transaction. Typical fees include the bank loan origination fee and a bank council fee. In conclusion, he stated that this is a very good debt vehicle for the Authority to entertain under the current situation.

Ms. Skye Nickalls addressed the Board. She stated that Resolution No. 2022-27 on today's agenda authorizes the incurrence

of this debt under the terms set forth in the term sheet provided by FNB Bank and noted that Mr. Shearer discussed the major terms of the loan. She also noted that the covenants that the Authority will be committing to are those that are already set forth in the Indenture of the Authority and is already observing. The resolution authorizes the capital projects that will be funded with the proceeds of the bonds. The description is broad and flexible so that as the capital projects are ready to move forward in the next two years, they can be funded with proceeds of the bonds. The Authority issues debt under an Indenture and this will be issued under a Supplemental Indenture in order to achieve parity and security for the bonds so it is a revenue pledge of the Authority's revenues. Ms. Nickalls stated that the resolution also authorizes execution of the bond documents that will be needed, such as the Supplemental Indenture, any sort of agreement with the bank for them to purchase the bond, and the appointment of Ballard Spahr as Bond Council, and ratification of prior actions. As previously mentioned by Mr. Shearer, the Authority is not eligible to issue tax exempt debt at this time; however, if the Authority continues as a governmental entity, then this loan could be refunded and issued on a tax exempt basis for more competitive rates depending on market conditions at that time.

Ms. Billings stated that it had been determined that Aqua's approval was not needed to secure this loan but was it established that Aqua would be agreeable for this to be one of their assume liabilities when the loan closes. Ms. Nickalls responded that Mike Clarke from Rudolph Clarke has taken the lead on contact with Aqua and the expectation is that there would be some clarity on Aqua's position as to whether they would assume this debt. Under the Indenture, there is a covenant not to sell the assets of the Authority; however, the plan is to pay off all debts at time of closing with Aqua. Conversations with Aqua will continue and Mr. Clarke can provide an update. In response to a question from Ms. Nichols, Mr. Shearer stated that only the funds actually withdrawn would either be paid off at closing with Aqua or be assumed debt by Aqua.

Mr. Kern thanked Mr. Shearer and Ms. Nickalls for their efforts in securing this loan.

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 the last item on the agenda addresses the need to hire a specialized attorney to handle the Chester Bankruptcy case since DELCORA is named as a creditor. The first mediation discussion is scheduled for December 21<sup>st</sup>. Beth Stern Fleming was recommended by Mike Clarke and John Rice to

represent DELCORA. She also noted that the upcoming Aqua application before the PUC is scheduled for February 14<sup>th</sup> and there are two matters of pending litigation that will be discussed in Executive Session.

2. CHAIRMAN: Mr. Kern expressed his appreciation to the Board for their support, commitment, involvement, and input during the year. He also thanked the Staff for their efforts. CHAIRMAN
3. EXECUTIVE DIRECTOR: Mr. Willert stated that there were no additions to the written report. He also thanked the Board, the Staff and all of the employees for their support and efforts during the year. He wished everyone a Merry Christmas and Happy New Year. 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. He also thanked the Board and employees for their continued support during the year. DIRECTOR OF OPERATIONS & MAINTENANCE
6. SOLICITOR: Mr. Rice stated that work continues with the City of Chester on the 527 Plan approval by attempting to get on a formal agenda to obtain a formal decision. He also has some additional information that he will address in Executive Session. He thanked the Board and Staff for their support, cooperation, and responsiveness since he was named Solicitor. He wished everyone a Happy Holiday. SOLICITOR

OPERATING FUND PAYMENTS: OPERATING FUND PAYMENTS

1. CHIEF FINANCIAL OFFICER 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 November 2022.

It was moved by Mr. Knapp, seconded by Mr. Moss, and unanimously carried that the statement and the list of bills in the amount of \$3,553,533.22 for the month of November 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. He wished everyone a Merry Christmas. ENGINEERING ADVISOR

2. CHANGE ORDERS:

CHANGE ORDERS

- Contract No. SEW-2007-C – CCTV Inspection And Repair Project – Edgmont, Middletown And Rose Valley – Change Order No. 1 – Increase In Contract Time By 599 Days (Mobile Dredging & Video Pipe, Inc.). Mr. Kern stated that this contract change order was discussed at the Operations and Engineering Committee meeting, and it was the consensus of the committee to recommend Board approval.

