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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING AND PUBLIC MEETING
BEFORE THE COMMITTEE ON STREETS AND SERVICES

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- - -
Room 400 City Hall
Philadelphia, Pennsylvania
Weds., 4/11/01, 10:18 a.m.
- - -

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BILL 010070 - Authorizing Parkway Corporation to
construct and maintain various encroachments. . .
BILL 010091 - Prohibiting sidewalk sales within an
area bounded by Oregon, Packer. . .
BILL 010122 - Granting permission to MCImetro
Access Transmission to construct, maintain,
operate, replace a telecommunications system. . .
BILL 010128 - Held at request of sponsor.
BILL 010130 - Held at request of sponsor.
BILL 010151 - Re intergovernmental agreement for a
Southeast PA Regional Household Hazardous Waste
Education Collection and Management Project.
BILL 010180 - Authorizing the revision of lines
grades on a portion of City Plan No. 44-F. . .
BILL 010182 - Granting permission to Amerimar
Net-Works Management to construct, maintain and
operate, replace and remove a duct bank. . .
BILL 010192 - Authorizing the striking from City
Plan No. 17-F and abandoning of a certain
right-of-way for gas main purposes. . .
BILL 010195 - Granting permission to Williams
Communications LLC to construct, maintain and
operate a telecommunications system. . .

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PRESENT: COUNCILMAN FRANK DICICCO, Chairman
COUNCILMAN DAVID COHEN, Vice Chair
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN DARRELL L. CLARKE
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN RICHARD T. MARIANO
COUNCILMAN FRANK RIZZO

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1 4/11/01 STREETS & SERVICES COMMITTEE

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1 4/11/01 STREETS & SERVICES - BILL 010070

2 P R O C E E D I N G S

3 COUNCILMAN DICICCO: Good morning. The
4 public hearing on the Committee on Streets and
5 Services is now in session. We have a quorum. In
6 attendance are Councilmembers Mariano,
7 Councilmember Wilson Goode, Councilmember David
8 Cohen, Councilmember Clarke. And also in
9 attendance is Councilwoman Jannie Blackwell.

10 The clerk will read the title of the
11 first bill to be heard.

12 Thank you.

13 THE CLERK: Bill No. 010070, an
14 ordinance authorizing the Parkway Corporation,
15 owner of the properties 1501 to 1509 Spruce Street
16 and 1506 to 1508 Latimer Street, Philadelphia,
17 Pennsylvania, 19102, to construct and maintain
18 various encroachments in, on, over, and under the
19 north footway of Spruce Street, the west footway
20 of 15th Street, and the south footway of Latimer
21 Street adjacent to the properties 1501 to 1509
22 Spruce Street and 1506 to 1508 Latimer Street, all
23 under certain terms and conditions.

24 COUNCILMAN DICICCO: Good morning, and
25 please identify yourself for the record.

1 4/11/01 STREETS & SERVICES - BILL 010070

2 MS. SEN: Good morning, Chairman and
3 members of the committee. My name is Nancy Sen,
4 I'm here as the engineering supervisor
5 representing the Streets Department to testify on
6 Bill No. 010070.

7 This bill authorizes the Parkway
8 Corporation to construct and maintain the
9 following encroachments on, above, and under the
10 public footways for the parking garage structure
11 being developed in the area bounded by Spruce
12 Streets, 15th Street, and Latimer Street:

13 A total of two electrified signs, each
14 approximately 1 foot wide by 23 feet high.

15 The first signs located over the north
16 footway of Spruce Street, projecting a maximum of
17 5 feet into the north footway of Spruce Street,
18 with the lowest point approximately 22 feet above
19 the footway.

20 The second sign is located over the
21 west footway of 15th Street, projecting a maximum
22 of 5 feet into the west footway, with the lowest
23 point approximately 22 feet above the footway.

24 Also, a total of 12 rigid awnings, all
25 projecting a maximum of approximately 7 feet into

1 4/11/01 STREETS & SERVICES - BILL 010070

2 the footway, with a minimum vertical clearance of
3 9 feet above the footway. The length of each
4 varies between 20 feet minimum and 32 feet
5 maximum.

6 Three of the awnings are located over
7 the north footway of Spruce Street, three on the
8 south footway, and a total of six are located over
9 the west footway of 15th Street.

10 Also, decorative screen panels mounted
11 to and stretching across the three exposed facades
12 of the parking garage building, projecting a
13 minimum of 1 foot into the footway. All have a
14 minimum 20-foot vertical clearance above the
15 sidewalk and run up to a point just below the roof
16 line of the building.

17 Also, there's a total of 7 bollards,
18 all 6 inches in diameter, each with an approximate
19 height of 3 feet, and each projecting a maximum
20 1 foot into the footway. Three are located on the
21 south footway of Latimer Street, two or on the
22 north footway of Spruce Street, and two are
23 located in the west footway of 15th Street.

24 All of these encroachments leave
25 adequate width and clearance of unobstructed

1 4/11/01 STREETS & SERVICES - BILL 010070

2 footway. Therefore, the Streets Department has no
3 objection to the passage of this bill.

4 COUNCILMAN DICICCO: Thank you for your
5 testimony.

6 Any questions for this witness?

7 (No questions.)

8 COUNCILMAN DICICCO: Is there anyone
9 else here who wishes to testify?

10 (Witness comes forward.)

11 COUNCILMAN DICICCO: Good morning.

12 MR. PRIMAVERA: Yes.

13 COUNCILMAN DICICCO: Please identify
14 yourself for the record.

15 MR. PRIMAVERA: Carl Primavera. I
16 represent Parkway Corporation.

17 We do have with us today some colored
18 drawings of these various encroachments. This is
19 the parking facility for the Regional Performing
20 Arts Center. Obviously, Council has been
21 extremely helpful and supportive of this project.
22 I am pleased to say that we are on time, and the
23 cooperation of this committee would be greatly
24 helpful in terms of moving this process forward.

25 So I do have drawings to give you a

1 4/11/01 STREETS & SERVICES - BILL 010070
2 sense of how beautiful and how attractive this
3 signage and these encroachments will be. And also
4 here I have Ross Wilson from Parkway, who can
5 answer any questions you may have.

6 COUNCILMAN DICICCO: Thank you. Any
7 questions?

8 Councilmember Clarke?

9 COUNCILMAN CLARKE: Thank you. Thank
10 you, Mr. Chairman.

11 MR. PRIMAVERA: And to my left is
12 Mr. Wilson.

13 COUNCILMAN CLARKE: Good morning.

14 MR. PRIMAVERA: Good morning,
15 Councilman.

16 COUNCILMAN CLARKE: Just one quick
17 question. Are there any anticipated changes in
18 the structure at all, color scheme, since the
19 presentation to the community organization?

20 MR. PRIMAVERA: Not that I'm aware of.
21 I'll let Ross answer that in particular, just in
22 case there has been something I'm not aware of.

23 MR. WILSON: No, there are no changes.

24 COUNCILMAN CLARKE: No changes at all,
25 okay.

1 4/11/01 STREETS & SERVICES - BILL 010070

2 MR. PRIMAVERA: And we have sent a
3 letter to Judith Eden, I guess, about a week ago,
4 just to confirm that this hearing was coming up
5 today. CCRA has been very, very supportive, and
6 we've been working with them, as you know,
7 Councilman Clarke, so I don't think that there's
8 been anything that's been changed in any way that
9 would be either a surprise or inconsistent with
10 what we've shown before.

11 COUNCILMAN CLARKE: Where are we at
12 with the retail?

13 MR. PRIMAVERA: That's a good question;
14 I was asking that myself. I'll let Ross answer
15 that .

16 COUNCILMAN DICICCO: Just identify
17 yourself for the record.

18 MR. WILSON: My name is Ross Wilson,
19 and I'm with Parkway Corporation.

20 We have no signed tenants at this
21 point. We are having conversations with some
22 tenants. None of them are at the point where
23 there are even letters of intent yet.

24 MR. PRIMAVERA: But they are
25 restaurants, I understand it.

1 4/11/01 STREETS & SERVICES - BILL 010070

2 MR. WILSON: We have had conversations
3 with both restaurants and supermarket-food store
4 tenants, and the current interest is from
5 restaurant tenants.

6 COUNCILMAN CLARKE: Okay. As you get
7 closer to a letter of intent or a sign at least,
8 can you notify me? 'Cause I'm interested in the
9 retail mix of that particular facility.

10 MR. PRIMAVERA: That would be fine.

11 COUNCILMAN CLARKE: All right thank
12 you.

13 Thank you, Mr. Chairman.

14 COUNCILMAN DICICCO: Any other
15 questions for these witnesses?

16 Councilman Cohen.

17 COUNCILMAN COHEN: Are these signs
18 necessary to the purposes of Parkway Corporation?

19 MR. PRIMAVERA: Yes. I am pleased to
20 tell you, Councilman Cohen, that we also have an
21 agreement with CCRA. There are no billboards or
22 (indiscernible) signs. All the signage is either
23 related to the garage or the tenants.

24 So there are no billboards or other
25 signs that aren't related to this facility. And I

1 4/11/01 STREETS & SERVICES - BILL 010091

2 know you're concerned in that regard.

3 COUNCILMAN COHEN: Yes.

4 MR. PRIMAVERA: So I'm easily happy to
5 tell you that there's no concern to that.

6 COUNCILMAN COHEN: Okay.

7 COUNCILMAN DICICCO: Any other
8 questions?

9 (No further questions.)

