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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING - COMMITTEE OF THE WHOLE

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Room 400, City Hall

6

Philadelphia, Pennsylvania

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Wednesday, April 28, 2004, 10:30 a.m.

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9 BILL 040255 - An Ordinance adopting the
Operating Budget for Fiscal Year 2005.

10 PRESENT:

11

COUNCIL PRESIDENT ANNA C. VERNA

12

COUNCILMAN DAVID COHEN

13

COUNCILMAN JUAN F. RAMOS

14

COUNCILMAN FRANK RIZZO

15

COUNCILMAN FRANK DI CICCIO

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COUNCILWOMAN JANNIE L. BLACKWELL

17

COUNCILMAN MICHAEL A. NUTTER

18

COUNCILMAN DARRELL L. CLARKE

19

COUNCILMAN RICHARD T. MARIANO

20

COUNCILWOMAN MARIAN B. TASCO

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2 COUNCIL PRESIDENT VERNA: Good
3 morning, everyone. This is the continued
4 public hearing of the Committee of the Whole
5 regarding Bill No. 040255.

6 The first department to testify
7 today will be L&I.

8 Good morning.

9 MR. SOLVIBILE: Good morning,
10 Council person.

11 COUNCIL PRESIDENT VERNA:
12 Kindly identify yourself for the record and
13 proceed with your testimony.

14 MR. SOLVIBILE: My name is
15 Robert Solvibile, the Acting Commissioner of
16 License and Inspections, and I have with me
17 today to my far left Mr. Prospero, who is the
18 ASD of the department; Deputy Commissioner
19 Perri; and to my right, Deputy Commissioner
20 Verdi. And we thank you for allowing us to
21 present our department to you today.

22 If you want, Council President,
23 we'll forego reading the budget, because you
24 have a copy, and let you ask questions.

25 COUNCIL PRESIDENT VERNA: Yes.

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2 And it will be given to the stenographer.

3 She'll transcribe it in whole, and perhaps you
4 can abbreviate your testimony.

5 MR. SOLVIBILE: Sure. Our
6 budget request for this fiscal year is
7 \$88,343,953, of which \$21,450,159 is in the
8 City's General Fund, 65 million is in the
9 Grants Revenue Fund and \$1,028,000 is in the
10 Community Development Fund. This budget
11 supports 398 general fund positions.

12 Our major accomplishments: We're
13 working as a department to improve our
14 efficiency by computerization. We, as a team,
15 have a computer consultant and a program
16 manager go through each unit in the department
17 and redefine it. We create an as-is, a to-be,
18 and then we meet as a management team and
19 decide what the future will be and how we'll
20 manage our department.

21 Basically the future will be that
22 the complaint received will go directly to the
23 inspector in the field, who will make the
24 inspection and it be transmitted either
25 through a hand-held computer or via computer

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2 that they'll have at their home or at their
3 desk right to the -- the violation to be
4 issued. That will cut several days of the
5 process, several days of waiting for a clerk
6 to type it in.

7 We also will have Fast Form permits
8 in our districts where a person in the
9 district offices, our five district offices,
10 can come instead of coming to Center City and
11 get about 20 percent of the permits we issue
12 in the district office. We feel that's a
13 great service to the public.

14 COUNCIL PRESIDENT VERNA: How
15 will people know that?

16 MR. SOLVIBILE: We have been in
17 the north -- in our districts, we've been
18 doing it for the last --

19 MR. PERRI: At least five
20 years.

21 MR. SOLVIBILE: -- at least
22 five years, and when we go live with our
23 system when it's all done, we'll have
24 announcements to the public that it's live.

25 We have made announcements to the

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2 community who would use us, to the
3 contractors. They all know they can go to the
4 district office and apply for their permit.
5 And it's a well-received program and it works
6 well for us. Now, not every permit,
7 obviously, Council President, but 20 percent
8 of our permits.

9 MR. PERRI: Right now it's
10 about 20 percent.

11 MR. SOLVIBILE: About 20
12 percent of our permits are doable in the
13 district office. Also, via the Internet,
14 they'll be able to lodge complaints.

15 Now, until this system is completely
16 done, that system will not work perfectly, in
17 that it still will have a human being.
18 Although they lodged a complaint via the
19 Internet, it will still have to have a human
20 being take it off. Whereas, in the future, it
21 will go directly to the inspector. It will be
22 checked through the system to make sure
23 there's no complaint already covering it. And
24 the person making the complaint will get an
25 e-mail back that we've received it. We see

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2 that as a great improvement.

3 Also, forms and applications that
4 people need to apply for different licenses in
5 the department will be downloadable.

6 And our demolition/encapsulations:
7 Using the Neighborhood Transformation
8 Initiative Funds, the department has supported
9 this initiative by performing 495 emergency
10 curbside demolitions from July 2003 to date.

11 Now, what's happening now with that,
12 Council President and Council people, we are
13 handling anything that's an emergency.
14 Collapsing now is handled by the department.

15 COUNCIL PRESIDENT VERNA:
16 Curbside?

17 MR. SOLVIBILE: Curbside bids.
18 And the plan process is worked with NTI, L&I
19 staff and Council and community staff who pick
20 what buildings will be demolished as far as
21 the plan demolition using NTI funds.

22 We see this as a real improvement,
23 in that it let's us deal with the emergencies
24 and the plan and how the community will evolve
25 in the hands of the community and the Council

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2 person that represents the community.

3 We've increased our code enforcement
4 violation notices, where during fiscal year
5 '01 to '03, almost 10,000 tickets were issued
6 for violations ranging from illegal tobacco
7 sales to minors; 3,199 tickets in 32 percent
8 of the total -- which is 32 percent of the
9 total.

10 To quality of life issues, such as
11 high weeds, exterior premises not being kept
12 clean, we're increasing this where we will
13 issue a violation and a ticket to people. So
14 it's a more forceful way of getting the point
15 across that we want our neighborhoods clean
16 instead of just letting reinspection after
17 reinspection happen and not a lot that they
18 see happening.

19 COUNCIL PRESIDENT VERNA:

20 Right.

21 MR. SOLVIBILE: Inspections of
22 the ballpark, I'm proud to say that the
23 department had issued a temporary CO for the
24 occupancy of Citizens Ballpark. One of the

25 loves of my life is baseball, so I'm very

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2 happy about that. And I'm also proud of the
3 fact that the management team in South
4 District, your district, oversaw that without
5 a major problem at all. It went well,
6 professionally, and it really is a pride that
7 I have about that we were able to do that.

8 New initiatives: We're going to
9 expand our accelerated plan review. In the
10 beginning of Bennett Levin's term as
11 Commissioner, he created a person who wanted
12 to pay the overtime for one of our plans
13 engineers to have their permit reviewed and
14 approved within three to five days -- or an
15 answer, not necessarily approved but an
16 answer. And the community that uses this
17 really flock to that and they love the
18 service, because as a whole, in their contract
19 they have to start building by a certain date.
20 This allows them to meet that goal and still
21 have all the permit approvals that are
22 required. We find that plan to be successful.

