

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 COMMITTEE ON PARKS, RECREATION AND
4 CULTURAL AFFAIRS
5
6

7 Room 400, City Hall
Philadelphia, Pennsylvania
8 Tuesday, December 7, 2010
10:25 a.m.

9
10 PRESENT:

11 COUNCILWOMAN BLONDELL REYNOLDS BROWN, CHAIR
COUNCILMAN CURTIS JONES, JR.
12 COUNCILWOMAN DONNA REED MILLER
13

14 BILL 100724 - An ordinance renaming and
designating Franklintown Park located between
15 N. 18th Street and N. 19th Street and between
Hamilton Street and Shamokin Street as
16 "Matthias Baldwin Park."

17 BILL 100776 - An ordinance authorizing the
Commissioner of Public Property, on behalf of
18 the City, to execute and record a Declaration
of Covenants, Conditions, and Restrictions
19 against a portion of Pennypack Park on the
Delaware...

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2 COUNCILWOMAN BROWN: Good
3 morning. Good morning. We are pleased
4 to have a quorum now and we will call the
5 City Council Committee on Parks,
6 Recreation and Cultural Affairs to a
7 public hearing to hear testimony on Bills
8 No. 100724 and 100776.

9 I would like to put on the
10 record that we have Vice-Chairman Curtis
11 Jones here and deeply appreciative of the
12 presence and attendance of Councilwoman
13 Donna Reed Miller, thus giving us a
14 quorum to conduct business.

15 I would like to now ask the
16 Clerk to read the title of Bill No.
17 100724 and 100776.

18 THE CLERK: An ordinance
19 renaming and designating Franklinton
20 Park located between North 18th Street
21 and North 19th Street and between
22 Hamilton Street and Shamokin Street as
23 "Matthias Baldwin Park"; and

24 Bill No. 100776, an ordinance
25 authorizing the Commissioner of Public

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2 Property, on behalf of the City, to
3 execute and record a Declaration of
4 Covenants, Conditions, and Restrictions
5 against a portion of Pennypack Park on
6 the Delaware, in favor of the United
7 States, to protect bald eagles and other
8 rare, endangered, or threatened birds,
9 under certain terms and conditions.

10 COUNCILWOMAN BROWN: I want to
11 thank the Clerk for that, and I want to
12 ask Councilman Vice-Chairman Jones if he
13 has any opening remarks on either one of
14 these bills.

15 COUNCILMAN JONES: Thank you,
16 Madam Chair. I would just say that as we
17 speak, the Mayor is preparing to make an
18 announcement, Madam Chairman, about
19 adding, I believe it is, 500 acres to the
20 Fairmount Park system, and I think that's
21 a worthwhile endeavor as we consider
22 bills that are germane to our outdoors,
23 consider bills that are friendly to
24 endangered species. That is, this is a
25 consistent step in the right direction

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2 making us the greenest, most
3 environmentally sensitive city in
4 America.

5 Thank you, Madam Chair.

6 COUNCILWOMAN BROWN: Thank you
7 very much for putting that on the record.
8 And the, I guess, downside for us is that
9 we can't be in two places at one time.
10 We have to conduct this business and
11 unfortunately miss that opportunity and
12 milestone.

13 With that then, we would like
14 to call up our first panel to testify on
15 the renaming of Franklintown Park and we
16 would like to ask Mark A. Focht and/or
17 his designee of the Philadelphia
18 Fairmount Park to come forward and Joan
19 Schlotterbeck, our Commissioner for the
20 Department of Public Property, and/or her
21 designee to please come forward.

22 (Witnesses approached witness
23 table.)

24 COUNCILWOMAN BROWN: Forgive
25 me. Clarity here. For the Bill No.

1 12/7/10 - PARKS - BILLS 100724 AND 100776
2 100724, we're going to ask Mark Focht
3 and/or his designee to please come
4 forward, and additional witnesses for
5 100724 will be Melvin Seligsohn and
6 Sandra Owens. Please step forward to the
7 witness table.

8 (Witnesses approached witness
9 table.)

10 COUNCILWOMAN BROWN: We want to
11 welcome you to these proceedings, and
12 we'll start with the Philadelphia
13 Fairmount Park. Good morning.

