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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON PUBLIC PROPERTY

4

AND PUBLIC WORKS

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Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, November 15, 2007
9:00 a.m.

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PRESENT:

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COUNCILMAN DARRELL L. CLARKE, CHAIR

12

COUNCILMAN WILLIAM GREENLEE

13

COUNCILMAN JACK KELLY

14

COUNCILMAN JAMES F. KENNEY

15

COUNCILWOMAN JOAN L. KRAJEWSKI

16

COUNCILWOMAN DONNA REED MILLER

17

COUNCILMAN FRANK RIZZO

18

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BILL 070937 - An ordinance amending Chapter
15-200 of The Philadelphia Code, entitled
"Fairmount Park," by adding 5100 Pennypack
Street to the areas under the care and
jurisdiction of the Fairmount Park Commission,
under certain terms and conditions.

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Philadelphia, Pennsylvania 19103

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COUNCILMAN CLARKE: Good

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morning. This is the Committee on Public

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Property and Public Works. We have a

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quorum present: Councilman Rizzo,

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Councilman Greenlee, Councilwoman

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Krajewski and Councilwoman Miller.

8

Will the Clerk please read the

9

title of the bill.

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THE CLERK: Bill No. 070937, an

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ordinance amending Chapter 15-200 of The

12

Philadelphia Code, entitled "Fairmount

13

Park," by adding 5100 Pennypack Street to

14

the areas under the care and jurisdiction

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of the Fairmount Park Commission, under

16

certain terms and conditions.

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COUNCILMAN CLARKE: Thank you.

18

We understand that the sponsor

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of the bill, Councilwoman Krajewski, has

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a brief statement, but her voice is

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somewhat challenged today, so we're going

22

to ask her legislative assistant to

23

please read into the record her

24

statement.

25

THE CLERK: "Good morning,

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2 ladies and gentlemen and members of the
3 Committee on Public Property. I
4 appreciate you taking the time out of
5 your hectic Thursday morning schedule to
6 allow for an opportunity for this bill to
7 be heard. I will be brief.

8 "Bill No. 070937 was introduced
9 by myself and Councilman O'Neill and was
10 sponsored by my colleagues, Councilmen
11 Kenney, Kelly and Rizzo.

12 "At the heart of this issue is
13 the fate of the Holmesburg Gun Club, an
14 institution which has been leasing a
15 parcel of land located at 5100 Pennypack
16 Street from the City of Philadelphia for
17 over 70 years. The Gun Club currently
18 has over 1,300 active members. The Club
19 was notified in August by the Public
20 Property Commissioner, in a letter dated
21 August 1, 2007, that their lease was
22 being terminated and that the Gun Club
23 would need to vacate the premises no
24 later than December 31, 2007. Gun Club
25 officials were also informed that, as

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2 stated by the lease, all buildings
3 erected on the property, gun ranges,
4 clubhouses, et cetera, would revert back
5 to City ownership.

6 "Our Council offices, along
7 with select Gun Club members, the
8 Managing Director's Office, Public
9 Property and the Prisons Commissioner,
10 have held numerous meetings over the last
11 few months in an attempt to craft a
12 shared-use agreement that was acceptable
13 to all parties involved with this
14 transition. Many thought a verbal
15 agreement had been reached back in early
16 October. Unfortunately, transferring
17 what was agreed verbally to paper, a
18 one-page document at most, took almost
19 five weeks to circulate?

20 "Since the Managing Director's
21 Office has been steadfast in its refusal
22 to extend the lease by the five weeks
23 lost, a viable option must be explored to
24 ensure that the City continues to
25 negotiate in good faith. While

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2 transferring this parcel to the
3 jurisdiction of the Fairmount Park
4 Commission will not stop the termination
5 of the lease, it may give the members of
6 the Gun Club some hope for more favorable
7 lease terms through the Fairmount Park
8 Commission.

9 "The Holmesburg Gun Club serves
10 a tremendous purpose. It's the only club
11 of its kind within City limits, and has
12 been operating without any problems for
13 over 70 years. The Gun Club's good works
14 in the community are too numerous to
15 mention here. Its membership boasts of
16 almost 900 City residents, and the
17 members have been negotiating in good
18 faith throughout the process.

19 "At this point, Gun Club
20 members, my co-sponsors and I feel as
21 though the best course of action, barring
22 some kind of mutual agreement, is to
23 transfer this parcel of property to the
24 jurisdiction of the Fairmount Park
25 Commission in the hope that a much more

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2 favorable lease can be drafted once the
3 new Administration is in place.

4 "I appreciate your time and
5 hope that I can count on my colleagues'
6 support for this measure.

7 "Thank you."

8 COUNCILMAN CLARKE: Thank you.

9 Is there a representative from
10 the Administration present?

11 Good morning.

12 MR. RESNICK: Good morning.

13 COUNCILMAN CLARKE: Please
14 proceed.

15 MR. RESNICK: Good morning,
16 Committee Chairman Clarke and members of
17 the Committee on Public Property and
18 Public Works. My name is Michael Resnick
19 and I'm the Chief of Staff at the
20 Philadelphia Prison System, a position
21 I've held for the past five years. With
22 me today is Captain Frederick Abello.
23 He's the Director of the Prisons Training
24 Academy. Together we represent the
25 Prison Systems' position regarding the

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2 Councilwoman's motion to transfer the
3 property at 5100 Pennypack, commonly
4 referred to as the Holmesburg Gun Club,
5 to the Fairmount Park Commission.
6 Unfortunately, Commissioner King wasn't
7 able to be here this morning and he
8 apologizes.

