COUNCIL OF THE CITY OF PHILADELPHIA

PUBLIC HEARING - COMMITTEE OF THE WHOLE

- - -

Room 400, City Hall

Philadelphia, Pennsylvania

Wednesday, June 1, 2005, 10:45 a.m.

BILLS 050496, 050497, 050498 and 050499

PRESENT:

COUNCIL PRESIDENT ANNA C. VERNA
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COUNCILMAN JUAN F. RAMOS
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6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole

COUNCIL PRESIDENT VERNA: Good morning, everyone. This is the public hearing of the Committee of the Whole regarding Bill Nos. 050496, 050497, 050498 and 050499.

I would ask Mr. Erickson to please read the titles of the bills.

MR. ERICKSON: Bill No. 050496, an Ordinance authorizing the Commissioner of the Department of Streets, on behalf of the City of Philadelphia, to enter into an Agreement with BFI Waste Systems of North America, Inc., pursuant to which BFI will receive municipal solid waste to be collected by or on behalf of the City, and transfer and dispose that municipal solid waste, over a four-year term, with three one-year renewal terms at the sole discretion of the City;

Bill No. 050497, an Ordinance authorizing the Commissioner of the Department of Streets, on behalf of the City of Philadelphia, to enter into an Agreement with TransRiver Marketing Company, LP, pursuant to which TransRiver will receive municipal solid waste to be collected by or on behalf of the

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole City, and dispose that municipal solid waste over a four-year term, with three one-year renewal terms at the sole discretion of the City;

Bill No. 050498, an Ordinance authorizing the Commissioner of the Department of Streets, on behalf of the City of Philadelphia, to enter into an Agreement with Waste Management Systems of Pennsylvania, Inc., pursuant to which Waste Management will receive municipal solid waste to be collected by or on behalf of the City, and transfer and dispose that municipal solid waste over a four-year term, with three one-year renewal terms at the sole discretion of the City;

Bill No. 050499, an Ordinance authorizing the Commissioner of the Department of Streets, on behalf of the City of Philadelphia, to enter into an Agreement with Republic Services of Pennsylvania, LLC, pursuant to which Republic will receive municipal solid waste to be collected by or on behalf of the City, and transfer and dispose that municipal solid waste over a four-year

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COUNCIL PRESIDENT VERNA: Thank you. Our first witness will be the Streets Commissioner.

Good morning and welcome. I believe that the Councilmembers all have a copy of the Commissioner's testimony. I believe it was delivered to the Councilmen's offices.

Commissioner, would you please identify yourself for the record and proceed with your testimony.

MS. TOLSON: Yes. Good morning. My name is Clarena Tolson. I'm the Commissioner of the Department of Streets. I can summarize my testimony, if you would like.

COUNCIL PRESIDENT VERNA: That would be fine.

MS. TOLSON: We are pleased to submit four ordinances for your consideration. These ordinances will allow the City to engage in contracts with four waste disposal companies. Those four companies are BFI, TransRiver Marketing, Waste Management and

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The purpose of the ordinances is to allow for disposal of the City's trash. The City produces approximately 3,000 tons of trash per day for which we're responsible for proper management.

In November, the City issued an RFP for the transfer and disposal of our waste, and we received proposals January 28th which provided pricing from the various organizations.

With an RFP Selection Committee consisting of Streets Department, Managing Director's Office, City Council technical staff, MBEC and the Law Department, we conducted extensive negotiations with our vendors. Those negotiations ended recently and the result is what we believe to be quite favorable pricing for the City for the sewer contracts.

The contracts that we had submitted are for four-year terms, a four-year base term, with three one-year renewals. The one-year renewals are at the City's

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The total disposal cost over the seven-year period is nearly $339 million. Disposal costs for the first year will be just over $44 million, for which we are budgeted.

Each of these contracts presents a scenario, an opportunity, for the City. By using four vendors, we have the most extensive use of the vendors in the City and transfer stations that are present in the City. We'll be using six transfer stations located around the entire City, which will allow us to maximize our operational efficiency and thereby reduce our costs.

Our vendors have provided pricing through an aggressive negotiating process and we're quite pleased with the results. Through this process, we are also introducing two new vendors for which we will have direct relationships. Those are Republic Services and TransRiver Marketing. By having these additional vendors, we hope to encourage competition in our area. Improved

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The MBEC organization worked extensively with our department, and we're pleased to say that the result is that a goal of 35 percent was established for the hauling component of the ordinances -- or the contracts, I should say. The result, however, was that we have nearly 92 percent participation for MBEC requirements within the ordinances. Each of the vendors has been fairly certain about meeting the goals and requirements of the MBEC guidelines and, in fact, have exceeded them very, very nicely.

The City will use the transfer stations of Republic, BFI, or Allied Waste, and Waste Management. We will be using the waste-to-energy facility of TransRiver Marketing for purposes of disposal of our trash that is taken from the City's transfer station.

Each ordinance is directly related

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole to the individual contractor. BFI will receive a total of 330,000 tons on average; TransRiver, 91,000 tons; Waste Management, 290,000 tons; and Republic will receive 53,000 tons, meeting the total City needs of our agency right now.

We'll be happy to answer any questions you may have about this contract, and we were pleased to have support of you Councilmembers through this process.

COUNCIL PRESIDENT VERNA: Thank you very much, Commissioner. Before we get into the subject of this hearing, would you please bring us up to date with what the Streets Department is doing with respect to the removal of white metals and condominium trash?

MS. TOLSON: Yes. The Department is working aggressively on a plan for our bulk materials, also called white metals.

COUNCIL PRESIDENT VERNA: I'm sorry, Commissioner. Do you mind pulling the microphone closer to you?

Thank you.

MS. TOLSON: The Department is working very aggressively to address the issue of bulk materials, or white metals. We had discussed previously a plan to eliminate that collection process. We have since committed to trying to meet the needs that Council addressed in our budget hearings whereby we will not eliminate bulk materials or the collection thereof and we're looking at alternative strategies that will allow us to continue that process efficiently, including strategies where we may have -- we may work with, partner with, the private sector to collect materials.

COUNCIL PRESIDENT VERNA: So the Streets Department would actually be doing the pick-up?

MS. TOLSON: The Streets Department may do pick-ups. And they may also work with some of the haulers -- or I shouldn't say the haulers; the recyclers of the materials. Bulk materials are quite valuable right now and there's some interest

in partnering with the City. But the result will be seamless for our citizens. They will continue to have service.

COUNCIL PRESIDENT VERNA: Glad to hear that. And I'm assuming that the contracts before us would be including the condo trash?

MS. TOLSON: The condominiums, as we have additional tonnage, our contractors will pick that up. Each of our vendors is quite willing to accept any additional tonnage that we will have.

COUNCIL PRESIDENT VERNA: Can you tell me, how long has the Administration known that the existing solid waste disposal contracts will expire July 1, '05?

MS. TOLSON: Yes. The contracts that we presently have are also four-year contracts, with three one-year renewals. We're reaching the end of that three-year renewal process on June 30th. So we have known that we had seven-year contracts.

