

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

SPECIAL MEETING MINUTES

FEBRUARY 13, 2023 (ONSITE & VIRTUAL MEETING)

A Special Meeting of the Delaware County Regional Water Quality Control Authority was held on Monday, February 13, 2023, at 1:00 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. SPECIAL MEETING

Messrs. Kern, Knapp, Monaghan, Moss, Mullen, Nagle, and Mesdames 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, and Cummings were present. Mr. Michael Clarke, Ms. Samantha Newell, and Mr. Pat Seymour of Rudolph Clarke were also present.

PUBLIC ATTENDANCE: The following were present: Joyce Bell, Whitney Snyder, a person identified as "Howard", and Marc Lucca and Chris Luning of Aqua PA. There were no other members of the public 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 comments or questions from the public. PUBLIC COMMENTS

EXECUTIVE SESSION: Mr. Kern announced that there would be an Executive Session for the Board and several others to discuss pending legal issues. EXECUTIVE SESSION

It was moved by Ms. Billings, seconded by Mr. Nagle, and unanimously carried to suspend the meeting and hold an Executive Session.

The meeting resumed at 1:50 PM.

NEW BUSINESS:

NEW
BUSINESS

1. Action Regarding Stay Of PUC Proceedings Before The Administrative Law Judge: Mr. Rice stated that the PUC Administrative Law Judge has granted a Stay of the proceedings in front of the PUC regarding the sale of the Authority system to Aqua. That order was just entered in the last four or five days. Mr. Rice stated that there has been a request from Aqua to join in an appeal of that order and he advises that the Authority should not join in appealing that order any further because firstly, there is an Automatic Stay in Bankruptcy Court because of the Chester petition and, secondly, the City of Chester has filed a petition to Bankruptcy Court to enforce the Automatic Stay. He also stated that joining in Aqua's appeal could violate the Automatic Stay so until there is some clarity from the Bankruptcy Court regarding Chester's Stay petition of the PUC proceedings, his advice to the Board is to not take any further action at this time.

Stay of PUC
Proceedings

2. Motion Regarding Enforcement Of Stay For Chester Bankruptcy: Mr. Kern requested Mr. Clarke provide the wording for the motion.

Stay for
Chester
Bankruptcy

It was moved by Mr. Moss, seconded by Mr. Nagle, and carried, with "nay" votes from Mr. Knapp and Mr. Monaghan, to authorize Bankruptcy Council to file a response to the City of Chester's Enforcement of Stay motion in the City of Chester's Bankruptcy case.

ADJOURNMENT: It was moved by Mr. Mullen, seconded by Mr. Nagle, and unanimously carried to adjourn the meeting at 1:55 P.M.

ADJOURNMENT

ATTEST
Secretary