

Environmental Advisory Council

July 11, 2023– 7:00 PM

Hybrid Meeting

MINUTES

Members in attendance: Eric Allen (Chair), Christy Cheever (Vice Chair), Hope Blaythorne, Shannon Pendleton, Tim Marsh, Phil Getty, Scott Blank, Jeanne Litwin, Louise Levy, Kate Robeson-Grubb, Robert McEwan (Board Liaison) and Debra McFadden (Administrator).

Absent: C. L. Lindsay III, Barry Fetterolf.

Guests: Michael Celec, Executive Director of the Bucks County Audubon Society.

- I. Call to Order:
 - a. Mr. Allen called the meeting to order at 7:04 PM.
- II. Approval of the June 13, 2023 Meeting Minutes
 - a. **MOTION: Upon a motion by Mr. Allen and seconded by Mr. Blank, it was unanimously agreed to approve the June 13, 2023 minutes with additions.**
- III. Announcements
 - a. Mr. Blank mentioned the EAC logo for future discussion.
 - b. Mr. Marsh informed the Council that he recently visited and toured the Ultra-Poly Corporation in Portland, PA, a recycling company since 1974 pioneering plastics recycling through innovation.
 - c. Mr. Blank will circulate dates to the Council for a visit to a waste management facility in Philadelphia.
- IV. New Business

No New Business.
- V. Discussion Items
 - a. Wild Area Stewardship / Tree City / Birdtown

Mr. Celec, Executive Director of the Bucks County Audubon Society, gave a presentation on the Bucks County Audubon Society at Honey Hollow, it's mission and the history. Discussion followed.

Ms. Blaythorne asked for a member of the administration to help with the tree city application at year-end.

Ms. Blaythorne gave an update on the Celebration Tree Program. A tree planning map is being developed. Dudley Rice, Parks and Recreation Director, is working on a formal guideline and a celebration tree is preferred versus a memorial tree. Also, being proposed are no signs on the trees but supplying the donor with a certificate making the GPS location or one plaque with a list of all honorees. Exploring ways to publicize this program.

Ms. Blaythorne announced that Bowman's Hill will hold a chestnut tree virtual event on July 13, 2023 and a Rosade Bonsei Lecture at the Michener Art Museum on July 26, 2023.

Ms. Blaythorne is exploring \$500 grants available through Penn Community Bank.

Ms. Blaythorne announced that Aquetong Park is now recognized as a bird habitat and next will be exploring the township building as a bird habitat.

Ms. Blaythorne attends a Bird Cluster meeting every quarter and topics include mowing and how to reduce it across township, feather friendly projects at post offices, businesses and schools, identify places where bird window collisions occur, encourage Buckingham Township to become a Birdtown. Ms. Blaythorne announced an August Bird Walk in Primrose Creek at the PECO right of way. Ms. Blaythorne is exploring fall migration programs.

Mr. Getty offered to meet with Ms. Blaythorne to help with Birdtown.

Mr. Marsh asked Ms. Blaythorne to send the scheduled events to add to the EAC draft calendar.

b. Sustainability

Ms. Pendleton reported that Township Building Energy Audit had its second site visit to benchmark systems. The results will be compiled and then followed with recommendations.

Ms. Litwin is supporting the Sustainability Sub Committee. Ms. Litwin spoke about the importance of community engagement in the sustainability plan. She mentioned the HOA's and the New Hope Solebury High School's student who was working on how to make the high school cafeteria more sustainable. Ms. Litwin is exploring both state and regional grants for pedestrian walkways.

Ms. Litwin will be attending a webinar on a grant for the Travel Options Program and will have more information at the next meeting. Ms. Litwin will be doing some historical research.

Ms. Pendleton shared a memo from Mr. McEwan on action projects for the Sustainability Sub Committee. They are working on strategies for achieving the Ready for 100 goals and a sustainability consultant. Ms. Pendleton explained that the Energy Transition Plan

recommends a sustainability consultant to implement the initiatives of the Energy Transition Plan. Ms. Pendleton worked with a very reputable firm that put together a draft RFP for free and would like to bring this draft RFP to the Board of Supervisors for approval to decide if we want to bring to other sustainability consultants and receive (3) three proposals back to explore.

