

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON STREETS AND SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, February 28, 2013
2:30 p.m.

PRESENT:

COUNCILMAN MARK SQUILLA, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN BILL GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN BOBBY HENON
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN DAVID OH
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ

BILLS 120658, 120961, 130003, 130016, 130017,
130018, 130019, 130020, 130021, 130022, and
130064

- - -

1

2

COUNCILMAN SQUILLA: Good

3

morning -- or good afternoon, I should

4

say. I'm Councilman Squilla, Chairman of

5

the Committee on Streets and Services.

6

A quorum of the Committee has

7

been present. We will now begin the

8

hearing. To my left is Councilman Henon,

9

Councilman Greenlee, and Councilwoman

10

Bass.

11

I'll now ask Mr. McMonagle to

12

read the title of the first bill.

13

THE CLERK: Bill No. 130003, an

14

ordinance authorizing Ruby D, LLC doing

15

business as Lemon Hill Food and Drink to

16

construct, own and maintain an open-air

17

sidewalk cafe at 747 North 25th Street,

18

Philadelphia, PA, under certain terms and

19

conditions.

20

(Witnesses approached witness

21

table.)

22

COUNCILMAN SQUILLA: Good

23

morning. Anyone here to testify -- good

24

afternoon. I'm sorry. Testify on behalf

25

of this bill, 130003.

1 2/28/13 - STREETS - BILL 120961, etc.

2 Please state your name for the
3 record and proceed with your testimony.

4 MS. BRISBON: Good afternoon,
5 Chairman Squilla and members of the
6 Streets and Services Committee. My name
7 is Michelle Brisbon and I'm an
8 Engineering Supervisor with the
9 Department of Streets. I'm here to offer
10 testimony on Bill No. 130003.

11 This bill authorizes Ruby D,
12 LLC doing business as Lemon Hill Food and
13 Drink to construct, own and maintain an
14 encroachment in the form of an open-air
15 cafe on the sidewalk located at 747 North
16 25th Street. The cafe includes a total
17 of five tables and 24 chairs.

18 Three tables and 16 chairs will
19 be located adjacent to the building and
20 will encroach approximately five feet
21 onto the south footway of Aspen Street,
22 leaving a minimum seven feet of clear,
23 unobstructed footway, and two tables and
24 eight chairs will be located adjacent to
25 the building and will encroach

1 2/28/13 - STREETS - BILL 120961, etc.
2 approximately four feet onto the east
3 footway of North 25th Street, leaving a
4 minimum five feet, six inches of clear,
5 unobstructed footway.

6 The Streets Department has no
7 objections to these proposed
8 encroachments and supports the passage of
9 this bill.

10 Thank you for your time. This
11 concludes my testimony. I'm pleased to
12 answer any questions you may have.

13 MS. CHIU: Good afternoon,
14 Chairman Squilla and members of Streets
15 and Services Committee. I am Sarah Chiu,
16 City Planner with the Philadelphia City
17 Planning Commission. I'm here to testify
18 on Bill No. 130003, which Councilmember
19 Greenlee introduced for Council President
20 Clarke on January 24th of 2013.

21 The purpose of Bill No. 130003
22 is to authorize an open-air cafe
23 encroachment, including a total of five
24 tables to accommodate a total of 24
25 chairs. Three tables and 16 chairs will

1 2/28/13 - STREETS - BILL 120961, etc.
2 be located adjacent to the building on
3 the south footway of Aspen Street.
4 Another two tables and eight chairs will
5 be located adjacent to the building on
6 the east footway of North 25th Street.
7 These tables and chairs arrangements and
8 amount of occupants, in combination with
9 the existing bike rack and the utility
10 poles on the sidewalk, will leave less
11 than five feet, six inches of clear and
12 unobstructed space for pedestrian
13 passage.

14 At its meeting of February 19th
15 2013, the City Planning Commission
16 recommended that Bill No. 130003 be
17 approved with the following amendment:
18 to allow two tables and maximum four
19 chairs to encroach approximately five
20 feet onto the east footway of North 25th
21 Street, leaving six feet clear and
22 unobstructed footway for pedestrians, as
23 well as to allow three tables and a
24 maximum of 12 chairs to encroach
25 approximately five foot on the south

1 2/28/13 - STREETS - BILL 120961, etc.
2 footway of Aspen Street, leaving seven
3 feet of clear and unobstructed footway
4 for pedestrians.

5 The Commission also recommended
6 moving the existing bike rack from its
7 current location to a distance of 18
8 inches from the curb in accord with the
9 Streets Department standard.

10 This concludes my testimony. I
11 appreciate the opportunity to testify
12 before you today and would be pleased to
13 answer any questions you may have.

14 COUNCILMAN SQUILLA: Anybody
15 have questions?

16 Councilman Greenlee.

17 COUNCILMAN GREENLEE: Thank
18 you, Mr. Chairman.

19 Just first of all, I introduced
20 this for the Council President, but it's
21 also in my immediate area, so I've been
22 dealing with both the business owner and
23 the community, and they're pretty much on
24 board with this and even with the
25 amendment. But I'm just a little

1 2/28/13 - STREETS - BILL 120961, etc.
2 confused, because the Streets Department
3 is saying it's okay and the Planning
4 Commission is saying they want this
5 amendment, and I'm just -- and it sounds
6 like the measurements are slightly
7 different from what you two said as far
8 as what you're leaving -- what the
9 sidewalk -- the open space you're leaving
10 on the sidewalk.

11 MS. BRISBON: The Streets
12 Department reviews it in accordance with
13 what the placement requirements are in
14 accordance with the code, and the code
15 says for streets 13 feet or narrower, you
16 have to leave at least five feet, and the
17 Planning Commission is using a bike pad
18 plan.

19 MS. CHIU: Yeah. We classify
20 each street as neighborhood streets or
21 local streets. There are different
22 sidewalk width requirements for different
23 type of streets. So for Aspen Street,
24 for example, we consider it as a
25 neighborhood street, so we probably would

1 2/28/13 - STREETS - BILL 120961, etc.
2 require to have six feet minimum
3 pedestrian passage space.

4 COUNCILMAN GREENLEE: So your
5 requirements are different, is that what
6 you're saying?

7 MS. CHIU: Slightly, yes.

8 COUNCILMAN GREENLEE: All
9 right. Well, since we got your letter,
10 Ms. Chiu, and we didn't know what
11 Ms. Brisbon was going to say, the
12 community has agreed to that amendment
13 that you're -- the community and the
14 business owner has agreed.

15 We unfortunately don't have the
16 amendment today, Mr. Chairman, so I'm
17 going to ask the bill be moved out as is
18 and it can be amended on the floor with
19 the proper amendment.

20 COUNCILMAN SQUILLA: Thank you.

21 I have one question. Is there
22 any way or maybe a chance, is the Streets
23 Department and Planning Commission
24 thinking about maybe thinking of the same
25 guidelines, or no?

1 2/28/13 - STREETS - BILL 120961, etc.

2 MS. BRISBON: We have a working
3 group where we're going to be amending
4 that section of the code so that it takes
5 into account the bike pad plan, but we
6 haven't completed it as of yet.

7 COUNCILMAN SQUILLA: Okay. So
8 you'll let Council know, I guess, when
9 you have that done?

10 MS. BRISBON: Yes.

11 COUNCILMAN SQUILLA: Okay. No
12 problem. Thank you.

13 And also for the record, I'd
14 like to state that 120658 is being held
15 by the -- asked by the sponsor.

16 Mr. McMonagle, please read the
17 title of the next bill, please.

18 THE CLERK: Bill No. 130022, an
19 ordinance authorizing Farmtable LLC to
20 construct, own and maintain an open-air
21 sidewalk cafe at 824 South 8th Street,
22 Philadelphia, PA, under certain terms and
23 conditions.

24 MS. BRISBON: Good afternoon,
25 Chairman Squilla and members of the

1 2/28/13 - STREETS - BILL 120961, etc.
2 Streets and Services Committee. My name
3 is Michelle Brisbon and I'm an
4 Engineering Supervisor with the
5 Department of Streets. I'm here to offer
6 testimony on Bill No. 130022.

7 This bill authorizes Farmtable
8 LLC to construct, own and maintain an
9 encroachment in the form of an open-air
10 cafe on the sidewalk located at 824 South
11 8th Street. The cafe includes a total of
12 five tables and ten chairs.

13 Five tables and ten chairs will
14 be located adjacent to the building and
15 will encroach approximately five feet,
16 six inches onto the west footway of South
17 8th Street, leaving a minimum six feet,
18 six inches of clear, unobstructed
19 footway.

20 There's also a proviso for this
21 sidewalk cafe stipulating the following
22 hours of operation: Sunday through
23 Thursday, the sidewalk cafe can operate
24 until 9:30 p.m. Friday and Saturday the
25 sidewalk cafe can operate until 10:30

1 2/28/13 - STREETS - BILL 120961, etc.
2 p.m.

3 The Streets Department has no
4 objections to these proposed
5 encroachments and supports the passage of
6 this bill.

7 Thank you for your time. This
8 concludes my testimony, and I'm pleased
9 to answer any questions you may have.

10 MS. CHIU: Good afternoon,
11 Chairman Squilla and members of Streets
12 and Service Committee. I'm Sarah Chiu,
13 City Planner with the Philadelphia City
14 Planning Commission. I'm here to testify
15 on Bill No. 130022, which Councilman
16 Squilla introduced on January 24th, 2013.

17 The purpose of Bill 130022 is
18 to authorize an open-air sidewalk cafe
19 encroachment, including a total of five
20 tables and ten chairs, which will
21 encroach approximately five feet, six
22 inches onto the west footway of South 8th
23 Street, leaving a minimum six feet, six
24 inches clear, unobstructed footway.

25 The City Planning Commission's

1 2/28/13 - STREETS - BILL 120961, etc.
2 policy requires a minimum of six feet
3 clear and unobstructed sidewalk space for
4 pedestrians.

5 At its meeting of February
6 19th, 2013, the City Planning Commission
7 recommended approval for Bill No. 130022
8 as an item in accord with previous
9 policy.

10 This concludes my testimony. I
11 appreciate the opportunity to testify
12 before you today and would be pleased to
13 answer any questions you may have.

14 COUNCILMAN SQUILLA: Do we have
15 any questions on this here bill?

16 (No response.)

17 COUNCILMAN SQUILLA: Is there
18 anybody else here to testify on this
19 bill?

20 (No response.)

21 COUNCILMAN SQUILLA: Seeing
22 none, Mr. McMonagle, please read the
23 title of the next bill.

24 THE CLERK: Bill No. 130064, an
25 ordinance amending Section 6 of an

1 2/28/13 - STREETS - BILL 120961, etc.
2 ordinance (Bill No. 120396) approved
3 September 13th, 2012, entitled "An
4 ordinance authorizing Northern Liberties
5 Auction, Inc. ('Owner') to construct, use
6 and maintain various encroachments within
7 the right-of-way on the north sidewalk of
8 Spring Garden Street between North Third
9 Street and Bodine Street, under certain
10 terms and conditions," by extending the
11 period for compliance therewith.

12 MS. BRISBON: Good afternoon,
13 Chairman Squilla and members of Streets
14 and Services Committee. My name is
15 Michelle Brisbon and I'm an Engineering
16 Supervisor with the Department of
17 Streets. I'm here to offer testimony on
18 Bill No. 130064.

19 This bill grants Northern
20 Liberties Auction, Incorporated doing
21 business as Finnigan's Wake additional
22 time to comply with the original
23 ordinance.

24 The Streets Department does not
25 object to granting additional time as set

1 2/28/13 - STREETS - BILL 120961, etc.
2 forth in this bill for Northern Liberties
3 Auction to comply with the original
4 ordinance.

5 Thank you for your time. This
6 concludes my testimony. I'm pleased to
7 answer any questions you may have.

8 MS. CHIU: Good afternoon,
9 Chairman Squilla and members of Streets
10 and Services Committee. I'm Sarah Chiu,
11 City Planner with the Philadelphia City
12 Planning Commission. I'm here to testify
13 on Bill No. 130064, which Councilmember
14 Squilla introduced on September 13th,
15 2012.

16 Bill No. 130064 amends Section
17 6 of an ordinance (Bill No. 120396) by
18 extending the period for compliance with
19 the terms and conditions.

20 On May 29th, 2012, the City
21 Planning Commission recommended that Bill
22 No. 120396 be approved only on the
23 condition that the authorization for
24 balconies extending out over the public
25 sidewalk is removed from the bill. The

1 2/28/13 - STREETS - BILL 120961, etc.
2 bill was not amended to remove the
3 balcony encroachment.

4 As a result, at the meeting of
5 February 19th, 2013, the City Planning
6 Commission recommended that Bill No.
7 130064 not be approved, reaffirming its
8 previous policy that the balconies
9 encroachment be removed from the bill.

10 This concludes my testimony. I
11 appreciate the opportunity to testify
12 before you today and would be pleased to
13 answer questions that you may have.

14 COUNCILMAN SQUILLA: Anybody
15 have any questions on this bill?

16 COUNCILMAN OH: I do have a
17 question.

18 COUNCILMAN SQUILLA: Go ahead.

19 COUNCILMAN OH: What is the
20 issue with the balconies?

21 MS. CHIU: When the Planning
22 Commission originally considered the
23 balconies' encroachment because of the
24 scale of encroachment cover the entire
25 width of the Spring Garden Street, so we

1 2/28/13 - STREETS - BILL 120961, etc.
2 think the scale of encroachment is too
3 large.

4 COUNCILMAN OH: The balcony
5 will come out over the sidewalk; is that
6 it?

7 MS. CHIU: Yeah. It cover
8 entire width of the sidewalk.

9 COUNCILMAN OH: So it covers
10 the entire width. And so there's a
11 balcony and you walk under the balcony.
12 Is there some type of danger or concern
13 or is there a regulation about -- should
14 it be like half the size? I just myself
15 don't know what is the reason why
16 balconies are not -- are they dangerous?
17 What is the issue?

18 MS. CHIU: I think the whole
19 issue is also including their outdoor
20 seating on top of balcony as well at the
21 time in the discussion. So we don't
22 think that's appropriate for Spring
23 Garden Street.

24 COUNCILMAN OH: Okay. All
25 right. Thank you very much.

1 2/28/13 - STREETS - BILL 120961, etc.

2 COUNCILMAN SQUILLA: Just for
3 the record, this bill is just for an
4 extension of time for the ordinance to be
5 paid because of some mistake made by the
6 Law Department sending out a billing
7 cycle.

8 So are there any other
9 questions on this?

10 (No response.)