Contract No.  
SEW-2007-C  
CCTV  
Inspection/Repair  
CO #1

It was moved by Ms. Billings, seconded by Mr. Mullen, and unanimously carried to approve this contract change order.

- Contract No. TCR-2103-0 – Plant And Facilities Services – Change Order No. 1 – Increase In Contract Amount Due To Emergency And Contracted Municipality Work To Include Materials And Labor – Increase In Contract Amount Of \$250,000.00 (MOR). Mr. Kern stated that this contract change order was discussed at the Operations and Engineering Committee meeting, and it was the consensus of the committee to recommend Board approval.

Contract No.  
TCR-2103-O  
Plant & Facilities  
Services  
CO #1

It was moved by Mr. Nagle, seconded by Mr. Knapp, and unanimously carried to approve this contract change order.

3. CONTRACT CLOSEOUT AND FINAL PAYMENT APPROVAL:

CONTRACT  
CLOSEOUT

- Contract No. TC-2006-C – WRTP Plant Upgrades 2020 – Contract A – General (Allan Myers)

Contract No.  
TC-2006-C - WRTP  
Plant Upgrades  
Contract A -  
General

- Contract No. TC-2006-C – WRTP Plant Upgrades 2020 – Contract D – Electrical (Philips Brothers Electrical)

Contract No.  
TC-2006-C - WRTP  
Plant Upgrades  
Contract D -  
Electrical

- Contract No. TEW-2008-C – Electrical Maintenance, Repairs & Other Construction Related Projects (Philips Brothers Electrical)

Contract No.  
TEW-2008-C –  
Electrical Maint. &  
Repairs

Mr. Kern stated that the above contract close-outs 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. Sage, and unanimously carried to approve the above contract close-outs and final payments.

4. PAYMENT OF BILLS:

PAYMENT OF  
BILLS

It was moved by Mr. Moss, seconded by Mr. Knapp, 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 \$3,861,444.26 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. P2022-10 – Trash Removal/Recycle/Disposal & Grit/Screenings Relocation; Removal, Hauling & Disposal At Approved Landfill. Mr. Kern stated that two bids were received and that the lowest qualified bidder was J & K Trash Removal with a total bid amount of \$600,000.00 and was in full compliance with DELCORA's requirements.

Contract No.  
P2022-10  
Trash Removal

It was moved by Mr. Mullen, seconded by Mr. Moss, and unanimously carried to award Contract No. P2022-10 to J & K Trash Removal in the amount of \$600,000.00.

AWARD OF PENNBID ELECTRONIC BIDDING:

AWARD OF  
PENNBID  
ELECTRONIC  
BIDDING

- Contract No. P2022-08 – Liquid Chlorine In One Ton Cylinder. Mr. Kern stated that two bids were received via the PennBid e-Procurement Program and that the lowest bidder was JCI Jones Chemicals, Inc. with a total bid amount of \$720,000.00; however, in its bid submission, JCI Jones Chemicals, Inc. attached a "Bid Addendum" insisting upon a force majeure clause. This clause was not a part of the Bidding Documents nor was it officially added as an addendum to the Bidding Documents. Therefore, JCI Jones Chemicals, Inc.'s bid is non-responsive and should be rejected. The second bidder, Kuehne Chemical Company, Inc., with a total bid amount of \$747,600.00, was in full compliance with DELCORA's requirements and may receive this Award.

Contract No.  
P2022-08  
Liquid Chlorine

It was moved by Mr. Nagle, seconded by Mr. Mullen, and unanimously carried to reject the bid of JCI Jones Chemicals, Inc. as non-responsive and to award Contract No. P2022-08 to Kuehne Chemical Company, Inc. in the amount of \$747,600.00.

In response to a question from Ms. Nichols, Mr. Rice stated that the lowest bidder was disqualified because they added a clause to the contract documents. The next lowest bid was reviewed and was determined to be responsive and qualified to be awarded this contract. The same situation happened with the award of the next purchasing contract.

