When addressing the Board of Commissioners, please state your name and address before making comments. As a courtesy to all, comments made from the audience during testimony or Board deliberation are not permitted and are not included as part of the public record. Public speakers are encouraged to summarize their comments and limit presentation to three minutes per item. The Board requests that the audience silence their cell phones at the beginning of the meeting. The Township has an assistive listening system to accommodate the hearing impaired. Please advise Township staff if you wish to utilize this equipment.

1. This meeting will be conducted via the Zoom online platform. Public participation by email to publiccomment@lowermerion.org, by postal mail addressed to Board of Commissioners, 75 E. Lancaster Avenue, Ardmore, PA 19003, or by phone to 610-645-6145 is encouraged and comments will be accepted until 12:00 p.m. on September 23, 2020. Individuals wishing to participate via Zoom during this meeting should contact Jody Kelley, Township Secretary at (610) 645-6145 or publiccomment@lowermerion.org before 12:00 p.m. on September 23, 2020.

2. Roll Call

3. Call to Order

4. Approval of Minutes
   • Minutes of a stated meeting of the Board of Commissioners held on August 3, 2020, as distributed.

5. Announcements / Presentations
   • The Board will meet in Executive Session on September 23, 2020 to receive reports from its professional staff.
   • A Clean Up Weekend is being held on Saturday, October 17 and Sunday, October 18, 2020 from 9:00 a.m. until 4:00 p.m. each day at the Township’s Public Works Complex. Residents may dispose of their refuse and recycling free of charge. Proof of residency is required. Recycling must be separated from refuse. No household hazardous waste will be accepted.
   • Proclamation designating Fire Prevention Week, October 4 - 10, 2020.

6. Public Privilege of the Floor
   The Floor is open to provide the opportunity for the public to address the Board on any non-agenda item or any other public matter in which the Township has jurisdiction or authority.
Response to Public Privilege of the Floor - Appropriate time for any member of the Board, the Township Manager, or designated staff person to address and correct any statement made by a member of the public during the Public Privilege portion of the agenda.

7. Public Comment on Consent Calendar Items

The Floor is open to provide the opportunity for the public to address the Board on matters relating to agenda items which will be voted upon at this meeting.

Response to Public Comment - Appropriate time for any member of the Board, the Township Manager, or designated staff person to address or respond to any statement made by a member of the public during the Public Comment portion of the agenda.

8. Consent Calendar

Consent Calendar items are grouped together in the last section of the agenda which is marked "Consent Calendar." If there is a request from any member of the Board for separate discussion of any item listed on the Consent Calendar, the item will be removed from the Consent Calendar and considered during the appropriate Committee portion after non-consent items listed under that Committee are addressed.

a. TENTATIVE SKETCH OPEN SPACE PRESERVATION SUBDIVISION PLAN – 1064 & 1080 Mt. Pleasant Road, Bryn Mawr, SD# 3859, Ward 6
b. AUTHORIZATION TO RELEASE FUNDS HELD IN ESCROW
c. REQUEST FROM CROWN CASTLE FOR PERMISSION TO INSTALL A NEW POLE WITH A SMALL CELL ANTENNA AND EQUIPMENT BOX
d. HISTORICAL COMMISSION - 42/75 St. James Place, Ardmore, Suburban Square, Class 2, 2020-R-20
e. CERTIFICATE OF APPROPRIATENESS - 578 Barrett Avenue, Haverford, Haverford Station Historic District, 20-16
f. AUTHORIZATION TO ADVERTISE A PROPOSED ORDINANCE - CHAPTER A180, HISTORIC RESOURCE INVENTORY - 1501 Monk Road, Gladwyne
g. APPOINTMENTS TO THE HISTORICAL ARCHITECTURAL REVIEW BOARD
h. APPOINTMENTS TO THE ENVIRONMENTAL ADVISORY COUNCIL

9. Public Hearings / Adoption of Ordinances

• PUBLIC HEARING AND ADOPTION OF ORDINANCE - CHAPTER A180, HISTORIC RESOURCE INVENTORY - 746 MOUNT MORO ROAD, VILLANOVA

• ADOPTION OF ORDINANCE - CHAPTER 145, VEHICLES AND TRAFFIC - CYNWYD ROAD 25 MPH SPEED LIMIT

10. Administrative and Human Resources Committee

a. APPOINTMENTS TO THE HUMAN RELATIONS COMMISSION
11. Building and Planning Committee
   a. REQUEST FOR FINANCIAL ASSISTANCE WITH RETAINING WALL REPLACEMENT - 20 S. WARNER AVENUE, BRYN MAWR
   b. APPEAL OF SIDEWALK REPAIR ORDER - 515 OWEN ROAD, ARDMORE
   c. CERTIFICATE OF APPROPRIATENESS - 23 East Lancaster Avenue, Ardmore, Ardmore Music Hall, Ardmore Commercial Historic District, 20-15

12. Health Committee
   a. APPOINTMENT TO THE HEALTH ADVISORY COUNCIL
      Consider for approval the appointment of Michael Braffman, M.D. to the Health Advisory Council for a four year term, such term to expire September 2024.

13. Police Committee
   a. AUTHORIZATION TO ADVERTISE AN ORDINANCE - CHAPTER 145, VEHICLES AND TRAFFIC - WILLOW WAY STOP SIGNS

14. Finance Committee
   a. AWARD OF CONTRACT – TREE PLANTING AT VARIOUS TOWNSHIP LOCATIONS
   b. AWARD OF PROFESSIONAL SERVICES CONTRACT – BARMOUTH TRAILHEAD DESIGN AND CONSTRUCTION DOCUMENTS WITH FUTURE CONSTRUCTION OVERSIGHT
   c. SOLID WASTE FUND FINANCIAL FORECAST
   d. APPROVAL OF CONTRACT EXTENSION – COVANTA HAULING AND WASTE DISPOSAL

15. Unfinished Business

16. New Business

17. Adjournment
AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: TENTATIVE SKETCH OPEN SPACE PRESERVATION SUBDIVISION PLAN – 1064 & 1080 Mt. Pleasant Road, Bryn Mawr, SD# 3859, Ward 6

Consider for approval a Tentative Sketch Open Space Plan. The Plan, prepared by Momenee, Inc. dated December 2, 2019, last revised May 15, 2020, shows the demolition of the existing residential home on 1064 Mt. Pleasant Road, the subdivision of the properties into six new lots containing six new single-family detached residences and 3.7- acres of preservation area.

Expiration Date: 9/30/2020..............................................................................................Zoning:RA
Applicant/Property Owner: Mount Pleasant Property Associates, LLC
Applicant's Representative: Arnold Galman, Esq.

The application requires the following relief which was recommended for approval by the Building & Planning Committee:


On Wednesday, July 29, 2020, the Building & Planning Committee recommended approval subject to the following conditions:

Township Engineer’s Review:

1. The Township Engineer’s review letter dated June 29, 2020 shall be incorporated by reference into these conditions of approval to the extent the same is not consistent with these conditions of approval or any relief or modifications granted.

2. The minimum width of the right-of-way shall not be less than thirty-four (34) feet when the Open Space Preservation District overlay is utilized for development.

Public Notice:

3. Prior to submission of Preliminary Plan, applicant shall hold at least one public meeting to give neighbors the opportunity to view the plans and provide feedback to applicant. Such meetings shall be advertised to all neighbors within 1/4 of a mile of the property line closest to said neighbors.

Site Design:

4. The applicant shall investigate alternative designs for the proposed stormwater management system and show the locations of the existing natural features overlaid on the proposed locations.
5. The applicant shall explore incorporating additional above ground, naturalized stormwater management
techniques such as rain gardens and vegetated swales.

6. The applicant shall install a sidewalk along the proposed internal roadway or a walking path through
the proposed open space areas.

7. The applicant shall provide for a pedestrian connection between the proposed development and
Foxwood Circle for public use from dusk to dawn. The design shall be provided with the Preliminary Plan
submission.

8. The proposed cul-de-sac shall be clearly labeled as private or public on the Preliminary Plan.

9. Changes in grade shall not be made which would increase stormwater runoff from the property.

10. Applicant shall work with staff to relocate the rear boundary of Lot 2 away from the property line with the
Roscommon Road properties and to shift the walking path away from that same property line.

Landscape Plan/Streetscape:

11. All existing trees to remain shall be devined.

12. Dead and declining trees shall be removed from the site including in the preservation area. Any dead tree
limbs and branches shall be removed from the property. Dead wood or damaged limbs shall be removed from
trees to remain. Any existing piles of debris in the proposed preservation area shall also be removed.

13. A landscape plan complying with Natural Features Code Sections 101-9 and 101-5B, Zoning Code
Section 155-167.7 and conditions herein shall be prepared and sealed by a Registered Landscape Architect
and submitted with the Preliminary Plan.