9 The Prison System opposes the
10 motion quite simply because we need a gun
11 range.

12 And before I begin, my
13 testimony has been distributed, so I'll
14 just read salient portions of it and try
15 to be brief.

16 Our interests do not coincide
17 with the casual pattern of use that the
18 Holmesburg Fish and Game Protective
19 Association has suggested. The City
20 would incur unwarranted liability and
21 needless costs if it were to grant that
22 organization or the general public access
23 to the expensive and, at times, dangerous
24 weapons that would be stored at that
25 facility. We believe that the training

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2 needs of our 2,200 employees trump the
3 recreational needs of this exclusive
4 club.

5 The Prison System needs a gun
6 range in order to properly train the
7 correctional officers who are asked to
8 take responsibility for inmates outside
9 the prison walls. I will describe below
10 what that entails, but the basic needs
11 should be apparent to everyone.

12 At any time on any day we may
13 turn to any correctional officer on duty
14 and ask him or her to sign out a weapon
15 and escort an inmate on a clinic trip or
16 any other business in the community.
17 That officer has to be properly trained
18 and prepared to responsibly manage this
19 basic duty. It is a requirement of the
20 job that they do so.

21 As administrators we must give
22 our staff the tools and the training they
23 are required to do their job. If we fail
24 to give them that training, we are
25 legally liable for any misuse of that

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2 weapon that may occur. And when I say
3 "we," I mean the City of Philadelphia.

4 And I know I don't have to
5 remind you that the risk of legal
6 liability is secondary to the unnecessary
7 risk of personal injury that might occur
8 to staff, to an inmate or to a member of
9 the general public in the event that a
10 weapon is used improperly.

11 The Prison System has been
12 asked to find an accommodation with the
13 Holmesburg Fish and Game Protective
14 Association that would allow their
15 members, including approximately 900 who
16 are Philadelphia residents and several
17 hundred who are not, to continue to use
18 this facility. We could no more allow
19 that than the police would allow a gun
20 club off hours access to their weapons
21 training center. And I don't expect the
22 sportsmen who have had exclusive use of
23 this piece of City-owned land for the
24 past 80-some years to be concerned about
25 the welfare of our correctional officers,

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2 but I would hope that the point is not
3 lost here that approximately 2,200 PPS
4 employees live in this City, pay their
5 taxes, work in a dangerous job to protect
6 public safety.

7 This may sound like
8 self-interest on our part, and I beg you
9 to consider that it isn't my interest,
10 Commissioner King's interest or Captain
11 Abello's interest. The use of this
12 property for the training of correctional
13 officers is in the interest of the 2,200
14 correctional employees who work here.
15 It's in the public interest to have these
16 officers properly trained, and to the
17 extent that the Councilmembers share the
18 responsibility for public safety, I would
19 think it's in your interest as well.

20 Our officers live in your
21 Council districts, they vote in
22 elections, they pay taxes, and they
23 deserve your support. In this instance,
24 your support means according them access
25 to training facilities where they may be

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2 properly and legally qualified to
3 discharge the duties we are asking them
4 to do.

5 Weapons training is an integral
6 part of our Prison Academy's 11-week
7 course for pre-service training and a
8 significant part of the 40 hours of
9 in-service training that is conducted
10 annually for every officer and
11 supervisor. It isn't all guns. Most of
12 the training is classroom exercises that
13 take place in the Prisons Academy. And
14 the Training Academy that we currently
15 use was the former residence of the
16 warden of Holmesburg Prison. It is
17 located in a cut-out in the prison wall
18 on Torresdale Avenue, and we utilize
19 every square foot of that building,
20 including the basement, the attic, and
21 it's not big enough. We need today
22 increased facilities for training.

23 Under sole PPS use, the
24 property at 5100 Pennypack offers
25 opportunities for increased utilization.

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2 Courses in defensive tactics and training
3 of correctional emergency response team,
4 which presently occur in the driveway in
5 front of Holmesburg Prison, can make
6 effective use of this property to the
7 benefit of our staff and the public.

8 As I said before, Council has
9 my full testimony. That would conclude
10 my remarks.

11 COUNCILMAN CLARKE: Thank you.

12 I may have missed a part of
13 your testimony. Where do the officers
14 currently train?

15 MR. RESNICK: Our Training
16 Academy, as I previously said, is the old
17 warden's residence in front of Holmesburg
18 Prison.

19 COUNCILMAN CLARKE: In front of
20 the prison?

21 MR. RESNICK: In front of
22 Holmesburg Prison. There's a building
23 there that used to be the warden's
24 residence, and that's now used as our
25 Training Academy.

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2 There are how many classrooms?

3 CAPTAIN ABELLO: Four

4 classrooms.

