

UPDATE NO. 6

Sent to: To the Honorable Members of the Pennsylvania Senate and House of Representatives that represent ratepayers in the Chester Water Authority service area

To the Elected Officials in the Townships and Boroughs that represent ratepayers in the Chester Water Authority service area

To the Honorable Council of Delaware County and Commissioners in Chester County because you represent ratepayers in the Chester Water Authority service area

Date Sent: April 24, 2020

TITLE: Special Relationships

Attachment to Update No. 6

1. Two Screenshots from Mayor Kirkland's April 23, 2020 Facebook page
2. Pictures of the Mayor and certain City Council members handing out oversized Aqua checks emblazoned with Aqua's logo

RE: Chester Water Authority ("CWA") Update No. 6
April 24, 2020

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that represent ratepayers in the Chester Water Authority service area**

The DCED and the Chester City Council, during a life threatening pandemic, while under a Gubernatorial declared "fiscal emergency" in the City and while the Courts are not operating regularly, have found the time, energy and resources to snipe at the CWA, the water authority that daily provides safe and clean drinking water to the 200,000 residents and businesses in Western Delaware County and Southern Chester County whose lives depend on CWA's water. This series of Updates asks the question "Who will protect the CWA ratepayers and stop these attempts to divert the CWA's time, energy and resources from providing clean safe drinking water every day to its ratepayer/customers?"

Please feel free to inform your constituents as you wish. This is Update No. 6.

On May 17, 2020 CWA ratepayers will have saved **\$125 Million dollars** by not paying Aqua's higher water rates since the day in 2017 when Aqua made its uninvited purchase offer to the CWA Board to buy the assets and customers of CWA. The CWA Board refused to accept the offer 10 days after it received it.

Much has happened since then, but Aqua's pursuit of CWA has been relentless. First Aqua partnered with the state government through its not fully revealed relationship with the DCED (See Update No. 2 for discussion of CWA's pending Pa Supreme Court case). Yesterday, Aqua and the City of Chester publicly announced their new partnership by allowing Chester City Council members to publicly dispense Aqua's donations to selected City charities (See two attached screenshots from Mayor Kirkland's April 23, 2020 Facebook page). This Special Relationship Partnership of private business and government officials born in 2016 has grown.

Yesterday, the situation forced DCED to publicly reveal its long-standing intention of trying to force a sale of CWA and its tactic of using Chester as the proxy to wage the war on its behalf. On Page 3, Paragraph 7 of DCED's "Emergency Action

Plan” for the City of Chester DCED continues driving the City to litigate with CWA to force a sale of CWA. <https://dced.pa.gov/download/chester-city-act-47-emergency-action-plan-2020-04-23/>

However, in the last sentence of paragraph 7, DCED slinks back into the shadows and waits. In this last sentence, DCED encourages the City to continue its litigation efforts to try to sell the CWA then eliminates the City’s ability to close the deal by giving itself the final say. DCED’s true position is now revealed in a letter they authored.

Important areas of this Special Relationship Partnership that need to be further reviewed and then publicly revealed by the DCED or other interested parties before the Emergency Action Plan is allowed to take effect are:

1. Through the RTKL, CWA has discovered that Aqua’s earliest involvement with DCED in discussing selling CWA was in 2016. This discovery was made through reviewing RTKL produced email communications referencing meetings between the DCED and Aqua. Most are posted at <https://chesterwater.com/> CWA’s fight to obtain this full record is currently going on in the Pennsylvania Supreme Court.
2. CWA first learned of Aqua’s plans about CWA in April of 2017 when one of CWA’s Board members received a voice mail message from then PA Republican Party Chairman Valentine DiGiorgio. You can listen to this voice mail and see a transcription of the message at <https://chesterwater.com/>
3. After January of 2019, after the CWA Board publicly approved and then submitted a settlement offer to the City (in the amount requested by the City), Aqua sued both the City and CWA to stop the proposed settlement. Since then, the various litigation matters have multiplied so that as of today they are between 14 and 16 active litigation matters pending involving CWA’s attempt to transfer some of its assets into a protective trust.
4. Aqua had been a CWA customer since 1953 buying water from CWA at the Ridley Township/ Chester City border. (In 2019 -- 145,000,000 gallons). Since 1953 Aqua has been buying CWA’s low priced water and reselling it to Aqua customers at Aqua’s much higher rates. Aqua stopped doing this in January of 2020. Do you think for all of those years Aqua’s

customers knew that they were paying Aqua rates for CWA water? When Aqua stopped serving those customers do you think Aqua notified those customers that the source of their water was being changed? If you can find out let us know.

5. In Update No. 3, we called your attention to the “private meeting” on Widener University’s campus between Aqua, the City and unknown others. Questions still remain: Who was there? What was discussed? Were any promises made? Why did the City hold a private meeting with a for profit company, a company that has been engaged in a three year hostile takeover attempt of CWA? Sound odd?
6. Attached are pictures of the Mayor and certain City Council members handing out oversized Aqua checks emblazoned with Aqua’s logo. Is this acceptable conduct?

Any questions or comments should be directed to Francis J. Catania, Solicitor, Chester Water Authority. During the pandemic it is best to communicate with CWA via email, info@chesterwater.com

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Mayor Thaddeus Kirkland

2 hrs · 🌐



* City of Chester Partners with Aqua, Local Food Pantries/Programs Receive \$100K Donation Amid COVID-19 Outbreak*

The \$100,000 donation will be divided among 6 nonprofit organizations in the City that provide food bank services to the community.

Today, I along with members of Chester City Council presented several nonprofit organizations in the City with monetary donations totaling \$100,000 thanks to a partnership with Aqua Pennsylvania and its foundation.

The Bernardine Center, Chester Eastside Ministries, Inc., CityTeam Chester, and the Salvation Army (Chester branch), each received \$20,000 donations. St. Mary's Episcopal Church Food Cupboard received an \$18,000 award, while Chester Young Professionals was given a \$2,000 contribution that will be used to support Chef Lamont Harris' feeding ministries. All donations were awarded to support each respective organization's food bank program/initiative during the Coronavirus (COVID-19) outbreak.

CMPRadio.net Chester Clipper Mothers Day Parade Connie J Irvin Will Morgan Portia West Wubb Wubb Lisa R. Dennis Peter Rykard Christina Delva Lamont Harris Chester Eastside Ministries Ays Pierce Chester Young Professionals Chester Pa THEN AND NOW



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