23 Food license: We've asked for a fee
24 increase in licenses with L&I and the Health

25 Department. This hasn't been raised since

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2 1993. And we're also initiating legislation
3 requiring a second and supplement reinspection
4 fee.

5 As it is now, the department will
6 write a violation and make the first
7 reinspection and the work is not complied.
8 We'd have to go again because we're sending
9 them to court, and sometimes a third and
10 fourth time. We're going to charge a fee for
11 any reinspection past the first one. And I
12 feel, again, that the goal is to get
13 compliance with our violations, and if they
14 don't want to comply, then we're going to
15 charge them for that.

16 And we also have enhanced L&I's
17 services for non-English-speaking customers.
18 L&I will be active in promoting a more
19 customer-friendly environment at its Municipal
20 Services Building intake area by providing
21 translation services for non-English-speaking
22 customers. The department will translate many
23 of its widely requested forms and brochures

24 into Spanish, Vietnamese, Russian, Korean and
25 Chinese.

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2 And also, we're going to enhance the
3 homeowner access to L&I through creation of a
4 single-family permit center. In fiscal year
5 '05, the department will establish a permit
6 center at a district office at Rising Sun and
7 Benner. It's our easily accessed office with
8 ease of parking and it's the most used office
9 presently as far as customers coming in and
10 making the permit process more accessible to
11 homeowners.

12 If this concept provides productive,
13 the department will start duplicating it in
14 other districts.

15 These are, in addition to the 20
16 percent of the permits that we can issue Fast
17 Form, this will be permits that were plan
18 review. They will be issued out of that
19 district. And I think it will be a success,
20 and hopefully we'll be able to expand it to
21 the rest of the City.

22 Thank you, and we're here to answer
23 your questions.

24 COUNCIL PRESIDENT VERNA: Thank
25 you.

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2 What is the number in job titles of
3 the positions that you are eliminating as a
4 result of the DROP-related work force
5 rightsizing?

6 MR. SOLVIBILE: Six this
7 present coming year.

8 COUNCIL PRESIDENT VERNA: I beg
9 your pardon?

10 MR. SOLVIBILE: This coming
11 year, it will be six that will be eliminated.

12 COUNCIL PRESIDENT VERNA: What
13 are their job titles? When will they become
14 effective?

15 MR. PROSPERO: Fiscal year '05.
16 Six positions will be coming out -- Jerry
17 Prospero.

18 Fiscal year of '05, the department
19 will be losing six positions to DROP. I can
20 get you the names, if you --

21 COUNCIL PRESIDENT VERNA: It
22 doesn't matter about the names, but if you

23 would let us know what --

24 MR. PROSPERO: Positions?

25 COUNCIL PRESIDENT VERNA: --

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2 the positions are.

3 MR. PROSPERO: I have that

4 information in the detail.

5 COUNCIL PRESIDENT VERNA: If

6 they're not handy, just send a letter to me

7 and I'll circulate it.

8 In your testimony, you mention that

9 your department has awarded contracts to

10 perform 318 encapsulations of vacant

11 properties. How many contracts have you

12 awarded and to whom?

13 MR. SOLVIBILE: The total

14 contracts is roughly -- contractors -- we've

15 awarded 300 and I believe in the testimony --

16 COUNCIL PRESIDENT VERNA: 318.

17 MR. SOLVIBILE: 318. Different

18 contractors, more than a half a dozen, and we

19 could provide the names to you, Council

20 President, to you and your staff. I don't

21 have that with me today.

22 COUNCIL PRESIDENT VERNA: What

23 is the average cost for an encapsulation?

24 MR. SOLVIBILE: About \$3,180.

25 COUNCIL PRESIDENT VERNA: How

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2 many employees do you have assigned to the
3 CLIP program both in FY04 and also what do you
4 have in FY05?

5 MR. SOLVIBILE: We have
6 assigned presently two housing and fire
7 inspectors and a building inspector, are
8 presently assigned. And also there is some
9 clean and seal people, approximately eight
10 clean and seal people that are assigned to
11 that. Roughly two crews, Council President.
12 A crew consists of four people and a
13 supervisor.

14 COUNCIL PRESIDENT VERNA: We
15 have been told that the CLIP program will be
16 expanded citywide in FY05. What resources
17 have you been given to accomplish that task?

18 MR. SOLVIBILE: We have met
19 with the Managing Director, myself and Deputy
20 Commissioner Verdi, and we will support that
21 by -- the expansion of CLIP will be

22 coordinated between the Managing Director's
23 Office and the department, and Deputy
24 Commissioner Verdi will be meeting Thursday --
25 MR. VERDI: Friday.

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2 MR. SOLVIBILE: Friday to get
3 more detail of what we'll need to support it.
4 But we're going to keep -- the
5 inspectors will work directly for our Housing
6 Division, who will be doing the surveys. And
7 as I testified when Council interviewed the
8 Managing Director for his testimony, we will
9 incorporate complaints that they've
10 received -- that we receive and that they
11 experience in the field and have the same
12 inspectors doing this work.
13 Which will be about two or three
14 inspectors, Dominic?
15 MR. VERDI: Approximately.
16 COUNCIL PRESIDENT VERNA: And
17 that will be citywide, Mr. Verdi? Why don't
18 you expand on that, because there are now
19 additional resources in the budget for it, so
20 I'm just curious to understand how it would
21 work citywide.

22 MR. VERDI: Dominic Verdi,
23 Deputy Commissioner of License and
24 Inspections.
25 Council President, we're meeting on

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2 Friday with the representatives from CLIP to
3 better understand the expansion and how wide
4 the expansion will be.
5 Based on our meeting, we'll then
6 decide how we're going to handle what
7 resources. If further resources are needed,
8 we'll notify the Managing Director. But in
9 some cases, what we're going to do is,
10 basically CLIP will be the lead in on that
11 area, and the reason why we're doing it this
12 way is, when a complaint comes in, as you
13 know, a lot of these complaints are property
14 maintenance complaints, and the meeting that
15 we're going to have with the personnel from
16 CLIP is to better incorporate the issues that
17 may further the complaint that we see.
18 As it stands now, CLIP handles
19 property maintenance and property maintenance
20 only, but the property maintenance problem may

21 stem from an interior situation.

22 So we're going to work out the
23 details on Friday of how the expansion will
24 take place and how we may expand the
25 inspection further than just the property

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2 maintenance inspection.

3 If further resources are required
4 after that meeting, we will notify Acting
5 Commissioner Silvibile and the Managing
6 Director's Office.

7 MR. SOLVIBILE: Also, Council
8 President, presently the department would
9 receive complaints on these property
10 maintenance violations from the community. It
11 will really be a more organized way of
12 attacking the problem of answering these
13 concerns in the community than -- we're
14 presently just waiting for people to call us.
15 We'll be a little bit more proactive.

