

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON TRANSPORTATION AND
PUBLIC UTILITIES

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, October 9, 2012
10:10 a.m.

PRESENT:

COUNCILMAN KENYATTA JOHNSON, CHAIR
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN BOBBY HENON
COUNCILMAN JAMES KENNEY
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA

RESOLUTION 120620 - Resolution authorizing the
Committee on Transportation and Public
Utilities to hold public hearings to
investigate flooding and the City of
Philadelphia's efforts to improve stormwater
management in the Eastwick section of
Philadelphia.

- - -

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COUNCILMAN JOHNSON: Good

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morning, everyone. This meeting is

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called to order. This is a public

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hearing of the Transportation and Public

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Utilities Committee. My name is

7

Councilman Johnson, Chair of the

8

Committee.

9

I would like to note the

10

presence of my colleague Councilman Bill

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Greenlee.

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Will the Clerk please read the

13

title of the bill.

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COUNCILMAN GREENLEE: I'll fill

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in for the Clerk.

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Authorizing the Committee of

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Transportation and Public utilities to

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hold public hearings to investigate the

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flooding and the City of Philadelphia's

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efforts to improve stormwater management

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in the Eastwick section of Philadelphia.

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COUNCILMAN JOHNSON: I'd like

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to also note the presence of my colleague

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Councilman Mark Squilla.

25

Before I call up the first

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2 witness, I want to thank everyone for
3 having the opportunity for being here
4 today. It's been a process throughout
5 the summer, doing the analysis and
6 examining the issues of flooding in the
7 Eastwick section of Philadelphia.

8 My primary purpose really
9 looking at the issue of the flooding in
10 the area goes back to my time in serving
11 as a staffer for State Senator Anthony
12 Hardy Williams when the first flooding
13 took place in the Eastwick area. So it's
14 always been on my radar screen, and it
15 just so happened that as I came in as a
16 Councilman, I really had an opportunity
17 to, based upon some past hearings, to
18 look at an opportunity to actually host
19 this hearing, but to be more specific,
20 separate from hosting a hearing but
21 really looking at a strategy on how to
22 actually address the issue of flooding,
23 what are the actual facts in the Eastwick
24 community. And that's separate from any
25 other issue as it relates to that

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2 particular area, but we need to have on
3 the city level, on the state level, and
4 the federal level a long-term strategy as
5 it relates to this issue in that
6 particular part of Southwest
7 Philadelphia.

8 So at this particular time, I'd
9 like to call up the first witness, which
10 is Deputy Mayor Rina Cutler. Can you
11 please approach the table. And we also
12 have Mr. Howard Neukrug, Commissioner of
13 the Water Department.

14 (Witnesses approached witness
15 table.)

16 COUNCILMAN JOHNSON: Can both
17 of you before you start your testimony
18 just please state your name for the
19 record and then proceed with your
20 testimony.

21 DEPUTY MAYOR CUTLER: Good
22 morning. My name is Rina Cutler. I'm
23 the Deputy Mayor for Transportation and
24 Utilities for the City of Philadelphia.

25 COMMISSIONER NEUKRUG: Good

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2 morning. My name is Howard Neukrug. I
3 am the Water Commissioner for the City of
4 Philadelphia.

5 DEPUTY MAYOR CUTLER: Let me
6 begin my testimony by thanking the three
7 of you for having the opportunity to
8 testify on the particular subject at
9 hand.

10 We're here today to talk about
11 concerns raised last spring by residents
12 of the Eastwick section of the City
13 regarding historic flooding issues.
14 Before getting right to those issues, I
15 think it's important to acknowledge the
16 context that brings us here today.

17 Today's hearing was called
18 following a hearing last spring on a
19 proposal to rezone 35 acres of Eastwick
20 to provide for 700 units of market-rate
21 housing. In summary, the rezoning would
22 allow the City to settle a \$17.5 million
23 claim by New Eastwick Corporation for \$9
24 million and return 93 acres of property,
25 currently under the control of New

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2 Eastwick, to City control.

3 In our view, the proposed
4 housing project presents a significant
5 opportunity to bring new residents into a
6 community that has not benefited from the
7 same growth in population experienced in
8 other parts of Philadelphia. As
9 important, the settlement would lead to
10 City control of 93 acres of land that
11 have been beyond our reach for nearly 50
12 years.

13 Although the remainder of my
14 testimony and this hearing is about the
15 flooding issue in the community, I do
16 want to go on the record committing to a
17 public community process in consultation
18 with the Eastwick community on the
19 parcels that we propose be returned to
20 control of the City. Furthermore,
21 because there has been some
22 misinformation on future uses of such
23 property by the airport, which is another
24 agency under my depute, I want to assure
25 this Council and the Eastwick residents,

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2 both those here and those in the
3 community that are not here with us
4 today, that these 93 acres are not part
5 of the airport expansion project, will
6 not be developed as a runway, taxiway or
7 airport terminal. In addition, any
8 future uses of the property reacquired by
9 the City will require zoning approval for
10 any new use and will necessarily involve
11 a great deal of community input.

12 Turning to the specific issue
13 of flooding concerns, there were several
14 issues that we looked at over the summer,
15 in response to concerns raised in the
16 spring. First, we've looked at whether
17 the Water Department's infrastructure was
18 causing incidents of flooding. We feel
19 confident in saying that our analysis of
20 water pipes and our sewer system shows
21 that our system is not the cause of the
22 flooding which has occurred.

23 Secondly, the residents were
24 particularly concerned that development
25 on these undeveloped parcels would make

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2 the flooding situation worse. Water
3 Commissioner Howard Neukrug will discuss
4 the action that the Water Department has
5 taken over the summer to identify areas
6 which have reported flooding and what
7 steps we might take to address some of
8 the causes of that flooding. In our
9 view -- and this will be elaborated on at
10 length by the Water Commissioner -- we
11 believe that through our current
12 stormwater regulations, which have been
13 in place since 2006, development actually
14 will reduce risks of neighborhood
15 flooding because of the stringent
16 requirements for stormwater management
17 mandated in the current development
18 process. Leaving the site undeveloped
19 will not alleviate flooding issues in
20 this community. Development of the
21 parcels can only improve the situation.

22 The Water Department recognizes
23 and understands the significant
24 challenges and difficulties that flooding
25 problems cause to homes and business

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2 owners in various sections of the City.

3 Flooding generally occurs as a result of
4 tropical storms that produce high volumes
5 of rainfall over a long period of time or
6 intense thunderstorms that produce high
7 volumes of rainfall within an hour
8 period. Efforts to mitigate flooding are
9 specific to the unique geography of a
10 community and circumstances of a given
11 storm. In addition, we have determined
12 that many of the flooding issues not
13 related to major storms are very
14 localized, and we will need to work on a
15 block-by-block basis with individual
16 homeowners to identify what is causing
17 the specific problem in their basements
18 and how we can best minimize the
19 problems.

20 I want to emphasize that
21 regardless of any outcome of the zoning
22 ordinance related to Eastwick, this
23 Administration, the Councilman's office,
24 my office, and the Water Department are
25 totally committed to working with the

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2 residents of Eastwick to address flooding
3 concerns.

4 Some may be surprised to learn
5 that the Eastwick neighborhood drains
6 into the Schuylkill River through a basin
7 at Mingo Creek. The neighborhood does
8 not drain into Cobbs Creek or the Heinz
9 National Wildlife Refuge. Whether
10 flooding results from heavy rainfall in
11 Eastwick or in overtopping Cobbs Creek
12 stormwater in Eastwick, the runoff drains
13 into the Schuylkill.

14 During the spring hearing,
15 Council heard from some advocates that
16 support the concept of expanding the John
17 Heinz Wildlife Refuge. These advocates
18 incorrectly asserted that an expansion of
19 the refuge would alleviate flooding. Not
20 only would an expansion have no positive
21 impact on flooding, the Federal Aviation
22 Administration would simply not allow it
23 to move closer to the airport. It is not
24 safe for the communities surrounding the
25 airport or for the flying public to bring

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2 the refuge closer to the airport.

3 I would at this time like to
4 turn this over to Howard Neukrug, Water
5 Commissioner for the City of
6 Philadelphia, to talk about the
7 Department's efforts in the Eastwick
8 community, and then we will both be
9 available to answer any questions you may
10 have.

11 COMMISSIONER NEUKRUG: Thank
12 you, Deputy Mayor, and good morning,
13 Chairman Johnson and Committee members.
14 I am Howard Neukrug, Water Commissioner
15 for the City of Philadelphia.

16 As you know, one of the core
17 missions of my utility is to protect our
18 rivers and streams from pollution and to
19 minimize flooding impacts on our
20 residents and businesses. This past
21 decade has seen a doubling of large and
22 high-intensity storms, and this has
23 resulted in an uptick in local flooding
24 in Philadelphia as well as throughout the
25 United States. And while God makes the

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2 rain, it is the job of the Water
3 Department and its partners to minimize
4 losses from the most severe storms.

5 No one wants their homes and
6 property to fall victim to flood. The
7 challenges and heartaches experienced by
8 our Eastwick residents and neighbors is
9 very real and are of deep concern to the
10 Water Department and myself. So thank
11 you for calling this hearing.

12 We've been very busy this
13 summer. We have been meeting with
14 concerned citizens and organizations,
15 including the Eastwick Friends and
16 Neighbors Coalition. We've participated
17 in community meetings and health fairs,
18 and we've been gathering information on
19 residential flooding. In particular, we
20 distributed 5,000 flood surveys and
21 received nearly 300 property-specific
22 responses from residents. We've reviewed
23 our service records dating back 20 years
24 for clues to the causes of flooding in
25 Eastwick. We've conducted an inspection

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2 to ensure that all PWD inlets, pipes,
3 pump systems, and other infrastructure is
4 in good working order and has the proper
5 capacity. We've cleaned our sewers and
6 inlets to ensure appropriate water flows,
7 and we have installed monitoring
8 equipment at six sites in Eastwick to
9 gather realtime performance data of the
10 sewer system.

11 While we are very early in the
12 investigative process, we have found thus
13 far that about two-thirds, 68 percent, of
14 the flooding complaints related to two
15 big storm events that were known to cause
16 overflow of the Cobbs Creek bank between
17 78th and 80th Streets behind the Eastwick
18 Rec Center. This was from Hurricane
19 Floyd in September 1999 and an unnamed
20 storm in August of 2004. If you add to
21 that the last summer's devastation from
22 Hurricane Irene and Tropical Storm Lee,
23 88 percent of the complaints responded in
24 our survey were from those storms, and we
25 suspect, although we have no proof at

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2 this point, the Cobbs Creek may have
3 overflowed at that time also.

4 In addition to that, we've also
5 identified through the survey that there
6 are a significant number of residents
7 that are experiencing highly, what we
8 call, localized flooding, indicating that
9 drainage problems on their properties, in
10 their backyards were from their adjacent
11 properties or causing flooding in their
12 homes.

13 In terms of next steps, the
14 Water Department is committed to
15 continuing this community process and
16 working with these surveys and getting
17 more surveys and finding out more
18 information on particular homes; continue
19 our review of the condition, capacity,
20 operations, maintenance of the
21 infrastructure that we own to ensure that
22 we are doing all we can to limit flood
23 damage in the area; assist homeowners in
24 drainage inspections and repairs of their
25 properties; and to work with City Council

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2 and our congressional delegation to bring
3 our federal partners to the table to
4 investigate options, costs, and funding
5 to prevent the overflow of Cobbs Creek
6 into Eastwick.

7 Finally, concerning the
8 flooding impacts of the proposed 35-acre
9 development site, I just would like to
10 note that Philadelphia's stormwater
11 standards are some of the most stringent
12 in the country and require new
13 developments to be more protective of our
14 communities and the environment than the
15 way it was found. The peak rate of
16 runoff after construction must be equal
17 to or less than before construction.
18 Stormwater runoff is not permitted onto
19 neighboring properties, and discharges to
20 our sewer system cannot exceed the
21 capacity of our system.

22 For a 35-acre site like that
23 found in Eastwick, that would translate
24 into a stormwater detention basin or
25 underground storage, perhaps mixed with

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2 some stormwater reuse options. In any
3 case, prior to receiving a zoning permit
4 from the City of Philadelphia, conceptual
5 plans must be submitted to PWD for
6 approval that demonstrate how the
7 proposed developments will meet our
8 regulations.

9 And, finally, prior to
10 receiving a building permit, registered
11 engineers must submit signed and sealed
12 plans that are evaluated by both the City
13 of Philadelphia and the Pennsylvania DEP
14 for regulatory compliance. In other
15 words, PWD will be watching this proposed
16 development very closely for a very long
17 time, and we are here to stay.

18 Deputy Mayor Cutler and I are
19 pleased to answer questions.

20 COUNCILMAN JOHNSON: Thank you.

21 I'd like to also acknowledge
22 Councilwoman Blondell Reynolds Brown's
23 presence, as well as Councilman Jim
24 Kenney.

25 At this particular time, we're

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2 going to open up for questions.

3 Councilman Greenlee.

4 COUNCILMAN GREENLEE: Thank
5 you, Mr. Chairman.

6 Good morning to you both.

7 DEPUTY MAYOR CUTLER: Good
8 morning.

9 COUNCILMAN GREENLEE:
10 Commissioner, just so I'm clear, because
11 just last week at a Rules Committee
12 hearing, an issue came up when we were
13 talking about floodplains of what contact
14 has been made with the Eastwick
15 residents, and you went over it, but I
16 didn't exactly see it in the testimony.
17 So can you just go like what contacts
18 have been made and what's the future
19 specifically.

20 COMMISSIONER NEUKRUG:
21 Certainly. My Public Affairs Manager,
22 Joanne Dahme, has been working very
23 closely with the Eastwick community.
24 We've met with quite a number of
25 organizations, including a number of

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2 organizations, people that would be
3 testifying this morning. And we've made
4 contact. We've put out 5,000 postcards
5 to residents in the Eastwick area asking
6 for information coming back from them on
7 surveys and what kind of flooding they've
8 experienced, if any. We received 289
9 responses to date. A hundred and
10 forty-nine residents said they had no
11 flooding, and of the 140 that had seen
12 flooding, most of it had been associated
13 with these large storms and a potential
14 for overtopping of the Cobbs Creek. And
15 we're continuing.

16 COUNCILMAN GREENLEE: Is that
17 all in -- those 140 were mostly in pretty
18 much a concentrated area?

19 COMMISSIONER NEUKRUG: Well,
20 what we found is there were two things
21 going on. One is that there is a part of
22 the Eastwick area that is susceptible to
23 the flooding coming from the Cobbs Creek
24 area, and there's another part of
25 Eastwick that is seeing more of like what

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2 we call localized flooding conditions,
3 conditions that are more common with
4 backyard drains or adjacent properties
5 that backyards get rebuilt or structures
6 put on and that causes flooding into
7 someone else's backyard.

8 One of the things that was
9 curious about the results that we saw was
10 that you'd have one house that received
11 no flooding next to a house that did
12 receive flooding, and that's indicative
13 again of a localized condition. And
14 it's -- for the homeowner that's being
15 impacted by that, that does not mean
16 anything to them, because having water in
17 your basement or your first floor is not
18 a good thing and it's not pleasant, and
19 in either case, however this is getting
20 there, we need to work with our community
21 and make sure that doesn't happen in the
22 future.

23 COUNCILMAN GREENLEE: Now, when
24 you say "localized," you mean they have
25 maybe a clogged drain or something like

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2 that?

3 COMMISSIONER NEUKRUG: It could
4 be something as simple as a clogged
5 drain. This is a very, very low-lying
6 area. It's very shallow. The pipes are
7 not very -- the grade is not very steep
8 in this area, so it's more susceptible to
9 maintenance needs than perhaps other
10 parts of the City of Philadelphia.

11 COUNCILMAN GREENLEE: Okay.
12 Thank you.

13 Thank you, Mr. Chairman.

14 COUNCILMAN JOHNSON:
15 Commissioner, has there been the results
16 of the actual surveys, has there been a
17 releasing of the information to the
18 community at large to kind of give an
19 overview of here's the data that was
20 collected from the surveys, here's the
21 results, this is the status of --

22 COMMISSIONER NEUKRUG: If we
23 haven't done that yet -- if we have not
24 done that yet, we are in the process of
25 communicating again back with the

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2 residents. Again, this is a very -- this
3 is something that we've picked up on this
4 summer and we're still moving forward
5 with this, and we're very anxious to work
6 with the community on presenting the data
7 and the information and moving forward
8 from there.

9 COUNCILMAN JOHNSON: I think
10 that's key as a part of this process as
11 well in terms of a long-term strategy.

12 In terms of the City's
13 infrastructure, give us an idea of the
14 infrastructure in that particular area,
15 its impact in that area, rather it be pro
16 or con overall in terms of what the City
17 oversees.

18 COMMISSIONER NEUKRUG: We've
19 done inspections of our infrastructure
20 over the summer. We found our
21 infrastructure to be in good working
22 order. We took the extra effort of
23 cleaning the sewers and cleaning the
24 inlets, although there was minor, minor
25 grit or debris in this, which is typical

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2 for this type of system, and the system
3 seems to be working well.

4 COUNCILMAN JOHNSON: Thank you
5 very much.

6 I'd like to call up -- I mean
7 acknowledge Councilwoman Blondell
8 Reynolds Brown.

9 COUNCILWOMAN BROWN: Thank you.
10 Good morning.

11 Good morning.

12 DEPUTY MAYOR CUTLER: Good
13 morning.

14 COUNCILWOMAN BROWN: First, let
15 me commend the Chair of this Committee
16 for beginning to take a laser-beam look
17 at the circumstance in Eastwick. I've
18 been here for 12 years, and I think this
19 is the first time where I've seen this
20 level of comprehensive look-see on what
21 we can do to remedy a situation that has
22 become a nightmare for many.

23 I've actually visited homes in
24 Eastwick at the request of citizens down
25 there to see for myself where sometimes

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2 two and three times they've had to redo
3 their basements because of this water
4 issue.

5 And let me just, as a footnote,
6 commend the Department on the recent
7 awards your department has won around
8 stormwater management.

9 My two questions are, one, I
10 too will look forward to the analyzation
11 of that data that you get, because
12 hopefully that will inform what you do
13 going forward.

14 I'm curious to know, has there
15 or is there any other section of the City
16 that has experienced the type of horror
17 stories we've seen in Eastwick, to your
18 knowledge? And fully understanding that
19 you're still relatively new in leadership
20 in that department.

