



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

**MINUTES**  
**Board of Director**  
**STORMWATER AUTHORITY OF THE CITY OF CHESTER**  
**June 18, 2018**

The Board of Directors of the Stormwater Authority of the City of Chester met at Chester City Hall Council's Chambers, 1 East 4<sup>th</sup> Street, Chester, PA 19013, on Tuesday, June 18, 2018. Prior to this meeting, Livia Smith (Chair) called for an Executive Session for the Board of Directors.

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

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Call to Order

Chair, Livia Smith called the June 18<sup>th</sup> Stormwater Authority meeting to order at 10:10 a.m. Chair, Livia Smith made a notation that the Board met on the following dates for Executive Session: April 17<sup>th</sup>, May 10<sup>th</sup>, and May 29, 2018.

Ms. Smith asked that Executive Secretary of Stormwater Authority provide verification of published meeting to the Board Secretary, Joan Neal in Solicitor, Joe Oxman's absence. Verification was provided and confirmed by Board Secretary, Joan Neal.

Noted that Solicitor, Joseph Oxman had arrived, and verification of meeting was then handed over to him.

### Role Call of the Board

John Shelton (Board Member), William Riley (Treasurer), Livia Smith (Chair), Portia West (Vice Chair), Joan Neal (Secretary).

### Prayer/Pledge of Allegiance

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

### Public Comments on Agenda Items Only

None.

### Action Items from Executive Session

None.

### Motion for Approval of Minutes of April 10, 2018 Meeting

Mr. William Riley made a motion that the minutes of the April 10, 2018 meeting minutes be approved. Ms. John Shelton seconded the motion.

### Voice Vote of Approval of Minutes of April 10, 2018 Meeting

All in favor and motioned carried.

### Motion for Approval of Report of Current and Most Recent Expenditures

Ms. Joan Neal made a motion for the approval of the current and most recent expenditures. Ms. Portia West seconded the motion.

## Poll of the Board for the Motion for Approval of Current and Most Recent Expenditures

Motion carried unanimously.

### Solicitor's Report

Joseph Oxman reported on the continuing litigation challenge involving the Stormwater Authority of the City of Chester, and that the only Plaintiff that appears left is Widener University. As of June 19<sup>th</sup>, Corvias our private CP3 partner, is presenting a presentation to Widener to see if we can proceed with our settlement negotiations along with Widener to find a way to mitigate their stormwater impact fee using an in-kind services model.

We have been negotiating with Widener, and at this time it appears that they have been amicable to hearing Corvias put together a presentation of potential in-kind services that Widener can give to the Stormwater Authority relevant to stormwater work.

I feel very confident that the presentation from Corvias will be thorough and give Widener enumerable options to find a way to mitigate their fee through in-kind services, so tomorrow we will see where we will go from there.

As far as the lesser litigation, it appears that all our Plaintiffs, remaining Plaintiffs, decided not to move forward with their litigation, and they now are beginning to pay their fees.

### Executive Manager's Report by Dr. Horace Strand

Since our last meeting, because of the successful ruling from the Judge denying the temporary injunction against the Stormwater Authority, we have notified all title abstract companies that from now on, all properties that are sold and change hands in the City of Chester, must have certification that fees are paid in full. Certification has a \$15.00 charge to it which is standard in the industry.

I am glad to report that more than 100 transfers have been reported to us and certifications have been sent out to each property that was sold. This has resulted in additional income for the Stormwater Authority, and assurance that all past due fees will be paid before any property is sold in the City of Chester.

We have instructed Minol to send out thirty-day notices to all rate payers who owe \$100.00 or more, that if payment is not paid within thirty (30) days, a lien will be placed against their property with the Delaware County Court.

We had our second pre-settlement conference call with PennVest for the first phase of our projects and are working to prepare for a July settlement date. Our partners, Corvias, held a pre-contractor's conference which was well attended by contractors who are interested in working with this project. A second meeting is scheduled for June 19<sup>th</sup>, which will open the plan for bids for construction, and answer any questions contractors may have concerning the project.

