



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
February 13, 2018

The Board of Directors of the Stormwater Authority of the City of Chester met at Chester City Hall Council's Chambers, 1 East 4th Street, Chester, PA 19013, on Tuesday, February 13, 2018. Prior to this meeting, Livia Smith (Chair) called for an Executive Session for the Board of Directors.

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.

Call to Order

Chair, Livia Smith called the Public Board Meeting to order at 10:05 a.m., asked that Executive Secretary of Stormwater Authority provide verification of published meeting to the Solicitor, Joseph Oxman.

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.

Action Items from Executive Session

None.

Motion for Approval of Minutes of February 13, 2017 Meeting

Mr. William Riley made a motion that the minutes of the February 13, 2018 meeting minutes be approved. Mr. John Shelton seconded the motion.

Voice Vote of Approval of Minutes of February 13, 2017 Meeting

All in favor and motioned passed

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

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

Motion carried unanimously.

Solicitor's Report

Solicitor, Joseph Oxman, stated that Plaintiffs were asking for permanent injunctive relief to enjoin the Stormwater Authority from collecting any impact fees whatsoever from property owners of the City of Chester.

Plaintiffs essentially based their arguments on the following:

- (1) that the fee calculations are arbitrary and unreasonable;
- (2) that the Stormwater Authority is conflictive of fees of Delcora; and
- (3) the fees will not only be used for Stormwater projects.

Solicitor stated that these arguments are unequivocally meritless and not based on any facts whatsoever.

Solicitor explained that Delcora is a wastewater Authority and has nothing to do with the Stormwater Authority, they are two separate entities.

Solicitor explained that the fees that will be collected by the Stormwater Authority, will not solely be based on the projects regarding stormwater. Plaintiffs appear to not be familiar with the Municipal Authority's Act and what it entails. The Act gives municipal authorities an absolute broad lead way in terms of what projects they decide to do, and if the Board proves it, they can do that.

Lastly, Solicitor stated that the ability of an authority is to improve economic development of the City, and that this municipal authority will be doing that.

Executive Manager's Report by Dr. Horace Strand

After successfully launching our fee system in December 2017, we have been working diligently to answer questions from residents and provide them with the necessary information concerning the fee system. Overall, once explaining it, the residents have responded very well, however, there were many who were disgruntled and unwilling to accept the idea of a fee.

We have also faced legal challenges primarily from Widener University, the Chester Business Association, and a handful of residents who have joined the lawsuit with Widener. We have spent quite a bit of time communicating with our Solicitor, Mr. Oxman, in preparing for the first hearing on March 2, 2018.

I would like to commend the office workers for their diligence, professionalism, and courtesy in dealing with the residents who call the office daily concerning the fee system.

On January 31, 2018, we successfully obtained a \$4.8 million loan at 1% interest over thirty (30) years with Pennvest, to help with the first phase of our work. We hope to make settlement on these funds within the next sixty (60) days.

In February 2018, we applied for an additional \$5.9 million dollar in funds from Pennvest and hope to hear from them in May 2018.

Lastly, we have also been working with a CPA, and should have a completed report within the next thirty (30) days.

Unfinished Business

None.

Board Matters

None.

New Business

Approval of new contract with Solicitor, Joseph Oxman.

Motion to Approve New Contract with Solicitor

Mr. William Riley made a motion to approve the new contract of Solicitor, Joseph Oxman. Mr. John Shelton seconded the motion.

Poll of the Board on the Approval of New Contract with Solicitor

Motion carried unanimously.

Public Comments

Mamie Kane – 802 Barclay Street, Chester, PA – Received two bills and wanted to know why payments must be sent to Texas? Why does her money have to go out of the City? Is the fee going to remain \$8.25? (Dr. Strand responded to her question)

LeAnna Jones – 1111 Charles Street, Chester, PA – Directed questions to Solicitor, Joseph Oxman about class-action lawsuit having no merit.

Her second question was on the appeal letter that she received, which was not written up until February 6th, when she asked for it, wanted to know what is the appeal process? Your letter states that you can charge us the fee, we must pay it, and if we don't, you have the right to put liens on our properties. (Mr. Oxman responded to her questions)

Margaret Brown – 216 Ward Street, Chester, PA – Most of money you are asking for is fee, why didn't take into consideration the senior citizens. Why can't you take the money and give it to the senior citizens to fix up their homes, that would help a lot rather than have them pay stormwater fees.

Dan Murphy – 2800 Township Road, Chester, PA – spoke on behalf of the Chester Business Association. Wanted to clear the record that they are not involved in any suit against the Stormwater Authority of the City of Chester. (Dr. Strand extended an apology on behalf of the Board)

Cleona Johnson – Has a home on Potter Street, however, she now lives in Wilmington, and there are no stormwater fees in place there. She doesn't pay a stormwater fee, she pays a mortgage. Stated that it is sad that Chester residents must pay this. She hasn't paid it and she is not going to pay. If she must sell her house she will. (Dr. Strand responded to her questions)

Mayor Kirkland extended his appreciation to the audience for coming out to the meeting. He explained to that Chester is the oldest community in the Commonwealth of Pennsylvania and that many of our systems are aged, old, antiquated, dilapidated, and deteriorated. The Mayor stated that there are other forces that have not paid any attention on helping this community. Asked that the residents of the City of Chester give the Stormwater Authority a chance. Thanked the Stormwater Authority for the work that they are doing.

Helen Bedwell, 2320 Chestnut Street, Chester, PA – How are you going to handle the stormwater? Where are the pipes going? What is going to be done with the stormwater, and what are your intentions? (Dr. Strand responded to her questions)

Motion to Adjourn

There being no further business, Livia Smith asked for a motion to adjourn the meeting at 10:59 a.m.

Portia West made a motion to adjourn the meeting. William Riley seconded.

All in favor. Motion carried unanimously.