5 MR. RESNICK: Four classrooms.

6 COUNCILMAN CLARKE: And the gun
7 range?

8 MR. RESNICK: The gun range has
9 an indoor range and there's a classroom
10 there. There is what is currently being
11 used as a clubhouse, which could be used
12 as a large classroom, but were divided
13 into several classrooms. It's large
14 enough to conduct defensive tactics
15 training and some of the other defensive
16 training that goes on at the Academy
17 that's necessary for our officers.

18 COUNCILMAN CLARKE: Okay.

19 Thank you.

20 Councilwoman Krajewski.

21 COUNCILWOMAN KRAJEWSKI: Thank
22 you, Mr. Chairman.

23 I'm just looking at part of
24 your statement where you state, "Our
25 officers live in your Council districts,

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2 they vote," that part of your speech.

3 Well, also the Gun Club members do also.

4 They pay taxes and they live in the

5 districts as well.

6 MR. RESNICK: I have no doubt.

7 COUNCILWOMAN KRAJEWSKI: So

8 they have a right to be here as well and

9 to -- the need for the Gun Club is very

10 important to them. We never had a

11 problem. But my question to you is, how

12 come the Prison Commissioner no longer

13 feels that a shared use of this agreement

14 is feasible? That seems to be the case

15 in your testimony.

16 MR. RESNICK: I don't believe

17 we don't think that a shared use is

18 feasible, Councilwoman. I think if we --

19 in a perfect world, we would like to have

20 exclusive use of a tactical training

21 facility for our officers who need to

22 have this training and need to have a

23 training facility. Under current

24 circumstance, I believe we are close to

25 reaching an accommodation with the Gun

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2 Club.

3 COUNCILWOMAN KRAJEWSKI: Well,
4 then why were we negotiating in good
5 faith when the Commissioner or the City
6 never would give in to the Gun Club
7 members?

8 MR. RESNICK: I don't think
9 that's the case, Councilwoman.

10 COUNCILWOMAN KRAJEWSKI: Well,
11 why were we meeting week after week? And
12 I've been in touch with the Prison
13 Commissioner. They did come to an
14 agreement and it took five weeks or so
15 for you to come up with something, and
16 it's all in vain.

17 MR. RESNICK: No. I don't
18 believe it's in vain, Councilwoman. As I
19 said, in a perfect world, we would like
20 to have exclusive use. However, we were
21 approached and asked to come to an
22 accommodation, I believe, by yourself and
23 Councilman O'Neill, and we've done that.
24 We've met with the Gun Club. We've met
25 with their members. We've met several

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2 times. We are very close to reaching an
3 accommodation. I don't believe that the
4 delay in coming up with an agreement was
5 any fault of the Prison System's or any
6 fault of the Gun Club.

7 COUNCILWOMAN KRAJEWSKI: Well,
8 five weeks. Now, I understand that the
9 Prison Commissioner knew about this a
10 long time ago. Then why are we waiting
11 until the last minute, and how come we
12 never received the lease?

13 MR. RESNICK: Councilwoman, we
14 don't draft agreements. That's what the
15 Law Department does.

16 COUNCILWOMAN KRAJEWSKI: Well,
17 then I would think it would be his job to
18 push it if he's interested in this.

19 MR. RESNICK: We did push it.
20 We've contacted the individuals at the
21 Law Department who are responsible. I
22 know the Commissioner had conversations
23 with the City Solicitor himself and the
24 attorney who was working on this, and
25 apparently I think we were told that they

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2 had other pressing matters.

3 COUNCILWOMAN KRAJEWSKI: Well,
4 I understand in your statement that the
5 Commissioner knew about this over five
6 years ago, that there was a need. Why
7 did he wait until now, with 45 days left
8 in the Administration, to terminate this
9 lease?

10 MR. RESNICK: No. The lease --
11 I believe notice was given back in July
12 earlier this year and I think what had
13 happened was when the Commissioner --

14 COUNCILWOMAN KRAJEWSKI: I'm
15 saying they knew about this lease five
16 years ago.

17 MR. RESNICK: Right.

18 COUNCILWOMAN KRAJEWSKI: And
19 were waiting until the eve of the lease.

20 MR. RESNICK: I don't think
21 that anything had to do with the timing,
22 Councilwoman.

23 COUNCILWOMAN KRAJEWSKI: Well,
24 when is the lease up? Is it December?

25 MR. RESNICK: The lease is up

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2 December 31st, right.

3 COUNCILWOMAN KRAJEWSKI: Right.

4 MR. RESNICK: And I believe
5 what happened was, when the Commissioner
6 took office, he realized we were not able
7 to train our officers according to the
8 standards, given the lack of adequate
9 training facilities, and we were able,
10 with the aid of the Police Department, to
11 train our officers and have them
12 certified annually. However, we have
13 over 2,000 correctional officers and
14 supervisors that need to be trained on an
15 annual basis, need to qualify with their
16 weapons. Our need and given the need of
17 the Police Department, who I believe have
18 close to maybe 9,000 officers, was too
19 great for their training facility. So we
20 tried to come to an accommodation with
21 them. We were unable to. Then we were
22 given the opportunity to come to the
23 Holmesburg Gun Club, City-owned land.

24 COUNCILWOMAN KRAJEWSKI: Excuse
25 me. Would you explain to this Committee

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2 when you say you tried to come to an
3 agreement, what was that agreement?