14. Wooded lot calculations shall be provided on the Preliminary Plan. The total number of trees removed
and impacted by the proposed construction shall be listed.

Preservation Area:

15. The applicant shall identify the areas classified as common open space and preservation area on the
Preliminary Plan.

16. A mitigation plan for restoration of the woodland in the Preservation Area and common open space
areas shall be included with the Preliminary Plan. The mitigation plan shall identify the larger canopy trees
worthy of preservation, while including an intensive plan for reforestation within the Preservation Area.

17. Preservation area markers shall be provided at any changes in direction and at a spacing of 100 feet
along the edge of the preservation area. The locations and details of the markers shall be provided on the
Preliminary Plan.

18. The bearings and distances for the preservation area and all easements shall be provided on the
Preliminary Plan.

19. A Maintenance and Operations Plan for the Preservation Area, common open space areas and public
pathway shall be submitted with the Preliminary Plan.
20. Proposed utilities shall not be located within the preservation area.

Construction Details/Erosion Control Measures:

21. Erosion control measures shall be provided on the Preliminary Plan and shall include the proposed construction access location. Details that conform to Township standards shall be shown.

22. All inlets in non-paved areas shall be shown to be graded in a 12-inch sump condition in order to increase the efficiency of runoff collection. Spot elevations shall be added to the plan to clarify grading.

23. Proposed drainage patterns shall be clearly indicated on the plans. The areas that are developed that will be directed to the stormwater facilities shall be clearly shown. Details of the design shall be submitted with the Preliminary Plans.

24. Fill material and topsoil stockpile locations shall be provided with the Preliminary Plans.

25. Depressed granite curb and concrete apron shall be indicated at the new driveway access location. The length of depressed curb shall be dimensioned on the plan.

26. Details of the concrete apron and sidewalk shall be provided. Details must conform to Township standards.

27. All equipment shall be staged on the property.

28. Notes shall be added to the full reveal and depressed granite curb detail that include the following:
   a. The depressed curb height for the driveway shall be ¼ inch for each inch of existing curb reveal;
   b. Any curb replacement must meet existing curb reveal height;
   c. One-foot cut back is needed in the street area where any curb is adjusted and/or replaced. All joints must be sealed; and
   d. An additional concrete support is needed mid-span of each section of depressed curb in the driveway area.

Utilities:

29. Sanitary sewers shall be installed and connected to the Township sanitary sewer system. Obtaining Act 537 sewage facilities planning approval and Water Quality Management permitting by PA DEP for sanitary sewer main extensions will be the applicant’s responsibility.

30. The location of the proposed utility services shall be provided.

31. The applicant shall explore the potential storm sewer extension for an adequate outfall connection, as an alternative to the overland flow discharge of the on-property stormwater system onto Township right-of-way.

32. The proposed sanitary sewer extension shall be clearly identified on the Preliminary Plan. The applicant shall identify portions to be dedicated to the Township.

Standard Plan Items/Conditions of Approval:

33. The existing and proposed property lines shall be different colors on all sheets of the plan set.

34. A Lighting Plan shall be submitted with the Preliminary Plan.
35. All lot area, building area and impervious surface shall be included on the plan in square feet and as a percentage of the net lot area of each property.

36. A copy of the revised plan shall be submitted with any changes highlighted. A letter shall also be provided with the revised plan indicating how each requested revision has been addressed in the re-submission.

37. The Preliminary Plan, complying with all applicable conditions of approval, shall be filed with the Department of Building and Planning within twelve (12) months from the date of the Tentative Sketch Plan approval by the Board of Commissioners.

38. Approval of this Tentative Sketch Plan does not ensure that the developer or the owner can ultimately develop the property as shown on the plan. The proposed development’s compliance with various Township ordinances, including but not limited to the Natural Features Conservation Code shall not be determined until the applicant submits a Preliminary Plan for Township approval.

39. The owner will make payment of fees and expenses of the Township’s professional consultants who perform services on behalf of the Township with respect to these plans and the work contemplated thereunder and will establish and maintain with the Township those escrows for the payment of such fees required by Township Code. Owner agrees that any statement from the Township for such fees which remain unpaid for a period of 30 days may be recorded against the property as a municipal lien.

40. The owner shall make payment of the Township Engineer’s inspection fees within 30 days of presentation. A penalty of 1.5% per month will be due for late payments from the date of presentation. If any shares are not paid within 60 days of presentation, the Township may elect to suspend any outstanding permits until all pending charges are settled.

41. The property owner(s) shall comply with all federal, state, county and applicable Lower Merion Township ordinances and laws regardless of specific mention herein.
AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: AUTHORIZATION TO RELEASE FUNDS HELD IN ESCROW

Consider for approval the release of funds held in escrow as Improvement Guarantees in accordance with 135-5 of the Township Code for the following:

Stoneleigh Preserve
330 Spring Mill Road
Escrow Release No. 3 (Final)
Amount $14,575.00

Cricket Springs Development
146-156 Cricket Avenue & 15 W Spring Avenue
Escrow Release No. 4
Amount $191,409.00

27 Heckamore Subdivision
27 Heckamore Road
Escrow Release No. 3 (Final)
Amount $19,890.00

112 Sibley Avenue
Escrow Release No. 4
Amount $28,555.00

Luxor Bala Cynwyd
9 Presidential Blvd
Escrow Release No. 2
Amount $133,582.00

15 Kings Grant Drive
Escrow Release No. 4
Amount $10,365.00

501 & 507 Old Lancaster Road
Escrow Release No. 1
Amount $211,445.00
AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: REQUEST FROM CROWN CASTLE FOR PERMISSION TO INSTALL A NEW POLE WITH A SMALL CELL ANTENNA AND EQUIPMENT BOX

Consider for approval a request from Crown Castle to install a new pole with a small cell antenna and equipment box in front of 2236 N. Stoneridge Lane, subject to the following conditions:

1. The new pole shall be placed as close as possible to the existing tree on the 2236 North Stoneridge property to screen the new pole from the house.

2. Crown Castle shall plant new trees outside the right of way near the intersection to eventually serve as a screen between the house and the overhead wires serving the new pole. The number and location of the trees must be approved by staff and the property owner and shall not create a corner site obstruction at the intersection of North Stoneridge Lane and Montgomery Avenue.
AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: HISTORICAL COMMISSION - 42/75 St. James Place, Ardmore, Suburban Square, Class 2, 2020-R-20

Consider for approval a metal canopy with standing channel letters being constructed on one of the historic Suburban Square buildings and installation of a single-light aluminum frame door with side lights to replace solid metal double doors. On September 16, 2020, the Building & Planning Committee recommended approval subject to the steel canopy being painted black to match similar elements in Suburban Square.
AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: CERTIFICATE OF APPROPRIATENESS - 578 Barrett Avenue, Haverford, Haverford Station Historic District, 20-16

Consider for approval to construct a rear family room addition. On September 16, 2020, the Building & Planning Committee recommended approval of the application citing Secretary of the Interior's Standards 9 and 10, subject to an alteration to the roof form over the existing enclosed rear porch to a pitched roof that would better shed water.
AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: AUTHORIZATION TO ADVERTISE A PROPOSED ORDINANCE - CHAPTER A180, HISTORIC RESOURCE INVENTORY - 1501 Monk Road, Gladwyne

Consider for approval authorizing the Township Secretary to advertise notice of intent to hold a Public Hearing and adopt an ordinance to amend the Code of the Township of Lower Merion, Chapter A180, Historic Resource Inventory, to correct the address of Class II Resource GL224 from 1505 Monk Road to 1501 Monk Road.
AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: APPOINTMENTS TO THE HISTORICAL ARCHITECTURAL REVIEW BOARD

Consider for approval the appointment of Donna Lisle and Brian Horne to the Historical Architectural Review Board for five year terms, such terms to expire September 2025.
AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: APPOINTMENTS TO THE ENVIRONMENTAL ADVISORY COUNCIL

Consider for approval the appointment of Nancy Winkler and Beth Yount to the Environmental Advisory Council for four year terms, such terms to expire September 2024.
AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: PUBLIC HEARING AND ADOPTION OF ORDINANCE - CHAPTER A180, HISTORIC RESOURCE INVENTORY - 746 MOUNT MORO ROAD, VILLANOVA

An Ordinance to amend the Code of the Township of Lower Merion, Chapter A180, Historic Resource Inventory, to add 746 Mount Moro Road to the Historic Resource Inventory as a Class II Resource.

This Ordinance was authorized for advertisement at a stated meeting of the Board of Commissioners held August 3, 2020 and duly advertised in the September 6, 2020 and September 13, 2020 editions of the Main Line Times & Suburban.