10 COUNCILMAN DICICCO: Hearing none, the
11 clerk will read the title of the next bill.

12 THE CLERK: Bill No. 010091, an
13 ordinance amending Section 9-205 of the
14 Philadelphia Code, entitled "Sidewalk Sales," by
15 prohibiting sidewalk sales within the area bounded
16 by Oregon Avenue, Packer Avenue, Seventh Street,
17 and 20th Street, and within the area bounded by
18 Oregon Avenue, I-95, Front Street, and Seventh
19 Street, all under certain terms and conditions.

20 We have written testimony submitted by
21 Otis Haigler, Jr. for the Department of Licenses
22 and Inspections, which states as follows:

23 "Good day, Councilman DiCicco and
24 members of the Committee on Streets and Services.
25 I am Otis Haigler, Jr., Legislative and Regulatory

1 4/11/01 STREETS & SERVICES - BILL 010091
2 Affairs Manager for the Department of Licenses and
3 Inspections. I'm here to provide testimony on
4 Bill 010091, which, if enacted, will amend
5 Subsection 9-205 of the Philadelphia Code to
6 prohibit sidewalk sales in the area bounded by
7 Oregon Avenue, Packer Avenue, Seventh Street, and
8 20th Street, and within the area bounded by Oregon
9 Avenue, I-95, Front and Seventh Street.

10 "With respect to this bill, the
11 Department offers no objections to its enactment."

12 COUNCILMAN DICICCO: Thank you.

13 Is there anyone else here who wishes to
14 testify on this bill?

15 (No response.)

16 COUNCILMAN DICICCO: Hearing none, the
17 clerk will read the title of the next bill.

18 THE CLERK: Bill No. 010128 is going --
19 I'm sorry 010122 will be held to the end of the
20 hearing.

21 Bill No. 010128, an ordinance
22 authorizing the revision of lines and grades on a
23 portion of City Plan No. 319 of an area bounded by
24 Rhawn Street, Dorcus Street, and the New York
25 Shortline Railroad by striking from the City Plan

1 4/11/01 STREETS & SERVICES - BILL 010128
2 and vacating portions of Stanwood Street, Pennway
3 Street, and Solly Avenue by placing on the City
4 Plan Meadowbrook Drive, Peach Tree Lane, Apple
5 Blossom Way, Cherry Blossom Way, Apple Blossom
6 Drive, Rose Petal Way, and Rose Petal Drive, and
7 by placing on the City Plan two rights of way for
8 drainage purposes, all under certain terms and
9 conditions, including the dedication to the City
10 free and clear of all encumbrances the beds of
11 Meadowbrook Drive, Peach Tree Lane, Apple Blossom
12 Way, Cherry Blossom Way, Apple Blossom Drive, Rose
13 Petal Way, and Rose Petal Drive.

14 COUNCILMAN DICICCO: Let the record
15 show that Councilman Rizzo is now in session with
16 us.

17 (Witnesses come forward.)

18 COUNCILMAN DICICCO: Gentlemen, good
19 morning, and please identify yourself for the
20 record.

21 MR. LONIE: Good afternoon,
22 Mr. Chairman and members of the committee. My
23 name is Paul Lonie, Survey Bureau Manager with the
24 Department of Streets, and the Department of
25 Streets would like to offer the following

1 4/11/01 STREETS & SERVICES - BILL 010128

2 testimony on Bill No. 010128:

3 This is not an administration ordinance
4 but an ordinance requested by Mr. Jack Bienenfeld
5 of Champion Development, 828 Red Lion Road,
6 Philadelphia. The purpose of this ordinance is to
7 revise the lines and grades on a portion of City
8 Plan No. 319 to allow for the construction of 85
9 detached single-family dwellings on 87 lots.

10 This ordinance is supported by the
11 Department of Streets and is recommended to your
12 committee for favorable action.

13 MR. SOFFER: Good morning, Chairman and
14 members of the committee. My name is Martin
15 Soffer from the City Planning Commission.

16 The Planning Commission reviewed and
17 recommended approval of the proposed City Plan
18 changes as part of a preliminary plat to subdivide
19 a 19-acre parcel of ground to allow for the
20 construction of 85 detached single-family
21 dwellings along 5 new City streets on November 2nd
22 of the year 2000. Therefore, the Planning
23 Commission recommends that Bill No. 010128 be
24 approved.

25 Thank you.

1 4/11/01 STREETS & SERVICES - BILL 010128

2 COUNCILMAN DICICCO: Any questions for
3 these witnesses?

4 (No questions.)

5 COUNCILMAN DICICCO: Anyone else here
6 who wishes to testify, please step forward and
7 identify yourself for the record.

8 (Witness comes forward.)

9 MR. POLLOCK: Good morning, Councilman
10 DiCicco and other Councilmen who are here,
11 esteemed Councilmen. My name is Steven Pollock.
12 I represent Champion Development and Mr. Jack
13 Bienenfeld, and we are asking for this committee's
14 consideration of this bill.

15 I have a site plan that would show the
16 Councilmembers, if they would like to see it, the
17 layout, which is the approved plot plan of the 85
18 lots. We are going to be building these -- they
19 will be in the range of about -- starting at about
20 \$180,000. It's in the area right near where the
21 Orleans vocational center is, not far from Rhawn
22 and (indiscernible) or Northeast High School, in
23 that vicinity.

24 And we would ask for a suspension of
25 the rules if this committee would look favorably

1 4/11/01 STREETS & SERVICES - BILL 010130
2 but an ordinance requested by Mr. Jack Bienenfeld
3 of Champion Development. The purpose of this
4 ordinance is to permit the Streets Department to
5 enter into a private paving agreement with the
6 developer to pave the streets, which will allow
7 for the reconstruction of 85 detached
8 single-family dwellings.

9 This ordinance is supported by the
10 Department of Streets and is recommended to your
11 committee for favorable action.

12 COUNCILMAN DICICCO: Any other
13 testimony?

14 MR. POLLOCK: Again, Steven Pollock on
15 behalf of the developer.

16 We would ask for a suspension of the
17 rules. We have worked these plans out for this
18 subdivision with the City Planning Commission and
19 the Dungan Road Civic Association and through the
20 good offices of Councilman O'Neill.

21 COUNCILMAN DICICCO: Mr. Pollock, how
22 many units did you say were being built?

23 MR. POLLOCK: It will be 85
24 single-family detached homes. They're about a
25 quarter acre -- about 3600 square feet of lot

1 4/11/01 STREETS & SERVICES - BILL 010130

2 space. And we have two lots: One is going to be
3 used as a right-of-way for access and another one
4 will be a drainage right-of-way.

5 COUNCILMAN DICICCO: Has the developer
6 pulled any of the permits yet?

7 MR. POLLOCK: No, we have not pulled
8 any of the permits yet.

9 COUNCILMAN DICICCO: You know, with the
10 ten-year abatement, there's still some confusion.
11 If they don't make application for the abatement
12 within 60 days of the date the permit is pulled,
13 the potential buyers won't be entitled to the
14 abatement.

15 MR. POLLOCK: Right.

16 COUNCILMAN DICICCO: So we haven't been
17 able to clean that out yet -- clean that up yet,
18 but in the interest of their potential buyers, I
19 would advise you to advise your client to make
20 sure he does that.

21 MR. POLLOCK: We definitely appreciate
22 the heads-up on that, Councilman.

23 COUNCILMAN DICICCO: Thank you.

24 Any other questions for these
25 witnesses?

1 4/11/01 STREETS & SERVICES - BILL 010130

2 Councilmember Clarke?

3 COUNCILMAN CLARKE: Thank you, Mr.

4 Chair.

5 Actually, I'm interested in the fact
6 that this development is taking place, not so much
7 as it relates this particular bill specifically.
8 Are these going to be market-rate housing?

9 MR. POLLOCK: Yes, starting at about
10 180,000, we project, Councilman.

11 COUNCILMAN CLARKE: Okay. And the
12 financing's in place? I mean, this is a go?

13 MR. POLLOCK: This is a go, yes.
14 Mr. Bienenfeld's family has been in the City of
15 Philadelphia and has been building for about 45
16 years. Up in the Northeast, he's probably as well
17 known as Orleans or Korman or those names were in
18 the early '60s.

19 COUNCILMAN CLARKE: Great, that's good
20 news.

21 Thank you.

22 COUNCILMAN DICICCO: Thank you.

23 Any other questions.

24 (No further questions.)

25 COUNCILMAN DICICCO: Hearing none, the

1 4/11/01 STREETS & SERVICES - BILL 010180

2 clerk will read the title of the next bill.

3 THE CLERK: We're going to skip over
4 Bill 010151 for the time being and go to 010180,
5 an ordinance authorizing the revision of lines
6 grades on a portion of City Plan No. 44-F by
7 striking from the City Plan and vacating Tenth
8 Street from Pattison Avenue to a point
9 approximately 846 feet northwardly therefrom and
10 by placing on the City Plan Hartranft Street at a
11 point approximately 846 northwardly from Pattison
12 Avenue, extending from Tenth Street to Darien
13 Street, under certain terms and conditions.