4 MR. RESNICK: I don't
5 understand your question. The agreement
6 with whom?

7 COUNCILWOMAN KRAJEWSKI: The
8 agreement with the Gun Club and with our
9 offices.

10 MR. RESNICK: Well, when you
11 had asked, I believe it was yourself and
12 Councilman O'Neill, had asked the
13 Commissioner to come to an agreement, we
14 immediately had conversations with
15 members of the Holmesburg Gun Club, and
16 we've continued to meet with them. In
17 fact, we've met with them as recently as
18 this past Tuesday. We've hammered out an
19 agreement in terms of usage,
20 responsibilities, maintenance, insurance.
21 I believe the only issue remaining is the
22 fee that's going to be paid by the Gun
23 Club. Now --

24 COUNCILWOMAN KRAJEWSKI: And
25 what was that fee?

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2 MR. RESNICK: I believe the fee
3 that we told them was approximately
4 \$4,300 a month, and that's the cost that
5 the City would incur to have a
6 correctional officer stationed in that
7 facility to maintain security and watch
8 over the equipment that's going to be
9 there.

10 COUNCILWOMAN KRAJEWSKI: And
11 when was the hours that the Gun Club was
12 allowed to use?

13 MR. RESNICK: The hours of the
14 Gun Club were going to be there -- and I
15 believe that you and Councilman O'Neill
16 asked us to accommodate them nights and
17 weekends. So I believe the agreement
18 called for Tuesday, Wednesday, Thursday
19 and Friday evenings from 5:00 until 11:00
20 or midnight, every Sunday of the month
21 from 6:00 until midnight. And I believe
22 after meeting on Tuesday, we agreed to
23 one Saturday a month for the Prison
24 System to use and the remaining Saturdays
25 of every month from 6:00 in the morning

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2 until, I think, 12:00 noon for the Gun
3 Club to use, because they told us they
4 would like to have Saturday mornings.

5 So I believe we've reached an
6 accommodation with the Gun Club with
7 respect to all of the issues, except the
8 fee, and the fee is what it would cost
9 the City to station an officer there to
10 watch the facility and watch the
11 equipment. We could not, and I think it
12 would be irresponsible of us, to leave
13 our equipment sitting in that facility
14 without a correctional officer watching
15 it, and that's what it would cost to have
16 a correctional officer stationed there to
17 maintain security and watch our
18 equipment, City equipment, City weapons,
19 for the hours that we're affording the
20 Gun Club.

21 COUNCILMAN CLARKE: So you
22 would need an adjustment in your budget
23 to accommodate the placement of an
24 officer?

25 MR. RESNICK: Well, we

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2 discussed that, and with all due respect,
3 Councilman, I think that it's the
4 appearance of the City and taxpayer funds
5 being spent to allow a private
6 organization to have activities at this
7 City-owned property. So, I mean, Council
8 can appropriate --

9 COUNCILMAN CLARKE: Is it the
10 appearance or is it the money?

11 MR. RESNICK: I think it's
12 both, Councilman. I mean, it is the
13 appearance that we would be spending
14 taxpayer money to have a correctional
15 officer stationed so a private club can
16 have activity on City land. And I
17 believe that was probably the sticking
18 point. One of the issues that we did
19 explain to the Gun Club was --

20 COUNCILMAN CLARKE: Hold on.

21 COUNCILWOMAN KRAJEWSKI: Excuse
22 me one minute.

23 COUNCILMAN CLARKE:
24 Councilwoman, let me follow up on that
25 question.

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2 So we are in no way throughout
3 the publicly owned property in the City
4 of Philadelphia where we stage an officer
5 or some other municipal employee to
6 accommodate the needs of private use?

7 MR. RESNICK: As far as I'm
8 aware, Councilman, there's no other use
9 like this.

10 COUNCILMAN CLARKE: Well, I'm
11 not talking about this particular use.
12 I'm saying if somebody wants to utilize
13 the Fairmount Park, as an example, or
14 facility, don't we place a public
15 employee at that location during the
16 course of the event or the activity?

17 MR. RESNICK: Sure. And that's
18 the function of Fairmount Park, and
19 that's for the benefit of --

20 COUNCILMAN CLARKE: I'm just
21 using that as an example.

22 MR. RESNICK: Sure. And that's
23 for the benefit of all the public.

24 COUNCILMAN CLARKE: It's not
25 unprecedented where we have municipal

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2 employees at a location when it's being
3 used by a private entity. Because you're
4 talking about the appearance of it and
5 I'm referencing the appearance. It's not
6 like we don't do that.

7 MR. RESNICK: Right. In your
8 example for Fairmount Park, I mean, we do
9 have public events that take place, and
10 City employees obviously work for the
11 benefit of the public.

12 COUNCILMAN CLARKE: The Free
13 Library, we have a public event at the --

14 MR. RESNICK: Of course.

15 COUNCILMAN CLARKE: So the sole
16 appearance issue is a non-start.

17 MR. RESNICK: But I think
18 there's a difference here.

19 COUNCILMAN CLARKE: If you're
20 saying it's a budget issue, then we need
21 to talk about that, but having the
22 appearance of having a public employee
23 secure a facility during private use, I
24 mean, we do that all the time. I mean,
25 we even do that in City Hall. When we

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2 rent out Conversation Hall for an evening
3 event, we have police officers stationed
4 there. So that's not an issue. So if
5 the issue is strictly a budgetary issue,
6 then we need to deal with that. Would
7 you agree?