Over the last eight months, we've

worked quite aggressively to address that issue. You may remember also that two years ago, we did an RFP looking for better pricing for the City. The result was that we received quite high pricing and we did not think that the terms were favorable for the City, so we did not pursue that. At that time, the costs were probably $15 more per ton than we're going to see in these contracts.

So we're pleased that through this negotiating process, which provided for face-to-face negotiations two and three times per week with each vendor, provided us with a good pricing, but it did take quite a while in terms of negotiations.

COUNCIL PRESIDENT VERNA: And I am told that the Streets Department really did a very good job negotiating, and I want to compliment you on that.

MS. TOLSON: We have an excellent team, and on behalf of all of them, I say thank you.

COUNCIL PRESIDENT VERNA: You're welcome. I just don't understand how

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we have a contract for seven years. The contract is coming to expiration in a couple weeks and yet we get the bills last Thursday for introduction. With that being said, we will proceed.

What is the current price per ton for solid waste disposal?

MS. TOLSON: The current pricing is $54 and change.

COUNCIL PRESIDENT VERNA: Is that just the disposal fee or does it include in-house costs?

MS. TOLSON: That's the disposal fee.

COUNCIL PRESIDENT VERNA: I beg your pardon?

MS. TOLSON: That is our disposal fee.

COUNCIL PRESIDENT VERNA: And what are the in-house costs?

MS. TOLSON: The in-house costs, I don't have that per ton, but our entire budget is $92 million for all of our sanitation costs.

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COUNCIL PRESIDENT VERNA: For FY06, your briefing document dated May 24, '05 provided pricing information per ton of $58.73 for Waste Management, $59.05 for Republic Services, $46 for TransRiver Marketing and $57.99 for BFI. Can you tell me, what are the City's in-house costs associated on a per-ton basis for these four contracts?

MS. TOLSON: I can calculate -- can you be specific about when you say our in-house costs? Do you mean --

COUNCIL PRESIDENT VERNA: Collection.

MS. TOLSON: I'm not sure I understand the question.

COUNCIL PRESIDENT VERNA: Well, that's for the collection, the operation, the delivery.

MS. TOLSON: Okay. We'll calculate that for you.

COUNCIL PRESIDENT VERNA: For the record, would you please explain the contingency clause contained in Addendum 4 of the RFP? It has to do with BFI not having DEP

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MS. TOLSON: Yes. There's a contingency clause that allows a vendor that does not have a permit -- and that will be any of our vendors -- does not have a permit during the life of the contract to opt out of the contract. The City has belts and suspenders in terms of response to that. One is very likely that a vendor that does not have disposal capacity at a landfill or waste-to-energy plant would try to find an alternative disposal site.

So if, for example, BFI, I would guess, if they could not dispose at Conestoga, they would find another of their locations to dispose or they would try to possibly find another vendor to take their materials for them. And the City also has the ability to then go to other vendors, if we so chose, to receive the materials.

COUNCIL PRESIDENT VERNA: In the event that the Commonwealth of Pennsylvania imposes an additional cost per

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MS. TOLSON: The Growing Greener fees are part of a pass-through cost that will be part of our contract fees, should they pass. We did not leave them in the contract as a nebulous question mark because, in a sense, the City would be paying insurance for something that may or may not occur, with no benefit if the cost did not occur. All other fees have a cap on them for the potential of them occurring.

COUNCIL PRESIDENT VERNA: Will a trash-to-steam facility be charged the same fee as a landfill?

MS. TOLSON: With Growing Greener, they presently do not.

COUNCIL PRESIDENT VERNA: They do not?

MS. TOLSON: They do not pay that fee.

COUNCIL PRESIDENT VERNA: I will come back with a couple other questions. I see that a number of Councilpeople would

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like to be recognized.

The Chair recognizes Councilman Clarke.

COUNCILMAN CLARKE: Thank you, Madam President.

Good morning.

MS. TOLSON: Good morning.

COUNCILMAN CLARKE: First, I'd like to thank you for your briefing yesterday. It was quite informative, so I don't really have a lot of questions as it relates to what we talked about, but I do want to ask you a couple of questions on the broader scope about disposal facilities.

Years ago, I understand -- I actually wasn't a Councilperson, but I think I was around. There was some discussion about the City being in a position to acquire a dump site, lessening the costs and having more control over costs associated with dumping fees and it went down. I can't quite remember why.

Can you talk to me about, given the long-term nature of us being involved in this

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole business, what is the probability of the City getting involved in the purchase of a dump site obviously somewhere outside of the City of Philadelphia to lessen the costs associated with the fees as relates to our contracts? And also I'd like to talk about transfer stations, because I understand the City of Philadelphia currently owns one transfer station.

MS. TOLSON: Yes.

COUNCILMAN CLARKE: Can you talk to me about those two things?

MS. TOLSON: Yes. The City currently does not own a transfer station or a waste-to-energy facility -- I'm sorry; does not own a landfill or a waste-to-energy facility. Certainly if the City proper owned that type of a facility, we would see quite an advantage with our costs.

The cost to maintain and run a facility are relatively low, given what we will pay for it. Other cities have experienced opportunities for making revenues from the landfills that they own. For

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example, San Diego has quite a good experience with the landfill that it's recently purchased and expanded.

So if we were to own a facility, we would be at a great advantage. Given that we generate nearly 800,000 tons per year and we do not own a facility, we're in a precarious position when it comes to our opportunities and the challenge to keep our prices low.

COUNCILMAN CLARKE: In terms of costs, do you think it may be cost prohibitive to purchase a landfill? What's the other term you used? I want to be correct.

MS. TOLSON: Waste-to-energy facilities.

COUNCILMAN CLARKE: Waste-to-energy facility, okay.

MS. TOLSON: Waste-to-energy facilities are very, very costly, and the price fluctuations and maintenance are quite high. The landfills are not as high, but still you're talking tens and tens of millions of dollars for the purchase. However, for our long-range planning, it's certainly something

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that we have to consider and look at opportunities for when they become available.

There are relatively few in the state, and new facilities are very, very difficult to get sited and permitted. So our opportunity would likely come from the purchase of a facility that already exists versus trying to build a new one.

Relative to the transfer station, the City used to have a fairly large number of them. I think there were six around the City. And with that, there were also some waste -- there were some trash-burning facilities with that.

Technology changed and those facilities were closed. We presently, though, are down to only one transfer station. That's located in the Northwest section of the City. That's a viable station and we intend to maintain that. And we are also looking at opportunities to create additional City-owned facilities that will give us opportunities to decrease our costs.

COUNCILMAN CLARKE: Can you get

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole me an analysis and provide it to the Chair, and it will subsequently get to all Councilmembers, of your best estimate in terms of the costs associated with purchasing a landfill? I understand permits would be very difficult in today's climate, but if you can just get me a financial analysis of the costs associated, what the debt service would be associated with paying -- I'm assuming we would do it through a bond.

MS. TOLSON: Yes.

COUNCILMAN CLARKE: That the debt service would be on the bond on the purchase of a facility, your projected cost savings as opposed to currently entering into contracts where we're essentially paid fees for landfills through the vendor, so I can get a better sense of the reality of being able to pay for something like that?

