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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING AND PUBLIC MEETING
BEFORE COMMITTEE ON
PUBLIC PROPERTY AND PUBLIC WORKS

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- - -
Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, June 17, 1999
9:55 a.m.

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10 BILL 990451 - Authorizing the Commissioner of
11 Public Property, on behalf of the City of
12 Philadelphia, to lease for a term of 30 years, for
13 nominal consideration, certain parcels of land
14 owned by the School District of Philadelphia as
15 necessary to. . .

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(Full text of ordinance within body of
transcript.)

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17 PRESENT: COUNCILWOMAN AUGUSTA A. CLARK, Chair
18 COUNCIL PRESIDENT ANNA C. VERNA
19 COUNCILWOMAN JANNIE BLACKWELL
20 COUNCILMAN MICHAEL A. NUTTER
21 COUNCILMAN BRIAN O'NEILL
22 COUNCILMAN FRANK RIZZO

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2 I N D E X

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4 Page

5 Ken Sipos, Department of Public Property. . . 4

6 Eric Iffrig, Director 5
7 Planning and Construction, Recreation Depart.

8 Albert Phelan, Esquire. 10
9 Senior Attorney, Philadelphia Law Department

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

3 COUNCILWOMAN CLARK: Good morning. The
4 Committee on Public Property Public and Public
5 Works is now called to session. The secretary
6 will please read the bill, the single bill that's
7 before this committee today.

8 THE CLERK: Bill No. 990451, an
9 ordinance authorizing the Commissioner of Public
10 Property (herein referred to as "Commissioner"),
11 on behalf of the City of Philadelphia, to lease
12 for a term of 30 years, for nominal consideration,
13 certain parcels of land owned by the School
14 District of Philadelphia as necessary to
15 construct, operate, and/or utilize certain
16 recreational facilities, in particular authorizing
17 the leasing of the following: (i.) The Emanuel
18 Recreation Center at the McCloskey School, at
19 Pickering and Roumfort Streets; (ii) the
20 Picariello Recreation Center located at Red Line
21 and Calera Streets; and (iii) a portion of a
22 parcel of land at the Rush School, at the Chalfont
23 and Deerpath Streets, sufficient to permit the
24 construction of an outdoor track and lighting;
25 (iv) a portion of the parcel of land at the

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2 Fitzpatrick School at Chalfont and Deerpath
3 Streets, sufficient to permit the construction of
4 street/roller hockey courts; and (v) The Fox Chase
5 Recreation Center at the Fox Chase School, at
6 Rockland and Ridgeway Streets, all under certain
7 terms and conditions.

8 COUNCILWOMAN CLARK: Thank you.

9 Would the record reflect that a quorum
10 is present. There are this morning Councilman
11 Frank Rizzo, Councilwoman Anna Verna, myself --
12 Augusta Clark, and Councilman Michael Nutter. In
13 the room too is Councilman Rick Mariano. Oh, and
14 Councilwoman Blackwell. Thank you.

15 Good morning. Please introduce
16 yourself for the record, spell your last name for
17 the benefit of the stenographer, and proceed with
18 your testimony.

19 MR. SIPOS: Good morning, Madam Chair.
20 My name is Ken Sipos, S-I-P-O-S, with the
21 Department of Public Property. And I'm here with
22 Eric Iffrig, I-F-F-R-I-G, from the Recreation
23 Department.

24 COUNCILWOMAN CLARK: Thank you.

25 MR. SIPOS: Madam Chair, this ordinance

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2 is to put in writing the School District and the
3 recreation sites that are on their property and
4 Mr. Iffrig everything will talk about the
5 particulars of it.

6 COUNCILWOMAN CLARK: Thank you.
7 Proceed, sir. Good morning.

8 MR. IFFRIG: Good morning. My name's
9 Eric Iffrig, Director of Planning and Construction
10 with the Recreation Department.

11 This proposed ordinance will allow the
12 City to lease certain School District ground. The
13 benefit of this ordinance and the subsequent
14 agreement will be the legal basis for the City to
15 operate and to improve these sites, define
16 responsibilities for their maintenance, and to
17 foster cooperation at the School District on City
18 capital projects.