We have seen an increase in activities from businesses who participated in the lawsuit against us, calling to settle their accounts and to pay their accounts in full.

An appeal request was received from Delcora, regarding an assessment on one parcel of property located at 3201 Front Street, which is controlled by a state licensed stormwater device. Delcora expressed that they fully support the work of the Stormwater Authority and look forward to a good working relationship with us. However, this one parcel of land should not be assessed a stormwater fee.

After concurring with our Solicitor, Mr. Oxman, and requesting verification of their license from the Department of Environmental Protection (DEP), it was confirmed that Delcora does have a license, and we should not be assessing them for this parcel of property. Due to this finding, Delcora is entitled to a full refund since they have paid the fees in full for this parcel of property they are appealing. A refund of \$32,432.40 will be paid to them with approval from the Board.

### Unfinished Business

None.

### Board Matters

None.

## New Business

Approval of refund of \$32,432.40 to Delcora for parcel located at 3201 Front Street, Chester.

Approval of hiring of 2 inspectors with salary of \$38,400 plus fringe benefits of \$9,600.00.

### Motion for Approval of refund of \$32,432.40 to Delcora for parcel located at 3201 Front Street, Chester, PA

Mr. William Riley made a motion to approve the refund of \$32,432.40 to Delcora for parcel located at 3201 Front Street, Chester, PA. Mr. John Shelton seconded the motion.

### Poll of the Board on the Approval of refund of \$32,432.40 to Delcora for parcel located at 3201 Front Street, Chester, PA

Motion carried unanimously.

### Motion for Approval of hiring of 2 inspectors with salary of \$38,400 plus fringe benefits of \$9,600.00

Ms. Joan Neal made a motion to approve the hiring of 2 inspectors with salary of \$38,400 plus fringe benefits of \$9,600.00. Ms. Portia West seconded the motion.

### Poll of the Board on the Approval of hiring of 2 inspectors with salary of \$38,400 plus fringe benefits of \$9,600.00

Motion carried unanimously.

## Public Comments on Other Matters

**Susan Dennis** – 218 Arbor Circle, Chester, PA. Ms. Dennis addressed the question as to what types of things would be considered in-kind.

Mr. Oxman responded to Ms. Dennis' question. He stated that any mitigation of any fee can only be done either by (a) showing that the property owner has some sort of MS4

permits themselves from the state or federal government or (b) has some sort of stormwater infrastructure that they control themselves.

In our mitigation of the stormwater fee with Kimberly Clark, they were able to come to us and show us in a very detailed and elaborate manner, all the infrastructure that they had, stormwater infrastructure, that we were unaware of, in which they had permits for infrastructure that they controlled themselves. So then, working with Corvias, our private partner, we were able to determine, in fact, they deserved a deduction in their fee, and we came to an agreement on that.

We have taken an approach which other Stormwater Authorities, and other authorities for that matter have done, in which an institution, preferably academic institution, which has a very large impact fee, which Widener does, they are the number two biggest owner of impervious land, came to us seeking a reduction of their impact fee, and we proposed to them some sort of in-kind services.

In order for the in-kind services to survive all the scrutiny and be legitimate, they must show a service that benefits the Stormwater Authority. Some of the ideas that are being proposed to them is that certain academics within their Engineering Dept. who have knowledge of hydrology or other stormwater or other environmental related academic pursuits, can consult with us, and help us with certain projects that we are having, thus to lessen our load and burden to hire outside consultants, and then we would agree to some sort of hourly rate that they would perform those services for us, to reduce their impact fee.

We have also been talking to them about having their engineering students work as interns for us within the Stormwater Authority.

### Motion to Adjourn

There being no further business, Livia Smith asked for a motion to adjourn the meeting at 10:52 a.m.

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

All in favor. Motion carried unanimously.