MS. TOLSON: Yes. Okay.

COUNCILMAN CLARKE: And can you also get through the Chair an analysis of the costs associated with us operating a municipally-owned transfer site versus a

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MS. TOLSON: Yes. Thank you.

COUNCILMAN CLARKE: Thank you. Thank you, Madam President.

COUNCIL PRESIDENT VERNA: Thank you.

The Chair recognizes Councilwoman Tasco.

COUNCILWOMAN TASCO: Thank you. Good morning. On Page 3 of your testimony, at the top of the page, would you explain that paragraph to me, please, the total disposal costs for these contracts? Do you see that at the top of the page?

MS. TOLSON: Yes.

COUNCILWOMAN TASCO: Can you explain that for me?

MS. TOLSON: Year 1 costs of the contract will be $44.1 million. This is a four-year contract, so over the life of the base term, there's additional costs. Over the

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COUNCILWOMAN TASCO: What I don't understand is it says that the Department is budgeted to cover that expense.

MS. TOLSON: For the first year costs. Our Year 1 costs will be met within our budget.

COUNCILWOMAN TASCO: Okay. Tell me, why is that?

MS. TOLSON: That's a good thing. We want to be not overbudget. So we will be able to meet the requirements of this contract within the budget that has been presented and amended, I believe.

COUNCILWOMAN TASCO: Why wouldn't that cost have been calculated into the overall negotiations? I don't know why we're picking up $44 million.

MS. TOLSON: Through the negotiating process, we actually were able to work with the vendors to bring down the charges that they had for us to the tune of

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approximately $28 million. So our resulting agreements will cost the City $44 million in Year 1. In Year 2, they would cost us 45.4, so on and so on based upon the escalators, and that if you were to look back over the seven-year life of the contracts, it would be $339 million.

Our FY06 budget can accommodate the $44.1 million. That was the point of that comment.

COUNCILWOMAN TASCO: Okay. This TransRiver Marketing resource recovery facility in Chester, why did we bring them in?

MS. TOLSON: They are a resource recovery facility located nearby. When we solicited vendors, they fit the requirements of being within 50 miles of the City, and they bid quite favorably.

We've been interested in looking at opportunities with them previously. Pricing did not work out. In this case, their pricing was favorable. They were very aggressive in their bidding. They wanted to be involved to a greater extent than they had been in the

past. So we've included them in this agreement.

COUNCILWOMAN TASCO: But they're not hauling the trash, they're only receiving it, we're paying for the disposal costs?

MS. TOLSON: That's right. They're not hauling the material. The City is hauling the material. The City is hauling the material to them from our transfer station. So they're just receiving the material and processing at their facility.

COUNCILWOMAN TASCO: Were they involved before?

MS. TOLSON: We have not had trash agreements with them in the past. We have had tire agreements with them in the past.

COUNCILWOMAN TASCO: So you chose to expand it to include them rather than just use the three companies that are going to haul the trash from our transfer stations?

MS. TOLSON: That's correct.

COUNCILWOMAN TASCO: What does

that do for us?

MS. TOLSON: It gives us a number of advantages. The pricing, as I said, is very good. Looking at the operational impact along with the pricing, which is how we did this process, it allows us to have more from our facility to that location to transfer in a site that is less demanding on our fleet equipment. We're doing it on a concrete floor versus on top of a landfill. So there's an advantage to that as well in terms of damage to equipment. So it offers a number of opportunities for us.

COUNCILWOMAN TASCO: So our trash trucks pick up the trash from the transfer station?

MS. TOLSON: That's correct.

COUNCILWOMAN TASCO: And deliver it. How many trucks do we use to do that?

MS. TOLSON: We're using 16 trucks.

COUNCILWOMAN TASCO: What impact does it have on the City's budget in

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MS. TOLSON: It helps us to minimize overtime. It allows us to take our materials to a nearby site versus driving farther to drop off. One of our challenges that we have -- we don't have a lot of facilities in the City and then the landfills or waste-to-energy facilities in the area, they're not all very, very close. There's only a couple, two, within the 50-mile radius that bid on this contract in terms of waste-to-energy facilities. So our options are very, very limited.

COUNCILWOMAN TASCO: So some of our trucks in the current contract are still delivering trash to landfills?

MS. TOLSON: Yes. They're going to landfills in Conestoga, a landfill which is in Morgantown, up the Turnpike.

COUNCILWOMAN TASCO: Okay. Now, also TransRiver says that since they're not hauling trash, they do plan to provide some minority participation. Have they discussed what those possibilities might be?

MS. TOLSON: Yes, they have. They presently do a lot of work with the City of Chester and they have some training and hiring opportunities there, and they've extended that same offer to the City of Philadelphia.

Additionally, they are willing to extend some contracts for other goods and services within their company to certified firms.

Additionally, they have --

COUNCILWOMAN TASCO: Who is going to monitor that for the City of Philadelphia?

MS. TOLSON: MBEC will be working with them.

They also have a process where they have non-processable materials that are -- after they go through a treatment process at their plant, there's some waste that they generate. I'll call it waste, for lack of a better word. And they will be subcontracting that to a certified firm. And they've committed to having a certified firm also

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provide their ash hauling. They do about $4 million a year in ash hauling.

COUNCILWOMAN TASCO: Their burn facility?

MS. TOLSON: They burn and then they have some ash as a result. So they will have a certified firm work in that area.

COUNCILWOMAN TASCO: Where do they transport that ash to; do you know?

MS. TOLSON: I'm not sure where they transport it to. I believe that representative is here today and they can --

COUNCILWOMAN TASCO: It's not to Logan, is it?

MS. TOLSON: No, it is not.

COUNCILWOMAN TASCO: No pun intended. Okay. But they used to do it in the old days.

Okay. Thank you very much.

COUNCIL PRESIDENT VERNA: Commissioner, what is the minimum daily quantity of solid waste that must be delivered to each vendor?

MS. TOLSON: Each of the

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole vendors in the ordinance -- in their ordinances has a contract award amount. The minimum that has to be delivered is 75 percent of that number.

COUNCIL PRESIDENT VERNA: What is the City's obligation in the event of, let's say, a strike or a blizzard or some catastrophe? What obligation does the City have under this contract?

MS. TOLSON: If we --

COUNCIL PRESIDENT VERNA: As far as delivery.

MS. TOLSON: If we cannot deliver -- we have the ability to not deliver. However, we work very, very hard to make sure that we're picking up trash on a daily basis.

Certainly we have emergencies like a blizzard and there's no trash collected. If there's no trash collected, then there is no delivery of trash as well. The tonnage -- there are no penalties and the tonnage that we have are annual tonnage. So there's no daily requirement.

COUNCIL PRESIDENT VERNA: So

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it's not a daily?

MS. TOLSON: Right. We talk often times about a daily number as we negotiate, as we determine terms for the contracts. However, it's all rolled up into an annual amount, because the fact is, in a blizzard, trash that may not be collected on one day is simply picked up the next day. So we're protected from that, and there's also force majeure clauses that protect us as well.

