

COUNCIL CHAMBERS  
APRIL 22, 2020

**MEETING OF THE  
COUNCIL OF THE CITY OF CHESTER**

A regular meeting of the Council of the City of Chester was held on the above date at 10:36am with Mayor Thaddeus Kirkland presiding. A prayer was said followed by the Pledge of Allegiance. The roll was called and the following were present:

Elizabeth Williams  
William Morgan  
Portia West  
William "Al" Jacobs  
Mayor Thaddeus Kirkland

On motion of Councilor West, seconded by Councilor Morgan, the minutes of the previous meetings were approved as submitted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

Mayor Kirkland asked if anyone had emailed or called in any comments on Agenda items only.

**Ken Schuster, City Solicitor says the City has decided pursuant to the approved method from the Pennsylvania State Legislator to conduct remote meetings has decided to live stream their meetings and has provided via live stream the ability to email or call for public comment. If anyone wants to make a public comment they must be a resident of the City of Chester and/or a taxpayer of the City of Chester pursuant to Section 17101 concerning public participation under the Sunshine Law. We will read the emails and Council will answer those emails from those residents of the City of Chester and/or taxpayers of the City of Chester. I will also read the emails of those non-residents and non-tax payers but indicating that those public comments will not be addressed. I will also subsequent to the readings of those emails, field telephone calls on 610-937-1800. (The emails read are attached)**

Margaret Johnson, 927 Booth Street, Chester PA says **(attachment #1)**

Fire Commissioner Rigby says as of this morning there are 83 confirmed cases and one death and that is less than 1% of our City's population.

Jim Josten, 402 Edwards Drive, Brookhaven PA says **(attachment #2) not a City resident and their public comment will not be addressed.**

Gina Shatney, 203 E. Avon Road, Chester PA says **(attachment #3)**

Jamie Nerys, 15 Edna Lane, Kirkwood PA says **(attachment #4) not a City resident and their public comment will not be addressed.**

John Crossan, Vice-President of Concord Township Council, 10 Fawn Lane, Chadds Ford PA says **(attachment #5) not a City resident and their public comment will not be addressed.**

David Ross, 351 Fremont Road, Nottingham PA says **(attachment #6) not a City resident and their public comment will not be addressed.**

James Fetterman, 98 Phillip Drive, Kirkwood PA says **(attachment #7) not a City resident and their public comment will not be addressed.**

Townsend Moore, 165 Tick Hill Road, Kirkwood PA says (attachment #8) not a City resident and their public comment will not be addressed.

Margaret Janyne Rosen, 118 N. 3<sup>rd</sup> Street, Oxford PA says (attachment #9) not a City resident and their public comment will not be addressed.

Doris Pascale, 416 Shubrook Lane, Aston PA says (attachment #10) not a City resident and their public comment will not be addressed.

Mayor Kirkland says we want to thank those persons for showing such a great interest.

Ken Schuster, City Solicitor says public comments on the agenda items only is also opened up via telephone 610-937-1800.

Fire Commissioner Rigby says to clarify on the testing sites, the Department of Health is asking that you contact your Primary Care if you're symptomatic...that is still the same message. If you do not have a Primary Care and you are symptomatic... Crozer has a hotline number and Ms. Cleveland has that number posted on our website. If anyone needs that and doesn't have access to the website they can contact our EOC. We do not have an official testing site in the City. They are working towards different anti-body testings' through Chester County Health Department but that is still in the process.

Councilwoman Williams says why they don't have a testing site here in Chester. I'm asking for a testing site be put here in Chester so that we can find out the real count.

Mayor Kirkland says Councilwoman we have been attempting to see if we can get a testing site here to the City. They have been looking at other locations trying to see what can actually happen. So they have been working very feverishly (inaudible) sites and other necessary medical needs at Glen Mills School. No we don't have a testing site and it's a little more than just saying we want a testing site. There are steps that have to be taken. We have been very fortunate here in the City of Chester. There are some other areas that are extremely hit and they too don't have testing sites. It's something that is still being worked on.