19 The City and the School District been
20 meeting to resolve the respective rights and
21 responsibilities at several of their adjacent
22 facilities. The following sites are contained in
23 the ordinance: Emanuel Playground at McCloskey
24 School, Fox Chase Rec. Center at the Fox Chase
25 Elementary School, Chalfont Playground at the

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2 Fitzpatrick and Rush Schools, and Picariello
3 Playground at the La Brum School. This list may
4 be expanded if needed.

5 Council interest in these matters has
6 helped to spur this proposal, and the Recreation
7 Department requests your support and that of your
8 colleagues for this ordinance.

9 At this time, I'd like to mention two
10 places that the ordinance does have a misspelling
11 on the name of Roumfort Street. I think that
12 should be R-O-U-M-F-O-R-T, which could be
13 corrected at a later point.

14 And also, we would request a suspension
15 of the rules to allow for first reading at today's
16 session of Council.

17 COUNCILWOMAN CLARK: Thank you.

18 Please describe the proposed lease
19 sites, including square footage and any buildings,
20 improvements, or other buildings structures
21 located thereon.

22 MR. IFFRIG: Yes, they do.

23 COUNCILWOMAN CLARK: Excuse me?

24 MR. IFFRIG: I thought you said "do
25 they. . . "

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2 (Laughter.)

3 MR. IFFRIG: Oh, the size. Okay, I'm
4 sorry. I missed the first part of the question.

5 COUNCILWOMAN CLARK: Okay.

6 MR. IFFRIG: We do have sizes of the
7 proposed lease areas. It's 3.3 acres at
8 McCloskey, 8.7 acres at the Emanuel Playground,
9 8.7 acres at Picariello, And 4.48 at the Rush
10 School for Chalfont, and 1 acre at Fitzpatrick
11 School for Chalfont, and roughly 1.75 acres for
12 Fox Chase.

13 COUNCILWOMAN CLARK: Thank you. You
14 appear to be reading from something. Is that
15 something you could provide us so that the
16 stenographer's record will be complete and clear?

17 MR. IFFRIG: Certainly. It's just a
18 facts sheet on the site as to the location, size
19 current owner, and its effected improvements, and
20 the proposed terms of the lease that we have been
21 preparing.

22 COUNCILWOMAN CLARK: Fine. We'd be
23 very pleased to receive your facts sheet.

24 MR. IFFRIG: It will be done.

25 COUNCILWOMAN CLARK: All right. Is

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2 there any exchange of money for any of this, any
3 lease?

4 MR. IFFRIG: The lease term, I believe,
5 is supposed to be for nominal considerations. I
6 haven't seen copy that said "normal
7 considerations," but I believe it's \$1 lease for a
8 30-year term.

9 COUNCILWOMAN CLARK: Okay.

10 MR. IFFRIG: Also, as a point of
11 information, it will be a land lease and the City
12 will retain title to any improvements during the
13 term of the lease that it makes.

14 COUNCILWOMAN CLARK: That's very
15 important, so I thank you for putting that on the
16 record.

17 How does this bill provide a legal
18 basis for the City to operate and improve the
19 proposed site?

20 MR. IFFRIG: The City -- my particular
21 interest is in the -- or my major job is managing
22 capital construction projects. And the funding
23 for that capital construction project requires
24 that the City have a real property interest in the
25 real estate. Unless that is the case, the City

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2 should not be making capital improvements to any
3 property in which they don't have that interest.

4 COUNCILWOMAN CLARK: Are there any
5 actual or potential environmental hazards involved
6 with any of these properties? And if so, have you
7 addressed that and held the City harmless?

8 MR. IFFRIG: We haven't done any
9 environmental studies to date, but it is being
10 discussed with the School District in terms as to
11 who bears responsibility are being discussed. I
12 believe the proposed term is that if any proposed
13 improvement is to go forward, and there will be an
14 environmental study done, the improvement can be
15 stopped if there's potential problem, and the City
16 will not venture in any further liability if there
17 is an environmental problem. Most of these sites
18 do happen to be in the Northeast, which were not
19 developed industrial sites.

