

# SIANA LAW

EXPERIENCE - SERVICE - RESULTS

ERIC M. BROWN

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December 1, 2020

*Via Email Only: [tmurphy@wgtsa.org](mailto:tmurphy@wgtsa.org)*

Theodore Murphy, Chair  
West Goshen Sewer Authority  
848 South Concord Road  
West Chester, PA 19382

**Re: Request for Proposals**

Dear Mr. Murphy and Members of the Authority Board:

In accordance with your November 12, 2020 Request for Proposals for Authority Solicitor, I enclose a proposal on behalf of Siana Law, LLP.

The attorneys designated to perform legal services for the West Goshen Sewer Authority are committed to providing the highest level of legal representation. For well over two decades they have helped shape the law in Pennsylvania, which has benefited local agencies and officials throughout the Commonwealth. The Firm's combined experience in counseling businesses and public officials on a day-to-day basis while litigating contentious lawsuits at all levels of the court system provides the Authority with a team of attorneys who recognize multiple dimensions of the legal policy issues that they face, which are oftentimes overlooked by counsel who have limited practice areas.

On behalf of the Firm, I thank the Authority for its consideration of our proposal and look forward to providing any additional information that might assist in rendering its decision.

Very truly,



Eric M. Brown

EMB/mm  
Enclosure

# SIANA LAW

EXPERIENCE - SERVICE - RESULTS

## **Proposal for Legal Services**

*Submitted to:*

**West Goshen Sewer Authority**

*For retention as:*

**Solicitor**

December 1, 2020

## **CONTACT INFORMATION**

### **Siana Law, LLP**

941 Pottstown Pike  
Suite 200  
Chester Springs, PA 19425  
Phone: (610) 321-5500  
Website: [www.sianalaw.com](http://www.sianalaw.com)

Preparer of this Proposal/Principal Attorney Assigned to the Authority:

### **Eric M. Brown, Esquire**

Phone: (610) 321-5500 Ext 106  
Fax: (610) 321-0505  
[embrown@sianalaw.com](mailto:embrown@sianalaw.com)

## **2021 FEE PROPOSAL**

The principal attorney assigned to the Authority has an hourly rate of \$205. The specific hourly rates of the associates and paralegals who may perform work for the Authority is attached hereto as Exhibit "A." The Firm has no retainer requirement for its municipal clients. The Firm bills its municipal clients at a reduced rate because we recognize the importance of the services provided by municipalities to their constituents. The Firm invoices its municipal clients each month. We provide detailed entries for each activity and an itemization of all costs.

The Firm's attorneys bill their time in increments of one-tenth of one hour. Our services will also include a charge for out-of-pocket expenses, such as those incurred in connection with travel, copies telephone calls, millage, tolls, facsimiles and computer research.

The terms for payment of these statements will be thirty (30) days after the date of such statement. Please contact our office if you ever have any comments or questions at all with respect to the statements that we send to you so that we can resolve any questions which you might have.

## EXECUTIVE SUMMARY

**Siana Law** is a full-service law firm, which employs an experienced team of municipal attorneys. Our legal team possesses an accomplished record of counseling and representing local governments and public officials throughout the Commonwealth. We have been on the forefront of municipal representation and offer the West Goshen Sewer Authority a wealth of experience in municipal law. Our attorneys have represented municipalities directly, both in the capacity as Solicitor, Labor Counsel and/or Special Counsel, and through defense counsel representation in civil litigation, land use, employment, contract and tort matters. Through these same attorneys, the Firm offers its full resources to provide knowledgeable, comprehensive and cost-effective representation to the Authority.

The range of the Firm's municipal practice – both in terms of the breadth of the fields of law practiced by the Firm as well as the expansive geographic coverage of the Firm - has exposed us to a wide array of issues that affect local agencies. This representation has allowed the Firm's attorneys to develop a greater exposure to, and expertise handling of, the challenges confronting local government.

The Firm is well-versed in the Pennsylvania Municipal Authorities Act and all other municipal laws and regulations governing the West Goshen Sewer Authority. Specifically, the Firm guides local agencies on compliance with bid and contract requirements, the rate setting requirements established by the MAA, vendor and customer contracts, public financing and debt, public works contracts and change orders. The Firm has extensive experience collecting sewer and tapping fees and has presented seminars on the subject extensively to the Pennsylvania State Association of Boroughs and the Pennsylvania State Association of Township Officials.