14 MR. LONIE: Good afternoon,
15 Mr. Chairman and members of the committee. My
16 name is Paul Lonie, Survey Bureau Manager with the
17 Department of Streets, and the Department of
18 Streets would like to offer the following
19 testimony on Bill No. 010180:

20 This is an Administration ordinance
21 requested by the Streets Department. The purpose
22 of this ordinance is to legally move Tenth Street
23 from the City Plan to place Hartranft Street to
24 facilitate the construction of a new baseball
25 stadium. This ordinance is supported by the

1 4/11/01 STREETS & SERVICES - BILL 010180
2 Department of Streets and is recommended to your
3 committee for favorable action.

4 MR. SOFFER: Chairman and members of
5 the committee, my name is Martin Soffer from the
6 Philadelphia City Planning Commission.

7 The Planning Commission reviewed and
8 recommended approval of the proposed City Plan
9 change as part of a master plan, a sports stadium
10 district, a zoning map amendment on December 7,
11 2000. Therefore, the Planning Commission
12 recommends that Bill 010180 be approved.

13 Thank you.

14 COUNCILMAN DICICCO: Thank you.

15 Any questions for these witnesses?

16 (No questions.)

17 COUNCILMAN DICICCO: Anyone else here
18 who wishes to testify for or against the bill?

19 (No response.)

20 COUNCILMAN DICICCO: Hearing none, the
21 clerk will read the title of the next bill.

22 THE CLERK: Bill No. 010192, an
23 ordinance amending Section 2 of an ordinance (Bill
24 No. 990366), approved July 1, 1999, entitled "An
25 ordinance authorizing the striking from the City

1 4/11/01 STREETS & SERVICES - BILL 010192
2 Plan No. 17-F and abandoning of a certain
3 right-of-way for gas main purposes and public
4 utility purposes within the lines of former Annin
5 Street extending from a 50 feet wide right-of-way,
6 formerly 28th Street to 29th Street, under certain
7 terms and conditions," by extending the period for
8 compliance with the authorization conditions
9 therein.

10 MR. LONIE: Good afternoon,
11 Mr. Chairman and members of the committee. My
12 name is Paul Lonie, Survey Bureau Manager with the
13 Department of Streets, and the Department of
14 Streets would like to offer the following
15 testimony on Bill No. 010192:

16 This is not an Administration ordinance
17 but an ordinance requested Mr. Michael Mattioni,
18 399 Market Street, Philadelphia, who represents
19 Rosa Food Products. The purpose of this ordinance
20 is to extend the time period for legally
21 abandoning a right-of-way in former Annin Street
22 between 29th and 28th, to erect a new facility for
23 Rosa Foods Incorporated.

24 This ordinance is supported by the
25 Department of Streets and is recommended to your

1 4/11/01 STREETS & SERVICES - BILL 010196

2 committee for a favorable action.

3 COUNCILMAN DICICCO: Thank you.

4 Are there any other questions for this
5 witness from the committee?

6 (No questions.)

7 COUNCILMAN DICICCO: Is there anyone
8 else here who wishes to testify on this bill?

9 (No response.)

10 COUNCILMAN DICICCO: Hearing none, the
11 clerk will read the title of the next bill.

12 THE CLERK: Bill No. 010196, an
13 ordinance granting permission to Herman Hinton,
14 owner of the newsstand located on the north
15 footway of Fairmount Avenue near the northwest
16 corner of 19th and Fairmount Avenue to construct,
17 use, and maintain overhead electrical and
18 telecommunications lines from existing utility
19 poles over and across the public right-of-way for
20 the purpose of supplying electrical and phone
21 service to his newsstand under certain terms and
22 conditions.

23 MS. SEN: Good morning, Chairman and
24 members of the committee. My name is Nancy Sen.
25 I'm an engineering supervisor for the Streets

1 4/11/01 STREETS & SERVICES - BILL 010196

2 Department, and I am here to testify on Bill No.
3 010196 on behalf of the Department.

4 This bill grants permission to Herman
5 Hinton, owner of the newsstand located on the
6 northwest corner of 19th and Fairmount Avenue, to
7 construct, use, and maintain an electrical conduit
8 with electrical service line and a fiber-optic
9 conduit with telephone service line on and under
10 the public right-of-way for the purpose of
11 supplying electrical service and telephone service
12 to his newsstand.

13 The Streets Department has reviewed the
14 construction plans for this project and has no
15 objection to the passage of the bill.

16 COUNCILMAN DICICCO: Miss Sen, do you
17 happen to know what material the newsstand is made
18 of?

19 MS. SEN: I believe this is a metal
20 stand. It's been inspected --

21 COUNCILMAN DICICCO: Okay.

22 MS. SEN: -- at the time it applied for
23 application.

24 COUNCILMAN DICICCO: All right.

25 'Cause, you know, we had never resolved the other

1 4/11/01 STREETS & SERVICES - BILL 010151
2 newsstand issue, and my understanding is that L&I
3 will soon be out there citing people for not being
4 in compliance with the materials.

5 MS. SEN: We've had a few come in
6 already. I believe they're actively doing that.

7 COUNCILMAN DICICCO: Okay, thank you.

8 Are there any other questions for this
9 witness from the committee?

10 (No questions.)

11 COUNCILMAN DICICCO: Is there anyone
12 else here who wishes to testify on this bill?

13 (No response.)

14 COUNCILMAN DICICCO: Hearing none, the
15 clerk will read the title of the next bill.

16 THE CLERK: I'm going to go back to
17 Bill No. 010151, an ordinance authorizing the
18 Streets Commissioner, on behalf of the City, to
19 execute an intergovernmental agreement for a
20 Southeast Pennsylvania Regional Household
21 Hazardous Waste Education Collection and
22 Management Project, under certain terms and
23 conditions.

24 (Witness comes forward.)

25 COUNCILMAN DICICCO: Good morning

1 4/11/01 STREETS & SERVICES - BILL 010151

2 please identify yourself for the record.

3 MR. MCGRATH: My name is Scott McGrath.
4 I'm with the Streets Sanitation Division, and we
5 are presenting Bill No. 010151, which is which the
6 Streets Department asks for the authorization to
7 enter into an intergovernmental agreement with
8 Bucks, Chester, Delaware, and Montgomery
9 Counties.

10 The intergovernmental agreement is for
11 the joint operation of a Regional Household
12 Hazardous Waste Program. This program presents
13 the City with the unique opportunity to continue
14 to work with the counties over a second three-year
15 period. The regional program, which was awarded
16 the Governor's Award for Environmental Excellence
17 in November 1999, will allow the City to continue
18 its expansion of this important program.

19 The regional program was implemented
20 and the number of drop-offs scheduled in the City
21 has increased from 4 to 6. The quantity of
22 household removed from the waste stream since the
23 program was implemented was increased from 65 tons
24 in fiscal year 1997 to about 100 tons for fiscal
25 year and the year 2000. Additionally, the

1 4/11/01 STREETS & SERVICES - BILL 010151

2 Department has begun offering weekday drop-off
3 events for those residents unable to participate
4 on Saturdays for any variety of reasons.

5 So the Regional Program residents can
6 also participate in other county drop-off events.
7 Throughout the region, there are 24 drop-off
8 events scheduled in the year 2001.

9 By working together, the counties share
10 planning responsibilities, expenses, advertising
11 expenses, and use their collective experiences and
12 expertise in solving problems and developing
13 improved services. For example, the counties
14 jointly developed an RFP issued during the summer
15 of 2000, in which for household hazardous waste
16 processing, transportation, disposal, or
17 recycling, which resulted in a 10 percent
18 reduction in the unit price for managing these
19 materials.

20 Additionally, the Department of
21 Environmental Protection has agreed to commit
22 \$500,000 per year and 50 percent matching grant
23 funds per year, with a maximum of 100,000 per each
24 county and the City for the regional program.

25 Removal of potentially hazardous

1 4/11/01 STREETS & SERVICES - BILL 010151
2 materials from the waste stream through this
3 program not only will have a positive impact on
4 the environment but will also have a positive
5 impact on workers' safety. Since these materials
6 are removed from the waste stream, they cannot
7 come in contact with the workers while collecting
8 refuse. Also, hazardous material such as used oil
9 cannot be dumped in storm drains and damage
10 streams or the City's waste water treatment
11 system.

12 The initial intergovernmental agreement
13 was implemented during the spring of 1997 and was
14 recently updated by the City and counties. The
15 agreement presented in Bill 010151 is a result of
16 the cooperative work of the City and five
17 counties.

18 Attached to your testimony that was
19 distributed is the schedule for the City and the
20 five counties.

21 The Streets Department asks for the
22 committee's favorable consideration of this bill.

23 COUNCILMAN DICICCO: Thank you.

24 Any questions for this witness?

25 Councilman Cohen?

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2 COUNCILMAN COHEN: Could you tell in us
3 simple words what the programs is? What are these
4 drop-offs, what's the nature of the program?

5 MR. MCGRATH: Yes. Residents -- we
6 have, for example, in the City this year six
7 drop-off events. They are one-day events where we
8 advertise locally and through KYW radio, for
9 example, that residents throughout the City can
10 drop off household hazardous waste, such as old
11 paints, pesticides, and other poisons at one of
12 these drop-off events. We accept the materials
13 during the day; they are usually scheduled on a
14 Saturday. And our vendor processes the
15 materials. They segregate them and package them
16 for transportation to a disposal facility. And in
17 this way, they're handled separately from the
18 waste stream, and we can also assure that they are
19 disposed of and/or recycled appropriately. For
20 example, used oil, antifreeze, and mercury are all
21 items that are actually recycled that are
22 accepted.