20 Okay. And our attorney just told me
21 that the lease does not become effective until we
22 do have a satisfactory environmental study.

23 COUNCILWOMAN CLARK: I appreciate that,
24 right. And when the lease is done, we'll have our
25 boilerplate language that holds us harmless?

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2 MR. PHELAN: Not necessarily. We will
3 rely on our environmental study.

4 COUNCILWOMAN CLARK: Come to the mike
5 and put your name on the record, please.

6 MR. PHELAN: Thank you, Madam
7 Councilwoman.

8 COUNCILWOMAN CLARK: Good morning.

9 MR. PHELAN: Good morning. How are
10 you?

11 COUNCILWOMAN CLARK: Fine.

12 MR. PHELAN: My name is Albert Phelan,
13 P-H-E-L-A-N, senior attorney with the Philadelphia
14 City Law Department.

15 We are in negotiations with the School
16 District, and the School District says that --
17 obliges us to take them as is. So accordingly, we
18 will end up by doing an environmental study of
19 Phase I -- the Department of Recreation will. And
20 then therefore, if there's anything disclosed,
21 we'll go on and make a further study as to make a
22 Phase II.

23 But at that time, if the City's
24 exposed, I believe then the Recreation Department
25 will not go forward on that any further, and the

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2 lease will never become effective, and the
3 transaction will be null and void as far as that.

4 COUNCILWOMAN CLARK: Null and void.
5 How long is the proposed term of the
6 lease?

7 MR. PHELAN: It's 30 years.

8 COUNCILWOMAN CLARK: It's 30 years,
9 okay.

10 Are there any questions by any other
11 members of Council?

12 COUNCILMAN NUTTER: One quick question.

13 COUNCILWOMAN CLARK: One quick
14 question.

15 COUNCILMAN NUTTER: Mr. Iffrig, your
16 testimony indicates that additional sites may be
17 added in the future. You and I have worked on at
18 least one that may need to be added, and we're in
19 the process of consideration of another one.

20 The basis of your statement that other
21 sites can be added, does that mean that the bill
22 would have to be put forward and primarily to
23 amend section 1 to add to this particular list of,
24 what is it, five schools?

25 MR. IFFRIG: Yes.

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2 COUNCILMAN NUTTER: Okay. Thank you.

3 COUNCILWOMAN CLARK: In the case of a
4 proposed amendment, would you come back for
5 approval of Council?

6 MR. IFFRIG: Yes.

7 COUNCILWOMAN CLARK: Thank you.

8 Are there any other questions?

9 (No further questions at this time.)

10 COUNCILWOMAN CLARK: Thank you very
11 much.

12 MR. IFFRIG: Thank you.

13 COUNCILWOMAN CLARK: The public hearing
14 part of this hearing is over. We are now in
15 public session.

16 The Chair calls on Councilman O'Neill
17 for the motion.

18 COUNCILMAN O'NEILL: Madam Chair, I
19 move that Bill No. 990451 be reported out of
20 Council with a favorable recommendation and a
21 recommendation that the rules of Council be
22 suspended to allow for first reading at our next
23 session.

24 (Duly seconded.)

25 COUNCILWOMAN CLARK: All in favor, say

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2 aye?

3 Opposes, nay?

4 So ordered.

5 Let the record show that the spelling
6 error is a scrivener's change and would not
7 necessitate an amendment.

8 Thank you very much, gentlemen, ladies.

9 We are out of here.

10 (Adjourned at 10:00 a.m.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Thursday, June 17, 1999, were
reported fully and accurately by me, and that this
is a correct transcript of same.

RE: COUNCIL COMMITTEE ON
PUBLIC PROPERTY & PUBLIC WORKS
BILL NO. 990451

_____,
JOSEPHINE CARDILLO,
Registered Professional Reporter