14 MR. BESSLER: Good morning,
15 Councilwoman Brown, Councilman Jones. My
16 name is Barry Bessler. I'm the Chief of
17 Staff for Fairmount Park here
18 representing Executive Director Mark
19 Focht and Parks and Recreation
20 Commissioner Michael DiBerardinis.

21 On behalf of the Department of
22 Parks and Recreation, I am pleased to
23 provide this statement in support of
24 Council Bill 100724. This bill
25 authorizes the renaming and designating

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2 of Franklinton Park.

3 Franklinton Park has been
4 under the jurisdiction of Philadelphia
5 Parks and Recreation, formerly the
6 Fairmount Park Commission, since its
7 completion in the early 1990s. The park
8 was created as the Percent for Art
9 Project for the Franklinton Urban
10 Renewal Area. Approximately three years
11 ago, a group of interested neighbors
12 formed the Friends of Franklinton Park
13 to work with the Department to maintain
14 and enhance the park.

15 The Friends and other
16 interested individuals are advocates to
17 rename the park in honor of Matthias
18 Baldwin. I am sure you will learn from
19 the Friends and others about the impact
20 of Matthias Baldwin on the City of
21 Philadelphia, not the least of which was
22 his construction of one of the City's
23 first factory neighborhoods. This
24 remarkable industrial complex stretched
25 from Broad and Spring Garden Streets to

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2 the site of Franklinton Park,
3 encompassing 39 buildings, which employed
4 over 15,000 workers at its peak.

5 In 2009, the Department
6 supported the installation of a marker by
7 the Pennsylvania Historic and Museum
8 Commission along the 19th Street edge of
9 the park, highlighting the life and
10 contributions of Matthias Baldwin. The
11 renaming of the park is supported by the
12 Redevelopment Authority of the
13 Philadelphia, the Logan Square
14 Neighborhood Association and the Friends
15 of Franklinton Park. Further, the
16 Department supports Bill No. 100724 and
17 requests the Committee's approval of this
18 legislation.

19 And that is submitted on behalf
20 of Mark Focht, the Executive Director of
21 Fairmount Park. And I would also like to
22 say that we do have letters of support
23 from those aforementioned groups, the
24 Logan Square Neighbors Association and
25 the Friends of Franklinton Park, have

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2 those letters of support in writing.

3 Thank you.

4 COUNCILWOMAN BROWN: Thank you
5 very, very much.

6 With that, please, we'll hear
7 from our other witnesses. You can state
8 your name for the record and proceed with
9 your testimony.

10 MR. SELIGSOHN: My name is
11 Melvin Seligsohn and I'm a member of
12 Friends of Franklinton Park and one of
13 the founders, so to speak.

14 From the beginning of the
15 formation of our group, I think it was
16 one of our goals to honor Matthias
17 Baldwin, who is generally forgotten
18 unfortunately, forgotten prominent person
19 in the City. He really was important not
20 only to the City but to the country,
21 because his locomotive works produced
22 thousands of locomotives, not just for
23 Philadelphia but in the great age of
24 railroads all over the world.

25 Unfortunately, he passed away

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2 just at the end of the Civil War, but he
3 was a noted abolitionist. He supported
4 black institutions in the City. He was
5 one of the founders of the Franklin
6 Institute, and he employed -- his works
7 and the related factories employed about
8 15,000 people. So he was, in a sense, in
9 that area that we live in now, which was
10 very little trace of the railroads, was
11 the Silicone Valley of its time. It was
12 extremely important, and all the way
13 through the Second World War -- of
14 course, they moved after that, but it was
15 part of the whole arsenal of democracy
16 that was so prominent and helped us win
17 the Second World War.

18 Anyway, we're very happy about
19 this, and we thank you for your help in
20 getting this done. I just did want to
21 say one other thing about him. He is in
22 the National Inventors Hall of Fame, and
23 anybody who has been to the Franklin
24 Institute to see the great locomotive
25 there, that's a Baldwin locomotive, and

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2 somebody told me recently that there's
3 still a Baldwin locomotive in operation
4 in Brazil somewhere. So he made -- he
5 put himself out of business unfortunately
6 because he made such a great product and
7 he brought glory to Philadelphia.

8 Thank you.

9 COUNCILWOMAN BROWN: Thank you
10 very much for your testimony. It's
11 another shining example of Philadelphia's
12 rich history.