11 COUNCILMAN SQUILLA: Seeing
12 none, Mr. McMonagle, please read the
13 title of the next bill.

14 THE CLERK: Bill No. 120961, an
15 ordinance authorizing the revision of
16 lines and grades on a portion of City
17 Plan No. 195 by striking from the City
18 Plan Webb Street from Albert Street to
19 Huntingdon Street, under certain terms
20 and conditions.

21 (Witness approached witness
22 table.)

23 MR. MORELLI: Good afternoon,
24 Mr. Chairman and members of the
25 Committee. My name is Frank Morelli,

1 2/28/13 - STREETS - BILL 120961, etc.
2 Survey Bureau Manager of the Department
3 of Streets, and the Department of Streets
4 would like to offer the following
5 testimony on Bill No. 120961.

6 This is not an Administration
7 ordinance, but an ordinance requested by
8 Mr. Lawrence McKnight of BMK Homes.

9 The purpose of this ordinance
10 is to authorize the striking from the
11 City Plan of Webb Street from Albert
12 Street to Huntingdon Street. This
13 portion of Webb Street is not legally
14 open and not improved, and the Department
15 of Streets is not desirous of
16 constructing a street at this location.
17 This action will facilitate the proposed
18 construction of two new houses on vacant
19 land within and adjacent to the bed of
20 Webb Street.

21 This ordinance is supported by
22 the Department of Streets and is
23 recommended to your Committee for
24 favorable action.

25 MS. CHIU: Good afternoon,

1 2/28/13 - STREETS - BILL 120961, etc.
2 Chairman Squilla and members of Streets
3 and Services Committee. I am Sarah Chiu,
4 City Planner with the Philadelphia City
5 Planning Commission. I'm here to testify
6 on Bill No. 120961, which Councilmember
7 Squilla introduced on November 29th,
8 2012.

9 Bill No. 120961 authorizes the
10 striking of Webb Street between Albert
11 Street and Huntingdon Street to allow for
12 the development of two single-family
13 homes. The street is on City Plan, but
14 it was never opened nor improved at this
15 location.

16 At its meeting of December
17 11th, 2012, the City Planning Commission
18 recommended approval for Bill No. 120961.

19 This concludes my testimony. I
20 appreciate the opportunity to testify
21 before you today and would be pleased to
22 answer questions that you may have.

23 COUNCILMAN SQUILLA: Thank you
24 for your testimony.

25 Any questions for this panel?

1 2/28/13 - STREETS - BILL 120961, etc.

2 (No response.)

3 COUNCILMAN SQUILLA: Seeing
4 none, is there anyone else here to
5 testify on 120961?

6 (No response.)

7 COUNCILMAN SQUILLA: Seeing
8 none, thank you very much.

9 Mr. McMonagle, please read the
10 title of the next bill, please.

11 THE CLERK: Bill No. 130017, an
12 ordinance establishing a parking
13 regulation on Sartain Street, east side,
14 Shunk Street to Porter Street; and

15 Also, Bill No. 130018, an
16 ordinance establishing a parking
17 regulation on Fitzwater Street, south
18 side, Juniper Street to Broad Street; and

19 Bill No. 130019, an ordinance
20 establishing a parking regulation on 13th
21 Street, both sides, Bainbridge Street to
22 South Street; and

23 Bill No. 130020, an ordinance
24 establishing a parking regulation on
25 Moore Street, north side, 11th Street to

1 2/28/13 - STREETS - BILL 120961, etc.

2 12th Street; and

3 Bill No. 130021, an ordinance
4 establishing a parking regulation on 12th
5 Street, both sides, McKean Street to
6 Snyder Avenue.

7 (Witness approached witness
8 table.)

9 MS. BRACLEY: Good afternoon,
10 Council. My name is Dionne Bracley,
11 Deputy Manager for the Philadelphia
12 Parking Authority. Thank you for
13 allowing me to testify before Council.

14 The Philadelphia Parking
15 Authority has no objection to all the
16 bills previously read before Council and
17 recommends favorable consideration.

18 Thank you again.

19 COUNCILMAN SQUILLA: Thank you.

20 Are there any questions from
21 the panel?

22 (No response.)

23 COUNCILMAN SQUILLA: Seeing
24 none, thank you for your testimony.

25 This concludes the hearing for

1 2/28/13 - STREETS - BILL 120961, etc.
2 these bills for the Committee on Streets
3 and Services. We will now go into a
4 public meeting.

5 The Chair recognizes Councilman
6 Greenlee.

7 COUNCILMAN GREENLEE: Thank
8 you, Mr. Chairman. I move that the
9 following bills be reported out of the
10 Committee with a favorable recommendation
11 and that the rules of Council be
12 suspended to allow for first reading at
13 our next session of Council: Bill Nos.
14 130003, 130022, 130064, 120961, 130017,
15 130018, 130019, 130020, and 130021.

16 (Duly seconded.)

17 COUNCILMAN SQUILLA: All in
18 favor?

19 (Aye.)

20 COUNCILMAN SQUILLA: Any
21 opposed?

22 (No response.)

23 COUNCILMAN SQUILLA: Seeing
24 none, the ayes have it. The bills pass.

25 I'd like now to go back into a

1 2/28/13 - STREETS - BILL 120961, etc.
2 public hearing of the Committee of
3 Streets and Services.

4 I'm Councilman Mark Squilla. A
5 quorum being present, we will now begin
6 the hearings. I have Councilman Greenlee
7 to my left, Councilwoman Bass, and
8 Councilman Oh.

9 Mr. McMonagle, please read the
10 title of the next bill.

11 THE CLERK: Bill No. 130016, an
12 ordinance amending Section 10-722 of The
13 Philadelphia Code, entitled "Use of
14 Dumpsters," by revising certain
15 requirements for dumpsters and making
16 technical changes, all under certain
17 terms and conditions.

18 COUNCILMAN SQUILLA: Mr.
19 McMonagle, read the first panel.

20 THE CLERK: The panel will be
21 Carlton Williams, Licenses and
22 Inspections Commissioner, and also Donald
23 Carlton, Deputy Commissioner for the
24 Streets Department.

25 (Witnesses approached witness

1 2/28/13 - STREETS - BILL 120961, etc.
2 table.)

3 COUNCILMAN SQUILLA: Good
4 morning, gentlemen. Please state your
5 name for the record and proceed with your
6 testimony.

7 COMMISSIONER WILLIAMS: Good
8 morning, Councilman Squilla and the
9 honorable members of the Committee on
10 Streets and Service. My name is Carlton
11 Williams. I'm the Commissioner of the
12 Department of Licenses and Inspections.
13 Today I'm here to offer testimony on Bill
14 No. 130016.

15 Upon review of the proposed
16 bill, it appears that L&I stands to be
17 tasked with some additional
18 administrative work to ensure that the
19 Streets Department has current and valid
20 license information for each dumpster
21 that is located on private property.
22 Presently, L&I issues a dumpster license
23 that is accompanied by a medallion that
24 must be affixed to the dumpster. The
25 purpose of the license is to ensure that

1 2/28/13 - STREETS - BILL 120961, etc.
2 L&I can identify dumpster owners. The
3 purpose of the medallion is for Streets
4 and Walkways Education and Enforcement
5 Program, also known as SWEEP, officers to
6 be able to scan and identify properly
7 licensed dumpsters.

8 Under this bill, the owner of
9 the new dumpster on private property will
10 still be required to have a license, but
11 not a medallion. L&I will still issue
12 the license and send out annual renewal
13 invoices. However, the Streets SWEEP
14 officers will no longer have a medallion
15 to scan on the private dumpsters. When
16 the SWEEP officer is inspecting a
17 dumpster on private property, he or she
18 will have to note the address, contact
19 L&I, and verify that there is a valid
20 license. L&I then will have to manually
21 check each license inquiry for the
22 Department of Streets to confirm the
23 status of the license. If the owner of
24 the new dumpster on private property
25 fails to obtain the required license from

1 2/28/13 - STREETS - BILL 120961, etc.
2 L&I, the City will have no real way to
3 identify the owner going forward.

4 As a background, the Department
5 issues between 6,900 and 7,300 private
6 dumpster licenses per year. In FY2012,
7 this generated approximately \$1.1 million
8 in revenue. Additionally, in FY13 year
9 to date, we have collected nearly \$1.2
10 million in revenue. These numbers
11 suggest that the number of new private
12 dumpster licenses issued each year is
13 increasing. We issue another 250 to 550
14 public dumpster licenses per year. In
15 FY2012, public dumpster licenses
16 generated \$236,600. So far in FY13, the
17 licenses have generated \$76,900.

18 This concludes my testimony on
19 Bill No. 130016. Thank you for this
20 opportunity to testify on this matter,
21 and I will be happy to answer any
22 questions that you may have.

23 COUNCILMAN SQUILLA: Thank you.

24 DEPUTY COMMISSIONER CARLTON:

25 Good afternoon, Chairman Squilla and

1 2/28/13 - STREETS - BILL 120961, etc.
2 honorable members of the Streets and
3 Service Committee. My name is Donald D.
4 Carlton, Deputy Streets Commissioner for
5 the City of Philadelphia. I am here to
6 testify on the impact of Bill 130016.

7 The 2009 law that requires
8 dumpsters to have medallions is a very
9 helpful tool with regard to enforcement
10 of litter conditions around dumpster
11 areas as well as dumpster maintenance.
12 It helps identify the haulers and the
13 businesses associated with a particular
14 dumpster.

15 There are many challenges in
16 regarding regulating dumpsters. The
17 Streets Department has the task of
18 issuing code violations. Before the
19 legislation, the Department had a
20 difficult time determining the ownership
21 of many dumpsters. We invested resources
22 to transition into a system that
23 supported RFID tags. With these
24 medallions and RFID, the process became
25 more streamlined and made issuing code

1 2/28/13 - STREETS - BILL 120961, etc.
2 violations more efficient. This resulted
3 in having an accurate determination of
4 ownership.

5 Under our current model,
6 haulers are responsible for the
7 maintenance of dumpsters. Without a
8 method to determine ownership, we will
9 enable some irresponsible haulers. This
10 bill removes the medallion requirements
11 for dumpsters stored on private property.
12 However, many dumpsters are moved to the
13 public right-of-way for collection. For
14 various reasons, dumpsters are not
15 necessarily placed in front of businesses
16 in which they originate. Placement can
17 be challenging due to street design,
18 limited spacing. We need to keep a
19 system in place where the dumpsters are
20 properly identified and our investment
21 value is maintained. The Streets
22 Department has to be able to efficiently
23 and accurately determine the business
24 owner and/or hauler responsible for
25 particular dumpsters.

1 2/28/13 - STREETS - BILL 120961, etc.

2 There are still many private
3 dumpsters that are visible to the public
4 and enforcement and can produce many
5 violations.

6 That concludes my testimony.
7 Thank you for the opportunity to testify
8 on this bill, and I would be happy to
9 answer any questions.

10 COUNCILMAN SQUILLA: Thank you
11 for your testimony.

12 I'd like to make an
13 announcement for the record that
14 Councilman Henon is here also at the
15 meeting.

16 I have just a few questions. I
17 know you were saying dumpster license.
18 Dumpsters and cans, correct?

19 COMMISSIONER WILLIAMS: That's
20 correct.

21 COUNCILMAN SQUILLA: So is
22 there a minimal size or maximum size, or
23 no?

24 COMMISSIONER WILLIAMS: Under
25 one cubic yard -- there's different fees

1 2/28/13 - STREETS - BILL 120961, etc.
2 for the different size dumpster. If it's
3 a dumpster under one cubic yard, it's \$80
4 on the private property and it's 150 if
5 it's on the public right-of-way.

6 COUNCILMAN SQUILLA: I know,
7 Mr. Williams, you stated that the
8 enforcement was for the Streets
9 Department to be able to work the streets
10 and walkways to enforce the dumpster
11 violations.

12 COMMISSIONER WILLIAMS: That's
13 correct.

14 COUNCILMAN SQUILLA: So when
15 your guys are out there patrolling and
16 they see violations, either a dumpster
17 without a medallion or an overflowed
18 dumpster or one that's broken that's
19 causing trash -- because the intent of
20 the bill obviously was to clean up a lot
21 of the mess --

22 COMMISSIONER WILLIAMS:
23 Correct.

24 COUNCILMAN SQUILLA: -- that
25 we've had with the trash.

1 2/28/13 - STREETS - BILL 120961, etc.

2 Do you also go inside buildings
3 to inspect their trash cans?

4 DEPUTY COMMISSIONER CARLTON:

5 Not inside the buildings per se, but
6 there are times that dumpsters are within
7 private property, and we do inspect at
8 either strip malls or some locations
9 where there may be views to the public or
10 to a resident's home near that particular
11 entity. So we do go on private property.

12 COUNCILMAN SQUILLA: But you
13 don't go inside the building?

14 DEPUTY COMMISSIONER CARLTON:
15 Don't go inside the building, no.

16 COUNCILMAN SQUILLA: So if
17 there was trash cans inside the
18 buildings, you wouldn't know if they had
19 a medallion on them or not; there's no
20 way of knowing?

21 DEPUTY COMMISSIONER CARLTON:
22 No, we would not, Councilman.

23 COUNCILMAN SQUILLA: If there
24 was a dumpster without a medallion, do
25 you confiscate the dumpster or is there

1 2/28/13 - STREETS - BILL 120961, etc.

2 any process or you just write a ticket

3 because it doesn't have a medallion?

4 DEPUTY COMMISSIONER CARLTON:

5 If the dumpster doesn't have a medallion,

6 we try to determine who's facilitating

7 the dumpster and we write the citation to

8 that entity, to that business.

9 COUNCILMAN SQUILLA: But you

10 won't confiscate the --

11 DEPUTY COMMISSIONER CARLTON:

12 We have confiscated dumpsters after a

13 long period of time when businesses have

14 not come into compliance, but it's not

15 our first course of action.

16 COUNCILMAN SQUILLA: Okay. And

17 the cost of the -- we talked about the

18 licensing fee, \$80, and then was it 150?

19 COMMISSIONER WILLIAMS:

20 Correct.

21 COUNCILMAN SQUILLA: And that's

22 for private property?

23 COMMISSIONER WILLIAMS:

24 Correct.

25 COUNCILMAN SQUILLA: And it's

1 2/28/13 - STREETS - BILL 120961, etc.
2 more for public property?