8 MR. RESNICK: If that's the
9 feeling of the Committee, then I guess I
10 would agree that it would be a budgetary
11 issue.

12 COUNCILMAN CLARKE: Okay.
13 Thank you.

14 I think Councilman Greenlee
15 actually had a question and then
16 Councilman Kenney, then I think
17 Councilman Rizzo, and I know Councilwoman
18 Miller and I know Councilwoman Krajewski.

19 COUNCILMAN KENNEY: Just from a
20 procedural standpoint, I just want to
21 state, I think it's inappropriate to have
22 uniformed employees debating with the
23 Councilmember when the Public Property
24 Commissioner is sitting there and that's
25 where the decision should have been made.

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2 I mean, from my perspective, it's not
3 their responsibility to fight for space
4 for them to train. There are other
5 buildings in the City. They could have
6 built a building to train these people.
7 Why is that the -- with all due respect
8 to the Commissioner, we picked on you
9 before and it's not personal.

10 COMMISSIONER SCHLOTTERBECK:

11 That's all right.

12 COUNCILMAN KENNEY: But I don't
13 think it's appropriate to have
14 Councilwoman Krajewski debating with a
15 uniformed officer of the City of
16 Philadelphia when the Public Property
17 Commissioner should have solved this
18 problem five years ago. We knew the
19 facility was needed. We should have
20 either acquired a building or built one.
21 Now we're going to pit one group against
22 another, throwing one group out that's
23 been there for 80 years, and we have to
24 make a decision on what's better for the
25 uniformed employees, who we want to

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2 support, or these citizens, when you
3 should have built the damn building in
4 the first place. I mean, we should never
5 have come to this situation.

6 COUNCILMAN CLARKE: And,
7 Councilman, that's a very valid point.

8 Is there anyone here from the
9 Law Department, since they seem to be at
10 the center of the storm in terms of the
11 negotiations?

12 COMMISSIONER SCHLOTTERBECK:
13 No.

14 MR. RESNICK: No.

15 COUNCILMAN CLARKE: No Law
16 Department? Okay.

17 COMMISSIONER SCHLOTTERBECK:
18 Good morning, members of the Committee
19 and Chairman Clarke. Joan Schlotterbeck,
20 Public Property Commissioner.

21 I think there's a few points
22 that need to be cleared up here for all.

23 Number one, it's a 20-year
24 term, which goes to year 2018, but it's
25 year to year. So at the discretion of

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2 the City, we can indeed terminate.

3 So for someone to think that
4 there was a five-year window there. But
5 five years ago I can tell you that the
6 Commissioner did express his concern not
7 only to me but other senior members of
8 the Administration about the lack of
9 training facilities. That is a fact.

10 COUNCILMAN KENNEY: And the
11 only place to do it is here? The only
12 place in the City of Philadelphia is
13 here?

14 COMMISSIONER SCHLOTTERBECK:
15 No, no. I don't know that that's a
16 statement that would be correct either.

17 COUNCILMAN KENNEY: Then why
18 are we here?

19 COMMISSIONER SCHLOTTERBECK:
20 Okay. So we didn't have the funding to
21 create a new facility. We didn't. So
22 they came before us and they said,
23 Commissioner Schlotterbeck, what do you
24 think about terminating that lease?

25 So we sent the letter out. I

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2 did speak directly with the members of
3 the Gun Club more than -- I mean, I think
4 about ten of them.

5 COUNCILMAN KENNEY:

6 Commissioner, we just borrowed \$150
7 million for cultural institutions of the
8 City, which is a wonderful thing. Don't
9 tell me we didn't have \$7 million or \$10
10 million to build a building. It's just
11 not believable.

12 COMMISSIONER SCHLOTTERBECK:

13 Well, I'm not going to sit here and
14 suggest that I make decisions at that
15 level. I would not --

16 COUNCILMAN KENNEY: But you're
17 here representing the Administration, so
18 you're the only person we have to deal
19 with at this point.

20 COMMISSIONER SCHLOTTERBECK:

21 That's a fact. But, I mean, I've been
22 told for the needs that I came before
23 them with, which would be something for
24 training for Prisons, there wasn't
25 funding available. So for five years,

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2 they --

3 COUNCILMAN KENNEY: Do you know
4 how many properties there are at the Navy
5 Base? It's about 1,100 acres. There are
6 empty buildings all over that place.
7 There's fields to train. There's all
8 kinds of stuff. I mean, I can't believe
9 no one looked at anything else. It's the
10 Gun Club and it's the only alternative.
11 It's ridiculous, because now what you're
12 doing is pitting one group of citizens
13 against one group of employees, and
14 that's not fair to them or to us.

15 COMMISSIONER SCHLOTTERBECK:
16 Actually, what they did in the interim
17 was, they, being the Administration at
18 the time, they made a decision over, I
19 think it's, five years ago. I think
20 it's -- they made a decision to put
21 \$100,000 into the facility. So they used
22 capital dollars to improve the facility
23 so that it can be jointly shared by the
24 Prisons and by the Gun Club.

25 COUNCILMAN KENNEY: But I agree

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2 with this officer here, it's not
3 appropriate to share the space.

