

SUPREME COURT OF PENNSYLVANIA

In re: Chester Water Authority Trust; Petition of Chester Water Authority; City of Chester v. Chester Water Authority

Chester Water Authority · No. 519, 520, 521, 522, 569, 570, 571, and 572 MAL 2021 · Decided April 11, 2022

OPINION

PER CURIAM.

IN THE SUPREME COURT OF PENNSYLVANIA MIDDLE DISTRICT IN RE: CHESTER WATER AUTHORITY: No. 519 MAL 2021 TRUST:: Petition for Allowance of Appeal from PETITION OF: CHESTER WATER: the Order of the Commonwealth AUTHORITY: Court IN RE: CHESTER WATER AUTHORITY: No. 520 MAL 2021 TRUST:: Petition for Allowance of Appeal from PETITION OF: CHESTER WATER: the Order of the Commonwealth AUTHORITY: Court CITY OF CHESTER: No. 521 MAL 2021 v.: Petition for Allowance of Appeal from: the Order of the Commonwealth: Court CHESTER WATER AUTHORITY NICOLE: WHITAKER, WANDA MANN, MICHELLE: CONTE, TYLER THERRIALT, ESQUIRE,; KATHRYN A. TOWNSEND, VICTOR S.: MANTEGNA, JAMES D. NEARY, DIANE: AND JAMES BOHR AND WOLF EQUITY,; L.P.: PETITION OF: CHESTER WATER: AUTHORITY: IN RE: CHESTER WATER AUTHORITY: No. 522 MAL 2021 TRUST:: Petition for Allowance of Appeal from PETITION OF: CHESTER WATER: the Order of the Commonwealth AUTHORITY: Court IN RE: CHESTER WATER AUTHORITY: No. 569 MAL 2021 TRUST:: Petition for Allowance of Appeal from CROSS PETITION OF: CHESTER: the Order of the Commonwealth COUNTY: Court IN RE: CHESTER WATER AUTHORITY: No. 570 MAL 2021 TRUST:: Petition for Allowance of Appeal from CROSS PETITION OF: CHESTER: the Order of the Commonwealth COUNTY: Court CITY OF CHESTER: No. 571 MAL 2021 v.: Petition for Allowance of Appeal from: the Order of the Commonwealth: Court CHESTER WATER AUTHORITY NICOLE: WHITAKER, WANDA MANN, MICHELLE: CONTE, TYLER THERRIALT, ESQUIRE,; KATHRYN A. TOWNSEND, VICTOR S.: MANTEGNA, JAMES D. NEARY, DIANE: AND JAMES BOHR AND WOLF EQUITY,; L.P.: CROSS PETITION OF: CHESTER: COUNTY IN RE: CHESTER WATER AUTHORITY: No. 572 MAL 2021 TRUST:: Petition for Allowance of Appeal from CROSS PETITION OF: CHESTER: the Order of the Commonwealth COUNTY: Court ORDER PER CURIAM AND NOW, this 11TH day of April, 2022, the Petition for Allowance of Appeal at 519-522 MAL 2021 is GRANTED.

The issues, as stated by Petitioner, are:

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- 2 (1) Does the City of Chester have the right to seize the assets of Chester Water Authority pursuant to Section 5622(a) of the Municipal Authorities Act, 53 Pa.C.S. § 5622(a), and sell those assets to address its own unrelated financial distress, while overriding the representational rights granted by Act 73 of 2012, 53 Pa.C.S. §§ 5610(a.1), 5612(a.1), to Delaware and Chester Counties?

(2) Did the Commonwealth Court commit reversible error by failing to follow *Burke v. N. Huntingdon Twp. Mun. Auth.*, 136 A.2d 310, 313- 14 (Pa. 1957), which is controlling precedent that only an authority can authorize transfer under the predecessor to Section 5622(a)? Speaker of the House of Pennsylvania Representatives Bryan Cutler and State Representative John Lawrence's Application for Leave to File Amicus Curiae Brief in Support of Petition for Allowance of Appeal, and Application for Leave to File Responses in Further Support of Application for Leave to File Amicus Curiae Brief are DENIED as moot.

The Cross-Petition for Allowance of Appeal at 569-572 MAL 2021 is GRANTED. The issue, as stated by Cross-Petitioner, is: When a municipality is statutorily mandated to appoint members to a water or sewer authority board pursuant to Section 5610(a.1) of the Municipal Authorities Act, does the Act provide such a municipality with the same rights to convey authority property as a municipality who voluntarily joins a joint authority pursuant to Section 5610(a)(2)?

Food and Water Watch's Application for Leave to File Amicus Curiae Brief is DENIED as moot. These appeals are consolidated for purposes of argument and disposition. Justice Brobson did not participate in the consideration or decision of this matter

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