Councilwoman West says are they still testing at Crozer Hospital.

Commissioner Rigby says yes they are.

Ken Schuster says there have been no telephone calls during this meeting.

The City Clerk proceeded with the opening of bids.

#### SALE OF 2017 INTERNATIONAL CAMEL TRUCK

MOR Construction Services, Inc.  
139 Schoolhouse Lane  
Glen Mills PA 19342

Bid bond	10%
Bid Amount	\$102,000.00

Mayor Kirkland says at this time we will go into executive session. (For the Bid)

Mayor Kirkland says we now call this Council Meeting back to order. He then says Mr. Solicitor have we had any calls.

Ken Schuster, City Solicitor says I did receive calls but my phone did not ring. I will call them back now.

Frances Hackett, 810 Glen Terrace, Chester, PA says at what right does the City have to sell CWA it hasn't been asset on the books in many years. It's very clear that the sale of the Chester is eventually going to completely screw rate payers so that the

people can line their pockets. So I would love to know what right the City has to sell if it's not been an asset on the books in years.

Ken Schuster, City Solicitor says this matter is in litigation and there are many different positions as to who owns it. The City feels clearly that it owns it and in addition we do not feel that an accounting measure is determinative of ownership.

**Ken Schuster, City Solicitor called back the other numbers and there was no answer and he left a message. Mr. Jacob Dougherty did answer but he lives in Kirkwood, PA and he was told that by law only residents of Chester and those who pay taxes in the City of Chester are permitted to speak at the public meeting. He then says there will be a forum that will address any comments you have.**

**Mayor Kirkland says I do want to address one thing from the first call. He made a comment that said... lining their pockets. This Mayor and Council has said this over, over and over again. Whatever our decision is collectively, it will be one that is beneficial to our citizens of the City of Chester, the workforce of the Chester Water Authority and our rate payers. We have said that over and over and over. I'm sure that people understand that the clear understanding that if we start to line our pockets per say that is an opportunity for us to simply go to jail. I'm too wise and too old to go to jail and too committed to the citizens of this City as well as this Council to do something as foolish enough to line our pockets so that we might find ourselves in jail.**

The City Clerk proceeded with the reading of the Resolutions.

## **RESOLUTION**

**WHEREAS**, under Title 1 of the Housing and Community Development Act of 1974, as amended, the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the prevention or elimination of slums or urban blight, or carry out activities which will benefit low- and moderate-income persons, or other urgent community development needs; and

**WHEREAS**, the Consolidated Submission for Community Planning and Development Program Regulations (24 CFR 91) requires the preparation by the City of certain documentation as a prerequisite to access Community Development Block Grant and HOME Investment Partnership Program funds; and

**WHEREAS**, under the HOME program created by the National Affordable Housing Act of 1990, as amended, the Secretary of HUD is authorized to extend financial assistance to participating jurisdictions to expand the supply of decent, safe, sanitary, and affordable housing; and

**WHEREAS**, the U.S. Department of Housing and Urban Development has advised the City of Chester that under Fiscal Year 2020, the City is eligible to apply for an entitlement grant under the Community Development Block Grant (CDBG) Program in the amount of \$1,277,729 and the HOME Investment Partnership Program (HOME) in the amount of \$344,629; and

**WHEREAS**, the City of Chester in collaboration with the Chester Economic Development Authority has prepared the 2020-2024 Five Year Consolidated Plan and 2020 Annual Action Plan, which proposes how the entitlement grant funds will be expended to address the housing and community development needs identified in the City's Five Year Consolidated Plan; and

**WHEREAS**, the City of Chester in collaboration with the Chester Economic Development Authority has also prepared the 2020-2024 Analysis of Impediments to Fair Housing Choice in order to identify impediments to fair housing choice in the City of Chester and develop goals and strategies to address such impediments; and

