

1 VOLUME II

2

3 COUNCIL OF THE CITY OF PHILADELPHIA

4 PUBLIC MEETING

5 of the

6 COMMITTEE ON FINANCE

7 - - -

8 Thursday, June 11 1998

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10 Public Meeting conducted by the Committee

11 on Finance, held in Room 400, City Hall,

12 Philadelphia, Pennsylvania, on the above date, to

13 consider action on the following:

14 BILLS 980328, 980329, 980383

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16 PRESENT:

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18 COUNCILWOMAN ANNA CIBOTTI VERNA, Chair

19 COUNCILWOMAN JANNIE BLACKWELL

20 COUNCILWOMAN HAPPY FERNANDEZ

21 COUNCILMAN JAMES F. KENNEY

22 COUNCILMAN W. THACHER LONGSTRETH

23 COUNCILMAN MICHAEL A. NUTTER

24 COUNCILMAN DAVID COHEN

25 COUNCILMAN FRANK RIZZO

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2 COUNCILWOMAN VERNA: Thank you. This
3 is a continued Public Meeting of the Finance
4 Committee from Tuesday, June 9, regarding Bills
5 No.980328, 980329, and 980383.

6 The Chair recognizes Councilman
7 Nutter.

8 COUNCILMAN NUTTER: Thank you, Madam
9 Chair.

10 Madam Chair, since Tuesday's hearing,
11 and the issue that was raised regarding the contract
12 between the city and BFI, and the trash going to
13 Chester, a letter has been received. I would like
14 to read this letter into the record.

15 This is a letter from the Department
16 of Streets, Larry M. Moy, Commissioner, to
17 Mr. William Wolfram, Market Development Manager, BFI
18 Waste Systems of North America, 1000 Adams Avenue,
19 Suite 100, Trooper, PA 19403, regarding Solid Waste
20 Disposal Agreement by and between the City of
21 Philadelphia and BFI Waste Systems of North
22 America.

23 "Dear Mr. Wolfram: As you are
24 aware, the reference agreement by and between the
25 City of Philadelphia and BFI Waste Systems of North

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2 America, (BFI), is currently before the Finance
3 Committee of the Council of the City of
4 Philadelphia.

5 "Members of the Council have raised
6 concerns regarding BFI's disposal of 100,000 tons of
7 municipal solid waste from the City of Philadelphia
8 at BFI's Waste Resource Recovery Facility in
9 Chester, Pennsylvania.

10 "It is my understanding that the
11 Chester Residents Concerned For Quality Living, (The
12 Residents), have filed a lawsuit against the
13 Pennsylvania Department of Environmental Protection
14 over the state's placing of waste treatment
15 facilities in Chester, and that the U.S. Supreme
16 Court has agreed to decide whether the residents may
17 pursue an 'Environmental Racism Lawsuit' against the
18 state.

19 "This letter is to confirm that
20 should the Supreme Court decide that the residents
21 have standing to pursue such a lawsuit against the
22 state, and if the residents are subsequently
23 successful in this lawsuit, the city and BFI agree
24 to negotiate in good faith to determine alternative
25 methods for disposing of the 100,000 tons of

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2 municipal solid waste.

3 "Sincerely," and signed by Lawrence
4 M. Moy. Accepted and agreed on behalf of BFI Waste
5 Systems of North America by Mr. William Wolfram.

6 COUNCILWOMAN Verna: May I ask the
7 City Solicitor and the Streets Commissioner to
8 please approach the Chair.

9 MS. Stephanie Franklin-Suber: Good
10 morning, Madam Chair, members of the Finance
11 Committee.

12 For the record, my name is Stephanie
13 Franklin-Suber. I am the City Solicitor for the
14 City of Philadelphia.

15 COUNCILMAN Nutter: Madam Solicitor,
16 could you briefly explain the meaning and legal
17 implications of this letter.

18 MS. Franklin-Suber: Councilman
19 Nutter, the Law Department has reviewed the letter.
20 We have reviewed the ordinance, the terms and
21 conditions of the contract, as well as the Request
22 For Proposals under which the contract was awarded.

23 The letter is a contractual
24 obligation between the city and BFI. The contract
25 permits the city to add sites.

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2 We believe that the terms and
3 conditions of this letter are consistent with the
4 terms and conditions of the contract.

5 In short, we believe it is legal.

6 COUNCILMAN NUTTER: Thank you very
7 much.

8 COUNCILWOMAN VERNA: Are there any
9 other questions or comments from members of the
10 committee?

11 The Chair recognizes Councilman
12 Cohen.

13 COUNCILMAN COHEN: Does the letter
14 say anything differently than if the Supreme Court
15 rules that the Chester residents are right, and that
16 it is illegal to send this trash to Chester, then
17 the city will comply?

18 MS. FRANKLIN-SUBER: The letter
19 simply states that if the residents are successful
20 in the lawsuit, the city and BFI will agree to
21 negotiate in good faith to determine alternative
22 methods for disposing the waste.

23 COUNCILMAN COHEN: If the United
24 States Supreme Court rules that it is environmental
25 racism to send the trash to Chester, the city won't

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2 have any alternative. So this letter does
3 absolutely nothing.

4 You have no choice, except to follow
5 what the U.S. Supreme Court says.

6 COUNCILMAN NUTTER: Madam Solicitor,
7 the matter of the lawsuit, my understanding is, does
8 not involve in any way, shape, or form the BFI
9 company.