21 COMMISSIONER NEUKRUG: Yes. We
22 have flooding issues in different parts
23 of the City. They have different causes,
24 different remedies, but we're also
25 looking at South Philadelphia where we

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2 have basement backups of -- when rainfall
3 and sewage into basements. We have
4 issues in Northern Liberties. We have
5 most recently with Hurricane Lee and
6 Tropical Storm Irene, or vice versa, in
7 Germantown area of the City of
8 Philadelphia we experienced a significant
9 event. And they're all a concern to us.

10 Clearly, there's a limit to how
11 big you can make your infrastructure, and
12 at one point, as I understand it, is the
13 overflow from the Cobbs Creek berm area
14 that I was talking about earlier
15 represented similar to a flow coming down
16 the Schuylkill River going into the
17 Eastwick area. That is what I would
18 consider a catastrophic set of issues
19 that really needs to be addressed that we
20 have not seen in other parts of the City.

21 COUNCILWOMAN BROWN: So then
22 the short answer is that there is no
23 other section of the City that has
24 experienced it to the scale of those
25 citizens in Eastwick; is that fair to

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2 say?

3 COMMISSIONER NEUKRUG: When you
4 talk about scale, to me you're talking
5 about how many homes and who got flooded
6 and how badly, and I'd say many parts of
7 the City are getting -- have gotten hit
8 at different times with different storms.
9 The issues at Eastwick have a remedy in
10 sight.

11 COUNCILWOMAN BROWN: Have a?

12 COMMISSIONER NEUKRUG: Remedy
13 in sight in terms of improving the berm
14 that's located behind Saturn Place.

15 COUNCILWOMAN BROWN: So let's
16 take that further. A remedy in sight.
17 Is that six months? Is that 12 months?
18 Is that 24 months?

19 COMMISSIONER NEUKRUG: It's
20 going to be a process, and it's a process
21 because there are very many issues
22 involved with that in terms of
23 understanding not just how you design and
24 build and pay for a berm extension, which
25 is we're talking about -- not much, just

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2 we're talking about four or five feet of
3 earth and fill along the Cobbs Creek
4 bank. So it's not a very big project,
5 but it has to be done very well, and we
6 also have to be concerned, although not
7 overly concerned, about the issues of
8 what happens to the water that is no
9 longer going over the berm but heading
10 further down into Delaware County and
11 other parts of Philadelphia.

12 COUNCILWOMAN BROWN: With
13 initiatives like this, given the repeated
14 unhappy, unpleasant history of Eastwick
15 and given the remedy that's in sight,
16 it's useful sometimes to educate and
17 bring citizens along. And so when you
18 say "work with," does that mean that at
19 community meetings you're actually
20 sharing with citizens what is in store
21 for them for the next X number of months
22 regarding this berm, which is for a
23 layperson, that's like Greek to me.

24 COUNCILMAN JOHNSON: Excuse me,
25 Councilwoman. We just started this

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2 process, and although it's been a
3 historical issue in that particular area
4 and I think you were part of the
5 discussion during the last hearing --

6 COUNCILWOMAN BROWN: Rules.

7 COUNCILMAN JOHNSON: -- that
8 really kind of spurred this issue on,
9 this is the beginning process to kind of
10 bring all individuals to the table,
11 rather it be state, rather it be federal,
12 on a collective effort so we can work
13 with the City to kind of put an overall
14 strategy together. At least that's my
15 intention.

16 DEPUTY MAYOR CUTLER:
17 Councilman, may I just try to address
18 that for one minute. I think there are a
19 couple of pieces here that are important
20 to note. One is that the berm is not
21 owned by or was constructed by the City
22 of Philadelphia. It is well within the
23 purview of the feds vis-a-vis the Army
24 Corps of Engineers. So I think part of
25 our discussion with both the Army Corps

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2 of Engineers as well as the Environmental
3 Protection Agency, who has a clean-up
4 site down in this particular area, is to
5 really, along with our local, state and
6 federal officials, attempt to find a
7 solution, because ultimately the Army
8 Corps are the experts on the berm side
9 and it is their property, not the City's,
10 not the Water Department's. And so we
11 are looking to pull in those partners to
12 create a process by which we can move
13 that project forward.

14 So I just want to make sure
15 everybody is clear that that is not a
16 Water Department responsibility, but we
17 do have those relationships with both the
18 environmental agencies as well as the
19 Army Corps. So we will assist and help
20 take the lead on trying to move that
21 partnership deal forward.

22 COUNCILWOMAN BROWN: That
23 clarity is important in terms of
24 ownership of that piece of the berm.

25 COMMISSIONER NEUKRUG: And

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2 Deputy Mayor Cutler is stepping in to
3 stop my passion for my knowledge and my
4 desire to see a remedy happen at this
5 site, but she's absolutely correct that
6 the Army Corps and EPA have to come in as
7 partners. And money is important, but so
8 is expertise and understanding of how
9 these berms get constructed and how they
10 provide safety not only for this
11 community but for other parts of the
12 City.

13 COUNCILWOMAN BROWN: Okay,
14 then. Thank you for the clarity on that.

15 Thank you, Mr. Chairman.

16 COUNCILMAN JOHNSON: Thank you,
17 Councilwoman.

18 I'd like to also acknowledge my
19 good friend and former colleague in the
20 State House. We just spent the weekend
21 together, Columbus Day, and enjoyed
22 ourselves, but she's also as passionate
23 as Councilwoman Blondell Reynolds Brown
24 on this issue. I'd like to acknowledge
25 my good friend, State Representative

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2 Maria Donatucci.

3 Thank you for being here,

4 Maria.

5 I'd like to also at this
6 particular time acknowledge Councilman
7 Jim Kenney.

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

10 Commissioner, how many flood
11 events have been experienced in Eastwick
12 in the last five years?

13 COMMISSIONER NEUKRUG: How many
14 events? How many storm events?

15 COUNCILMAN KENNEY: How many
16 significant flood events.

17 COMMISSIONER NEUKRUG: How many
18 storm events? Storm events that can
19 cause flooding is --

20 COUNCILMAN KENNEY: How many
21 events in the last five years where
22 people's houses have been flooded.

23 COMMISSIONER NEUKRUG: Okay. I
24 don't have those numbers in front of me,
25 but I can tell you that, again, there are

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2 a number of causes. One is the overflow
3 of the bank of the Cobbs Creek --

4 COUNCILMAN KENNEY: I just want
5 to know if you know how many --

6 COMMISSIONER NEUKRUG: -- which
7 is a handful of events.

8 COUNCILMAN KENNEY: I just want
9 to know if you know how many times
10 peoples' houses have been flooded out
11 there in the last five years.

12 COMMISSIONER NEUKRUG: We can
13 give you that information from what we
14 got in the survey results, because most
15 of it is --

16 COUNCILMAN KENNEY: But before
17 the survey results, you didn't know?

18 COMMISSIONER NEUKRUG: No,
19 nothing --

20 (Applause.)

21 COUNCILMAN KENNEY: I mean,
22 Howard, I like you. I respect you.
23 You're a good person. But before this
24 zoning hearing, there was no information
25 or very little information about what

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2 these people are going through out there
3 until Councilman Kenyatta actually forced
4 this because of that hearing to this --

5 (Applause.)

6 COUNCILMAN KENNEY: I'm asking
7 Commissioner Neukrug. I'm not speaking
8 to anyone else.

9 COMMISSIONER NEUKRUG: Yes.
10 And just in response to that, it kind of
11 felt from the audience and from yourself
12 that that is a bad thing, and from my
13 perspective, I really appreciate what
14 City Council has done and brought this to
15 light, and this is a critical issue for
16 us and I'm very happy to be sitting here
17 with you and in the middle of this event.

18 COUNCILMAN KENNEY: And I'm
19 glad you're here, and I'm sure Councilman
20 Kenyatta and the rest of Council is glad
21 you're here, but you wouldn't be here
22 without the zoning code change
23 requirement, correct? If we hadn't had
24 the zoning hearing relative to the Korman
25 development, we wouldn't be sitting here

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2 having this discussion; is that fair?

3 COUNCILMAN JOHNSON: I want to
4 interject just real quick --

5 (Applause.)

6 COUNCILMAN JOHNSON: With all
7 due respect, Councilman Kenney, and I'll
8 be clear -- and I know perceptions are
9 one thing, and you may or may not know
10 this. Prior to me becoming a City
11 Councilman, I already toured the back
12 Eastwick area with the gentleman in the
13 back named Mr. Leo, and, again, my
14 commitment to him was -- and this is
15 totally separate from the Korman deal --
16 was to take a look into this issue,
17 right? Because people on the federal
18 level, on the state level in the past
19 have kept going out to the Eastwick
20 community and only held hearings. I
21 didn't want to be a typical politician
22 and just jump right into hearings, but
23 let's see how can we make sure that what
24 the data -- because they already have a
25 whole lot of data on this issue.

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2 COUNCILMAN KENNEY: Well, he
3 just told me he didn't know.

4 COUNCILMAN JOHNSON: No. I'm
5 talking about the residents from
6 Eastwick.

7 COUNCILMAN KENNEY: Yeah. They
8 know. They lived it.

9 COUNCILMAN JOHNSON: Not so
10 much the City. But we want to make sure
11 that we're not just having hearings just
12 for the sake of having hearings, but a
13 real strategy to address their issues
14 long term.

15 COUNCILMAN KENNEY: Councilman,
16 you've been here less than a year.
17 You've done more than has been done for
18 this community in the last 20 years in
19 relation to that, but my point to the
20 Administration is, we would not be here
21 if not for the need for a zoning change
22 so that Korman could take 772 apartments
23 from 145 townhouses. That's what this is
24 about.

25 (Applause.)

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2 COUNCILMAN KENNEY: Does anyone
3 at the table know the amount of
4 developable square footage that the
5 Kormans has had control of since 1960?
6 Does anyone know how many parcels there
7 are and what the accumulative square
8 footage of development opportunities were
9 there for the Kormans in the last almost
10 60 years?

11 DEPUTY MAYOR CUTLER: No, I do
12 not. Redevelopment Authority probably
13 does.

14 COUNCILMAN KENNEY: So, in
15 other words, we go through what we went
16 through in the Rules Committee because
17 they learn at the last minute that all of
18 this is contingent on them getting out of
19 our way because they sued us and we took
20 their land, which we gave them fair
21 compensation, they didn't believe it,
22 Board of View changed their mind and they
23 wanted \$9 million more for not developing
24 anything in the last 60 years. So now
25 we're dealing with airport expansion and

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2 Kormans maximizing their development
3 rights from 145 townhouses to 772
4 apartments, and these folks are still
5 whipsawed in the middle, and we wouldn't
6 be here if it weren't for those two
7 deals.

8 DEPUTY MAYOR CUTLER: Yes, but
9 not related to the flooding question.

10 COUNCILMAN KENNEY: So, in
11 other words, the flooding out there is
12 just an act of God.

13 DEPUTY MAYOR CUTLER: No,
14 Councilman. The flooding out there are
15 either from a variety of storms, outside
16 of anybody's control, or localized issues
17 where people have added on to their
18 property without assuming new drainage,
19 which is flooding neighbors from their
20 houses next door. It could be from --

21 (Audience members saying "no.")

22 DEPUTY MAYOR CUTLER: You may
23 not like the answer, but the facts are
24 pretty clear. There are a variety of
25 reasons why there's flooding, but the

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2 development question is really different
3 than the zoning question, other than it
4 brought us here today.

5 COUNCILMAN KENNEY: Thank God.

6 DEPUTY MAYOR CUTLER: We were
7 unaware of the flooding issues that have
8 now basically been reported to us through
9 the survey piece. Most of those, outside
10 of storm causes, were not called in as
11 complaints to the Water Department from
12 the system we can see. We now know about
13 it from insurance claims and we now know
14 about it because people took the time to
15 fill out the surveys.

16 COUNCILMAN KENNEY: Well, I
17 just think it's sad that the only way
18 people's issues get addressed is if the
19 airport needs to expand and Korman needs
20 to maximize development rights. And
21 that's where we're at right now. And as
22 far as the zoning question is concerned,
23 we have not resolved that yet, but I am
24 increasingly aggravated as a result of
25 the way this was done. We talk about

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2 transparency in this Administration.

3 Well, it wasn't transparent about the
4 deal on the lawsuit until a lawyer over
5 on the side told me about it, mistakenly.
6 I'm sure she's not happy she did, but she
7 told me about it, and that's how we're at
8 the point we're at now.

9 So I'm glad you're going to
10 resolve all these issues. I'm glad you
11 have a plan. I'm sure Councilman
12 Kenyatta is going to hold your feet to
13 the fire to make sure that gets done.

14 COUNCILMAN JOHNSON: That's
15 right.

16 COUNCILMAN KENNEY: However, I
17 think it's really disappointing that
18 we're only here because the airport
19 expansion and Korman's maximization of
20 their development rights that they
21 haven't done in 60 years.

22 (Applause.)

23 COUNCILMAN KENNEY: That's just
24 a little historical context.

25 COUNCILMAN JOHNSON: No.

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2 That's no problem. This is my former
3 professor, so he can get a chance to get
4 a little additional opportunity to chime
5 in, but I still will go back to although
6 this might have occurred based upon the
7 conversation in the Rules Committee, I'm
8 always still going to say for the record
9 this has always been a passion of mine,
10 totally separate from the Korman deal.
11 So rather it would have been this
12 meeting, maybe the Administration
13 wouldn't have been here, but Councilman
14 Johnson still would have had a hearing
15 around --

16 COUNCILMAN KENNEY: Councilman,
17 as I said earlier, you've done more in
18 six months than has been done in 20
19 years, I agree.

20 COUNCILMAN JOHNSON: I
21 understand where you're coming from with
22 the Administration, but I just want to
23 let you know where I was at on the issue
24 just in general.

25 I'd like to also acknowledge

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2 Councilman Bobby Henon, who is here as
3 well.

4 Any other questions for them?
5 (No response.)

6 DEPUTY MAYOR CUTLER: Thank
7 you.

8 COUNCILMAN JOHNSON: Thank you
9 very much.

10 Next we would like to bring up
11 M. Richard Nalbandian from Temple
12 University for Planning and Regional --
13 Regional and Community Planning, as well
14 as Dr. Franco Montalto from Drexel
15 University.

16 (Witnesses approached witness
17 table.)

18 PROFESSOR NALBANDIAN:
19 Councilman, I should make it clear that I
20 am not representing Temple University
21 today. I am still associated with the
22 University, but I'm here as an advisor to
23 the Eastwick Coalition.

24 COUNCILMAN JOHNSON: Good.
25 Thank you. Thanks for being here.

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2 DR. MONTALTO: Likewise, I'm
3 here as an independent. I'm not
4 representing the University.

5 COUNCILMAN JOHNSON: Thank you.
6 For the Eastwick Coalition as well,
7 correct?

8 DR. MONTALTO: Yes.

9 COUNCILMAN JOHNSON: Thank you
10 for being here. Please state your name
11 for the record.

12 PROFESSOR NALBANDIAN: M.
13 Richard Nalbandian.

14 I am not here to address the
15 stormwater management issues that the
16 Commissioner spoke of. My concern is
17 with the unreliability of the current
18 Flood Insurance Rate Maps issued by FEMA.
19 And I want to preface my remarks by
20 saying that FEMA does an excellent job in
21 floodplain mapping and mitigation, but
22 like any scientific endeavor, they have
23 to use the best available data; that is,
24 the best available data at the time that
25 the original maps were done.

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2 When those maps were done, they
3 were using precipitation figures for the
4 design storms on which to base the
5 floodplain maps from a now obsolete set
6 of data issued by the U.S. Weather Bureau
7 in 1961 based on an average across the
8 entire U.S. of only 26 years. And anyone
9 who knows statistics knows that it's very
10 difficult to project to statistical
11 events occurring on a 100-year basis or a
12 500-year basis. We refer to these storms
13 in kind of a verbal shorthand. We call
14 them 100- or 500-year events, and that
15 leads to some confusion, a good deal of
16 confusion, I should say. Because these
17 are not storms that occur regularly like
18 clockwork every 100 or 500 years. What
19 it means is that they have -- for
20 instance, for the 100-year storm, they
21 have a one percent chance of occurring in
22 any given year or being exceeded by that
23 amount, and similarly for the 500-year
24 event, a 500-year has a 0.2 percent
25 chance of occurring or being exceeded in

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2 any given year. We now know that those
3 figures from the '61 publication by the
4 Weather Bureau, Technical Report No. 40,
5 or Technical Paper 40, were seriously
6 underestimating the extreme events such
7 as the 100-year and 500-year events.

8 In recent mapping efforts, we
9 have used figures that are as much as 20
10 percent higher than the design storms
11 used back then. Again, this was through
12 no fault of FEMA. It was the best
13 available estimate at the time.

14 In my statement, which I
15 believe is being entered into the record,
16 I discuss six factors which lead to the
17 unreliability of the existing Flood
18 Insurance Rate Maps. The most important
19 one is that one that I've already
20 mentioned; that is, that the
21 precipitation figures that were used to
22 drive the floodplain mapping were simply
23 too low.

24 In recent mapping of the
25 Pennypack Creek in Northeast Philadelphia

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2 and the suburbs outside the Philadelphia
3 area, we used figures that were 20
4 percent higher than the original TP-40
5 values, and this led to an expansion of
6 the floodplains in the Pennypack Creek
7 areas outside the City of Philadelphia by
8 24 percent in aerial extent.

9 Other factors were the accuracy
10 of the topographic maps that were used.
11 Again, they used the best available maps
12 at the time, but they were simply not
13 accurate enough to produce good results.

14 The mapping that we did in the
15 Pennypack Creek used contour intervals of
16 two feet vertically, and they were
17 accurate to within one foot horizontally.

18 Land development in the upper
19 reaches of the watershed, again, not only
20 in the Pennypack but in all of the
21 suburban areas, including Darby and Cobbs
22 Creek, has increased impervious areas by
23 significant factors. So that means more
24 runoff for the same amount of rain.

25 And also technological advances

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2 in modeling, in hydrologic and hydraulic
3 modeling, over the last 50 years has
4 improved the accuracy of our modeling
5 efforts.

6 Also, the old maps did not
7 reckon with sea level rise in the region,
8 and we know that sea level has risen and,
9 as a matter of fact, at approximately --
10 locally at approximately double the rate
11 of the sea level rise along the Middle
12 Atlantic coast.