COUNCIL PRESIDENT VERNA: Thank you.

For the record, can you tell us, what is the level of participation of minority, women and disabled business enterprises that the vendors have agreed to?

MS. TOLSON: Yes. As I mentioned, there's a 35 percent goal as set by MBEC. However, we have attained 92 percent.

COUNCIL PRESIDENT VERNA: I'm sorry. For some reason, I'm having difficulty hearing you. Can you pull the microphone closer, please.

MS. TOLSON: 92 percent.

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COUNCIL PRESIDENT VERNA: And each of the companies have agreed?

MS. TOLSON: Yes.

COUNCIL PRESIDENT VERNA: The four contracts presented to Council appear to be substantially similar except for items such as price per ton, maximum daily quantity and the MBE/WBE/DBE goals. In the interest of saving time, would you please point out where the contracts differ? For example, do they all provide the same amount of insurance and guarantees?

MS. TOLSON: Yes. The terms for all the contracts are the same. Say, for the MBE numbers that have been set -- and let me just correct one thing. I said 92 percent. I should have said 96 percent, and I'll step through each of the contracts to mention what the differences are through each.

There's the MBEC contracts. There are also the interest rates and the tonnages that you mentioned, and I'll start with the tonnage feature.

The reason for the varying tonnages

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole to each vendor is because through the negotiating process, we have some limitations for how much materials vendors can receive based upon their permits from the state at each of their transfer facilities or their landfills, and that may be based upon the hours of operation or the tonnage limitations of their permits.

We then layered on top of that the pricing determined, you know, what terms we might have there, as well as how that might impact us operationally. All of that done to then figure out how we would divide up the City's trash to distribute basically 800,000 tons of trash across the four vendors.

Further, the vendors gave us pricing. The pricing is reflected, I think, in each of the contracts, but I'll just go through the Year 1 pricing fairly quickly. Waste Management is $58.73 per ton. Republic is $59.05 per ton. BFI is $57.99 per ton. And TransRiver Marketing, $46 per ton.

With those prices, each of the vendors also provided escalators to determine

their future costs. The escalators for Waste Management, Republic and BFI are three percent throughout. TransRiver Marketing offers an escalator that's somewhat different. I don't have the number in front of me. In their out years, it's five percent, I believe, in Year 3 and seven percent in Year 4.

And the next thing is their minority involvement. The minority participation varies for each as well. BFI has participation levels of 100 percent. Waste Management has participation levels of 100 percent. Republic at the time that we were preparing the contracts had committed to 45 percent, which is how we calculated the number 96 percent. However, subsequent to our going to Council with the ordinances, Republic has committed to 100 percent as well, but we do not have that documented, so we have not included those revised numbers in anything that we submitted to Council.

American Refuse, I mention that they are not hauling material to their facility. The City is doing that hauling. So they don't

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come under the requirement, but they're meeting the spirit of the requirements in other ways.

COUNCIL PRESIDENT VERNA: Thank you.

I guess to prove that the Streets Department really did a fabulous job, would you tell us in response to the RFP on January 26, '05 what was the vendors' proposed price per ton for FY06?

MS. TOLSON: I should be able to brag quite quickly. I'm sorry that I cannot. We'll get that number for you in one moment.

At the start of this process, the seven-year costs for this contract would have been $420 million.

COUNCIL PRESIDENT VERNA: And it is now 300 and how much? 339 million?

MS. TOLSON: $339 million. I'm sorry. Let me address that number. I said $420 million. I'm sorry. $370 million. I'm sorry. I looked at the wrong number.

COUNCIL PRESIDENT VERNA: So it

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MS. TOLSON: That's right.

COUNCIL PRESIDENT VERNA: Okay. Thank you. Job well done.

MS. TOLSON: Thank you so much.

COUNCIL PRESIDENT VERNA: Any other questions of this witness?

The Chair recognizes Councilman Rizzo.

COUNCILMAN RIZZO: Madam President, also I'd like to mention that it's refreshing to have a Commissioner brief us well in advance of dealing with this issue, and I want to thank you also for that, for your efforts to communicate.

MS. TOLSON: Thank you so much.

COUNCIL PRESIDENT VERNA: Any other questions or comments from members of the committee?

The Chair recognizes Councilman Ramos.

COUNCILMAN RAMOS: Thank you, Madam President.

How does that compare to the cost

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole per tonnage with the City of New York?

MS. TOLSON: The City of New York is not in an admirable position, from our perspective. The City of New York pays up to $90 per ton.

COUNCILMAN RAMOS: And we're paying?

MS. TOLSON: We will be paying in this contract $58. So as we compete with them, one of our concerns will be that we would pay anything near their pricing. They would certainly be very happy if they were to pay $58. However, if we had to pay anything near what they pay, I think that we would definitely have a problem.

COUNCILMAN RAMOS: So the cost for the City of Philadelphia would be at -- you said $58?

MS. TOLSON: Yes.

COUNCILMAN RAMOS: -- (continued) at $70, that would hurt us tremendously. Is that a correct assessment?

MS. TOLSON: Yes. We would be looking at another $13 million in disposal

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole costs, just in disposal of our materials.

COUNCILMAN RAMOS: That's good news. Thank you.

COUNCIL PRESIDENT VERNA: Thank you.

Any other questions or comments from the members of the committee?

(No response.)

COUNCIL PRESIDENT VERNA: Do we have anyone else that would like to testify on the mentioned bills?

Yes, sir. Please approach the witness table. Good morning, sir. Please identify yourself for the record and proceed with your testimony.

REVEREND STRAND: Good morning. My name is Reverend Dr. Horace Strand. I'm the Pastor of the Faith Temple Holy Church in the City of Chester, administratively the Faith Temple Christian School and also I am the Chairman of the Faith Temple Environmental Initiative. I'd like to say good morning to Councilwoman Verna and to all the Council and everyone that honor is due.

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole

I have for a number of years worked concerning the environmental issues in the City of Chester, Pennsylvania. I was a former Chairman and founder of the Chester Residents Concerned for Quality Living. I also was the Chairman of the Chester Solid Waste Advisory Council dealing with the government as well as the industries on the riverfront that were involved in our environmental concerns, industries such as Westinghouse, PECO, DELCORA, Abbonizio and Thermal Pure.

We founded these organizations because of the clustering of these environmentally unsafe facilities in one congested area in the City of Chester, which created almost an apartied atmosphere with facilities less than 90 feet from residential houses. Nowhere in the country and in this United States do you have the fourth largest incinerator in the world 90 feet from someone's living room.

We worked hard with both at that time Councilman Foglietta, who is now deceased, the great advocate. Also we worked

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole with Representative Kirkland and other officials to sit down and to try to bring some kind of reconciliation to the problems that exist in our community.

I am opposed to this contract in its present form due to the fact that there is an atmosphere of arrogance and ignorance and lack of consideration to the needs of those folks that are still being held captive around this incinerator. I would recommend that this Council --

COUNCIL PRESIDENT VERNA: Reverend, excuse me. Is it an incinerator or is it the trash-to-steam?