10 They are not, again my understanding
11 is, that they are not a party to the lawsuit, and
12 the lawsuit was not filed against them or about
13 their facility; is that correct?

14 MS. FRANKLIN-SUBER: That is
15 correct.

16 COUNCILMAN NUTTER: And, therefore,
17 whatever the Supreme Court decides in the particular
18 case, there is no direct or indirect impact on BFI
19 in that matter, anyway; is that correct?

20 MS. FRANKLIN-SUBER: That is also
21 correct.

22 COUNCILMAN NUTTER: Thank you.

23 COUNCILWOMAN VERNA: Are there any
24 other questions or comments from members of the
25 committee?

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2 Hearing none, we will now consider
3 the bills.

4 The Chair recognizes Councilman
5 Nutter regarding Bill No. 980328.

6 COUNCILMAN NUTTER: Madam Chair, I
7 move that Bill No. 980328 be reported out of this
8 committee with a favorable recommendation, and a
9 further recommendation that the Rules of Council be
10 suspended so as to permit first reading at our next
11 session of Council.

12 (Duly seconded.)

13 COUNCILWOMAN VERNA: Properly moved
14 and seconded that Bill No. 980328 be reported out of
15 committee with a favorable recommendation, also a
16 recommendation that the Rules of Council be
17 suspended so as to permit first reading at our next
18 session of Council.

19 All in favor will signify by say
20 aye.

21 Those opposed?

22 The ayes have it. The motion is
23 carried.

24 The Chair recognizes Councilman
25 Kenney regarding Bill No. 980329.

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2 COUNCILMAN KENNEY: I move that Bill
3 No. 980329 be reported out of this committee
4 favorably, and a request made for Rules suspension
5 to allow for first reading at our next session of
6 Council.

7 (Duly seconded.)

8 COUNCILWOMAN VERNA: Properly moved
9 and seconded that Bill No. 980329 be reported out of
10 committee with a favorable recommendation, also a
11 recommendation that the Rules of Council be
12 suspended so as to permit first reading at our next
13 session of Council.

14 All in favor will signify by saying
15 aye.

16 Those opposed?

17 The ayes have it. The motion is
18 carried.

19 The Chair recognizes Councilwoman
20 Fernandez regarding Bill No. 980383.

21 COUNCILWOMAN FERNANDEZ: Madam Chair,
22 I move that Bill No. 980383 be reported out of
23 committee with a favorable recommendation, and that
24 there is a request for a suspension of the Rules to
25 permit first reading at our meeting today.

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2 (Duly seconded.)

3 COUNCILWOMAN Verna: Properly moved
4 and seconded that Bill No. 980383 be reported out of
5 committee with a favorable recommendation, also a
6 recommendation that the Rules of Council be
7 suspended so as to permit first reading at our next
8 session of Council.

9 All in favor will signify by saying
10 aye.

11 Those opposed?

12 The ayes have it. The motion is
13 carried.

14 This concludes the Public Meeting of
15 the Finance Committee. Thank you all very much.

16 (Short recess.)

17 COUNCILWOMAN Verna: The Finance
18 Committee has readjourned to clarify an amendment
19 that was introduced on June the 9th regarding Bill
20 No. 980328.

21 With our eagerness to push forward on
22 these, I thought that we had approved the
23 amendments, but I am told that we did not.

24 Therefore, at this time I would ask
25 Council member Nutter to make the necessary approval

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2 of the amendments.

3 COUNCILMAN NUTTER: Thank you, Madam
4 Chair.

5 On Tuesday, it was read into the
6 record the one provision regarding hauling from the
7 Northwest Transfer Station, that the city forces
8 will continue to provide the hauling.

9 Because at the hearing on Tuesday no
10 action was taken, we want to make sure that that
11 amendment is made and that the bill is subsequently
12 reported out as amended.

13 I would move that the amendment put
14 forward on Tuesday's hearing be approved.

15 (Duly seconded.)

16 COUNCILWOMAN VERNA: Properly moved
17 and seconded that the amendment submitted on June 9
18 stand approved.

19 All in favor will signify by saying
20 aye.

21 The motion is so carried.

22 I would certainly go ahead with the
23 other request.

24 COUNCILMAN NUTTER: Madam Chair, I
25 move that Bill No. 980328, as amended, with all

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2 amendments, be reported out of committee with a
3 favorable recommendation, and a further
4 recommendation that the Rules of Council be
5 suspended so as to permit first reading at our next
6 session.

7 (Duly seconded.)

8 COUNCILWOMAN VERNA: Properly moved
9 and seconded that Bill No. 980328 be reported out of
10 committee with a favorable recommendation, as
11 amended, as amended, and that the Rules of Council
12 be suspended so as to permit first reading at our
13 next session of Council.

14 All in favor will signify by saying
15 aye.

16 Are there any nays?

17 The ayes have it. The motion is
18 carried.

19 Again, this concludes the Public
20 Meeting of the Finance Committee. Thank you for
21 calling that to our attention.

22 (Public Meeting adjourned at 9:45
23 a.m.)

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C E R T I F I C A T I O N

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Thursday, June 11, 1998, were
reported fully and accurately by me, and that this
is a correct transcript of same.

RE: COUNCIL COMMITTEE ON FINANCE

DEBRA A. WHITEHEAD, RPR