13 And I would simply conclude by
14 reading the conclusion of my memo.

15 Considering all of the above
16 factors, it is impossible to avoid the
17 conclusion that flood hazards in the
18 Eastwick area, and particularly in the
19 area south of 86th Street, are
20 significantly understated by the existing
21 floodplain maps, or FIRMs. It is
22 virtually certain that flood levels will
23 be significantly higher than those
24 presently predicted and that the aerial
25 extent of the flood hazard zones will be

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2 significantly expanded, even without
3 consideration of tidal effects and sea
4 level rise.

5 Should the proposed development
6 be approved and constructed, emergency
7 egress could be cut off for as many as a
8 thousand residents, and emergency
9 response vehicles would likewise be
10 unable to access the site during flood
11 events of increasing frequency and
12 magnitude. Therefore, if the rezoning
13 and redevelopment plans currently being
14 considered by the Philadelphia City
15 Council are approved as they stand, the
16 Council must be advised that both current
17 and future residents will be placed at
18 significant risk of physical and
19 financial harm.

20 I will add that I just heard
21 mention of berms around the site. I
22 would say that before one decides what
23 should be, we have to know what is; that
24 is, new floodplain mapping efforts should
25 be started. It's a very expensive

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2 process, but it is essential to know how
3 high and how wide existing -- rather,
4 future floods could be, especially since
5 the precipitation figures that we used to
6 do the floodplain mapping in various
7 parts of this area over the last eight to
8 ten years do not take account of even
9 greater precipitation for design storms
10 that are probably the fact now, because
11 the last decade has seen some of the
12 more -- some greater frequency and
13 magnitude of extreme flood events.

14 COUNCILMAN JOHNSON: Thank you.

15 DR. MONTALTO: So my name is
16 Franco Montalto. As I mentioned, I'm a
17 professor of Drexel University, and I
18 have a private practice and I work on
19 stormwater issues. And I looked at the
20 proposed development from the point of
21 view of the likely impact or the impact
22 that stormwater could have on the
23 flooding problem in the neighborhood.

24 In preparation, I walked the
25 streets around the proposed development

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2 and reviewed a site rendering prepared by
3 Pennoni on behalf of Korman to look at
4 what was actually being proposed on the
5 site, and I'll say in general -- and this
6 is without -- this is a hypothetical
7 situation, but without stormwater
8 controls, replacing -- without controls
9 on stormwater -- I want to underline that
10 that's hypothetical, because we're in the
11 City of Philadelphia. But without
12 stormwater controls, replacing an area
13 that is a mixture of grassy fields and
14 forested landscape with roofs, driveways,
15 and streets can create the possibility of
16 flooding, because the rate -- the end
17 volume of runoff that's generated from a
18 developed site is known to be much more
19 than an undeveloped site.

20 However -- and I'll go one step
21 further -- if the rate of runoff that's
22 generated from the post-developed site
23 exceeds the capacity of the drainage
24 system locally, whether that's a natural
25 drainage system consisting of creeks and

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2 swales or an engineered drainage system
3 consisting of pipes and inlets, pump
4 stations, et cetera, if the rate of
5 runoff leaving the site exceeds the
6 capacity of that system, you could have
7 backing up of this runoff and flooding.

8 However, since this site, 35
9 acres, exceeds the 15,000 square feet
10 that triggers Section 14-1603.1 of The
11 Philadelphia Code, which is the
12 stormwater rule, the development would --
13 it would be impossible for the
14 development to go forward without
15 stormwater controls, and in all
16 likelihood what would happen is in the
17 negotiation between the developer and the
18 City, a variety of studies would need to
19 be produced. And because of what I've
20 been able to look at, which was just a
21 site rendering drawing, it's impossible
22 for me to say exactly which studies the
23 City would likely require the developer
24 to produce.

25 However, based on what's in the

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2 code, I can speculate on the nature of
3 those studies and the type of information
4 that needs to be generated in order to
5 fully answer this question of what impact
6 a variation of this development would
7 have on flooding. Again, we don't know
8 what this development really will look
9 like. It's a very different development
10 if all the houses are on stilts than if
11 all the houses are on the ground. And so
12 we don't know what it looks like.

13 So all I can say is based on
14 what's in the code, there would likely be
15 a drainage study, which would include an
16 assessment of current drainage conditions
17 on the site, along with the predicted
18 hydrologic response of the site under a
19 variety of different storm conditions.
20 So we would look at storms with different
21 return periods up to, for example, the
22 hundred-year or the 500-year storm, and
23 we'd look at the response of the site
24 today, so if you had Hurricane Irene,
25 what's happening on the site now, and

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2 then with the development in place, what
3 would be the response. So that would be
4 a modeling project and a drainage study
5 that would include sort of collecting
6 data about where the water right now is
7 going. And to my knowledge, it's not
8 known exactly where the water is going on
9 the property. Of course, I couldn't
10 access the property, so I can't say what
11 I saw, because I didn't see it, is what
12 I'm saying.

13 This drainage study would
14 probably also characterize the local
15 groundwater conditions. Where you have
16 high groundwater tables, infiltration of
17 stormwater is generally discouraged. And
18 the direction of flow of the groundwater
19 is also of concern. So this drainage
20 study would include surface drainage and
21 it would also consider groundwater
22 conditions.

23 There would likely also be a
24 water quality study that either explains
25 where and how the first inch of runoff

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2 will be infiltrated within the 35-acre
3 development site, because that's part of
4 the stormwater code, or would request a
5 waiver of that particular requirement of
6 the code, and in lieu of infiltrating
7 this first inch of runoff, some type of
8 stormwater treatment device being built
9 within the site so that the pollutants
10 that are in the runoff actually won't
11 create problems in whatever water body
12 they would eventually get to. So a water
13 quality study would also be part of what
14 would be required of the developer.

15 And, finally, a channel
16 protection study. So the stormwater code
17 wants to make sure that the rate of
18 runoff leaving the site does not create
19 erosion problems in the natural channels
20 that receive runoff from the City of
21 Philadelphia. So the purpose of the
22 channel protection study would be to
23 investigate whether the new development
24 would increase the rate of flow in the
25 drainage network serving the area. And

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2 PWD would likely require the developer to
3 develop site stormwater controls,
4 ensuring that the project would not
5 increase flow rates in any of the
6 drainage channels or conduits that would
7 be part of the post-development
8 condition. And this would likely
9 consider different tidal conditions,
10 different meteorological conditions, and
11 the effects that any hydraulic
12 appurtenances that are actually in the
13 drainage system would have on those
14 flows.

15 And I want to make one other
16 point, because although it's not part of
17 what's in the stormwater code, as part of
18 the state review of the project, the
19 hydrologic alterations of the site could
20 have impacts on habitat. And so because
21 of the significant hydrologic alterations
22 implied by the proposed development, its
23 impact on state-protected, threatened,
24 and endangered species would also likely
25 need to be assessed at some point in the

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2 permitting process. And so my guess is
3 that a habitat impact study, including a
4 Pennsylvania Natural Diversity Inventory
5 Environmental Review would likely be
6 performed to assess whether threatened,
7 endangered or protected species using the
8 site -- are using the site under current
9 conditions and what would be the impact
10 in a post-development condition on
11 habitat in the adjacent Heinz Wildlife
12 Refuge, which, as we know, has leopard
13 frogs, red-belly turtles, and a bunch of
14 other threatened species, state-protected
15 species.

16 So I'll just read my conclusion
17 section, which given local stormwater
18 regulations and site contacts, the
19 developer will, in all likelihood, be
20 required by PWD to perform a number of
21 different kinds of studies to prove
22 without a reasonable doubt that the
23 proposed new development will not
24 compromise water quality, erode channels
25 or worsen local flooding conditions.

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2 These studies will require significant
3 commitment in the form of time and money
4 on both the part of the developer, who
5 needs to complete the studies, and PWD,
6 who must review them.

7 Until these studies are
8 completed and a true conceptual design
9 has been developed and made available for
10 review, it's not possible to speculate
11 further about the potential of the
12 redevelopment project to negatively
13 impact flooding conditions.

14 Again, as I mentioned, if the
15 buildings are all put on stilts and
16 there's green roofs on top of it, that's
17 a very different impact to be considering
18 than a slab-on-grade set of buildings.
19 So we really need a whole lot more
20 information about what's being proposed,
21 and we need the outcomes of these studies
22 to be made public.

23 However, I can say if the same
24 scale and type of development were
25 proposed for a higher elevation,

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2 non-coastal site, without a history of
3 flooding, elsewhere in Philadelphia, the
4 permitting phase of the project would, in
5 all likelihood, be much simpler,
6 requiring only a fraction of the
7 resources that will be invested in
8 studying the Eastwick location. An
9 alternate location would also avoid the
10 potential for habitat impacts on the
11 Heinz Wildlife Refuge, which I'd
12 underline is really one of only 500 or so
13 refuges in the United States that's in an
14 urban setting.

15 And I'll just end with a
16 comment that coastal locations like this
17 historically are the buffers that
18 residents -- or that urban communities
19 have against factors like sea level rise,
20 although we're living in a completely
21 modified environment. So really this
22 discussion is a very detailed discussion
23 about how regulations impact the form of
24 the development and what the form of
25 development will have, what impact the

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2 form of the development will have on the
3 surrounding landscapes. And so there's a
4 lot more information that needs to be
5 made available before these impacts can
6 be -- or potential impacts can be fully
7 evaluated.

8 But we are in Philadelphia that
9 has a very innovative stormwater code,
10 and I want to underline the fact that the
11 checks in place on the developer in terms
12 of being able to do this will give us a
13 lot of that information and we will see
14 what they come up with.

15 COUNCILMAN JOHNSON: Thank you.

16 I have a question for
17 Mr. Nalbandian. So part of your
18 testimony is that the current floodplain
19 maps, Flood Insurance Rate Maps, they are
20 developed by the EPA?

21 PROFESSOR NALBANDIAN: No;
22 FEMA.

23 COUNCILMAN JOHNSON: I'm sorry,
24 by FEMA, based on the federal level. And
25 they're pretty much at this particular

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2 time outdated?

3 PROFESSOR NALBANDIAN: I'm

4 sorry?

5 COUNCILMAN JOHNSON: Are you

6 saying that they are outdated basically?

7 PROFESSOR NALBANDIAN: Yes.

8 COUNCILMAN JOHNSON: That was

9 one. And then the other question is,

10 when you talk about -- like I'm beyond a

11 hundred-year flood situation. Like I

12 know we had Hurricane Katrina, but if I'm

13 correct, there's regular flooding taking

14 place in the back of, I guess it's -- I

15 think that's Saturn's Place where Darby

16 Creek is, right? That floods regardless

17 if it's a major storm or not. That's

18 constantly flooding on a regular basis.

19 PROFESSOR NALBANDIAN: Yes, a

20 much more frequent basis from smaller

21 storms. What the FIRMS deal with are the

22 100-year and 500-year events and the

23 extent of the flooding and the depth of

24 the flooding that can be caused by those

25 events. And those -- for that matter,

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2 we've had two 100-year events, so-called
3 100-year events, in the last decade.

4 COUNCILMAN JOHNSON: Okay.

5 PROFESSOR NALBANDIAN: And the
6 frequency and intensity of those events
7 is measurably increasing. So, frankly --
8 this is my opinion, but my considered
9 professional opinion -- that even the
10 figures that we used in the Pennypack
11 Creek and in parts of the Wissahickon
12 Creek watersheds where we produced new
13 FIRMS for FEMA, which have been issued by
14 FEMA and which they, as a matter of fact,
15 are holding up as the gold standard,
16 they're arguably the most accurate
17 floodplain maps in the country. In my
18 opinion, we used much too low
19 precipitation figures for those. I think
20 we're still behind the curve.

21 COUNCILMAN JOHNSON: Thank you.

22 Any other questions for the
23 members?

24 Councilman Greenlee.

25 COUNCILMAN GREENLEE:

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2 Mr. Chairman, thank you.

3 Just so I'm clear, and I think,
4 Dr. Montalto, you talk pretty much about
5 the proposed development, which is
6 obviously very important and part of the
7 whole thing, but do you have any or did
8 you look at all of what the present
9 situation is, the causes? You heard what
10 the Water Department said, what they're
11 feeling. Did you look into that at all?

12 Or I guess Professor
13 Nalbandian. Either.

14 Do you have any opinion on that
15 vis-a-vis what the Water Department said?

16 DR. MONTALTO: I don't have any
17 direct -- I haven't had any direct
18 knowledge about exactly where the
19 flooding has occurred and what the causes
20 of the flooding are. I agree with what's
21 been stated about there's an increase in
22 the extreme -- the intensity and the
23 frequency of extreme precipitation
24 events, and that's being studied by
25 climate scientists throughout the

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2 northeast.

3 And so the fact that we've had
4 more frequent intense events is something
5 that could be connected to the flooding
6 observations that are being made now. I
7 haven't actually looked at and I didn't
8 have available to me the type of
9 information that I would need to say if
10 we had a hundred-year event, the water
11 can't get into this inlet and through
12 that pipe and that's why it's backing up
13 into this particular space. That
14 information was not available to me. I'm
15 not saying that it doesn't exist. I'm
16 sure the Water Department has that
17 information, but I wasn't able to review
18 that information, so I can't answer the
19 question that you pose.

20 COUNCILMAN GREENLEE: Okay.
21 Because I guess the point we're trying to
22 find out -- we obviously are concerned
23 about the development, and that will come
24 up in the Rules Committee again, but I
25 guess what we're trying to get at is

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2 what's going on now, why the problem.

3 Because you have intense storms, but

4 they're all over the City of

5 Philadelphia. They're not just at

6 Eastwick. So there must be something

7 going on in Eastwick in at least some of

8 the locations that seem to be causing a

9 particular problem down there.

10 DR. MONTALTO: Well, my

11 speculation would be that because

12 Eastwick is coastal, you have high

13 groundwater tables and you have nearby

14 water bodies, and if you have -- the

15 water simply doesn't have many places to

16 go, so you get flooding. And so what I

17 wanted to look at was whether what's

18 known about this proposed development

19 would make that condition worse. And

20 what I'm saying is that because of the

21 regulations in Philadelphia, that

22 comparison of existing conditions to

23 proposed conditions would come out in

24 this permitting process, and it would be

25 a long and difficult process with many

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2 studies involved and lots of
3 investigations being made. And so I
4 personally -- and this is my opinion --
5 would say that this type of a development
6 in a coastal location is going to be a
7 difficult undertaking.

8 COUNCILMAN GREENLEE: Thank
9 you.

10 COUNCILMAN JOHNSON: I have a
11 quick question too. One quick one.
12 Hypothetically, no permit, no zoning,
13 they go build, I think it's, 145 houses
14 that they want to build, just regular row
15 homes. How would the flooding impact
16 just regular row homes? Let's take the
17 apartments off the table and they just
18 move forward and say, Okay, well, we want
19 to develop houses by-right. How is the
20 flooding going to impact that area? I'm
21 just thinking hypothetically in terms of
22 still how is the houses going to have an
23 impact on the surrounding area
24 flood-wise.

25 DR. MONTALTO: The first step

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2 in answering that process is to ask
3 what's happening right now to water on
4 that site when it rains, and that
5 requires an investigation, because
6 there's a history of filling, there's
7 high groundwater tables, there's all
8 kinds of modifications that have been
9 made to that site.

10 So not knowing exactly what the
11 baseline condition is, my general sort of
12 technical answer would be that the water
13 flows in the direction of the topographic
14 gradient. And so it moves back towards
15 Mario Lanza, that area over there.

16 I don't know that that's
17 actually the case, because there could
18 be, for all I know, drains and catch
19 basins that were built years ago in
20 anticipation of that area being fully
21 developed that intercept that flow and
22 make it go somewhere else. I don't know
23 that that is or is not the case.

24 But to answer your
25 post-development question, without

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2 stormwater controls, which again is
3 hypothetical, without stormwater
4 controls, if you remove vegetation
5 canopies and you replace pervious soil
6 surfaces with paved surfaces, you
7 generate more runoff, a greater volume of
8 runoff and you create a greater rate of
9 flow of runoff. And if that runoff
10 cannot be intercepted in some kind of
11 drainage infrastructure, it could back
12 up.

13 But I want to emphasize that a
14 development of this scale occurring in
15 Philadelphia without stormwater controls
16 I don't think is a realistic scenario to
17 consider.

18 COUNCILMAN JOHNSON:
19 Councilwoman Blondell Reynolds Brown.

20 COUNCILWOMAN BROWN: Thank you.

21 Good morning, and thank you for
22 your testimony. Throughout your
23 testimony statement, you said "would"
24 versus "should," and I'm just curious to
25 know why. Because it would seem to me

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2 given the history and in an effort to be
3 smarter going forward and recognizing
4 your professional opinion on this so that
5 we don't have any more déjà vu's with the
6 new development, whatever it looks like,
7 help me understand why it was in the
8 tense of "would" versus "should."

9 DR. MONTALTO: I'm trying to
10 remember when I used "would." In terms
11 of which comments that I made?

12 COUNCILWOMAN BROWN: Actually
13 throughout your testimony you just said
14 would do this or would do that versus
15 should do this and should do that, so
16 that we don't have a repeat history here.
17 I'm curious.

18 DR. MONTALTO: Well, in
19 general, I tend to use the word "could"
20 over "should" because it implies the fact
21 that the decisions that we make in terms
22 of what we allow and how we design things
23 can change the outcome that we have. So
24 I would say that if a development like
25 this is to go forward, it should be

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2 designed to not create more flooding
3 problems for the community of Eastwick.

4 COUNCILWOMAN BROWN: Okay.

5 DR. MONTALTO: And I believe
6 that it could be. I just believe it
7 would be a difficult and long process to
8 get through all of the different channel
9 protections, stormwater, water quality,
10 all of the different sort of --

11 COUNCILWOMAN BROWN: Protocols?

12 DR. MONTALTO: -- protocols
13 that need to be followed, exactly.

14 COUNCILWOMAN BROWN: Okay.

15 DR. MONTALTO: So I don't know
16 exactly when I used "should" and "would,"
17 but that's my definition.

18 COUNCILWOMAN BROWN: That's
19 helpful.

20 The second question is, the
21 surveys that the Water Commissioner
22 talked about and that Chairman Kenyatta
23 Johnson wants to see happen, would not
24 that information be useful to you in
25 informing how this development should

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2 proceed? And the goal here is to connect
3 the dots, because we have the
4 professional experts and you have the
5 citizens who are living with this daily
6 and then you have the Water Department,
7 and Chairman has indicated we're at a
8 starting point. So going forward, should
9 not all those dots be connected?