13 Please. Good morning.

14 MS. OWENS: Good morning.

15 COUNCILWOMAN BROWN: State your
16 name and proceed with your testimony.

17 MS. OWENS: My name is Sandra
18 Owens and I'm a member of the Friends of
19 Franklintown Park. I'm very happy to be
20 here today to speak on behalf of Matthias
21 Baldwin, one of Philadelphia's most noted
22 citizens. I would like to say he was a
23 native son, but he is not. He came to
24 this city as a teenager at the age of 16,
25 and he came here because Philadelphia

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2 offered great economic opportunities for
3 young men.

4 He began as a jeweler's
5 apprentice in the Frankford section and
6 discovered he had a knack for tinkering.
7 He invented and patented jeweler's tools
8 and then later tools and machines in the
9 bookbinding and printing trades.

10 It was this tinkering that led
11 him to make his first steam locomotive.
12 He did this after he saw a demonstration
13 of an English locomotive that was on
14 display at Peale's Philadelphia City
15 Museum, and as note, his first locomotive
16 pulled three cars, three train cars, that
17 held each car holding four passengers,
18 and he powered this locomotive with coal
19 instead of wood. That was in 1831.

20 By 1835, he was able to leave
21 his small machine shop in Old City and he
22 went to Broad and Spring Garden Streets,
23 which must have been in the boondocks at
24 the time, and he opened a much larger
25 enterprise there. He called his company

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2 The Baldwin Locomotive Works. The rest
3 is history. I won't repeat my
4 colleague's words, except to say that I
5 think it's time the City of Philadelphia
6 recognize this great Philadelphian by
7 renaming the park in his honor.

8 Let me say before closing, I
9 want to say a few words about the Friends
10 of Franklinton Park, which was founded
11 in 2007 by my colleague. The park had a
12 real -- needed some help. Let me just
13 say when I first saw the park, it was
14 barren and on the benches sat unsavory
15 characters. I had bought with me a cup
16 of coffee, which I intended to drink as I
17 sat on the bench, but I felt so
18 uncomfortable that I left. That is not
19 the case today.

20 I invite everyone here to visit
21 our beautiful park at 19th and Hamilton
22 Street in the West Callowhill section.
23 There's been many, many changes since the
24 Friends were founded. The first thing is
25 the beautiful plantings on the terraces

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2 and, secondly -- which I want to give
3 thanks to the Fairmount Park Commission
4 for these plantings. They've really been
5 a friend to us. And, secondly, there's a
6 very diverse population that now sits on
7 the benches. In good weather, if you
8 come by, you will see students from
9 Community College there, you will see
10 little children from a preschool center
11 and the Children in Crisis Center nearby.
12 You will see seniors sitting on benches
13 from the Waterford -- Watermark community
14 building and the senior housing on Spring
15 Garden Street, 18th and Spring Garden,
16 and you will see people and workers in
17 the area that also use it as a meeting
18 place and just to sit and meditate.

19 It's a beautiful -- it is
20 beautiful to see this public space so
21 used.

22 Our Friends group have a picnic
23 in the park every May. It's open to the
24 public, and we have cleanups every month,
25 and then we're quite proud of this

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2 historic marker that sits in the park.

3 It is only fitting to rename the park the
4 Matthias Baldwin Park.

5 Thank you.

6 COUNCILWOMAN BROWN: Well, let
7 me say thank you for your activism. When
8 you give the pre-story and now the
9 community that exists there because of
10 the activism of neighbors, it's a
11 reaffirmation that when neighbors get
12 involved and work with government, or no,
13 things do happen, because looking at
14 where we are economically, government can
15 no longer do it by itself. So let me
16 commend you for your leadership and your
17 activism in that community.

18 Councilman Jones.

19 COUNCILMAN JONES: Madam
20 Chairman, I just want to express thanks
21 as well. One of the best parts of this
22 job is meeting people like you from
23 neighborhoods like yours and learning
24 about it. It makes us interconnected in
25 ways that you wouldn't probably imagine

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2 sitting there.

3 My grandfather and his six
4 brothers worked for 30th Street, the
5 railroad. So I knew a lot about
6 locomotives coming up, because he did
7 that type of work. And for me to now
8 hear about Baldwin and his contributions
9 to that industry, as a Philadelphian it
10 makes me proud and it makes us
11 interconnected as a community and as a
12 city.