23 COUNCILMAN COHEN: And the advertising
24 is for residents to bring these waste materials to
25 a place called a "drop-off center"?

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2 MR. MCGRATH: Exactly. For example, on
3 April 21st, the City's having its first drop-off
4 event, which is scheduled to take place at our
5 facility up in the Northeast, at State Road and
6 Ashbourne Street.

7 COUNCILMAN COHEN: One further
8 question. In connection with the KYW
9 announcements, are those announcements public
10 service announcements or are they paid for by the
11 City of Philadelphia?

12 MR. MCGRATH: It's actually both. We
13 do some paid advertising, but KYW has also done
14 some PR, so to speak, of the program, as also is a
15 news item when time permits. So they've been very
16 helpful in getting -- in helping us getting the
17 word out. We also do paid newspaper advertising.

18 COUNCILMAN COHEN: The reason I raise
19 the question is, there was a time when those who
20 used the air space freely -- meaning the radio and
21 TV stations -- had to, as part of their acceptance
22 of the privilege of using that air space free, had
23 to contribute a certain amount of public service
24 time. And it would seem to me in this program and
25 other programs like it -- for example, the blight

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2 program, the schools programs of various kinds -
3 it seems a waste of funds from short funding that
4 cities have available to them to spend the money
5 on advertisements, but I think it would be great
6 if we could reinstitute public service
7 announcements.

8 MR. MCGRATH: We do work with other
9 radio stations and have also worked with their
10 public relations directors to get extra air time.
11 Last year, for example, through the Inquirer, they
12 published as a public service a quarter-page ad
13 for the regional program. They did five of them
14 throughout the year, in the year 2000.

15 COUNCILMAN COHEN: Thank you.

16 MR. MCGRATH: And so we continue as a
17 region to pursue these types of programs as a
18 group. We also have a little more weight because
19 we represent a large population.

20 COUNCILMAN COHEN: Thank you.

21 COUNCILMAN DICICCO: Thank you.

22 I know you're increasing it from four
23 to six times a year. Why is it that we can't do
24 it on a monthly basis?

25 MR. MCGRATH: That's what we're moving

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2 toward. We had planned to have at least one more
3 event this year. But with the imminent closure of
4 our facility at Seventh and Pattison, we don't
5 have a site for South Philadelphia as yet, but
6 that's something that we may be able to schedule
7 in.

8 During the winter months, it's
9 extremely difficult to offer these events, but
10 ultimately, we may be able to work on providing at
11 least one event during what we considerate the
12 regular collection season, which is roughly nine
13 months out of the year. During the winter,
14 because of the cold weather, the vendors have a
15 very difficult time processing the material
16 because it also changes the consistency of the
17 material.

18 COUNCILMAN DICICCO: Has there ever
19 been any consideration -- and I understand there's
20 a cost involved-- to do it as a pickup, a
21 curbside pickup, as opposed to a delivery by the
22 individual to the drop-off station?

23 And I say that because I'm pretty
24 fanatical, I guess, about recycling and things
25 like that, but it is somewhat of a hardship

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2 sometimes for people to remember the date, on that
3 day, they may be out of town, to have to go to a
4 distance, a considerable distance, to drop off.

5 And I'm not being critical of what
6 you're doing; I respect what it is your attempting
7 to do here, but I see it all the time -- people
8 leaving paint cans out, and if they're not
9 exposed, they're in a plastic bag, and when the
10 plastic bag breaks, all of a sudden, you see paint
11 all over the sidewalks and the street.

12 So most people, I would suspect, are
13 not recycling these solvents and hazardous
14 materials; they're putting them in with the
15 regular trash.

16 MR. MCGRATH: As a region and also from
17 the City's perspective, this is something that we
18 do continue to investigate. Right now, it is to
19 -- the Streets Department can't do -- provide
20 pickup service on its own because of the federal
21 and State transportation requirements, 'cause you
22 need special vehicles, special personnel, and
23 that's getting into a whole 'nother world of, I
24 usually say, regulatory issues.

25 As far as having a vendor do it for

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2 you, it is a cost issue. It costs three or four
3 times as much to do that, provide sort of a
4 curbside type of service. And it is something
5 that as a region we are looking into as either
6 providing it as an action to the drop-offs or as
7 an additional service. It's something we might be
8 able to do in the future.

9 COUNCILMAN DICICCO: Are we held to any
10 standards by the federal government or the State
11 Department of Environmental Protection as to what
12 materials are being collected and subsequently
13 brought to a landfill site or something like
14 that?

15 MR. MCGRATH: You mean the types of
16 materials that we accept?

17 COUNCILMAN DICICCO: Yeah, yeah. Are
18 we held to any particular standards? Meaning,
19 does the federal government, as an example,
20 require that certain materials not be included in
21 trash, and is that the reason for the \$500,000
22 commitment? Which, to me, in the scheme of
23 things, doesn't seem to be all that much money.

24 I mean, are we really getting the full
25 -- are we taking advantage of whatever dollars

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2 may be out there from the feds and the State that
3 can be applied for an enhanced program of
4 collection of hazardous materials?

5 MR. MCGRATH: Yes. We are trying to
6 make every effort to take advantage of all of the
7 financial resources that are available through the
8 State Department of Environmental Protection.

9 The type of materials that we're taking
10 about are exempt under the federal regulation, so
11 if they end, say, in the trash truck when they go
12 to the landfill, that's not illegal for that to
13 happen.

14 COUNCILMAN DICICCO: Okay.

15 MR. MCGRATH: But it's not the best
16 thing to do, which is why the State encourages the
17 development of these types of programs.

18 COUNCILMAN DICICCO: So we're not
19 subject to any fines or penalties because of that,
20 all right.

21 MR. MCGRATH: No. In fact, we are
22 probably protecting ourselves from future
23 environmental liability by having a program
24 because we're removing these things.

25 COUNCILMAN DICICCO: Thank you.

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2 Councilman Rizzo?

3 COUNCILMAN RIZZO: Thank you.

4 I have a couple observations here, just
5 to comment on Councilman DiCicco's idea about
6 curbside, and he, I think, alluded to it. I think
7 we have to move carefully in that direction
8 because I wouldn't want to see a person put out a
9 half a gallon a paint at the curb and vandalism
10 and some kids that are up to no good start
11 throwing this stuff all over the roadway. So I
12 think that we would, you know, want to move
13 carefully on how we would do that.

14 In your educational piece, I know a lot
15 of -- at least when we talk about motor oil --

16 MR. MCGRATH: Mm-hmm.

17 COUNCILMAN RIZZO: -- Pep Boys --
18 correct me if I'm wrong -- and some other -- Sears
19 and similar businesses will allow people to bring
20 used motor oil for them so they can dispose of it
21 in their bulk containers. Are you communicating
22 that?

23 Because I know if I am a weekender
24 maintenance person on my car and I change the oil
25 in my driveway, I doubt very much that I would

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2 want to hold it for a week or two weeks in some,
3 you know, plastic bottles, that we ought to
4 encourage people to utilize these locations that
5 have volunteered to accept at least motor oil.

6 COUNCILMAN DICICCO: Curbside pickup,
7 curbside works.

8 MR. MCGRATH: Yeah. We do try to
9 encourage that. And, in fact, our Customer
10 Service Unit is provided with that type of
11 information. As well on our Web site, there's a
12 link to the Department of Environmental Protection
13 site, where you can essentially type in your zip
14 code, and it will tell you where all of these
15 locations are, like the Pep Boys, that will accept
16 used motor oil.

17 So that is something that we are trying
18 to encourage.

19 COUNCILMAN RIZZO: Also, the City
20 employees that are going to be involved, I assume
21 there will be City employees involved in the
22 acceptance of these materials, correct, at some
23 locations?

24 MR. MCGRATH: No, there are no City
25 employees involved in the actual processing of the

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2 material. We have our people there as far as
3 helping to direct traffic. We conduct a survey of
4 those who participate and we also have a trash
5 collection vehicle there to accept residual waste
6 that's processed by the vendor, but the actual
7 handling of the hazardous material is done by our
8 vendor.

9 COUNCILMAN RIZZO: My concern is that
10 who knows what people have stowed away in the
11 basement. There are some chemicals that years
12 ago, cleaning solvents that were acceptable, and
13 we've learned along the way that they are
14 carcinogenic. There's cleaning, again, solvents
15 for industrial uses. And I'm hoping that in this
16 process, that the employees, whether they're City
17 employees that are on the fringe, that all the
18 protective devices, that the safety standards that
19 are used, because again, there's things that are
20 going to be coming in their unlabeled like
21 trychlorethylene, things like that.

22 MR. MCGRATH: Exactly.

23 COUNCILMAN RIZZO: I'd be very
24 concerned about who and how -- and I'm sure if
25 this is a private vendor, that they are equipped

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2 with respirators, gloves, but City employees, I
3 hate to hear five, eight years from now that we
4 have people like our firefighters that have made
5 contact with toxic substances or carcinogenic
6 because they weren't equipped with the proper
7 equipment to protect that kind of contact.

8 MR. MCGRATH: Yes. The personnel that
9 I have assisting me on the site are actually
10 required to attend a safety meeting that the
11 vendor is required to have, where we indicate how
12 materials are processed, where the fire
13 extinguishers are, and all of the other safety
14 aspects of the event.

15 Additionally, we also have a
16 representative from the haz-met (ph.)
17 administrative unit on the site as an additional
18 precaution.