ATTACHMENTS:

<table>
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<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Proposed Ordinance - HRI 746 Mt. Moro Road</td>
<td>Ordinance</td>
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</table>
AN ORDINANCE

NO. _______

AN ORDINANCE, To Amend the Code of the Township of Lower Merion, Chapter A180, Historic Resource Inventory, To Add 746 Mount Moro Road To The Historic Resource Inventory as a Class II Resource.

The Board of Commissioners of the Township of Lower Merion hereby ordains:

Section 1. The Code of the Township of Lower Merion, Chapter 155, Zoning, Chapter A180, Historic Resource Inventory, shall be amended to add the following property:

<table>
<thead>
<tr>
<th>ID Number</th>
<th>Address</th>
<th>Class</th>
</tr>
</thead>
<tbody>
<tr>
<td>VI024</td>
<td>746 Mount Moro Road</td>
<td>Class 2</td>
</tr>
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</table>

Section 2. Nothing in this Ordinance or in Chapter 155 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 155 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this ______ day of ________________________, 2020.

BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LOWER MERION

___________________________________
Daniel S. Bernheim, President

ATTEST:

___________________________________
Jody L. Kelley, Township Secretary
AGENDA ITEM INFORMATION

COMMITTEE: Police Committee

ITEM: ADOPTION OF ORDINANCE - CHAPTER 145, VEHICLES AND TRAFFIC - CYNWYD ROAD 25 MPH SPEED LIMIT

An Ordinance to amend the Code of the Township of Lower Merion, Chapter 145 thereof entitled Vehicles and Traffic, Article XV, Schedules, § 145-101 Schedule 1: Speed Limits, by establishing a 25 MPH Speed Limit on Cynwyd Road between Montgomery Avenue and Bala Avenue.

This Ordinance was authorized for advertisement at a stated meeting of the Board of Commissioners held August 3, 2020 and duly advertised in the September 6, 2020 and September 13, 2020 editions of the Main Line Times & Suburban.

PUBLIC COMMENT

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<td>Proposed Ordinance - Cynwyd Road 25 MPH</td>
<td>Ordinance</td>
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</table>
AN ORDINANCE

NO. __________

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 145 Thereof, Entitled Vehicles And Traffic, Article XV, Schedules, §145-101, Schedule I: Speed Limits, By Establishing A 25 MPH Speed Limit On Cynwyd Road From Montgomery Avenue To Bala Avenue.

The Board of Commissioners of the Township of Lower Merion hereby ordains:

Section 1. The Code of the Township of Lower Merion, Chapter 145, entitled Vehicles and Traffic, Section 145-101, Schedule I: Speed Limits, is hereby amended by the addition of the following regulation:

§ 145-106. Schedule I: Speed Limits

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Speed Limit (mph)</th>
<th>Location</th>
</tr>
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<tbody>
<tr>
<td>Cynwyd Road</td>
<td>25</td>
<td>from Montgomery Avenue to Bala Avenue</td>
</tr>
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</table>

Section 2. Nothing in this Ordinance or in Chapter 145 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 145 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this __________ day of __________, 2020.

BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LOWER MERION

ATTEST: Daniel S. Bernheim, President

__________________________
Jody L. Kelley, Secretary
AGENDA ITEM INFORMATION

COMMITTEE: Administrative and Human Resources Committee

ITEM: APPOINTMENTS TO THE HUMAN RELATIONS COMMISSION

Consider for approval the appointment to the Human Relations Commission of Gina Lee as a member (from an alternate) and Karen Barton as a member for three year terms, such terms to expire September 2023, and the appointment of Kyle Allen and Mandy Rosenblum as alternates.

PUBLIC COMMENT
AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: REQUEST FOR FINANCIAL ASSISTANCE WITH RETAINING WALL REPLACEMENT - 20 S. WARNER AVENUE, BRYN MAWR

Consider a request from the property owner at 20 South Warner Ave, Bryn Mawr to the Township for financial assistance to rebuild a masonry retaining wall along the northeast side of their property.

PUBLIC COMMENT

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<tr>
<td>Issue Briefing - 20 S. Warner Ave</td>
<td>Issue Briefing</td>
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<tr>
<td>Request for Assistance - 20 S. Warner Ave</td>
<td>Backup Material</td>
</tr>
<tr>
<td>Images - 20 S. Warner Ave</td>
<td>Backup Material</td>
</tr>
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TOWNSHIP OF LOWER MERION

Building & Planning Committee

Issue Briefing

Topic: Request for financial assistance with retaining wall replacement

Prepared By: Robert Duncan, Assistant Manager

Date: September 14, 2020

I. Action to Be Considered by The Board:

Consider a request from the property owner at 20 South Warner Ave, Bryn Mawr to the Township for financial assistance to rebuild a masonry retaining wall along the northeast side of their property.

II. Why This Issue Requires Board Consideration:

Any request for the use of public funds for the rebuilding of a wall on private property requires approval from the Board of Commissioners.

III. Current Policy or Practice (If Applicable):

The Township has not agreed to provide financial assistance to rebuild privately owned walls in the past.

IV. Other Relevant Background Information:

The property at 20 South Warner Ave is improved with a single-family dwelling owned and operated as a rental unit by Mr. and Mrs. Malik. This property abuts a Township public parking lot. The Malik property is at a higher elevation than the abutting Township public parking lot with a side and rear retaining wall separating the properties. The Township’s parking lot has primary vehicle access to and from Lancaster Ave but also has access from South Warner Ave by way of a ten-foot access easement across the 20 South Warner Ave property.

As indicated above, there is a rear and side retaining wall. The rear retaining wall was built many years ago a few feet onto the Township property. The Township agreed to assist the Malik’s with the removal of the rear existing stone retaining wall provided the Malik’s rebuild the rear wall on their own property. This work was completed in 2002 and the rear wall is in acceptable condition. The side wall is located entirely on the Malik property and is approximately five feet from the property line. The Township’s ten-foot access easement runs alongside the retaining wall.
It should be noted that any structural pressure placed on the side retaining wall that may have caused damage would come from vehicles using the Malik driveway that are located adjacent to, and on the higher side, of the wall. A photo showing the Malik property and the parking lot egress driveway is included with this Issue Briefing.

Staff has met with Mr. and Mrs. Maliks on a few occasions and explained that the side retaining wall is located entirely on their property approximately five feet from the property line and is a privately owned wall. Any repair or replacement is the responsibility of the property owner. The Malik’s accepted this position and hired a contractor to rebuild the wall but the new reinforced concrete retaining wall was not installed properly and now the wall must be removed and rebuilt to meet acceptable code standards. The Malik’s are seeking financial assistance from the Township to remove and rebuild the wall. It’s our understanding that the Malik’s have come to terms with the original contractor and have been reimbursed, to a certain degree, for damages related to the faulty rebuilding of the wall.

V. **Impact on Township Finances:**

The letter requesting assistance doesn’t specify the amount of assistance they are seeking so it is difficult to determine the financial impact to the Township until a specific request is made. The letter requests assistance demolishing the new reinforced concrete wall and applying a finish to the wall on the side facing the Township parking lot.

VI. **Staff Recommendation:**

Staff recommends that the request for assistance be denied since no portion of this wall is on Township property and any structural loads that have been placed on the wall that may have caused damage to the wall would have come from vehicles using the 20 South Warner Avenue driveway located on the upper side of this wall.
August 13th, 2020

From: Mubarak & Riffat Malik

To: Township of Lower Merion
Board of Commissioners
c/o Jody Kelley
75 East Lancaster Avenue
Ardmore, PA 19003

Dear Jody Kelley and Board of Commissioners,

Hope you are all well. We want to ask for your help with this wall project for 20 South Warner Avenue since it has been a lot of stress on us as senior citizens. We tried to work with the township and the contractor as best as we could, and the poor job done on the wall under your supervision was not our fault although we have suffered a big loss from the property being under construction during this pandemic of Corona virus. Mr. Malik has been out of work for the last five months. We will not be getting the full amount paid back for the work done on the wall unfortunately. All we are requesting is for you to help us demolish the wall and put the finishing touches up on your side where your driveway is being used on our part of the property. Similar to when you finished the back wall in the past. We have been paying our taxes to the township regularly and are looking for the township to help us during this tough time. Please let us know as soon as possible.

Sincerely,

Mubarak and Riffat Malik

08/13/26
AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: APPEAL OF SIDEWALK REPAIR ORDER - 515 OWEN ROAD, ARDMORE

Consider an appeal from the property owner at 515 Owen Road, Ardmore of an order to require replacement of three damaged sidewalk blocks prior to the resale of the property.