We have been on the forefront of municipal representation and offer the Authority a wealth of experience in municipal law, labor law and business law. Our attorneys have represented municipalities directly, both in the capacity as Solicitor, Labor Counsel and/or Special Counsel, and through defense counsel representation of municipalities in civil litigation, labor, tort and land use appeal matters. Through these same attorneys, the Firm offers its full resources to provide knowledgeable, comprehensive and cost-effective representation to the Authority.

In our capacity as insurance defense counsel, we have represented numerous public and private entities throughout the Commonwealth of Pennsylvania (in all three federal District Courts – Eastern, Middle and Western; as well as more than two dozen county courts of common pleas). Our attorneys defend employers before administrative agencies of the Commonwealth of Pennsylvania and the United States (including the Environmental Hearing Board, the Equal Employment Opportunity Commission and others).

In summary, the attorneys at the Firm referenced in this Proposal have significant experience in:

- Municipal debt collection;
- Sewer Authority billing and rate/fee limitations;
- Municipal purchasing, budgeting, bidding and property acquisition;
- Municipal open space acquisition and preservation;
- Municipal bonding and financing matters;
- General municipal regulation, including the Right to Know Act, the Sunshine Act, the State Ethics Act;
- Municipal tort claims; and
- Zoning, codes, subdivision, land development, land preservation and environmental matters, including variance, special exception and conditional use applications, subdivision and land development applications and plan implementation;
- Employment/labor law matters;
- Ordinance enactment and defense against procedural and substantive ordinance validity challenges;
- Federal civil rights claims, including Substantive Due Process, Equal Protection, First Amendment, and Procedural Due Process matters; and
- Personnel and Labor Relations Issues.

Particularly, we have served as special counsel to several Authorities in disputes over rates and usage of Authority funds – both in defending against rate challenge/fund usage and in challenging rates that Authorities/Municipalities have been charged. In resolution of those and other matters, we have negotiated sewer development agreements, sewer operating agreements, transmission and conveyance agreements, etc.

For a more complete Firm profile and the biographies of Mr. Brown and the other attorneys available for your use, please see below.

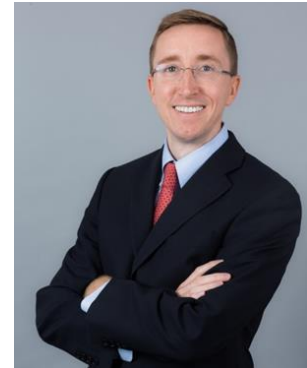
## Legal Services Team/Staffing Plan

The Firm is led by Executive Partner Stephen V. Siana, Esquire, and General Partners Christopher P. Gerber, Esquire and Michael G. Crotty, Esquire. The principal attorney assigned to provide legal services to the West Goshen Sewer Authority is Eric M. Brown, Esquire.

**Stephen V. Siana** is the Firm's Executive Partner. His practice focuses on commercial law, including mergers and acquisitions, corporate and partnership matters, real estate, land use and zoning, commercial lending and employment practices. Mr. Siana also has significant experience in the areas of municipal law, insurance defense and estate planning. Mr. Siana has been instrumental in the development of group self-insurance and risk-sharing pools in Pennsylvania in both the general liability and workers' compensation areas.

Mr. Siana is a native of Bryn Mawr, Pennsylvania. He received his Bachelor of Science degree in Business Administration and Accounting from Washington & Lee University in 1980, entitling him to a Certificate for Special Attainments in Commerce. Mr. Siana graduated from the Villanova University School of Law where he served as a Case & Comment Editor for the Villanova Law Review. He is admitted to practice before the Courts for the Eastern District of Pennsylvania and the District of New Jersey.

**Michael G. Crotty** practices in the areas of municipal law, land use and zoning, civil rights, public official liability, authority law, and the Right to Know Act. Mike has been with the Firm for sixteen (16) years, and has been recognized on the Pennsylvania Super Lawyers' list of Rising Stars from 2012-2018 in government law. As a Solicitor, Mr. Crotty represents a number of municipalities throughout the Commonwealth and in Chester, Montgomery and Berks Counties. In this capacity, he counsels local governments on compliance with legal requirements arising in the day-to-day operations of municipalities, including, but not limited to, land use and zoning controls, zoning and code enforcement matters, cable franchise agreements, and the drafting of comprehensive, effective ordinance regulations. Mr. Crotty also represents zoning hearing boards in handling variance, special exceptions, ordinance validity challenges, and appeals from notices of violations, including land use appeals in such matters before county courts of common pleas, the Pennsylvania Commonwealth Court and the Pennsylvania Supreme Court.