16 COUNCIL PRESIDENT VERNA:

17 However that works out, I think we would all
18 appreciate knowing what's going to be done,
19 when it will start, how it will work.

20 MR. SOLVIBILE: And the

21 Managing Director has told me that that will
22 be provided to you and to Council as soon as
23 the final details are permanent.

24 COUNCIL PRESIDENT VERNA: We
25 would certainly appreciate that.

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2 In the Mayor's budget and brief,
3 your department is projected to generate \$41.2
4 million in locally generated non-tax revenues,
5 an increase of \$4.3 million from FY04.

6 How will you generate these
7 additional funds?

8 MR. PROSPERO: Jerry Prospero.

9 We've, as you know, raised fees for
10 business -- the business privilege license.
11 We've raised sorted fees to fund the
12 automation project that we're currently
13 involved with.

14 I could tell you that to date, the
15 cash flow situation with regard to that
16 project, we're about \$1.6 million ahead of
17 plan projections for all of those fee
18 increases.

19 MR. SOLVIBILE: And I believe

20 also the permit issuance we feel will somewhat
21 improve and increase, and that's just overall.
22 The Hanson system will allow us to better
23 manage what we're doing, our computerization.
24 I didn't mean to say that word. I'm kidding.
25 But our computerization -- as an

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2 example, Council President, we were doing how
3 we issue a certain permit, and we found,
4 Deputy Commissioner Perri and myself and his
5 management team, that everybody went to this
6 one person in the process, but nobody knew
7 why.

8 So we were able to eliminate that,
9 which will make us more efficient and be able
10 to spend more time on the more meaningful
11 things, to raise revenue and create public
12 safety to support that.

13 COUNCIL PRESIDENT VERA: Are
14 there any fees that are being proposed to be
15 increased, and, if so, what are they, have
16 they been before Council, have they been
17 introduced?

18 MR. PROSPERO: We have proposed
19 increasing -- actually, initiating a fee for

20 re inspections, as Deputy Commissioner Verdi
21 has already alluded to.

22 COUNCIL PRESIDENT VERNA: And
23 how much will that cost? How much would that
24 cost the individual for a reinspection?

25 MR. SOLVIBILE: After the first

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2 reinspection, it will be \$75. And then a
3 third --

4 MR. PROSPERO: \$150 for the
5 second and \$300 for the third.

6 MR. SOLVIBILE: After the
7 first. So it would be -- that's one way. And
8 also we also ask the health licenses fees be
9 increased.

10 COUNCIL PRESIDENT VERNA: Would
11 that have to come before Council --

12 MR. PROSPERO: Yes.

13 COUNCIL PRESIDENT VERNA: --
14 for approval?

15 MR. SOLVIBILE: Yes, it will
16 come before Council for approval.

17 COUNCIL PRESIDENT VERNA: And
18 when will that come to Council as an

19 ordinance? Because I don't believe we have
20 received that as yet. And if we're to include
21 it in the budget, I would think that we should
22 have gotten it by now.

23 MR. SOLVIBILE: I will have to
24 get you an answer on that, Council President.
25 We'll supply that answer to you.

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2 COUNCIL PRESIDENT VERNA: Now,
3 you mentioned about reinspections. And I'll
4 just take another second, if I may.

5 There is a property in my district
6 that has absolutely no sidewalk. I don't know
7 how many letters we sent out on this. We know
8 who the owner of the property is. I believe
9 it even made one of the -- I think it was the
10 Daily News wrote an article about it.

11 I don't understand. We go out, we
12 inspect, we cite people, and nothing ever
13 happens. Why? I mean, who is responsible for
14 once a violation or a citation is issued,
15 whose responsibility is it to collect? Whose
16 responsibility is it?

17 MR. SOLVIBILE: Actually, the
18 sidewalk, Council President, would be under

19 the jurisdiction of the Philadelphia Streets
20 Department. But to answer your question on
21 collection, as a department, we create a bill
22 and send it to the owner, and then if the bill
23 is not paid for our various activities for
24 demolition, for clean and seal, for
25 encapsulations, we also copy the Revenue

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2 Department on that bill.

3 COUNCIL PRESIDENT VERNA: So a
4 lien?

5 MR. SOLVIBILE: And they lien
6 the property as a first lien.

7 And that's really the system that's
8 in place now presently for fines and/or costs
9 that we create against properties for
10 abatement of activity.

11 COUNCIL PRESIDENT VERNA: Okay
12 for the time being.

13 The Chair recognizes Councilman
14 Rizzo.

15 COUNCILMAN RIZZO: Thank you.

16 COUNCILWOMAN BLACKWELL: Excuse
17 me.

18 COUNCIL PRESIDENT Verna: The
19 Chair recognizes Councilwoman Blackwell.

20 COUNCILWOMAN BLACKWELL: Thank
21 you to my colleague.

22 Madam President, I'd like to be
23 excused for a little while. Councilman Clarke
24 and I have to go to a formal opening, not too
25 far from here, it's in the Councilman's

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2 district, of some homes, and we'll be back,
3 but I wanted to thank this department. Our
4 issues are often complicated and there's a lot
5 to do and a lot to know for all the work they
6 do with us, and also to congratulate the
7 Commissioner. He's hired two women, Ms. Evans
8 and Ms. Burns, who will work well with us, and
9 we're always happy to have people of our
10 gender who are brought on board.

11 Thank you very much and
12 congratulations.

13 MR. SOLVIBILE: Thank you,
14 Councilwoman.

15 COUNCILWOMAN BLACKWELL: Thank
16 you, Madam President.

17 COUNCIL PRESIDENT Verna:

18 You're welcome.

19 The Chair recognizes Councilman

20 Rizzo.

21 COUNCILMAN RIZZO: Thank you,

22 Madam Chair.

23 Good morning.

24 MR. SOLVIBILE: Good morning.

25 COUNCILMAN RIZZO: First of

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2 all, I recognize also all the balls that you
3 have in the air and all of the challenges that
4 you have, and even though sometimes things
5 don't happen fast enough in many of our
6 opinions, many of us are genetically
7 impatient, I think, when it comes to what you
8 do, but I personally understand the challenges
9 that you have every day.

10 I have a question about something
11 that's interested me for a long time and it
12 has to do -- and stop me if this is not your
13 responsibility. When a plumber applies for a
14 permit to open up the street, L&I issues that
15 permit?

16 MR. PERRI: Good morning. Dave

17 Perri, Deputy Commissioner of Licenses and
18 Inspections.

19 A plumber does apply for a permit to
20 open the street and also to open the sidewalk.
21 They are permits that we issue down in the
22 Concourse. There's two Water Department
23 personnel that are assigned to L&I. They
24 issue those two permits on behalf of the
25 Streets Department.

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2 COUNCILMAN RIZZO: My point is
3 that, and maybe your answer will satisfy me,
4 but I think that we need to do some
5 coordinating here. What I'm seeing is that
6 when a plumber applies for the permit -- and I
7 know that there are a lot of people opening up
8 the street without permits, I just want you to
9 know that we're aware of that and I've talked
10 to the Streets Department about that.