19 COUNCILMAN RIZZO: Fire Department?

20 MR. MCGRATH: The Fire Department, yes.

21 And our personnel, the City personnel,
22 never come in contact with the material
23 themselves, but they are made aware of everything
24 that's going on the site and where the vendor
25 processes the materials so they know where they

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2 can and can't go.

3 COUNCILMAN RIZZO: My final observation
4 is if you want to invest in sending to all of the
5 local media that accept the public advertising,
6 that you do that, because they, on many occasions,
7 will play that. Even if it's in the middle of the
8 night, people hear it, and I think the investment
9 is worth the potential that it will get aired
10 other than on the one radio station that you
11 described.

12 MR. MCGRATH: Yeah.

13 COUNCILMAN RIZZO: So I think that
14 whoever's managing that part of the program, that
15 the more the merrier, because I think it's an
16 insignificant investment, a short 30-second or
17 60-second cassette tape.

18 MR. MCGRATH: Yeah. We've also been
19 successful in getting the local television
20 networks to -- on Saturdays when they do their
21 community events little deal, that they've been
22 announcing the program also. We have at times
23 noticed that that has a pretty good impact right
24 there.

25 COUNCILMAN RIZZO: Great.

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2 MR. MCGRATH: If they hit at the right
3 time, sometimes that really does work well.

4 COUNCILMAN RIZZO: Thank you.

5 Thank you, Mr. Chairman.

6 COUNCILMAN DICICCO: Thank you.

7 Any other questions for this witness?

8 (No further questions.)

9 COUNCILMAN DICICCO: Thank you for your
10 testimony.

11 MR. MCGRATH: Thank you.

12 COUNCILMAN DICICCO: The clerk will
13 read the title of the next bill.

14 THE CLERK: Bill No. 010122, an
15 ordinance granting permission to MCImetro Access
16 Transmission Services, LLC, a Delaware
17 corporation, its successors and assigns, to
18 construct, maintain and operate, replace and
19 remove a telecommunications system along, over,
20 in, and under the public rights-of-way and City
21 streets, and to place such telecommunications
22 system within the existing facility owned by
23 Verizon Pennsylvania, Incorporated, Exelon
24 Company, Southeastern Pennsylvania Transportation
25 Authority, CSX Corporation, Norfolk Southern

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2 Corporation, Consolidated Rail Corporation, Shared
3 Assets, or other entities holding a grant,
4 pursuant to other City ordinances, subject to such
5 owner's; all under certain terms and conditions.

6 MS. SEN: Good morning.

7 COUNCILMAN DICICCO: Good morning.

8 MS. SEN: Good morning, Chairman and
9 members of the committee. My name is Nancy Sen,
10 and I'm an Engineering Supervisor for the Streets
11 Department. I am here to testify on Bill 010122
12 on behalf of the Streets Department.

13 This bill authorizes MCImetro Access
14 Transmission Services to construct, maintain, and
15 operate, replace and remove a telecommunications
16 system in, under, and above the public
17 right-of-way. The purpose of the request is to
18 construct a route connecting a Verizon central
19 office location at Broad and Snyder Streets, with
20 existing MCI facilities near 21st and Lombard
21 Streets.

22 The route is composed of a combination
23 of new conduit and manhole construction, leased
24 existing underground conduit from Verizon and PECO
25 Energy, and lease space on existing PECO poles to

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2 run new area lines.

3 The Streets Department has reviewed the
4 preliminary plans for this project. The new
5 construction portion of the route has no impact on
6 the City's resurfacing schedule. Therefore, the
7 Streets Department has no objection to the passage
8 of this bill.

9 COUNCILMAN DICICCO: Thank you.

10 Are there any other questions for this
11 witness from the committee?

12 (No questions.)

13 COUNCILMAN DICICCO: Is there anyone
14 else here who wishes to testify on this bill?

15 (No response.)

16 COUNCILMAN DICICCO: Hearing none, the
17 clerk will read the title of the next bill.

18 THE CLERK: Bill No. 010195, an
19 ordinance granting permission to Williams
20 Communications LLC, its successors and assigns, to
21 construct, maintain and operate, replace and
22 remove a telecommunications system along, over,
23 in, and under the public rights-of-way and City
24 streets and/or to place such telecommunications
25 system within the existing facilities owned by

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2 Verizon Pennsylvania, PECO Energy Company,
3 Southeastern Pennsylvania Transportation
4 Authority, CSX Corporation, Norfolk Southern
5 Corporation, Consolidated Rail Corporation, Shared
6 Assets, or other entities holding a grant pursuant
7 to other City ordinances, all under certain terms
8 and conditions.

9 MS. SEN: Again, Chairman and members
10 of the committee, my name is Nancy Sen, and I'm
11 here to testify on Bill No. 010195 on behalf of
12 the Streets Department.

13 This bill authorizes Williams
14 Communications to construct, maintain and operate
15 and remove a telecommunications system in and
16 under the public right-of-way. The purpose of
17 this request is to provide a primary route for
18 Williams between the AT&T pop at 2401 Locust
19 Street, where they have existing facilities, and a
20 second pop at 801 Arch Street, where they have
21 recently secured space.

22 For a majority of the route, Williams
23 has contracted with Teleport Communications Group,
24 TCG, to acquire one of their inner ducts that are
25 presently being installed in the right-of-way.

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2 The TCG route was authorized under Bill
3 No. 1191, signed into law in 1987, under the name
4 of Eastern Telelogic Corporation. Near the end of
5 the route, at the 801 Arch Street location,
6 Williams will transition to existing PECO Energy
7 ducts under a leasing agreement. Williams also
8 proposes new conduit construction at two
9 intersections to complete the route.

10 The purpose of this new conduit
11 construction is to link the proposed Williams
12 system on the TCG route noted above, with PECO
13 facilities at the following intersections: Ninth
14 and Filbert and Eighth and Cherry.

15 The Streets Department has reviewed the
16 preliminary plans for this project. Since the
17 proposed route is primarily an existing conduit
18 with new construction proposed at only two
19 intersections, there will be no impact to the
20 City's resurfacing schedule. Therefore, the
21 Streets Department has no objection to the passage
22 of the bill.

23 COUNCILMAN DICICCO: Is there anyone
24 else here who wishes to testify? Please identify
25 yourself for the record and proceed with your

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2 testimony.

3 MS. MCCAWE: My name is Valerie McCaw
4 (ph.), and I'm here to represent Williams
5 Communications.

6 Williams Communications has been in
7 Philadelphia for more than eight years, and our
8 pop location at 2401 Locust, as Nancy stated, we
9 are out of space there, and so we're expanding
10 into a new pop, at 801 Arch. We have been
11 finishing out that space, and it's close to being
12 done right now, so we've been putting money in the
13 local economy for that.

14 For our fiber project, we have
15 estimated about \$2 million worth of work that
16 we're going to be doing in Philadelphia, using
17 local Philadelphia companies. What we're doing is
18 building a fiber route between these two pops.

19 I'll be happy to answer any questions.

20 COUNCILMAN DICICCO: Councilmember
21 Goode.

22 COUNCILMAN GOODE: Could you explain to
23 me the scope of this project, what it allows your
24 business to do?

25 MS. MCCAWE: What it allows us to do is

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2 basically widen our on-ramp to get on the
3 information highway. We have that right now from
4 2401 Locust, but we need the ability to add more
5 customers. We're a wholesale carrier. We sell to
6 other businesses if they want space on our line.

7 Am I being clear on this? Okay. Does
8 that answer your --

9 COUNCILMAN GOODE: Partly.

10 MS. MCCAWE: Okay.

11 COUNCILMAN GOODE: How will your
12 business actually be expanded through this bill?

13 MS. MCCAWE: Well, by the facility at
14 801 Arch, we physically will have more space to
15 put customers' equipment there and then we'll be
16 able to sell them space --

17 COUNCILMAN GOODE: What I was asking
18 more so is, how much will your business grow?

19 MS. MCCAWE: How much will our business
20 grow, like by dollars? I don't know the answer to
21 that.

22 COUNCILMAN DICICCO: Personnel? Will
23 there be any personnel?

24 MS. MCCAWE: Yes. We -- I know that
25 we've hired staff at the pop; I'm not sure of the

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2 exact numbers, but I would say less than half a
3 dozen people. For this job, mainly the money that
4 we're pumping in will be for the construction.

5 COUNCILMAN GOODE: You made two
6 reference in your testimony to helping the local
7 economy and hiring local businesses. Could you
8 elaborate on that?

9 MS. MCCAWE: Yes. Right now, I have
10 Edwards Kelsey representatives from Edwards Kelsey
11 Engineering Firm, and also Mr. Velsky (ph.) from
12 our law firm that we use. We'll also be hiring
13 local construction contractors to build the fiber
14 line and pull the fiber and also finish out some
15 interior work in the building in terms of the
16 fiber construction.

17 COUNCILMAN GOODE: And what's the
18 proposed project cost on this project? Costs on
19 this project?

20 MS. MCCAWE: The entire project budget
21 is \$2 million.

22 COUNCILMAN GOODE: And is there an
23 economic opportunity plan for this project?

24 MS. MCCAWE: Not right now. But we'll be
25 happy to do one. We can do that by the next

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2 reading of the ordinance.