3 COMMISSIONER WILLIAMS: That's
4 correct.

5 COUNCILMAN SQUILLA: But not in
6 the right-of-way, correct?

7 COMMISSIONER WILLIAMS: If it's
8 in the right-of-way, it's more. It's a
9 higher fee.

10 COUNCILMAN SQUILLA: What's the
11 fee?

12 COMMISSIONER WILLIAMS: I
13 believe 250 for under a cubic yard and
14 500 for over a cubic yard.

15 COUNCILMAN SQUILLA: So that's
16 if it's like blocking the sidewalk or --

17 COMMISSIONER WILLIAMS: Yes,
18 correct.

19 COUNCILMAN SQUILLA: -- in the
20 street or whatever?

21 COMMISSIONER WILLIAMS:
22 Correct.

23 COUNCILMAN SQUILLA: When they
24 pay the fee of the medallion, initially
25 they tell you what to do and they pay an

1 2/28/13 - STREETS - BILL 120961, etc.
2 \$80 fee for the medallion. They then pay
3 a yearly fee after that?

4 COMMISSIONER WILLIAMS: Yes.
5 It's an annual license fee.

6 COUNCILMAN SQUILLA: Annual
7 licensing fee. So if the medallion is
8 lost or something happens to the
9 medallion, if it breaks or falls off or
10 the trash can breaks and they throw it
11 away, what's the cost to replace the
12 medallion?

13 COMMISSIONER WILLIAMS:
14 Twenty-five dollars.

15 COUNCILMAN SQUILLA: Oh, it's
16 \$25.

17 COMMISSIONER WILLIAMS:
18 Twenty-five dollars, yes.

19 COUNCILMAN SQUILLA: And then
20 that medallion would be registered to
21 that business or store for enforcement?

22 COMMISSIONER WILLIAMS:
23 Correct.

24 COUNCILMAN SQUILLA: And if the
25 dumpsters are overflowing, like you said,

1 2/28/13 - STREETS - BILL 120961, etc.
2 even though they have a medallion, they
3 could still be cited?

4 DEPUTY COMMISSIONER CARLTON:

5 Yes.

6 COUNCILMAN SQUILLA: Correct?

7 DEPUTY COMMISSIONER CARLTON:

8 Yes.

9 COUNCILMAN SQUILLA: And is
10 there a certain number of citations that
11 would be issued before you would think
12 about confiscating a dumpster?

13 DEPUTY COMMISSIONER CARLTON:

14 There's nothing on record as to X amount
15 of citations, but when it becomes a
16 nuisance and you're constantly getting
17 calls about a certain location and we
18 have cited the business owner and the
19 hauler, then eventually we'll have it
20 removed. But there's no particular set
21 number.

22 COUNCILMAN SQUILLA: Okay.

23 Thank you.

24 Mr. Greenlee, Councilman

25 Greenlee.

1 2/28/13 - STREETS - BILL 120961, etc.

2 COUNCILMAN GREENLEE: Thank
3 you, Mr. Chairman.

4 Just a couple questions just so
5 I'm clear. And I see Councilman Green is
6 here. I know he was the sponsor of the
7 original bill, which I certainly
8 supported because I think the idea of
9 cleaning up some of the problems that
10 dumpsters were causing was certainly
11 valid.

12 The one concern -- and we might
13 hear it from other people -- is this
14 whole issue of if a dumpster is never in
15 view, why do they have to get a
16 medallion. And so I guess I put that out
17 there. I understand there's some
18 situations where everything is inside.
19 The company goes in, the hauling company
20 goes in, pulls the dumpster out, empties
21 it, puts the dumpster back and leaves.

22 In those kind of cases, how
23 would you even know if there is a
24 medallion or not if it's not visible?
25 You know what I'm saying?

1 2/28/13 - STREETS - BILL 120961, etc.

2 DEPUTY COMMISSIONER CARLTON:

3 That's our challenge. If they are being
4 serviced on the property and none of it
5 hits the curbside, we would not know, but
6 the issue with that is the way the bill
7 is proposed, we still would not know, so
8 there would still be businesses that are
9 placing dumpsters curbside that don't
10 need a medallion, because this will
11 affect across-the-board changes. So
12 anyone, which happens today still, the
13 way it's written now, could come in and
14 say, This is going to be a private
15 property dumpster, I'm never going to
16 have it on a sidewalk. But there will be
17 no way for us to determine that, and they
18 may know that they're going to place it
19 curbside, but they come in with the
20 intention of saving some money. And that
21 still goes on today, and with this
22 proposed bill, it will probably happen
23 more often.

24 COUNCILMAN GREENLEE: I mean, I
25 get what you mean. I understand what

1 2/28/13 - STREETS - BILL 120961, etc.
2 people are saying as far as if they never
3 have it out in the public view. So
4 you're saying how do you really know
5 that?

6 DEPUTY COMMISSIONER CARLTON:
7 How do you know, correct.

8 COUNCILMAN GREENLEE: Because I
9 do think if it's somewhere out in the
10 public view, some people in here -- some
11 of my friends might not agree with me,
12 but I think they need to get the
13 medallion, because there's always a
14 possibility it could be a problem.

15 All right. I'll leave it at
16 that for the time being. Thank you,
17 Mr. Chairman.

18 COUNCILMAN SQUILLA: Thank you.

19 A question back on that. If
20 it's not in public view and stored
21 inside, you're saying they bring it to
22 the curb. Well, if they never bring it
23 to the curb, if somebody comes in, gets
24 it, dumps it, and then brings it back in,
25 what fee or what service are you

1 2/28/13 - STREETS - BILL 120961, etc.
2 providing them that you charge a fee?

3 DEPUTY COMMISSIONER CARLTON:

4 Well, we're not saying that we provide a
5 service. What we're saying is, if a
6 dumpster is kept on the property and it
7 doesn't come to the curb, we won't know.
8 We don't know. But the same ordinance
9 that affects them will still fit that
10 particular store that says, Okay, it's a
11 private property dumpster, I'm going to
12 keep it curbside -- I'm going to keep it
13 on my private property, but I do bring it
14 to the curbside for collection.

15 So that same business that
16 brings it to curbside just for collection
17 and that may be out there for a few hours
18 will have the same benefits that a person
19 that never brings it curbside.

20 COUNCILMAN SQUILLA: So if
21 there was one who just always had it
22 inside and never came out, they
23 wouldn't -- you don't think they would
24 probably need a medallion because it
25 would never be outside, but if they

1 2/28/13 - STREETS - BILL 120961, etc.
2 didn't have a medallion and it came
3 outside and you saw it, they should get a
4 citation, you're saying, but you don't
5 know --

6 DEPUTY COMMISSIONER CARLTON: I
7 don't want to say they would never need a
8 medallion, because there are times that
9 something is set up where they may never
10 come to the curb. But there are times
11 that construction is done at a particular
12 property, renovations are done. So on
13 the normal basis, 90 percent of the time,
14 this may never hit the curb, but during
15 these particular renovations, I have to
16 bring it to the curbside for it to be
17 collected. So even with that being set
18 up, there still may be times that that
19 dumpster that hardly ever hits the curb
20 may have to come to the curb for a period
21 of time.

22 COUNCILMAN SQUILLA: And at
23 that time, they should be able to get a
24 medallion and a license at that point,
25 right? So you're just saying it makes it

1 2/28/13 - STREETS - BILL 120961, etc.
2 easier all the way around for you if
3 everybody just had it, whether you saw it
4 or not, and it would just make it easier
5 for enforcement purposes.

6 DEPUTY COMMISSIONER CARLTON:
7 Just more efficient. More efficient.

8 COUNCILMAN SQUILLA: What do
9 you do now when you see a dumpster or a
10 trash can on the curb without a
11 medallion? How do you know who to give
12 the ticket to now?

13 DEPUTY COMMISSIONER CARLTON:
14 Well, right now we try and identify based
15 on where the dumpster is placed at, the
16 business that it's actually in front of.
17 And at times, they'll still even deny it.
18 So we may go from store to store asking
19 whose dumpster is this and the entire
20 block may deny it.

21 COUNCILMAN SQUILLA: So right
22 now if nobody even paid attention to this
23 law, nobody got medallions, you wouldn't
24 know who to give tickets to. So if
25 everybody went rogue and nobody got

1 2/28/13 - STREETS - BILL 120961, etc.
2 medallions anymore, you would not know
3 who to give a ticket to?

4 DEPUTY COMMISSIONER CARLTON:
5 Correct.

6 COUNCILMAN SQUILLA: I don't
7 know that that is something that we as a
8 city would want obviously, because we
9 want to protect them.

10 So right now if somebody has a
11 trash can and for some reason their
12 medallion breaks and they come out and
13 one of the SWEEPs guys see it and say,
14 You know what, they don't have a
15 medallion, let's give them a ticket, you
16 still would give a ticket to that
17 property the way it works right now,
18 where you think the property belongs to?

19 DEPUTY COMMISSIONER CARLTON:
20 Yes.

21 COUNCILMAN SQUILLA: They might
22 be able to fight it or argue and say,
23 That's not mine. You took a picture of
24 it. That's not mine.

25 DEPUTY COMMISSIONER CARLTON:

1 2/28/13 - STREETS - BILL 120961, etc.

2 We will give a citation most likely to
3 whose property it's on, and then they
4 would have to prove that it's not their
5 citation or that's not their dumpster.

6 COUNCILMAN SQUILLA: So at that
7 time, that's the way you're doing it
8 right now?

9 DEPUTY COMMISSIONER CARLTON:
10 Yes.

11 COUNCILMAN SQUILLA: But you
12 believe that by everybody having these
13 medallions and paying these fees, that
14 does make your job a little easier to
15 enforce and make sure that the right
16 people are being given citations all
17 across the board?

18 DEPUTY COMMISSIONER CARLTON:
19 It helps on both ends. It helps with the
20 actual store or business owner and it
21 also helps with the hauler, because the
22 hauler is responsible for the maintenance
23 of the dumpster.

24 COUNCILMAN SQUILLA: And the
25 fees that are being paid, do they come

1 2/28/13 - STREETS - BILL 120961, etc.
2 back into the Streets Department for the
3 enforcement?

4 DEPUTY COMMISSIONER CARLTON:
5 It goes to the General Fund.

6 COUNCILMAN SQUILLA: It goes
7 into the General Fund?

8 DEPUTY COMMISSIONER CARLTON:
9 Yes.

10 COUNCILMAN SQUILLA: So it
11 never comes back to any enforcement, to
12 help the enforcement or anything like
13 that?

14 DEPUTY COMMISSIONER CARLTON:
15 No.

16 COUNCILMAN SQUILLA: Okay.
17 Is there any other questions?
18 Councilman, do you have any
19 questions?

20 COUNCILMAN GREEN: Yes.

21 COUNCILMAN SQUILLA: Councilman
22 Green.

23 COUNCILMAN GREEN: Thank you,
24 Mr. Chairman.

25 Mr. Williams, while you're

1 2/28/13 - STREETS - BILL 120961, etc.
2 here, before the next panel, or anybody
3 can answer this, the process that we went
4 through when this bill was first put in
5 place, which admittedly the
6 Administration was not very much in favor
7 of when we began a process, we worked
8 together over several years, brought in
9 many stakeholders, including the haulers
10 themselves, many users. There was a
11 process where the City itself with the
12 haulers went to some dump sites and
13 figured out different ways to put the
14 medallions on dumpsters.

15 Were you at any of those
16 meetings and the test of the medallion
17 staying on dumpsters and things like
18 that?

19 COMMISSIONER WILLIAMS: Yes,
20 sir.

21 COUNCILMAN GREEN: And so we
22 went through a whole process with the
23 industry and figured out where to place
24 medallions on dumpsters so that they
25 wouldn't be damaged in the process or

1 2/28/13 - STREETS - BILL 120961, etc.
2 fall off, et cetera, and that was quite
3 an ordeal that we went through with the
4 industry, would you say?

5 COMMISSIONER WILLIAMS: That's
6 correct.

7 COUNCILMAN GREEN: And the
8 result of that with respect to the
9 industry in general and most people, do
10 you ever hear about -- is there a large
11 number of people that are losing
12 medallions and having to come in and get
13 them again? Because I've checked with
14 the hauling industry, and basically they
15 say they may lose one or two a month or
16 something gets damaged or injured, but
17 it's not like they're having a huge
18 problem as they come collect -- where
19 they're having to replace medallions on
20 dumpsters all the time.

21 COMMISSIONER WILLIAMS: I can
22 try to get that number for you, but we
23 have not had an overwhelming majority of
24 complaints regarding --

25 COUNCILMAN GREEN: Do you give

1 2/28/13 - STREETS - BILL 120961, etc.
2 instructions to people who take the
3 medallion in terms of the way that the
4 City went through the testing with the
5 industry in order to determine how to
6 keep them on and make sure they stay on?

7 COMMISSIONER WILLIAMS: Yes.
8 It's done when we issue the license.

9 COUNCILMAN GREEN: So you say
10 rivet at the top right of the big
11 dumpster and you won't have any problems.
12 That's provided to people at the time
13 you --

14 COMMISSIONER WILLIAMS: That is
15 the process, that's correct.

16 COUNCILMAN GREEN: So we're not
17 giving people screws and saying that that
18 would work, because we know that doesn't
19 work based on our testing.

20 COMMISSIONER WILLIAMS: That's
21 correct.

22 COUNCILMAN GREEN: With respect
23 to -- I just wanted to clarify something.
24 What was the enforcement process before
25 this dumpster bill passed? What

1 2/28/13 - STREETS - BILL 120961, etc.
2 percentage of our tickets that we wrote
3 actually got collected?

4 COMMISSIONER WILLIAMS: I'll
5 defer to the Streets Department.

6 DEPUTY COMMISSIONER CARLTON: I
7 can't give you that information right
8 now. I don't have that, but I can get it
9 for you.

10 COUNCILMAN GREEN: It was 24
11 percent. On about two and a half million
12 dollars of annual tickets, we collected
13 24 percent of that and had to waive the
14 rest of the tickets. Do you recall why
15 we had to waive tickets and not be able
16 to enforce our laws that we pass?

17 COMMISSIONER WILLIAMS:
18 Councilman, I don't want to speak for the
19 Streets Department, but when those
20 citations were dismissed, we wouldn't
21 have that information that OAR could
22 provide you, like with the dismissal
23 rate, but what we do know is that it was
24 very difficult for us to identify which
25 dumpster belonged to which property.

1 2/28/13 - STREETS - BILL 120961, etc.

2 COUNCILMAN GREEN: So without
3 the requirement of a medallion or some
4 kind of identifying mark on the sticker,
5 all the Streets Department will know with
6 respect to a dumpster, whether it's on a
7 shopping center, private piece of
8 property in the back, or whether it's on
9 the street, is who the hauler is; is that
10 correct?