**WHEREAS**, a series of public meetings and an initial public hearing were held with the community at large, social service agencies, housing providers, community development agencies, and economic development groups prior to the

development of drafts of the above-referenced documents, which were on public display from March 2, 2020 through April 3, 2020, during which time a public hearing of the draft documents was held; and

**WHEREAS**, the comments of various agencies, groups, and citizens were taken into consideration in the preparation of the final documents.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:**

**SECTION 1.** That the FY 2020-2024 Five Year Consolidated Plan, FY 2020 Annual Action Plan, and FY 2020-2024 Analysis of Impediments to Fair Housing Choice are hereby in all respects approved and the City Clerk is hereby directed to file a copy of said documents with the Official Minutes of this Meeting of this Council.

**SECTION 2.** That the funding for allocation of 2020 projects is attached hereto and made a part of this Resolution.

**SECTION 3.** That the City Council of the City of Chester is cognizant of the conditions that are imposed in the undertaking and carrying out of the Community Development Block Grant Program and HOME Investment Partnership Program with Federal financial assistance under Title I, including those relating to (1) the relocation of site occupants, (2) the prohibition of discrimination because of race, color, age, religion, sex, disability, familial status, or national origin, and (3) other assurances as set forth under the certifications.

**SECTION 4.** That the Mayor of the City of Chester, on behalf of the City Council, is authorized to file an Application for financial assistance with the U.S. Department of Housing and Urban Development which has indicated its willingness to make available funds from the CDBG Program in the amount of \$1,277,729 and the HOME Investment Partnership Program in the amount of \$344,629 to carry out the programs identified in the FY 2020 Annual Action Plan.

**SECTION 5.** That the Mayor, on behalf of the City of Chester, Pennsylvania, is authorized to provide assurances and/or certifications as required by the Housing and Community Development Act of 1974, as amended, and any other supplemental or revised data which the U.S. Department of Housing and Urban Development may request in review of the City's Application.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

**RESOLUTION**

**THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:**

That it does hereby grant permission and authorize the issuance of a road opening permit to Comcast Cable for the installation of 7,940' of new conduit at the following locations;

1. 4<sup>th</sup> and Avenue of the States to 6<sup>th</sup> and Avenue of the States;
2. 5<sup>th</sup> Street to a point 168' East of Avenue of the States; and
3. Edgmont Avenue from 113' South of 5<sup>th</sup> Street and to 260' North of 5<sup>th</sup> Street

**FURTHER**, additional work includes the following:

1. Twenty-nine (29) 2' x 3' Vaults within City sidewalk areas
2. Overhead wiring on existing utility poles

**EVEN FURTHER RESOLVED**, said permit is contingent upon all work being performed in a manner that is satisfactory to City Council and the Comcast Cable's compliance with all of the following conditions as outlined by the City Engineer:

1. Comcast provides engineering plans that are completed to the satisfaction of the City Engineer.
2. Comcast obtains a road opening, sidewalk and curb permit from the City of Chester Streets Department.

3. Comcast performs a half width mill and overlay in areas where conduit is installed along one side of the roadways and a full width mill and overlay in areas where conduit is installed on both sides.
4. Comcast provides a Traffic Control Plan in accordance with PENNDOT Publication 213.
5. Comcast will be required to replace damaged brick paver crosswalks completely in accordance with City Standards.
6. Comcast replaces all concrete and brick paver sidewalks that are disturbed as part of the construction work.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

#### **RESOLUTION**

**WHEREAS**, The Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, was signed by President Trump on March 27, 2020, to respond to the growing effects of the coronavirus public health crisis; and

**WHEREAS**, the City of Chester has received notification of a special allocation of Community Development Block Grant Coronavirus (CDBG-CV) funds in the amount of \$751,681.00 to be used to prevent, prepare for, and respond to the coronavirus; and

**WHEREAS**, the City of Chester desires to amend the F.Y. 2019 Action Plan to include projects that will address the immediate needs of the Chester community; and

**WHEREAS**, the City of Chester desires to amend its Citizen Participation Plan to allow for a reduced public comment period and the use of virtual public hearings when necessary for public health reasons in order to expedite and facilitate the use of funds; and