REVEREND STRAND: The trash-to-steam, yes. I call it an incinerator. Yes; the trash-to-steam, now operated by American Refuse.

I have in the past 60 days -- let me also bring you up to snuff. I also was appointed by the Secretary of the Department of Environmental Protection to sit on the state Environmental Justice Board. I'm no longer sitting on that Board because of my

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole responsibilities. I'm just overwhelmed. But I've been actively involved in meeting with American Refuse to try to talk to them about doing something to help these people who are suffering in this community.

They came to the DEP to increase their tonnage permit and to change their hours and to make more money off of these operations, and I sit down with them and said to them very clearly, We're not trying to shut you down. We do not believe that you should continue to come to this community and profit off of the suffering of these people and not do anything to try to change the living conditions of these people around your facility.

If this Council was to go down and see where your trash is going to be coming, past these residents' homes, bringing more trucks, more dirt, more sickness, more disease to this community, I'm sure that you would think twice about making a partnership with someone that does not show interest in the conditions of humanity.

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I tried to talked with them. I tried to talk to them about putting into the community, putting together a committee to buy these people out, turn this area into a low industrial area where there will be no residential houses in close proximity to what is going on there so that they could operate without any nuisance or any problems from anybody complaining about stench, smell, the rats and all the other things. They were unwilling to do that. They felt that they were going to sell their facility to another company and they wouldn't have to deal with us.

Now we see this great municipality, the City of Philadelphia, I worked in this City many times. I worked with the Honorable Lucien Blackwell before his demise in dealing with some environmental issues he had in his district. I also worked with you, Councilwoman Verna. I got a letter of appreciation from you in my office for the time that I spent. I worked with ACORD.

I have been an environmental

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activist for not just the City of Chester but for anybody who is hurting and distressed. And Philadelphia does not have a history of oppression and taking advantage of the poor.

The political structure in Delaware County is deplorable. It does not -- I'll give you an example. This facility that you're going to send the waste to, Delaware County floated a bond for $60 million for the construction and design of this facility. They spent over $360 million building it, but the original entrance to the facility was right through the front doors of residential houses, with houses on both sides, a narrow street where children were playing.

Now, why would they not, in their design, plan to move these people out of harm's way? It's because it's not in them to do it. They're so politically power struck that they don't feel they have to do it, and I don't think Philadelphia would want to be associated with these kind of deplorable conditions that exist in Chester. I think that if they were willing to resolve these

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole problems, give these people some dignity and justice, give them enough money to move out and to buy a house compatible to what they have according to today's market, they could operate without anybody opposing the trash coming in.

291 has bought out most of that area on one side of the street, but these people are stuck between Front Street, the incinerator, and the Second Street, and nobody is putting forth any initiative.

I have worked tirelessly for years to try to get them to do something. At one point, we were almost successful with Councilman Foglietta's help and others, but it fell through when the political interchange -- when the democrats went out of office, the republicans came in, we were back to square one starting all over again.

And it's sad to see that this situation is still going on after more than ten years of struggle and fighting to give these people some kind of justice.

If you send your trash down there in

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these conditions, you're partnering with this kind of injustice, and I know that that's not the history of this great City.

I worked with Dwight Evans. I worked with many -- matter of fact, I sat in on the Board of BAEO, Black Alliance for Educational Options. I was one of the founding members of that organization. I've been working tirelessly throughout this community. Matter of fact, my church's headquarter was at 32nd and Montgomery Street, the United Holy Church of America, Incorporated. I have many churches within this City that I am affiliated with and associated with.

We have great respect for how things are done in Philadelphia, and I know that this Council would not willingly and knowingly partner with American Refuse under the present conditions that exist now. They need to come back to the table and sit down and talk about rectifying the problems that exist there that this community is suffering under before they try to advance themselves or make more money

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole off the suffering of the citizens of Chester.

Now, we have documentation. So far you heard my position, but we have documentation of the health conditions. Crozer-Chester Medical Center has done a study on the asthma, the increased asthma conditions of the children. The EPA has come in and done an environmental impact study about the cancer, the water, the contamination of the air. Plus, many times this facility has violated the Clean Air Act. It's just ridiculous. You go around, you see the trees won't grow. The greenery is dying.

This should never have happened the way it happened, but it happened because one power broker says, You want this done, I'll get it done and I'll do it without any difficulty, because these people are politically powerless. They're not sophisticated enough to know how to fight us and they do what we say do. And that's what has happened. And you would think after ten years with the election of some of the local people in their community that the policy

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole would have changed, but it hasn't changed, because it's not in their heart to do so.

If we don't take a stand somewhere and force them to sit down at the table -- I'm not some radical coming talking about blowing up a plant. I'm saying let's sit down as human beings and talk about human dignity and what we can do to give people what they are rightfully due as citizens of these United States.

We got people down there who lived down there for 30, 40 years, and you're going to come down there and tell them, Okay, I'll buy your house, I'll give you the fair market value. Well, to them, the fair market value might not be but $25,000. Where can they go and live at the same standard of living that they have with $25,000?

Now, they find money to do everything they want to do. They're building houses. They're doing this, they're doing that. They just went down the PECO plant and spent almost a half a million dollars -- a half a billion dollars around the same area,

but they will not help these people out. Why? It's because nobody is forcing them to sit down at the table.

I would recommend that this Council get a committee to go down there and physically see what these conditions are for yourself and ask yourself, Do you want Philadelphia trucks coming down these streets on a daily basis bringing 90 tons a day -- 390 tons a day and open yourself up for the kind of scrutiny that you will definitely get once this thing hits the fan.

I just sat on about this yesterday evening. That's how they do business. There's no community awareness of what's going on. If I knew about it in advance, I would have this place flooded with people voicing their concerns and opinions.

I hope that this Council will do what I know this Council is known for, as being fair and decent, and that's my position. And if you need any documentation, EPA, the DEP, Crozer-Chester Medical Center has done an extensive study. People are hurting down

there, but they don't have the representation because the political system down there is the most corrupt in the United States.

COUNCIL PRESIDENT VERNA: Reverend, how long has the trash-to-steam plant been in existence in Chester?

REVEREND STRAND: I know it's been in existence over ten years. It started -- I think they operated somewhere in the '90s. I'm not sure of the exact date.

COUNCIL PRESIDENT VERNA: I recall when we were going through that same issue.

Councilman Cohen, I'm sure you recall.

Does anyone have any questions or comments of the Reverend?

The Chair recognizes Councilman Cohen.

COUNCILMAN COHEN: Thank you, Madam President.

To the good Reverend, if you didn't describe the place as Chester, you could just as well have described Philadelphia. The

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole concern for people once existed here in Philadelphia, but it doesn't really exist, and I think you find that the national climate that the President has created has permeated all circles, including democratic organizations like the City Council.

I think you would find that the City of Philadelphia could care less what happens to the residents of the City of Chester if we get a good contract price. I've known that fact, because I think you're absolutely right in every detail you speak about. There's nothing that stops us from doing something environmentally sound and it's good for democratic processes and getting your trash collected, but government seems to have lost its will, because no longer does that seem to be the spirit of the country.

