

FINAL

FRANKLIN TOWNSHIP, YORK COUNTY
BOARD OF SUPERVISORS
SPECIAL MEETING MINUTES
May 26, 2020 7:00 PM

ROLL CALL

PRESENT:

Vice Chairman Kevin Cummings
Supervisor Naomi Decker
Supervisor Mark Wenrich
Supervisor Brian Galbraith

Supervisor David Buckwash
Solicitor Bret Shaffer
Treasurer/Asst. Sec. Pamela Williams

ABSENT:

CALL TO ORDER:

The May 26, 2020 BOS Special Meeting was called to order at 7:17 PM by Chairman Kevin Cummings. The meeting was held via a Zoom meeting. There were no visitors listed as in attendance on the Zoom meeting.

TRASH BID

Solicitor Bret Shaffer stated at the last regular monthly Board of Supervisors (BOS) meeting, the board voted to award the trash bid to Republic Services contingent upon Bret's review of the documents. Bret reviewed the documents and had some apprehensions about line items that were added and/or crossed out on the contract that was returned with the bid. Bret reviewed the case law and was concerned enough on how courts have interpreted this and felt everyone should reconvene to discuss again to decide what to do. He asked for one of the supervisors to make a motion to disqualify Republic Services to the bid that had already happened. Bret stated the BOS would then have to choose to either reject all bids, which they have the right to do and was included in the original advertisement.

In that case, it would be put out for bid immediately. With advertising tomorrow and three days later, there will be time to wait the requisite ten days before opening and announcing the bids again which would take place at the next monthly BOS meeting. If the BOS does not want to advertise again and there is one remaining bidder, the bid could be awarded to Waste Management. Bret said if we do advertise again, the advertisement should be amended for the bidders to respond to include if there is container costs, recycling or trash and if there are any return fees. With this amendment, it would be right in the packet that goes out to the bidders.

A motion was made by Chairman Kevin Cummings to disqualify Republic Services due to the items that were added and deleted with the original bid. He also requested to deny all previous bids and advertise again, amend the advertisement as needed and stated the BOS would vote on the new bids at the June 10, 2020 BOS meeting.

Second by Supervisor Buckwash

Discussion-Supervisor Wenrich asked since these were sealed bids and the bids were opened in a public meeting, would it be fair since the information was out in the open and each hauler knows what the other one bid. Bret responded that the law allows for the township to reject all bids and put it out for bid again. He stated that everyone has already seen each other's bids. Mark referred to the question that was asked earlier if they just delete whatever they crossed out, is that acceptable. Brian stated that if a company comes in at a lower bid it will only benefit the township residents.

Naomi said it would be a matter of only \$8.00 more to just give the bid to Waste Management. She stated if they are changing the contract, it may be better to just go with the bidder that didn't

change the contract. There would not have to be another bid and the service is already established with Waste Management. Her vote would be to give the bid to Waste Management and not rebid, especially since we have no experience with Republic Services.

Kevin and Mark provided more input on the cost difference. Kevin had a question as to whether it's clear in the advertisement that we don't want a repeat performance of amending the contract when bidding. Bret stated his understanding is that anyone who bids is going to need to use Penn Waste for recycling and whoever is bidding should be able to offer the services as to what terms are in the contract. Bret's main issue with Republic was that if they change the contract language to say they're only going to perform certain types of recycling; they could refuse to service customers in the future if they would choose to. Bret stated they were probably under the same circumstances as anyone would be who bid on the contract. The contract couldn't be signed the way it was returned. The bid packets must be submitted without annotations. Kevin stated when the bids are opened if the same issue arises, we could then proceed as Naomi suggested.

Naomi asked what it costs to advertise. Pam stated she thought it was approximately \$100 per advertisement if it is with The Sentinel. Bret said we would have to utilize The Sentinel and to figure the advertising costs times two. Kevin asked if the total ballpark number is known. He said at \$8.00 per quarter/\$32.00 per year times a two-year contract at \$64.00 would pay for the advertising. Andy went over the numbers. Tom Stang commented that the difference in quarterly pricing was \$8.10 over two years. Tom's other question to Andy was if the bid specs were left the same, would Republic bid or not bid and thus save going through the bid process again. Andy could not specify whether they would bid or not.

Andy commented that in 2018, Penn Waste put out new "acceptable items" and talked about what recyclables are accepted. He stated the information that was provided to Franklin Township by Waste Management and posted on the web site, was not updated to reflect the current items accepted for recycling. That is why the recycling information on the bid submitted by Republic Services was changed; to match what Penn Waste actually accepts. He wants to see residents educated on what can and cannot be recycled and what goes into trash. He understood why the Republic Services bid was rejected. Andy asked that this be verified with Penn Waste and the contract updated to reflect what really is recyclable, so all bidders are bidding on the same thing. Andy also talked about the difference between the people who don't have carts and who do. Kevin verified with Andy what recyclables are accepted and that it all goes to Penn Waste. Andy stated that #1, #2 and #5 plastics are accepted. Kevin asked if the contract could be revised and Bret said they could amend the motion to say that Bret and Pam could contact Penn Waste to make sure the bid packets include what is processed and not processed as recyclables.

The motion was amended by Chairman Cummings to include clarification on recycled items that Penn Waste accepts.

Discussion-Naomi stated she missed some of the details of the discussion and she didn't understand why Republic was in on the discussion. Kevin stated that both Republic and Waste Management were participating in the meeting.

Second Supervisor Buckwash

The motion carried

Opposed-Supervisor Decker

A motion was made by Vice Chairman Cummings to adjourn the meeting at 7:39

Second Supervisor Buckwash

Discussion-None

The motion carried.

Respectfully submitted,

Pamela Williams

Pamela Williams, Asst. Secretary