13 So I'm thanking you for taking
14 the time to remember a Philadelphian that
15 binds us as Philadelphians.

16 So thank you.

17 COUNCILWOMAN BROWN: Thank you
18 all for your testimony.

19 We'll now move to the next Bill
20 No. 100776, and we would like to invite
21 Joan Schlotterbeck and/or her designee
22 and Mark Focht and/or his designee from
23 the Philadelphia Fairmount Park. I want
24 to welcome you to these proceedings.

25 (Witnesses approached witness

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2 table.)

3 COUNCILWOMAN BROWN: State your
4 name for the record and proceed with your
5 testimony.

6 DEPUTY COMMISSIONER HERZINS:
7 Good morning, Chairwoman Reynolds Brown
8 and members of the Committee on Parks,
9 Recreation and Cultural Affairs. My name
10 is John Herzins. I am the Deputy
11 Commissioner of the Department of Public
12 Property here today on behalf of the
13 Commissioner to testify in support of
14 Bill No. 100776.

15 In conjunction with development
16 of the Southport Marine Terminal at the
17 Navy Yard, the Pennsylvania Department of
18 General Services has applied to the
19 United States Fish and Wildlife Service
20 for a permit to remove an abandoned
21 eagle's nest in that vicinity, which
22 permit requires mitigation that will
23 provide a net benefit to the local bald
24 eagle population. The site within
25 Pennypack on the Delaware will provide

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2 for one of the mitigation locations.

3 The Department supports this
4 measure and, accordingly, I respectfully
5 ask that City Council approve Bill No.
6 100776.

7 I am also requesting a
8 suspension of the rules so as to allow
9 for first reading at the next session of
10 Council.

11 Thank you. I'll be happy to
12 answer any questions you may have.

13 COUNCILWOMAN BROWN: Councilman
14 Jones?

15 COUNCILMAN JONES: No.

16 COUNCILWOMAN BROWN: Very well.
17 With that, then we will move to
18 Philadelphia Fairmount Park.

19 MR. BESSLER: Good morning,
20 Chairwoman Reynolds Brown, Councilman
21 Jones. My name is Barry Bessler, Chief
22 of Staff, Philadelphia Parks and
23 Recreation, and I'm here on behalf of
24 Fairmount Park Executive Director Mark
25 Focht and Parks and Recreation

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2 Commissioner Michael DiBerardinis.

3 On behalf of the Department of
4 Parks and Recreation, I am pleased to
5 provide this statement in support of
6 Council Bill 100776. This bill
7 authorizes the Commissioner of Public
8 Property to execute and record a
9 Declaration of Covenants, Conditions, and
10 Restrictions against a portion of
11 Pennypack Park on the Delaware, in favor
12 of the United States, to protect bald
13 eagles and other rare, endangered, or
14 threatened birds, under certain terms and
15 conditions.

16 Pennypack on the Delaware is a
17 part of Pennypack Park, a 1,395 acre park
18 under the jurisdiction of Philadelphia
19 Parks and Recreation. Pennypack on the
20 Delaware contains active recreation
21 facilities, picnic areas, restrooms,
22 parking, trails and large natural areas,
23 including forests, meadows and wetlands.
24 In late 2008, a bald eagle's nest was
25 discovered in a large, mature deciduous

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tree within the southeastern boundary of the park. Bald eagles thrive around bodies of water, such as the Pennypack Creek, where adequate food exists and human disturbance is limited. The bald eagle, a state-listed threatened species, is sensitive to human intrusion or disturbances.

With these conditions in mind, in May 2009, the Department entered into an agreement with the Pennsylvania Game Commission to take the appropriate actions to restrict public access to the proximate area surrounding the bald eagle's nest. The terms of the agreement were intended to limit human intrusions and disturbances in the area of the nest without unnecessarily restricting access by staff for the environmental care and maintenance of this section of Pennypack on the Delaware. That agreement with the Game Commission expired in May 2010.

