

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

MINUTES

AUGUST 20, 2024 (ON-SITE / VIRTUAL OPTION)

The Regular Meeting of the Delaware County Regional Water Quality Control Authority was held on Tuesday, August 20, 2024, 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, Martin, Moss, Mullen, Nagle, Schuster, Mesdames Billings, Keffer, and Nichols Board Members, constituting a quorum were present. ROLL CALL

Messrs. Cartafalsa, Cherico, DiSantis, S. Garner, Hurst, Lehman, Rice, Willert, and Mesdames Bonnett, Caulk, B. Garner, and Jackson were also present.

PUBLIC ATTENDANCE: Mike Ewall, Mr. Lindsey Turner, and Mr. Pat Seymour and Michael Clarke of Rudolph Clarke, LLC were present. 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 comments or questions received from the public. PUBLIC COMMENTS

APPROVAL OF MINUTES: It was moved by Ms. Keffer, seconded by Mr. Nagle, and unanimously carried that the minutes of the Regular Meeting of July 16, 2024, 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 August 12, 2024. 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 August 12, 2024. There were no additions to the meeting minutes. Strategic, Planning & Goals

c. Operations and Engineering. Mr. Mullen stated that the Committee met on August 13, 2024. 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. Nagle stated that the Committee met on August 14, 2024. 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. Mullen stated that the Committee met on August 14, 2024. There were no additions to the meeting minutes.

Pension

f. Legal Liaison. Ms. Billings had nothing to report at this time but did note that an Executive Session would be held to discuss legal issues.

Legal Liaison

2. CHAIRMAN: Mr. Kern also noted that there would be an Executive Session to discuss legal issues and no Board actions would be taken. He thanked Mr. Nagle for his assistance with the review of the Procurement Policies and Practices and he will finalize that in the next few weeks. Mr. Kern also mentioned that DELCORA recently handed out school backpacks as part of our community outreach program. He appreciates those efforts. Ms. Billings also noted that Michelle Jackson has joined the Chester Rotary Club as another way to reach out to the community.

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; however, he provided an update to the force main repair at the Rt. 420 bridge. Quite a number of meetings have been held to coordinate the repair. Last Friday evening, the Sewer Maintenance crew was able to isolate the flow of water that was being pumped back into the sewer system. It is now a dry hole. He stated that the crew did a wonderful job of getting into the pipeline up at the high point and inserting an inflatable plug. That plug will stay in place through the duration but it will also be backed up by a line stop which will go in next week. That will enable us to go in and excavate the hole where the strike happened, assess the damage and proceed with the repair. Municipal Maintenance will perform the repair. That proposal is on the agenda today. DELCORA will serve a mechanical support role. Additionally, Mr. DiSantis commended the staff on the phenomenal job they did, sometimes working around the clock to seal off that flow on the eastern end of the pipe just to resolve that issue.

DIRECTOR OF  
ENGINEERING

Mr. Kern also stated that we are extremely fortunate to have employees with the skill, dedication, and knowledge from different

departments working together. In response to a question from Mr. Martin concerning filing a claim against the contractor, Mr. Willert stated that the insurance claim process has already begun.

5. DIRECTOR OF OPERATIONS & MAINTENANCE: Mr. DiSantis stated that there were no additions to the written report; however, he did report on a recent incident in Middletown Township. They experienced a ruptured force main and we responded to that because our Rose Valley pump station flows into that section of the Middletown force main. In about eight hours, we were able to shut down the station, support their operations, and then get it back up and running. This is another good example of the work we do. Middletown did have sanitary sewage going into a storm sewer as a result of the two holes in their force main on Knowlton Road.

DIRECTOR OF  
OPERATIONS &  
MAINTENANCE

6. SOLICITOR: Mr. Rice stated that he had nothing new to report at this time. He also noted that there would be an Executive Session to discuss the Chester bankruptcy litigation.

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 July 2024.

It was moved by Mr. Schuster, seconded by Ms. Nichols, and unanimously carried that the statement and the list of bills in the amount of \$5,523,498.08 for the month of July 2024 contained in the Chief Financial Officer's 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:

CHANGE ORDERS

• Contract No. TEW-2206-C – Furnishing Equipment, Labor, & Supervision For Electrical Maintenance, Repairs & Other Construction-Related Projects – Change Order No. 2 – Increase In Contract Amount Due To \$110,218.00 Expenditure On Generators To Support Multiple Planned PECO-Requested Outages; The Remaining Funds In The Contract Are Allocated Towards Planned Preventative Maintenance Work And No Funds Remain In The Event Of An Emergency; 10% Of Original Contract Amount Requested In

Contract No.  
TEW-2206-C  
Electrical Maint.  
CO #2

The Event Of Any Unforeseen Emergency Work – Increase In Contract Amount Of \$86,680.00 (Philips Brothers Electrical Contractors, 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. Mr. Kern explained the need for the additional funds for unforeseen emergencies during the remainder of the contract. These funds may or may not need to be used. Mr. DiSantis added that we have submitted two claims with PECO to get reimbursed for the rental cost of the generators. PECO approved the first claim in full for about \$33,000 and he expects to finalize the second claim shortly. In total, we expect to be reimbursed about \$80,000, which is fairly close to the amount we have spent because of their issues.