#### **NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:**

That it does hereby authorize the Chester Economic Development Authority (CEDA) to take the appropriate steps to ensure that the requirements for public notification are met in order to amend the F.Y. 2019 Action Plan and to take the appropriate steps necessary to amend the Citizen Participation Plan.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

#### **RESOLUTION**

**WHEREAS**, in about 1939, the City of Chester organized the Chester Municipal Authority under the Municipality Authorities Act, which entity is now known as the Chester Water Authority; and

**WHEREAS**, litigation is ongoing regarding to the City's interest in the water system assets and the City is committed to understanding the right course of action for the City as soon as the legal dispute over the rights of the City under the Municipality Authorities Act is finally resolved; and

**WHEREAS**, the City has determined it is in its best interest to explore whether to follow the process established by the General Assembly to potentially monetize assets of the Chester Water Authority; and

**WHEREAS**, a request for proposal was issued on February 12, 2020, and bids from three offerors were received on March 9, 2020; and

**WHEREAS**, the three offerors are Aqua Pennsylvania, the Chester Water Authority, and Pennsylvania American Water, all three of which are well-known, experienced, high-quality operators; and

**WHEREAS**, the Mayor was authorized on February 12 to pursue such a transaction to the extent he deems appropriate, provided that any transaction be returned to the Council for approval of any agreement or other plan that establishes the final disposition of such assets; and

**WHEREAS**, the novel coronavirus has caused us to change the planned process for public engagement around these proposals; and

**NOW, THEREFORE**, intending to be legally bound, the City Council of the City of Chester resolves as follows:

**RESOLVED**, the City should make all three proposals, in detail, publicly available through online distribution and allow public comment through those means; and be it further

**RESOLVED**, through counsel, and as directed by the Mayor, the City should commence negotiations with all three potential offerors, and be it further

**RESOLVED**, that the approval of negotiations in this resolution is intended to be short of, and shall not constitute, an expression of a desire to finally transfer the assets to the City within the meaning of Section 22(a) of the Municipality Authorities Act, 53 Pa. C.S. § 5622(a); and be it further

**RESOLVED**, the Mayor is authorized to pursue such a transaction to the extent he deems appropriate, provided that any transaction be returned to the Council for approval of any agreement or other plan that establishes the final disposition of such assets.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

## **RESOLUTION**

**WHEREAS**, bids for the sale of a 2017 International Camel 900 Sewer Vacuum Truck were being received from December 13, 2019 through January 15, 2020 on Municibid; and

**WHEREAS**, on January 22, 2020 the seven (7) bids which were received were all rejected as said bids were below the reserve amount.

**WHEREAS**, on March 13, 2020 and March 15, 2020, said bid was advertised in at least one newspaper publication, in accordance with the Third Class City Code requirements.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:**

That it does hereby accept the offer for purchase from Mor Construction at the responsible price of One Hundred Two Thousand Dollars (\$102,000).

**FURTHER**, it does hereby authorize the proper City officials to take all necessary actions for the proper sale of the aforementioned item in accordance with the bid requirements of the Third Class City Code and final approval of the City Solicitor.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

## **RESOLUTION**

**THE COUNCIL OF THE CITY OF CHESTER DOES RESOLVE:**

That it does approve and order payment of a series of bills and refunds as prepared by the Department of Accounts and Finance and as shown on Expenditure Approval Lists dated March 13, 2020, and March 27, 2020, attached hereto and made a part hereof, subject to approval from the Department of Accounts and Finance.

On motion of Councilor West, seconded by Councilor Morgan, the above Resolution was adopted. The following vote was taken: Yeas: Williams, Morgan, West, Jacobs, Mayor Kirkland. Nays: 0.

**NO PUBLIC COMMENTS VIA EMAIL OR PHONE**

There being no other business to come before Council, the meeting was adjourned at 11:31am.

Respectfully submitted,

**APRIL 22, 2020**

Candice Thompson, City Clerk