PUBLIC COMMENT

ATTACHMENTS:

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<tr>
<td>Issue Briefing - 515 Owen Rd Sidewalk Appeal</td>
<td>Issue Briefing</td>
</tr>
<tr>
<td>Images - 515 Owen Rd Sidewalk Appeal</td>
<td>Backup Material</td>
</tr>
</tbody>
</table>
TOWNSHIP OF LOWER MERION

Building & Planning Committee

Issue Briefing

Topic: Sidewalk repair order appeal

Prepared By: Robert Duncan, Assistant Manager

Date: September 14, 2020

I. Action to Be Considered by The Board:

Consider an appeal from the property owner at 515 Owen Road, Wynnewood, of an order to require replacement of three damaged sidewalk blocks prior to the resale of the property.

II. Why This Issue Requires Board Consideration:

Any appeal of a staff determination must go before the Board of Commissioners for a ruling on the appeal.

III. Current Policy or Practice (If Applicable):

The Township Code Chapter #133 regulates the repair of sidewalk blocks. Chapter 119 requires sidewalks to be in good repair prior to the transfer of a property.

IV. Other Relevant Background Information:

The property at 515 Owen Road, Wynnewood is being sold and the resale inspection resulted in three sidewalk blocks being marked for replacement. Two of the blocks have cracks at the corner of each block and the third has a narrower crack but it extends across the entire sidewalk block width. These conditions create a tripping and/or slipping condition. All three blocks have been marked for replacement prior to the sale of the property. These cracks will continue to deteriorate and grow each year as rain and snow continues to enter the cracks and the area is subject to the freeze thaw process causing more potential damage with every water penetration.

The property owner has appealed this repair order and is of the opinion that the code doesn’t require these sidewalk blocks to be replaced.

The applicable code sections are included with this Issue Briefing.

V. Impact on Township Finances:

There is no impact to Township finances.
VI. **Staff Recommendation:**

The Board of Commissioners must make a determination whether the code requires these sidewalks blocks to be replaced after hearing the testimony at the appeal meeting. Staff believes these three blocks are in disrepair and requires replacement.

§ 119-6 Certification; civil penalties.

A. Statements of legislative intent. The Board of Commissioners finds that many purchasers of property in Lower Merion Township are not aware of the zoning district classification of their property and the limitations imposed upon the use of their property by Township codes, including the requirement that sidewalks and curbs be kept in good repair, that all homes be equipped with smoke detectors and that the number of all buildings be conspicuously posted in such manner that it is visible and legible from the street. In order to prevent undue hardship and losses imposed on such purchasers, the Board of Commissioners has determined that the sellers of a property shall be required to deliver to the purchasers not later than at settlement the certifications required herein.

B. It shall be unlawful for any owner to sell his property, or an interest therein, or for a purchaser to acquire a property, or an interest therein, unless the owner shall first deliver to the purchaser at or prior to the time for settlement the following certifications:

1. Zoning and use classification.
2. Curbing and sidewalk certificate of good repair.
3. Smoke detector installation.
4. Building number posting.

C. Zoning and use classification. Upon application, the Lower Merion Township Zoning Officer shall certify the zoning district classification of the property to be sold and whether the use of the property as represented by the applicant conforms to Township Code.

1. Agreements of sale. Every owner shall insert in every agreement for the sale of property located in Lower Merion Township a provision setting forth the zoning district classification of such property and a provision warranting the use to which the property is being put as being in compliance with the Township Code. Such agreements may further provide that in making such statements and proving such warranties, the owner may rely upon certification issued by the Lower Merion Township Zoning Officer.

   (a) If the owner fails to include the zoning district classification in an agreement of sale, it shall be conclusively presumed that at the time of signing such agreement the owner represented and warranted to the purchaser that such property was being used in compliance with the then existing provisions of the Township Zoning Code.

2. Application for certification statement. The application for certification statement shall be made on forms provided by the Township and shall set forth such information as the Zoning
Officer may require including the following: the address of the property; the name and address of the current owners and proposed purchasers, if known, together with their authorized agents, if any; a complete statement of the current use or uses to which the property is being put.

D. Curbing and sidewalk certificate of good repair. Upon application, the Director of Building and Planning shall determine whether the curbing and sidewalks adjacent to a property are in good repair as required by Chapter 133 of the Township Code. [Amended 1-19-2002 by Ord. No. 3631]

(1) The Director shall issue a certification if the curbing and sidewalks are found to be in good repair.

(2) If not found to be in good repair, the Director shall issue a report within five business days of the inspection which shall clearly describe the violation and the remedial action required for compliance. Upon correction of any violation, the applicant shall notify the Director, in writing, for a reinspection which shall be conducted within five days from such notification.

(3) The Director may issue a conditional certification upon payment to the Township of the estimated costs of repairs and inspection, plus an administrative fee of 10%, and delivery of an authorization signed by the owners and prospective purchasers for the Township to perform the required work.

E. Smoke detector installation. The owners shall certify that smoke detectors have been installed as required by Chapters 78 and 92 of the Township Code and that such smoke detectors are properly functioning.

F. Building number posting. The owners shall certify that building numbers have been conspicuously posted in such manner that they are visible and legible from the street as required by Chapter 64 of the Township Code.

§ 133-20 Duty of owners. The owner of the abutting property shall keep the adjacent sidewalk and curb, together with any portion of such owner's property paved and used as a sidewalk or public walk, in good order and repair and at all times free and clear of all obstructions to safe and convenient passage. Sidewalks with one or more of the following conditions shall be deemed to present an obstruction to safe and convenient passage:

A. A difference in elevation of more than 1/4 inch between blocks or the result of a crack within a block; or

B. A crack within a block that is 1/2 inch or more in width; or

C. A block where the concrete finish is spalling, flaking or crumbling causing a slipping or tripping condition, as determined by the Public Works or Building and Planning Department inspector.
AGENDA ITEM INFORMATION

COMMITTEE: Building and Planning Committee

ITEM: CERTIFICATE OF APPROPRIATENESS - 23 East Lancaster Avenue, Ardmore, Ardmore Music Hall, Ardmore Commercial Historic District, 20-15

Consider for approval to install new storefront windows to serve as a ticket booth with a metal roll down shutter located behind the new glass ticket booth windows and replace the existing double doors with single-light aluminum frame doors.

On September 9, 2020, the HARB recommended approval of the replacement of the doors and the installation of the ticket booth, with decorative brackets to be removed from the design.

PUBLIC COMMENT
AGENDA ITEM INFORMATION

COMMITTEE: Health Committee

ITEM: APPOINTMENT TO THE HEALTH ADVISORY COUNCIL

Consider for approval the appointment of Michael Braffman, M.D. to the Health Advisory Council for a four year term, such term to expire September 2024.

PUBLIC COMMENT
AGENDA ITEM INFORMATION

COMMITTEE: Police Committee

ITEM: AUTHORIZATION TO ADVERTISE AN ORDINANCE - CHAPTER 145, VEHICLES AND TRAFFIC - WILLOW WAY STOP SIGNS

Consider for approval authorizing the Township Secretary to advertise notice of intent to adopt an Ordinance to amend the Code of the Township of Lower Merion, Chapter 145 thereof, entitled Vehicles And Traffic, Article XV, Schedules, Section 145-108, Schedule VIII: Stop Intersections, by establishing a Stop Regulation on Willow Way at its intersections with Maplewood Avenue and South Woodbine Avenue.

PUBLIC COMMENT

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
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<tbody>
<tr>
<td>Issue Briefing - Willow Way Stop Signs</td>
<td>Issue Briefing</td>
</tr>
<tr>
<td>Diagram - Willow Way Stop Signs</td>
<td>Backup Material</td>
</tr>
<tr>
<td>Draft Ordinance - Willow Way Stop Signs</td>
<td>Ordinance</td>
</tr>
</tbody>
</table>
TOWNSHIP OF LOWER MERION

Police Committee

Issue Briefing

Topic: Amend the Code of The Township Of Lower Merion, Chapter Chapter 145 Vehicles & Traffic § 145-108 Schedule VIII: Stop Intersections

Prepared By: Michael J McGrath, Superintendent of Police

Date: September 17, 2020

I. Action To Be Considered By The Board:

Authorize the Township Secretary to advertise notice of intent to adopt an Ordinance to amend the Code of the Township of Lower Merion, Chapter 145 thereof, entitled Vehicles And Traffic, Article XV, Schedules, Section 145-108, Schedule VIII: Stop Intersections, by establishing a Stop Regulation on Willow Way at its intersections with Maplewood Avenue and South Woodbine Avenue.

II. Why This Issue Requires Board Consideration:

Amendment of the Township Code to institute a Stop Regulation requires Board action.

III. Current Policy Or Practice (If Applicable):

The Township requires a traffic study be conducted prior to installation of traffic control devices following the standards established by PennDOT and the Manual on Uniform Traffic Control Devices (MUTCD). The request is consistent with past practice.