4 COMMISSIONER SCHLOTTERBECK: It
5 is not.

6 COUNCILMAN KENNEY: It's not.
7 So why put one group out when you can
8 build another facility for somebody else?
9 I mean, to me it makes --

10 COMMISSIONER SCHLOTTERBECK: I
11 totally agree with your philosophy. I
12 know that we own plenty of property. I
13 know that we own land. It was a decision
14 that was not --

15 COUNCILMAN KENNEY: You have
16 the Frankford Arsenal. You have the Navy
17 Base. You have lots of places. It just
18 makes no sense.

19 COUNCILWOMAN KRAJEWSKI: It
20 doesn't. Everything on State Road, we
21 cooperated with with the Prisons.

22 COMMISSIONER SCHLOTTERBECK:
23 No. There's no question. I mean, I
24 think basically how we got here was a
25 need. At the time, there was a support

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2 to go forward with the termination. Then
3 we were asked, both Commissioners, to
4 cooperate and to see if we couldn't
5 mutually agree to a shared use. And then
6 we did take many meetings and it did take
7 quite a bit of time to get where we are
8 today, but I think we're very, very
9 close. And there is a charge -- another
10 piece of clarity, the current cost for
11 the Gun Club is approximately 8,000 for
12 rent and they pay about \$12,000,
13 according to them, for utilities.

14 COUNCILMAN CLARKE: Eight
15 thousand per?

16 COMMISSIONER SCHLOTTERBECK:
17 Per year. So they're paying
18 approximately \$20,000 currently to use
19 the space.

20 Now, I did math quick and I
21 hope it's right. I think we're looking
22 at about 52,000 based on the
23 yet-to-be-confirmed shared-use approach.
24 So we're looking at a \$30,000 increase to
25 them.

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2 And to your point, one other
3 thing, Councilwoman, we do always require
4 public people to take care of spaces that
5 are ours. You are correct. People do
6 not come into City Hall for free. We
7 charge them. If there's something on an
8 elevator, my security officers' fees are
9 charged back to that person.

10 Yes, Councilwoman.

11 COUNCILWOMAN KRAJEWSKI: What
12 is the objection for extending the lease
13 five more weeks?

14 COMMISSIONER SCHLOTTERBECK:
15 There is none.

16 MR. RESNICK: We talked about
17 that.

18 COUNCILWOMAN KRAJEWSKI: We're
19 asking for an extension for five more
20 weeks.

21 COMMISSIONER SCHLOTTERBECK:
22 That's fine.

23 COUNCILWOMAN KRAJEWSKI: And
24 let the new Administration coming in, let
25 them know exactly what is being done

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2 here.

3 I can't see not having the
4 extension for five weeks, but we can't
5 seem to get anywhere with that with the
6 Administration or with the Managing
7 Director or whoever we're working with to
8 get an extension. The lease is up the
9 end of December. We're asking for an
10 extension of five weeks.

11 COMMISSIONER SCHLOTTERBECK:

12 Well, I think that's something we
13 definitely can consider and ask to get
14 approved, but what we're trying to
15 suggest here today is that we believe and
16 the Chief of Staff here, we both believe
17 that we are very close, and it basically
18 boils down to dollars and cents. So that
19 the Prisons will share the use with the
20 Gun Club and it's a matter of differences
21 in the dollars.

22 COUNCILWOMAN KRAJEWSKI:

23 They're not sharing much, Commissioner,
24 believe me. Believe me. They're not
25 sharing much. I'm asking for the

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2 five-week extension simply because it
3 will give the new Administration time.

4 COMMISSIONER SCHLOTTERBECK:

5 Okay.

6 COUNCILWOMAN KRAJEWSKI: Give
7 them the time to speed up the issue
8 anyway.

9 COUNCILMAN CLARKE: Councilman
10 Greenlee had a question and I know,
11 Councilman Rizzo, you still have a
12 question, and then Councilwoman Miller.

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

15 Just very quickly. I think
16 this question may be in order a little
17 bit earlier, but I'm just still slightly
18 confused, because certainly the Chief of
19 Staff's statement was straight out, we're
20 against the Gun Club being there. I
21 mean, that's what the statement said, and
22 I know you described it as the perfect
23 world thing, but certainly in your
24 discussion with Councilwoman Krajewski
25 before this hearing and just now, you say

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2 you're close. So there seems to be sort
3 of a -- you're contradicting yourself
4 there. I mean, with all due respect. I
5 mean, why not in the statement -- I know
6 this is Commissioner King's statement,
7 but why not say, look, just what you
8 said, in a perfect world we might not
9 want the Gun Club there, but we're
10 negotiating, we think we're close, it's
11 about money? Why not straight say that?
12 MR. RESNICK: Well, I guess,
13 Councilman, I guess I did say it. In a
14 perfect world, this is what we would
15 like. However, at the request of the
16 Councilpeople, we did sit down and we met
17 in good faith and we met often, and we've
18 hammered out an agreement that I think
19 we're very, very, very close to
20 implementing. As the Commissioner
21 stated, it's just an issue of dollars and
22 cents that we have to come to that
23 agreement and we'll have an agreement,
24 and I don't -- the Commissioner is in
25 agreement to an extension of five weeks.