MOTION; Upon a motion by Ms. Pendleton and seconded by Mr. Allen, it was unanimously endorsed by the Environmental Advisory Council to take the draft RFP/Request for Proposal for “Sustainability Consultant” solicitation to the Board of Supervisors for approval.

Mr. Getty reminded everyone that the township owns and operates the street lights in Carversville and that more efficient and low glare lights should be used. Ms. Robeson-Grubb responded that Mr. Garges is currently looking into grants for funding to switch to high efficiency LED lights with low glare.

c. Social Media

Mr. Marsh updated the Council on a draft one-page procedure for making changes to the website, social media and print media. Mr. Marsh will be meeting with Ms. Blood tomorrow to discuss and finalize the procedure. Mr. Marsh and Ms. Litwin have been working on the township website for recycling information.

d. Recycling & Trash

Ms. Litwin spoke to Deanna Miller who is the Recycling Coordinator for the Bucks County Planning Commission who helped clarify plastic recycling. Ms. Litwin spoke with Ms. Blood about the 2019 e-recycling event held at Solebury Township. Ms. Litwin is looking into an e-recycling event at the township. Much discussion on this followed.

Mr. Blank gave a Municipality Waste Collection Presentation. (see virtual attachment).

Highlights included municipalities considering or recently switched to a single hauler Systems, Tredyffrin Township and Souderton Borough.

Mr. Blank asked the Council to recommend that the Board of Supervisors authorize the preparation of a request for bid for single hauler trash collection.

MOTION: Upon a motion by Mr. Getty and seconded by Ms. Blaythorne, it was unanimously endorsed by the Environmental Advisory Council for Scott Blank to develop an (RFP) Request for Approval to present to the Board of Supervisors for a single trash hauler.

e. Miscellaneous

Mr. Blank led the discussion on adding two student associate members to the Environmental Advisory Council.

MOTION: Upon a motion by Ms. Pendleton and seconded by Mr. Marsh, it was unanimously endorsed by the Environmental Advisory Council to ask the Board of Supervisors for their approval to add up to (2) two student associate members to the Environmental Advisory Council.

Ms. Pendleton mentioned the Community Advocates Program.

Mr. Petty indicated that there was no update to the Nockamixon Hydro Ordinance.

VI. Public Comment

Mr. DeAndrea offered comments and suggestions to the Council.

VII. Adjournment

Mr. Allen adjourned the meeting at 9:20 PM.

Respectively submitted,

Debra McFadden

Municipality Waste Collection Presentation

July 11, 2023



Environmental Advisory Council

Solebury Township

Updates

Municipalities Considering or Recently Switched to Single Hauler System – Tredyffrin Township

Demographics

- Population – 31,927
- Total Housing Units – 13,225
- Density – 1,615 pops/square mile

June 20, 2023 Board of Supervisors Meeting

- Chairperson mentioned that township has received receiving recent complaints from homeowners about their contracted for trash and recycling services. She mentioned that in the past the topic of the township going to single hauler collection has been discussed to potentially improve rates and services; reduce noise, the wear and tear on roads, pollution, and the number of trucks on the roads; and to make routes more efficient.
- Assistant Township Manager reported that he is putting together a Request for Bid (RFB) with the EAC and the township solicitor and that he is hoping to send to the draft to the EAC again for its final comments before the EAC's June 27 meeting. The approved draft would then go to the Board of Supervisors to obtain approval at the next BOS meeting scheduled for July 17.

Timeline for RFB

- The RFB to be sent out in July with a pre-bid meeting in August and with bids due in August.
- The expectation is that the contract would be awarded in September, which would leave about 100 days to get information out to homeowners, before the January 1, 2024 start date for the contract
- Two approaches taken in the bid specifications: one alternative is for haulers to bid on doing the billing and collecting, and the other is the township handling the billing.