11 But I don't believe that the City is
12 compensated appropriately when a plumber opens
13 a street, digs almost to the center line or
14 wherever they're required to make their
15 repair. I believe that the cost that the City
16 incurs in restoring that street far outweighs

17 the cost of the permit, because I believe the
18 Streets Department has to actually go and make
19 the permanent repair. And lately I have seen
20 some of those repairs, that I can't imagine
21 that the permit paid to restore the street to
22 its original condition.

23 Can you tell me what -- and if
24 you're not prepared, I hope you are, how much
25 does it cost when a plumber applies to rip up

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2 the street, and did we ever estimate based on
3 the cost of the permit what it really costs to
4 put it back to where it was before they opened
5 it up?

6 MR. PERRI: I do not have the
7 fee schedule with me. The permit to open the
8 street, what the plumber is required to do is
9 put a temporary patch. They then contact the
10 Streets Department. There may be additional
11 fees paid directly to the Streets Department
12 to do the permanent repair, but a lot of these
13 repairs that you see are temporary repairs
14 just to get the street back open again and
15 move on to the next project.

16 We can certainly look up the fees
17 and get back to you with a full answer.

18 COUNCILMAN RIZZO: I believe
19 that the fee that the plumber, or whoever is
20 excavating, the utility company, whoever, I
21 believe that the fee is calculated to restore
22 the street. That might be incorrect, but I
23 believe that that's the case.

24 You just hit something else that's
25 very troubling to me. I'm sure there is a

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2 standard on what the plumber or what the
3 utility is supposed to do when they
4 temporarily restore those ditches.

5 Anyone that's driven through the
6 City knows that what we call a pothole is not
7 a pothole that was created because of the
8 weather conditions or the environment. Many
9 of the obstructions that people hit are the
10 fact that those ditches were not restored
11 properly, and many of them, especially during
12 the winter when the Streets Department can't
13 go out and make the permanent repair, are
14 very, very damaging to vehicles.

15 I don't believe that the people that

16 get these permits are restoring at least
17 temporarily the street to a standard that's
18 acceptable. Because, believe me, every time I
19 see one, I see a pile of wheel covers on the
20 side of the road where some person on a rainy
21 dark night hits one of these temporary repairs
22 that has deteriorated during a rain storm.

23 What I would like to see happen, and
24 today the Streets Department will be here,
25 that we get together to make sure that we're

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2 not subsidizing a plumber for the work that
3 they're being paid, because I just can't
4 imagine that we're getting compensated in just
5 the permit enough to do all of this work that
6 we're doing.

7 So I think we need to do some
8 coordinating to see if we're being reimbursed
9 appropriately for the work that's required.

10 MR. PERRI: We'll certainly
11 make the commitment to work with the Streets
12 Department to make sure that we are recovering
13 the proper fees and that the repairs are being
14 done safely and they're being done in

15 accordance with the proper standards.

16 I will look forward to working with
17 them to tighten up the system. It's a good
18 point you brought up.

19 COUNCILMAN RIZZO: Well, thank
20 you. And also the Water Department, when they
21 rip up the street to do a repair, I believe
22 that they refer that repair back to the
23 Streets Department, and months and months and
24 months can go by before the repair is done.

25 I know they have a contract for

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2 emergencies to do repair. And, again, I don't
3 know whether it's a labor issue or what, who
4 has the responsibility, but many of these
5 obstructions just go on and on and on, damage
6 vehicle after vehicle after vehicle, and I
7 think it really gets people angry thinking
8 that we don't care.

9 I think that really we need to
10 develop a citywide process where the electric,
11 the gas, the water, the plumbers permits are
12 coordinated in a way where a temporary repair
13 is done appropriately until the permanent
14 repair is done.

15 Maybe the permit should require the
16 plumber to hire a subcontractor to do the
17 permanent repair. Again, it could be a labor
18 issue that I'm not aware of, but it can't
19 continue the way it's going, because it's
20 unfair to have all this vehicular damage,
21 people tripping and falling in some of these
22 excavations. I don't want to beat that to
23 death.

24 The next issue that I'd like to ask
25 is about the Accelerated Plan Review Program.

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2 Could you explain the Accelerated Plan Review
3 Program and how we are being appropriately
4 compensated for those accelerated reviews?
5 MR. PERRI: The Accelerated
6 Review Program, we started it in the
7 department in, I believe it was, 1993. And
8 what the program is, there's always
9 contractors, developers, builders that need to
10 get their project started right away. And in
11 the past, they would make phone calls, Can you
12 put my job ahead of somebody else's job.
13 So Commissioner Bennett Levin at the

14 time, he figured out a way. He said, Why
15 don't we try to institutionalize this. If
16 people need service, why don't we figure a way
17 of charging them additional fees and provide
18 them with the service that they're asking for.

19 So what we do with the Accelerated
20 Review Program, if the normal turnaround time
21 is not sufficient for your project, you can
22 voluntarily elect to pay an additional fee.
23 We will then take that job out of the normal
24 cue and assign it to an examiner, who works on
25 it on overtime, and you pay the fee before the

30

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2 permit is issued. The customer is satisfied
3 that they were able to get their hot project
4 done in a reasonable amount of time and yet
5 we're not taking away our resources from the
6 regular customers that come in and that don't
7 need to pay for an accelerated service.

8 COUNCILMAN RIZZO: Who manages
9 the overtime program? We just went through a
10 fiasco with another operating department where
11 employees were working overtime and we found
12 that the customer wasn't being billed.

13 Do you have some audit trail to make

14 sure that this program is running
15 appropriately where employees aren't being
16 paid and customers -- you hit it. I think you
17 said that they pay in advance. What happens
18 if there's more time required? How do you
19 know in advance how long it's going to take?
20 That's a ballpark, I would assume, and if it
21 runs longer, there's an additional bill?

22 I don't particularly like programs
23 like this, because it's too loose and too easy
24 to go off track.

25 MR. PERRI: Well --

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2 COUNCILMAN RIZZO: With the
3 financial condition of the City, the last
4 thing that we need is to pay employees and not
5 recover those expenses. I'm sorry to
6 interrupt you. Go ahead.

7 MR. PERRI: I'm sorry. I agree
8 with you. Actually, I feel it's a necessary
9 evil that we even have the program. In the
10 perfect world, we'd be able to turn
11 everybody's jobs around in two and three days,
12 but it's simply -- we don't have the resources

13 to do that. But the ultimate hook that we
14 have is that before we issue the permit, the
15 customer has to pay those fees.

16 Now, we charge a minimum for four
17 hours of review time, and in some cases, the
18 review goes longer than that. They get an
19 additional bill. The examiner holds the
20 project until all the fees are paid. And
21 that's been pretty airtight.

22 We have a clerk that's dedicated to
23 do nothing but the accounting on this program,
24 to make sure that the employees are being
25 compensated and for each project, that we're

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2 also receiving the payment from the customer.