So we urge you to continue your efforts on behalf of the people of the City of Chester as we do here in Philadelphia, but it's a long, tough, hard fight, because today what's respectable is when government grants money to business. The more money -- when a

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole business matter comes up in Council, to me it seems that the only concern is should we double the amount of money that we're giving to this business, whatever the circumstance may be, but when it comes to providing for people's rights, the answer is can't we cut it in half or maybe eliminate it entirely.

So you're waging a good little bit, but it's a lonely fight now, and I think we'll be successful, maybe not in our lifetimes but in the lifetimes of our children or grandchildren, and for that, we have to work.

REVEREND STRAND: Thank you for your comments, Councilman, but I want to say this: If anybody knows my record, that it's just not going to be a lonely fight and it won't be lonely up in Philadelphia if this injustice is done to this community. I will see Philadelphia as partnering with the injustice.

And I've worked in Philadelphia throughout my life and I know that there's somebody in this government that has a heart, a champion such as the Honorable Lucien

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole Blackwell, who was a man of great integrity and dignity who when he saw injustice, he stood up and spoke against them. And I know we still have men like that in this community.

COUNCIL PRESIDENT VERNA: Thank you, Reverend.

Reverend, one moment, please.

The Chair recognizes Councilwoman Tasco.

COUNCILWOMAN TASCO: I guess do we have someone here from TransRiver who is going to testify?

COUNCIL PRESIDENT VERNA: Do we have someone here from TransRiver?

(No response.)

COUNCIL PRESIDENT VERNA: Do we have anyone here from TransRiver, Commissioner?

MS. TOLSON: No.

COUNCIL PRESIDENT VERNA: No.

COUNCILWOMAN TASCO: Reverend Strand, do you know how many tons of what other cities or localities transport trash to this TransRiver site?

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REVEREND STRAND: I don't know exactly. I do have a general idea from the last data information I had. You have them coming from Delaware. You have them coming from New Jersey and possibly you may have something coming in from New York.

But the issue is that they're operating under the present tonnage that they were allowed. In order to do what they're asking you to do, they're going to have to increase their permit and also the tonnage, and then they also are asking to change the operating hours so that they can operate longer and start up sooner, which is making it more difficult for the community.

COUNCILWOMAN TASCO: Who are they asking? Are they before the --

REVEREND STRAND: Well, they approached the Department of Environmental Protection, DEP. Prior to this, they've already started that process.

COUNCILWOMAN TASCO: So has the DEP --

REVEREND STRAND: The DEP is

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demanding that they have a public meeting and allow the public to have input prior to them even making any recommendations concerning a permit.

COUNCILWOMAN TASCO: So as far as --

REVEREND STRAND: Thus far, they have not done that.

COUNCILWOMAN TASCO: So as far as you know, they have not been certified to increase the tonnage to receive the trash?

REVEREND STRAND: As far as I know, no. But, see, this is their pattern. All these operations operate the same. What they do is, they do these secret deals prior to coming to the community with the cards stacked against us, and then they come to us with the powers that be supporting it and then we are left on the end of the deal trying to make our voices known, but the deal has already been done before they come to us.

COUNCILWOMAN TASCO: Madam Chair, could we ask the Streets Commissioner to come back to the table?

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COUNCIL PRESIDENT VERNA: I beg your pardon?

COUNCILWOMAN TASCO: Could we ask the Commissioner to come back to the table?

COUNCIL PRESIDENT VERNA: Certainly.

REVEREND STRAND: Can I say this before she comes? We took this battle all the way to the Supreme Court of the United States. We wanted every court of the land. We didn't go to the Supreme Court because by the time we got to the Supreme Court, the company had went bankrupt that was causing us a lot of the difficulties, and that was Thermal Pure.

And one of the things that they do is, these companies might have five or six different names and we think we're dealing with five or six different companies, but they're all the same entities. And I don't know who this TR -- what is it?

COUNCILWOMAN TASCO: TransRiver Marketing.

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REVEREND STRAND: I don't know who they are, who their corporate operators are. They might all be connected together. I don't know who they are. I haven't had a chance to even investigate them, but this is how they operate.

So we have fought through the system all the way to the Supreme Court and won in every court against the injustice done to the City of Chester, except we didn't go to the Supreme Court because of the fact that the company went out of business, so it was null and we didn't have no need to fight.

COUNCILWOMAN TASCO: So if you won, what was the basis of the suit?

REVEREND STRAND: The fact that the impact -- the clustering. At that time, they had the fourth largest trash-to-steam plant in the world situated down there. They had an auto place facility that was permitted to bring 5.5 times the tonnage of infectious medical waste into Chester that is generated in the entire State of Pennsylvania. They wanted to bring a sewer remediation facility

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole down there to burn contaminated soil. They also wanted to bring in a metals factory to deal with metals, and they were just going on and on and on.

What we discovered was, all the land down there is leased by the land owners, which is Chester Solid Waste, which is owned by Pittsburgh investors, Russell, Rea, Zappala & Associates.

Now, some of you might remember that Russell Zappala was the brother of Supreme Court Justice at that time Stephen Zappala, and what we found out, a lot of these land deals were being made by these power brokers way up in Pennsylvania. Westinghouse's corporate address was the exact same address as Russell, Rea, Zappala & Associates in Pittsburgh. So, I mean, this thing is a lot more than what meets the eye.

It was interesting when this Supreme Court Justice was impeached. One of his arguments was that he was being targeted because he was speaking against these land deals that were being made by the Zappala

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brothers. And if you go to Chester, you got the evidence right there, because the biggest issue was -- at that time, we sued the DEP. We took them to court, because they were issuing these permits so fast, that people in other communities were saying, This is unbelievable. They moved like molasses in issuing our permit. Why are they issuing the permits in Chester so fast? It was because political brokering in power that was going on there. They were doing all kind of crazy stuff.

This is all documented information. You can go on the Internet and look it up.

So, I mean, we had an organization come in and concluded Chester as the most corrupt city in the nation.

COUNCILWOMAN TASCO: Well, if you went to court and you won in court, what did the court rule? Why was this company allowed to do business on the side?

REVEREND STRAND: The court shut them down.

COUNCILWOMAN TASCO: They shut

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the other company down. Why did this company end up being there?

REVEREND STRAND: Why was this company permitted to stay in operation?

COUNCILWOMAN TASCO: Yes.

REVEREND STRAND: Because we never sued Westinghouse per se, because its permitting process had already been in effect. There was no legal grounds in which we could stop it. We were never trying to shut the incinerator down. We were trying to deal with the conditions that existed as a result of it and stop the further clustering of these facilities. And as a result of that, we stopped the further clustering.

We also had sat down with the state, the county, the federal government to put together a plan, a feasibility study, to buy these people out, and the Chester Redevelopment Authority was involved in that, but as you now know, it's defunct. It's just -- you never met -- you never met a politician until you met a Delaware County politician, because they played us. We worked

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with them. We thought we had a resolution, and then when the administration changed, everything changed. We started from square one.