10 DR. MONTALTO: Yeah. I would
11 say if you're trying to comprehensively
12 understand the causes of flooding in
13 Eastwick, you need to know where the
14 causes of flooding have occurred, which I
15 understand you can get from the survey
16 data -- though I'm not part of that; I
17 haven't seen that -- and you need to sort
18 of then look at where the complaints and
19 where the flooding incidences are
20 compared to the infrastructure that's
21 present, the topographic gradients that
22 are present, the site conditions that are
23 present. And when you superimpose sort
24 of the map of the complaints on top of
25 the map of the infrastructure and the map

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2 of the natural topography, then we can
3 develop some insights into what might be
4 the cause of the flooding.

5 COUNCILWOMAN BROWN: Okay. So
6 my final question is, in projects like
7 this, is it customary for experts like
8 yourself to sit with residents and, more
9 importantly, the developers so that they
10 do this the right way and not for what is
11 obvious to many of us, for the financial
12 benefit of it? Is that not customary?

13 DR. MONTALTO: Yeah. I mean, a
14 consultant engineer would have to be
15 involved on behalf of the developer to
16 take the project through the regulatory
17 process and produce the requisite studies
18 that need to be made along the way. And
19 if the regulatory process says flow rates
20 in this channel which overflows and
21 causes problems are at this level and you
22 have to tell me that if this development
23 goes into place, the flow rates are not
24 going to be at that level, in fact we
25 want it at this level, that's a modeling

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2 and an engineering project that would be
3 undertaken by someone like myself on
4 behalf of the developer and then
5 scrutinized and reviewed by the City.

6 COUNCILWOMAN BROWN: Okay. All
7 right, then. So there are additional
8 eyes to look at that, meaning the City,
9 and in this case the Councilperson, to
10 ensure that what the recommendations are
11 of the experts, that they are indeed
12 honored in the rollout of that
13 development. So ultimately the checkoff
14 is with the City zoning rules?

15 DR. MONTALTO: I would say that
16 the Water Department -- the development
17 would have to get a stormwater plan,
18 which would be a condition to the permit.

19 COUNCILWOMAN BROWN: Okay.

20 DR. MONTALTO: So there
21 wouldn't be a building permit issued
22 unless the Water Department's conditions
23 were met. And because we have the
24 stormwater code, there would be a water
25 quality study, there would be a channel

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2 protection study, and there would be --
3 what was the third one? The channel
4 protection, the water quality, and the
5 drainage condition.

6 COUNCILWOMAN BROWN: Okay.
7 Thank you for your testimony. Very, very
8 educational.

9 PROFESSOR NALBANDIAN: If I may
10 make one more remark.

11 I think it's important to
12 distinguish between the stormwater
13 regulations of the City, which are
14 arguably the most progressive in the
15 country that I'm aware of, but they are
16 meant to deal not with the 100- and
17 500-year events, they're meant to deal
18 with much smaller events. You can't
19 design a stormwater system that could
20 handle the 100-year event. It would mean
21 no development in the City at all.

22 (Applause.)

23 DR. MONTALTO: I'll just say
24 that actually flooding is considered as
25 part of the stormwater regulations. So

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2 there are several different elements.

3 There's the water quality, which I think

4 you're referencing, which talks at the

5 first inch. So if you're talking about

6 the first inch of rainfall, you're not

7 addressing, I agree, you're not

8 addressing the flooding. But the channel

9 protection study, which is required,

10 would address the larger return period

11 events, and there could be -- they would

12 have to look at it under existing

13 conditions and then you'd have to look at

14 it under proposed conditions and ensure

15 that the proposed conditions -- and so I

16 can't say for Eastwick which return

17 period storm would be considered, but

18 there would be a look at some of the

19 larger storms given as part of the

20 channel protection element of the plan,

21 which would have to be addressed.

22 COUNCILWOMAN BROWN: Okay. So

23 then another question about transparency.

24 You know the code better than I. Is

25 there in that code an opportunity for

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2 citizens to be kept informed every single
3 step of the way about the outcome or the
4 information given in these studies? Once
5 the studies are done, how do citizens get
6 access, period? Not that they have to
7 ask for it, but that it happens
8 automatically?

9 DR. MONTALTO: To my knowledge,
10 that's not in the stormwater code. The
11 stormwater code is about technical
12 issues. I think that the informing of
13 the citizens of the results of that
14 process happens through another process,
15 which has to do with public participation
16 in these types of decisions, and I don't
17 know -- that's beyond my area of
18 expertise in how the City actually works.
19 But it's not part of the stormwater rule
20 that before you perform X study, you must
21 issue a survey, you must go talk to
22 people. That's not part of the
23 stormwater code. It may be part of PWD's
24 protocol in implementing the code, but
25 it's not written -- I believe it's not

1 10/9/12 - TRANSPORTATION - RES. 120620
2 written in the actual code.

3 COUNCILWOMAN BROWN: Okay,
4 then. Thank you for that.

5 Is the Water Department still
6 here, Mr. Chairman?

7 COUNCILMAN JOHNSON: Yes,
8 they're still here.

9 Howard, can you come back up to
10 the table for Councilwoman Blondell
11 Reynolds Brown, please.

12 COUNCILMAN KENNEY:
13 Mr. Chairman, I have some questions for
14 him.

15 COUNCILMAN JOHNSON: Sure.

16 Can you just hold on one
17 second, sir.

18 Councilman Jim Kenney.

19 COUNCILMAN KENNEY: Just
20 quickly, have you seen the plans for the
21 Korman development at that site, either
22 of you?

23 PROFESSOR NALBANDIAN: No.

24 DR. MONTALTO: I've seen the
25 site rendering produced by Pennoni.

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2 COUNCILMAN KENNEY: So that's
3 just basically the schematic?

4 DR. MONTALTO: That's all it
5 is. I haven't seen any actual conceptual
6 plans.

7 COUNCILMAN KENNEY: If you had
8 access to the specific plans, would you
9 be able to more intelligently make
10 recommendations on what needs to be done
11 to mitigate the flooding issues?

12 DR. MONTALTO: If I had access
13 to the plans and I had access to a study
14 that documented what the existing
15 conditions are, I could state something
16 about whether the planned condition of
17 the site would make things worse or not.

18 COUNCILMAN KENNEY: Okay. Is
19 there a difference between 145 townhouses
20 and 772 apartments as it relates to
21 stormwater conditions?

22 DR. MONTALTO: It depends on
23 the footprint of both.

24 COUNCILMAN KENNEY: The
25 schematic that you've seen includes how

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2 much parking spaces; do you know?

3 DR. MONTALTO: A significant
4 amount. I don't know exactly.

5 COUNCILMAN KENNEY: And that's
6 impervious, correct?

7 DR. MONTALTO: I don't know if
8 it is or isn't.

9 COUNCILMAN KENNEY: So if you
10 have 35 acres of basically pervious land,
11 a good portion of that is going to be
12 paved, I would assume, for parking.

13 DR. MONTALTO: It depends.

14 COUNCILMAN KENNEY: If you have
15 772 units, everybody has got to park
16 their car somewhere. They're not parking
17 at the airport. They're parking on site.

18 My point, I guess,
19 Mr. Chairman, is if these two
20 individuals, who have no financial
21 interest in the development of this
22 project, have the opportunity to have
23 access to the specific plans in
24 coordination with the Water Department,
25 wouldn't we not have a better outcome, or

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2 at least a safer outcome?

3 PROFESSOR NALBANDIAN: Except
4 that failing a new floodplain study, the
5 type that FEMA would do, we don't know
6 whether they would be in the floodplain
7 or not.

8 COUNCILMAN KENNEY: Wouldn't
9 the --

10 PROFESSOR NALBANDIAN: I mean,
11 the impervious surface would not make a
12 difference one way or the other if
13 they're in the 100-year floodplain.

14 COUNCILMAN KENNEY: With the
15 plans to expand the airport and to build
16 a new runway and move UPS and all the
17 other things that are being discussed,
18 would not FEMA and/or the FAA require
19 some new study to determine -- I mean,
20 we're expanding this facility. It's
21 taking again land that is fallow and now
22 putting macadam on top of it and
23 buildings on top of it.

24 PROFESSOR NALBANDIAN: That
25 would seem logical, sir, but it doesn't

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2 necessarily guarantee it. The existing
3 FIRMS are the legal documents. The
4 existing FIRMS are what we have.

5 COUNCILMAN KENNEY:

6 Mr. Chairman, I would suggest, if
7 possible, that you have some discussions
8 with whoever you need to talk to to make
9 sure that there's some non-partisan,
10 disinterested people -- not disinterested
11 in the issue, but disinterested in the
12 outcome of the 772-unit apartment
13 complex -- have some contribution to what
14 the plan is. I trust the Water
15 Department. I think they're a terrific
16 department. However, they not
17 necessarily always can do what they want
18 to do and they're being directed to do
19 sometimes what they need to do.

20 (Applause.)

21 COUNCILMAN KENNEY: And since
22 all of this, all of this, revolves around
23 the airport expansion, which could very
24 well be a good thing, all of this is
25 driven by the airport expansion. If you

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2 go down through the list of processes we
3 went through relative to the Kormans
4 holding of this property for all these
5 years, their last-minute last year
6 attempt to get it developed that they
7 haven't done in 59 years and the need for
8 the airport to expand, all of this is
9 driving this process.

10 So I'd feel a lot more
11 comfortable if these two individuals, who
12 are academics and practitioners of this,
13 without any financial interest or
14 governmental interest, would be
15 contributing to the process. I would
16 feel much more comfortable.

17 Thank you.

18 PROFESSOR NALBANDIAN: Excuse
19 me. I have to say that the PWD was
20 instrumental in initiating the process
21 for the floodplain mapping that we did
22 that was --

23 COUNCILMAN KENNEY: When?

24 PROFESSOR NALBANDIAN: --
25 partially funded by FEMA. Without them,

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2 we would not have been in the game.

3 COUNCILMAN KENNEY: When was
4 this?

5 PROFESSOR NALBANDIAN: Well,
6 over the last decade.

7 COUNCILMAN KENNEY: Oh, all
8 right. Okay. I'm just talking about
9 what's going -- again, you have to
10 understand from my perspective, I'm a
11 little suspicious when the issues that
12 are driving this project have to do more
13 with the City's need or desire to expand
14 the airport, Korman's desire to last
15 minute develop the property than it is in
16 the interest of these folks who live in
17 this neighborhood.

18 (Applause.)

19 COUNCILMAN KENNEY: Thank you,
20 Mr. Chairman.

21 COUNCILMAN JOHNSON: Thank you,
22 Councilman Kenney.

23 Yes. Howard, you can come back
24 to the table for Councilwoman Blondell
25 Reynolds Brown.

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2 COMMISSIONER NEUKRUG: Good
3 morning.

4 COUNCILWOMAN BROWN: Thank you.
5 Thank you.

6 So ensuring that all of the
7 dots are connected is the goal in a way
8 that Councilman Kenney just articulated,
9 and, two, in sharing the information that
10 happens at different junctures of the
11 process is important as well. So what
12 are the Department's protocols when it
13 comes to matters of this scale and
14 keeping the community informed every
15 single step of the way?

16 COMMISSIONER NEUKRUG: We'd be
17 very pleased to work with the community,
18 work with City Council as we move forward
19 with this process to make sure that full
20 public participation takes places.

21 What is our protocols? You
22 need to recognize that this is a
23 development process such as -- and the
24 same goes for L&I and other parts of the
25 City government. There are technical

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2 reviews that go back and forth that
3 really don't have a public part to it,
4 but in a project like this -- we're
5 working with Councilman Jones on Green
6 Tree Run right now. We were talking
7 about a public process and something that
8 is important to the community like this.
9 We would certainly be very open to
10 working with you and figuring out how to
11 do that.

12 COUNCILWOMAN BROWN: Okay. So
13 we can expect that some protocols will be
14 established by the Department in concert
15 with the Chair of the Committee, or what?
16 Just -- I mean, next steps are important,
17 with no assumptions anywhere.

18 COMMISSIONER NEUKRUG: I'd be
19 very pleased to work with the Chair of
20 the Committee to develop a public process
21 protocol for as we review the plans for
22 the site or other sites that are of
23 interest to Council, very happy to have
24 public participation.

25 COUNCILMAN JOHNSON: And also

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2 if you could make sure each of the
3 Committee members, when you finalize the
4 data from the surveys and the overall
5 presentation that was provided, just make
6 sure that every Committee member has a
7 copy of it as well, just for the record.

8 COMMISSIONER NEUKRUG: And,
9 Councilman, I apologize for not having
10 that available to you today, but my
11 Deputy Commissioner, Chris Crockett, has
12 been working the data this weekend, and
13 we had e-mails going back and forth as
14 much as last night to try to figure out
15 how to -- what this data means and how to
16 interpret this. But very look forward to
17 working with the community and working
18 with City Council to fix whatever kind of
19 flooding problems there are in this area.
20 It's not something that anybody wants to
21 live with.

22 COUNCILMAN JOHNSON: Thank you
23 very much, Commissioner.

24 Any other questions?

25 COUNCILWOMAN BROWN: Yes.

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2 There is one more, and, again, it was
3 triggered by Councilman Kenney.

4 Does the Department maintain a
5 tickler, if you will, of the number of
6 flood events that happen in various
7 sectors of the City, just as a matter of
8 course? So that there's a read, X number
9 of floods in Eastwick or Wissahickon or
10 the like on a regular -- what I call
11 standard operating procedure.

12 COMMISSIONER NEUKRUG: Right.

13 COUNCILWOMAN BROWN: Do you do
14 that?

15 COMMISSIONER NEUKRUG: Yes. We
16 have a system where people -- it begins
17 with being notified by the public that an
18 event has taken place, and then we would
19 work to see if that is a localized
20 condition happening in a house, is it a
21 part of a problem in a neighborhood, is
22 it part of our infrastructure. We'll go
23 out and check our infrastructure and make
24 sure that there is no debris or clogs in
25 our systems, make sure that the inlets

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2 are clean. We will work with the
3 community to -- and when it gets to be
4 something very large, then it becomes
5 something that we need to do what we call
6 hydraulic modeling of the system, and
7 that just starts to become the very big,
8 expensive approach to how you take on
9 issues like this. Luckily, for this
10 community, for Eastwick, the engineering
11 solution is quite plain and above ground
12 and is not like some of the other
13 neighborhoods where we're talking about
14 new large sewers running through
15 residential neighborhoods.

16 COUNCILWOMAN BROWN: The word I
17 was looking for was like registering, a
18 registering of events as they occur.

19 All right, then. Thank you.

20 COMMISSIONER NEUKRUG: Thank
21 you.

22 COUNCILMAN JOHNSON: Thank you,
23 Commissioner.

24 At this time, I would like to
25 call up residents in the Eastwick

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2 community. Terry Williams, Leo Brundage,
3 Brice Baker, and Dana Lomax-Williams.

4 (Witnesses approached witness
5 table.)

6 MR. WILLIAMS: Good morning,
7 Councilman.

8 COUNCILMAN JOHNSON: Good
9 morning. State your name for the record.

10 MR. WILLIAMS: My name is Terry
11 Williams. I'm a resident of Eastwick, a
12 member of the Eastwick Friends and
13 Neighbors Coalition.

14 MR. BRUNDAGE: My name is
15 Leonard Brundage. I'm an Eastwick
16 resident and I'm also part of Friends and
17 Neighbors of Eastwick.

18 MR. BAKER: My name is Brice
19 Baker. I'm also a resident of the
20 Eastwick area and various other community
21 groups throughout the City of
22 Philadelphia in support of the City in
23 most cases.

24 MR. WILLIAMS: Sir, initially,
25 I want to thank you, Councilman, for

1 10/9/12 - TRANSPORTATION - RES. 120620
2 giving us this opportunity to air our
3 deep concerns. Also, I want to thank
4 Councilman Kenney, because it does my
5 heart good to see a Philadelphia
6 politician rise to the level of
7 statesman.

8 These issues --
9 (Applause.)

10 MR. WILLIAMS: These issues are
11 very deep and concerning to my fellow
12 neighbors, and as a person who has lived
13 in Eastwick all of his life, I'm reminded
14 of what Native Americans say, that you
15 never know what a man experiences until
16 you walk a mile in his shoes. And had
17 you walked the miles of Eastwick from
18 1950 to the current time, you will know
19 that Eastwick floods on a regular basis.

20 Yesterday I was in Saturn Place
21 near to the berm where a woman's house
22 floods regularly in a poisonous location,
23 and I have to admit that I was genuinely
24 brokenhearted to see her anguish. Even
25 on a day as tepid as today, I know that

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2 my neighbors are anxious, because they
3 don't know even in this light rain
4 whether or not they're going to be
5 flooded.

6 I have friends that I've grown
7 up with who live near to the Superfund
8 sites. Many of them died of cancer.
9 Now, I am not a scientist. I cannot say
10 that this is the product of a study, but
11 it breaks my heart all the same, because
12 I know that those sites are poisonous.

13 I'm a little bit emotional
14 about this because, you know, I live
15 there and I interact with my neighbors in
16 such a way that their pain becomes mine.
17 But I do, without taking too much time, I
18 do want to talk a little bit with regards
19 to the social infrastructure of Eastwick.
20 We've heard a lot of topology and
21 hydrology, and I want to talk a little
22 bit about the people of Eastwick.

23 When Councilwoman Reynolds
24 speaks to the issue of participation
25 through these various administrative

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2 bodies, well, there is very little
3 community participation in Eastwick. We
4 need to add that dimension to our
5 community desperately.

6 In Eastwick, as you are well
7 aware, we have the Superfund sites,
8 airport expansion. We have the flooding
9 issues, et cetera, et cetera, and yet we
10 have no vehicle in which to deal with
11 these complicated problems. That breaks
12 my heart in today's society.
13 Philadelphia is sophisticated enough and
14 resourceful enough to have some way of
15 establishing an intelligent level of
16 community participation in that section
17 of the City. We have none at this point.