3 COUNCILMAN GOODE: And that will
4 include opportunities for minority, women, and
5 disabled businesses?

6 MS. MCCAWE: Actually, we're already on
7 that, sir. We -- one of our contractors is a have
8 a woman-owned firm, and we've also -- I've spoken
9 with Mr. Jones regarding this issue, and he's
10 gotten me in contact --

11 COUNCILMAN GOODE: I don't know who Mr.
12 Jones is.

13 MS. MCCAWE: Mr. Hanford Jones from the
14 Minority Business Council.

15 COUNCILMAN GOODE: Okay.

16 MS. MCCAWE: And he's gotten me in
17 contact with another firm who we're discussing
18 their qualifications right now.

19 COUNCILMAN GOODE: Okay, thank you.

20 COUNCILMAN DICICCO: Thank you.

21 Any other questions for these
22 witnesses?

23 (No further questions.)

24 COUNCILMAN DICICCO: Anyone else who
25 wishes to testify?

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2 (No response.)

3 COUNCILMAN DICICCO: Hearing none, the
4 clerk will read the title of the next bill.

5 Thank you.

6 MS. MCCAWE: Thank you.

7 THE CLERK: Bill No. 010182, an
8 ordinance granting permission to Amerimar
9 Net-Works Management Company Incorporated, its
10 successors and assigns, to construct, maintain,
11 and operate, replace and remove a duct bank of 24
12 4-inch diameter ducts for certain
13 telecommunications uses under and in the public
14 rights-of-way and City streets, all under certain
15 terms and conditions..

16 MS. SEN: Chairman and members of the
17 committee, again, my name is Nancy Sen, and I'm
18 here to testify on Bill No. 010182. I would also
19 like to introduce an amendment to the legislation.
20 I will start with my testimony on behalf of the
21 Streets Department.

22 This bill authorizes Amerimar Net-Works
23 Management Company Incorporated to install a new
24 fiber optics underground raceway structure
25 connecting their property at 15th and Spring

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2 Garden Streets under development to become a
3 telecom hotel to the existing telecom hotel at 401
4 North Broad Street.

5 In tune with industry standards, the
6 proposal calls for building a primary and a
7 secondary route between these buildings to provide
8 redundancy. The route also crosses the 16th
9 Street bridge structure and will be reviewed for
10 compliance with industry standards. PECO Energy
11 is also planning construction along a portion of
12 the proposed route to bring additional needed
13 energy to the buildings in the area.

14 The Streets Department has reviewed the
15 proposed plans and believes that construction of a
16 link between this new development by the Amerimar
17 organization and the existing telecom hotel at 401
18 North Broad is a win-win condition. It will serve
19 the needs of the developers and the proposed
20 tenants who may need connectivity to an existing
21 telecom hotel already operating in the City.

22 By creating a multi-duct run in one
23 trench between these two buildings, the City gets
24 the benefit of minimal street excavations, while
25 serving the needs of the industry in the

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2 development of this important area of commerce.

3 Therefore, we have no objection to the passage of
4 this bill.

5 COUNCILMAN DICICCO: Anyone else
6 testifying?

7 MS. SEN: I would also like to add that
8 we have a proposed amendment to the bill. And
9 I'll just -- if you want to distribute some copies
10 and I'll just read that into the record.

11 THE CLERK: They're distributed.

12 MS. SEN: Okay. I'd like to amend
13 Section 1. (e) by inserting the boldface, as you
14 can see in your copy, and I'll just read Section
15 (e) as it should be proposed.

16 "The permission granted by this
17 ordinance is conditioned upon the approval of the
18 Department of Streets as to the construction and
19 installation of the duct bank at any location
20 along the Phase1 route or the Phase 2 route and
21 is not a guarantee that the duct bank can be
22 placed at any particular location along either
23 route. In the event that it is impossible or
24 infeasible to construct and install any portion of
25 the duct bank along the Phase 1 route or the Phase

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2 2 route, Amerimar may propose, and the Department
3 of Streets may approve, an alternate route for the
4 location of such portion of the duct bank. Such
5 alternate route, as may be approved by the
6 Department of Streets, is hereby authorized. No
7 City department, agency, board, or commission
8 shall be required, solely by virtue of this
9 ordinance, to issue any permit, license, or
10 approval that Amerimar Net-Works must by law
11 obtain prior to construction of conduit or a duct
12 bank or occupancy of existing conduit or duct
13 banks in the public right-of-way.

14 MR. PRIMAVERA: Yes. Councilman
15 DiCicco, Carl Primavera here. I'm here with John
16 Smyth from Net-Works, and we have a very brief --
17 probably less than a minute -- update on the
18 status of this project, in which the City's been
19 enormously helpful, and we thought that that may
20 help put this in perspective in layman's terms.

21 So I would like to introduce for a very
22 brief update to Council John Smyth, and then he's
23 available for any questions regarding this
24 project.

25 COUNCILMAN DICICCO: Thank you.

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2 Good morning. Please identify yourself
3 for the record.

4 MR. SMYTH: Thank you. Yes, my name is
5 John Smyth, and I'm involved with Amerimar
6 Enterprise.

7 COUNCILMAN DICICCO: John, do you want
8 to spell your last name for the --

9 MR. SMYTH: Certainly. S-M-Y-T-H.

10 I'm involved with Amerimar Enterprises,
11 which is a national real estate company located in
12 Philadelphia, and furthermore, I'm involved with
13 the Net-Works project at 1500 Spring Garden.

14 The Net-Works, located at 1500 Spring
15 Garden, is a major redevelopment project for the
16 former SmithKline drug manufacturing and corporate
17 offices. We have approximately 1,100 square feet
18 -- excuse me, 1,001,000 square feet of rentable
19 space. The Net-Works project is a carrier-neutral
20 master plan facility designed to accommodate the
21 needs of the telecommunications industry and also
22 to create e-commerce office opportunities within
23 our office tower.

24 The project has an investment budget of
25 \$116 million, with \$55 million completed to date.

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2 The environmental remediation and demolition is
3 substantially complete. The fiber, electrical,
4 and mechanical shafts have been constructed. The
5 new (indiscernible) and steel (indiscernible) are
6 in place. The mechanical, electrical, plumbing,
7 and elevators and fire life safety systems
8 construction is in place.

9 Now, 120,000 square feet of space is
10 currently available for immediate occupancy. This
11 was completed in the second floor of March 3rd
12 2001. A contract was signed with PECO Energy on
13 February 9, 2001 to supply the building with a
14 total of 28 megs of power. The agreement provides
15 the facility with 8 megs of power available
16 immediately and another 20 megs of power in June
17 2002. We currently have agreements with MFM,
18 Level 3, and Quest to supply fiber to the
19 building.

20 During our presentation to the PIDC,
21 before the project began, the City of Philadelphia
22 Streets Department requested that we run a series
23 of fiber conduits to the building to prevent what
24 other telecommunications buildings and the City
25 streets experienced: numerous individual runs

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2 with competitive street openings. In September of
3 2000, we conducted a presentation to a large group
4 national and local communications fiber providers
5 and City officials, detailing our fiber duct bank
6 plan for 15th and 16th Streets at Callowhill to
7 Spring Garden. They strongly suggested that we
8 provide connections from our building to 401 North
9 Broad Street. That design has been completed and
10 submitted to the City of Philadelphia Streets
11 Department.

12 Therefore, we respectfully request the
13 granting of permission for the ordinance to
14 construct a duct bank consisting of 24 four-inch
15 ducts in the public rights-of-way and the City
16 streets to allow fiber providers access to our
17 facilities, the surrounding area, and furthermore
18 advancing the City's infrastructure.

19 Thank you.

20 COUNCILMAN DICICCO: Thank you.

21 Any questions for these witnesses?

22 Councilman Cohen.

23 COUNCILMAN COHEN: Mr. Smyth, what was
24 the involvement of PIDC?

25 MR. SMYTH: Excuse me?

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2 COUNCILMAN COHEN: What was the
3 involvement much PIDC?

4 MR. SMYTH: Oh, the PIDC meeting was
5 basically a presentation of our project before we
6 even got started, where we met with all of the
7 City agencies and the local utilities, and they
8 had a chance to ask us questions about our
9 project. And the only thing that was strongly
10 urged, as I had mentioned, that we didn't
11 continuously open up the street from past
12 experience the City had with these kinds of
13 facilities.

14 COUNCILMAN COHEN: Did it have any
15 relationship to the financing of the project?

16 MR. SMYTH: None whatso -- oh, the PIDC
17 meeting?

18 MR. PRIMAVERA: Not the one you're
19 talking about.

20 MR. SMYTH: No. At that time, it
21 was --

22 MR. PRIMAVERA: Councilman Cohen, Carl
23 Primavera.

24 I mean, there were discussions separate
25 and apart on financing, but the meeting that

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2 Mr. Smyth was talking about was a part of the
3 City's red-carpet coordination of City agencies
4 for developers. And the concept was that rather
5 than having the street opened numerous occasions,
6 let's try to provide a common duct work so that
7 once the infrastructure's in, then individual
8 companies can take conduit through that, but you
9 wouldn't have the streets opened up numerous
10 times.

11 And that was really the original
12 thought that led to the ordinance here today.

13 COUNCILMAN COHEN: Well, I was
14 wondering if PIDC is involved in financing the
15 various industrial enterprises or commercial
16 enterprises. Is PIDC involved in the financing of
17 this development?