IV. Other Relevant Background Information:

A request was submitted by the Ward Commissioner to investigate the installation of a Stop Sign on Willow Way at its intersection with Maplewood Avenue. TSU was assigned to evaluate this request.

A site inspection revealed that Willow Way is a residential roadway with a paved width of 27’ and no roadway markings. Maplewood Avenue has a paved width of 30’ and no roadway markings. Willow Way intersects with Maplewood Avenue as a "T" type intersection with Willow Way as the stem. There is no posted speed limit on Willow Way or Maplewood Avenue Sight distances at this intersection are clear. Willow Way also intersects with South Woodbine Avenue 420’ to the west in the same type of T intersection. South Woodbine Ave has a paved width of 30’ and a posted speed limit of 30 MPH. This intersection, like the intersection with Maplewood Avenue, does not have a Stop Sign posted on Willow Way.
A three-year crash history showed no crashes at Willow Way and Maplewood Avenue. There was one crash at the intersection of Willow Way and South Woodbine Avenue which occurred on South Woodbine Avenue and was the result of a parked and unoccupied vehicle slipping out of gear and striking a fixed object.

Pennsylvania Vehicle Code Section 3321, Vehicle Approaching or Entering Intersection, already establishes the right-of-way to the through highway at a T-intersection. PennDOT publication 212.106(a)(1) states: Stop Signs or Yield Signs may be installed at all approaches to the through highway to provide preferential right-of-way at intersections.

While the current crash history does not show a need for the installation of a Stop Sign at either location, we recommend they be added to further establish the right-of-way. For consistency we would recommend installing a Stop Sign at both T-intersections of Willow Way.

V. Impact On Township Finances:

The cost for installation and purchase of the signs are minimal.

VI. Staff Recommendation:

Due to the minimal PennDOT warrants being met, staff recommends the placement of the proposed Stop Regulations at both locations.
New Stop sign

New Stop sign
AN ORDINANCE

NO. ________

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 145 Thereof, Entitled Vehicles And Traffic, Article XV, Schedules, Section 145-108, Schedule VIII: Stop Intersections, By Establishing A Stop Regulation On Willow Way At Its Intersections With Maplewood Avenue And South Woodbine Avenue.

The Board of Commissioners of the Township of Lower Merion does hereby ordain:

Section 1. The Code of the Township of Lower Merion, Chapter 145, entitled Vehicles and Traffic, Section 145-108, Schedule VIII: Stop Intersections, is hereby amended by adding thereto in alphabetical order the following regulations:


Intersection       Stop Sign on
Willow Way and Maplewood Ave.  Willow Way
Willow Way and S. Woodbine Ave  Willow Way

Section 2. Nothing in this Ordinance or in Chapter 145 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 145 prior to the adoption of this amendment.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this day of , 2020.

BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LOWER MERION

Daniel S. Bernheim, President

ATTEST:

Jody L. Kelley, Secretary
AGENDA ITEM INFORMATION

COMMITTEE: Finance Committee

ITEM: AWARD OF CONTRACT – TREE PLANTING AT VARIOUS TOWNSHIP LOCATIONS

Consider for approval award of a contract for Tree Planting at Various Township Locations to the following bidder in accordance with the bids received on Thursday, September 17, 2020 at 11:00 A.M. prevailing time and the recommendation of the Assistant Director of Finance with the approval of the Director of Public Works:

   J. Margerison Landscaping, Inc.

   Total Bid (100 trees @ $300/each) $30,000.00

PUBLIC COMMENT

ADDITIONAL INFORMATION:

Funds are available through the Public Works Operating Budget – Shade Tree Division.

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
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<tbody>
<tr>
<td>Bid Tabulation - Tree Planting</td>
<td>Bid Tabulation</td>
</tr>
</tbody>
</table>
## TOWNSHIP OF LOWER MERION
### STREET TREE PLANTING
**CONTRACT NUMBER:** 51-55-20-16
**BIDS RECEIVED:** SEPTEMBER 17, 2020 - 11:00 AM

### Description

<table>
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<tr>
<th>GROUP</th>
<th>30 TREES NO MORE THAN 15 OF ANY SINGLE SPECIES AND INCLUDE AT LEAST 2 UNIQUE SPECIES OF:</th>
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<tbody>
<tr>
<td>QTY</td>
<td>SIZE (Caliper)</td>
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<tr>
<td>-------</td>
<td>----------------</td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>White Oak (Quercus alba)</td>
<td>1</td>
</tr>
<tr>
<td>Sawtooth Oak (Quercus acutissima)</td>
<td>1</td>
</tr>
<tr>
<td>Swamp White Oak (Quercus bicolor)</td>
<td>1</td>
</tr>
<tr>
<td>Willow Oak (Quercus phellos)</td>
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<tr>
<td>Black Gum/Black Tupelo (Nyssa sylvatica)</td>
<td>1</td>
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<tr>
<td>Chinkapin Oak (Quercus Muehlenbergii)</td>
<td>1</td>
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<td>GROUP</td>
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<td></td>
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<tr>
<td>American Elm (Ulmus Americana &quot;Princeton or Commendation&quot;)</td>
<td>1</td>
</tr>
<tr>
<td>Hackberry (Celtis occidentalis Var &quot;Magnifica&quot;)</td>
<td>1</td>
</tr>
<tr>
<td>Kentucky Coffee-tree &quot;Expresso&quot; (Gymnocladus dioicus &quot;Expresso&quot;)</td>
<td>1</td>
</tr>
<tr>
<td>Ginkgo biloba Var &quot;Princeton sentry&quot; or &quot;Autumn Gold&quot; (male)</td>
<td>1</td>
</tr>
<tr>
<td>Basswood (Tilia Americana)</td>
<td>1</td>
</tr>
<tr>
<td>Green Mountain Linden (Tilia Tomentosa 'Green Mountain')</td>
<td>1</td>
</tr>
<tr>
<td>GROUP</td>
<td>30 TREES NO MORE THAN 15 OF ANY SINGLE SPECIES AND INCLUDE AT LEAST 2 UNIQUE SPECIES OF:</td>
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<tr>
<td>Redbud (Cercis Canadensis) cultivar &quot;Forest Pansy&quot;</td>
<td>1</td>
</tr>
<tr>
<td>Autumn Brilliance Serviceberry (Amelanchier var 'Autumn Brilliance')</td>
<td>1</td>
</tr>
<tr>
<td>Hedge Maple (Acer campestre)</td>
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<tr>
<td>Paperbark Maple (Acer griseum)</td>
<td>1</td>
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<tr>
<td>American hornbeam (Carpinus Caroliniana) 'Pyramidalis' of 'Firespire'</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total Bid (100 trees @ Average Unit Price)</strong></td>
<td></td>
</tr>
</tbody>
</table>
AGENDA ITEM INFORMATION

COMMITTEE: Finance Committee

ITEM: AWARD OF PROFESSIONAL SERVICES CONTRACT – BARMOUTH TRAILHEAD DESIGN AND CONSTRUCTION DOCUMENTS WITH FUTURE CONSTRUCTION OVERSIGHT

Consider for approval award of a professional services contract to complete the Barmouth Trailhead Design/Construction Documents/Future Construction Oversight to the following vendor in accordance with proposals received in February 2020 followed by interviews in August 2020 (delay due to pandemic) and the recommendation of the Assistant Director of Finance with the approval of the Director of Parks and Recreation:

BCM Engineers & Campbell Thomas & Co.

Not to Exceed Price $124,775.00

PUBLIC COMMENT

ADDITIONAL INFORMATION:

This portion of the project is funded by Recreation Fees and is identified in the Capital Improvement Program – Service to People, Cynwyd Heritage Trails – Phase II (#4499). The award is 16.8% under budget or $25,225 less than the budgeted amount of $150,000.

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
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<tbody>
<tr>
<td>Memorandum - Barmouth Trailhead</td>
<td>Backup Material</td>
</tr>
<tr>
<td>Bid Tabulation - Barmouth Trailhead</td>
<td>Bid Tabulation</td>
</tr>
</tbody>
</table>
MEMORANDUM

TO: Eric Traub, Chief Financial Officer

FROM: Donna L. Heller, Director, Parks & Recreation

SUBJECT: Barmouth Trailhead Design and Construction Documents with Future Construction Oversight - Bid Review / Award Recommendation

DATE: September 18, 2020

Summary

Proposals for professional services to complete the Design and Construction Documents with Future Construction Oversight were received from seven (7) firms. An evaluation team (the Team) consisting of Harry Conry, Marc Cooper, Mike Mastaglio, and Barrett Dunigan from the Friends of the Cynwyd Heritage Trail (FOCHT), Nancy Goldenberg, President & CEO of West Laurel Hill Cemetery, and I reviewed the proposals and recommend the contract be awarded to BCM Engineers & Campbell Thomas & Co to complete Design and Construction Documents with Future Construction Oversight for the Barmouth Trailhead on the Cynwyd Heritage Trail at a cost not to exceed $124,775. This portion of the project is funded by Recreation Fees and is identified in the Capital Improvement Program - Service to People, Cynwyd Heritage Trail – Phase II (#4499). The award is 16.8% under budget or $25,225 less than the budgeted amount of $150,000.