18 You may or may not be aware
19 that we've reached out to Southwest CDC
20 on a number of occasions, to no avail,
21 you see. And thus we, as Eastwick
22 Friends and Neighbors Coalition, we have
23 come together on shoestrings and hope to
24 make our pleas known. We are not
25 adversarial, and God bless my neighbors,

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2 I know during the '60s, this would be
3 fired up, I'm not taking it anymore, you
4 see. I don't know. You were probably a
5 baby at that time, but --

6 COUNCILMAN JOHNSON: I wasn't
7 born.

8 MR. WILLIAMS: Okay. But I'm
9 telling you, I've been in this hallowed
10 hall when it was absolute pandemonium,
11 and I'm so impressed with the dignity and
12 the strength of my residents that I'm
13 going to give y'all a hand. God bless
14 you.

15 (Applause.)

16 MR. WILLIAMS: I am absolutely
17 proud to be a part of them.

18 Without taking too much more
19 time, Councilman, I do want to say that
20 the social structure out in Eastwick is
21 very vibrant. It's very dynamic, and it
22 is as a community a gem to the
23 communities of Philadelphia. I often
24 wonder why the City Administration does
25 not look at the potential, the green

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2 potential, for Eastwick relative to its
3 neighbor which we're joined at the hip,
4 the refuge.

5 I grew up in the inner city.
6 Bless God, I grew up out in Eastwick, so
7 I had the opportunity to be exposed to
8 the natural environment. I believe it
9 shaped me. I believe it shaped my
10 manhood, my perception of life. Seeing
11 actually -- I know the Mayor is very fond
12 of haiku, but I was hit by this piece of
13 haiku - that children in the City play
14 like butterflies on a battlefield.

15 Now, I've seen many renditions
16 of butterflies on battlefields, and it
17 reminds me of the children of
18 Philadelphia in some of these
19 neighborhoods. I believe that they
20 should be exposed to environments like
21 the refuge en masse, because it has a way
22 of uniting the spirit with a natural
23 environment. Most of our kids grow up
24 among concrete and asphalt, you see. By
25 giving them this opportunity to

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2 experience a natural environment, I
3 believe that it could have a dramatic
4 impact on our school systems and the
5 humanity that we raise here in
6 Philadelphia, you see, and the refuge is
7 an incredible resource for that type of
8 experience.

9 Without going on too much, I
10 just again want to thank you for this
11 opportunity to share with you and my
12 neighbors, and we really need some help
13 out there with developing a vehicle in
14 which to deal with these complex
15 problems, and if it's a serious effort of
16 the City, then I hope that we'll hear
17 from you.

18 Thank you.

19 COUNCILMAN JOHNSON: Thank you.

20 (Applause.)

21 MR. BRUNDAGE: Councilman
22 Kenyatta, I want to thank you for having
23 these hearings.

24 COUNCILMAN JOHNSON: How you
25 doing, Mr. Leo?

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2 MR. BRUNDAGE: And, yes,
3 Councilman did come out April of last
4 year and we toured the Darby Creek, and
5 he assured me then that he was going to
6 help Eastwick, and I'm still looking
7 forward to that.

8 And I'd also like to thank
9 Councilman Kenney, who chaired the
10 Eastwick acquisition some years ago, but
11 the properties that was bought up was
12 farther away from the creek. I want to
13 thank you anyway, Councilman Kenney.

14 Now, I live in -- I'm also a
15 native of Eastwick. I live on Saturn
16 Place, and when the flood come, we get it
17 first. One of the problems I have --
18 matter of fact, Councilman, since the
19 last time I seen you, I got flooded, or
20 last time we toured the Darby Creek, I
21 got flooded. That was Irene. And it's
22 no fun. In the last 12 years, I've been
23 flooded seven times. That means that all
24 my downstairs had to be changed. First
25 couple years I didn't have insurance, so

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2 it was out of the pocket. So now I have
3 flood insurance, but still even with
4 that, you don't even want the aggravation
5 of being flooded. It's almost like when
6 it rains, most people on Saturn Place,
7 Mars Place, Venus Place, we have like a
8 post-traumatic stress, because we got to
9 get home. We don't know if we're going
10 to get flooded or not.

11 And I know for a fact if Korman
12 put those apartments up there -- now, the
13 flood I got was between three and five
14 feet. They put them apartments up here,
15 it's going to be even worse than that,
16 because the fact that Darby Creek is
17 tidal and when the tide comes in, I don't
18 care how much -- although let me say this
19 too for the Water Department
20 Commissioner. There is a drain over at
21 the Eastwick Regional Park, and it
22 flows -- it's a runoff, but it flows into
23 Darby Creek. So you might want to check
24 on that.

25 Also, I think Councilman

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2 Blondie asked a question about the rating
3 of the flooding. Well, Eastwick comes in
4 number two. Delaware Avenue is number
5 one; Eastwick is number two, with 55.97
6 percent we'll get flooded. If we have a
7 flash flood or hard rain, Darby Creek is
8 going to overflow. So it would be nice
9 if Deputy Commissioner would do a little
10 homework on Eastwick so he know that it's
11 no joke when we get flooded. When it
12 start raining, it's no joke.

13 The other thing that we --
14 problem that we have when we get flooded,
15 flood water come into our home. Now, 150
16 feet from our house, there's a Superfund
17 site. Now, we all know Superfund sites
18 where we at, 75 percent of the EPA's
19 worst chemicals is on that site. So they
20 invade -- they come into our homes.
21 That's the sad part, because we don't
22 know how they affect them.

23 I'm a prior cancer patient. I
24 had cancer, but I'm cool now. The
25 Pennsylvania Department of Health says,

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2 well, it's the life-style. But not this
3 cancer. It's not the life-style. I know
4 where it came from.

5 Some years ago, an 11-year-old
6 boy that lived around the corner from me
7 on 78th Street, where you guys were at
8 yesterday, he was up on that hill in
9 August. By February he was dead. He
10 died from colon cancer.

11 And I'm saying this because
12 when we get that water, when we get
13 flooded, everything comes in our home.

14 I want to thank you.

15 (Applause.)

16 MR. BAKER: Good morning.
17 Again, I am Brice Baker and, like I said,
18 I'm a resident.

19 I'm going to start out by
20 quoting a few facts that the City should
21 know. First of all, the Urban Renewal
22 Act of 1950, when they decided to take
23 the property from thousands of homeowners
24 and sell it to Korman and Korman give it
25 to developers to develop -- first of all,

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2 I've been flooded only twice, and both
3 times it cost me well over 25,000 to
4 30,000 just to fix it up and not replace.
5 I'm an ex-military man, with things that
6 can't be replaced that was on the first
7 floor.

8 During the Urban Renewal Act,
9 like you said, yes, 145 homes supposed to
10 be put in that whole area that Korman is
11 trying to develop compared to just 35
12 acres. If you turn around and divide
13 those 145 homes in the whole area over
14 there, you will still have green space.
15 But if you turn around and take only 33,
16 35 acres and you decided you're going to
17 put a thousand parking spaces, 53
18 buildings for a thousand -- or seven
19 hundred and something residents, you're
20 compacting and you're causing issues.

21 Like I said, when I got
22 flooded, like I said, right now the Water
23 Department should have said -- they don't
24 know what they're talking about. They
25 have not been at my home every time we've

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2 had a rainfall. The drainage system is
3 backing up. I'm standing outside in
4 boots every single rainfall standing by
5 the drains, because the drain openings
6 isn't big enough for the water -- excuse
7 me; high enough for the water to go down.

8 (Applause.)

9 MR. BAKER: I'm sitting there
10 risking life, taking off the top cover of
11 a drain that somebody could fall in and
12 suck in and die, because the Water
13 Department is nowhere around. This
14 happened in 1999, the first incident.
15 The Water Department hasn't come to my
16 home or anybody else's home to correct
17 the problem since 1999. How can they
18 come here today talking about surveys? I
19 asked people don't fill out the surveys,
20 because they're going to use them against
21 you, and that's exactly what they're
22 doing today. They're trying to use those
23 surveys no matter how many they put out.
24 I told people that did not pass them out,
25 do not fill out the surveys. Why?

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2 Because all it is their -- they could
3 have been doing their homework since
4 1999, and they didn't.

5 I still get the same flooding
6 that I got from 1999, and the Water
7 Department hasn't come out to my home or
8 area to do a thing about it.

9 They want to talk about drains?
10 My drain backed up because your water
11 sewage system did not allow the water to
12 flow down. So, yes, when it get to my
13 backyard and anything in anybody's
14 backyard will cover your drain hole,
15 well, it got nowhere else to go. The
16 water wouldn't build up if the sewage
17 system was big enough to handle it. It's
18 not doing its job.

19 The Urban Renewal Act, again --
20 well, the flood maps, prime example.
21 Someone approved for property to be built
22 in a floodplain, an area that was known
23 to be marsh that they confiscated, if you
24 want to call it, or they use the Urban
25 Renewal Act and took the property from

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2 people, that area was known to be a
3 floodplain. Someone in the City decided
4 that you can build property on it.

5 My problem is, when my wife
6 purchased that home in '79, it was
7 considered a 500-year floodplain. My
8 home and the property did not sink below
9 sea level. Now all of a sudden, FEMA and
10 the Corps of Engineers and everybody is
11 going to come out and tell me, Well, now
12 you in a hundred-year floodplain. Well,
13 let me tell you what that equates to. My
14 flood insurance started out -- which I
15 did not even get until 2004, so I had
16 already spent thousands before that. In
17 2004, I purchased flood insurance for
18 \$295. It's 2012, and I pay \$2,700.
19 That's another house payment. How do you
20 expect a senior citizen and other people
21 in the area to take that burden on? For
22 the rest of their life, they got to pay
23 flood insurance and they got to pay
24 taxes, and now that their flood insurance
25 is coming more than a house payment.

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2 The homes were built for less
3 than -- the homes were sold back in 1975
4 for \$25,000 and \$35,000. Now every flood
5 you got to spend \$25,000 and \$30,000 to
6 fix up.

7 The City of Philadelphia has
8 everybody's home over there somewhat
9 listed as a basement. Well, let me tell
10 you, the definition of a basement is not
11 what our homes are. And the problem with
12 that is, there's only two percent of the
13 homes in Eastwick that has basements. We
14 don't have crawl spaces. We don't have
15 elevated floors. But if you sit there
16 and listen to the City and where they got
17 everything documented, we all got
18 basements. I'm tired of hearing people
19 tell me I got a basement. I don't have a
20 basement. I have three floors. And the
21 City needs to correct their records to
22 reflect that the residents of Eastwick do
23 not have basements.

24 Let me tell you another reason
25 why it makes a difference. When you got

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2 flood insurance and you got a basement,
3 it doesn't cover anything in the
4 basement. Basements aren't covered. So
5 you tell me why all the residents that
6 did have flood insurance, why were they
7 able to get their stuff replaced, even
8 though there's things that aren't
9 replaceable? Like I said, I'm
10 ex-military. I had items down in that
11 first floor that been down there -- like
12 I said, I've only lived there 22 years.
13 They have been there from the time I met
14 my wife, and I lost those things. They
15 can't be replaced, and the City didn't
16 pay me a dime. Like I said, I didn't
17 have flood insurance either time. This
18 is all out-of-pocket expenses.

19 And I can sit here and tell
20 you, I patrolled the area. I watched
21 Eastwick flood. If the City tells me
22 that their drainage system can do it,
23 then you tell me why is it when I went
24 into my home around, I guess, 3 o'clock
25 that evening of Hurricane Floyd in 1999

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2 we had about four feet of water. It rose
3 another foot. Between 8 o'clock and 11
4 o'clock that night, all I had is mud in
5 the street.

6 So, yeah, your city drainage
7 system might can handle something, but if
8 it backs up, if it has an issue, it
9 causes us an issue and we get flooded.

10 Do not tell us that our drain
11 in the backyard is causing this. You
12 cannot say that unless you lived in the
13 homes and actually seen what we seen.
14 There's no -- like I said, yeah, your
15 drain is going to back up if your
16 drainage system for the City does not do
17 what it's supposed to do.

18 Come out there the next time we
19 have a heavy rain and look at what we
20 have to put up with. Look at the stress
21 in our lives.

22 (Applause.)

23 MR. BAKER: I have to lose time
24 at work. Every time it rains, I got to
25 take off from work and stand around my

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2 house to try to do the Water Department's
3 job of making sure that the sewer system
4 can handle the water and not ruin my
5 home. Like I said, the Water Department
6 in the City of Philadelphia is not paying
7 that flood insurance for me that I did
8 not have to pay when I moved there. Now
9 I got more burdens, and I'd like to know
10 why is it that the City of Philadelphia
11 during the Urban Renewal Act can turn
12 around and displace thousands of
13 residents and give them a plan that tells
14 them that you're going to put homes
15 there, 145 homes in this acreage, and
16 then all of the sudden 50 years later,
17 everybody wants to get it rezoned.

18 The young man talked about the
19 Southwest CDC not helping them. Well,
20 let me tell you where that's coming from.
21 OHCD, another company that I deal with in
22 one of my organizations, told them not to
23 work with the citizens of Eastwick to
24 help them resolve their issue with City
25 Council. They said -- that's why they're

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2 not helping. So, again, another City

3 agency telling people what not to do.

4 Can I do anything about it? No. Why?

5 Because I'm not a City employee and I

6 don't get paid by the City. All I am is

7 a volunteer for organizations that I see

8 that gets these things from the City, and

9 I'm tired of the City putting it to us

10 this way.

11 Can you work with us? If you

12 want to do anything to that property, you

13 either let the Heinz Wildlife Refuge have

14 it or you put 145 homes there the way it

15 was designed for and we'll deal with it.

16 We do not want you to rezone. Because

17 it's all about money. Nobody stands to

18 gain anything but Korman in this

19 particular issue. If I put

20 700-and-something residents in that area,

21 the Korman's property called the Penrose

22 Plaza, well, they gain to get some

23 business. The City in the long run gains

24 to lose some money for the fact that what

25 about the municipal services that the

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2 City has to provide since they're
3 supposedly given a ten-year tax abatement
4 again. Do you know how much it costs for
5 fire and police and other emergency
6 rescues to provide for the residents for
7 the first ten years with no tax revenue
8 coming to the City? The jobs we're
9 giving out, we're only talking about --
10 contractor jobs are going to last a
11 couple years. After that, all the
12 unions, what are they going to do?
13 They're going to be unemployed again
14 waiting on the next big job that they can
15 get somebody under union dues to do
16 something.

17 Like I said, think of us first.
18 Think of the money we're losing. Think
19 of our homes.

20 (Applause.)

21 COUNCILMAN JOHNSON: Thank you,
22 Brice.

23 Any questions?

24 COUNCILMAN KENNEY: Just one.

25 Thank you, Mr. Chairman.

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2 From an historic perspective,
3 who has lived in Eastwick the longest of
4 the three at the table?

5 MR. BAKER: I've only been
6 there 22 years.

7 COUNCILMAN KENNEY: How long
8 have you lived --

9 MR. BRUNDAGE: All my life.

10 COUNCILMAN KENNEY: But I don't
11 want to ask you your age. I mean, has
12 the flooding issue always been your
13 experience in life from the time you were
14 a kid or did it get worse in a particular
15 year, or when did it --

16 MR. BRUNDAGE: Well, from the
17 time we was kids, certain areas will
18 flood.

19 COUNCILMAN KENNEY: Pull the
20 microphone over.

21 MR. BRUNDAGE: From the time we
22 were kids, certain areas of Eastwick
23 would flood.

24 COUNCILMAN KENNEY: Did it get
25 progressively worse over time?

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2 MR. BRUNDAGE: Yes. Yes, it
3 has.

4 COUNCILMAN KENNEY: And what do
5 you attribute it to just from your
6 experience in living there?

7 MR. BRUNDAGE: Well, obviously
8 one thing that is bad, especially on
9 Saturn Place, is the storm drains. Storm
10 drains -- because we're dealing with the
11 storm drains and the tides. When I got
12 flooded, it was seven times. The first
13 two times I didn't really see where the
14 flood water was coming from. Then all of
15 the sudden, I noticed that most of the
16 flood -- my kitchen and my -- my kitchen
17 faces east -- I mean; I'm sorry, west.
18 So most of the flood water came from the
19 west.

20 The storm drains are filled up.
21 I got a big storm drain right in front of
22 my driveway. It fills up. This last
23 flood I had, I had sandbags three foot
24 high. Well, the storm drains fill up.
25 The water came over the sandbags. That's

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2 how I got flooded.

3 So, yeah. The storm drains are
4 very -- I think they're not up to the
5 capacity that they should be up to.

6 MR. WILLIAMS: Also,
7 Councilman, Eastwick is subject to
8 saturation. Even as children when we
9 would go into the refuge area, you could
10 actually feel the sponging of the land.
11 And even today if you come -- you leave
12 one neighborhood and enter Eastwick, it
13 wouldn't be a stretch of the imagination
14 for you to see that the land is very wet,
15 and it's a lot wetter than -- well, most
16 of the other neighborhoods are concrete,
17 but you can feel the fact that the land
18 is very subject to saturation.

19 COUNCILMAN KENNEY: Okay.
20 Thank you.

21 Thank you, Mr. Chairman.

22 COUNCILMAN JOHNSON: Thank you
23 very much for your testimony.

24 MR. WILLIAMS: Thank you,
25 Councilman.

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2 COUNCILMAN JOHNSON: You're
3 welcome.

4 (Applause.)

5 COUNCILMAN JOHNSON: Next we
6 have Joanne Graham, Zana White, Jill
7 Minick, and Monique Holland.

8 (Witnesses approached witness
9 table.)

10 COUNCILMAN JOHNSON: Please
11 state your name for the record and then
12 you can go ahead and start.

13 MS. GRAHAM: Good morning.
14 Joanne Graham. Thank you for the
15 opportunity to be here today and testify
16 on behalf of the Eastwick community.

17 I'd like to say that I would
18 like to believe earlier testimony that
19 the proposed development by Korman would
20 not cause additional flooding to the
21 Eastwick community. However, I live with
22 the reality that covering ground with
23 impervious structure does in fact cause
24 flooding.

25 My property, which is

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2 approximately 1,488 square feet, is
3 adjacent to a property that as a result
4 of some minor alterations four years ago
5 has repeatedly flooded my home. My
6 property has sustained over \$70,000 in
7 damages. That does not include
8 approximately \$25,000 to \$30,000 that it
9 will cost me to repair the infrastructure
10 around my property where water seeps in
11 freely whenever there is a buildup around
12 my home, nor does that include the
13 numerous times where I've had to get up
14 out of bed in the middle of the night and
15 go down and scoop up water into a
16 50-gallon trash receptacle to keep it
17 from entering my home.