Ms. Nichols asked about the plan that was previously discussed to have our own backup system to deal with PECO outages. In response, Mr. DiSantis stated that the SurePower device, basically a gigantic battery backup, is not fully installed yet. It would give us the ability to shut down the incinerator and pollution-related equipment in a manner that does not cause us to have emissions incidents. He also noted that we have discussed this issue with PECO and requested that if they need us to shut down because of their maintenance issues that PECO should supply us with the generators since DELCORA is similar to any other public health facility. We cannot operate without having primary power with a backup power supply. He is still in discussions with PECO to get this issue resolved moving forward.

It was moved by Ms. Nichols, seconded by Ms. Keffer, and unanimously carried to approve this contract change order.

3. CONTRACT CLOSEOUT AND FINAL PAYMENT APPROVAL:

CONTRACT  
CLOSEOUT

- Contract No. PS-2305-C – Piping & Hydraulic Mains Replacement At Several Pump Stations (S. J. Thomas Company, Inc.).

Contract No.  
PS-2305-C

Mr. Kern stated that this contract closeout 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 Ms. Keffer, seconded by Mr. Nagle, and unanimously carried to approve this contract closeout and final payment.

4. PAYMENT OF BILLS:

PAYMENT OF  
BILLS

It was moved by Mr. Martin, seconded by Mr. Schuster, 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 \$1,202,841.52 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. TEW-2405-C – Furnishing Equipment, Labor & Supervision For Electrical Maintenance, Repairs & Other Construction Related Projects.

Contract No.  
TEW-2405-C  
Electrical  
Maintenance

Mr. Kern stated that the above contract advertisement 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. Martin, seconded by Ms. Keffer, and unanimously carried to advertise the above contract.

AWARD OF CONTRACTS: Mr. Kern stated that there were no Contract Awards at this time.

AWARD OF  
CONTRACTS

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. Remington & Vernick Engineers – Proposal Dated July 16, 2024 – For Professional Engineering Services For Construction Bid Pricing Evaluation Services For Bids Received From The Keystone Purchasing Network (KPN) – Additional Specific Scope Of Services For The Multi-Facility Upgrades Project – Total Additional Amount Not To Exceed \$25,000.00 (Capital Funds).

Remington & Vernick  
Review KPN Bid  
Addtnl. Svcs.

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.

In response to a question about the Multi-Facility Upgrades Project, Mr. Hurst stated that, as part of the capital plan, we are using the Keystone Purchasing Network (KPN) to implement and some of those will be on the September Board agenda for approval. Already approved were installation of some pumps at the Muckinipates Pump Station and the Central Pump Station. The boiler installation at the WRTP and a few other miscellaneous projects will be explained in more detail when brought before the Board. Mr. Kern added that the work will be done at various locations throughout the system, installing pumps, and various mechanical installations at different facilities.

Mr. Kern also stated that we are receiving a quote through the KPN to do work at various locations, and this proposal is for Remington & Vernick to provide a second opinion and evaluate the proposal that we get from the contractor to ensure that the prices are valid. This proposal was reviewed and discussed at length at the Operations and Engineering Committee meeting.

Discussion followed concerning how using the Keystone Purchasing Network (KPN) is rather new to DELCORA as we do not create the contract, someone else does that. We need to be certain that the prices are reasonable for our area since KPN is a statewide cooperative. KPN is comparable to PA CO-STARs. KPN is a non-governmental cooperative. PA CO-STARs is managed by the Department of General Services. KPN is used for contracts. PA CO-STARs is used for purchases. We know their approved contractors have met all the purchasing requirements. KPN does all of the advertising and negotiations but we still need to evaluate the proposals. The solicitor has already reviewed the KPN agreement to make certain KPN has met all of the Authority's procurement regulations, same as CO-STARs.