18 MR. PRIMAVERA: This was a TIF project,
19 and they may have acted as an agent.

20 COUNCILMAN CLARKE: Yes.

21 COUNCILMAN DICICCO: I think Councilman
22 Clarke may shed some light on that.

23 COUNCILMAN CLARKE: The answer is yes.
24 PIDC was involved. This is a Tax Increment
25 Financing project, and their involvement was early

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2 on during that process of the TIF hearing.

3 My understanding is that they continue
4 to be involved in the project as it continues to
5 be developed, not only upon completion, but it
6 also monitors the job and the revenue associated
7 with the project on an ongoing basis.

8 So the answer is yes, Councilman.

9 COUNCILMAN COHEN: Okay, thank you.

10 MR. PRIMAVERA: Because of the timing
11 and because of the work needed to light up the
12 building, which I think is the term, we also ask
13 the committee if we could have the rules suspended
14 for acceleration of this project.

15 Thank you.

16 COUNCILMAN DICICCO: Okay, so noted.

17 Councilman Mariano?

18 COUNCILMAN MARIANO: Yeah. Did we ever
19 do this before? This is for the Streets
20 Department. Did we ever do this before, where we
21 did amendment here, where it says, you know, if
22 they can't get into one route, they can do
23 another? Did we ever do that before? Is this
24 something new?

25 MS. SEN: No. Actually, there was some

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2 concern expressed about, you know, the first and
3 second phase. And the Streets Department offers
4 this amendment as -- I mean sometimes, as we know,
5 the City is getting congested, the right-of-way to
6 build, and the intention is that -- I believe if
7 there is a problem in construction and it becomes
8 difficult to use the proposed route, for some
9 unforeseeable reasons, there is a way that they
10 can come back to the Streets Department and get
11 approval for a changed route.

12 And that's kind of the nature of this
13 portion of the --

14 COUNCILMAN MARIANO: But then they
15 don't have to come back here and get our approval.
16 Is that --

17 MS. SEN: No, no. That's really just a
18 redesign issue around whatever construction
19 problem may happen, you know, during the latter
20 part of design or construction.

21 COUNCILMAN MARIANO: Now, does this set
22 a precedent for everybody else coming after? You
23 know, they get to do the same thing?

24 MS. SEN: No. Actually, the Streets
25 Department, after Council approves any kind of a

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2 construction similar to this, there are street
3 opening permits issued, and we record where the
4 facilities are going into the street so that we
5 have a record of it.

6 And so normal procedure is for if
7 there's any changes in construction, we get Asbell
8 (ph.) drawings and, you know, we attach them and
9 note any change in the permit as documented.

10 COUNCILMAN MARIANO: I don't know if
11 you understood my question. If another firm comes
12 in on another project, will you be doing the same
13 thing? After this project, if we're doing
14 something three years from, and they're going to
15 come in and said, Well, you did this for them
16 three years ago; are we going to do this for us?
17 And then so on and so on.

18 'Cause the City wage tax was a one-time
19 tax; we're still paying it. This the same deal?

20 MS. SEN: Actually, I -- technically, I
21 guess, because this project is connecting two
22 buildings and they need a -- the industry needs a
23 second route to make it a viable solution, no one
24 would really want to probably go in a connection
25 to the two buildings without having a backup

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2 should anything happen and --

3 MR. PRIMAVERA: Councilman, let me see
4 if I can answer the question.

5 I mean, the typical ordinance is that
6 Council approves, has a three-block radius or a
7 three-block vicinity. So if your preferred route
8 doesn't work out, it's built into it.

9 This is actually a more restrictive
10 ordinance than you typically see for this. So
11 rather than setting a precedent that's liberal to
12 some extent, we'd rather have the three blocks,
13 but the City won't give us that. So I think it's
14 more restrictive.

15 COUNCILMAN MARIANO: All right, thank
16 you.

17 COUNCILMAN DICICCO: Councilman Rizzo?

18 COUNCILMAN RIZZO: Based on this
19 amendment, is there anything other than the route
20 that is affected here that would get Council out
21 of the loop? I think what I'm hearing is that
22 Council's now out of the loop on anything that
23 could develop.

24 Is there anything that we aren't seeing
25 here that this amendment or this change could

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2 affect that we're not hearing?

3 COUNCILMAN DICICCO: This is not
4 citywide; this is specific to this, am I correct?

5 So, I mean, my point is that if any
6 other -- if a similar type of request were made at
7 another location, they'd still have to come back
8 to Council for an ordinance.

9 COUNCILMAN RIZZO: The question is, is
10 there anything that will be affected in this
11 entire project other than the second route? Is
12 there anything else that we're not hearing today
13 that could be affected?

14 MS. SEN: I don't believe so, because
15 at this point, we have plans that have been
16 reviewed by the Streets Department. And, you
17 know, our testimony is based on that.

18 COUNCILMAN RIZZO: So there's no other
19 -- there's no fine print or there's nothing that
20 a month from now, six months from now, that this
21 affects?

22 MR. PRIMAVERA: I mean, from my
23 viewpoint, there isn't. We have actually
24 submitted detailed plans and drawings showing the
25 route that we intend to undertake. If for some

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2 reason -- and we've done some pretty good homework
3 so we don't expect a problem, but as lawyers, we
4 all know that there's always something that can
5 happen.

6 If there's some condition or some
7 obstruction and we need to move 10 feet or 25 feet
8 to get around that obstruction, because of the
9 timing of the project, we didn't want to come back
10 to City Council and go through a whole elaborate
11 process.

12 So what it says here is that subject to
13 approval by the Streets Department, if something
14 unintended happens in terms of this route, then it
15 builds into this system that the Streets
16 Department, if they think it's a prudent request,
17 will grant it, and we don't lose the time.
18 Because our tenants who are hopefully going to be
19 coming into this building can only come in if we
20 can guarantee delivery of the fiber.

21 So it's really a time sensitivity. If
22 we didn't have the pressure of time, we wouldn't
23 mind coming back. I certainly don't mind coming
24 back in front of this committee; I enjoy it.

25 (Laughter.)

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2 COUNCILMAN RIZZO: Again, my question
3 is, I understand the issue that we're discussing
4 today. My -- the bigger question is, is anything
5 else folded into this deal that could be affected
6 other than the route of the -- the issue that
7 we're discussing? Are there any other issues that
8 could be affected that would take City Council out
9 of the loop and put the decision process into the
10 Streets Department only?

11 MS. SEN: I don't believe so. I. . .
12 You know, the next step, an agreement will be
13 signed between the Amerimar organization and the
14 City, and then all permits will be cut based on
15 the description that's given in the ordinance.

16 COUNCILMAN RIZZO: Are you answering
17 that as a matter of fact? You said you think so.
18 Are you able to say absolutely not?

19 MS. SEN: I am able to say that I will
20 be a part of that process of getting information.
21 As soon as we find that the bill is passed, and
22 usually the organization comes back to get their
23 agreement started, myself and the Law Department
24 will be a part of that, and we will be making sure
25 that the drawings presented then are just as they

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2 are described in this legislation. That's one of
3 the things that the Streets Department will be a
4 part of that to assure that that's going to be
5 what's built.

6 COUNCILMAN RIZZO: So for the record,
7 that's an "absolutely not."

8 MS. SEN: Yes.

9 COUNCILMAN DICICCO: Councilman Cohen?

10 COUNCILMAN COHEN: To the Streets
11 Department representative: In the ordinary
12 situation if there were a need, as Mr. Primavera
13 indicated, of moving 10 feet or 25 feet, would the
14 Streets Department have the authorization to
15 approve that without coming back to City Council?

16 MS. SEN: Yes. The procedure is to
17 make sure that the proposal is actually okayed by
18 the other utilities in the street. In other
19 words, if you're going to move your location, we
20 want to make sure, and we have inspectors and we
21 have people that are -- that see how the job is
22 progressing to make sure that any changes are done
23 under coordination with other utilities, because
24 we don't want people moving to locations that are
25 already occupied by, say, for instance, a gas main

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2 or something.

3 So in that regard, we will oversee that
4 portion of it.

5 COUNCILMAN COHEN: And you wouldn't
6 have to come back to City Council to get approval
7 for that?

8 MS. SEN: That will be done under a
9 revision to the street opening permit issued by
10 the Streets Department.

11 COUNCILMAN COHEN: Well, I guess I'm
12 wondering, why is there a need for this special,
13 even more restrictive provision? Why is there a
14 need for an amendment at all if you already have
15 that authorization?

16 COUNCILMAN DICICCO: To create more
17 bureaucracy.

18 MR. PRIMAVERA: The typical ordinance
19 actually gives us a three-block flexibility, but
20 the Streets Department, in their wisdom, didn't
21 want to ask Council for that three-block
22 flexibility.

23 So we would be happy to operate under
24 the traditional process, but this has been asked
25 to be more restrictive.

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2 COUNCILMAN DICICCO: Councilman Cohen,
3 it's called "departmental bureaucracy." That's
4 what this is.

5 MR. SMYTH: I think I would like to
6 just give a little clarity to this issue.

7 COUNCILMAN DICICCO: Make it more
8 difficult to attract businesses to the City.

9 MR. SMYTH: I'm a Philadelphian.

10 COUNCILMAN DICICCO: I know you are,
11 you live in my district.

12 MR. SMYTH: I got a little bit more
13 involved than I planned to on this one, but this
14 was the coaching of the City that took me here. I
15 think I have to put things in perspective.