18 I've had eight to 12 floods
19 that were reported to my insurance
20 company. Some were covered; some were
21 not. When I have damages that may be
22 about \$4,050, I get a \$50 check from my
23 flood insurance company. I have to come
24 up with the other 4,000. My deductibles
25 are \$4,000. Five years ago, they were

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2 \$1,000.

3 I've lived in my home for 24
4 years. I only began to experience
5 flooding over the past four years. I
6 appealed to City Council in 2009. To
7 this day, City Council has done nothing
8 to remedy my issues and my concerns.

9 When you talk about the airport
10 building on 35 -- or 93 acres and Korman
11 building on another 35 acres, that's
12 approximately six million square feet,
13 and when I multiply 70 times that figure,
14 that's roughly \$400 million in potential
15 damage that could take place if in fact
16 the airport and Korman do add to existing
17 flooding conditions in Eastwick, not to
18 mention a catastrophic flood such as
19 Hurricane Floyd or Hurricane Irene last
20 year. Just imagine if there are
21 thousands of residents in Eastwick trying
22 to evacuate the area during such an
23 occasion. Lindbergh Boulevard would be
24 jammed. People would drown in their cars
25 trying to get out of Eastwick. I'd go

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2 into my attic, but most people would

3 probably be trying to leave the area.

4 This is what could potentially happen.

5 We've talked about the

6 possibility of Korman's engineers doing

7 things to safeguard the area to prevent

8 flooding, but we don't know that.

9 Eastwick is a community that a hundred

10 years ago was under water, and nature is

11 trying to take it back. Water is trying

12 to run in different directions where

13 homes are. Water wants to get back to

14 its source. So when you talk about

15 building more sites on that land without

16 doing the necessary work to mitigate

17 current flooding, which has not been

18 done, you're asking for a lot of trouble.

19 And I hate to think about the

20 national shame and embarrassment that

21 Philadelphia would suffer as a result of

22 any major catastrophe if Korman were

23 allowed to build, especially when they

24 pull the file footage and look and see

25 that residents warned the City of this

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2 potential danger. Just think about that.

3 Also, the fact that I've heard
4 testimony that they didn't know about
5 flooding conditions in Eastwick, our
6 flooding problems have not been a secret.
7 We have not been trying to hide them.
8 They're here in plain view, if you were
9 interested in knowing.

10 People have taken surveys. I
11 was responsible for making sure the
12 surveys got done. I've been working
13 directly with the Water Department. I've
14 done the majority of those surveys
15 myself, and I can tell you that over the
16 scores of homes that I've been in in
17 Eastwick, mine is the only situation
18 where my problem is caused by a neighbor.
19 Most people are having floods because of
20 issues that are problems with the City
21 infrastructure, primarily with water
22 coming in from the sites that
23 Mr. Brundage mentioned and from
24 individuals who never had a flood prior
25 to Hurricane Floyd, but with the removal

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2 of adjacent properties, they've been
3 flooded numerous times. I can't even
4 count the number of floods that I've had.
5 I can tell you that in September alone,
6 I've mitigated at least four floods from
7 entering my home. I've been forced to
8 work out of my home, greatly reducing my
9 salary over the past several years,
10 because I cannot afford \$4,000
11 deductibles every few months.

12 I walked on concrete from July
13 14th, 2010 until June 2011, because I was
14 too tired of replacing carpet, cabinets,
15 wood flooring every few months, and I
16 just got tired and didn't want to do it
17 anymore.

18 I wanted the City, L&I, to give
19 my neighbor a violation. They have not
20 done that. My neighbor has been allowed
21 to build his flooring, to put hardwood
22 flooring in his backyard and cover up his
23 drain with hardwood, covering his drain,
24 pitching that flooring toward my property
25 just inches from my gate, building a roof

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2 over that that's pitched toward my
3 property, had open drains where the water
4 was pouring out onto my property, and L&I
5 just said remove the drain in 2010. That
6 was the least that they did in two years.

7 I said, That's not going to be
8 enough.

9 There's actually a section in
10 the handbook that was written by the City
11 called Good Housekeeping or Good House
12 Care, where it says all City residents --
13 all homeowners and landlords must
14 maintain drains that are uncovered. This
15 is something that the City wrote, put out
16 by the Commissioner. Yet I have to live
17 with the reality that right now, even as
18 I sit here, that my neighbor's drain is
19 covered, and I've asked L&I to have my
20 neighbor remove it.

21 I just want some relief for my
22 problems and I want to avoid any
23 potential problems in my community. And
24 so I ask you to please take these
25 concerns seriously. We're talking about

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2 a potential \$400 million in loss in a few
3 years if the City and the -- if the
4 airport and Korman are allowed to build
5 on that 128 acres and if flooding does
6 continue to occur.

7 Thank you.

8 (Applause.)

9 COUNCILMAN JOHNSON: Thanks.

10 MS. WHITE: Good morning. My
11 name is Zana White. I'm a resident in
12 Eastwick now for about 15 years. I'm a
13 retired official court reporter for the
14 City of Philadelphia. I've sat in many
15 of these rooms, heard many of the issues
16 in the City. It was a great education, I
17 have to say, about what's going on in the
18 City with especially the children. The
19 young people growing up and what is their
20 future and what are we leaving them is
21 what we need to think about.

22 I have horses and I ride all
23 through Eastwick. I ride through the
24 acreage that you're speaking of. I ride
25 through the landfill, the Darby area.

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2 I've been up on that landfill, and I've
3 seen the floods when in even a light rain
4 it is all spongy, and there's homes that
5 are in the park there that have sandbags
6 there 100 percent of the time.

7 The area behind the John Heinz
8 in a light rain is flooded. So you can
9 imagine if that is covered over with a
10 parking lot for the airport and homes.
11 That water is going to come down and
12 compact the situation.

13 My yard floods. Last year when
14 Irene hit, the Mayor said if you live in
15 an area that is considered a floodplain,
16 you must evacuate. I had to load all my
17 horses on the trailer, take everything up
18 out of the basement and go find higher
19 ground for a couple days. Now I go
20 through this all the time when it rains.

21 I'm willing to do what I have
22 to do, but I think we need to think of
23 the future and what are you saying to the
24 future children that are going to be
25 living in this city what we leave behind.

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2 We need to work with nature, not against
3 it.

4 That's all I have to say.

5 (Applause.)

6 MS. MINICK: Thank you for this
7 opportunity. I'm Jill Minick and I have
8 lived in the 8400 block of Lyons Place
9 since August of 1977.

10 Welcome to Eastwick, the
11 stepchild of Philadelphia. When we moved
12 in in August of '77, we were promised
13 full city services, a berm to protect us
14 against flood, a well-built home, a
15 community center, a gym, a corner store.
16 And this is what we got: poorly draining
17 soil in our yards to the point where if
18 it rains, my backyard is muddy for days.
19 I'm one of the lucky ones. It doesn't
20 really flood as long as I pay attention
21 to the drain in my backyard. If there
22 are grass clippings covering it, my
23 backyard floods.

24 A poorly designed and poorly
25 functioning heating system, courtesy of

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2 Korman; sporadic public transit; poor
3 police protection. We had rashes of
4 robberies for years.

5 Delayed mail service. I got my
6 mail two weeks after people in Bryn Mawr,
7 the same item.

8 Delayed cable installation, one
9 of the last in the City's areas to get
10 cable.

11 Poor street maintenance. I've
12 called the Councilman's office at least
13 four times trying to get the 84th Street
14 bridge fixed, and they keep fixing little
15 pieces, but they don't finish it.

16 Total lack of snow removal.
17 Many of the people who moved in when I
18 did will remember shoveling 20-foot
19 drifts just to get out of our
20 neighborhood.

21 Some of the houses where I live
22 on 84th Street, the 8400 block, were
23 built on pylons. As you get closer to
24 86th Street, they were built on pylons,
25 and all of our streets and houses are

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2 sinking.

3 So promises not kept at all by
4 Korman. Why would we believe that
5 they're going to do the right thing this
6 time?

7 (Applause.)

8 MS. MINICK: This is what we
9 did: With the help of the Eastwick
10 Project Area Committee, we organized,
11 negotiated, and finally picketed, with
12 the help of TV stations, Korman's sales
13 office and got our heating systems fixed.
14 We got together as neighbors and found
15 the window distributor and got our own
16 storm windows from the window
17 distributor, no thanks to Korman. We
18 shoveled our own streets, as I said.

19 While City services have
20 improved, our homes have deteriorated.
21 The streets are sinking. Four times I've
22 had the plumber in to cut off the vent
23 pipe and shorten it, not because the pipe
24 is rising, but because the street is
25 sinking. That's \$150 a pop.

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2 I had my home painted on the
3 interior this summer. It took the
4 painter five days -- count them, five --
5 to repair the settlement cracks from my
6 home sinking.

7 Our backyard floods in heavy
8 rains if we're not very careful to keep
9 everything off of that drain. A handful
10 of grass is enough to make the backyard
11 flood.

12 During Floyd, we were trapped.
13 There was nobody to get -- no way for
14 anybody to get in and get us, and there
15 was no way for us to get out. It was so
16 bad, the Pepper Middle School flooded and
17 the fire truck that tried to get through
18 on 84th Street was knee deep in water,
19 and I watched those flood waters rise out
20 of the storm sewers, inch by inch by inch
21 by inch, until it got within a block and
22 a half of my house, and many other people
23 were flooded.

24 Eastwick has a shining
25 resource. It's the John Heinz National

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2 Wildlife Refuge.

3 (Applause.)

4 MS. MINICK: My backyard. Why
5 would we want to damage it? Why would we
6 want to damage the houses on 86th Street
7 that aren't built on pylons by putting in
8 major construction? We have a choice.
9 Build in a floodplain or do what other
10 cities have done, turned flood-prone
11 lands into green space and help minimize
12 flooding.

13 (Applause.)

14 MS. MINICK: A prime example of
15 that is right across Darby Creek in Darby
16 Borough. That's exactly what they did.
17 They turned the flood-prone areas into
18 park land. This is a perfect opportunity
19 for Greenworks Philadelphia and its
20 commitment to acquire 500 acres of open
21 space in the next couple of years.

22 It's not about the lawsuit and
23 the Korman profit. It's about people,
24 our lives as citizens of Philadelphia.
25 Do the right thing. Protect the current

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2 residents, taxpayers, voters, and our
3 environment by protecting the Heinz and
4 our homes.

5 (Applause.)

6 MS. HOLLAND: Hello. I'm
7 Monique Holland. I'm a resident of the
8 Eastwick community. I live on South 86th
9 Street, I'll say the major impact area,
10 where my father and Miriato (ph) and
11 myself reside.

12 People have spoken and said a
13 lot, and the three ladies that I'm
14 actually sitting here with, I would just
15 say we are the future of what could
16 possibly happen that they're experiencing
17 now. I don't want that to happen.

18 My father now is paying flood
19 insurance. When we first moved in, he
20 was paying about maybe \$200 to \$300. Now
21 we're paying \$1,200 to \$1,500 for flood
22 insurance based on, as the expert spoke
23 earlier when he stated that FEMA has old,
24 outdated map plans or data, and here we
25 are, we haven't been flooded, but with

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2 the possible development of Korman. And
3 I heard this specialist speak earlier
4 when he stated that they can put the
5 Korman development on stilts, but what
6 will happen to the homes that are
7 surrounding those stilts? We're going to
8 be flooded.

9 So with everything that's been
10 said here today, my peace and for
11 everybody else in the Eastwick community
12 is, please take heed to what we're
13 stating.

14 There is a great possibility
15 for these things to happen, and the
16 reason I state that, they state that sea
17 levels are rising, and we're on that
18 coast where things are -- you know, where
19 sea levels are rising, and I think they
20 said 2030 Eastwick could be under water.
21 So whatever we can do to preserve what we
22 have, us as a community and me as a
23 resident of Eastwick, we would like to
24 preserve what we have there and preserve
25 it where it's going to be ecologically

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2 friendly to the neighborhood and that we
3 should have a stake in that. Regardless
4 of what developer, what's going on there,
5 we need time to get at the table, sit
6 down and, you know, demand what we want.
7 And this community should not be
8 continued to be raped.

9 Over years, since the 1950s,
10 this community has faced devastating
11 things. Not that any other environment
12 hasn't faced that, but we're standing up.
13 We're not going to take that anymore.

14 (Applause.)

15 MS. GRAHAM: I was also asked
16 to ask for this report. Do you have a
17 report from the Planning Commission on
18 prospects of flooding in Eastwick?

19 COUNCILMAN JOHNSON: I don't
20 have one, but you can follow up with
21 Steve.

22 MS. GRAHAM: Where could we
23 obtain that report?

24 COUNCILMAN JOHNSON: If it is
25 one, it's a public document. You can

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2 just call Philadelphia City Planning
3 Commission or you can work with Steve.
4 I'll make sure that Steve assists you on
5 following up with that to get a copy of
6 it on file.

7 MS. GRAHAM: Thank you.

8 COUNCILMAN JOHNSON: Thank you
9 for your testimony as well.

10 Any questions?

11 (Applause.)

12 COUNCILWOMAN BROWN: Ladies, I
13 join the Chairman in thanking you for
14 your testimony and for your in-your-face
15 advocacy and activism.

16 I need to know, Ms. Joanne
17 Graham, did you -- you submitted in
18 writing a written request to L&I to take
19 some action on the circumstance you
20 mentioned?

21 MS. GRAHAM: During my
22 subsequent visits to L&I. Yet my initial
23 contact with L&I was by telephone in
24 2009. I actually spoke with someone.
25 They took a report. They gave me a

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2 number for that conversation, that
3 discussion, and they told me that they
4 would send someone out to my neighbor's
5 home and that my neighbor would be --
6 they would investigate the situation.
7 They would give my neighbor so many days
8 to make any corrections and that they
9 would follow up within a period of
10 several months. So I asked how much time
11 would all of that take?

12 COUNCILWOMAN BROWN: That's a
13 good follow-up question.

14 MS. GRAHAM: They said about
15 six months. So I waited until the spring
16 of 2010 and I contacted L&I again, and I
17 was told by the first person that I spoke
18 with that there was no record of a
19 conversation. And I said, No. I had
20 taken very copious notes, and the person
21 said, Well, I'm sorry, but there's no
22 information.

23 They put me on hold. I spoke
24 with someone else. They repeated that.
25 This went on for over an hour. I even

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2 was disconnected at one point. And
3 finally I spoke with someone who in the
4 background hearing everyone, I guess,
5 referring to me as that crazy woman's
6 calling again who never called, and that
7 person actually took the time, went
8 through the system, and found out that my
9 call in December of 2009 was put in the
10 system under December 1999. So I had to
11 begin the process all over again. In the
12 meantime, I had a flood in April and I
13 had another one in July, which devastated
14 my home. And all of this could have been
15 dealt with or prevented.

16 I also didn't mention that FEMA
17 has designated my home just this past
18 June as a severe storm flood property.
19 Who wants that designation on their home?
20 Would you buy a home that had that
21 designation? It's not fair to me and I
22 don't think it's fair to anyone who has
23 to go through that.

24 So to answer your question, I
25 learned to put it in writing after that,

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2 but twice my case was just closed by the
3 L&I person that came out to my home.

4 In addition to the violation
5 with the -- covering the flood, the same
6 property, I went in, because the owners
7 know that they've caused me severe damage
8 and they're trying to sell it. The
9 property has been on the market since
10 March. And I went into the property a
11 month ago, and the realtor -- I asked, I
12 said, Well, where's the drain? And he
13 said, Oh -- and it was raining on a
14 Saturday. And he says, The water goes
15 down.

16 I said, Well, where does it go?
17 I don't see a drain.

18 He says, It just goes down, it
19 goes down.

20 I said, Where? I don't see a
21 drain. Is there a drain somewhere?

22 He said, It goes down, down
23 there.

24 I said, Oh, to the other
25 property?

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2 He said, Yes.

3 I wanted to slap him, because
4 that's my property, but I didn't say
5 anything, and he proceeded to unlock the
6 door on this outdoor porch and he said,
7 And this is where you would have your
8 stove. There's a gas line outside and
9 there's an exhaust tubing from a clothes
10 dryer there.

11 They have an illegal connection
12 for a clothes dryer, an illegal
13 connection for a stove, illegal
14 connection for plumbing. There are six
15 illegal violations on this property, and
16 this property has not had one permit, not
17 a single permit ever during the history
18 of this property. Never have they had a
19 permit.

20 So this is the reality of what
21 we're dealing with, those of us who are
22 experiencing flooding from neighbors.

23 So someone mentioned, I think
24 it was Ms. Cutler, who talked about the
25 Water Department and the EPA and Army

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2 Corps of Engineers coming together. FEMA
3 needs to be in on that conversation, as
4 does L&I.

5 COUNCILWOMAN BROWN: Thank you.

6 COUNCILMAN JOHNSON: Thank you
7 for your testimony.

8 (Applause.)

9 COUNCILMAN JOHNSON: Next, I'm
10 going to call up Geraldine Waddell,
11 Martha Robertson, Pastor Darien Thomas,
12 Shirley Pilgrim, and I can also call up
13 Jean Gessner.

14 (Witnesses approached witness
15 table.)

16 COUNCILMAN JOHNSON: I'd like
17 to also acknowledge we have been joined
18 by Councilman Brian O'Neill.

19 Hello. How you doing this
20 morning? Can you please state your name
21 for the record, please.

22 MS. GESSNER: Good morning and
23 thank you. My name is Jean Gessner and
24 I'm a 26-year resident of Eastwick.

25 MS. PILGRIM: My name is

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2 Shirley Pilgrim and I'm a 32-year
3 resident of Eastwick.

4 MS. GESSNER: I want to thank
5 you for having me here this morning, this
6 testimony. I am also a member of the
7 Eastwick Coalition, and though I've had
8 no flooding in my home during the 26
9 years that I've been out here, however,
10 my backyard, every time there is a heavy
11 rain, becomes literally a swimming pool,
12 my backyard. And with respect due to the
13 young lady that spoke from the Water
14 Department, I've had Roto-Rooter out to
15 clean my drains to make sure that it's
16 not my drain. I do a bimonthly drain
17 maintenance myself with Riddex to make
18 sure that my drains aren't causing the
19 problem.