11 COMMISSIONER WILLIAMS: Yes.
12 The previous process required the
13 dumpster to have the license actually
14 posted on the dumpster, but that posed
15 some problems.

16 COUNCILMAN GREEN: Right. And
17 the problem there was often that it was a
18 paper license.

19 COMMISSIONER WILLIAMS:
20 Correct.

21 COUNCILMAN GREEN: And it would
22 be graffitied over or it would be torn
23 off or it would be torn in the last
24 thing. And so all you knew was who the
25 hauler was, and as a consequence, you

1 2/28/13 - STREETS - BILL 120961, etc.
2 wrote tickets to the hauler and not the
3 user because you couldn't identify the
4 user, you couldn't prove that the
5 dumpster in back of an alley or a store
6 belonged to that store, because often
7 dumpsters are not -- are located away
8 from the back of a particular person's
9 property, et cetera, and so basically we
10 had a law that we had no ability to
11 enforce effectively.

12 COMMISSIONER WILLIAMS: That's
13 an accurate assessment.

14 COUNCILMAN GREEN: So now we
15 have a law that the enforcement is
16 working, people are paying for the
17 medallion and they're paying their fees
18 and fines when we actually do issue a
19 ticket, because on the RFID tag is both
20 the name of the user of the dumpster and
21 the hauler with their proper, correct
22 information, and the process that used to
23 exist was, you looked at the paper permit
24 and you had to call and confirm that they
25 actually had a license, actually had the

1 2/28/13 - STREETS - BILL 120961, etc.
2 permit still in effect, you wrote it down
3 on a piece of paper, you went back to the
4 office and you spent a lot of time
5 tracking down whether the license and
6 permit are still valid. Now with the
7 RFID tag, all of that is automated for
8 the people in the field. So we have a
9 far more efficient process. I believe we
10 went from eight steps to issue a ticket
11 to three or four steps; is that right?

12 COMMISSIONER WILLIAMS: That's
13 correct.

14 COUNCILMAN GREEN: So if we
15 remove the requirement of a medallion, we
16 would be going back to a manual process
17 from an automated, much more efficient
18 process; is that correct?

19 COMMISSIONER WILLIAMS: That's
20 correct.

21 COUNCILMAN GREEN: And I guess,
22 finally, if we created a system where
23 some dumpsters did not need, especially
24 totes, for example, did not need an RFID
25 tag or some other kind of permit on the

1 2/28/13 - STREETS - BILL 120961, etc.
2 dumpster or tote or trash can itself, you
3 would end up in a situation where every
4 person who gets a ticket would be able to
5 come claim to the BAA that they don't
6 normally have it out, it was out for
7 pickup that day, and there would be no
8 way for us to be able to enforce our laws
9 anymore or our enforcement would be
10 severely deteriorated as a consequence of
11 that. Would you agree with that?

12 COMMISSIONER WILLIAMS: Yes.

13 COUNCILMAN GREEN: Okay. So
14 the fact that someone claims it is only
15 inside, we would have no way to question
16 that. Then the industry wouldn't be
17 forced to make sure that there's a
18 medallion on it before they picked it up,
19 and you'd have a lot of people avoiding
20 paying the initial license fee.

21 COMMISSIONER WILLIAMS: That
22 could potentially happen.

23 COUNCILMAN GREEN: And the
24 initial permit fee.

25 Okay. So I want to separate

1 2/28/13 - STREETS - BILL 120961, etc.
2 out the issue for a second of the fee
3 from the need for a medallion in order to
4 promote the consistent enforcement of the
5 law. You're saying a medallion or other
6 identifying thing is needed on every
7 single tote or dumpster or whatever in
8 order to know who the hauler is and who
9 the user is, otherwise you can't issue
10 tickets.

11 COMMISSIONER WILLIAMS: We can
12 issue a ticket, but it would be --

13 COUNCILMAN GREEN: You won't be
14 able to collect it, as in the past.

15 COMMISSIONER WILLIAMS: It
16 would be very difficult if we had to try
17 to identify property owners.

18 COUNCILMAN GREEN: So we've
19 gone from -- the number one complaint I
20 hear from community organizations and
21 other people is that we have all these
22 laws on the books that we don't enforce,
23 and here we have a law where, through the
24 work of both of your departments, we're
25 actually now able to enforce this law. I

1 2/28/13 - STREETS - BILL 120961, etc.
2 think the dumpsters across the City are
3 cleaner and better since people have
4 learned that the law is being enforced,
5 and behavior has followed.

6 And so if you separated those
7 two things out, I think we don't -- I
8 would agree with you that we don't want
9 to lose the ability to continue to
10 properly enforce the law. And so I don't
11 know what the cost is of a replacement
12 RFID tag, but one of the complaints
13 through one of -- that's in the testimony
14 of one of our great corporate citizens is
15 that they have employees who don't know
16 not to throw away -- not to remove the
17 tote. And I would say that shouldn't
18 really be the City's issue. But they
19 also do legitimately lose some and other
20 things.

21 And so for someone who has
22 already gotten the RFID tag, given the
23 very low cost of the tag for ourselves --
24 my recollection is it's a couple dollars.
25 Rather than trying to make a revenue

1 2/28/13 - STREETS - BILL 120961, etc.
2 center for people who have already
3 purchased their license and paid for it,
4 would it be possible for us to process
5 re-issuances of a particular RFID tag for
6 \$5 or \$10, such that we're not
7 eliminating the whole enforcement regime
8 which appears to be working across the
9 City? Is that something that -- I'm not
10 asking you to agree to that or not agree
11 to that, because I know you -- at this
12 moment, but does that solve your
13 enforcement problem if everything is
14 still required to have the RFID tag?

15 COMMISSIONER WILLIAMS: If
16 lowering the fee it would help us to
17 continue to identify the property owner,
18 we would have to take a look at what the
19 cost -- or not just for the cost -- the
20 fixed cost for the medallion, but the
21 processing fees and all of those type of
22 things. That's something that we could
23 take a look at it certainly.

24 COUNCILMAN GREEN: Okay. But
25 if we accomplish people's objective that

1 2/28/13 - STREETS - BILL 120961, etc.
2 way, it wouldn't affect the enforcement
3 of the law in terms of our ability to
4 collect a much higher percentage of our
5 fees and fines for people who have
6 lower-flowing dumpsters or dumpsters with
7 graffiti or et cetera. You accept that?

8 COMMISSIONER WILLIAMS: That's
9 an accurate statement, yes.

10 COUNCILMAN GREEN: So I'm
11 separating enforcement from fees, and I
12 just wanted to get your opinion on that
13 before the next panel showed up.

14 So thank you very much for your
15 testimony, and you've done -- both
16 departments have done tremendous work
17 implementing and enforcing this law, and
18 I really appreciate all the hard work
19 that you've done over the last few years.
20 It's made a true difference, I think. So
21 thank you.

22 COMMISSIONER WILLIAMS: Thank
23 you, sir.

24 COUNCILMAN SQUILLA: Is there
25 any other questions for this panel?

1 2/28/13 - STREETS - BILL 120961, etc.

2 (No response.)

3 COUNCILMAN SQUILLA: Guys,
4 thank you very much for your testimony.
5 Appreciate it.

6 Mr. McMonagle, please read the
7 next panel, please.

8 THE CLERK: James Giblin,
9 General Manager of the Kennedy House;
10 Fred Wood from Wawa Inc., and Tony
11 Campisi from Community Association
12 Institute.

13 (Witnesses approached witness
14 table.)

15 COUNCILMAN SQUILLA: Thank you,
16 gentlemen. Please state your name for
17 the record and then proceed with your
18 testimony. We'll wait to ask questions
19 after all you guys have finished. Thank
20 you.

21 MR. GIBLIN: Thank you,
22 Chairman Squilla and members of the
23 Streets and Services Committee. My name
24 is James T. Giblin. I'm the General
25 Manager of the Kennedy House located at

1 2/28/13 - STREETS - BILL 120961, etc.
2 1901 JFK Boulevard here in Philadelphia.
3 I also serve as the President of the
4 Greater Philadelphia Condominium Managers
5 Association, also known as GPCMA.

6 I'm here to testify on support
7 of the amendment to abolish the dumpster
8 license fee, along with the required RFID
9 medallions that are currently affixed to
10 our private dumpsters. That's true of
11 all the condos and co-ops that are in my
12 association.

13 This license, enacted in 2010,
14 costs the Kennedy House \$1,425 per year
15 for our 11 dumpsters. Please note that
16 our dumpsters, like many of our GPCMA
17 members' dumpsters, are located on
18 private property. This license added
19 more pain and outrage to the current
20 state of the City's refusal to pick up
21 trash for our properties or to reduce our
22 real estate taxes based on the City
23 services provided to all other
24 residential taxpayers within this great
25 city.

1 2/28/13 - STREETS - BILL 120961, etc.

2 Please let me give you a little
3 background on the GPCMA. This
4 organization, of more than 50 condo and
5 cooperative buildings managers, was
6 founded in 1985. The reason for the
7 emergence of this group was due to the
8 inequity of what I call taxation without
9 representation regarding the trash issue.
10 That was as true then as it is today.

11 Our residential buildings are
12 taxed at or above the level of other
13 private residences in the City of
14 Philadelphia, but we don't get all the
15 services provided by the City because we
16 are considered by many as vertical
17 neighborhoods.

18 To use my building as an
19 example again, the individual units of
20 the Kennedy House, currently numbering
21 559 units, if they were to be spread out
22 at ground level, it would be equivalent
23 to any of the neighborhoods in our great
24 city. The difference is that our
25 residents cannot store their trash in

1 2/28/13 - STREETS - BILL 120961, etc.
2 their units for a once-a-week City trash
3 pickup. We're required to contract for
4 trash pickups once per day seven days per
5 week. Again, using my building as an
6 example, we spend approximately \$45,000 a
7 year for this service. That equates to
8 approximately \$80 per unit per year in my
9 building for this needed service.

10 The trash dumpster medallion
11 issue has added pain and even more
12 outrage to the longstanding inequity by
13 adding the need for a license for each
14 dumpster that we store on our private
15 loading dock. It's not on the street.

16 Please note, this area is
17 private, it's cleaned daily, and of no
18 consequence of any of our local
19 neighbors. This license, in essence, has
20 been thrown back in our face after the
21 City has refused twice to follow the
22 directions of City Council on trash
23 issues for condos and co-ops.

24 Other states and cities have
25 found ways to either compensate those

1 2/28/13 - STREETS - BILL 120961, etc.
2 organizations, condos, co-ops and HOAs,
3 for their expense in having trash removed
4 from their properties. The City of
5 Philadelphia only offered to pick up our
6 trash once a week if we piled it at the
7 curb for City trucks to take. You can
8 imagine what that would do to the
9 neighborhoods in which our buildings are
10 located. We all know that that offer was
11 made tongue and cheek by past and present
12 Administrations, but it's not a viable
13 option to those residents who live in our
14 condos and co-ops within the City. But
15 it may be an option to show the impact
16 that would have on our neighborhoods.

17 I ask that each of you consider
18 that our residents pay taxes and occupy
19 the fastest-growing neighborhood in the
20 entire city. That has been true for now
21 two decades. That neighborhood is Center
22 City Philadelphia. It's been estimated
23 that our residents number more than
24 30,000 people. Some of those residents
25 are here in this chamber. I ask you to

1 2/28/13 - STREETS - BILL 120961, etc.

2 please take note of that.

3 Please remove the dumpster
4 license requirement that does not need to
5 apply to our buildings where the
6 dumpsters are stored on private property
7 and maintained on a daily basis. The
8 dumpster license should be applied to
9 those entities, rightly so, who have
10 abused the privilege of storing their
11 dumpsters on public land, but fail to
12 monitor their cleanliness and caused a
13 blight on all of our communities.

14 Thank you very much.

15 COUNCILMAN SQUILLA: I'm going
16 to stop before we go to the next
17 testimony, because I have a question and
18 then Councilman Greenlee has a question.

19 Your condos have how many
20 units?

21 MR. GIBLIN: It's a cooperative
22 building called the Kennedy House, Inc.,
23 and it's 559 units.

24 COUNCILMAN SQUILLA: How many
25 dumpsters do you have?

1 2/28/13 - STREETS - BILL 120961, etc.

2 MR. GIBLIN: We have 11
3 dumpsters, including three trash
4 recycles.

5 COUNCILMAN SQUILLA: Including
6 three. And each one of them you pay a
7 fee?

8 MR. GIBLIN: Yes.

9 COUNCILMAN SQUILLA: Now, are
10 these dumpsters picked up daily?

11 MR. GIBLIN: On a daily basis,
12 yes, sir.

13 COUNCILMAN SQUILLA: Every day.
14 And they are stored on private property,
15 but they're in sight of the public?

16 MR. GIBLIN: Unless you walked
17 up to my loading dock and looked in, you
18 couldn't see the dumpsters. That's where
19 they're stored.

20 COUNCILMAN SQUILLA: Okay.
21 Thank you.

22 Councilman Greenlee.

23 COUNCILMAN GREENLEE: Thank
24 you, Mr. Chairman.

25 Mr. Giblin, first, let me just

1 2/28/13 - STREETS - BILL 120961, etc.
2 say I have supported and will support the
3 tax credit for your buildings that do not
4 get their trash picked up. I don't think
5 that's fair.

6 (Applause.)

7 COUNCILMAN GREENLEE: Now for
8 all those people who applauded, you're
9 going to get mad at me, because I
10 actually -- I think where I agree with
11 you on that issue, I think this issue is
12 different, with all due respect. And I
13 think there is a big difference in what
14 you said, and maybe not for your
15 building, but I think for a lot of
16 buildings. You said you store it either
17 inside or on your private property. Now,
18 on your private property is outside
19 somewhere, and depending on the makeup of
20 your property, it could be very visible
21 to surrounding properties. I don't know
22 if yours is or not. But certainly we
23 have heard complaints over the years
24 about dumpsters on private property that
25 were overflowing, were smelling, were

1 2/28/13 - STREETS - BILL 120961, etc.
2 causing various problems because they
3 overflow. That trash could blow onto the
4 next-door neighbor.