- Contract No. P2022-09 – Liquid Caustic Soda. Mr. Kern stated that two bids were received via the PennBid e-Procurement Program and that the lowest bidder was JCI Jones Chemicals, Inc. with a total bid amount of \$143,750.00; however, in its bid submission, JCI Jones Chemicals, Inc. attached a “Bid Addendum” insisting upon a force majeure clause. This clause was not a part of the Bidding Documents nor was it officially added as an addendum to the Bidding Documents. Therefore, JCI Jones Chemicals, Inc.’s bid is non-responsive and should be rejected. The second bidder, Kuehne Chemical Company, Inc., with a total bid amount of \$154,246.00, was in full compliance with DELCORA’s requirements and may receive this Award.

Contract No.  
P2022-09  
Liquid Caustic Soda

It was moved by Mr. Nagle, seconded by Mr. Moss, and unanimously carried to reject the bid of JCI Jones Chemicals, Inc. as non-responsive and to award Contract No. P2022-09 to Kuehne Chemical Company, Inc. in the amount of \$154,246.00.

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. Gannett Fleming – Proposal Dated December 6, 2022 – For Professional Engineering Services For WRTP Multiport Diffuser Outfall Detailed Design (Amendment 1) – Total Additional Amount Not To Exceed \$719,538.00 (Capital 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.

Gannett Fleming  
WRTP Multiport  
Diffuser Outfall  
Design  
(Amendment 1)

It was moved by Mr. Mullen, seconded by Mr. Moss, and unanimously carried to approve this Professional Services proposal.

B. Raftelis Financial Consultants, Inc. – Proposal Dated December 7, 2022 – For Professional Services To Provide Support Services For The DRBC Social And Economic Assessment Response Efforts And

Raftelis Financial  
Response to DRBC

For Affordability Program Considerations – Total Amount Not To Exceed \$30,000.00 (Capital 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.

It was moved by Mr. Mullen, seconded by Mr. Moss, and unanimously carried to approve this Professional Services proposal.

In response to a request for an explanation of this proposal from Ms. Nichols, Mr. Hurst stated that the Delaware River Basin Commission (DRBC) implemented a process where they have indicated to us that they will likely add an ammonia limit to our discharge and they gave all of the dischargers an opportunity to review and comment. A piece of their analysis dealt with the affordability of the capital infrastructure that they would require us to build. Mr. Hurst stated that we feel our conclusions would be different if we did our own financial assessment. We reached out to Raftelis to engage in this discussion and for the analysis of whether we would agree with the DRBC analysis. Also, moving into ammonia removal is a significant next step of treatment level costing into the nine figures just to convert ammonia to nitrite.

C. ANDRIS Consulting LLC – Proposal Dated December 7, 2022 – For Professional Services For Continued Assistance With Long Term Control Plan Program Management, Nine Minimum Controls, And The NPDES Permit (Term 1/2/2023 To 12/31/2024) – Total Amount Not To Exceed \$153,300.00 (Capital 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.

ANDRIS Consulting  
Continued Assistance  
With LTCP, NMC &  
NPDES Permit

It was moved by Mr. Mullen, seconded by Mr. Nagle, and unanimously carried to approve this Professional Services proposal.

D. ANDRIS Consulting LLC – Proposal Dated December 7, 2022 – For Professional Services For Continued Support For Program Management And Project Delivery Support Associated With Large Capital Programs Currently Planned (Term 1/2/2023 To 6/30/2023) – Total Amount Not To Exceed \$85,800.00 (Capital 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.

ANDRIS Consulting  
Continued Support  
With Program  
Mngmnt. For Large  
Capital Programs

It was moved by Mr. Mullen, seconded by Mr. Moss, and unanimously carried to approve this Professional Services proposal.



E. Greeley And Hansen – Proposal Dated December 12, 2022 – For Professional Services For Various Preconstruction Activities For The Eastern Service Area Tunnel Program – Amount Based On The Rate Table In Their Competitive Proposal Including A Maximum Rate Of \$290/Hr. Plus Reasonable Expenses (Capital 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.

Greeley & Hansen  
Preconstruction  
Activities For ESA  
Tunnel Program

It was moved by Mr. Mullen, seconded by Mr. Moss, and unanimously carried to approve this Professional Services proposal.

F. Corrosion Probe, Inc. – Proposal Dated December 9, 2022 – For Professional Services For Continued On-Call Services For Corrosion And Materials Engineering, Testing, And Consulting Services – Total Amount Not To Exceed \$18,000.00 (Capital 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.

Corrosion Probe  
Continued On-Call  
Services

It was moved by Mr. Moss, seconded by Mr. Mullen, and unanimously carried to approve this Professional Services proposal.