3 So we have a dedicated employee that
4 does nothing but manage the program. And
5 ultimately they don't get the permit until
6 they pay the fees.

7 COUNCILMAN RIZZO: And we have
8 an employee that's dedicated to do this? Has
9 anyone ever looked to see the entire cost of
10 the administration of this program to see if
11 we're recovering all those expenses?

12 It's nice. From what I understand,

13 many developers or many people that apply for
14 permits use this program now as the way they
15 do business. They just like to be able to
16 have a person available to review their plan,
17 and if they have to pump extra money into the
18 project, they believe that it's to their
19 advantage.

20 Have we really taken a real good
21 hard look to see what this program costs to
22 make sure that the fees that you're charging
23 bring us revenue neutral or we make a few
24 bucks on it? I would hope we're making a few
25 bucks on it, because it sounds to me, and,

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2 again, I don't want to be critical, that this
3 is a program that could go off track if it's
4 not very, very, very carefully managed.

5 Again, we assume in many cases that
6 these are tight. Whoever would think that
7 this other department that I don't want to
8 mention by name would allow millions of
9 dollars not to be collected. So that's made
10 me very, very gun-shy about programs like
11 this.

12 MR. PROSPERO: Jerry Prospero.
13 Councilman, I could tell you that
14 over the last -- since the program has been in
15 existence, basically for every dollar that's
16 spent on overtime, the City of Philadelphia
17 receives in the General Fund between 2.50 and
18 \$3 back. So it's a revenue-generating
19 program.

20 MR. SOLVIBILE: And it covers
21 any expense that we have created with the
22 inspection, and it's a program that is
23 well-received. And I believe if we tried to
24 take it away, the developers in the City would
25 really protest, because it's beneficial to

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2 them. As I said in my testimony, a lot of
3 times they have a certain date they have to
4 start in their contract, and if they don't
5 start, they can lose X amount of dollars.
6 So it's real critical to this group
7 of people.

8 COUNCILMAN RIZZO: I'm not
9 suggesting to take it away, but I'm making
10 sure that a developer is compensating the City
11 appropriately.

12 Again, the person that you described
13 that's dedicated to it, sometimes we forget to
14 plug all the pieces when we come up with a
15 cost of a service, and I would hate to think
16 that we're having five people support this
17 program that we haven't calculated into the
18 rate that we're charging for the particular
19 service.

20 I'd like you to take a really hard
21 look at it to make sure that you've plugged in
22 all the pieces when you come up with the rate
23 that you're going to charge, the four hour
24 minimum.

25 MR. PROSPERO: Councilman, for

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2 fiscal year '04, we project generating \$1
3 million in fees associated with accelerated
4 reviews.

5 COUNCILMAN RIZZO: That's fine,
6 a million.

7 MR. SOLVIBILE: Councilman --

8 COUNCILMAN RIZZO: But I'm not
9 satisfied with that.

10 MR. SOLVIBILE: Councilman, I

11 think the answer is, it's a program that pays
12 for itself. We will give the Council
13 President the proof of that.

14 COUNCILMAN RIZZO: I'm not
15 expressing myself clearly.

16 MR. SOLVIBILE: And we've
17 calculated --

18 COUNCILMAN RIZZO: Just because
19 you're telling me you're making a million
20 bucks, I want to make sure you shouldn't be
21 making 5 million. Just because you're coming
22 in here telling me you're making a million
23 dollars on a program, that doesn't mean that
24 all of the pieces are together.

25 That million, if you maybe take a

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2 real hard look at it, could be 2 million, 3
3 million, 4 million, 5 million. Just because
4 you're making a couple extra bucks on a
5 program doesn't mean that it's running
6 properly. You could be making possibly more
7 money.

8 I don't want to argue with you. I
9 just want to make sure that you've got all the
10 pieces together and making sure that you're

11 collecting the right amount of money from
12 these developers, not giving them a discount.

13 MR. SOLVIBILE: We will do that
14 as a team, but I want it to be clear that we
15 can't be making money on what we're doing.
16 It's an expense. We have to make sure that
17 we're collecting the proper amount of money --

18 COUNCILMAN RIZZO: And I
19 haven't heard --

20 MR. SOLVIBILE: -- to cover the
21 costs, the extra costs, that are incurred.
22 And that's what we will do.

23 COUNCILMAN RIZZO: And, again,
24 this is one of these deals where you're going
25 to have to show me. I haven't heard you say

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2 that all of the support is appropriately being
3 billed to the developer. That's all I want to
4 make sure.

5 I want to make sure that two or
6 three pieces aren't being left out. Because,
7 again I repeat, that that million maybe should
8 be 2 million.

9 MR. SOLVIBILE: Absolutely. We

10 will do that and --

11 COUNCILMAN RIZZO: Thank you,
12 Madam Chair.

13 MR. SOLVIBILE: -- and get
14 Council President a report.

15 COUNCIL PRESIDENT VERNA: Thank
16 you.

17 The Chair recognizes Councilman
18 DiCicco.

19 COUNCILMAN DICICCO: Thank you,
20 Madam President, and good morning.

21 First of all, I want to commend you
22 on your intention to do the increased fines
23 for reinspection. I think that's been long
24 overdue. I just was curious as to how you got
25 to the 75 and the 150. I kind of think that's

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2 a little bit generous on your part, not being
3 critical. I don't know what the magic number
4 is or should be, but for some reason, I think
5 \$75 is not sufficient on a reinspection. And
6 if you pick up on the dialogue that you just
7 had with Councilman Rizzo, the cost of sending
8 an inspector out time and time again, I think
9 this may not even cover those costs.

10 MR. SOLVIBILE: We looked at
11 the present cost of a code violation notice as
12 being \$25 and we felt that the raising -- it's
13 a totally new program, whereas in the past we
14 never charged anything, Councilman, for second
15 and third.

16 COUNCILMAN DICICCO: I know.
17 And I do commend you for implementing this. I
18 just --

19 MR. SOLVIBILE: And also, we
20 feel that it's a starting point as a gauge.
21 We would go \$50 more and see if that's
22 sufficient.

23 COUNCILMAN DICICCO: Again, I
24 don't know what is sufficient, what people
25 will react to, but generally, I think any time

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2 you're under \$100, I think people kind of just
3 take it rather lightly. It's just an opinion
4 I'm sharing with you.

5 MR. SOLVIBILE: Thank you.

6 COUNCILMAN DICICCO: I kind of
7 like round numbers, maybe 100, 200 and then
8 300.

9 MR. SOLVIBILE: Well,
10 Councilman, I'm told that one of the answers
11 to Council President Verna's questions is that
12 when the bills would come to Council, I'm told
13 that our fee increase bills will be sent to
14 Council by the Administration tomorrow.

15 COUNCILMAN DICICCO: You spoke
16 earlier about the plan review and that some
17 people take the opportunity to do an
18 accelerated plan review. I think they pay a
19 few extra dollars.