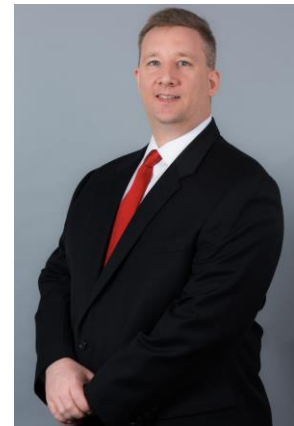
Separately, Mr. Crotty is the Chairman of his own Township's Planning Commission (Upper Providence Township, Delaware County); is Chairman of the Chester County Bar Association's Municipal Law Section; is Chairman of the Delaware County Chamber of Commerce's Government Affairs Committee; and frequently presents to PSATS, PSAB and local Township and Borough officials throughout the year on zoning, ordinance and land development matters. Some of his more recent presentations include:

- *Updating your Zoning Ordinances to Address Emerging Trends*, Pennsylvania State Association of Boroughs (October 2020)
- *Local Agency Bidding and Public Contracting Requirements*, Chester County Bar Association (November 2020)
- *Development Disasters and How to Defend*, Pennsylvania State Association of Townships (September 2020)
- *Common Sources of Municipal Liability*, Pennsylvania State Association of Boroughs (July 2020)

As a member of the Firm’s litigation team, Mr. Crotty also defends municipalities in numerous state and federal lawsuits throughout central and eastern Pennsylvania on a broad range of litigation matters, including constitutional right claims brought pursuant to Section 1983, the Pennsylvania Municipalities Planning Code, the Right to Know Act, the Pennsylvania Open Meetings Act, the Municipalities Authorities Act and the Political Subdivision Tort Claims Act. Mr. Crotty has additionally represented insurance companies, self-insured risk sharing pools and municipalities with respect to liability coverage determinations and bad faith litigation.

Mike is a native of Chicago, Illinois. He received his Bachelor of Arts degree in Political Science from the University of Michigan, and his Juris Doctor from Villanova School of Law, where he served as the Editor in Chief of the Environmental Law Journal. Prior to joining Siana Law, LLP, Mr. Crotty served as a law clerk to the Honorable President Judge Emeritus Stephen J. McEwen, Jr., of the Pennsylvania Superior Court.

**Eric M. Brown** practices in the areas of municipal law, land use and zoning law, labor and employment law, civil rights, public official and police liability, election law, and school law. Mr. Brown serves as solicitor and labor counsel for a number of municipalities throughout the Commonwealth of Pennsylvania. As Solicitor, he advises municipalities on all aspects of municipal government, including compliance with state laws, municipal codes, drafting ordinances, code enforcement, subdivision and land development, as well as competitive bidding and contract matters. As Labor Counsel, Mr. Brown provides advice and representation on collective bargaining, including Act 111 interest arbitrations, unfair labor practice charges, and grievance arbitrations. Mr. Brown also advises municipalities on personnel management issues, including appropriate employee policies, employee investigations and discipline, claims of harassment, discrimination, and retaliation. As a member of the Firm’s litigation team, Mr. Brown defends municipalities in federal lawsuits, including constitutional rights claims brought pursuant to Section 1983, as well as lawsuits brought



in state court, including claims involving the Municipalities Planning Code and the Political Subdivision Tort Claims Act.

Mr. Brown is a native of Chester County, Pennsylvania. He received his Bachelor of Science degree in Secondary Education from Villanova University, and his Juris Doctor from Widener University School of Law in Wilmington. Mr. Brown is a graduate of the Chester County Trial Advocacy Academy. Prior to joining the Firm, Mr. Brown taught history at West Chester Henderson High School. Mr. Brown has a long history of political and community service, and has held elected office on a local school board.

Mr. Brown has been recognized as a 2018 Top Attorney by Main Line Today. He is a member of the Pennsylvania Bar Association and its Municipal Law section, the Chester County Bar Association and its Municipal and Land Use Law section, and the Pennsylvania State Association of Township Solicitors. Mr. Brown is admitted to practice before the Supreme Court of Pennsylvania, the United States Supreme Court, the U.S. Court of Appeals for the Third Circuit, and the U.S. District Court for the Eastern, Middle and Western Districts of Pennsylvania.



## Description of Experience Performing Services Identified in the Township's RFP

The Firm is a multi-disciplined firm with vast experience in municipal law relevant to the West Goshen Sewer Authority representation as follows:

### **A. Municipal Law**

Siana Law is a leader in representing local governments and agencies. The Firm's municipal law group presently serves as Solicitor, Labor Counsel and Special Counsel to numerous municipalities in Southeastern Pennsylvania.