Relevant Background Information

Barmouth was identified as a priority location for trail improvements as part of the Cynwyd Heritage Trail (CHT) Phase II Plan completed by Natural Lands Trust in 2015. The Phase II Plan provides a guide for appropriate uses, identifies a long-range vision for future development and/or programming and defines the future of the trail and its place in the park system.

The FOCHT funded the cost of the schematic design which was developed and received by the Board of Commissioners in 2019 and provides creative solutions to meet the objectives of the Phase II Plan as well as perspective renderings and documentation to support fundraising efforts for the construction of the trailhead.

The evaluation team reviewed the proposals for Design and Construction Documents with Construction Oversight using the following criteria:

- Degree to which the proposal addresses the Scope of Work
- Degree to which the proposal shows knowledge of and experience working with linear parks, recreational trails and cultural resources
- Degree to which the proposal shows creativity and artistic expression in design development with linear parks, recreational trails and cultural resources
- Degree to which the proposal shows knowledge of and experience working with best management practices for stormwater management and landscape design
- Degree to which the proposal shows knowledge of and experience working with multiple stakeholders and multiple projects over time, particularly regarding the participation of community members in construction and maintenance of the public space over time
- Price

Upon completing the initial evaluation process which assigned points for the above criteria, the Team interviewed the top four (4) companies. The Team’s unanimous selection was BCM Engineers & Campbell Thomas & Co of York & Philadelphia, PA. Their proposal, interview, experience on similar projects, references, past work for the Township, and price elevated them to the top candidate for the evaluation Team’s recommendation.

Attached are bid tabulations from the top four (4) bidders.

cc: Ernie B. McNeely, Township Manager
    Robert E. Duncan, Assistant Township Manager
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</thead>
<tbody>
<tr>
<td>Barmouth Trailhead Design &amp; Construction Documents</td>
<td>$ 90,344.00</td>
<td>$ 18,991.00</td>
<td>$ 109,335.00</td>
<td>$ 53,475.00</td>
<td>$ 46,525.00</td>
<td>$ 100,000.00</td>
<td>$ 93,087.00</td>
<td>$ 87,612.00</td>
<td>$ 180,699.00</td>
<td>$ 60,160.00</td>
<td>$ 63,320.00</td>
<td>$ 123,480.00</td>
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<tr>
<td>Total Lump Sum Price Bid</td>
<td>$ 109,335.00</td>
<td>$ 100,000.00</td>
<td>$ 180,699.00</td>
<td>$ 123,480.00</td>
<td></td>
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</table>

**Future Phase**

<table>
<thead>
<tr>
<th>Construction Phase as Funding is identified</th>
<th>Construction Oversite to Final Inspection</th>
<th>Construction Oversite to Final Inspection</th>
<th>Construction Oversite to Final Inspection</th>
<th>Construction Oversite to Final Inspection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barmouth Trailhead Construction Oversite</td>
<td>$ 15,440.00</td>
<td>$ 38,700.00</td>
<td>$ 132,311.00</td>
<td>$ 39,640.00</td>
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<tr>
<td>Total Lump Sum Price Bid Through Final Inspection</td>
<td>$ 124,775.00</td>
<td>$ 138,700.00</td>
<td>$ 313,010.00</td>
<td>$ 163,120.00</td>
</tr>
</tbody>
</table>

* Provided an Est Range of $38,750 - $65,000
AGENDA ITEM INFORMATION

COMMITTEE: Finance Committee

ITEM: SOLID WASTE FUND FINANCIAL FORECAST

The Assistant Director of Finance and Director of Public Works will provide an updated Solid Waste Fund Forecast and discuss the Township’s Solid Waste fee levels for 2021.

PUBLIC COMMENT

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
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<tbody>
<tr>
<td>Presentation - Solid Waste Fund Forecast</td>
<td>Presentation</td>
</tr>
</tbody>
</table>
Township of Lower Merion
Solid Waste Fund
2021 Financial Forecast
Overview of Presentation

I. Solid Waste Fund (SWF) Overview
II. SWF History & Financial Performance
III. SWF Fee Options
Solid Waste Fund (SWF) Overview

- Solid Waste Fund (SWF) is an Enterprise Fund with user fees set for full cost recovery.
- Prior to 2010 the General Fund provided a subsidy to the SWF.
- Township financial policy calls for Township to strive to maintain 10% fund balance level for emergencies and contingencies.
  - This level while sufficient, is less than recommended levels by GFOA for enterprise funds.
- Refuse Division provides trash and recycling collection services for 16,865 residential customers and collects annually.
  - 18,000 tons of trash.
  - 3,300 tons of recycled paper.
  - 2,300 tons of commingled products.
Solid Waste Fund History & Financial Performance
Solid Waste Fund Fee History

- 2013 SWF fees increased 9% except for Rear Yard Collection Fee
- 2014 SWF fees increased 5.4%
- 2017 SWF fees increased 5% except for Rear Yard Collection Fee
- 2019 SWF fees increased by 10%
- 2.6% compounded annual growth rate in SWF fees since 2010

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<tbody>
<tr>
<td>Mini-Can</td>
<td>$179</td>
<td>$195</td>
<td>$205</td>
<td>$215</td>
<td>$237</td>
</tr>
<tr>
<td>1 Can</td>
<td>$254</td>
<td>$277</td>
<td>$292</td>
<td>$307</td>
<td>$338</td>
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<tr>
<td>2 Cans</td>
<td>$304</td>
<td>$332</td>
<td>$350</td>
<td>$368</td>
<td>$405</td>
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<tr>
<td>3 Cans</td>
<td>$354</td>
<td>$387</td>
<td>$408</td>
<td>$429</td>
<td>$472</td>
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<tr>
<td>4 Cans</td>
<td>$404</td>
<td>$442</td>
<td>$466</td>
<td>$490</td>
<td>$539</td>
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<tr>
<td>5 Cans</td>
<td>$454</td>
<td>$497</td>
<td>$524</td>
<td>$551</td>
<td>$606</td>
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<tr>
<td>6 Cans</td>
<td>$504</td>
<td>$552</td>
<td>$582</td>
<td>$612</td>
<td>$673</td>
</tr>
<tr>
<td>7 Cans</td>
<td>$554</td>
<td>$607</td>
<td>$640</td>
<td>$673</td>
<td>$740</td>
</tr>
<tr>
<td>8 Cans</td>
<td>$604</td>
<td>$662</td>
<td>$698</td>
<td>$734</td>
<td>$807</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>$200</td>
<td>$200</td>
<td>$210</td>
<td>$210</td>
<td>$231</td>
</tr>
</tbody>
</table>
16,865 subscriptions (at over 16,330 individual locations)

- Fees based on can level provide incentives to reduce trash, although overall tonnage has been stable the last several years
- 86% of subscriptions are at the mini-can, one or two can level

<table>
<thead>
<tr>
<th>Subscription Level</th>
<th>Current Subscriptions</th>
<th>% of Total Subscriptions</th>
<th>2021 Est. Revenue (Flat)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mini-Can</td>
<td>1,739</td>
<td>10%</td>
<td>$ 412,143</td>
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<tr>
<td>One Cans</td>
<td>7,688</td>
<td>46%</td>
<td>$ 2,596,019</td>
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<tr>
<td>Two Cans</td>
<td>5,096</td>
<td>30%</td>
<td>$ 2,044,840</td>
</tr>
<tr>
<td>Three Cans</td>
<td>1,591</td>
<td>9%</td>
<td>$ 723,941</td>
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<tr>
<td>Four Cans</td>
<td>445</td>
<td>3%</td>
<td>$ 221,363</td>
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<tr>
<td>Five or more Cans</td>
<td>306</td>
<td>2%</td>
<td>$ 159,673</td>
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<tr>
<td>Total</td>
<td>16,865</td>
<td>100%</td>
<td>$ 6,157,979</td>
</tr>
<tr>
<td>Rear Yard Subscription</td>
<td>3,257</td>
<td>19%</td>
<td>$ 752,367</td>
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<tr>
<td><strong>Total Solid Waste Fee Revenue</strong></td>
<td></td>
<td></td>
<td><strong>$ 6,910,346</strong></td>
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</tbody>
</table>
Solid Waste Fund Subscriptions