20 One of the complaints that I get
21 from time to time for those folks who may not
22 pay the additional fee for the accelerated
23 review is, when a plan and review officer is
24 out on vacation, out sick time, the applicant
25 generally has to continue to wait for that

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2 person to return, because that's the only
3 person who had that plan.

4 Is there a way in which someone else
5 can maybe pick up that portion of the review
6 so that the applicant doesn't have to wait two
7 weeks for the plan and review person to return
8 from vacation?

9 They're entitled to vacation. We
10 understand that. But it just adds to the
11 frustration of the public when they
12 continually call and they're calling for Frank
13 DiCicco, he's not in today, or maybe he
14 doesn't get the message that he's on vacation,
15 or even if he does get the message, the
16 applicant, he won't be back for two weeks.
17 They throw their hands up and go, Another two
18 weeks I have to wait. And then to find out
19 when they come back that there's something
20 that needs to be changed, it piles on. It
21 layers on, layers on of the time that it
22 takes.

23 We understand that the review needs
24 to be done and needs to be done thoroughly for
25 a whole host of issues, including public

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2 safety, but the frustration level of the
3 public just gets to the point where they
4 think, It's the City employees, they don't
5 care about me, my application is probably in a
6 bin somewhere.

7 Is there a plan, a program? Is

8 there some discussion going on how we may be
9 able to give some relief, if you will, to the
10 applicant when it comes to those types of
11 issues?

12 MR. PERRI: David Perri, Deputy
13 Commissioner.

14 I understand the frustrations,
15 Councilman. I get the phone calls myself.
16 There's three pieces to this. Number one, I
17 ask the supervisors to keep track of
18 anticipated vacation time, and we try not to
19 give accelerated reviews too close to when a
20 person is going on vacation, because,
21 obviously, that's completely unfair to the
22 customer.

23 Secondly, what the accelerated
24 review is meant to do is meant to get you a
25 read on your project. Now, if for some reason

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2 your project is not code compliant or you did
3 not submit all the necessary information, we
4 will get a letter out, and at that point, your
5 accelerated review really ends at that point
6 in time. We've done the review. We've given
7 you a written letter of what you need. Now

8 you're basically in the cue with the regular
9 projects.

10 We do have very conscientious
11 supervisors in both zoning and in the building
12 unit, and if we get calls that, I paid for an
13 accelerated review and the examiner is on
14 vacation for the next week, I know personally
15 that those supervisors will take that job,
16 either reassign it or have it done themselves.
17 I've seen them do it on an occasional basis.

18 So we try to be absolutely customer
19 friendly and try to serve the customers to the
20 best of our ability. We try to manage when
21 the vacations come, we try to reassign the
22 projects and we try to give an applicant a
23 complete answer during the accelerated review
24 period.

25 COUNCILMAN DICICCO: Thank you.

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2 MR. SOLVIBILE: Also,
3 Councilman, as part of our computer
4 enhancement and study of the department, we
5 purchased a part of this -- when it's up and
6 running in that part of the department, in the

7 permit review part, it's called NAG, where
8 it's made for professional services where the
9 supervisor will be able to see -- it's in the
10 cue. There's a plan in the cue, and that that
11 day that gentleman or engineer is out sick,
12 and it will better enable -- or vacations
13 planned, it will better enable that manager
14 instead of having to use memory or people's
15 memory to tell them to manage the situation,
16 which should improve the situation you're
17 talking about greatly.

18 COUNCILMAN DICICCO: Thank you.
19 The other question, I want to go back to the
20 reinspection fees. The other point that I
21 meant to make and I failed to is that while
22 we're talking about increasing fees for
23 licenses for businesses, we are known as a
24 non-business-friendly City for lots of
25 different reasons. Not directly at L&I, but

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2 just in general, the taxing issues that we
3 have to deal with.
4 I would rather see the fees that we
5 currently have in place for an individual who
6 wants to open up a business either remain the

7 same or slightly increase, if we have to, and
8 make up the difference on the enforcement side
9 where those people are not complying and we
10 have to continually go back to try to get them
11 to come into compliance.

12 I think that's where the increase
13 should be, as opposed to on the initial desire
14 to open up a business, we should be more
15 business friendly. We shouldn't make it as
16 difficult as we have been over the years for
17 people to be able to obtain a license, or
18 anything for that matter. Again, because it
19 all fits into the cost of doing business in
20 the City of Philadelphia.

21 On the enforcement side, I think you
22 know, Guys, how I feel. When people aren't
23 complying, I think they should be hit with the
24 fullest extent of all the violations and all
25 the fees.

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2 So I think you might want to look at
3 that before the reinspection fees come over.
4 Increase that, keep the other stuff either
5 where it is or if you have to do an increase,

6 make it less than you're anticipating.

7 MR. SOLVIBILE: And as I said,
8 Council President was out of the chambers for
9 a minute, that the fee increases will come to
10 Council tomorrow for approval, and that can
11 all be done --

12 COUNCILMAN DICICCO: So we can
13 make the adjustment if Council agrees on the
14 reinspection fees.

15 The other piece I want to talk
16 about, you mentioned about encapsulation.
17 Give me a brief description of what takes
18 place with encapsulation, very brief, because
19 I have a point that I want to make and just
20 for the record.

21 MR. SOLVIBILE: Basically, we
22 attempt to make the property weather tight;
23 the roof; your favorite violation, the doors
24 and windows ordinance; and the drainage
25 system, to make sure it's properly flowing so

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2 it's not causing any damage, further damage,
3 to the property itself or to the adjacent
4 property.

5 COUNCILMAN DICICCO: So if we

6 have a building that has open windows and
7 doors, what do we do? What does the City do
8 in terms of encapsulation?

9 MR. SOLVIBILE: At the present
10 time, we have been, because of budget
11 constraints, sealing the property.

12 COUNCILMAN DICICCO: With
13 plywood?

14 MR. SOLVIBILE: With plywood,
15 painted plywood, to make it less noticeable to
16 the community.

17 COUNCILMAN DICICCO: I
18 understand. You want to secure the building.
19 Here's the point I'm making: You and I, we've
20 had a number of discussions over the last few
21 years and more recently about 639-41 Catharine
22 Street. I was in front of the L&I Review
23 Board on Monday afternoon. They voted in the
24 affirmative. You're clapping, I'm applauding.
25 When it's done, then I'll really applaud.

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2 MR. SOLVIBILE: Cross our
3 fingers, Councilman.

4 COUNCILMAN DICICCO: But the

5 point I'm making is, the owner of the
6 property, Mr. Orapallo, finally came in and he
7 cited a violation that he received a couple of
8 years ago from the department ordering him to
9 seal the property, and his argument was, I did
10 what I was asked to do, I sealed the property.
11 And he sealed it with plywood.

12 My point is, on the Broken Window
13 Bill 000404, we are requiring the property
14 owner to replace all openings with a door, a
15 window, whatever the case is. We are, in
16 effect, when we do the plywood sealing
17 violating the very law that we're asking other
18 people to comply with.