Municipalities Considering or Recently Switched to Single Hauler System – Souderton Borough

Demographics:

- 7,191 population
- 2,901 housing units
- 1.12 square miles
- average density 6,420 pops/square mile

Chronology

- Homeowner survey conducted in early 2013. At the time of the survey, there were seven haulers operating in Souderton. The survey was sent to 2,100 households. A total of 910 responses were received, 544 respondents indicated support of a single hauler trash service over private subscription if economically advantageous, 182 of the respondents opposed and 147 were undecided.
- It was not until two years later in early 2015 that Souderton decided to issue an RFB. Prior to issuing it, Souderton had held a meeting with trash haulers who could provide comments or feedback on what Souderton was thinking of as specifications. As a result, the specifications were revised and a RFB was issued.
- After the RFB was released, a pre-bid meeting was held on April 13, 2015. As a result of the meeting, an addendum was prepared and sent out to all bidders. The bids that were received were opened up on May 4, 2015 and were to remain valid through August 3, 2015. A meeting was held on June 22, 2015 to hear comments from the public. The borough council approved awarding the contract on August 3, 2015. The start date for the initial contract was January 1, 2016, which gave the borough almost five months to prepare for the change.
- Souderton is in its third three-year contract

Billing Open Issues – Delinquent Taxes (Bucks County Tax Claim Bureau)

If a “trash fee” is added to property tax bill, who is responsible for collecting delinquent taxes?

Is it the Bucks County Tax Claim Bureau or does an assessment like a “trash fee” mandate that other collectors and collection methods must be utilized?

Example:

If the tax bill is \$2,000 county, \$1,000 township, and \$200 other fees (like street lamps or "trash fee") and the homeowner is delinquent, would the Tax Claim Bureau seek a Notice of Claim (see below) for \$2,000 (what is owed to county), \$3,000 (what is owed to county and township), or \$3,200 (the total amount owed on the bill)?

Background:

- Real estate tax notices are mailed out by each municipality's tax collector. If the taxes are not paid by December 31st (of the year the taxes become due and payable) each local tax collector returns all delinquent and uncollectables to the Tax Claim Bureau for further collection.
- The Bureau sends out a **Notice of Claim** which notifies each property owner with the delinquent taxes that a claim has been entered against the property. These notices are generally mailed by certified mail in the spring of the year after the tax was due. The tax claim becomes "absolute" if it is not paid by December 31st of the year it was turned over to the Tax Claim Bureau.
- In July (of the 2nd year after the original tax bill was issued by the local tax collector), the property owner will receive notice that the property will be advertised, posted and sold: the sale is not to be earlier than the 2nd Monday of September, but before October 1. If the tax due is not paid by July 1, the property is advertised for sale, and posted by the Bucks County Sheriff.
- The upset sale is held in September of the second year following the initial billing from the tax collector. If the properties are not sold at the upset sale, they are listed to be sold at a judicial sale.
- The last opportunity for the taxpayer to pay the taxes due and avoid the upset sale would be prior to the close of business at the courthouse the day before the sale.

Trash Haulers

Whitetail Disposal

- Meeting with President/COO, CEO/founder, and director of business development on 6.15.23
- Whitetail has no HOA contracts in Solebury but services roughly half of non-HOA housing units (Whitetail has a municipal contract with Northampton Township in Bucks County and 11 other municipal contracts in other counties)
- The over 2,400 (non-HOA Solebury housing units) is meaningful

Republic Services

- Meeting with Manager – Municipal Sales for PA, DE and MD on 6.28.23
- Republic services a number of HOAs in Solebury and some individual subscribers but has generally decided to get away from individual subscription business in Solebury and nearby municipalities and is heavily involved with municipal contracts
- The over 2,400 (non-HOA Solebury housing units) is meaningful

J.P. Mascaro & Sons

- 30 minute conversation with Director of Sales and Marketing (41 years of service) on 6.5.23; requested dates for meeting
- J.P. Mascaro does not currently service Solebury but does have over 60 municipal contracts in PA (Bristol Borough, Lower Southampton Township, Upper Southampton Township, and Warminster Township in Bucks County and the remainder in other Pennsylvania counties – including Delaware, Lackawanna, Lehigh, Montgomery, and Northampton)

Leck Waste Services

- Phone conversation on 6.20.23. Leck's primary focus is commercial.
- Although it has municipal contracts with three municipalities, these three are geographically small with high densities (Ivyland, 2387 pops/square mile; Hulmeville Borough, 2455 pops/square mile; and Langhorne, 3286 pops/square mile). Leck is not seeking to expand its municipal contracts in municipalities with demographics like Solebury.