- Since 2011 residents have increasingly moved to lower can levels and rear yard subscriptions have fallen which constrains revenue
  - Mini-can up 37%; One can up 19%; Two cans up 3%
  - Three cans down 46%; Four or more cans down 36%
  - Rear Yard down nearly 16%

<table>
<thead>
<tr>
<th>Fee Increase</th>
<th>9%*</th>
<th>5.4%</th>
<th>5%*</th>
<th>10%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mini-Can</td>
<td>1,269</td>
<td>1,405</td>
<td>1,533</td>
<td>1,612</td>
</tr>
<tr>
<td>One Cans</td>
<td>6,437</td>
<td>6,528</td>
<td>6,676</td>
<td>6,848</td>
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<tr>
<td>Two Cans</td>
<td>4,932</td>
<td>4,968</td>
<td>5,023</td>
<td>5,090</td>
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<tr>
<td>Three Cans</td>
<td>2,945</td>
<td>2,755</td>
<td>2,513</td>
<td>2,265</td>
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<tr>
<td>Four+ Cans</td>
<td>1,176</td>
<td>1,128</td>
<td>1,039</td>
<td>985</td>
</tr>
<tr>
<td>Total</td>
<td>16,759</td>
<td>16,784</td>
<td>16,784</td>
<td>16,800</td>
</tr>
</tbody>
</table>

*Increase on Can Level Fees only. Rear Yard no fee increase.
Solid Waste Fund Subscriptions

Solid Waste Subscription Levels

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Mini-Can</td>
<td>1,000</td>
<td>2,000</td>
<td>3,000</td>
<td>4,000</td>
<td>5,000</td>
<td>6,000</td>
<td>7,000</td>
<td>8,000</td>
<td>9,000</td>
<td>10,000</td>
</tr>
<tr>
<td>One Cans</td>
<td>1,000</td>
<td>2,000</td>
<td>3,000</td>
<td>4,000</td>
<td>5,000</td>
<td>6,000</td>
<td>7,000</td>
<td>8,000</td>
<td>9,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Two Cans</td>
<td>1,000</td>
<td>2,000</td>
<td>3,000</td>
<td>4,000</td>
<td>5,000</td>
<td>6,000</td>
<td>7,000</td>
<td>8,000</td>
<td>9,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Three Cans</td>
<td>1,000</td>
<td>2,000</td>
<td>3,000</td>
<td>4,000</td>
<td>5,000</td>
<td>6,000</td>
<td>7,000</td>
<td>8,000</td>
<td>9,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Four+ Cans</td>
<td>1,000</td>
<td>2,000</td>
<td>3,000</td>
<td>4,000</td>
<td>5,000</td>
<td>6,000</td>
<td>7,000</td>
<td>8,000</td>
<td>9,000</td>
<td>10,000</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>1,000</td>
<td>2,000</td>
<td>3,000</td>
<td>4,000</td>
<td>5,000</td>
<td>6,000</td>
<td>7,000</td>
<td>8,000</td>
<td>9,000</td>
<td>10,000</td>
</tr>
</tbody>
</table>
Solid Waste Fund Revenues

- SWF fee revenue growth is minimal absent fee increases;
  - Charges for services such as drop-off at Transfer Station and special pick-ups have been impacted by the pandemic
  - Recycling grants fund from PA DEP have been declining
- Recycled paper market prices which had been relatively stable and produced reliable revenue, have declined significantly overall
  - 2020 = $32/Ton
  - 2019 = $23/Ton
  - 2018 = $32/Ton
  - 2017 = $83/Ton
  - 2016 = $82/Ton

Note: 2016-2019 is shown as annual average; 2020 is projected.
Recycled Paper Market Prices

2014 = $345,500
2017 = $263,200
2020* = $105,000

*Projected
Solid Waste Fund Expenditures

- Tipping fee set by contract with Covanta (2% annual increases)
  - $67.65/ton in 2018; $1.25 million total
  - $69.01/ton in 2019; $1.22 million total
  - $70.39/ton in 2020; $1.32 million total (projected)

- Commingled costs have recently risen to above trash disposal costs ($78.33/ton) and are projected at $192,000 in 2020

- Labor costs (wages and employee benefits) = $4.3 million (2020)

- Vehicle rental rates for Equipment Fund = $1.125 million (2020)

- Transfer to General Fund for indirect costs = $601,800 (2020)

- These costs represent 97.7% of 2020 projected SWF expenditures
Solid Waste Expenditures – Refuse Tonnage

Annual Refuse Tonnage & Costs

Refuse Disposal Costs (in thousands of $)

# of Tons

**Solid Waste Expenditures – Refuse vs. Commingled Hauling Costs**

**Refuse and Commingled Price History**

*Projected*

- **2014 = $57,000**
- **2016 = $223,800**
- **2020* = $192,000**

Cost Per Ton

- **1/1/2014**
- **9/1/2014**
- **1/1/2015**
- **9/1/2015**
- **1/1/2016**
- **9/1/2016**
- **1/1/2017**
- **9/1/2017**
- **5/1/2018**
- **9/1/2018**
- **1/1/2019**
- **9/1/2019**
- **1/1/2020**
- **9/1/2020**

*Projected*
Solid Waste Fund Fee Options
Updated Solid Waste Fund Forecast

- Projections show fund balance level below 10% policy level prior to any further adjustments to the baseline forecast.

- Assumptions
  - No increase in fee levels and no changes to operations/service
  - Trash disposal costs per existing contract

<table>
<thead>
<tr>
<th>Solid Waste Fund</th>
<th>Actual 2018</th>
<th>Actual 2019</th>
<th>Forecast 2020</th>
<th>Projected 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning fund balance</td>
<td>$ 0.82</td>
<td>$ 0.24</td>
<td>$ 0.43</td>
<td>$ 0.29</td>
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<tr>
<td>Revenues</td>
<td>$ 7.24</td>
<td>$ 7.70</td>
<td>$ 7.59</td>
<td>$ 7.66</td>
</tr>
<tr>
<td>Expenses</td>
<td>$ 7.82</td>
<td>$ 7.52</td>
<td>$ 7.72</td>
<td>$ 7.78</td>
</tr>
<tr>
<td>Surplus/(deficit)</td>
<td>$ (0.58)</td>
<td>$ 0.18</td>
<td>$ (0.14)</td>
<td>$ (0.13)</td>
</tr>
<tr>
<td>Ending fund balance</td>
<td>$ 0.24</td>
<td>$ 0.43</td>
<td>$ 0.29</td>
<td>$ 0.16</td>
</tr>
</tbody>
</table>

**Fund Balance % of Expenditures**

- 3.1%
- 5.7%
- 3.7%
- 2.1%
Solid Waste Fund Fee Options

- The Board had some discussion last year regarding potential ways to change the solid waste fee structure. The Solid Waste Fund has had the most fee increases over the last ten years compared to the General Fund and Sewer Fund.

- The Finance Committee has been working with Township staff to evaluate alternate fee structure options. Considerations of changes to the current structure include:
  - Retain financial incentives to limit trash
  - Flat Fee structures up to a certain level of trash per week
  - Changes to the current tiered billing structure
  - Changes to funding model and enterprise fund structure of the solid waste fund
  - Modifications to Mini-Can and Rear Yard costs
Solid Waste Fund Fee Options

- Finance Committee recommendation is modifying the current billing structure to substantially reduce the number of tiers to simplify the system and make it easier to administer.

- Tiers would include Mini-Can (20 gallon container), “Standard” service (up to 2 cans per week), “Enhanced” service (up to 4 cans per week) with escalating annual fees similar to the current fee structure.
  - Rear yard service would continue as an option with the cost linked to the level of service.