Ms. Nichols asked if using a third-party review of KPN bids will be the standard operating practice moving forward. Mr. Hurst stated that we have used Remington & Vernick in the past to review KPN bids. This one is more challenging than previous ones because of it being a multi-facility project. There are many facilities involved and several different scopes of work involved. One efficiency of using KPN is that on some of these jobs we are able to implement without a full set of design documents from an independent consulting engineer. If we did use a consulting engineer to create a full design, it would also include the engineer's opinion of probably construction costs. In this case, due to the nature of this work, it does not require that kind of full design. We are able to implement that very efficiently because we have not gone through that phase, both from a cost perspective and a schedule perspective. We are able to move more quickly which is one of the benefits of using the KPN bid process.

Lastly, Mr. Kern stated that we will continue to use a third party to review KPN bids when we feel that it is a complicated bid. Mr. Rice added that KPN, similar to PA CO-STARs, offers us the lowest responsive bidder. Mr. Hurst stated that Remington & Vernick's function is similar to a design engineer doing a cost estimate for a project.

It was moved by Mr. Nagle, seconded by Ms. Keffer, and unanimously carried to approve the Professional Services proposal listed above.

B. Brown And Caldwell – Proposal Dated August 8, 2024 – For Professional Engineering Services To Provide Year 5 Reporting Of The Comprehensive Sewer System Infiltration And Inflow Control Program (Task Order No. 6) – Total Amount Not To Exceed \$354,904.00 (Capital Funds).

Brown & Caldwell  
Year 5 Report of I&I  
Program

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. Martin, seconded by Ms. Keffer, and unanimously carried to approve the Professional Services proposal listed above.

C. CHA Consulting, Inc. (Formerly D'Huy Engineering) – Proposal Dated August 5, 2024 – For Professional On-Call Engineering Services For 2024-2025 – Total Amount Not To Exceed \$150,000.00 (Capital Funds).

CHA Consulting  
(formerly D'Huy)  
On-Call Engineering  
Svcs. For 2024-2025

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. Martin, seconded by Ms. Keffer, and unanimously carried to approve the Professional Services proposal listed above.

D. ERM (Environmental Resources Management) – Proposal Dated August 15, 2024 – For Professional Real Estate Services To Conduct A Limited Phase II Environmental Site Assessment At The Monroe Energy Site Located In Chester City And Trainer Borough – Additional Scope of Work – Total Additional Amount Not To Exceed \$87,905.00 (Capital Funds) (added to agenda).

ERM  
Real Estate Services  
Phase II Site  
Assessment – Monroe  
Energy Site

Mr. Kern stated that this item was not discussed at the Operations and Engineering Committee meeting. Mr. Hurst stated that this proposal is based upon what was found in the Phase 1 work which

includes soil sampling, water sampling, and a report. It is a time and materials job with a not-to-exceed amount. In response to a question about who would be responsible for mitigation based on what is found, Mr. Hurst stated that would be based upon what is found and we do not expect it to be anything beyond what you would normally expect in that part of town.

Mr. DiSantis added that one of the larger concerns is that there is a spoils pile on that site and, as mentioned during a previous monthly report, an agreement was drafted by Mr. Rice but it has not yet been submitted to Monroe Energy. He was notified by Monroe that they had no interest in moving the spoils pile so, because of that, we want to get some extensive sampling and monitoring of that pile so we know what is in it. Once we get those results, we will determine whether or not it is worthwhile for us to pursue obtaining that property. He also noted that the Monroe property is the only contiguous property to the WRTP east of the railroad tracks that would allow for future upgrades to our solids handling area which is quite compact because of the incinerators. Additionally, as we move towards another future technology, such as digestion or something else, it will take up a significant amount of additional space which we do not currently have. The Monroe property would add about 50% more to our acreage. We currently have about 30 acres at WRTP including the parcel we purchased from Covanta.

Ms. Nichols stated that she does recall the conversation about the potential expansion and purchasing the Monroe site but she didn't know that we were moving forward on any of these other than the Chester parcel off of Rt. 291 because that had a time limit on it. She questioned making any of these capital purchases with the outstanding Asset Purchase Agreement (APA) because we would be increasing the value of assets with a standing dollar amount on the APA. She questioned why we would be doing this now with so many unknowns surrounding the APA. She also noted that acquisition of land and easements relative to the tunnel project have slowed down. Mr. Kern stated that this was discussed with our solicitors and by purchasing additional property, the APA price would have to be re-evaluated also. It was also noted that this proposal is to only evaluate the Monroe property, not to purchase it at this time. It was also noted that Monroe has not done nor will they do an environmental assessment of that property. In response to a question from Mr. Kern, Mr. Hurst stated that it would take about three months for ERM to perform the sampling and produce a report on the findings. There were no other questions.