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2 I don't know if we'll need that. We
3 submitted to the Gun Club, I believe it
4 was, last night a proposed draft after
5 our meeting on Tuesday evening of all the
6 terms that everybody came to and we're
7 just waiting for the numbers.

8 COUNCILMAN GREENLEE: I think
9 Councilman Kenney is right. Again, using
10 your term, in the perfect world, maybe we
11 should have built a separate facility a
12 while back, but I know we're here in
13 November now and we got to deal with
14 this, but it just seems like your
15 statement and the reality -- I'm not
16 trying to be critical. I'm just saying
17 it seems to be a little contradictory.
18 But that's okay. I understand what
19 you're saying. Thank you.

20 COMMISSIONER SCHLOTTERBECK:
21 And, Councilman, back to the point, we're
22 here objecting to this bill today, which
23 transfers it to the Fairmount Park.
24 Really our intent has always been to keep
25 it in the Public Property arena, which is

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2 to say a lease extension, an agreement on
3 how the facility is used going forward.
4 So we're here today objecting to this and
5 hoping that we can settle it and bring it
6 back into Public Property, get the lease,
7 get the terms settled.

8 COUNCILMAN GREENLEE: Not to
9 elongate, but that's not what the
10 statement says. That's not what
11 Commissioner King's statement says.

12 COMMISSIONER SCHLOTTERBECK:
13 But I wanted to clarify. I think that
14 was exactly his intent.

15 COUNCILMAN GREENLEE: Okay.
16 All right. Fine.

17 COUNCILMAN CLARKE: Thank you
18 for your testimony.

19 MR. RESNICK: Thank you.

20 COUNCILMAN CLARKE: Thank you.

21 We understand we're going to
22 have two statements read into the record.
23 Please proceed.

24 MR. FINESTONE: Thank you,
25 Mr. Chairman. I'm Aaron Finestone. I'm

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2 on the staff of Councilman O'Neill, and
3 the Councilman has sent the following
4 letter to Councilman Clarke in his
5 capacity as Chair of the Committee.

6 "Dear Councilman Clarke, I am
7 pleased to express my support of Bill
8 070927. This bill would transfer
9 jurisdiction of the property at 5100
10 Pennypack Street from the City to the
11 Fairmount Park Commission.

12 "Since 1934, the Holmesburg
13 Fish and Game Protective Association has
14 leased this property from the City. With
15 more than 1,400 members, 990 of whom live
16 in Philadelphia, the Association is an
17 irreplaceable asset to our community.

18 "The Association has
19 constructed outdoor and indoor firing
20 ranges, a clubhouse and related
21 facilities, which would cost hundreds of
22 thousands of dollars to replicate.

23 "With a steadfast commitment to
24 safety and responsible sportsmanship, the
25 Association sponsors youth activities,

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2 makes its facilities available to the Boy
3 Scouts for training and provides
4 opportunities for practice and
5 competition for its members.

6 "The City has unilaterally and
7 arbitrarily decided to evict the
8 Association and use the property as a
9 firing range for correction officers.
10 There is no need for such action.
11 Correction officers have been using the
12 facilities for a decade and can continue
13 to do so.

14 "Therefore, I urge the
15 Committee to pass Bill 070927 with a
16 favorable recommendation.

17 "I respectfully request that
18 this letter be made part of the record.

19 "Very truly yours, Brian J.
20 O'Neill, Councilman, 10th District."

21 COUNCILMAN CLARKE: Thank you.

22 Please proceed, sir.

23 MR. GAYNOR: Thank you very
24 much, Mr. Chairman. My name is Joe
25 Gaynor. I'm here representing Holmesburg

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2 Fish and Game.

3 Holmesburg Fish and Game

4 Sportsman's Association is located

5 between the Police Academy and Water

6 Department waste facility in Northeast

7 Philadelphia. Holmesburg has been on the

8 same site for the past 78 years. The

9 Association is funded through dues and

10 guest fees. Holmesburg does allow

11 walk-in non-members the opportunity to

12 use the ranges for a nominal fee.

13 Holmesburg members see the Association as

14 a custodian trustee of the only safe

15 practical and convenient place for area

16 residents to engage in various firearm

17 sports within the City limits.

18 Association membership stands at

19 approximately 1,400 adult members, 45

20 junior program participants.

21 Approximately a thousand of our members

22 are Philadelphia City residents.

23 Presently, Holmesburg offers

24 the only opportunity to engage in shotgun

25 sports, as well as rifle and pistol

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2 practice, within a 60-minute drive for
3 most City residents. Holmesburg also
4 provides both adult and youth safety and
5 firearm instruction that is available
6 nowhere else in the Philadelphia area.

7 Throughout the year, Holmesburg
8 sponsors several events open to the
9 public. These include two open house
10 days, where we provide, to any interested
11 adults, an introduction to the various
12 shooting disciplines and the opportunity
13 to join the Association at a reduced
14 cost. Our one youth field day, where we
15 provide firearms do's and don'ts lecture,
16 a safety lecture and the opportunity to
17 shoot various long guns, rifles,
18 shotguns, muskets, no hand guns, our
19 youth field days are usually attended by
20 100 to 125 youngsters, many of whom
21 attend as scout troops, Police Athletic
22 League groups, church groups and walk-in
23 area residents. Holmesburg also hosts
24 several scout troops per year for the
25 purpose of fulfilling their marksmanship

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2 merit badge.