16 As you drive your car or walk around
17 the City, you've seen the City streets get ripped
18 up for one or two conduits going there, okay? And
19 you see the side of those plastic conduits that
20 eventually get fiber.

21 The undertaking we have here is 24
22 4-inchers going twice. That's why we said, can't
23 we have the three blocks? The 24 4-inchers is
24 basically an infrastructure that's 8-foot-by-8-
25 foot. We have to find a way through the City

1 4/11/01 STREETS & SERVICES - BILL 010182
2 streets, and we've paid for the engineering to do
3 this, to get ourselves basically from 401 North
4 Broad Street to 1500 and then back around again.
5 It's approximately 4,500 linear feet.

6 COUNCILMAN DICICCO: Any other
7 questions for these witnesses?

8 (No further questions.)

9 COUNCILMAN DICICCO: Anyone else who
10 wishes to testify for or against the bill?

11 (No response.)

12 COUNCILMAN DICICCO: Hearing none,
13 Robin, is that the last bill?

14 THE CLERK: Yes.

15 COUNCILMAN DICICCO: This concludes the
16 public hearing on the Committee on Streets and
17 Services.

18 Mr. Primavera, did you want to say
19 something?

20 MR. PRIMAVERA: No. I just wanted to
21 say thank you.

22 COUNCILMAN DICICCO: You're welcome.

23 MR. SMYTH: Likewise. Thank you for
24 your time today.

25 - - -

1 4/11/01 STREETS & SERVICES - PUBLIC MEETING

2 COUNCILMAN DICICCO: We will now move
3 into the public meeting.

4 We have just been notified by
5 Councilman Brian O'Neill that at his request, we
6 will hold Bill No. 010128 and 010130. They are
7 being held at the request of the sponsor.

8 The Chair recognizes Councilmember
9 Cohen for a motion on Bill No. 010070.

10 COUNCILMAN COHEN: Mr. Chairman, I move
11 that Bill No. 010070 be reported out with a
12 favorable recommendation and with a request for a
13 suspension of the rules to permit first reading at
14 our next session of Council.

15 (Duly seconded.)

16 COUNCILMAN DICICCO: It's been properly
17 moved and seconded that Bill No. 010070 be
18 reported out of this committee with a favorable
19 recommendation and that the rules of Council be
20 suspended so as to permit first reading at our
21 next session of Council.

22 All those in favor of the bill will
23 signify by saying aye.

24 Those opposed?

25 The bill is approved.

1 4/11/01 STREETS & SERVICES - PUBLIC MEETING

2 The Chair recognizes Councilman Cohen
3 for a motion on Bill No. 010091.

4 COUNCILMAN COHEN: Mr. Chairman, I move
5 that Bill No. 010091 be reported out with a
6 favorable recommendation and with a request for a
7 suspension of rules to permit first reading at the
8 next session of Council.

9 (Duly seconded.)

10 COUNCILMAN DICICCO: It's been properly
11 moved and seconded that Bill No. 010091 be
12 reported out of this committee with a favorable
13 recommendation and that the rules of Council be
14 suspended so as to permit first reading at our
15 next session of Council.

16 All those in favor of the bill will
17 signify by saying aye.

18 Those opposed?

19 The bill is approved.

20 The Chair recognizes Councilman Cohen.

21 COUNCILMAN COHEN: Mr. Chairman, I move
22 that Bill No. 010122 be reported out with a
23 favorable recommendation and with a request for a
24 suspension of the rules to permit first reading at
25 the next session of City Council.

1 4/11/01 STREETS & SERVICES - PUBLIC MEETING

2 (Duly seconded.)

3 COUNCILMAN DICICCO: It's been properly
4 moved and seconded that Bill No. 010122 be
5 reported out of this committee with a favorable
6 recommendation and that the rules of Council be
7 suspended so as to permit first reading at our
8 next session of Council.

9 All those in favor of the bill will
10 signify by saying aye.

11 Those opposed?

12 The bill is approved.

13 The Chair recognizes Councilman Cohen
14 -- oh, I'm sorry, Bill No. 010128 is being held
15 at the request of the sponsor, as is Bill No.
16 010130. They're both being held at the request of
17 the sponsor.

18 The Chair recognizes Councilman Cohen
19 for a motion on Bill No. 010151.

20 COUNCILMAN COHEN: Mr. Chairman, I move
21 that Bill No. 010151 be reported out with a
22 favorable recommendation and with a request for a
23 suspension of the rules to permit first reading at
24 the next City Council meeting.

25 (Duly seconded.)

1 4/11/01 STREETS & SERVICES - PUBLIC MEETING

2 COUNCILMAN DICICCO: It's been properly
3 moved and seconded that Bill No. 010151 be
4 reported out of this committee with a favorable
5 recommendation and that the rules of Council be
6 suspended so as to permit first reading at our
7 next session of Council.

8 All those in favor of the bill will
9 signify by saying aye.

10 Those opposed?

11 The bill is approved.

12 The Chair recognizes Councilman Cohen.

13 COUNCILMAN COHEN: Mr. Chairman, I move
14 that Bill No. 010180 be reported out with a
15 favorable recommendation and with a request for a
16 suspension of the rules to permit first reading at
17 the next session of City Council.

18 (Duly seconded.)

19 COUNCILMAN DICICCO: It's been properly
20 moved and seconded that Bill No. 010180 be
21 reported out of this committee with a favorable
22 recommendation and that the rules of Council be
23 suspended so as to permit first reading at our
24 next session of Council.

25 All those in favor of the bill will

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2 signify by saying aye.

3 Those opposed?

4 The bill is approved.

5 COUNCILMAN COHEN: Mr. Chairman, I move
6 that Bill No. 010182 be amended as read to the
7 Council Committee.

8 (Duly seconded.)

9 COUNCILMAN DICICCO: It has been
10 properly moved and seconded that the amendment to
11 Bill No. 010182 be approved.

12 All those if in favor signify by saying
13 aye.

14 Those opposed?

15 The amendment is approved.

16 The Chair recognizes Councilman Cohen
17 for a motion on Bill No. 010182 as amended.

18 COUNCILMAN COHEN: Mr. Chairman, I move
19 that Bill No. 010182, as amended, be reported out
20 with a favorable recommendation and with a request
21 for the rules to be suspended to permit first
22 reading at the next Council session.

23 (Duly seconded.)

24 COUNCILMAN DICICCO: It's been properly
25 moved and seconded that Bill No. 010182, as

1 4/11/01 STREETS & SERVICES - PUBLIC MEETING

2 amended, be reported out of this committee with a
3 favorable recommendation and that the rules of
4 Council be suspended so as to permit first reading
5 at our next session of Council.

6 All those in favor of the bill will
7 signify by saying aye.

8 Those opposed?

9 The bill is approved.

10 The Chair recognizes Councilman Cohen.

11 COUNCILMAN COHEN: Mr. Chairman, I move
12 that Bill No. 010192 be reported out with a
13 favorable recommendation and with a request for a
14 suspension of the rules to permit first reading at
15 the next Council session.

16 (Duly seconded.)

17 COUNCILMAN DICICCO: It has been
18 properly moved and seconded that Bill No. 010192
19 be reported out of committee with a favorable
20 recommendation and that the rules of Council be
21 suspended.

22 All those in favor, signify by saying
23 aye.

24 Those opposed?

25 The bill is approved.

1 4/11/01 STREETS & SERVICES - PUBLIC MEETING

2 The Chair recognizes Councilman Cohen.

3 COUNCILMAN COHEN: Mr. Chairman, I move
4 that Bill No. 010195 be reported out with a
5 favorable recommendation and with a request for a
6 suspension of the rules to permit first reading at
7 the next Council session.

8 (Duly seconded.)

9 COUNCILMAN DICICCO: It's been properly
10 moved and seconded that Bill No. 010195 be
11 reported out of this committee with a favorable
12 recommendation and that the rules of Council be
13 suspended so as to permit first reading at our
14 next session of Council.

15 All those in favor of the bill will
16 signify by saying aye.

17 Those opposed?

18 The bill is approved.

19 The Chair recognizes Councilman Cohen
20 for a motion on the next bill.

21 COUNCILMAN COHEN: Mr. Chairman, I move
22 that Bill No. 010196 be reported out with a
23 favorable recommendation and with a request that
24 the rules of Council be suspended so as to permit
25 first reading at the next meeting of City Council.

1 4/11/01 STREETS & SERVICES - PUBLIC MEETING

2 (Duly seconded.)

3 COUNCILMAN DICICCO: It's been properly
4 moved and seconded that Bill No. 010196 be
5 reported out of this committee with a favorable
6 recommendation and that the rules of Council be
7 suspended so as to permit first reading at our
8 next session of Council.

9 All those in favor of the bill will
10 signify by saying aye.

11 Those opposed?

12 The bill is approved.

13 This concludes the public meeting on
14 the Committee of Streets and Services. Thank all
15 members for attending, and a happy holiday to
16 everyone.

17 COUNCILMAN COHEN: Happy holiday,
18 Mr. Chairman.

19 (Adjourned 11:30 a.m.)

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C E R T I F I C A T E

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I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Wednesday, April 11, 2001, were
reported fully and accurately by me, and that this
is a correct transcript of same.

10

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RE: COUNCIL COMMITTEE ON STREETS AND SERVICES

14

BILL NO.'S 010070, 010091, 010122, 010151

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010180, 010192, 010195, 010196

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_____,
JOSEPHINE CARDILLO,

23

24

Registered Professional Reporter

25