Following discussion, it was the consensus of the Board to recommend approval.



It was moved by Mr. Nagle, seconded by Ms. Billings, with a 'nay' vote from Ms. Nichols, and carried to approve the Professional Services proposal listed above.

E. Municipal Maintenance Co. – Quote Dated August 19, 2024 – For Emergency Pipe Repair Services At The Route 420 Pipe Break Through PA COSTARS Vendor #267572 – Total Amount Not To Exceed \$168,370.00 (Capital Funds) (added to agenda).

Municipal Maint.  
Emergency Pipe  
Repair – Rt. 420 Pipe  
Break

Mr. Kern stated that this item was not discussed at the Operations and Engineering Committee meeting.

It was the consensus of the Board to recommend approval.

It was moved by Ms. Keffer, seconded by Mr. Martin, and unanimously carried to approve the Professional Services proposal listed above.

2. Authorization for Professional Services: (Operating Funds)

Authorization for  
Professional  
Services

A. Catania Engineering – Proposal Dated July 1, 2024 – For Professional Engineering Services For The Review Of Planning Modules For 2024 – Total Amount Not To Exceed \$17,500.00 (Operating Funds).

Catania  
Review Planning  
Modules 2024

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. Mr. Hurst noted that this proposal is for 2024 and into 2025.

It was moved by Mr. Moss, seconded by Ms. Nichols, and unanimously carried to approve the Professional Services proposal listed above.

B. NewGen Strategies & Solutions – Proposal Dated July 15, 2024 – To Provide Rate Model Update For 2025 Rates – Total Amount Not To Exceed \$6,720.00 (Operating Funds) (from Finance meeting).

NewGen Strategies  
Rate Mode Update for  
2025

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

3. Authorization to Purchase:

Authorization To  
Purchase

- Eastern Lift Truck Company – Quote Dated June 25, 2024 – For The Purchase Of A Hyster® H50A Lift Truck Through PA COSTARS Contract #008-E23-1242 – Total Amount Not To Exceed \$36,430.00 (Capital Funds).

Eastern Lift Truck Co.  
Hyster H50A Lift  
Truck

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 Ms. Nichols, seconded by Mr. Martin, and unanimously carried to approve the above purchase.

- Reiner Pump Systems – Quote Dated July 25, 2024 – For The Purchase Of Two Submersible Pumps For The WRTP Storm System First Flush Capture Through PA COSTARS Vendor #359913 – Total Amount Not To Exceed \$7,120.00 (Capital Funds).

Reiner Pump  
Systems  
2 Submersible  
Pumps

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 Ms. Keffer, seconded by Ms. Nichols, and unanimously carried to approve the above purchase.

- Edwin Elliot & Company – Quote Dated August 5, 2024 – For The Purchase Of Three (3) 16 Inch Wey Knife Gates With Rotork Actuators For The Muckinipates Pump Station Through PA COSTARS Contract #016-E23-297 – Total Amount Not To Exceed \$66,435.00 (Capital Funds).

Edwin Elliot & Co.  
3 – 16” Wey Knife  
Gates

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 noted that the quote includes unit pricing based on specific needs and includes delivery.

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

- Edwin Elliot & Company – Quote Dated August 7, 2024 – For The Purchase Of Four (4) GA Industries Flapper Check Valves For The Muckinipates Pump Station Through PA COSTARS Contract #016-E23-297 – Total Amount Not To Exceed \$43,140.00 (Capital Funds).

Edwin Elliot & Co.  
4 Flapper Check  
Valves

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 Ms. Keffer, seconded by Mr. Martin, and unanimously carried to approve the above purchase.

- Watermark Environmental Systems – Quote Dated August 5, 2024 – For The Purchase Of Two (2) JWCE Muffin Monster Sewage Grinders For The WRTP Through JWCE PA COSTARS Contract #016-E23-282 – Total Amount Not To Exceed \$77,576.00 (Capital Funds).

Watermark Env.  
2 Muffin Monster  
Grinders

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

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

There being no further business before the Board, it was moved by Ms. Nichols, seconded by Mr. Nagle, and unanimously carried to begin the Executive Session at 4:24 P.M.

Board member Mr. Kenneth Schuster did not participate in the Executive Session.

EXECUTIVE SESSION: There was an Executive Session held to discuss the Chester bankruptcy litigation.

EXECUTIVE  
SESSION

ADJOURNMENT: It was moved by Mr. Nagle, seconded by Ms. Billings, and unanimously carried to adjourn the regular meeting after the Executive Session at 5:07 P.M.

ADJOURNMENT

ATTEST  
Secretary