5 So I do think that there is a
6 significant difference, even if it's on
7 private property, but it's outside, if
8 it's outside in the public view. If it's
9 inside and the hauler goes inside and
10 gets it, I understand why your concern
11 would be, Well, why do I have to pay for
12 a medallion. And just I guess like a lot
13 of other things, laws get passed because
14 some people violate the decent way of
15 doing things. That doesn't mean
16 everybody does, but sometimes people have
17 to also get the assessment, if you will,
18 because of that. And I have to tell you,
19 I think there are a lot of cases where
20 private buildings, be they apartments or
21 business establishments, where the
22 dumpster may not be on the sidewalk or in
23 the street, but it is in the public view
24 on their private property and has caused
25 a problem. And I think that's why --

1 2/28/13 - STREETS - BILL 120961, etc.
2 and, again, I supported this law when it
3 was first put forth, and that was one of
4 the reasons, because it wasn't just being
5 on the public right-of-way. It was also
6 being on private land but also -- but
7 causing a problem for the community. So
8 to me, I see that's a significant
9 difference.

10 MR. GIBLIN: May I respond?

11 COUNCILMAN GREENLEE: Sure.

12 MR. GIBLIN: Again, I'll just
13 talk about my building, the Kennedy
14 House.

15 Where the dumpsters are stored
16 is our loading dock area. That is inside
17 rolling steel doors that are open only
18 between the hours of 9:00 and 5:00, 9:00
19 a.m. to 5:00 p.m. each day. The trash
20 hauler usually comes in between 7:30 and
21 8:00 a.m. We open up the door for him.
22 The trash dumpsters are then taken away
23 by the truck and subsequently the
24 dumpsters are back inside that area.

25 It's on Cuthbert Street, if you

1 2/28/13 - STREETS - BILL 120961, etc.
2 know Cuthbert. It's a single-lane street
3 running west to east between 20th and
4 19th. There is little, if any, other
5 residences or other properties that would
6 be able to look into the loading dock
7 area. And even so -- again, I'm talking
8 very subjectively here, but even so, we
9 take care of those dumpsters. They are
10 maintained constantly by our trash
11 hauler. Additionally, our men every day
12 wash the dumpsters down, wash the loading
13 dock area down. I find more debris
14 outside. And alluding to what I had said
15 earlier in my testimony, if we followed
16 up on one of the recommendations made by
17 the previous Administration and just put
18 all of our trash for pickup on the curb,
19 I think that would provide a bigger
20 impact of negativity in the City and the
21 surrounding neighborhoods.

22 What we feel is, the inequity
23 has grown to the fact that now on our own
24 property, we have to pay not only to have
25 the trash removed but to put medallions

1 2/28/13 - STREETS - BILL 120961, etc.
2 on it. And it's very easy to identify in
3 my property, and I can name several
4 others that are configured the same way,
5 that you could tell it's the
6 Philadelphian or it's the Kennedy House
7 or it's the Academy House's trash
8 compactors whether or not they have
9 medallions.

10 So all I see is a revenue
11 stream that the City has found a way to
12 make it easier for them to charge. And
13 for the people that are violating the
14 rule, I absolutely agree 100 percent.
15 I've seen those dumpsters as you have on
16 the street on public land that somebody
17 is not taking care of and they're being
18 ripped apart by vermin and winds and
19 making the area just terrible. I like
20 the way the City is today.

21 I must also tell you that I
22 served 24 years in the Philadelphia Fire
23 Department. I love this city. I was
24 born and raised here. I see this city
25 has gotten better over the last 20 years

1 2/28/13 - STREETS - BILL 120961, etc.
2 than ever before. It's getting better
3 and better, and it's a world-class city
4 now. I want to keep it that way. I just
5 feel that condos, co-ops, and HOAs, as
6 some other of my friends here will
7 testify, have been unduly put upon to
8 bring more income into the City that
9 really should be applied -- the fees that
10 are applied should be applied properly.

11 COUNCILMAN GREENLEE: Okay. I
12 mean, we're obviously -- I understand
13 what you're saying, and I think -- I know
14 your building. I know the Philadelphian
15 very well. They take care of their
16 building. But I guess I would have
17 difficulty differentiating how you say,
18 Well, it's okay then that you don't get
19 the medallion, but what about these other
20 buildings that have it on private land
21 and do not maintain it right? And
22 sometimes it's easy to identify, but
23 sometimes it's not. The dumpster is
24 pushed down the street. It's not real
25 clear who it belongs to. And I think

1 2/28/13 - STREETS - BILL 120961, etc.
2 when you -- this medallion, I think as
3 was testified, seems to make it very easy
4 to identify, and I think that has been
5 the idea from the beginning.

6 Look, you know, no legislation
7 takes care of everything. So, I mean, I
8 understand what you're saying. I
9 appreciate it, but I do think there is a
10 difference between inside the building
11 but outside on private land. So I won't
12 belabor that.

13 Thank you.

14 COUNCILMAN SQUILLA: Thank you.
15 Councilman Green.

16 COUNCILMAN GREEN: Thank you,
17 Mr. Chairman. I'll wait until everybody
18 testifies. Thanks.

19 COUNCILMAN SQUILLA: Okay.

20 State your name for the record
21 and please proceed with your testimony.

22 MR. CAMPISI: Good afternoon.
23 My name is Tony Campisi. I'm the
24 Executive Director of Community
25 Associations Institute and I appreciate

1 2/28/13 - STREETS - BILL 120961, etc.
2 the opportunity to testify before this
3 Committee.

4 I serve as Executive Director
5 of the Pennsylvania and Delaware Valley
6 Chapter of Community Associations
7 Institute, a 33,000-member national
8 organization dedicated to building better
9 communities. CAI provides information,
10 education, and resources to
11 association-governed communities,
12 including condominiums, cooperatives, and
13 homeowner associations, and the
14 professionals that support these
15 communities. The Pennsylvania Chapter
16 represents an estimated 15,000 such
17 communities across the Commonwealth,
18 including approximately 900 communities
19 with thousands of housing units within
20 the City of Philadelphia. Tens of
21 thousands of Philadelphians call these
22 association-governed communities home.

23 I am here to offer testimony in
24 support of City Council Bill and
25 Amendments 130016, which would change the

1 2/28/13 - STREETS - BILL 120961, etc.
2 City's recent dumpster law by exempting
3 from the trash dumpster medallion and
4 license fee requirements all dumpsters
5 that are stored on private property and
6 not on the public right-of-way. Many
7 Philadelphia condominium and cooperative
8 buildings would benefit from this
9 legislative change.

10 Tens of thousands of
11 Philadelphia residents make their home
12 within condominiums and cooperatives
13 across this city. In many cases, because
14 these associations are often mistaken for
15 commercial buildings, the residents of
16 these communities pay for various
17 municipal services twice, once in the
18 form of municipal property and wage taxes
19 and a second time in the form of private
20 contracts for municipal services not
21 provided by the City government. It is
22 well documented that Philadelphians who
23 live in these associations have long been
24 denied equitable treatment in the
25 delivery of municipal services. Most

1 2/28/13 - STREETS - BILL 120961, etc.
2 notably, the City has denied the
3 provision of refuse collection to many of
4 these associations despite the fact that
5 those who live in them pay the same level
6 of municipal taxes as their neighbors who
7 live in single-family homes.

8 These homes are not apartments.
9 They are not commercial buildings. They
10 are single-family homes that happen to
11 share some common element, a roof, an
12 elevator, a community room or a common
13 wall. But when it comes to the delivery
14 of various municipal services, most
15 notably refuse collection, these
16 homeowners, many of whom live in quite
17 simply vertical row homes, are treated
18 differently than their neighbors who do
19 not live in an association-governed
20 community. They are charged as part of
21 the municipal taxes for City refuse
22 collection, but for decades, amid Council
23 debate, mayoral vetoes and years of
24 litigation, the City is still unable to
25 adequately provide what ought to be a

1 2/28/13 - STREETS - BILL 120961, etc.
2 fundamental city service to these
3 residents, compelling these residents to
4 hire private contractors to the tune of
5 thousands of dollars, forcing them, in
6 effect, to pay twice for refuse
7 collection.

8 Now, due to legislation adopted
9 by Council in 2010, these residents are
10 forced to bear additional refuse
11 collection costs in the form of expensive
12 medallions and licenses for their trash
13 collection dumpsters.

14 At what point is enough enough?
15 Several years ago, the City offered a
16 deal to these residents by proposing that
17 the City would pick up trash from these
18 associations once a week if the trash
19 were to be piled at the curb. Imagine
20 what it would be like if Society Hill
21 Towers piled its garbage from hundreds of
22 homeowners on the street corner in the
23 sweltering heat of July during the
24 Welcome America Celebration when tens of
25 thousands of visitors flood the City's

1 2/28/13 - STREETS - BILL 120961, etc.
2 historic district.

3 Imagine what it would be like
4 if the Symphony House, located on the
5 Avenue of the Arts, piled its garbage
6 from hundreds of residents on the street
7 corner a half a block from the Kimmel
8 Center during tomorrow evening's
9 performance of the world-famous
10 Philadelphia Orchestra.

11 Imagine what it would be like
12 if the Residences at the Ritz, located
13 directly across the street from where we
14 sit today, piled its garbage from
15 hundreds of residents on the street
16 corner on New Year's Day as the Mummers
17 march proudly around City Hall to the
18 reviewing stand in plain site of the
19 television cameras broadcasting the
20 world-famous event.

21 Some day the residents who live
22 in these buildings may take the City up
23 on its offer to pile their garbage high
24 on the street corner. I guarantee you,
25 it will not be a pretty sight, as it sits

1 2/28/13 - STREETS - BILL 120961, etc.
2 rotting waiting for the City to pick it
3 up. I trust this sounds as ridiculous to
4 you as it does to us.

5 It is clear that the issue of
6 municipal refuse collection from
7 condominiums and cooperative buildings
8 will not be solved easily or soon.
9 However, the trash dumpsters that are
10 used by these buildings are located on
11 private property. They are cared for and
12 cleaned properly and should not be
13 subject to costly and burdensome
14 regulations that were intended to force
15 commercial property owners with dumpsters
16 stored on the public right-of-way to
17 maintain the cleanliness of their
18 dumpsters and this city. This is an
19 issue that can and should be easily
20 fixed.

21 I urge Council to adopt this
22 bill and remove this unnecessary added
23 cost from residents who live in
24 condominium and cooperative buildings in
25 Philadelphia. And I thank you for the

1 2/28/13 - STREETS - BILL 120961, etc.

2 opportunity to testify.

3 (Applause.)

4 COUNCILMAN SQUILLA: Thank you

5 very much.

6 Please state your name for the

7 record and proceed with your testimony.

8 MR. WOOD: Good afternoon. My

9 name is Fred Wood. I am the Waste

10 Recycle and Sustainability Manager for

11 Wawa Incorporated.

12 On behalf of Wawa Incorporated,

13 I thank you, Chairman Squilla and the

14 Committee members, for the opportunity to

15 speak in support of Council Bill 130016,

16 which would exempt trash containers that

17 are maintained in enclosed areas or on

18 private property and only temporarily

19 placed in the public right-of-way for

20 pickup from the medallion requirement.

21 In 2010, Wawa acquired and

22 installed 226 medallions on totes, which

23 are smaller trash containers, and

24 dumpsters throughout our Philadelphia

25 stores, costing us nearly \$19,000. Last

1 2/28/13 - STREETS - BILL 120961, etc.
2 year, medallion fees paid for by Wawa for
3 221 totes and seven dumpsters at our 38
4 stores in Philadelphia again cost us
5 nearly \$19,000.

6 All totes are owned by Wawa,
7 and our dumpsters are owned by our
8 private haulers. These totes of varying
9 sizes are maintained inside the store or
10 on private property. Likewise, our
11 dumpsters are stored in an enclosed area
12 or on Wawa's property.

13 Also last year we replaced 113
14 of our totes-style containers, which were
15 lost due to wear and tear, and also had
16 to reinstall medallions. Many times our
17 store managers are not aware that the
18 medallions must be installed when the new
19 totes are purchased or replaced.

20 While we applaud the intent of
21 this legislation to maintain order and
22 cleanliness of the City's right-of-ways,
23 we believe issuing medallions on
24 dumpsters or trash containers that are
25 maintained in enclosed areas and only

1 2/28/13 - STREETS - BILL 120961, etc.

2 placed on public property for trash
3 pickup is an unintended consequence.

4 In addition to the costs
5 incurred for the medallions that must be
6 displayed on the containers that are not
7 kept on public property, the process is
8 very cumbersome to Wawa. It's
9 time-consuming to administer and requires
10 detailed record-keeping. The response
11 time has been slow in order to pick up
12 new or replacement medallions. In one
13 instance last year we waited two months
14 for a medallion order to be filled.
15 There needs to be a consistent
16 enforcement and training on behalf of the
17 City regarding the medallion issuance.

18 We are asking City Council to
19 please consider eliminating the
20 requirement for medallions on the trash
21 containers that are stored within the
22 interior of the business or are
23 maintained on private property or, at the
24 very least, simplify the process.

25 Thank you very much for your

1 2/28/13 - STREETS - BILL 120961, etc.
2 time.

3 COUNCILMAN SQUILLA: Thank you
4 for your testimony. You did state that
5 you have totes and dumpsters. Obviously
6 your dumpsters aren't stored inside, are
7 they?

8 MR. WOOD: No. In most cases,
9 they're stored in enclosed areas. We
10 have a few that are outside.

11 COUNCILMAN SQUILLA: How about
12 your totes?

13 MR. WOOD: All the totes are
14 stored inside, or they're supposed to be
15 stored inside, and they're taken --
16 they're picked up by the hauler. The
17 hauler actually comes inside and takes
18 them out and returns them.

19 COUNCILMAN SQUILLA: Brings the
20 totes back in?

21 MR. WOOD: Back into the
22 building.

23 COUNCILMAN SQUILLA: And where
24 do you store the totes in the building?
25 Is there a trash area that you --

1 2/28/13 - STREETS - BILL 120961, etc.

2 MR. WOOD: There is a trash
3 area at the very least. In some cases we
4 have actually a trash room.

5 COUNCILMAN SQUILLA: Okay.
6 Thank you very much.

7 Councilman Greenlee.

8 COUNCILMAN GREENLEE: Thank
9 you, Mr. Chairman.

10 Not to belabor this point, but
11 you state in the statement areas on
12 private property or temporarily placed on
13 the public right-of-way. What's
14 "temporarily"? I mean, what would be the
15 normal time they might be on the
16 right-of-way, would you think? I mean,
17 roughly. I'm not saying the exact
18 minute.

19 MR. WOOD: A couple hours.

20 COUNCILMAN GREENLEE: I mean,
21 in fairness, couldn't in those couple
22 hours, if it's not put out properly --
23 and, look, I'm not just talking about
24 Wawa. Anybody that has this kind of
25 system. They could be overflowing. They

1 2/28/13 - STREETS - BILL 120961, etc.
2 might get knocked over, you know, that
3 kind of thing. They might not be
4 maintained properly, let's put it that
5 way. Isn't that possible?

