MEETING MINUTES
CHESTER COUNTY CAPITAL PROJECT SALES AND USE TAX COMMISSION
VIDEO CONFERENCE MEETING
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Meeting ID: 859 739 6715
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May 7, 2020 – 6:00 p.m.
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Commission Members Present:
Chester County Representatives: Herbert Lutz, Jr., Sylvia Jennings, and Kelvin Moyd
City of Chester Representative: Dr. Jacques Days
City of Chester Representative Appointees: Larry Loflin and Brenda McDow
Also present:
Joanie Winters, County Attorney
Michael E. Kozlarek, Bond Counsel

Other members of the public were present.

Action on Agenda Items:

1. Welcome/Declaration of Quorum: Chairman Days welcomed everyone to the meeting, thanked everyone for their participation, noted Tuesday’s meeting was interrupted by severe weather, which sadly caused the death of one of the County’s citizens, and declared the presence of a quorum of the Commission.

2. Invocation: Chairman Days offered thanks through prayer.

3. Approval of Minutes: Chairman Days reminded the Commission members the Commission’s calling is to do the best work for all the County’s citizens and to try to touch all areas of the County in providing the final project list. Chairman Days also reminded the Commission that it might be most helpful to use a specific process to assist the Commission in ordering the projects.

   May 5, 2020 – Chairman Days suggested a proposed change to the minutes to reflect that during the May 5 meeting, Ms. Jennings acknowledged the low cost to high cost ordering of projects may be a viable option.

   Ms. Jennings moved the approval of the minutes with the amendment noted by Chairman Days. Ms. McDow seconded. The motion passed unanimously.

4. Discussion of Referendum Question/Division of Funds:

   Chairman Days returned to the discussion from the May 5 meeting of viable options for ordering the projects. Chairman Days inquired whether any Commission member had any other viable processes for ordering the projects. Mr. Lutz explained his process in selecting the project order. Mr. Lutz stated it is very important to touch all areas of the County, to include public safety, first responders, a school project, and some recreation because these projects will resonate with voters. Mr. Loflin stated he reviewed Mr. Lutz’s list and appreciated how well it embodied the “Commission’s spirit.” Mr. Loflin explained he thought Mr. Lutz’s list would be “palatable” to the voters and Mr. Loflin “really liked” Mr. Lutz’s list because it included some larger projects, smaller projects, and projects in all corners of the County. Mr. Loflin explained Mr. Lutz’s list provided for the correct timing of projects and included at the very top of the list those projects the voters would really appreciate. Mr. Loflin stated Mr. Lutz spent so much time for the Commission in coming up with Mr. Lutz’s list.
Mr. Moyd explained that he agreed with Mr. Lutz’s list as well. However, Mr. Moyd explained he decided to arrange the list by lowest cost to highest cost to try to include the largest number of projects. By ordering the projects in this manner, 45 of 55 projects would be completed with the first, anticipated borrowing, and 54 of 55 projects would be completed by the second borrowing. Mr. Moyd said his method provided for touching and turning dirt in each area as quickly as possible and left only the Countywide radios until the end, while having that project remain on the list so it would still be set to be funded. Mr. Lutz suggested that if the radio project is funded using “pay go,” then the Commission should consider increasing the funding to $5,000,000.

Chairman Days asked the Sheriff if the Sheriff felt comfortable with the $4,000,000 figure. The Sheriff stated he felt comfortable with that number for the next couple of years.

Mr. Loflin noted Mr. Lutz’s list placed core items, like public safety and children, above “development” items, even the Great Falls company store project. He explained the order makes a difference for the voters and the children. Mr. Lutz’s list takes these factors into consideration.

Chairman Days returned to the starting premise asking what are the viable options for ordering the projects, even if these options need to accommodate some individual project shifts. Chairman Days asked how Mr. Lutz and Mr. Moyd each developed their process for listing projects.

Mr. Lutz explained that he based his criteria, on projects that are “needed,” like public safety and “needed” for youth/families. Mr. Moyd explained that his ordering involved lowest cost to highest cost with some adjustments to deal with specific issues, for example, items that did not receive a unanimous vote, or the other method using the highest cost to lowest cost as a similar concept. Chairman Days asked if the entire Commission views the three processes as viable, then how should the Commission move forward.

Mr. Loflin asked if someone had suggested the Commission needed to get “more projects done upfront.” Rather, Mr. Loflin suggested the Commission be more concerned about being selective in ordering projects to ensure inclusivity of each community and the entire County. He again suggested the Commission members should carefully review Mr. Lutz’s list. Mr. Loflin also noted that all the Commission’s work would be for naught if the voters were not comfortable voting for the referendum, and Mr. Lutz’s list presented an ordering of the projects about which people could be happy.

Chairman Days asked whether the Commission had any further comments about the processes already discussed or any other processes to consider. Hearing no further discussion, Chairman Days reviewed the underlying premise for each proposed process. Chairman Days suggested Mr. Moyd’s processes were designed to accomplish the largest number of projects, were relatively simple processes, and permitted the ease of moving projects within the proposed list. Chairman Days suggested Mr. Lutz’s process was more complex because it was guided by the perspective of a project’s worth to the community and County rather than its cost, focused on public safety and youth- and family-related activities, and touched all corners of the County.

