

Borough Council Budget Work Session

November 29, 2021

A special Work Session meeting of Souderton Borough Council, held on the above date, was called to order by President Brian K. Goshow at 7:00 p.m. The Work Session was attended by the following members and staff:

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| President Brian K. Goshow | Mayor John R. Reynolds |
| Vice President Julie Munden | |
| Councillor Donna Rogers | Solicitor Charlotte Hunsberger |
| Councillor Richard Godshall | |
| Councillor Daniel Yocum | Borough Manager P. Michael Coll |
| Councillor Daryl Littlefield | |
| Councillor Edward Huber | |

President Brian Goshow noted that the purpose of this meeting is to review the recent decision of the Court of Common Pleas of Montgomery County dated November 22, 2021 and associated options concerning the municipal solid waste collection contract. President Goshow further noted that this work session is being recorded and there are a few members of the public that have joined this work session through Zoom.

Borough Manager Michael Coll provided Borough Council with a copy of the Court Order, a quotation from Waste Management to consider a contract extension of 120 days, copies of the original bid tabulation sheets from August 23, 2021 and a letter from J. P. Mascaro & Sons dated November 29, 2021.

The Borough Manager commented that the Court, through the Honorable Judge Bernard Moore, unfortunately ordered that the Plaintiff's Petition for Preliminary Injunction is granted and the Borough has been further ordered and enjoined from executing the contract award to Whitetail Disposal. In the alternative the court order directs Borough Council to either award the contract to the next lowest qualified and responsible bidder, which will be J. P. Mascaro & Sons, or Borough Council shall reject all bids and rebid the waste collection contract.

At the suggestion of the Borough Manager, Souderton Borough Council first considered whether they should continue with a municipal waste collection program or revert back to individual private subscription. The Borough Manager advocated remaining in a municipal collection program for the overall benefit of the community. A municipal collection program limits when trash will be visibly out on the streets, provides better control over hours of collection and the general collection service and provides for the municipality to continue collections during property owner delinquency or the collection of excessive bulk items. Borough Council discussed the advantages and disadvantages of municipal collection services. With some hesitation and concern over the current cost, Borough Council appeared to support the continuation of municipal service. Borough

Council further discussed consideration of looking into the future of a municipal run collection program.

The next discussion concerned the option to consider an award to J. P. Mascaro & Son or to consider re-bidding the waste contract with an extension of the current contract with Waste Management. The Borough Solicitor noted that change orders are a common practice with most municipal construction contracts but there is no specific legislation that addresses the legality of change orders. Of concern is that the quotation from Waste Management will increase the collection rate to their current bid price, adding over \$100,000 of additional expense, which far exceeds the bid threshold levels under current legislation.

Council President Brian Goshow recognized representatives from both J. P. Mascaro & Sons and Whitetail Disposal who were present at the work session and each party was given an opportunity to address Borough Council.

Following comments from both parties, Borough Council then discussed the remaining options of re-bidding or to award the contract to J. P. Mascaro & Sons. Given concern of the legality of issuing a change order to Waste Management and the uncertainty of the results of a re-bid, the general consensus of Borough Council members was to recommend formal consideration of an award to J. P. Mascaro & Sons at the December 6, 2021 Borough Council meeting.

There being no further business the meeting was adjourned at 8:30 pm.

Respectfully submitted,

P. Michael Coll, Secretary