20 But every time there is a heavy
21 rain, my backyard becomes a swimming pool
22 and I must go -- and I go out to make
23 sure there isn't debris from grass
24 cutting or anything like that that is
25 covering the drain so that the water can

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2 get through. Once the rain stops, it
3 takes two days for everything to drain
4 off.

5 So my fear is that if this
6 Korman project is permitted to go forward
7 with the pavement covering up all the
8 green space, that's going to impact the
9 situation. It's just -- because where
10 will the water go? We're already having
11 problems with absorption of the water as
12 it is, and if there's no green space to
13 absorb it, it's just going to get worse,
14 and then the flooding is going to
15 deteriorate from my backyard to my home.
16 And I'm sure that many of my neighbors
17 are having the same problems.

18 That's all I have to say.

19 (Applause.)

20 COUNCILMAN JOHNSON: Go ahead,
21 ma'am.

22 MS. PILGRIM: I have not had
23 any flooding in my home since I've lived
24 there. However, I'm in the same
25 situation. We have it in the backyard,

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2 the side yard, and all around the house.

3 It's soaked when it rains.

4 However, if they go ahead with
5 the apartments, which is right next door
6 to me basically, we are going to have
7 more problems, and not only do we have
8 the problems with the flooding, if it
9 really floods, we have no way out. It's
10 bad enough with all of us down there now,
11 if they put another 1,500 people down
12 there, nobody is going to be able to get
13 out, because 84th Street floods on both
14 ends and Lindbergh Boulevard floods and
15 we have no place to go.

16 And that's all I have to say.

17 COUNCILMAN JOHNSON: Thank you
18 for your testimony.

19 (Applause.)

20 COUNCILMAN JOHNSON: Any
21 questions from the board?

22 (No response.)

23 COUNCILMAN JOHNSON: No
24 questions.

25 I do have a question. What's

1 10/9/12 - TRANSPORTATION - RES. 120620
2 your exact address where the two of you
3 live at?

4 MS. GESSNER: I live at 8410
5 Gibbs Place. And let me just add to with
6 the impact of getting out, in 1999 when
7 we had Hurricane Floyd, I was employed as
8 a Philadelphia police officer, working
9 that particular night, and I left work
10 early to get home, and I couldn't get
11 home because of the flooding on Lindbergh
12 Boulevard, and the flooding on 84th
13 Street at that time was so bad that they
14 had rowboats trying to rescue people from
15 their cars that had become covered over.
16 I was unable to get into my home because
17 of the flooding.

18 So I have to agree that with
19 additional residents coming in, getting
20 out would be a major catastrophe.

21 MS. PILGRIM: I live in the
22 8600 block of Lindbergh Boulevard. I
23 went to the store that day and I was
24 trying to go to Pathmark, which was
25 across 84th Street. I could not get

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2 across the bridge. I went down Lindbergh
3 Boulevard, which was beginning to --
4 water was beginning to rise. I went to
5 the store for about 15 minutes. When I
6 came back up, the cars on my right-hand
7 side was under water. Luckily, I was
8 driving an SUV, so I got through the
9 water. We was lucky because it didn't
10 come across 84th Street. But if they
11 build more apartments down there, I'm not
12 too sure that we're not going to get
13 flooded, as well as being trapped. We'll
14 never get out.

15 COUNCILMAN JOHNSON: Thank you
16 very much for your testimony.

17 (Applause.)

18 COUNCILMAN JOHNSON: The last
19 panel members would be Fred Stine from
20 Delaware Riverkeeper Network, Michael
21 Nairn from University of Pennsylvania
22 School of Urban Studies, and Amy Laura
23 Cahn, Esquire, Public Interest Law Center
24 of Philadelphia, and Aaron Finney. And
25 can we also have Aaron Finney come up as

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2 well.

3 (Witnesses approached witness
4 table.)

5 COUNCILMAN JOHNSON: Just
6 please state your name for the record and
7 then you can begin testimony.

8 MR. STINE: My name is Fred
9 Stine. I work with the Delaware
10 Riverkeeper Network, which is an
11 environmental advocacy organization, but
12 I'm here today to speak on behalf of 11
13 different local, regional, and national
14 environmental organizations. We put
15 together a lengthy 17-page testimony.
16 I'm going to summarize that in my
17 statement today.

18 Before I do that, I would like
19 to ask for a point of clarification.
20 Could the City Council tell us what the
21 timeline is moving forward from today in
22 respect to approval or decision on the
23 Korman legislation?

24 COUNCILMAN GREENLEE: Thank
25 you. Actually, this Committee does not

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2 move that bill. This is more of an
3 investigatory hearing on the whole issue
4 of flooding. That bill you're talking
5 about is in the Rules Committee, which
6 I'm the Chair of, and some of the members
7 here are also members of that Committee.

8 There's been no other hearings
9 set on that. So there's no timeframe as
10 of right now. We're certainly working
11 with the District Councilperson and with
12 the community on that, but that
13 doesn't -- what happens today doesn't
14 directly affect that. There's been no
15 re-hearing -- we had one hearing -- no
16 re-hearing set on that bill.

17 MR. STINE: Thank you very
18 much.

19 COUNCILWOMAN BROWN:
20 Mr. Chairman, I might add that this
21 hearing has proven to provide far more
22 information than we would have gathered
23 at the Rules hearing, and you can bet as
24 a result of this investigatory hearing
25 that the Chairman has instituted here,

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2 that what happens with the activity in
3 the Rules hearing will be slow-walked.

4 (Applause.)

5 MR. STINE: Speaking for
6 myself, I agree just hearing what the
7 professors from Drexel and Temple said on
8 the long list of information that we
9 don't know, we all want this to move
10 forward with our eyes open and not be
11 clouded by profits, and it's very
12 important that we get that information so
13 that the Water Department and everyone
14 can move forward in an intelligent,
15 scientifically based manner. Thank you.

16 So I'll read from my testimony.

17 Our organizations have been
18 working, the 11 environmental
19 organizations, have been working in
20 partnership with the Eastwick residents
21 and the John Heinz National Wildlife
22 Refuge to address environmental issues
23 within Southwest Philadelphia.

24 First, Eastwick as an
25 environmental justice community.

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2 Eastwick is a historically -- is
3 historically overburdened and
4 disenfranchised community. It is
5 impacted disproportionately by pollution
6 and unsafe and unhealthy environmental
7 conditions. These include a history of
8 chronic and catastrophic flooding that
9 has historically been ignored as flooding
10 has gone and grown even worse. The
11 community is increasingly vulnerable to
12 catastrophic flooding, flooding that
13 has -- catastrophic flooding threatened
14 by the combined effects of sea level rise
15 and more intense storms.

16 And there is a legacy of
17 contamination of the Eastwick and Lower
18 Darby areas from improper storage,
19 disposal, and dumping of hazardous waste
20 going back to the '50s. Concerns about
21 toxic releases from the Clearview
22 Landfill began in the 1970s. EPA
23 initiated listing Clearview on the
24 Superfund site in 1998. Numerous
25 contaminants, including PCBs, PAHs,

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2 certain metals, dioxins, pesticides, have
3 all been found at hazardous and unsafe
4 levels in the surface soils, ground and
5 surface waters, and sediment of the
6 landfill and the creeks, city parks, and
7 portions of the Eastwick neighborhood.

8 After all of this time, the
9 cleanup has not even begun. Earlier this
10 year, EPA expedited soil removal at some
11 hotspots of PCBs of immediate concern to
12 city park land. Children are
13 particularly at risk to exposure from
14 these contaminated soils.

15 The extent of contamination in
16 the Eastwick soils overall is untested
17 and unknown. Surface soils consist of
18 reworked soil fill and demolition debris,
19 according to the EPA, and may contain
20 contaminated dredge spoils and ash as
21 well.

22 In addition to the filling of
23 floodplains and wetlands as well as
24 improper grading of the land as a result
25 of soil instability, cracking building

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2 foundations and sinking homes and
3 streets, as we heard today, are the
4 result.

5 The Eastwick neighborhood,
6 along with the rest of Southwest Philly
7 and South Philly, is the most burdened by
8 air pollution from the high concentration
9 of stationary emitters as well as traffic
10 from surrounding highways, parking areas,
11 and the airport.

12 Now, how do we move forward?
13 Redressing the cumulative burdens
14 disproportionately impacting a community
15 such as Eastwick demands disproportionate
16 remedies. After all this time, doing so
17 should be the first priority of the City
18 of Philadelphia. Remedying Eastwick's
19 challenges should involve a three-stage
20 process of prevention, mitigation, and
21 revitalization.

22 Prevention: Prevent further
23 increase in the cumulative environmental
24 impacts of an overburdened community.

25 Mitigation: Clean up, reduce,

1 10/9/12 - TRANSPORTATION - RES. 120620
2 and mitigate existing environmental
3 problems and hazards.

4 And revitalization: Implement
5 innovative economic revitalization
6 approaches and invest in emerging green
7 technologies, not pavement, to transform
8 overburdening areas into healthy,
9 sustainable, and vibrant communities with
10 jobs for local residents.

11 Our organizations are very
12 troubled that this hearing represents
13 simply a timeout and that the City of
14 Philadelphia intends to proceed with the
15 rezoning of the 35 acres for the Korman
16 apartment complex and transferring the
17 remaining 93 acres to the airport. That
18 would further compound the injustice to
19 this community.

20 To chart a path forward, we
21 urge City Council to implement these four
22 approaches. Number one, the City must
23 move past this outdated and retrograded
24 approach. The redevelopment of Eastwick
25 was launched in 1957. Since that time,

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2 there has been a vast amount of changes
3 in the physical context of the area as
4 well as our knowledge and understanding
5 of issues as heavy as global climate
6 change and sea level rise. It is time
7 for these new approaches.

8 Number two, interagency
9 cooperation. Eastwick's environmental
10 challenges are complex and call out for
11 the resolution -- to be resolved through
12 cooperative development of coordinated
13 solutions. The Philadelphia Water
14 Department, Pennsylvania DEP,
15 Pennsylvania Emergency Management, FEMA,
16 the Army Corps of Engineers, the U.S.
17 Fish and Wildlife, and EPA all need to be
18 involved with creating environmental and
19 healthy solutions for Eastwick. We urge
20 that the City now, not next year, take
21 the lead in advancing
22 multi-jurisdictional and interagency
23 cooperation.

24 We further urge the City to
25 explore now, not next year, the programs

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2 available through EPA, including the
3 Alternative Dispute Resolution program,
4 to identify remedies for environmental
5 justice changes facing Eastwick.

6 Number three, Philadelphia's
7 sustainable approach. Our organizations
8 have strongly supported the new direction
9 embraced by the Nutter Administration to
10 make Philadelphia the greenest city in
11 the nation. As the Mayor and his
12 sustainability director noted recently in
13 issuing the 2011 Greenworks report,
14 Philadelphia's commitment to
15 sustainability has put us on the map, and
16 other cities are looking at us as setting
17 an example. And these programs together,
18 the Greenworks initiative launched in
19 2009; zoning matters; Greenworks 2015;
20 Green City, Clean Waters; and
21 Philadelphia 2035, all hold great promise
22 for making Philadelphia the world class
23 21st century it aspires to. This, where
24 we're moving today, can show that, can
25 show that.

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2 Eastwick deserves the
3 opportunity to participate fully in
4 defining its future and to becoming a
5 healthy, vibrant, resilient, and
6 sustainable urban community. Eastwick
7 residents must be given the chance to
8 take full advantage of Philadelphia's
9 sustainability and planning initiatives
10 now, not next year.

11 Number four, finally, don't add
12 to the burden of the John Heinz Wildlife
13 Refuge. We also are concerned that the
14 habitat quality of the John Heinz
15 Wildlife Refuge and its ability to
16 withstand the intense urban pressure
17 surrounding it would be seriously
18 undermined by the destruction of the
19 adjacent green space and the loss of
20 buffering qualities. Our testimony
21 details the challenges confronting the
22 refuge and the threats posed by both the
23 Korman project and the transfer of the
24 land over to the airport.

25 And in conclusion, we strongly

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2 support that the Eastwick Friends and
3 Neighbors Coalition in its demands that
4 the City reconsider the precipitous plan
5 to redevelop Eastwick's remaining green
6 space in the absence of fair, inclusive,
7 and thoughtful planning process, that
8 process will need not only effectively
9 address existing environmental challenge,
10 but also afford Eastwick and the John
11 Heinz Wildlife Refuge the opportunity to
12 benefit from the 21st century
13 sustainability strategies that the City
14 is pursuing in its other neighborhoods.

15 Thank you.

16 (Applause.)

17 MR. NAIRN: Good afternoon.

18 I'm Michael Nairn. I'm a member of the
19 faculty at the University of Pennsylvania
20 in the Urban Studies Program. I'm also a
21 landscape architect, which oftentimes
22 puts me at odds with civil engineers.

23 I teach sustainability, urban
24 sustainability, and the intersection of
25 urban systems with natural systems.

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2 I want to just start with a
3 quote that was in the Inquirer on May 7th
4 of this year. A woman reported, But it,
5 Darby Creek, also is one of the country's
6 most flood-prone streams, a significant
7 drain on the National Flood Insurance
8 Program and a national lesson in what can
9 go wrong along a developed waterway.

10 You've heard the testimonies of
11 what's happened in catastrophic Hurricane
12 Floyd, Hurricane Irene, and the question
13 becomes, why are we even considering
14 developing a site like this?

15 (Applause.)

16 MR. NAIRN: How did we learn --
17 and I'm sure that the Commissioner will
18 agree with me on this one -- that no
19 matter how hard we try, water always
20 wins.

21 Now, let's just think about it
22 for a moment. You've heard the
23 testimony, the very eloquent testimony of
24 the residents. You've heard them talk a
25 little bit about the history of this

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2 place, wetlands, marshy, spongy ground,
3 saturated. You've heard the experience
4 of the flooding. What is it that we're
5 not learning from this? What is it that
6 when we put fill over a tidal wetland
7 that we expect that it's not going to
8 flood?

9 You also heard, I was in a sort
10 of 500-year floodplain, now I'm in the
11 hundred-year floodplain.

12 We're not on natural land in
13 Eastwick. This site is not natural. It
14 has a dynamic all its own. And, that is,
15 is that we've heard a lot about
16 stormwater management, we've heard a lot
17 about surface drainage, but I haven't
18 heard a lot in this about the subsurface
19 conditions and the way water travels
20 through there.

21 This is a site that is meant to
22 flood. It's going to flood, and no
23 matter what we do, it's going to flood.
24 And what is it that we don't understand
25 about that?

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2 What's the wisdom of putting
3 722 low- to moderate-income housing units
4 on a site like this? It's really
5 difficult to understand.

6 In this way, it's really a
7 social justice issue. It's a question of
8 flooding and who do we represent. We
9 represent -- we should be representing
10 the neighbors who are experiencing
11 flooding.

12 Now, I have to say that in all
13 in his testimony, I got a little
14 confused. And even I have seen the map
15 of where the flooding incidents are. So
16 I know a little bit about this. We heard
17 the Deputy Mayor say, Well, this really
18 isn't a problem, because we drain into
19 the Schuylkill through Mungo Creek or
20 Mingo Creek. That's absolutely true.
21 But it doesn't mean that because we put
22 fill over wetlands, tilt a bunch of pipes
23 to Mingo Creek to the Schuylkill and
24 create high points that we don't have
25 major problems and major flooding

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2 problems in this area. We do.

3 So, again, I ask the question,
4 what's the wisdom of putting 722
5 people -- or units, 1,200 people, on this
6 site? I personally can't really think of
7 one, except, except that it comes down to
8 a 50-year-old agreement and a suit
9 between PRA, the City, and the Korman
10 Corporation, for which there's a
11 settlement agreement, which I think you
12 all have read. But I'd further say have
13 you read the fourth item in the one dated
14 in December 2011? And that says the
15 City, here meaning the executive and
16 administrative branch of the City
17 government under the Mayor, not including
18 the Zoning Board of Adjustment or any
19 other board or commission, and the PRA
20 shall support the efforts of New Eastwick
21 to obtain project approvals by June 30th,
22 2012, which was extended to December
23 31st, 2012.

24 So what I'd offer you is to say
25 that perhaps we haven't heard the entire

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2 story from the City about what really
3 should be done on this site because they
4 can't. They're under the settlement
5 agreement. But I think that when we look
6 over the characteristics of this site, we
7 look over the fact that this was meant to
8 fill, it's on former tidal wetlands, it's
9 next to the tidal wetlands, it's in the
10 tidal area, we shouldn't be building on a
11 site like this. We should not be putting
12 1,200 people at risk, as you've heard.
13 I'm going to say it again --

14 (Applause.)

15 MR. NAIRN: -- water always
16 win.

17 Thank you.

18 MS. CAHN: Good afternoon,
19 Councilman. My name is Amy Laura Cahn.
20 I am a staff attorney with the Public
21 Interest Law Center of Philadelphia.
22 I've been serving as legal counsel to the
23 Eastwick Friends and Neighbors Coalition
24 since June of this year. The Coalition,
25 as you know, brings together Eastwick

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2 residents and friends of the John Heinz
3 National Wildlife Refuge.

4 Since the June 12th, 2012 Rules
5 Committee hearing on rezoning, the
6 Coalition has been asked repeatedly what
7 does the community want. I hope you will
8 have heard a number of answers to this
9 question today, but I want to add to that
10 answer.

11 In September, in an effort to
12 launch what will hopefully be a more
13 extensive community planning process for
14 Eastwick, the Coalition piloted a survey
15 to residents. The results are clear.
16 Before anything else, any new amenities
17 or improvements or any development, the
18 community wants a solution to their
19 flooding problems and a solution to the
20 inconsistencies of and burdens associated
21 with flood insurance. Thus, I want to
22 applaud our City Council members; in
23 particular, Councilman Johnson, for
24 taking the lead on this hearing, for
25 calling this hearing.

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2 I also want to applaud the
3 Philadelphia Water Department and the
4 Eastwick Friends and Neighbors Coalition.
5 The Water Department and the Coalition
6 developed a partnership almost
7 immediately after the June 12th hearing
8 to investigate the flooding. The
9 Coalition went door to door for weeks,
10 building on the trust that they have with
11 their neighbors in order to collect the
12 several hundred flooding surveys. This
13 was not something that was made clear
14 earlier today, that this was a grassroots
15 effort.

16 These surveys provided data for
17 the Water Department's modeling process
18 through which the Water Department has
19 been able to identify flooding hotspots
20 in the neighborhood. This partnership
21 and this hearing have created an
22 opportunity that could lead to
23 significant benefits for the Eastwick
24 community, residents, and the refuge.