We routinely provide advice to our municipal clients on day-to-day operations, specifically on matters governed by the Municipal Authorities Act, Sunshine Act, Right to Know Act and State Ethics Act. We are especially proud to a multi-disciplinary approach to promote the growth of our client's operational needs on various special projects. As an example, we are proud to have advised the Exeter Township Authority, Berks County, with the implementation of a biosolids dryer project. This project involved receipt of a DEP grant, the preparation of bid documents, contract agreements, and warranties (including an energy consumption warranty) associated with the acquisition and construction of a sludge dryer and associated equipment. When the contractors failed to adhere to the contract schedule, we were successful in obtaining liquidated damages from the contractors based upon the language incorporated into the contracts to protect the Authority's legal interest.

The Firm has been instrumental in establishing precedent through successfully litigating landmark decisions that protect municipal land use regulations, public official immunity, and employment matters. The Firm's attorneys are frequently retained as Special Counsel to advise municipalities faced with complex legal matters. Our established relationships with self-insured and group self-insured entities have proven very successful, and our attorneys work effectively with third-party administrators to pursue cost-effective resolutions to claims. The municipal law group advises clients on risk management and loss control efforts to reduce the potential for future lawsuits. The municipal law group advises and defends clients in the following areas:

- Federal Civil Rights
- Political Subdivision Tort Claims
- Public Official Liability and Immunity
- Land Use and Zoning
- Premises Liability
- Police Professional Liability
- Labor and Employment Matters
- Board Governance
- Storm Water Matters

## **B. Public Financing and Borrowing**

As Solicitors to local agencies throughout the Commonwealth, the Firm's attorneys have frequently been engaged to advise clients on public financing and borrowing. Through this work, our attorneys work cooperative with the client's financial advisors and bond counsel to ensure compliance with the Local Government Unit Debt Act, the issuance of legal opinions necessary to obtain tax-exempt borrowing, lease-purchase agreements, tax anticipation notes, and general obligation notes.

## **C. Debt Collection**

The Firm has extensive experience collecting unpaid municipal fees, including unpaid sewer tapping fees and rental fees. We utilize the Municipal Claims and Tax Lien Law to perfect liens and, if necessary, enter judgment and execute on the judgment to secure payment, inclusive of a reimbursement of the attorney fees incurred by the client in the collection process.

## **D. Litigation Practice**

The Firm's litigation attorneys are dedicated to zealously and effectively representing clients in litigation and arbitration matters. Our litigation group is a team of experienced advocates who aggressively pursue our clients' goals while remaining mindful of the benefits of prompt resolution. We have successfully represented individuals and entities before local, state and federal courts, administrative agencies, arbitration panels and mediators.

The Firm has substantial experience defending civil rights claims including actions under 42 U.S.C. § 1983. The Firm's attorneys have successfully defended every type of civil rights action including, but not limited to, claims arising out of employment discrimination, due process matters, wrongful arrest, and the use of excessive force. Our litigation practice is concentrated to the following areas:

- Commercial Matters
- Municipal Matters
- Breach of Contract
- Debt Collection
- Real Estate and Zoning
- Labor and Employment
- Civil Rights
- Construction
- Regulatory and Licensing
- Insurance Defense

## **E. Real Estate and Land Development**

The real estate and land development practice provides comprehensive representation relative to real estate, including acquisitions, construction, land use, zoning and commercial leasing. The Firm's location in Chester County has resulted in our involvement in many aspects of the region's extensive land development. We have successfully represented clients before local zoning hearing boards and governmental agencies in connection with land development and zoning applications. The Firm's attorneys draw upon its extensive municipal law experience in representing developers and private applicants before municipal bodies and governmental agencies. The real estate and land development group advises clients in the following areas:

- Real Estate Acquisitions
- Land Use and Zoning Applications
- Construction and Subcontractor Agreements
- Construction Lending
- Commercial Leases
- Architectural and Engineering Issues
- Eminent Domain
- Adverse Possession
- Mechanics Liens
- Storm Water Matters
- Sewer Related Matters

## **F. Business Law**

The business practice at Siana Law advises individuals, municipalities and business organizations, ranging from international corporations and publicly-traded companies to privately-held businesses and sole proprietorships. Our business attorneys have successfully negotiated complex commercial agreements on behalf of clients in a wide range of industries, including cable franchise, leasing, manufacturing and distribution, real estate, construction, franchising, technology and professional services. Our strengths include our attorneys' experience in commercial matters and commitment to providing the most effective legal representation. The Firm's attorneys skillfully and aggressively represent our clients in commercial transactions in order to maximize their objectives. Our business attorneys provide advice and counseling in the following areas:

- Entity Formation
- Mergers and Acquisitions
- Corporate Reorganization
- Labor and Employment
- Licensing and Regulatory Matters
- Intellectual Property
- Technology Licensing
- Financing

- Bankruptcy
- Government Relations
- Risk Management

### **G. Educational Seminars**

The Firm's attorneys are frequently requested to lecture and present educational seminars to a variety of audiences and sponsors including private entities, municipal associations, educational service providers, various bar associations, insurance carriers, claims service providers, public officials, police associations, and fire departments. Our articles are also frequently published in the monthly magazines for PSATS and the Pennsylvania State Association of Boroughs.