Trash Haulers (continued)

Waste Management (WM)

- 90-minute conversation with Public Sector Representative on 6.5.23
- Despite plans to schedule meeting. on 6.29.23, WM decided to decline meeting after discussion with its Operations Team and Route managers about the possibility of a bid coming out for a single hauler in Solebury since it does not believe that it would bid competitively on a new contract at this time due to a number of different operational factors, including the location of Solebury compared to WM's hauling district and changing its fleet over to CNG fuel, automation, etc.
- At least for the next year or two, WM does not believe that this would be a good fit for it
- WM has recently sent notice to Solebury customers that it will be changing recycling collection from once per week to once every two weeks

Legal Standards for Rejection of Bids

- For a number of reasons relating to obtaining the lowest bid, townships routinely insert a provision into the bid instructions that they may reject any or all bids, in whole or in part.

Sample Language: [Township] reserves the right to reject any or all bids or parts thereof and to waive any defects or irregularities in the best interest of the [Township].

- Although a bid certainly may be rejected if it fails to comply with the bid instructions or if the bidder is not responsible, there are limitations on the extent to which a township may reject bids.
- “[I]f a municipality, in connection with competitive bidding, is empowered to do so, it may reject any and all bids in the absence of fraud, collusion, bad faith, or arbitrary action.”

Legal Standards for Rejection of Bids (continued)

- The Pennsylvania Supreme Court has held that a municipality had the right to reject a portion of all bids based solely on the fact that it retained such a right in its advertisement for bids.
- The trial court determined in its duties as fact finder “that there was no fraud, imposition, over-reaching or unfair dealing in striking out the items or awarding the contract.” Thus, the Pennsylvania Supreme Court decision appears to stand for the proposition that a township may reject any part or all of the bids so long as it advises of that right in the advertisement of bids and applies the rejection equally to all bidders

Discussion/Next Steps

- **Observation:** There are many environmental and nonenvironmental benefits of implementing a residential single hauler trash and recycling collection system. In the absence of a single hauler contract, homeowners are likely to face further hauler related issues (including price and service disruptions) due to evolving trends in the trash collection industry and increasing operating expenses, including fuel, labor and equipment costs. Homeowners in municipalities like Solebury with large service areas (26.6 miles), lower population densities (327 pops/square mile) and that are geographically isolated from a hauler perspective may be more vulnerable to volatility. The aggregation of homes as a “package” for a single hauler is a way to counteract or minimize some of these effects and risks while capitalizing upon the environmental and nonenvironmental benefits.
- **Proposal for Discussion:** The EAC should work together with the township administration and the township solicitor to prepare a RFB for residential collection (excluding HOAs) that can be presented to the BOS for its consideration and approval. If the RFB is approved for release, this would allow the township to receive definitive bids so the BOS can decide if it makes sense to change from an open subscription to a single hauler system based upon the bid from the lowest responsible bidder. It also allows the terms of a specific bid (as opposed to hypothetical scenarios) to be presented to the public for comment which may influence a homeowner’s view of the advisability of a single hauler collection system and may better inform the decision of the BOS whether to proceed with the lowest responsible bid or to reject such bid.

Sources

- Bucks County Tax Claim Bureau website
- U.S. Census Bureau website
- Tredyffrin Township Website/Communications with Assistant Town Manager
- Souderton Borough Website
- Schnader Harrison Article entitled “Competitive Bidding of Municipal Contracts in Pennsylvania and the Litigation It Generates: Who Is the Lowest Responsible Bidder?” by John K. Gisleson
- Websites for Whitetail Disposal, Republic Services, J.P. Mascaro & Sons, and Leck Waste Services