- Initial draft annual fee schedule:
  - Mini-Can = $250; Standard = $375; Enhanced = $525
  - Rear yard fees would be as follows:
    - Mini-Can = $200; Standard = $250; Enhanced = $300
Solid Waste Fee Next Steps

- BOC decision on the appropriate SWF fee level for 2021
- If the BOC opts to increase SWF fees
  - BOC approves advertisement of Ordinance amending the Solid Waste Fee Schedule and Public Hearing
  - BOC holds Public Hearing and adopts Ordinance setting the 2021 Solid Waste Fee Schedule
- If the BOC keeps all solid waste fees at the current level no further public action is required
- Solid Waste subscription change cards mailed to customers (tentatively scheduled for mid-to-late November)
- 2021 Solid Waste Bill is included with tax bill mailed Jan 31st
Solid Waste Fund Fee Options

- Prior to discussing fee options, the Board may wish to make certain changes to the Solid Waste Fund that would improve its financial position while not having a direct impact on core services
  - Reduce GF indirect cost level. This was reduced by $350,000 from $951,800 (2018) to $601,800 (2019) on a one-time basis, but could be extended to 2020 if the Board felt it was warranted. This option would impact the General Fund’s financial position
  - Eliminate Electronic Collection events ($10,250) in light of availability of Curb My Clutter service to Township residents
  - Additional solid waste can audit enforcement ($45,000)

- With these three initiatives, the projected 2020 deficit would be eliminated and the 2020 ending fund balance would be 7.3%. While still below the 10% goal, the increased fund balance could be necessary should disposal costs increase, revenues decline, etc.
Solid Waste Fund Fee Options

Board could also opt to look at specific fee or structural issues

- **Mini-Can Level**
  - As discussed last year, the pricing for a Mini-Can does not reflect the total operational costs of solid waste collection resulting in an overall subsidy to Mini-Can subscribers

- **Rear Yard Collection Fee**
  - Has been exempted from 2 of 4 rate increases since 2010
  - Current $241 fee still below comparable area municipalities that provide the same service -- Radnor ($500) and Easttown ($325)

- The Board had some discussion last year regarding potential ways to change the solid waste fee structure. The Board could also leave current structure in place in 2020 and re-evaluate the Solid Waste Fee structure in a future year
Solid Waste Fund Fee Options for 2020

- Baseline projections show growing deficits without additional revenue or reduced expenditures; Board does have policy options

<table>
<thead>
<tr>
<th>Solid Waste Fund</th>
<th>2019 Forecast</th>
<th>2020 Forecast</th>
<th>2021 Forecast</th>
<th>2022 Forecast</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning Fund Balance</td>
<td>$ 0.14</td>
<td>$ 0.49</td>
<td>$ 0.16</td>
<td>$ (0.41)</td>
</tr>
<tr>
<td>Revenues</td>
<td>$ 7.68</td>
<td>$ 7.67</td>
<td>$ 7.68</td>
<td>$ 7.69</td>
</tr>
<tr>
<td>Expenses</td>
<td>$ 7.34</td>
<td>$ 8.00</td>
<td>$ 8.25</td>
<td>$ 8.42</td>
</tr>
<tr>
<td>Surplus/(Deficit)</td>
<td>$ 0.34</td>
<td>$ (0.33)</td>
<td>$ (0.56)</td>
<td>$ (0.73)</td>
</tr>
<tr>
<td>Ending Fund Balance</td>
<td>$ 0.49</td>
<td>$ 0.16</td>
<td>$ (0.41)</td>
<td>$ (1.14)</td>
</tr>
<tr>
<td>Ending FB (% of Operating Expenditures)</td>
<td>6.6%</td>
<td>1.9%</td>
<td>-4.9%</td>
<td>-13.5%</td>
</tr>
</tbody>
</table>

**Option 1: No Fee Increase + 3 initiatives**

- Ending Fund Balance: $ 0.56 $ 0.05 $ (0.63)
- Ending FB (% of Operating Expenditures): 7.3% 0.6% -7.5%

**Option 2: 5% Fee Increase only**

- Additional Solid Waste Fee Billable: $ 0.31 $ 0.31 $ 0.31
- Ending Fund Balance: $ 0.47 $ 0.21 $ (0.21)
- Ending FB (% of Operating Expenditures): 5.8% 2.6% -2.5%

**Option 3: 5% Fee Increase + 3 initiatives**

- Ending Fund Balance: $ 0.87 $ 0.68 $ 0.31
- Ending FB (% of Operating Expenditures): 11.4% 69 8.2% 3.7%
Summary of Solid Waste Fund
Fee Increase Options

- Current SWF fees compared to fee increase options that may be considered by the Board

<table>
<thead>
<tr>
<th>SWF Can Level</th>
<th>2019</th>
<th>+ 5%</th>
<th>Annual Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mini-Can</td>
<td>$ 237</td>
<td>$ 249</td>
<td>$ 12</td>
</tr>
<tr>
<td>1 Can</td>
<td>$ 338</td>
<td>$ 355</td>
<td>$ 17</td>
</tr>
<tr>
<td>2 Cans</td>
<td>$ 405</td>
<td>$ 425</td>
<td>$ 20</td>
</tr>
<tr>
<td>3 Cans</td>
<td>$ 472</td>
<td>$ 495</td>
<td>$ 23</td>
</tr>
<tr>
<td>4 Cans</td>
<td>$ 539</td>
<td>$ 565</td>
<td>$ 26</td>
</tr>
<tr>
<td>5 Cans</td>
<td>$ 606</td>
<td>$ 635</td>
<td>$ 29</td>
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<tr>
<td>6 Cans</td>
<td>$ 673</td>
<td>$ 705</td>
<td>$ 32</td>
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<tr>
<td>7 Cans</td>
<td>$ 740</td>
<td>$ 775</td>
<td>$ 35</td>
</tr>
<tr>
<td>8 Cans</td>
<td>$ 807</td>
<td>$ 845</td>
<td>$ 38</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>$ 231</td>
<td>$ 243</td>
<td>$ 12</td>
</tr>
</tbody>
</table>
AGENDA ITEM INFORMATION

COMMITTEE: Finance Committee

ITEM: APPROVAL OF CONTRACT EXTENSION – COVANTA HAULING AND WASTE DISPOSAL

Consider for approval authorizing Township staff to execute a one-year contract extension for Waste Hauling and Disposal services with Covanta Sustainable Solutions, LLC.

PUBLIC COMMENT

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
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</thead>
<tbody>
<tr>
<td>Issue Briefing - Covanta Contract</td>
<td>Issue Briefing</td>
</tr>
</tbody>
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TOWNSHIP OF LOWER MERION  
Finance Committee  
Issue Briefing  

Topic: Contract Extension – Covanta Hauling and Waste Disposal  

Prepared by: Chris Welde, Asst. Director of Finance  
Paul McElhaney, Director of Public Works  

Date: September 17, 2020  

I. Action to Be Considered by The Board:  

Consider for recommendation to the Board of Commissioners authorizing Township staff to execute a one-year contract extension for Waste Hauling and Disposal services with Covanta.  

II. Why This Issue Requires Board Consideration:  

A contract extension of this magnitude must be reviewed and approved by the Board of Commissioners.  

III. Current Policy or Practice (If Applicable):  

In 2014, the Township entered into a five-year contract for hauling and disposal services with Covanta which started in 2015 and ran through the end of 2019. In 2019, the Township extended the contract by one-year through the end of 2020. The Township and Covanta mutually retain two additional one-year extensions through 2021 and 2022. The contract price dictates the annual service fee per ton for solid waste hauling and disposal at the trash to steam plant in Plymouth Township. The annual per-ton increases are two (2) percent each year. In 2020 the Township is projected to spend $1.3 million on solid waste disposal.  

IV. Other Relevant Background Information:  

Township staff reviewed the contract with the Township Solicitor last year and he stated that the Township can extend the contract if both parties agreed. Covanta informed the Township in writing that it is interested in extending the contract for 2021 in accordance with the initial terms of the RFP. The Township would need to inform Covanta by October 1 if we are interested in extending the contract for 2021.  

The following would be the annual service fee per ton for hauling and disposal services by year:  

<table>
<thead>
<tr>
<th>Year</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019 (Final Year of Current Contract)</td>
<td>$69.01</td>
</tr>
<tr>
<td>2020 (First Extension Year)</td>
<td>$70.39</td>
</tr>
<tr>
<td>2021 (Second Extension Year)</td>
<td>$71.80</td>
</tr>
<tr>
<td>2022 (Final Extension Year)</td>
<td>$73.23</td>
</tr>
</tbody>
</table>
As stated in the Township Manager’s September 9, 2020 update, last year, when a multiyear contract with Covanta was expiring, the BOC elected to exercise just a one-year option with Covanta to allow for some input from the Environmental Advisory Council (EAC) regarding the environmental impact of having trash burned and converted to steam energy, as is now done with Covanta, versus placing the trash in a landfill. The EAC provided the BOC with a report dated January 28, 2020. The report, while not totally conclusive, tends to indicate the trash to steam disposal method is at least equal or perhaps more environmentally friendly than landfilling the trash. Of course, this varies depending on how far the trash has to be trucked to reach a landfill versus reaching one of Covanta’s trash to steam plants in Plymouth or Chester which are both closer than any available landfills.

V. Impact on Township Finances:

These contractual costs are included in the Township’s Solid Waste Fund. Based on an approximate 18,000 tons of residential waste annually, a two percent increase in the service fee in 2021 would equate to an additional $25,380 ($1.41 increase x $18,000 tons).

VI. Staff Recommendation:

Staff recommends the Board of Commissioners authorize Township staff to execute a one-year contract extension with Covanta at the September 23, 2020 Board of Commissioners meeting, then prepare in 2021 to issue an RFP for 2022 and beyond.