6 MR. WOOD: I would agree with
7 that comment, but it's our intent to keep
8 them inside until they are picked up
9 because of that very reason.

10 COUNCILMAN GREENLEE: But you
11 said "it's our intent," but then you said
12 they could be out a couple hours or they
13 could be out -- and not just Wawa, any
14 other kind of business like this.

15 So I guess my -- and I
16 understand what everybody is saying, but
17 my concern is, if they're out there, that
18 was what we were trying to legislate.
19 And what you're saying, with all due
20 respect, is even going like a step
21 farther than what the two gentlemen said,
22 is that you admit that there at least are
23 parts of times that they're out there on
24 the public right-of-way. So it makes it
25 difficult for me to say, Well, why

1 2/28/13 - STREETS - BILL 120961, etc.
2 shouldn't you have the medallion then if
3 you're out on the public right-of-way at
4 least some of the time. And, again, I
5 think if you're on private property but
6 are visible -- and I'm aware of some
7 Wawa's. Certainly that's the case. You
8 know, that gives me concern. I guess
9 that's the best way I can say it.

10 Thank you.

11 COUNCILMAN SQUILLA: Councilman
12 Green.

13 COUNCILMAN GREEN: Thank you,
14 Mr. Chairman.

15 I think, just to be clear, the
16 intent of the law was to promote the
17 ability to enforce dumpster regulations,
18 which I hope that the people from the
19 condo association and the co-ops and
20 Community Association Institute would
21 agree that over the last few years in
22 Center City and in other places, the
23 regulation of dumpsters has been
24 consistent. They're much cleaner.
25 They're lined up properly. They're

1 2/28/13 - STREETS - BILL 120961, etc.
2 stacked properly. If you go on Sansom
3 Street and other streets, it is a much
4 better situation now that the City's
5 enforcement arm is actually able to
6 collect fines for people who have
7 graffiti on their dumpsters, because they
8 know whose it is, they know who the user
9 is who is responsible for cleaning that.

10 And so that is the purpose of
11 this law. It was not to collect a fee.
12 There was a fee for a license on private
13 property prior to the requirement of an
14 RFID tag, and there is a fee for a
15 license to have a dumpster on private
16 property.

17 I do believe the fee went up a
18 little bit to help with enforcement in
19 2010 when we passed this law, but the
20 intent of the law was not to increase
21 fees. It was to promote enforcement, and
22 I believe that enforcement actually
23 raises the property value of everybody
24 who lives in Center City and is around
25 what otherwise would be messier dumpsters

1 2/28/13 - STREETS - BILL 120961, etc.

2 that are cleaner dumpsters, et cetera.

3 So I just want to be clear that
4 that was the purpose of the law. It was
5 not a revenue grab. And I believe that
6 it's been extraordinarily effective.

7 I think all three people who
8 testified here are really the exceptions
9 that prove the rule. The problem is, if
10 we didn't have the medallion requirement
11 because of good actors like yourself, all
12 of the bad actors who have totes out on
13 the street and who have dumpsters out on
14 the street would go back to a pre-2010
15 system, because there would be no
16 requirement on the hauler to make sure
17 that they're only picking up from a
18 medallion thing.

19 So I would just like to -- I
20 would just like to separate for a second
21 something. I hope you all agree that all
22 of you benefit from the proper
23 enforcement of our dumpster laws in order
24 to keep our streets cleaner and to have a
25 prettier city to present to the world.

1 2/28/13 - STREETS - BILL 120961, etc.

2 Is that -- would everybody agree with
3 that?

4 (Witnesses nodding head in the
5 affirmative.)

6 COUNCILMAN GREEN: Yes? Okay.
7 Let the record reflect they all nodded
8 yes.

9 So really you're not
10 complaining about consistent application
11 of -- other than Wawa maybe. But now
12 that the medallions are on your dumpsters
13 in the buildings and Kennedy House and
14 other places, you're complaining about
15 the cost associated with the license fee.
16 In both of your testimony, it really
17 mostly was about the cost and not about
18 the fact that an RFID tag had to be on
19 it.

20 MS. CAMPISI: It sounds to me,
21 Councilman, as if this is an
22 identification -- that the City had an
23 identification issue with dumpsters. And
24 if that's the case and if this has solved
25 the issue, why not tell the people who

1 2/28/13 - STREETS - BILL 120961, etc.
2 own the dumpsters, the haulers, the
3 private haulers, let them bear the burden
4 of being able to identify their own
5 dumpsters when our members, when the
6 Kennedy House --

7 COUNCILMAN GREEN: Let me just
8 stop you right there. The people you
9 represent, don't they already have RFID
10 tags on their dumpsters?

11 MR. GIBLIN: Yes.

12 COUNCILMAN GREEN: So like
13 you're here to argue to rip it off?

14 MS. CAMPISI: No. We're here
15 to object to a third cost.

16 COUNCILMAN GREEN: Okay.

17 MS. CAMPISI: To paying three
18 times now for a service the City is not
19 providing to this form of residential
20 ownership.

21 COUNCILMAN GREEN: Okay. This
22 bill, of course, is not at all about
23 whether or not the City should pick up
24 trash, and a lot of people are conflating
25 the issue with the regulation of our city

1 2/28/13 - STREETS - BILL 120961, etc.
2 streets to keep them clean and beautiful
3 for the enjoyment of our citizens and our
4 tourists and other things. And so it
5 seems to me that we need to separate the
6 issue of cost from the issue of having an
7 RFID tag. Or let me put the question
8 another way. If the cost was de minimis
9 or non-existent, would you object to an
10 RFID tag on your dumpsters so that we had
11 one rule across the City that we can
12 apply to good actors and bad actors and
13 catch the bad actors?

14 MS. CAMPISI: No, I don't
15 believe so. But just if I could go back
16 to my previous point, which I think maybe
17 you're agreeing. This is an
18 identification issue, being able to
19 identify who owns the dumpster if it's in
20 the right-of-way or if it's overflowing,
21 if it's causing some sort of problem.
22 And, again --

23 COUNCILMAN GREEN: And the
24 hauler --

25 MR. CAMPISI: I'm sorry.

1 2/28/13 - STREETS - BILL 120961, etc.

2 COUNCILMAN GREEN: I'm sorry.

3 And the haulers are the people who do
4 enforce it today, because they can't pick
5 it up under the law if it doesn't have a
6 medallion.

7 MS. CAMPISI: But the haulers
8 in the case of private contractors for
9 condominiums, co-ops, HOAs in most cases
10 own the dumpsters. It's their dumpster.
11 So our members are being penalized
12 because the City needs to identify a
13 dumpster owned by someone else.

14 COUNCILMAN GREEN: And that's a
15 cost issue.

16 MS. CAMPISI: And if the costs
17 were to go away, I mean, we would --

18 COUNCILMAN GREEN: That's not
19 an RFID tag.

20 MS. CAMPISI: We would love to
21 see the cost go away.

22 COUNCILMAN GREEN: Right. But
23 you have no objection to RFID tags?

24 MS. CAMPISI: No.

25 COUNCILMAN GREEN: Gentleman

1 2/28/13 - STREETS - BILL 120961, etc.
2 from Wawa.

3 MR. WOOD: As far as that goes,
4 we're the ones putting the RFID tags on
5 the dumpsters, and we do have issues
6 around that, because sometimes the
7 dumpster lids get broken through
8 mishandling, and then we get a new
9 replacement dumpster. It doesn't always
10 come in with the RFID tag on it. It
11 would simplify our lives if the hauler
12 was responsible to make sure those tags
13 were on the dumpster.

14 COUNCILMAN GREEN: They are for
15 dumpsters they own. It sounds to me like
16 since you own your own totes and own your
17 own --

18 MR. WOOD: We own our own
19 totes.

20 COUNCILMAN GREEN: If they
21 delivered them to you, they would be
22 responsible since you collect them. But
23 do you rivet them on?

24 MR. WOOD: They are put on
25 according to the instructions that are on

1 2/28/13 - STREETS - BILL 120961, etc.

2 your website.

3 COUNCILMAN GREEN: Okay. But
4 as inconvenient as it is, we're not at
5 all concerned about Wawa being a good
6 corporate citizen and actor in the City.
7 You do tremendous things to help us out.
8 When we call upon you, you are a good
9 corporate citizen. We are glad you're
10 here creating jobs. And so we don't mean
11 to inconvenience Wawa, but we can't
12 create a rule for Wawa, because not
13 everybody is as respectful of our
14 rights-of-ways and of the City as Wawa
15 is. And so we have to create a rule to
16 allow us to be able to enforce the law
17 against people who are not Wawa. And I
18 assume you don't have an objection to --

19 MR. WOOD: We certainly
20 appreciate consistency. We strive to be
21 consistent throughout our chain, wherever
22 it's -- Philadelphia or wherever.

23 COUNCILMAN GREEN: And so for
24 the City, it's creating a rule where you
25 can -- this is Philadelphia, and I know

1 2/28/13 - STREETS - BILL 120961, etc.
2 you've been around here a long time. You
3 create a rule where you can say your tote
4 is inside all the time and never goes
5 out, and what do you think would happen
6 in vast areas of this city if an RFID tag
7 wasn't required to be on there?

8 MR. WOOD: I certainly
9 understand your position, but that's
10 identification, and I think it does
11 simplify the identification aspects of
12 who the tote or the cart or the dumpster
13 belongs to.

14 COUNCILMAN GREEN: Right.
15 Yeah. I mean, someone could start
16 putting Wawa on the side of totes that
17 don't belong to you guys and we'd be
18 issuing tickets to you.

19 MR. WOOD: We recognize that.

20 COUNCILMAN GREENLEE: With an
21 RFID tag, we can prevent that from
22 happening.

23 I hope I'm not giving anybody
24 ideas out there.

25 But, I mean -- so what is it --

1 2/28/13 - STREETS - BILL 120961, etc.

2 is it the cost that you're mostly
3 concerned about?

4 MR. WOOD: It's been the
5 frustration over just trying to get
6 replacements and -- as nice a word you
7 said about us, we know we can do better,
8 and we have challenges policing our own
9 rules. And so when a cart is broken and
10 has to be replaced, we don't always get
11 notified, and then when we do, it takes a
12 while for us to get replacement --

13 COUNCILMAN GREEN: Well, if you
14 ever have trouble getting a replacement
15 medallion -- this is not what City
16 Councilpeople are for, but please call me
17 and I'll help you.

18 MR. WOOD: Thank you. I
19 appreciate that.

20 COUNCILMAN GREEN: Thank you
21 all for your testimony.

22 Mr. Chairman, thank you. I'm
23 finished. And I want to thank you for
24 agreeing to hold the bill while we
25 continue to discuss this.

1 2/28/13 - STREETS - BILL 120961, etc.

2 COUNCILMAN SQUILLA: Thank you
3 very much, Councilman.

4 Mr. McMonagle -- any other
5 questions for this panel?

6 (No response.)

7 COUNCILMAN SQUILLA: Seeing
8 none, thank you for your testimony,
9 gentlemen.

10 Mr. McMonagle, please read the
11 title of the next panel.

12 THE CLERK: The next panel,
13 Christine Young-Gertz of the Apartment
14 Association of Philadelphia and Lynn
15 Rinaldi from Paradiso Restaurant.

16 (Witnesses approached witness
17 table.)

18 COUNCILMAN SQUILLA: Thank you,
19 gals, for coming out here to testify.
20 Before this it was just all men, so it's
21 great to see some girls out here.

22 But please state your name for
23 the record and then continue with your
24 testimony, and then we'll ask questions
25 as it deems fit.

1 2/28/13 - STREETS - BILL 120961, etc.

2 MS. YOUNG-GERTZ: Thanks. I'll
3 go first. My name is Christine
4 Young-Gertz. I'm with the Apartment
5 Association of Greater Philadelphia, and
6 our members are owners and managers and
7 developers of apartment communities in
8 the City.

9 A lot of what's been said
10 already -- I'll try and keep my testimony
11 short, because I'll be reiterating what
12 points have been made.

13 The original idea of requiring
14 the medallions was well-intended, but for
15 dumpsters used on private property, I
16 respectfully submit it doesn't make
17 sense. If the dumpster is totally on
18 private property and managed on private
19 property and never sees the light of day
20 on a public right-of-way, I submit that
21 the oversight and the management and all
22 can be handled and is handled very well
23 by the vast majority of apartment
24 communities in the City.

25 I totally understand there are

1 2/28/13 - STREETS - BILL 120961, etc.
2 bad apples, and I guess what we're
3 boiling this down to is an issue with all
4 the problems that are being created for
5 the vast majority of responsible property
6 managers justified to go after the few
7 bad apples that nobody in the City wants.
8 And the medallions are causing a great
9 many problems for responsible property
10 owners whose dumpsters are totally on the
11 private property, totally managed on the
12 private property. The refuse collector
13 comes in to the private property,
14 collects the trash, empties it.

15 A number of things are
16 happening. Medallions are being stolen.
17 Apparently there's a great need for
18 stolen medallions. Somebody takes the
19 medallion and puts it on another
20 dumpster. The police, I don't believe,
21 have the ability, the radio frequency
22 thing, to read them. Either that or the
23 police are very busy. I don't know if
24 they do. They just see a dumpster, they
25 see a medallion, that's that. So a lot

1 2/28/13 - STREETS - BILL 120961, etc.
2 of our medallions are being used
3 fraudulently.

4 A lot of times it's lost or not
5 visible, or when the dumpster is
6 separated out or exchanged or something,
7 there goes the medallion, and our owners
8 sometimes are cited for no medallion.
9 They think they have a medallion, but off
10 it went with the old dumpster. So there
11 are a number of practical problems that
12 are coming up all the time.

13 So, again, to reiterate the
14 previous testimony, the problem of
15 identifying who is responsible for a
16 dumpster on private property doesn't
17 exist. It's totally on private property.
18 The matter speaks for itself.

19 I think I can leave it at that
20 and just lend my voice to those who have
21 already raised all the other points about
22 this. But I would urge the Committee to
23 consider looking at this bill favorably
24 and removing the medallion requirement
25 for dumpsters on private properties that

1 2/28/13 - STREETS - BILL 120961, etc.

2 are totally managed on that property.

3 Thank you.

4 COUNCILMAN SQUILLA: Thank you.

5 Would you proceed. State your

6 name and proceed with your testimony.

