



MEET TOM

“Knowing the law is table stakes. I can achieve my client’s objective no matter how challenging the non-legal issues might seem because I effectively collaborate with other team members to ensure the client’s success.

”

— Tom Wyatt

Tom chairs the municipal infrastructure and services practice area. He represents local governments and municipal authorities with infrastructure related matters, such as regulatory compliance, bulk sale and services contract negotiations, establishing public-private partnerships, and water and wastewater system purchases and sales. His prior experience with North America’s largest water and wastewater company, as well as his involvement in the sales of the water and sewer systems in numerous Pennsylvania counties gives him an industry-leading familiarity with Act 12, the PA PUC fair market value statute and the implementation orders that governs its use. Tom’s close collaboration with municipal solicitor’s and significant practical experience as counsel to municipalities relating to a PUC application under Act 12 and relating to the PA DEP make him a trusted advisor in preparing witness testimonies and drafting water and wastewater planning documents. Beyond his municipal infrastructure and services practice, Tom represents individuals and corporations in business and finance, and corporate governance matters.

Growing up in a single parent household, Tom became his deaf mother’s voice from the moment he could speak. By the time Tom was 12, he had really honed his skills being his Mom’s ears and consigliere. He brings these unique communication skills to his practice. He actively listens to all the issues that his clients are facing without interruption or pre-conceived “solutions.” In Tom’s view, solving complicated

legal issues never just involves the law, but also a team of skilled people. Because of this, Tom enjoys a number of deep relationships with financial advisors, engineers and other professionals that can be deployed as resources for his clients.

In his free time, Tom enjoys spending time with his wife and two young children— at the pool, the park or Friday night movies. He loves watching and talking about Philadelphia sports, particularly the Phillies and Eagles.

EXPERIENCE

In his municipal infrastructure and services practice, Tom been engaged by multiple municipalities to provide legal services across a wide spectrum, including in connection with the sale or lease of their sewer and/or water systems. He advises several municipalities in Allegheny, Butler, Bucks, Dauphin, Monroe, Luzerne, Montgomery and Chester Counties, including the sales and purchases of assets to regulated utilities and municipal authorities. Tom has decades of experience advising corporate and municipal boards/councils regarding changes in law, contract negotiations, governance, and litigation avoidance strategies.

He regularly represents municipalities as intervenors before the PUC in connection with obtaining PUC approval for system sales and assists municipalities in navigating the sale-related requirements of the PA DEP. He has also negotiated many municipal services agreements and operations and management agreements. He regularly advises elected and appointed boards and councils regarding emerging regulatory and legislative issues.

Some of Tom’s notable transactions include:

- Handling the sale of sewer/water systems in Springfield Township, PA to a municipal authority (approx. \$16 million).
- Handling the sale of sewer/water systems in West Vincent Township, PA to a municipal authority (approx. \$5 million).
- Handling the sale of Butler Area Sewer Authority. This \$231.5M deal will be the second largest in the Commonwealth, once approved by the PUC. This Authority, and its two creating municipalities, had already been approached by a buyer but knew they needed help from experienced counsel in order to maximize all the potential benefits of a transaction. With our team’s guidance on how to achieve the best deal, we collaborated with the client and laid out plans to sell the wastewater collection and treatment assets so that the proceeds could be reinvested back into the region for economic redevelopment projects, social services, and other goals of the community.
- City of York. Represented the surrounding municipalities that send their wastewater to be treated by the City of York when the City was trying to sell its treatment plant to PA American for \$235 million. Our clients collectively represent 54% of the flow treated by the City’s plant and wanted to make sure they were treated fairly in the sale process. Initially, we protested PA American’s application at the PUC and brought an arbitration proceeding against the City for breach of contract. Through united and strategic negotiations, however, our clients eventually settled with the City and entered into a fair 40-year treatment agreement with AW. The PUC ultimately approved the treatment agreements. Our clients now have a good treatment provider and long-term budgetary certainty regarding the cost of service. What pleased the clients the most is how Obermayer kept such a large group of clients informed and aligned through a pretty complicated

- negotiation process. If each municipality had gone alone, it would not have been able to get the deal they got collectively. We structured the deal in order to anticipate certain issues that might arise at the PUC and at DEP in order to ensure success long-term.
- Handling the sale of the sewer systems in the City of McKeesport, PA to a regulated utility (approx. \$158 million).
- Handling the sale of the sewer systems in Limerick Township, PA to a regulated utility (approx. \$75 million).
- Handling the sale of a sewer trunk line in Tredyffrin Township, PA to an unregulated company (approx. \$29 million).

NEWS & INSIGHTS

Obermayer's Municipal Services Team Closes Wastewater System Sale on Behalf of the Township of Lower Makefield, Bucks County

March 09, 2022 by Thomas S. Wyatt, Matthew S. Olesh, Nicole E. Norcross

Obermayer's Municipal Services Team Closes Water and Wastewater System Sale on Behalf of the Valley Township, Chester County

November 24, 2021 by Thomas S. Wyatt, Michael A. Thom

Obermayer's Municipal Services Team Closes Wastewater System Sale on Behalf of the Borough of Royersford, Montgomery County

May 27, 2021 by Thomas S. Wyatt, Michael A. Thom

Tom Wyatt Quoted in WHYY

January 12, 2021 by Thomas S. Wyatt

Obermayer's Municipal Services Team Closes Wastewater System Sale on Behalf of East Norriton Township

June 19, 2020 by Thomas S. Wyatt, Michael A. Thom, Kimberley A. Farmer

Tom Wyatt Co-Presents "The Pros And Cons Of Selling Municipal Water/Sewer Assets"

June 03, 2020 by Thomas S. Wyatt

ACTIVITIES & HONORS

In 2014, NJBIZ recognized Tom as General Counsel of the Year, Corporate Compliance Professional. The same year, the South Philly Review named him the "Difference Maker."

EDUCATION

University of California at Berkeley School of Law (Boalt Hall), JD
 Colorado State University, BA

ADMISSIONS

Pennsylvania

CAPABILITIES

Business & Finance

- Banking
- Corporate
- Mergers & Acquisitions
- Municipal Services
- Public Finance
- Real Estate
- Zoning & Land Use

Labor & Employment

- Employment Litigation
- Employment-Related Agreements
- Executive Compensation & Employee Benefits

Municipal Services

- Obermayer Municipal Services

Industry Focus

- Individuals & Private Clients
- International Businesses
- Local Governments & Municipal Authorities
- Nonprofit Organizations
- Universities & Secondary Schools