Presented topics include:

- Employment Practices
- Facebook and Social Media Policies
- Collecting Delinquent Municipal Debt
- Transparency 101: What You Need to Know about the Right to Know, Sunshine Act, Records Retention, et al.
- Public Officials' Liability
- Zoning Law
- Emerging Developments in Municipal Bias Claims
- Municipal Law Colloquium (the role of the Solicitor in Federal Civil Rights Litigation)
- Civil Rights Issues

**A. Representative Client Listing**

A sampling of the local agencies that we represent as Solicitor follows below, together with the requested references:

- Kennett Square Borough
- Wallace Township Municipal Authority
- Bristol Borough Water and Sewer Authority – Special Counsel
- Danville Borough Municipal Authority – Special Counsel
- Montrose Municipal Authority – Special Counsel
- SEDA-COG Joint Rail Authority – Special Counsel
- South Coatesville Borough
- East Fallowfield Township
- Caernarvon Township
- Wallace Township
- Warwick Township
- West Brandywine Township
- West Fallowfield Township
- Phoenixville Borough Zoning Hearing Board
- Amity Township Zoning Hearing Board
- Modena Borough Zoning Hearing Board
- South Coventry Township Zoning Hearing Board
- East Brandywine Township Zoning Hearing Board

**PROFESSIONAL REFERENCES - MUNICIPAL REPRESENTATION**

**CURRENT CLIENTS**

Scott Swichar, Manager  
East Fallowfield Township  
2264 Strasburg Road  
East Fallowfield, PA 19320  
(610) 384-7144

The Firm represents East Fallowfield Township as Solicitor.

<p>Dale Barnett, Manager West Brandywine Township 198 Lafayette Road Coatesville, PA 19320 (610) 380-8200</p>	<p>The Firm represents West Brandywine Township as Solicitor.</p>
<p>Barbara D'Angelo, Chair Wallace Township Municipal Authority 1250 Creek Road P.O. Box 670 Glenmoore, PA 19343 (610) 942-2880</p>	<p>The Firm represents the Municipal Authority as Solicitor.</p>

**PROFESSIONAL REFERENCES - MUNICIPAL REPRESENTATION**

**FORMER CLIENTS**

<p>Pamela Stevens Manager, Lower Heidelberg Township 720 Brownsville Road Sinking Spring, PA 19608</p>	<p>The Firm represented Lower Heidelberg as Solicitor, which included advising the Township on all aspects of its sanitary sewer conveyance system. The Firm continues to represent the Township on sewer fee collection matters.</p>
<p>Shannon Berkey, Manager Danville Borough and Danville Borough Municipal Authority 463 Mill Street Danville, PA 17821 (570) 275-3091 x4</p>	<p>The Firm represented the Authority as Special Counsel on complex litigation involving sewer rentals and intergovernmental cooperation agreement governing sewage treatment.</p>

***E. Location of the Firm***

The Firm is located at 941 Pottstown Pike, Suite 200, Chester Springs, PA, 19425. We are approximately 30 minutes from the West Goshen Sewer Authority.

***F. Conflicts of Interest***

The Firm foresees no actual or potential conflicts of interest in its representation of the West Goshen Sewer Authority.

***H. Ongoing litigation***

None. The Firm is not engaged in any ongoing litigation as a defendant involving a sum of \$100,000 or more, and has not been subject to any disciplinary action within the last three (3) years.

***I. Ongoing Investigations***

None. The Firm is not aware of any ongoing investigations that relate to its performance in the municipal field (or otherwise).

**EXHIBIT "A"**

**West Goshen Sewer Authority Hourly Rate Schedule**

<b>Professional</b>	<b>Customary Rate</b>	<b>2021 Reduced Rate for West Goshen Sewer Authority</b>
Stephen V. Siana	\$465.00	<b>\$250.00</b>
Michael G. Crotty	\$350.00	<b>\$205.00</b>
Eric M. Brown	\$325.00	<b>\$205.00</b>
Brigitte M. Meyer	\$170.00	<b>\$165.00</b>
Paralegals	\$150.00	<b>\$150.00</b>