## 2. Authorization for Professional Services: (Operating Funds)

Authorization for  
Professional  
Services

A. GE Digital – Proposal Dated December 3, 2022 – For Professional Services For Global Care Renewal For The SCADA System For 2023 (GE Digital Is Now Sole Source Provider For Their Software) – Total Amount Not To Exceed \$20,378.91 (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.

GE Digital  
Global Care Renewal  
For SCADA System

It was moved by Mr. Nagle, seconded by Mr. Mullen, and unanimously carried to approve this Professional Services proposal.

B. Smith Instrument Company, Inc. – Proposal Dated December 12, 2022 – For Professional Services To Perform The 2023 Quarterly Flow Meter Calibrations/Verifications – Total Amount Not To Exceed \$30,000.00 (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.

Smith Instrument  
Perform 2023  
Quarterly Flow Meter  
Calibrations

It was moved by Mr. Mullen, seconded by Mr. Moss, and unanimously carried to approve this Professional Services proposal.

C. Weston Solutions, Inc. – Proposal Dated December 12, 2022 – For Professional Engineering Services To Prepare DELCORA’s Annual Chapter 94 Municipal Wasteload Management Reports For 2022 – Total Amount Not To Exceed \$34,000.00 (Operating Funds).

Weston  
Prepare Annual  
Ch. 94 Report for  
2022

Mr. Kern stated that this item was added to the agenda and not previously discussed at the Operations and Engineering Committee meeting. It was the consensus of the Board to recommend approval.

It was moved by Mr. Mullen, seconded by Ms. Billings, and unanimously carried to approve this Professional Services proposal.

D. Weston Solutions, Inc. – Proposal Dated December 12, 2022 – For Professional Engineering Services To Continue Annual SWMM Modeling For Years 2023 And 2024 – Total Amount Not To Exceed \$25,000.00 (Operating Funds).

Weston  
Continue Annual  
SWMM Modeling For  
2023 & 2024

Mr. Kern stated that this item was added to the agenda and not previously discussed at the Operations and Engineering Committee meeting. It was the consensus of the Board to recommend approval.

It was moved by Ms. Billings, seconded by Mr. Mullen, and unanimously carried to approve this Professional Services proposal.

3. Approval Of The Health Insurance Caps For 2023:

Health Insurance  
Caps for 2023

- Monthly Caps On Authority Contribution For Medical And Dental Premiums For 2023:
  - Single \$ 857.82
  - Parent/Child \$1,529.81
  - Parent/Children \$1,529.81
  - Husband/Wife \$1,973.73
  - Family \$2,610.67

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. In response to a question from Ms. Billings, Ms. Byrd stated that there has been no increase or decrease in the caps since 2017, and they are based upon a prior contract.

It was moved by Ms. Nichols, seconded by Ms. Sage, and unanimously carried to approve the Monthly Health Insurance Caps on the Authority Contribution for Medical and Dental Premiums for the year 2023, as listed above.

4. Approval Of The 2023 Committee and Board Meetings Schedule and Authority To Advertise. 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.

DELCORA  
Committee and  
Board Meetings  
Schedule for 2023

It was moved by Ms. Nichols, seconded by Ms. Sage, and unanimously carried to approve the 2023 Committee and Board Meetings schedule and authorize advertisement of same.

5. Approval of the 2023 Holiday Schedule. 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.

2023 Holiday  
Schedule

It was moved by Ms. Nichols, seconded by Mr. Moss, and unanimously carried to approve the 2023 Holiday Schedule.

6. Appointments Of Advisors For 2023:

Appointment of  
Advisors for 2023

- Auditor (Leitzell & Economidis, PC). Mr. Kern stated that Leitzell & Economidis, PC submitted a proposal dated November 4, 2022, to provide professional services to DELCORA to audit the financial statements of the Authority as of and for the year ended December 31, 2022, for a fee not to exceed \$38,000.00.

Auditor

This proposal was discussed at the November Finance Committee meeting and the appointment of Leitzell & Economidis, PC as Auditor was approved at the November 15<sup>th</sup> Board meeting.

- Pension Advisors.