25 To understand these benefits,

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2 it's important to distinguish between the
3 normal stormwater event and ordinary
4 summer storm and catastrophic flooding.

5 The Water Department has
6 committed to investigating and solving
7 the stormwater issues by focusing on the
8 localized street-level flooding hotspots
9 that have emerged from the survey and
10 modeling, and it seems that additional
11 surveying and investigation needs to be
12 done based on the testimony today, but
13 this will be of benefit to residents.

14 In addition, the Water
15 Department, the City, and a number of
16 elected officials -- and I want to thank
17 State Representative Donatucci for being
18 here today -- a number of elected
19 officials on a local and state level have
20 committed to working with the relevant
21 federal agencies to develop an
22 environmentally sound solution to the
23 catastrophic flooding. This is the
24 flooding that is plaguing Eastwick with
25 increasing severity and frequency, the

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2 type of flooding that has caused intense
3 harm to the community and cost to the
4 City. It is also the flooding to which
5 we have no immediate solution. Yes,
6 there is a proposed berm, but is there a
7 timeline? Are there resources? Is there
8 the political will?

9 In light of sea level rise and
10 increasing rainfall events, in light of
11 the environmental harms presented by the
12 Clearview Landfill, Eastwick needs a
13 comprehensive solution that demands the
14 cooperation of many agencies and
15 significant community education and
16 participation. Let's keep working to
17 make this a reality. And while outside
18 of the scope of this hearing, the City
19 and elected officials can begin to work
20 with residents and FEMA to examine the
21 problems associated with flood insurance
22 as well as with the flood maps.

23 Beyond creating solutions to
24 the flooding problems, what else does
25 Eastwick want? The community supports

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2 and welcomes economic development for
3 Eastwick. Residents see a need for new
4 growth, welcome a variety of housing
5 types, and embrace commercial enterprises
6 and entrepreneurship. They view the
7 refuge and Pepper School as core
8 resources in the community and potential
9 anchors for new initiatives. They value
10 development that is fair and just, safe,
11 and environmentally sustainable.

12 This brings me to the Korman
13 development, which is none of those
14 things. This hearing is not just about
15 flooding. This hearing is an opportunity
16 by the City of Philadelphia to advance
17 its interests in promoting the
18 development of 722 units and 1,034
19 parking spaces on 35 acres of 128 acres
20 of undeveloped green space in the
21 floodplain. Why is the City so hellbent
22 on rezoning this parcel for development?
23 I think we know that. As was revealed
24 during the final minutes of the June 12th
25 hearing, the City needs the rezoning to

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2 occur in order to finalize the settlement
3 agreement between the City, the
4 Philadelphia Redevelopment Authority, and
5 Korman.

6 The settlement agreement will
7 resolve years of litigation over the
8 value of Korman's purchase option to a
9 parcel completely unrelated to the 128
10 acres in question. Underlying the
11 settlement agreement is the 1961
12 redevelopment agreement between New
13 Eastwick Corporation and the
14 Redevelopment Authority, through which
15 New Eastwick and ultimately Korman were
16 given rights to purchase and develop 476
17 acres of land seized by eminent domain
18 from an existing racially integrated
19 community. Underlying the 1961 agreement
20 is the Eastwick Urban Renewal Plan. That
21 plan was enacted with the purchase of
22 removing blighted elements which had
23 prevented Eastwick from developing as a
24 normal part of the City, conclusions that
25 existing residents protested heavily.

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2 That plan was also intended to provide
3 sewage and water services to the area and
4 eradicate vacancies. At the core of the
5 original dream was to establish an
6 integrated community in Eastwick, despite
7 the fact that one was already there. One
8 would think that Eastwick residents were
9 intended to benefit from that plan and,
10 by extension, the 1961 redevelopment
11 agreement.

12 The Urban Renewal Plan,
13 however, was not a good deal for the
14 almost 10,000 residents who were
15 displaced through eminent domain or those
16 African American residents who were
17 subjected to available quotas when they
18 tried to buy in that area, nor was the
19 plan a good deal for those residents who
20 moved into the Korman-built sinking
21 homes, homes placed next to the Clearview
22 Landfill or homes located in the
23 floodplain. Those residents have, for
24 decades, experienced cumulative impacts
25 of these environmental burdens and a host

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2 of others.

3 In contrast, the Urban Renewal
4 Plan and the redevelopment agreement were
5 a very good deal for Korman. Now if the
6 City can push the rezoning through, the
7 City can bring that deal to an end. The
8 City will save itself the money and gain
9 control of 93 acres for use as part of
10 what has been referred to as Airport City
11 or Airtropolis.

12 In the City's analysis, if the
13 settlement agreement does not go through,
14 the City will be on the hook for several
15 additional million dollars to Korman, and
16 Korman will retain the purchase option to
17 the entire 128 acres that remains of the
18 1961 agreement. In essence, the City has
19 engaged in a cost-benefit analysis,
20 weighing these wins and some very
21 short-term and limited fiscal benefits of
22 the development against the Eastwick
23 community. Eastwick loses again.

24 The Eastwick residents know
25 that they will not benefit from the

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2 settlement agreement or the Korman
3 development. This is not an innovative
4 or sustainable development, the likes of
5 which we are seeing in other parts of the
6 City. The 1961 redevelopment agreement
7 will result in a 1961 era type
8 development, cut off from the rest of the
9 neighborhood, and perpetuating 1961
10 environmental and financial harms to the
11 community.

12 The folks with whom I work in
13 Eastwick, members of the Coalition,
14 refuge supporters, lots of residents,
15 seek to make Eastwick whole. They are
16 striving to secure for Eastwick a
17 socially, economically, and
18 environmentally sustainable future.
19 Eastwick's dream advances a host of
20 policy goals currently being triumphed by
21 the City and the Council. To fulfill
22 this dream, the community needs an
23 opportunity to plan, to have an equitable
24 and meaningful voice in the development
25 of one of the largest undeveloped parcels

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2 in the City, and to plan for a greater
3 future for the community as a whole.
4 That's what Eastwick wants.

5 (Applause.)

6 MR. FINNEY: Good afternoon.
7 My name is Aaron Finney. I'm a resident
8 of the Eastwick area, been out there for
9 35 years in that area. I actually live
10 on 86th and Dick's Place.

11 In 1999, my house was flooded,
12 my den and my laundry room during the
13 flood, but more importantly is that on
14 several occasions we have backed up from
15 the sewer department on that block. Just
16 less than a little over a year, the Water
17 Department came out in front of 8605,
18 dug up the street. They gave us a
19 report stating that the sewer system was
20 not suitable for the amount of houses
21 that were in that area. The Water
22 Department have that information, and
23 they have several different information
24 from their workers out there who actually
25 done the work, who made these reports on

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2 several occasion about the sewer system
3 being backed up. They were backed up in
4 front of my house, 8601, 8605 and some of
5 the other houses farther up around the
6 cul-de-sac.

7 So just saying the Water
8 Department as somewhat -- and I know
9 because I'm also a retired City employee
10 for 38 years -- that the Water Department
11 report was somewhat not totally truthful.
12 They have these records showing from
13 their workers who the people who actually
14 came out there who dugged up the street,
15 who done the work on 86th and Dick's many
16 a time that reported that the sewer
17 system was not appropriate for that many
18 houses in that area. And we've been told
19 that many a time over and over by the
20 Water Department.

21 Thank you.

22 (Applause.)

23 COUNCILMAN JOHNSON: Thank you,
24 Aaron.

25 COUNCILMAN GREENLEE: Sir.

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2 COUNCILMAN JOHNSON: Question
3 from the Committee.

4 COUNCILMAN GREENLEE: If I
5 could just ask the last gentleman that
6 spoke, you have a copy of that report?
7 Because I think that's a key issue.

8 MR. FINNEY: No, I don't. I
9 wish I did, but, no, I don't. But I'm
10 sure -- I'm almost positive the Water
11 Department have to have that from their
12 workers who have been out there.

13 COUNCILMAN GREENLEE: And how
14 long ago was that, sir?

15 MR. FINNEY: The last hole was
16 less than -- a little over a year in
17 front of 8605. They dug up the street
18 and they done some work out there, and it
19 took us almost a year to get them to come
20 back and fill up the hole. Actually, we
21 called the State Representative office,
22 and she will actually -- her office was
23 actually the office that actually had
24 them fill the hole up who actually came
25 back out.

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2 So a little over a year the
3 last incident in front of 8605. And they
4 came to us. They left us a report, and
5 they made it clear -- and they mention
6 Korman. It's not like -- they knew that
7 Korman had built the house. They mention
8 Korman. They say when Korman build these
9 houses in this area, they knew that the
10 sewer system wasn't appropriate or
11 adequate for this area.

12 COUNCILMAN GREENLEE: And it
13 said that in the report?

14 MR. FINNEY: It say Korman,
15 yes.

16 COUNCILMAN JOHNSON: Is the
17 Water Department still here?

18 COMMISSIONER NEUKRUG: Yes.

19 COUNCILMAN JOHNSON: Do you
20 want to respond to these allegations,
21 Howard?

22 (Witness approached witness
23 table.)

24 COUNCILMAN JOHNSON: Go ahead,
25 Howard.

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2 COMMISSIONER NEUKRUG: Good
3 afternoon. Howard Neukrug, Water
4 Commissioner.

5 Yes, I was just handed a report
6 that shows the complaint history for the
7 area, and 8600 Dick's Street is listed
8 three times, in 2012, 1998, and 2007, all
9 with chokes in the sanitary sewer, not
10 the stormwater, the sanitary sewer, and
11 our notes are that we're doing monthly
12 cleanings of that line. I can't tell you
13 any more than that, but hopefully -- are
14 you experiencing problems today?

15 MR. FINNEY: No, not today.

16 COUNCILMAN GREENLEE: If I
17 could, Commissioner, you're saying that
18 you believe that just periodic cleanings
19 take care of that problem? Because, I
20 mean, the gentleman said something a
21 little bit stronger than that, I guess I
22 would say. He's saying that basically
23 the whole development has caused a
24 problem. Now --

25 COMMISSIONER NEUKRUG: I'm very

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2 happy to look into that, but I have no
3 knowledge of that today.

4 MR. FINNEY: Because the
5 cleaning, if it was just cleaning, they
6 wouldn't have dug up the hole in front of
7 8605. I'm giving you the exact address,
8 because it only happened a little over a
9 year ago.

10 COUNCILMAN GREENLEE:
11 Commissioner, if I could, through the
12 Chair, could you give a copy of the
13 reports that you've had in this area, not
14 just on Dick's, but generally. Because I
15 guess we'd like to see, as they said
16 earlier -- I'm sorry. As I said earlier,
17 certainly the issue of the proposed
18 development is very important and we have
19 to keep aware of that, but I think seeing
20 what the past history has been and what
21 can happen irregardless -- I'm told
22 that's not a word -- regardless of the
23 proposed development, there's obviously
24 problems out there and there's been
25 problems out there for a long time.

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2 So, I mean, if there was a way
3 that you could get to the Chair a copy of
4 whatever reports, whatever complaints,
5 whatever has been done out there, I think
6 that would be real illustrative of what
7 possibly could be done.

8 COMMISSIONER NEUKRUG:

9 Councilman, I have been sitting here for
10 this entire session these last two or
11 three hours and I've heard the neighbors,
12 and I have a lot of empathy for what
13 they're going through and they are
14 dealing with very serious problems of
15 flooding, and I look forward to working
16 with you and City Council and the
17 neighbors to resolve these problems.
18 This is a very serious issue, and I take
19 this very seriously.

20 COUNCILMAN GREENLEE: I
21 understand.

22 COMMISSIONER NEUKRUG: And you
23 have my commitment, the commitment of the
24 Department to get to the bottom of this.
25 And as you heard, there's a lot of very

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2 specific site situations and there's also
3 some very big flooding situations that
4 are occurring, and being able to pull
5 those things apart through past history
6 is pretty much -- we're pretty much doing
7 detective forensic work at this point to
8 try to analyze it, and also looking
9 forward to having a much better
10 relationship with the community and
11 making sure we can have these people have
12 dry feet.

13 COUNCILMAN GREENLEE: I guess
14 the bottom line, fixing the problem, if
15 that's possible that you can do. That's
16 really what we're looking to do, is fix
17 the problem.

18 COMMISSIONER NEUKRUG: Right.

19 COUNCILMAN GREENLEE: Thank
20 you, Mr. Chairman.

21 COUNCILMAN JOHNSON: Thank you.

22 (Applause.)

23 COUNCILMAN JOHNSON:

24 Councilwoman Blondell Reynolds Brown.

25 COUNCILWOMAN BROWN: To hear

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2 the commitment from your department is
3 encouraging. I'm always interested in
4 how that happens. So is that to say then
5 that there's someone on your team of
6 professionals that would be assigned to
7 Eastwick to ensure a regular, ongoing
8 communication, not just when issues come
9 up, but as the community looks forward to
10 whatever is going to happen out there?

11 COMMISSIONER NEUKRUG: Yeah.
12 We have better than a person. We have a
13 team. The team has been led this summer
14 by Joanne Dahme, the General Manager of
15 Public Affairs. So we've kept this at
16 the top. And also we've had my Deputy
17 Commissioner, Chris Crockett, who has
18 been personally going through the numbers
19 and trying to make some sense out of
20 the -- some engineering sense out of the
21 information that we're receiving.

22 COUNCILWOMAN BROWN: Secondly,
23 I'm pleased to hear that the department
24 keeps a record. So I would imagine you
25 have records of those type of incidents

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2 you just reported. How? By councilmanic
3 district? By Water Department district?
4 How does it happen?

5 COMMISSIONER NEUKRUG: We
6 have -- and I'll show this to you and be
7 happy to leave this with you. This is a
8 complaint list for the area. I believe
9 it's probably going back 20 years of
10 complaints. It's a pretty short list,
11 unfortunately, but it does talk about
12 every kind of problem that we have out
13 there, whether it be a sanitary sewer or
14 a storm sewer or private system.

15 COUNCILWOMAN BROWN: Okay. And
16 then, finally, that goes to a question
17 raised earlier by Councilman Kenney and
18 something I'm interested in citywide.
19 I'd be curious to know where Eastwick
20 stacks compared to other communities when
21 it comes to the issue they're facing, and
22 the data that drives that is the data
23 that your office collects.

24 COMMISSIONER NEUKRUG: Right.
25 And at this point in time, even after

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2 listening to the discussion here, I
3 really see two very large and different
4 sets of issues here. One is an issue of
5 a berm that needs to be constructed, and
6 that's going to take quite a bit of
7 partnering with the neighbors and others
8 to make sure this happens, and that will
9 alleviate some of the very big flooding,
10 particularly around Saturn Place. There
11 may be also along that area and also
12 other parts of Eastwick, perhaps closer
13 to where the development site is, where
14 there's very significant
15 household-by-household issues that need
16 to be resolved. It doesn't seem to be an
17 infrastructure-based issue, but I'd be
18 very happy to be proved wrong, because
19 that's probably the easiest thing I can
20 fix.

21 So whatever it is, we're open
22 to taking a look, investigating, and
23 understanding the situations, working
24 with the neighbors and community as best
25 we can and to identify the problems and

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2 attempt to solve them.

3 COUNCILWOMAN BROWN: Thank you
4 again for your testimony.

5 COMMISSIONER NEUKRUG: Thank
6 you.

7 COUNCILMAN JOHNSON: Thank you,
8 Commissioner. Thank you for your
9 testimony.

10 COMMISSIONER NEUKRUG: Thank
11 you.

12 COUNCILMAN JOHNSON: We have
13 one last person who just recently just
14 came in that wanted to come and testify.
15 Geraldine Waddell. Because we have
16 another hearing in this room.

17 Geraldine.

18 (Witness approached witness
19 table.)

20 MS. WADDELL: Good afternoon.

21 COUNCILMAN JOHNSON: Good
22 afternoon, Geraldine. Please state your
23 name for the record.

24 MS. WADDELL: My name is
25 Geraldine Waddell and I live at 2747

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2 South 86th Street, and I live -- and I
3 have a grave concern, because I live
4 directly across the field from the area
5 where Korman wants to build.

6 On 86th Street, we haven't had
7 any flooding problems, but my grave
8 concern is if they do develop anything in
9 that area, it will cause grave hardship
10 with flooding.

11 So I came today because of the
12 fact my concern as far as the homes on
13 86th Street between Gibson and Lyons and
14 Craitin that will be truly, truly a
15 hardship, will cause a grave concern to
16 each one of us for everything that we put
17 into our homes, for -- if they start, it
18 will be absolutely devastating to that
19 area.

20 So I'm here today because I
21 personally and my family and the ones on
22 the block, we do not want them to develop
23 in that area. I certainly would
24 appreciate it.

25 COUNCILMAN JOHNSON: Thank you,

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2 Ms. Geraldine, for your testimony.

3 MS. WADDELL: Thank you.

4 COUNCILMAN JOHNSON: Thank you
5 for being here.

6 (Applause.)

7 COUNCILMAN JOHNSON: Is there
8 anyone else here to testify on this bill?

9 (No response.)

10 COUNCILMAN JOHNSON: Seeing
11 that there's no one else here to testify
12 on the bill, this concludes the business
13 of the Transportation and Public
14 Utilities Commission.

15 As we move forward, first and
16 foremost, I want to thank the community
17 for stepping up to the plate and staying
18 on the case regarding making sure that
19 Eastwick has a voice and really
20 throughout this summer having an
21 opportunity to be informed on the
22 background and the history of the
23 Eastwick community, as well as having
24 this opportunity today to really take a
25 chance to analyze the community's

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2 position and also the data as it relates
3 to the Administration as well as the
4 experts as well.

5 So a long-term strategy is to
6 figure out a way to address the issue of
7 flooding as a whole in the community, but
8 we definitely hear you loud and clear in
9 regards to your concerns of the impact of
10 the development in the actual area as it
11 relates to flooding and just the overall
12 relationship with the owners of the
13 development just in general.

14 Again, I sincerely thank you
15 for coming out here today. And, again,
16 from day one, as we take apart this
17 process, my office has always been an
18 open door for communication, rather it's
19 my chief of staff, to my zoning person,
20 as well as myself. So I thank you for
21 being out here today.

22 Thank you.

23 (Applause.)

24 (Transportation and Public
25 Utilities Committee concluded at 1:00

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2 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on October 9, 2012, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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