7 MS. RINALDI: Good afternoon.

8 I am Lynn Rinaldi. I am the chef/owner

9 of Paradiso Restaurant.

10 Currently right now I don't use
11 a dumpster. My business is in a partial
12 residential neighborhood. So eight years
13 ago, decided that that was not the route
14 to go. Don't want to take up a parking
15 spot or two. Don't want to offend my
16 neighbors. So what my husband and I do
17 is, we put our trash in plastic trash
18 receptacles, put them out at midnight,
19 and normally take them in around 9:00
20 a.m.

21 Now, as the current bill, I
22 would have to pay because I don't have a
23 permanent dumpster. I think it's \$350
24 for a permanent dumpster for something of
25 the size that I would need. But the way

1 2/28/13 - STREETS - BILL 120961, etc.
2 the bill is written now, it would require
3 me to pay \$80 per trash can, which means
4 it would cost me \$480 a year for me
5 putting my cans out, taking them in at 9
6 o'clock in the morning, and storing them
7 in my basement.

8 So I'm objecting to the cost,
9 because I already pay \$6,000 a year for
10 private pickup, and the City doesn't
11 maintain the trash cans. And I
12 understand that there are some bad apples
13 out there, but people that don't abuse
14 the system shouldn't be punished for the
15 people that do abuse the system.

16 COUNCILMAN SQUILLA: So -- I'm
17 sorry. Are you finished with your
18 testimony? Are you finished with your
19 testimony?

20 MS. RINALDI: Yes.

21 COUNCILMAN SQUILLA: Okay. I'm
22 sorry.

23 So at this point, you store
24 your trash cans in the basement and then
25 you fill it up with trash and then --

1 2/28/13 - STREETS - BILL 120961, etc.

2 MS. RINALDI: Yeah, and then we
3 bring them out through the gate and then
4 on our sidewalk. Our company picks, I
5 guess, the trash up after we leave. We
6 usually put them out between 12:00 and
7 2:00 a.m. So we get there at 9 o'clock
8 in the morning and our trash haulers are
9 instructed to put the trash cans up
10 against the side of my building. So we
11 just open our gate, drop them down, clean
12 them out, close the gate. So they're
13 actually never -- only in the morning, I
14 guess, a neighbor would see them, and I
15 know they do because they put their dog
16 poo in there, so...

17 COUNCILMAN SQUILLA: That will
18 be a different ordinance, I'm sure. I'll
19 try to figure that one out.

20 Okay. So at this point, you
21 feel that it's unfair for you to be able
22 to have to pay the --

23 MS. RINALDI: Sure. If you
24 think about it, I can put a storage unit
25 in my basement, a refrigerated storage

1 2/28/13 - STREETS - BILL 120961, etc.
2 unit, almost like a walk-in box, pay
3 \$5,000, have this unit put in. I can put
4 the trash out for the City to pick up on
5 Wednesday and pay the \$300 that a
6 commercial property would pay if they
7 don't have private pickup. So
8 technically over a five-year period, I'd
9 be saving myself \$32,000, but I don't
10 want to do that because I don't want
11 trash inside my building.

12 I'm okay with putting something
13 on my trash can to identify the trash
14 can. I'm not -- I'm objecting to the
15 yearly fee that I would have to pay.

16 COUNCILMAN SQUILLA: I think
17 that's the consensus from what I hear
18 with most of the members here, that if we
19 need to identify the cans for a reason
20 for enforcement procedures and be able to
21 go through and pick out the bad guys or
22 people who don't have the medallions.
23 But it's sort of the yearly fee of people
24 who really don't have it. And I
25 understand also the City's point of view

1 2/28/13 - STREETS - BILL 120961, etc.
2 where they say that if they come around
3 7:30, 8 o'clock in the morning and they
4 see the can there, I mean, how do they
5 know you're really going to bring that in
6 or not. Are you going to leave it out
7 there.

8 So we're in a little bit of a
9 quandary here, and I think that we'll
10 review it and be able to come up with
11 some type of compromise by speaking to
12 Councilman Green, who is the original
13 proposer of the bill, and to come up with
14 a way that maybe make it work. And we
15 would also appreciate if you have ideas
16 to think of a way where maybe you could
17 use the medallion to be put on these cans
18 and then somehow lower the fee by a
19 reason of either indoor storage of trash
20 and somehow we would be able to know
21 that. I mean, that would help us to come
22 up with a solution here.

23 I do hear everybody's concerns,
24 and as you talk to people, everybody
25 says, Well, the City -- you're not really

1 2/28/13 - STREETS - BILL 120961, etc.
2 receiving the service. You don't receive
3 a service. The only fee is for actually
4 to be able to enforce the haulers either
5 to keep it clean or you guys to make sure
6 you keep your trash cans or dumpsters
7 clean.

8 So I do hear your cry here, and
9 we will try to come up with some type of
10 solution.

11 So at this point, is there any
12 other questions for this panel?

13 (No response.)

14 COUNCILMAN SQUILLA: Seeing
15 none, is there anybody else here to
16 testify on Bill No. 130016?

17 MR. McGRATH: Yes, I would like
18 to, please.

19 COUNCILMAN SQUILLA: Sure.

20 Thank you. Thank you for your
21 testimony.

22 (Witness approached witness
23 table.)

24 COUNCILMAN SQUILLA: Please
25 state your name for the record and

1 2/28/13 - STREETS - BILL 120961, etc.
2 proceed with your testimony.

3 MR. McGRATH: Hello. My name
4 is Kevin McGrath and I'm Vice President
5 of the Greater Philadelphia Condominium
6 Managers Association, and unlike some of
7 my brethren behind me, I represent small
8 condominiums in the City. We have 10,
9 20, 30-unit buildings that do not have
10 staff. They do not have people handling
11 their trash every day. They do not have
12 people cleaning their dumpsters.
13 However, their trash is maintained inside
14 their buildings, not in view of the
15 public. The haulers come to the building
16 several times a week, take the toters.
17 We have toters for the most part, not
18 dumpsters. Take the toters out, empty
19 them, return them to the building
20 immediately. So these are never, even
21 for the briefest period of time, except
22 for when they're rolling them out to the
23 truck and rolling them back, anywhere
24 near the public right-of-way. And many
25 of these buildings, as the lady from the

1 2/28/13 - STREETS - BILL 120961, etc.
2 restaurant spoke about, use small
3 containers, because it's the only thing
4 we can bring in and out. And under the
5 current law, you actually pay a premium.
6 If you have ten 96-gallon toters instead
7 of one dumpster, it costs you more every
8 year, which doesn't really make much
9 sense.

10 The other thing is, the City
11 wants to encourage recycling, but the
12 recycling toters also come with a hefty
13 annual fee and a medallion requirement.
14 So it doesn't really encourage residents
15 to recycle.

16 And I've learned a lot sitting
17 here today and it seems like the biggest
18 problem are the dumpsters in the public
19 right-of-way. Most of what we've heard
20 about are dumpsters in the public
21 right-of-way. However, this law is a
22 one-size-fits-all. And there's been a
23 lot of discussion about dumpsters on
24 private property. If a dumpster is on
25 private property, it's very easy to

1 2/28/13 - STREETS - BILL 120961, etc.
2 identify who the property owner is and
3 who is responsible for the dumpster. So
4 there isn't really an identification
5 problem. Is it a little bit harder? It
6 might be, but it's not an identification
7 problem, because you know whose property
8 the dumpster is on.

9 The other thing that we found,
10 which has been very frustrating -- again,
11 in my buildings, there's no on-site
12 office, there's no on-site manager --
13 when a citation is issued, it's printed
14 out on the handheld device that the
15 officer has and they leave it at the door
16 of the building. There's no one there to
17 receive it. The first time we find out
18 that the building has been in violation
19 is when the violation goes into the
20 enforcement process. And then, of
21 course, all of our buildings are licensed
22 with the City, so the City knows who the
23 responsible party is, and we get the
24 letter telling us that the citation is
25 going into penalty. And that's the first

1 2/28/13 - STREETS - BILL 120961, etc.
2 we're aware of the citation.

3 And one of the other issues is
4 as well, without having staff in these
5 buildings, it is not easy to secure a
6 medallion when you get a new trash can,
7 and frequently dumpsters are exchanged
8 for maintenance, toters are stolen
9 frequently in the City. A toter is worth
10 about a hundred dollars, and they do walk
11 repeatedly. And I don't know if any of
12 you have tried to affix a medallion to
13 either a steel dumpster or a heavy-duty
14 plastic trash can. It's not an easy job.
15 You need a drill. You need a pop
16 riveter. You need to know how to use a
17 pop riveter.

18 It was talked about how there
19 was a lot of testing and input from those
20 of us who are actually doing this, but
21 it's not an easy thing.

22 So I would just like the
23 Committee to consider all of these things
24 as you take this bill under advisement.

25 COUNCILMAN SQUILLA: Thank you.

1 2/28/13 - STREETS - BILL 120961, etc.

2 Now, you did mention that the haulers
3 come in, take the trash and go out. Why
4 would you get a citation if the can is
5 never outside?

6 MR. McGRATH: Well, with the
7 RFID tags, the enforcement officers walk
8 along the outside of my building and my
9 trash containers are right on the other
10 side of that wall, and they have issued
11 us citations because the 90-gallon toter
12 was turned the wrong way inside my
13 building. They're out on the sidewalk.
14 And if the dumpster is turned the wrong
15 way, they can't read the RFID through my
16 wall and I'll get a citation that I don't
17 have an appropriate medallion, and I have
18 to tell my hauler to make sure they're
19 turned so the medallion is against my
20 exterior wall so that I don't get a
21 citation.

22 COUNCILMAN SQUILLA: So you're
23 saying that the SWEEPs guys would go in
24 and even though they don't see your
25 dumpsters will --

1 2/28/13 - STREETS - BILL 120961, etc.

2 MR. McGRATH: They can see them
3 through the window. There happens to be
4 glass on the door to where my trash area
5 is.

6 COUNCILMAN SQUILLA: So they
7 can scan them through the window?

8 MR. McGRATH: Yes.

9 COUNCILMAN SQUILLA: And if
10 they don't get a scan, they say you don't
11 have a medallion on the --

12 MR. McGRATH: And, in fact, the
13 medallion is on there, but the can is
14 turned the wrong way so they don't get a
15 reading on it.

16 COUNCILMAN SQUILLA: Okay.
17 Thank you.

18 Councilman Greenlee.

19 COUNCILMAN GREENLEE: Just
20 first of all, I'd like to see -- and I
21 don't exactly know how to do it -- if a
22 property does keep their dumpster or
23 their container totally inside all the
24 time, I don't know how to do it, but that
25 would be something I would think maybe we

1 2/28/13 - STREETS - BILL 120961, etc.
2 could at least look into. And I know
3 Deputy Commissioner Carlton has
4 identified what he thinks is the problem
5 with it, but maybe there's a way. I
6 don't know.

7 I still maintain if it's even
8 on private property but outside, I still
9 think they, in my personal opinion, they
10 should have the medallion. And maybe
11 Deputy Commissioner Carlton can answer
12 this question. I thought the first
13 notice that is sent after a trash
14 violation does not have the fine on it.
15 Am I right or wrong on that?

16 MR. McGRATH: No. We're fined.

17 COUNCILMAN GREENLEE: No. I'm
18 asking him.

19 DEPUTY COMMISSIONER CARLTON:
20 Your question, Councilman, was the first
21 notice --

22 COUNCILMAN GREENLEE: Like the
23 gentleman said -- and I do hear this a
24 lot -- a trash violation is given by the
25 SWEEP officer, say, and they don't get

1 2/28/13 - STREETS - BILL 120961, etc.
2 it. It blows away. The tenant doesn't
3 give it to them, whatever. I thought the
4 first notice did not have an extra fine.

5 DEPUTY COMMISSIONER CARLTON:
6 It does not. The first notice is the
7 initial --

8 COUNCILMAN GREENLEE: That's
9 what I thought. That's sent in the mail
10 does not have an extra fine, right?

11 DEPUTY COMMISSIONER CARLTON:
12 It does not have an additional fine.

13 COUNCILMAN GREENLEE: That's
14 what I thought, because I've put in a
15 bill dealing with parking tickets the
16 same way and I copied it off the Streets
17 Department policy, which is the first
18 notice does not have a fine. So the
19 first notice you get in the mail, sir,
20 should not have any extra fine on it.

21 MR. McGRATH: Okay. That has
22 not been my experience, but I will
23 certainly double-check.

24 COUNCILMAN GREENLEE: I would
25 say if you find differently, you can let

1 2/28/13 - STREETS - BILL 120961, etc.
2 us know.

3 COUNCILMAN SQUILLA: That's
4 something we should know.

5 Is there a separate fine
6 cost -- and I guess I should know this.
7 Is there a separate fine cost for no
8 medallion compared to like an overfilled
9 dumpster compared to --

10 DEPUTY COMMISSIONER CARLTON:
11 All dumpster violations are the same,
12 \$150, anything tied to the dumpster.

13 COUNCILMAN SQUILLA: Oh,
14 anything. So whatever it is, if there's
15 graffiti on it or if it's overflowed or
16 it's missing, it's a \$150 fee.

17 DEPUTY COMMISSIONER CARLTON: A
18 hundred fifty dollars.

19 MR. McGRATH: And the first
20 notice is mailed to the address of record
21 for the property?

22 DEPUTY COMMISSIONER CARLTON:
23 Whatever comes up on that handheld when
24 the medallion is scanned --

25 MR. McGRATH: No. I'm saying

1 2/28/13 - STREETS - BILL 120961, etc.
2 if there's no medallion. I'm sorry. If
3 there's no medallion, where is that first
4 notice sent?

5 DEPUTY COMMISSIONER CARLTON:
6 To that property where the fine -- where
7 the actual violation was found.

8 MR. McGRATH: To the property
9 address or the address of record with the
10 City?

11 DEPUTY COMMISSIONER CARLTON:
12 Well, if you have a proprietor address on
13 there, then it will go to who that owner
14 is.

15 And, Mr. Moore, can you answer
16 that for me?

17 MR. McGRATH: Because my first
18 notice is usually the \$150 fine.

19 COUNCILMAN SQUILLA: Yeah. He
20 said that's the --

21 COUNCILMAN GREENLEE: He said
22 that's the fine.

23 COUNCILMAN SQUILLA: That's the
24 fine, a flat fee.

25 MR. McGRATH: But I haven't

1 2/28/13 - STREETS - BILL 120961, etc.
2 received any warning prior to that.

3 COUNCILMAN GREENLEE: No; I
4 didn't say a warning. See, I thought
5 what you said at first was that the first
6 notice you get is enforcement, which
7 meant that there was extra fines on
8 there.

