



Livia Smith, Chair

Portia West, Vice Chair

Joan Neal, Secretary

William Riley, Treasurer

John Shelton, Board Member

Joseph Oxman, Solicitor

Dr. Horace Strand, Executive Manager

**Stormwater Authority of the City of Chester
Board Meeting August 13, 2019 - 10:00 a.m.
29 East 5th Street
Chester, PA 19013**

Agenda

- Executive Session
- Meeting Call to Order
- Verification of Published Meeting
- Roll Call
- Prayer/Pledge of Allegiance
- Public Comments on Agenda Items Only
- Action Items from Executive Session

- Approval of Minutes of June 11, 2019
- Approval of Report of Current and Most Recent Expenditures
- Approval of roof repair on 410 Welsh Street, Chester, PA
- Approval of change of fiscal year from January-December to June-July of each year
- Approval of new budget for fiscal year June 2019 to July 2020
- Solicitor's Report
- Executive Manager's Report
- Unfinished Business
- Board Matters
- New Business
- Public Comments on Other Matters
- Motion to Adjourn



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MINUTES
Board of Director
STORMWATER AUTHORITY OF THE CITY OF CHESTER
August 13, 2019

The Board of Directors of the Stormwater Authority of the City of Chester met at the Stormwater Authority of the City of Chester, 29 East 5th Street, Chester, PA 19013, on Tuesday, August 13, 2019.

The following persons were present: Dr. Horace Strand, Executive Manager; Livia Smith, Chair; Portia West, Vice Chair; William Riley, Treasurer; John Shelton (Board Member) and Joseph Oxman, Solicitor. Secretary, Joan Neal was absent.

Call to Order

The Stormwater Authority meeting was called to order at 10:11 a.m. It was stated by the Executive Secretary of the Stormwater Authority that prior to the meeting the Board had an executive session in regard to the July 29, 2019 session, in which the purchase of the building on 410 Welsh Street has been approved.

The Executive Secretary of the Stormwater Authority provided verification of published meeting. Verification of published meeting was confirmed, and notice was given to Solicitor, Joseph Oxman. Notice of published meeting was verified by Solicitor, Joseph Oxman.

Roll Call of the Board

John Shelton (Board Member), William Riley (Treasurer), Livia Smith (Chair), Portia West (Vice Chair), and Joseph Oxman, Solicitor. Secretary, Joan Neal was absent.

Prayer/Pledge of Allegiance

All those in attendance stood for prayer and the Pledge of Allegiance.

Public Comments on Agenda Items Only

None. Livia Smith made a note that on the agenda items only, the approval of roof repair for 410 Welsh Street was removed from the agenda due to it being previously approved at the Executive Session held on July 29th.

Action Items from Executive Session

None.

Approval of Minutes of June 11, 2019

Ms. Portia West made a motion to approve the minutes of June 11, 2019. Mr. John Shelton seconded.

Voice Vote of Approval of Minutes of June 11, 2019

All in favor and motioned carried.

Approval of Report of Current and Most Recent Expenditures

Ms. Portia West made a motion for the approval of current and most recent expenditures. Mr. John Shelton seconded.

Poll Vote on Motion for Approval of Current and Most Recent Expenditures

All in favor. Motion carried.

Approval of Change of Fiscal Year from January-December to June-July of each year

Livia Smith moved on the recommendation from the financial team and the auditor, that the fiscal year needed to be changed from January-December to June-July of each year. Ms. Portia West made a motion to approve that the fiscal year be changed from January-December to June-July of each year. Mr. John Shelton seconded.

Poll Vote on Motion of Change of Fiscal Year from January-December to June-July of each year

All in favor. Motion carried.

Approval of New Budget for Fiscal Year June 2019 to July 2020

Ms. Portia West made a motion to approve the new budget for fiscal year June 2019 to July 2020. Mr. John Shelton seconded.

Poll Vote on Motion for Approval of New Budget for Fiscal Year June 2019 to July 2020

All in favor. Motion carried.

SOLICITOR'S REPORT

August 13, 2019

To the Board of Directors,

All discovery motions have been resolved in Best Homes LLC v. The Stormwater Authority of the City of Chester. Judge Whalen has precluded the plaintiffs from offering any argument regarding monetary damages the plaintiffs might have suffered as a result of the Stormwater fee. As a result of Judge Whalen's ruling, plaintiffs will only be able to argue that the fee is unconstitutional, that the authority was formed by malfeasance and that Delcora is the Stormwater Authority for the City of Chester.

Of course, we have all heard these arguments before and they are wholly without merit. Howard Neukrug, from the University of Pennsylvania, has been retained by the Authority to testify as an expert regarding the thoroughness of our fee structure calculations and the more than reasonable relationship of our fees to our budget.

I am confident that we will be victorious at trial and this long unnecessary litigation will finally conclude. At the conclusion of the trial, we will move forward with all outstanding liens against the plaintiffs, by our partner, Portnoff and Associates, and will expect payment in full. Failure to pay any outstanding liens by the plaintiffs will result in all legal proceedings necessary to force foreclosure on any property.



Joseph Oxman, Esquire

EXECUTIVE MANAGER'S REPORT
August 13, 2019

We are pleased to announce the awarding of a \$9.9 million dollar low- interest loan from PENNVEST. These funds will meet urgent needs related to our ancient infrastructure situation, as well as provide more jobs for Chester residence. We have also applied for another \$9 million dollars to continue the work, and to purchase much needed equipment. The work on our office building is nearing completion, and we expect to cut the ribbon soon.

The street crews are doing a fabulous job. They passed their first emergency test last week when they were called in late at night to manage a major storm blast. Overall, we are doing fine. We are waiting for the auditor's report which we should have in a few weeks.

Respectfully Submitted:



Dr. Horace W. Strand, Executive Manager

Unfinished Business

None

Board Matters

None

New Business

None

Public Comments on Other Matters

Tim DeFelise just purchased a property in Chester. Stated his company is a new company in the City of Chester and that he is attending the stormwater meeting to learn more about the stormwater process. He addressed numerous topics however, they were not really related to stormwater, they were more so questions that should be brought up at City Council meeting.

Mr. DeFelise stated that his company is located at a warehouse on 3011 West 2nd Street, the property was purchased four months ago. The stormwater fees are about \$2,900 per year and that was shocking to him. Mentioned that he would be hiring residents of Chester and wanted to know if there was any type of relief the City of Chester could offer in reducing their stormwater fees since they are a new business just starting up.

Dr. Strand provided information to Mr. DeFelise to help him better understand what's the purpose of the Stormwater Authority and not to confuse it with some of the other issues he was addressing in which he would need to bring them to the attention of City Council.

Solicitor, Joseph Oxman informed Mr. DeFelise that in terms of the assessment of the stormwater fees for his property, there is an appeal process if he feels that his property is being improperly assessed, and what steps need to be taken.

Motion to Adjourn

Mr. John Shelton made a motion to adjourn the meeting. Mr. William Riley seconded.

All in favor. Motion carried. Meeting adjourned at 10:40 a.m.