19 So there's a conflict, and I'm just
20 curious, I'm concerned about when these cases
21 get to court, on the one hand, we as the City
22 agency are securing these properties with
23 plywood or other materials and we're requiring
24 everybody else to replace the openings with a
25 door and/or window.

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2 MR. SOLVIBILE: Councilman --

3 COUNCILMAN DICICCO: I wonder
4 if we're going down a slippery slope here for

5 us. I'm just concerned.

6 MR. SOLVIBILE: With 639
7 Catharine, the answer to the violation notice
8 that he received originally was prior to the
9 ordinance being passed by Council.

10 COUNCILMAN DICICCO: No. No,
11 it's not. I beg to differ with you. It was
12 2002.

13 MR. SOLVIBILE: I believe that
14 there was an old violation on that.

15 COUNCILMAN DICICCO: It was in
16 2002. The ordinance I'm speaking to was
17 passed in the year 2000. And I'm not being
18 critical. I'm just trying to point this out,
19 that we -- and I'm not suggesting that we can
20 afford to do doors and windows on these
21 properties that we want to make secure, but it
22 does raise a serious issue in my mind about
23 legality and who is right and who is wrong in
24 this case.

25 MR. SOLVIBILE: The department

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2 will order the owner to put doors and windows.
3 If we have to secure it ourselves, we will put

4 plywood, because it is the owner's
5 responsibility, not the City's responsibility,
6 to comply with that violation. And we will,
7 as we said to you, increase the enforcement of
8 that ordinance and so on and so forth, but the
9 City itself will not do that for the owner.
10 It's the owner's responsibility.

11 COUNCILMAN DICICCO: I
12 understand that. Again, I'm not suggesting
13 that we should do it, because I don't think we
14 can afford to do it. I'm just concerned about
15 the conflict of how it's being handled. On
16 one hand, we're saying you have to do -- you
17 can't put plywood up, but in the other hand,
18 we as a City are putting plywood up. And so
19 it can be confusing. It was raised at the
20 hearing the other day.

21 MR. SOLVIBILE: I understand.
22 And I really believe, though, Councilman, the
23 answer to that is, it's the owner's obligation
24 to care for his property and not the City's.

25 COUNCILMAN DICICCO: Again,

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2 it's just something we have to be aware of and
3 pay attention to.

4 Councilwoman Blackwell mentioned
5 something about the hiring of two new people
6 in your department. I think earlier today in
7 the testimony you testified to Council
8 President that there's a reduction in --
9 you're losing six people, they're inspectors?

10 MR. SOLVIBILE: They won't be
11 inspectors. We have not at all lost -- we
12 have not taken from our inspection force for
13 the last five years. We have met and -- it
14 will be people who are non-inspectional will
15 be the ones we --

16 COUNCILMAN DICICCO: But your
17 department would be reducing by those six
18 positions?

19 MR. SOLVIBILE: Yes, sir.

20 COUNCILMAN DICICCO: The two
21 individual positions that are being hired, are
22 they within the department, from out of the
23 department? What is --

24 MR. SOLVIBILE: One lady, Ms.
25 Evans, is the Present Director of Contractual

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2 Services. She's right behind you. And the

3 other lady, Ms. Burns, is coming from the
4 Managing Director's Office. The Managing
5 Director has assigned her to License and
6 Inspections. And they will both serve on our
7 executive staff.

8 COUNCILMAN DICICCO: What will
9 their salaries be?

10 MR. SOLVIBILE: Not to be
11 determined, but I believe around 75. It's
12 still yet to be decided on by the Managing
13 Director, but I believe about \$75,000 each.

14 COUNCIL PRESIDENT VERNA: Whose
15 budget will they be on?

16 MR. SOLVIBILE: License and
17 Inspections.

18 Ms. Evans is presently in the
19 department's budget, and Ms. Burns will come
20 to --

21 COUNCILMAN DICICCO: So that's
22 a promotion then?

23 MR. SOLVIBILE: For Ms. Evans,
24 yes, sir.

25 COUNCILMAN DICICCO: So it's

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2 one promotion and one from outside your

3 department coming in; is that correct?

4 MR. SOLVIBILE: Outside the
5 department from the Managing Director's to
6 our --

7 COUNCILMAN DICICCO: Well,
8 outside L&I's department coming in?

9 MR. SOLVIBILE: Yes, sir.

10 COUNCILMAN DICICCO: So then
11 it's technically only an increase of one
12 position?

13 MR. SOLVIBILE: It will be an
14 increase of one position and I believe at the
15 end of the day will allow the department to
16 better manage itself and improve. The
17 improvement of both ladies in their experience
18 and knowledge and abilities will more than
19 increase our ability to function as a
20 department.

21 COUNCIL PRESIDENT VERNA: Are
22 they exempt positions?

23 MR. SOLVIBILE: Yes. Ms. Evans
24 is coming from a civil service to an exempt
25 and Ms. Burns is an exempt now, will come from

2 MD0 to our staff.

3 COUNCILMAN DICICCO: Council
4 President, I think Councilman Cohen is trying
5 to get your attention.

6 COUNCIL PRESIDENT VERNA: I'm
7 sorry. His light is not on. Oh, yes, it is.
8 I'm sorry.

9 Did you want to be recognized now or
10 your turn? Is there a question that you
11 wanted to ask, Councilman Cohen? You were
12 trying to get my attention, I'm told.

13 COUNCILMAN COHEN: No, I'm not.

14 COUNCIL PRESIDENT VERNA: Fine.

15 COUNCILMAN DICICCO: Was it in
16 reference to my question or just --

17 COUNCILMAN COHEN: No.

18 COUNCILMAN DICICCO: Okay.

19 Thank you.

20 I have no further questions, Madam
21 President.

22 MR. SOLVIBILE: Thank you,
23 Councilman.

24 COUNCIL PRESIDENT VERNA: How
25 many exempt positions are you allowed under

2 the Charter in your department?

3 MR. SOLVIBILE: I would have to
4 supply that answer, Council President. I'm
5 not at all sure of the answer. I believe it's
6 two.

7 It's not two. I believe in License
8 and Inspections we're allowed six exemptions,
9 but I would have to get you exact --

10 COUNCIL PRESIDENT VERNA: Under
11 the Charter?

12 MR. SOLVIBILE: Under the
13 Charter. I would have to get you the exact
14 amount. I'm not positive.

15 Council President, I'm told it's one
16 for each board. And we have the L&I Review
17 Board, the Zoning Board of Adjustment, and
18 also the Commissioners Office gets an exempt
19 position and the two Deputies.

20 COUNCIL PRESIDENT VERNA: The
21 Chair recognizes Councilman Nutter.

22 COUNCILMAN NUTTER: Thank you,
23 Madam Chair.

24 Commissioner, I'd like to go back to
25 a question that was asked earlier about the

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2 fees, the enhanced revenues the department is

3 supposed to generate.