9 MR. McGRATH: No. It's --

10 COUNCILMAN GREENLEE: Well,
11 then I misunderstood.

12 MR. McGRATH: Maybe I misspoke.

13 COUNCILMAN GREENLEE: That's
14 what I wanted to make clear, that there
15 should be on the first notice no extra
16 money.

17 MR. McGRATH: No extra.

18 COUNCILMAN GREENLEE: All
19 right.

20 MR. McGRATH: I agree.

21 COUNCILMAN GREENLEE: Deputy
22 Commissioner, there's one other thing.
23 The gentleman described looking through
24 the window thing. Is that a normal --

25 DEPUTY COMMISSIONER CARLTON: I

1 2/28/13 - STREETS - BILL 120961, etc.
2 have never heard that until today.

3 COUNCILMAN GREENLEE: All
4 right.

5 COUNCILMAN SQUILLA: And if you
6 have a tote, say they scan three totes
7 and one tote doesn't have a medallion,
8 would you send the bill to where the
9 other totes were or you would just do it
10 to that actual property address?

11 DEPUTY COMMISSIONER CARLTON:
12 If it's on that property, you don't want
13 to say you want to assume that it's all
14 the same totes, because you may have
15 different entities inside the same
16 building. So we would try and identify
17 who that tote belongs to and then send it
18 to that particular address. You don't
19 want to make any assumptions.

20 COUNCILMAN SQUILLA: Okay.
21 Well, thank you very much. Thank you all
22 for your testimony.

23 MR. McGRATH: Could I just make
24 one more comment, please?

25 COUNCILMAN SQUILLA: Sure.

1 2/28/13 - STREETS - BILL 120961, etc.

2 MR. McGRATH: I'll be very
3 brief.

4 I would suggest as you grapple
5 with this issue -- and I think it is a
6 difficult issue -- that you do pay
7 special attention to the needs of the
8 condominium residents in the City.
9 Single-family homeowners do not have to
10 pay for medallions and put them on their
11 trash cans. Condominium residents should
12 be treated the same way. And I would
13 suggest that if you looked at your
14 statistics, I think you would find very
15 few trash violation issues with
16 condominiums in the building. Our
17 residents are very concerned about living
18 in a nice, clean, safe, attractive
19 building, and they will not stand for our
20 trash to be overflowing for 30 seconds,
21 much less a longer period of time. And I
22 would really ask you to take a hard look
23 at the condominium issue as you grapple
24 with this.

25 COUNCILMAN SQUILLA: Deputy

1 2/28/13 - STREETS - BILL 120961, etc.
2 Commissioner Carlton, is there a way for
3 you guys to know how many like citations
4 went to condominiums compared to
5 businesses or anything like that, or
6 there's really no way for us --

7 DEPUTY COMMISSIONER CARLTON:

8 If we have the address of the property,
9 we can get the number of citations, but
10 as far as the ratio, I can try and
11 research it, but I can talk to my -- but
12 right now I'm not sure we're able to
13 determine that.

14 COUNCILMAN SQUILLA: Right,
15 because there's plenty of condos
16 throughout and I don't know that we would
17 be able to come up with a number of how
18 many were actually issued to a
19 condominium.

20 MR. McGRATH: Our own
21 violations that we're aware of through
22 our membership are for not having
23 medallions. They're not for trash
24 violations.

25 COUNCILMAN SQUILLA: And do you

1 2/28/13 - STREETS - BILL 120961, etc.
2 believe you had medallions on there, but
3 they weren't viewed? Is that what you're
4 saying?

5 MR. McGRATH: Sometimes we've
6 had medallions that weren't viewed.
7 Sometimes we have added maybe another
8 recycling container and we haven't been
9 able to get the medallion on.

10 I echo the other gentleman's
11 comments, there have been times when it's
12 taken a long time to get medallions from
13 the City. And, then again, in our
14 buildings, once we get the medallion, we
15 have to pay somebody to go out and
16 install them, because we don't have staff
17 in the building. So it's not necessarily
18 something that can happen overnight.

19 COUNCILMAN SQUILLA: Go ahead.
20 Councilman Oh.

21 COUNCILMAN OH: I hate to drag
22 this out, and I'm kind of lost on the
23 topic, to be honest with you, because I
24 don't know how this physically works.
25 But what I'm kind of getting is that in

1 2/28/13 - STREETS - BILL 120961, etc.
2 order to keep the City clean and to
3 enforce, there needs to be some type of
4 identification on these dumpsters and
5 that basically for some reason, it is in
6 the process of getting some type of
7 physical entity that must be bolted onto
8 or riveted onto hard plastic or steel
9 and, therefore, there's kind of a higher
10 associated cost and a problem in getting
11 a replacement. But ultimately if you
12 have this medallion, a City worker can
13 identify through the registration who the
14 actual owner is and issue a bill and
15 things like that if there's enforcement
16 issues. Is that about right?

17 DEPUTY COMMISSIONER CARLTON:

18 Yes.

19 COUNCILMAN OH: Okay. So I
20 would just be curious, because I'm no
21 expert in this, as to the fact that
22 someone could register with the City and
23 pay a smaller fee based on the fact that
24 you could go online and basically based
25 on the type of paper that you would have

1 2/28/13 - STREETS - BILL 120961, etc.
2 to pick up or adhesive, that you could
3 then print your own medallion, and if
4 someone tried to pull it off, it would
5 tear, it would not -- you couldn't
6 successfully take it off, but any time
7 you hit the numbers, it would come back
8 with the registered whatnot and you could
9 issue the fines and people could print
10 their own medallions and paste them on or
11 adhesive them on.

12 I'm just kind of curious, have
13 you looked at some of the technology
14 issues that would actually lower the
15 cost, get rid of all the kind of -- you
16 could just go in at 1 o'clock in the
17 morning, print out your medallion, stick
18 it on, do whatever you need to do, but it
19 just -- I'm just kind of curious as to
20 why this would be such a problem.

21 DEPUTY COMMISSIONER CARLTON: I
22 don't want to speak for Commissioner
23 Williams and License and Inspection with
24 the medallion issuance portion, but in
25 the past, we have experienced wear and

1 2/28/13 - STREETS - BILL 120961, etc.
2 tear on these items and they weren't
3 replaced properly. So if I do have an
4 enforcement officer go to a particular
5 dumpster or property and they actually
6 had the old system, which was
7 pre-Councilman Green's legislation, they
8 were not maintained. They were ripped
9 and you couldn't actually identify them
10 after wear and tear for a period of time.

11 COUNCILMAN OH: The medallion?

12 DEPUTY COMMISSIONER CARLTON:
13 You were saying about printing something
14 out and just putting it on there. We
15 don't have the issue with the medallion,
16 but the previous system where we actually
17 had the type of system where you're
18 saying printing something out, put it on
19 the actual container, there's wear and
20 tear associated with that, and after a
21 period of time, you won't be able to read
22 that particular material to see exactly
23 who it belongs to.

24 COUNCILMAN OH: Okay. So I
25 guess I suppose I'm talking about the

1 2/28/13 - STREETS - BILL 120961, etc.
2 material that you would adhere to the
3 dumpster would not -- based on what it
4 consists of, it actually wouldn't
5 deteriorate in sun or rain or snow and it
6 would have a very long enduring lifetime.
7 So I am curious about that, and by the
8 same token, wouldn't you issue a fine if
9 the -- if for some reason you could not
10 read the information, that would itself
11 be a fine. I don't see why that would
12 prevent kind of being able to go online
13 and do these type of things.

14 I understand you couldn't just
15 go to Staples and buy the material.
16 Perhaps you would have to register, and
17 every time you replaced it or printed,
18 you'd pay a fee, albeit a much smaller
19 fee. There could be a replacement fee.
20 You'd get a number each time you do it or
21 you'd replace the number.

22 I'm not making any suggestions
23 out of school here. I'm just curious if
24 this topic is going to continue to be
25 raised, not only in this situation but

1 2/28/13 - STREETS - BILL 120961, etc.
2 continuing as we go forward as to making
3 our services available online 24/7 at
4 lower cost with better technology and
5 better accountability. So just take it
6 as a comment. Like I said, I wasn't
7 going to say anything, but --

8 DEPUTY COMMISSIONER CARLTON:
9 Not a problem.

10 COUNCILMAN: Just kind of a
11 thing on my mind.

12 DEPUTY COMMISSIONER CARLTON:
13 Again, I don't want to speak for
14 Commissioner Williams and License and
15 Inspection, but the Streets Department,
16 whatever process that was taken on, if it
17 allows us to actually read and identify,
18 we wouldn't object as long as we're able
19 to read and identify, regardless of the
20 material or how it's done. So if there
21 are other alternatives, we'll
22 definitely -- we're open to explore them,
23 but we just want to be able to identify
24 the dumpster owner and the business that
25 it's associated with.

1 2/28/13 - STREETS - BILL 120961, etc.

2 COUNCILMAN Oh: Okay. So in
3 answer to your question, sir, because the
4 data would indicate that your dumpsters
5 and whatnot, whether it's Wawa or a
6 condominium, is on private property, you
7 would not be assessed a fee similar to
8 someone who would use a street.

9 MR. McGRATH: Right.

10 COUNCILMAN OH: And that would
11 be a different system.

12 MR. McGRATH: Yes.

13 COUNCILMAN OH: And it would be
14 pretty easy to do.

15 MR. McGRATH: And I also think
16 we would be more than happy to pay a
17 reasonable one-time fee. I think we
18 heard the medallions cost about \$2.50 or
19 \$3. If there was a one-time fee to get
20 that medallion so the City would have the
21 ability to identify the dumpsters, I
22 don't think there would be any objection
23 to that, but the annual ongoing cost is
24 onerous.

25 COUNCILMAN OH: All right.

1 2/28/13 - STREETS - BILL 120961, etc.

2 Thank you.

3 COUNCILMAN SQUILLA: Thank you.

4 Is there any other questions
5 for this board?

6 (No response.)

7 COUNCILMAN SQUILLA: Seeing
8 none, is there anybody else here to
9 testify on this?

10 MR. DIORIO: I just wanted
11 to -- I was asked to supply something --

12 COUNCILMAN SQUILLA: Do you
13 have some information?

14 (Witness approached witness
15 table.)

16 COUNCILMAN SQUILLA: Please
17 state your name for the record and
18 proceed with your testimony.

19 MR. DIORIO: Good afternoon,
20 Councilmembers. My name is Joe Diorio,
21 Jr. and I work for the Department of
22 Licenses and Inspections.

23 We heard some testimony about
24 the length of time it takes to get
25 replacement medallions, and I want to

1 2/28/13 - STREETS - BILL 120961, etc.
2 apologize and say that I'm embarrassed
3 that it took -- I want to apologize and
4 say that I'm embarrassed that Wawa had an
5 experience that it took them two months
6 to get a replacement medallion. And I
7 wanted to state that that should be
8 certainly the exception and not the rule.

9 A replacement medallion, if
10 somebody needs one immediately, they can
11 go right to the license issuance counter
12 and obtain it. Our service-level
13 agreements, I think we're at like 15
14 minutes. So if somebody comes in,
15 they'll have a 15-minute wait.

16 Through the mail, of course
17 it's going to take longer, but I think
18 it's probably 10 to 14 business days,
19 something like that.

20 You know, we strive to provide
21 service as quickly as possible, and I
22 just wanted to state that, you know, that
23 should have been the exception and not
24 the rule.

25 COUNCILMAN SQUILLA: Well,

1 2/28/13 - STREETS - BILL 120961, etc.
2 thank you very much. The replacement --
3 I think we heard, the replacement
4 medallions are \$25 at this point.

5 MR. DIORIO: Yes. There's some
6 administrative costs that go along with
7 that, because -- the price of the
8 medallion is low because the City buys
9 them in large quantities, but we have
10 to -- a clerk has to take the time to go
11 into the license record and our computer
12 system, remove the old medallion number
13 and then scan in the new medallion, and
14 then in the case of a mail-in
15 application, we have to incur the cost of
16 mailing the medallion out, which is much
17 more than a regular letter because it
18 won't go through -- they're thick and
19 they won't go through the regular post
20 office envelope-handling equipment.

21 COUNCILMAN SQUILLA: But it's
22 25 total or is there more fees?

23 MR. DIORIO: No. It's 25
24 replacement. And if it becomes
25 inoperable and you can return it to us,

1 2/28/13 - STREETS - BILL 120961, etc.
2 we replace it for free. It's only in the
3 case of lost or stolen medallions that
4 the \$25 fee is instituted.

5 COUNCILMAN SQUILLA: So does
6 the hauler know if it's inoperable or
7 does just the enforcement know?

8 MR. DIORIO: Enforcement would
9 know because when they scan it. The
10 hauler would have no way of knowing
11 whether it's inoperable. An inoperable
12 one could -- once in a while we get a bad
13 one in the batch, but when we go to scan
14 it into the system --

15 COUNCILMAN SQUILLA: It doesn't
16 work.

17 MR. DIORIO: Right. Then we
18 return it back to the manufacturer and
19 get a replacement.

20 COUNCILMAN SQUILLA: Can a
21 hauler pick up containers without
22 medallions?

23 MR. DIORIO: Well, by law, no.

24 COUNCILMAN SQUILLA: So they
25 would be fined then, correct?

1 2/28/13 - STREETS - BILL 120961, etc.

2 MR. DIORIO: I imagine if they
3 were caught doing it, yes.

4 COUNCILMAN SQUILLA: Okay.
5 Great.

6 Is there any other questions?

7 (No response.)

8 COUNCILMAN SQUILLA: Is there
9 anybody else here to testify on this
10 bill?

11 (No response.)

12 COUNCILMAN SQUILLA: Seeing
13 none, thank you so much for your
14 testimony. Thank everybody for coming
15 out here.

16 That concludes our hearings on
17 the Committee of Streets and Services.
18 We will now go into a public meeting.
19 And what we're going to do is, we're
20 actually going to hold the meeting at the
21 request of the Chair until we meet with
22 the sponsor, Councilman Green and
23 Councilwoman Quinones-Sanchez, on some of
24 the aspects when they created the bill
25 and what we can do maybe to help improve

1 2/28/13 - STREETS - BILL 120961, etc.
2 it or not. But we will get back in touch
3 with everybody who is here to let them
4 know the progress and what we're looking
5 to do in the future.

6 So thank you very much. We're
7 going to hold it to the call of the
8 Chair.

9 Thank you.

10 (Committee on Streets and
11 Services concluded at 4:15 p.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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