Pension Advisors

- > CBIZ InR Advisory Services, LLC Continues As Investment Advisor [CBIZ InR fee as Fiduciary Investment Manager for the Defined Benefit Pension Plan is .30% of assets-no change in fee]
- > CBIZ Benefits & Insurance Services Continues To Provide Actuarial Services [2023 fee: \$26,500 for recurring services billable quarterly plus \$450 for pension benefit calculations]

- Financial Advisor (Public Financial Management, Inc.) [fee: \$35,000-\$45,000 for each bond issue-no change in fee]

Financial Advisor

- Solicitor (John Rice of Grim, Biehn & Thatcher [fee: Partners \$220/hr.; Associate Attorneys \$200/hr.] )

Solicitor

- Engineering Advisor (Weston Solutions, Inc.) [annual fee: \$10,000-no change in fee]

Engineering Advisor

Mr. Kern stated that the first three of these proposals were discussed at the Human Resources and Administration Committee meeting, and the Engineering Advisor proposal was discussed at the Operations and Engineering Committee meeting. It was the consensus of the committees to recommend Board acceptance of the above Advisor proposals.

It was moved by Mr. Knapp, seconded by Mr. Moss, and unanimously carried to approve the advisor proposals listed above.

7. Authorization To Approve The Chester Water Authority's Water Main Relocation Agreement For The Townsend Street Sewer Separation Project And To Authorize The Payment Of \$25,000.00 To CWA For Inspection Fees: 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.

CWA Main  
Relocation  
Agreement For  
Townsend Street  
Sewer Project

It was moved by Mr. Nagle, seconded by Ms. Sage, and unanimously carried to approve execution of this agreement.

8. Authorization To Purchase:

Authorizations to  
Purchase

- Purchase Of Twenty-Five (25) PSA-AV Area Velocity Sensor w/RU-33 Connector And 30 Foot Cable For The Metering Program Through A Sole Source Provider (FloWav Quote No. DEL1122-01) – Total Amount Not To Exceed \$55,000.00 (Capital Funds)
- Purchase Of Fifteen (15) FL900 Logger w/AV9000 Sensor Analyzer Modules And Fifteen (15) Submerged Area Velocity Sensors For The Metering Program Through The PA CO-STARS Contract (Control 21 Systems Quote #22-[15] Flo Loggers) – Total Amount Not To Exceed \$95,951.16 (Capital Funds)
- Purchase Of Fifteen (15) 2150 Flow Modules With Battery Module, Area Velocity Sensors, 33 Foot Cable, 2 Battery Holders And Carrying Handle With Suspension Strap For The Metering Program Through The PA CO-STARS Contract (HARTCO Environmental Quote #JDEOQ2924) – Total Amount Not To Exceed \$106,202.50 (Capital Funds)

Various Flow  
Meters

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 Ms. Billings, seconded by Mr. Nagle, and unanimously carried to approve the above purchases.

In response to a question from Ms. Billings about the amount required for Board approval, Mr. DiSantis stated that there is an internal purchasing policy in place, based on state limits, that purchases above \$21,000 require Board approval. The Staff purchasing limit is \$5,000. Amounts over that and up to \$21,000 need Executive Director approval and may include other requirements such as getting two or three quotes depending on the amount.

9. Approval Of The Following Easement Agreement And Payment For The Wastewater Tunnel Project In Accordance With The DELCORA Board Of Directors Resolution 2022-01:

Easement Agreement & Payment

<u>Parcel No.</u>	<u>Owner</u>	<u>Type of Easement</u>	<u>Cost</u>
49-11-01081-00	PECO Energy Company	Subterranean	\$975.00

Property is located in the City of Chester near Booth and Front Streets

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. Nagle, seconded by Ms. Nichols, and unanimously carried to approve the Subterranean Easement Agreement and Payment listed above.

10. Approval Of The Temporary Emergency Extension Agreement With Solid Waste Services, Inc. D/B/A J. P. Mascaro & Sons Concerning Dewatered Solids Transportation, Stabilization And Beneficial Use/Disposal Services For A Term Of Up To Six Months Or Until Contract No. P2022-05 Is Awarded To A Successful Bidder, Whichever Occurs Sooner: 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.

Temporary Emergency Extension Agreement with J.P. Mascaro & Sons for Disposal Services

It was moved by Mr. Moss, seconded by Mr. Mullen, and unanimously carried to approve the above Temporary Emergency Extension Agreement with J. P. Mascaro & Sons for disposal services.