Chairman Days inquired whether the Commission members had any comments. Ms. Jennings suggested only two adjustments should be made to Mr. Lutz’s list by moving the soccer improvements of $250,000 and the Chester
Schools bus loop covering closer to top of the list. Mr. Lutz explained his reasoning for how he ordered those projects: Mr. Lutz placed the soccer improvements lower than the other Rodman improvements because the larger project included lights that would be beneficial before the goals and bleachers would be added. Mr. Lutz also noted he had no objection to moving both projects to the proposed locations. Mr. Loflin noted he was also agreeable to the proposed change, as did Ms. McDow and Mr. Moyd.

Chairman Days suggested the Commission should vote on the specific location for these two projects. Attorney Kozlarek suggested a process by which the Commission move these two projects in Mr. Lutz’ list, permit Attorney Kozlarek to rephrase some of the project descriptions, and then the Commission could vote to approve the final list forsaking all prior lists or orderings.

A general discussion ensued regarding where to place the two projects. Chairman Days noted the two projects being moved each needed to be moved to a specific location. Ms. Jennings moved to relocate the $250,000 Rodman Complex improvement project to the 3rd position (immediately following the two fire department substation projects) and the school project to the position vacated by the $250,000 Rodman Complex project. Ms. McDow seconded. The vote in favor was unanimous.

Mr. Loflin moved to accept the revised project list with fund allocation as the final project list with fund allocation in place of all other, prior lists or other orderings, subject to Attorney Kozlarek’s restating some of the project descriptions. Ms. McDow seconded. The vote in favor was unanimous.

At Attorney Kozlarek’s request, Chairman Days recessed the meeting for 30 minutes so Attorney Kozlarek could prepare the Commission’s final Resolution, including the final referendum question, with the final project list and fund allocation.

[THE COMMISSION RECESSED AT 7:01 P.M.]

[CHAIRMAN DAYS RECONVENED THE COMMISSION AND CALLED THE COMMISSION BACK TO ORDER AT 7:35 P.M. ALL COMMISSION MEMBERS WERE PRESENT. ATTORNEY WINTERS AND ATTORNEY KOZLAREK WERE ALSO PRESENT.]

Chairman Days asked if any Commission member objected to not having the entire form Resolution read to the Commission, the Resolution having been previously disseminated to, reviewed by, and approved by the Commission. Hearing no objection, Chairman Days asked Attorney Kozlarek to forego reading the entire Resolution but instead to read only the complete project list with revised descriptions and fund allocation. Attorney Kozlarek read the list. At the Courthouse improvements project, Attorney Kozlarek suggested the listing be further revised to include the four, specific areas covered by the Commission’s prior approval. Attorney Kozlarek then read the four Courthouse improvement areas (HVAC, elevator, porch waterproofing, security).

Mr. Lutz moved the Commission approve the final, draft Resolution, which included the final referendum question, which included the final project list with fund allocation, as read to the Commission members during the meeting at 7:37 p.m. by Attorney Kozlarek. Mr. Moyd seconded. The vote in favor was unanimous.

5. Adjournment: All business of the Commission having been concluded, Mr. Loflin moved, when the
Commission adjourned at the conclusion of the May 7 meeting that the Commission’s work be deemed concluded with the exception of the Chairman and the Secretary being able to approve the minutes for the May 7 meeting and to present the Commission’s Resolution to County Council. Ms. McDow seconded. The motion passed unanimously.

Attorney Winters reminded the Commission members that the County Council was considering final approval of the Commission’s work on May 18, and it would be appropriate for each of the Commission members to consider being present for that meeting, subject to appropriate medical and social distancing precautions.

Chairman Days suggested the Commission members “trumpet” what amazing work the Commission had performed in coming up with the project list. Chairman Days also reminded the Commission that the Commission members needed to ensure to get all voters behind the referendum and to please “make yourselves available as need arises to share with fellow citizens.” Ms. McDow inquired whether it would be appropriate to start telling everyone. Chairman Days said it was “absolutely the right time” to start explaining to everyone what a positive impact the referendum could have on the entire County.

Attorney Winters, as the County Attorney, noted she has been part of three capital project sales tax referenda, commended the Commission’s hard work, thanked the Commission for the unique journey, the member’s self-sacrifice, their time, and all the effort. Attorney Winters commented on how well the Commission members represented each of their communities and the County as a whole. She expressed her pride at the work done and thanked the Commission members again for ensuring the projects touched all corners of the County.

Chairman Days profusely thanked the Commission members for their service and expressed how many important lessons he had learned through this process and blessed the Commission members.

The Commission’s work having been concluded, Mr. Lutz moved the meeting adjourn. Mr. Loflin seconded. The vote in favor was unanimous. Chairman Days closed the meeting by reminding everyone the Commission’s work had been completed, offered a word of prayer, and declared the meeting adjourned.

Respectfully submitted,

Herbert Lutz, Jr.
Secretary