DAILY TIMES
Wednesday, February 12, 2020 $1.50 FACEBOOK.COM/DELCODAILYTIMES delcotimes.com

Chester may move on sale of water authority - again

By Colin Ainsworth Special to the Times

CHESTER — A resolution "to authorize to approve a request for proposals for the Chester Water Authority" is set for Wednesday's regular city council meeting, according to the agenda presented during Monday's deliberative session.

City Solicitor Ken Schuster was unable to comment on the details of the resolution ahead of Wednesday's meeting. Chester Water Authority Solicitor Frank Catania indicated Tuesday by phone that based on communication with city officials that the resolution will authorize RFPs for a proposed sale of the authority.

"I've gotten several questions and calls over the past few days over how that's legal," Catania said.

"Chester Water Authority's position has consistently been that the authority belongs to the ratepayers, not the city. The city has consistently stated they don't know if they have an interest (in CWA ownership). If that's true – that they don't know – what's the RFP for?" he asked. "(The city) is basically trying to conduct an auction. That's their business and the court will determine whether that's lawful or not."

The potential move comes on the heels of Jan. 16 hearing before Judge Spiros E. Angelos in the Delaware County Court of Common Pleas addressing the multiple lawsuits moving through the county court pertaining to a proposed sale of the authority. The city and water authority entered into a Feb. 3 stipulation following the hearing, the details of which were unable Tuesday.

The last issuance of RFPs by the city for a potential sale touched off a series of months' long legal actions. City council last issued an RFP for potential buyers of the authority last June. CWA attorneys then filed suit against the city on alleged state Sunshine Act violations for cryptically wording the agenda item for June's RFP resolution. The complaint alleged a "corrupt bargain" between Chester and Aqua, with the RFP being an alleged sham to cover a preordained deal for Aqua to buy the authority.

Judge James P. Bradley granted a preliminary injunction against the city's RFP on July 2. The troubled waters grew murkier on Aug. 15 when city council approved resolutions authorizing a reissue of the June RFP and another claiming council's authority to approve CWA projects. A day after the council meeting, Angelos issued an order to preserve the status quo. Attorneys for the city had filed appeals to an Aug. 6 preliminary injunction order roughly at 8:24 a.m. and 9:29 a.m. ahead of the 10 a.m. Aug. 15 meeting to invoke an automatic supersedes removing the restrictions against the RFP progress until the appeal is heard.

CWA attorneys filed a motion late Wednesday stating the city did not notify CWA or "serve anyone with these notices of appeal until after (2 p.m. Aug. 15)."