Building on the prior agreement with the Game Commission, both the

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2 Department and the Commonwealth of
3 Pennsylvania support this ordinance
4 because of the long-term protection it
5 will afford to this eagle's nest. The
6 Commonwealth is engaged in several
7 cooperative efforts in the region to
8 strengthen and protect existing eagles'
9 nests and to offset any potential impact
10 from the removal of an abandoned eagle
11 nest in connection with the construction
12 of Southport, a new marine terminal
13 planned at the east end of the Navy Yard.
14 A permit for removal of that abandoned
15 nest is currently pending with the U.S.
16 Fish and Wildlife Service and the Game
17 Commission.

18 In short, Council Bill 100776
19 codifies restrictions similar to the Game
20 Commission agreement the Department
21 previously entered into, will not cause
22 the Department to incur any costs, and
23 will ensure that a limited section of
24 Pennypack on the Delaware is managed and
25 restricted to protect bald eagles and

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2 other rare, endangered, or threatened
3 birds. These restrictions are consistent
4 with the Department of Parks and
5 Recreation's strategic objectives and
6 management guidelines.

7 For these stated reasons, the
8 Department supports Bill No. 100776 and
9 requests the Committee's approval of this
10 legislation.

11 Thank you.

12 COUNCILWOMAN BROWN: We want to
13 thank you both for your testimony,
14 gentlemen.

15 Any questions from Councilman
16 Jones?

17 COUNCILMAN JONES: No.

18 COUNCILWOMAN BROWN: Thank you
19 both very, very much.

20 Is there anyone else to testify
21 on Bill Nos. 100724 or 100776?

22 (No response.)

23 COUNCILWOMAN BROWN: That
24 concludes testimony on Bill Nos. 100724
25 and 100776. This concludes the public

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2 hearing on the Committee on Parks and
3 Recreation and we will now go into a
4 public meeting.

5 We're going to push the pause
6 button as we await for Councilwoman Donna
7 Reed Miller to return. Thank you.

8 (Pause.)

9 COUNCILWOMAN BROWN: The Chair
10 recognizes Councilman Jones for a motion
11 on Bill No. 100724.

12 COUNCILMAN JONES: Thank you,
13 Madam Chair. I make a motion on Bill No.
14 100724 with a favorable recommendation
15 and the rules of Council be suspended as
16 to hear it at our next scheduled meeting.

17 COUNCILWOMAN BROWN: May I hear
18 a second?

19 (Duly seconded.)

20 COUNCILWOMAN BROWN: All those
21 in favor say aye.

22 (Aye.)

23 COUNCILWOMAN BROWN: All
24 opposed?

25 (No response.)

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2 COUNCILWOMAN BROWN: Seeing
3 none, this bill will be reported out of
4 this Committee with a favorable
5 recommendation and further moved that the
6 rules of Council be suspended so as to
7 permit first reading at our next
8 scheduled session of City Council.

9 The Chair now recognizes
10 Councilwoman Donna Reed Miller for a
11 motion on Bill No. 100776.

12 COUNCILWOMAN MILLER: Thank
13 you, Madam Chair. I move that Bill
14 100776 be reported out of this Committee
15 with a favorable recommendation and
16 further move that the rules of Council be
17 suspended so as to permit first reading
18 at our next session.

19 (Duly seconded.)

20 COUNCILWOMAN BROWN: Thank you.
21 All those in favor say aye.

22 (Aye.)

23 COUNCILWOMAN BROWN: All
24 opposed?

25 (No response.)

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2 COUNCILWOMAN BROWN: Seeing
3 none, this bill will be reported out of
4 this Committee with a favorable
5 recommendation and further moved that the
6 rules of Council be suspended so as to
7 permit first reading at our next
8 scheduled session of City Council.

9 This concludes the meeting on
10 Parks, Recreation and Cultural Affairs.
11 And, again, a huge thank you to
12 Councilwoman Donna Reed Miller for
13 affording us a quorum.

14 Thank you.

15 (Committee on Parks, Recreation
16 and Cultural Affairs concluded at 10:50
17 a.m.)

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2 CERTIFICATE

3 I HEREBY CERTIFY that the
4 proceedings, evidence and objections are
5 contained fully and accurately in the
6 stenographic notes taken by me upon the
7 foregoing matter on December 7, 2010, and that
8 this is a true and correct transcript of same.

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13 -----
14 MICHELE L. MURPHY
15 RPR-Notary Public
16
17
18

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20 transcript does not apply to any reproduction
21 of the same by any means, unless under the
22 direct control and/or supervision of the
23 certifying reporter.)
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