And so that's where we were in regards to that. Westinghouse sold -- the other issue, Westinghouse sold it to American Refuse because of the battle and the legal issues that we brought against them, and now Refuse is doing the same thing.

COUNCILWOMAN TASCO: Commissioner, I guess my question to you is that, is TransRiver Marketing, based on the information that you have, do they have the ability to take this increased tonnage if they're applying? Have they been given the permits to increase their tonnage, that you know of?

MS. TOLSON: TransRiver Marketing will carry the 91,000 tons per year that the City is offering without a change in permit. They're presently processing about 5,000 tons per day, which we are talking about the City sending 350 tons.

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During the course of a year, they have nearly a million tons processed at that facility, 300,000 of which comes from Delaware County. So it's a viable location that's in operation that does not require additional permits to take what the City is offering.

COUNCILWOMAN TASCO: Were they processing any of our trash prior to now? The City wasn't delivering any trash.

MS. TOLSON: No. The City has not delivered trash to them.

COUNCILWOMAN TASCO: But BFI or Waste Management, did they send trash to their facility?

MS. TOLSON: BFI has delivered waste to their facility.

COUNCILWOMAN TASCO: We raised this issue in '91. We had the same issue in '91.

REVEREND STRAND: I think in '91, Council, if I'm correct, you had the Mayor of Chester coming to you with a competing facility, wanting you to give them their trash for their facility, and that

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole was -- what you had was one municipality waging war against the other municipality. The county's trash-to-steam plant is what we're talking about. The Chester's plant never got off ground. Okay? And that's what happened in 1991.

MS. TOLSON: I think the Councilwoman is talking about '98, actually. She's right, but she's talking about '98.

REVEREND STRAND: Well, I'm right, too, aren't I?

MS. TOLSON: Yes, you are, sir.

REVEREND STRAND: I just want to clarify that.

COUNCILWOMAN TASCO: But we did have someone come from Chester to oppose the contract then, too. It was a community activist, a woman from Chester.

REVEREND STRAND: Yes.

MS. TOLSON: And at that point, the City did not take the material there and reap the benefit. Instead, one of our contractors took material there instead.

REVEREND STRAND: And I also,

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no disrespect to the Commissioner, I also would like to see in documentation that what you're bringing there is not going to add to what they're already doing.

I met with Refuse on several occasions. I met with them in Philadelphia at the office of Jerry Balter, the environmental activist who has been working tirelessly to help us. I met with them, and what they told us was that they were not making enough money off of what they were doing, they needed the additional tonnage. And they already applied to the DEP for the increase in the tonnage.

So even if they were -- even if you were able to bring this in without them getting a special permit, look at the increased number of trucks that's going to impact this community. If this municipality is going to use municipal trucks to bring it in, you're going to have issues with debris falling off these trucks, whether they're covered properly. You open yourselves up to a whole lot of issues if it's not done properly. And already we have problems in the City of

Chester with these kind of things going on.

Now, to have a municipality being the actual deliverer of trash into Chester, that's real personal, and I don't -- if this was an area where there were no residential houses you were going into and you didn't have to go past people's front yards and back yards, there would be no nuisance. The debris would just fall and just have to be picked up. But I wholeheartedly recommend that there be a committee from this Council go down and visually see the site. If you see the site and see where your trucks are going to be traveling, then you have a different perspective as to what is going on.

All I'm saying is that even if this was a deal that would go through, you are in a position where you could force them through a concern about your future reputation to make sure that these conditions are dealt with prior to Philadelphia trash coming to Chester.

COUNCILWOMAN TASCO: Thank you.

Thank you.

COUNCIL PRESIDENT VERNA: Thank

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you.

MS. TOLSON: Council, I'd just like to add, though, hearing what the Minister is saying, that we will certainly make it clear to all our vendors our expectations about being good neighbors and trying to maintain clean communities. So if there's road problems or any of our trucks that are spilling debris, we will do our best to make sure that we are doing our responsibility, properly tarping and being clean behind ourselves.

COUNCIL PRESIDENT VERNA: Thank you very much.

Thank you, Reverend.

REVEREND STRAND: Thank you, Councilwoman.

COUNCIL PRESIDENT VERNA: Do we have anyone else to testify on these bills?

(No response.)

COUNCIL PRESIDENT VERNA: Do we have anyone else to testify?

(No response.)

COUNCIL PRESIDENT VERNA:

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Seeing no one, this will conclude our public hearing. We will now go into our public meeting.

Commissioner?

MS. TOLSON: Yes. I apologize. I'm sorry. I just wanted to say that I do ask for the favorable recommendation from this committee and a suspension of the rules.

COUNCIL PRESIDENT VERNA: Thank you very much.

(Committee of the Whole Public Hearing adjourned at 11:55 a.m.)

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CERTIFICATE

I HEREBY CERTIFY that the proceedings, evidence and objections are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter on June 1, 2005, and that this is a true and correct transcript of same.

_____

MICHELE L. MURPHY

RPR-Notary Public

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

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COUNCIL OF THE CITY OF PHILADELPHIA

PUBLIC MEETING - COMMITTEE OF THE WHOLE

- - -

Room 400, City Hall

Philadelphia, Pennsylvania

Wednesday, June 1, 2005, 11:55 a.m.

BILLS 050496, 050497, 050498 and 050499

PRESENT:

COUNCIL PRESIDENT ANNA C. VERNA
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN JAMES F. KENNEY
COUNCILMAN JUAN F. RAMOS
COUNCILMAN DAVID COHEN
COUNCILMAN FRANK RIZZO
COUNCILMAN FRANK DiCICCO
COUNCILMAN DARRELL L. CLARKE
COUNCILWOMAN DONNA REED MILLER
COUNCILWOMAN MARIAN B. TASCO
COUNCILMAN MICHAEL A. NUTTER
COUNCILMAN BRIAN J. O'NEILL
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN JAMES F. KENNEY
COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILWOMAN JOAN L. KRAJEWSKI
COUNCILMAN RICHARD T. MARIANO

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COUNCIL PRESIDENT VERNA: We are now in our public meeting, and the Chair recognizes Councilwoman Blackwell for a motion on Bill No. 050496.

COUNCILWOMAN BLACKWELL: Thank you, Madam President.

I move that Bill 050496 be reported out of committee with a favorable recommendation. Also, a recommendation that the rules of Council be suspended so as to permit first reading at our next session of Council.

COUNCILWOMAN KRAJEWSKI: Second.

COUNCIL PRESIDENT VERNA: It has been moved and properly seconded that Bill No. 050496 be reported out of committee with a favorable recommendation. Also, a recommendation that the rules of Council be suspended so as to permit first reading at our next Council session.

All in favor will indicate by saying aye.

COUNCIL MEMBERS: Aye.

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COUNCIL PRESIDENT VERNA: Those opposed?

(No response.)

COUNCIL PRESIDENT VERNA: The ayes have it. The motion carries.

The Chair again recognizes Councilwoman Blackwell regarding Bill No. 050497.

COUNCILWOMAN BLACKWELL: Thank you, Madam President.