Ms. Nichols requested the solicitor give a legal review. Mr. Rice responded that neither bidder complied with the original bid documents, both of them had defects, and both bids were recommended to be rejected, and the contract re-bid. Attorneys for J. P. Mascaro & Sons and Spectraserv have been notified. In the meantime, disposal is urgent and Mascaro already had equipment on site since they were the previously awarded contractor so this Extension Agreement is a temporary measure.

He also stated that Peter Nelson reviewed and revised the original contract documents for the re-bid. As mentioned at the Operations and Engineering Committee meeting, Ms. Billings noted that the bidding document revisions would not preclude any company from bidding on this contract.

Ms. Caulk confirmed that this contract will be re-advertised in January, with the bid opening in February or March 2023, and the contract would start in April 2023.

11. Rate Resolutions – Adoption Of Rate Resolutions For Establishing Sewer Service For The Year 2023: 2023 Rate Resolutions

- Rate Resolution 2022-09 - For Chester City Users
- Rate Resolution 2022-10 - For Upland Borough Users
- Rate Resolution 2022-11 - For Parkside Borough Users
- Rate Resolution 2022-12 - For Chester Township Users
- Rate Resolution 2022-13 - For Trainer Borough Users
- Rate Resolution 2022-14 - For Marcus Hook Borough Users
- Rate Resolution 2022-15 - For Western Wholesale Users
- Rate Resolution 2022-16 - For EDU Wholesale Users
- Rate Resolution 2022-17 - For Retail Industrial Users
- Rate Resolution 2022-18 - For Wholesale Industrial Users
- Rate Resolution 2022-19 - For Eastern Wholesale Users
- Rate Resolution 2022-20 - For Pocopson-Riverside-Chadds Ford Use
- Rate Resolution 2022-21 - For Pocopson-Preserve-Chadds Ford Use
- Rate Resolution 2022-22 - For Rose Valley Borough Users
- Rate Resolution 2022-23 - For Edgmont Township Users
- Rate Resolution 2022-24 - For SWDCMA Users
- Rate Resolution 2022-25 - For Middletown Twp. Sewer Authority Users
- Rate Resolution 2022-26 - For Springhill Farms WWTF Users

A copy of the above rate resolutions was provided to all Board members for their review at the Finance Committee meeting.

Mr. Kern stated that the 2023 rate resolutions were discussed at the Finance Committee meeting and it was the consensus of the committee to recommend Board approval.

It was moved by Mr. Knapp, seconded by Mr. Moss, and unanimously carried to adopt the rate resolutions above, en masse, for establishing sewer service rates for the year 2023.

12. Resolution No. 2022-27 – Resolution Authorizing The Issuance Of One Or More Series Of Sewer Revenue Bonds In An Aggregate Principal Amount Not To Exceed \$30,000,000 For The Purpose Of Funding Various Capital Projects: 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. This item was also discussed earlier in the agenda. Res. No. 2022-27

It was moved by Mr. Knapp, seconded by Mr. Moss, and unanimously carried to adopt Resolution No. 2022-27.

13. Appointment of Bankruptcy Counsel: Mr. Kern stated that this item was added to the agenda and not previously discussed in committee. As mentioned in her report earlier in the agenda, Ms. Billings stated that there is a need to appoint an attorney specializing Appointment of Bankruptcy Counsel Beth Stern Fleming

in bankruptcies to represent DELCORA in the Chester City bankruptcy case. Mr. Clarke stated it was necessary to engage a bankruptcy council and that his office has worked with Ms. Fleming for about twenty years. He noted that Ms. Fleming has about twenty-five years' experience working for a large firm in Center City but has had her own practice for the past seven or eight years and is highly qualified.

It was moved by Ms. Billings, seconded by Ms. Sage, and unanimously carried to appoint Beth Stern Fleming, LLC to represent DELCORA in the City of Chester's Bankruptcy case, with a term beginning December 21, 2022, and for the following amounts: Attorney fee of \$350.00 per hour and a Paralegal fee of \$100.00 per hour.

EXECUTIVE SESSION: There was an Executive Session held after the regular meeting to discuss several legal matters.

EXECUTIVE  
SESSION

ADJOURNMENT: It was moved by Mr. Nagle, seconded by Mr. Moss, and unanimously carried to adjourn the regular meeting at 3:00 P.M.

ADJOURNMENT

ATTEST  
Secretary