3 Holmesburg has been on the
4 property -- leased the property from the
5 Philadelphia Water Department in the
6 early 1930's. The Association took four
7 or five acres of mud flats and ash dump
8 areas and converted it into several
9 shooting ranges, thus providing a safe
10 area for local sportsmen to practice
11 their marksmanship skills. Over the
12 course of 78 years, Association members
13 have built a clubhouse, indoor range with
14 attached meeting room, two skeet trap
15 ranges, outdoor pistol and hundred yard
16 rifle range, bringing the property to
17 today's present configuration.

18 Throughout the years, we
19 provide range access to the Philadelphia
20 Police Department as well as other law
21 enforcement agencies. Presently, as is
22 written into our lease, we provide
23 Philadelphia Prisons with five-day access
24 to the outdoor pistol range and the
25 indoor meeting room. The Association

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2 property and buildings are also used by
3 Police K-9 for training and meetings.

4 On August 1st, the City served
5 us with a termination letter giving
6 Holmesburg until December 31st to vacate
7 the premises.

8 With Councilwoman Krajewski's
9 assistance, Holmesburg entered into
10 negotiations with the City Prison
11 Commissioner and representatives from
12 Philadelphia Public Property and City
13 Controller's Office. In attendance on
14 behalf of Holmesburg Fish and Game were
15 representatives of Councilwoman
16 Krajewski's office and Councilman Brian
17 O'Neill's office. Although these
18 negotiations have been cordial and
19 polite, they have not exactly been
20 fruitful inasmuch as the City is refusing
21 to grant us a lease, and what has been
22 offered thus far in the way of a use
23 agreement does not in any way satisfy our
24 requirements for remaining a viable
25 organization.

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2 Association members feel that
3 we have provided a service to the
4 Philadelphia taxpayers by providing
5 firing ranges and meeting room facilities
6 to the Philadelphia Corrections
7 Department since 1999, at no cost to the
8 City. Corrections Department personnel
9 need only show up, shoot and go home.
10 They have, since 1999, enjoyed the use of
11 pistol range and Association facilities
12 without the burden of maintaining the
13 property. The Association, at membership
14 expense, maintains the ranges, cuts the
15 grass, removes the snow, provides heat
16 and electricity, even scrubs the
17 restrooms, at no cost to the Corrections
18 Department or any other City agency. And
19 I believe you will be hardpressed to find
20 any other City tenant that is so
21 accommodating.

22 In this packet that was
23 provided, there are several attachments,
24 a copy of the lease, copy of the
25 termination letters. We've been in

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2 contact with Councilwoman Krajewski in an
3 attempt to resolve this. Any assistance
4 you could offer would be greatly
5 appreciated.

6 Thank you for your time.

7 COUNCILMAN CLARKE: Thank you
8 for your testimony.

9 Thank you.

10 MR. FINESTONE: Thank you, sir.

11 COUNCILMAN CLARKE: Any other
12 witnesses on this particular bill?

13 (No response.)

14 COUNCILMAN CLARKE: There being
15 none, this concludes the public hearing.
16 We will now go into the public meeting.

17 Councilwoman Krajewski, can I
18 please ask for a motion on Bill No.
19 070937.

20 COUNCILWOMAN KRAJEWSKI: Thank
21 you, Mr. Chairman. I move that Bill
22 070937 be reported out of this Committee
23 with a favorable recommendation, with the
24 rules of Council suspended so as to
25 permit first reading at the next session

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2 of Council.

3 (Duly seconded.)

4 COUNCILMAN CLARKE: It being
5 moved and seconded, those approved?

6 (Aye.)

7 COUNCILMAN CLARKE: Those
8 opposed?

9 (No response.)

10 COUNCILMAN CLARKE: The ayes
11 have it. Bill No. 070937 will be
12 reported out of Committee with a
13 favorable recommendation, with a rules
14 suspension as to allow reading at the
15 next session of Council.

16 This concludes the public
17 meeting on Public Property and Public
18 Works.

19 Thank you all very much.

20 Councilwoman Krajewski.

21 COUNCILWOMAN KRAJEWSKI: Thank
22 you, Mr. Chairman.

23 I'd like to invite the members
24 of this Committee to have a tour at the
25 Holmesburg Gun Club after the holiday of

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2 Thanksgiving anyway, and I'll be in touch
3 with the Committee.

4 COUNCILMAN CLARKE: To the
5 Commissioner, I just want to say that
6 there is a request, as you just heard, a
7 formal request by members of the
8 Committee to go to the facility and for
9 themselves to get a sense of what's going
10 on. So we'll be in contact with you.

11 MR. RESNICK: And if I could
12 invite the members of the Committee to
13 come to the Prison Systems training
14 facility so you can see where our
15 officers train.

16 COUNCILMAN CLARKE: Absolutely.
17 I think that's appropriate.

18 Thank you so much.

19 (Committee on Public Property
20 and Public Works adjourned at 9:35 a.m.)

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3

I HEREBY CERTIFY that the

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stenographic notes taken by me upon the

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foregoing matter on November 15, 2007, and

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that this is a true and correct transcript of

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same.

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RPR-Notary Public

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