I move that Bill No. 050497 be reported out of committee with a favorable recommendation and also that the rules of Council be suspended so as to permit first reading at our next session.

COUNCILWOMAN KRAJEWSKI: Second.

COUNCIL PRESIDENT VERNA: It has been moved and properly seconded that Bill No. 050497 be reported out of committee with a favorable recommendation. Also, a recommendation that the rules of Council be suspended --

I'm sorry. Councilman Cohen? I'm

sorry, Councilman. I didn't realize that you had your hand up.

COUNCILMAN COHEN: I would like to move to table this bill and instead have this Council adopt the recommendation of the good Reverend about appointing a committee to go and look at Chester.

The amount of trash involved is a very small portion of what comes out of Philadelphia. Certainly under these circumstances we can show that we are a good neighbor by intervening in this situation in Chester to deal as much as is possible with the conditions of environmental injustice that seem to exist.

COUNCIL PRESIDENT VERNA: Thank you.

COUNCILMAN COHEN: The Reverend spoke glowingly of former Council member and Congressman Blackwell of his interest in this situation.

I remember when this matter was raised at the beginning of this present number of contracts went into effect, and if the

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole position still prevails, it certainly does not help us in Pennsylvania to have the people in Chester feel that Philadelphia, much larger city, is taking advantage of a situation. At the same time, we're not endangering anything, because we have four contracts and this deals, I think, with only 350 tons out of 3,000 tons. And it would be my hope that before the end of June we could work out with the Chester authorities sufficient safeguards to make that community feel that it's not being used as a cesspool for Philadelphia trash.

How would we like it if another municipality came to Philadelphia to a residential area and dumped in an unsafe way trash on our streets, endangering the lives and health of our kids and of the community? And I suggest we follow the good Reverend's ideas that we act toward Chester as if it were a community in Philadelphia. And I would, therefore, hope that we delay this action.

There's no problem with the waste. Chester, I'm sure, would be willing to agree that they will -- you know the contract is now

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in existence to the end of the month. Long before that period I'm sure things could be adjusted.

So I move, Madam President, that this bill be tabled so that the proposal made by the Reverend could be carried out.

COUNCIL PRESIDENT VERNA: All right. Is there a second?

COUNCILMAN KENNEY: Second.

COUNCIL PRESIDENT VERNA: All in favor will indicate by saying aye.

COUNCILMAN COHEN: Aye.

COUNCIL PRESIDENT VERNA: I think we need a roll call.

Councilman Cohen has made a motion to table this bill and it was seconded by Councilman Kenney, so we will take a roll call.

Councilwoman Blackwell?

COUNCILWOMAN BLACKWELL: No.

COUNCIL PRESIDENT VERNA: Councilman Clarke?

COUNCILMAN CLARKE: No.

COUNCIL PRESIDENT VERNA:

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Councilman Cohen?

COUNCILMAN COHEN: Aye.

COUNCIL PRESIDENT VERNA:

Councilman DiCicco?

COUNCILMAN DICICCO: No.

COUNCIL PRESIDENT VERNA:

Councilman Goode?

COUNCILMAN GOODE: No.

COUNCIL PRESIDENT VERNA:

Councilman Kenney?

COUNCILMAN KENNEY: Aye.

COUNCIL PRESIDENT VERNA:

Councilman Kelly is not present.

Councilwoman Krajewski?

COUNCILWOMAN KRAJEWSKI: No.

COUNCIL PRESIDENT VERNA:

Councilman Mariano?

COUNCILMAN MARIANO: No.

COUNCIL PRESIDENT VERNA:

Councilwoman Miller?

COUNCILWOMAN MILLER: No.

COUNCIL PRESIDENT VERNA:

Councilman Nutter?

COUNCILMAN NUTTER: No.

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COUNCIL PRESIDENT VERNA:

Councilman O'Neill?

COUNCILMAN O'NEILL: No.

COUNCIL PRESIDENT VERNA:

Councilman Ramos?

COUNCILMAN RAMOS: No.

COUNCIL PRESIDENT VERNA:

Councilwoman Reynolds?

COUNCILWOMAN BROWN: No.

COUNCIL PRESIDENT VERNA:

Councilman Rizzo?

COUNCILMAN RIZZO: No.

COUNCIL PRESIDENT VERNA:

Councilwoman Tasco?

COUNCILWOMAN TASCO: No.

COUNCIL PRESIDENT VERNA:

Councilwoman Verna? No.

The no's are 14 and the aye's are two. The motion fails.

It had been moved and seconded that Bill No. 050497 be reported out of committee with a favorable recommendation. Also, a recommendation that the rules of Council be suspended so as to permit first reading at our

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole next session of Council.

All in favor will indicate by saying aye.

COUNCIL MEMBERS: Aye.

COUNCIL PRESIDENT VERNA: Those opposed?

COUNCILMAN COHEN: No.

COUNCIL PRESIDENT VERNA: The record will reflect that Councilman Cohen voted in the negative, all other Council members voted in the affirmative.

The Chair recognizes Councilwoman Blackwell regarding Bill No. 050498.

COUNCILWOMAN BLACKWELL: Thank you, Madam President.

I move that Bill No. 050498 be reported out of committee with a favorable recommendation and, furthermore, that the rules of Council be suspended so as to permit first reading at our next session of Council.

COUNCILMAN RAMOS: Second.

COUNCIL PRESIDENT VERNA: It has been moved and properly seconded that Bill No. 050498 be reported out of committee with a

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole favorable recommendation. Also, a recommendation that the rules of Council be suspended so as to permit first reading at our next session of Council.

All in favor will indicate by saying aye.

COUNCIL MEMBERS: Aye.

COUNCIL PRESIDENT VERNA: Those opposed?

(No response.)

COUNCIL PRESIDENT VERNA: The ayes have it and the motion carries.

COUNCIL PRESIDENT VERNA: The Chair recognizes Councilwoman Blackwell for a motion on Bill No. 050499.

COUNCILWOMAN BLACKWELL: Thank you, Madam President.

I move that Bill No. 050499 be reported out of committee with a favorable recommendation and, furthermore, that the rules of Council be suspended so as to permit first reading at our next session of Council.

COUNCILMAN RAMOS: Second.

COUNCIL PRESIDENT VERNA: It

6/1/05 - Bill Nos. 050496, 97, 98, 99 - Whole has been moved and seconded that Bill No. 050499 be reported out of committee with a favorable recommendation. Also, a recommendation that the rules of Council be suspended so as to permit first reading at our next session of Council.

All in favor will please indicate by saying aye.

COUNCIL MEMBERS: Aye.

COUNCIL PRESIDENT VERNA: Those opposed?

(No response.)

COUNCIL PRESIDENT VERNA: The ayes have it. The motion carries. And that concludes our public meeting. I thank you all for your patience, and I believe at 1 o'clock we will have the public hearing on NTI. See you all then.

(Committee of the Whole public meeting adjourned at 12:00 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the proceedings, evidence and objections are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter on June 1, 2005, and that this is a true and correct transcript of same.

_____

MICHELE L. MURPHY

RPR-Notary Public

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