4 Your testimony talks about

5 inspections and reinspections and a couple

6 other items. Can you give us a rundown on

7 exactly what the revenue enhancements are,

8 which fees are being increased, how many bills

9 are coming to Council and what the process was

10 to determine which fees would be increased?

11 MR. PROSPERO: Councilman,

12 Jerry Prospero.

13 We have five or six revenue

14 initiatives for fiscal year '05. They include

15 expansion of the Accelerated Review Program,

16 which we have estimated will add \$366,000 to

17 the General Fund revenue. We've proposed

18 increasing fees in the Accelerated Review

19 Program.

20 COUNCILMAN NUTTER: Can you get

21 a little closer to that mic? And I'm sorry.

22 I didn't catch your name.

23 MR. PROSPERO: Jerry Prospero.

24 COUNCILMAN NUTTER: Prospero?

25 MR. PROSPERO: Prospero.

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2 COUNCILMAN NUTTER: Got you.

3 Okay. Go ahead. I'm sorry. What's your
4 position?

5 MR. PROSPERO: Acting
6 Administrative Services Director.

7 We propose expanding the Accelerated
8 Review Program. That would add \$366,000 to
9 General Fund revenues. We've proposed
10 increasing fees associated with the
11 Accelerated Review Program.

12 COUNCILMAN NUTTER: Let me ask
13 you a quick question about that. What's
14 involved in the accelerated plan reviews?
15 What actually happens?

16 MR. PERRI: In the Accelerated
17 Plan Review Program, it usually applies to
18 larger projects that the normal review time
19 on, say, to issue the building permit may be
20 three to four weeks. In the Accelerated
21 Review Program --

22 COUNCILMAN NUTTER:
23 Commissioner, I'm sorry. I don't mean to
24 interrupt you, but let me try to better
25 understand that. Why would it take three to

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2 four weeks to issue a building permit?

3 MR. PERRI: Well, what happens
4 is, the construction season, it generally runs
5 from the middle of springtime into the early
6 fall, and we have -- you have a bubble of work
7 that comes through during those months. And
8 in order to do -- our review times increase
9 during those times of the year and they get
10 less in the winter months.

11 So during the summer months when we
12 see the most use of this program, it enables
13 somebody to get a review quicker than what our
14 normal review times would be.

15 It has to do with the construction
16 cycles. It has to do with people taking
17 vacation times in the summer.

18 MR. SOLVIBILE: And in some
19 cases --

20 COUNCILMAN NUTTER: I
21 understand about the summer, but I thought
22 your earlier testimony was the construction
23 season is, what, March to October, March to
24 November, something like that, people getting
25 permits are trying to get that last bit of

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2 project done before the frost?

3 MR. PERRI: Our major part of
4 the season would be from March to October.

5 COUNCILMAN NUTTER: And since
6 you know that, is it that it takes a long time
7 because we don't have enough people doing the
8 work during the peak seasons?

9 MR. PERRI: Well, we've
10 compared our review times to other cities,
11 other jurisdictions, and we're pretty much
12 right in where the average would be in a
13 three-week turnaround. It does take time to
14 do a review on a large-scale project.

15 COUNCILMAN NUTTER: Well, I
16 understand that. We know each other well
17 enough. I know all the gentlemen at the
18 table, except the gentleman on the corner, so
19 you won't take any of my questions personally
20 or directly, but I do have some questions
21 about this.

22 I mean, given the fact that there
23 was a newspaper story, I guess, recently that
24 Philadelphia lost more population as a county
25 than any other county in the United States of

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2 America since 2000, can we really afford to be
3 average?

4 MR. PERRI: I agree that we
5 need to be better than average.

6 COUNCILMAN NUTTER: Is there an
7 incentive to build in Philadelphia if it's
8 going to take you three to four weeks to get a
9 building permit?

10 MR. PERRI: One thing that I'm
11 actually proud of, if you look at our permit
12 numbers from back in the early '90s, we were
13 issuing about 7,500 permits, and we're issuing
14 close to 13,000 and we're able to do that with
15 an increase in staff. And one of the ways
16 we've been able to do that is to be able to
17 offer these accelerated plan reviews. It pays
18 for the employee overtime. It takes us
19 through the tough times.

20 COUNCILMAN NUTTER: I
21 understand that. On the builder's side,
22 though, look, if you want to get your project
23 done, I mean, you're obviously going to pay.
24 But, again, we've been faced at times with
25 being also fairly high cost.

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2 To get an enhanced service, you're
3 going to pay more to get your thing done, and
4 so the builder says, Fine, I've got to get it
5 done, I'm under whatever my deadline is, I'll
6 do it. They're not paying it really. They're
7 going to pass it on, and it just continues to
8 lift up that cost.

9 I don't disagree that we should have
10 accelerated review programs to help people get
11 things done, but I would suggest that in an
12 effort to make the place a lower-cost place to
13 function and operate as a more friendly place,
14 not that you folks aren't friendly, you're a
15 very friendly guy, but, again, whether it's a
16 citizen doing whatever they're doing or a
17 contractor, I do think that we need to try to
18 get ourselves in a situation where people are
19 not necessarily at additional costs seeing the
20 process move along a little quicker.

21 And if it is a personnel issue,
22 which I pretty much assume that it must be,
23 I'd be interested in hearing how we would --
24 if you had the opportunity to reduce that time
25 from three to four weeks to one to two, what

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2 would it take to do that, recognizing that you
3 have a period of time that you know from
4 history this is when this activity happens and
5 so you need more bodies and then in the out
6 seasons, you don't?

7 MR. PERRI: Two of the areas in
8 which we're trying to improve service without
9 hiring additional examiners, number one, we
10 have the Fast Form process, which allows
11 people to get their permits out at the
12 district office. They don't need plans for
13 those permits. You basically click off a
14 check box and pay your fee and you have your
15 permit issued instantaneously.

16 The second thing we've done, over
17 the years we've looked at areas in which we
18 can eliminate the plan review. Back in the
19 early '90s, approximately two-thirds of the
20 projects that came in for us to review needed
21 building plans with those projects. We've
22 effectively reduced that in half by coming up
23 with other ways for people to communicate to
24 us what their construction project is all
25 about.

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2 So we feel that we're doing a lot of
3 efforts to reduce costs for the builders by
4 not having to bring plans in on all kinds of
5 projects and finding other ways of getting
6 projects started and permits out the door, and
7 at the same time, we're not adding staff,
8 which would be a burden to the entire tax
9 base.

10 COUNCILMAN NUTTER: Sure. Let
11 me ask this question: For the many positive
12 things that you're doing, I'm going to
13 automatically assume that much of this
14 information is probably on the City's web
15 site. On the other hand, of all of the
16 millions of web sites out there, I make no
17 assumption that people are checking out
18 phila.gov on a regular basis.

19 What kinds of things or is anyone
20 talking with you within the department about
21 how we better publicize the advances that
22 you're making, the enhanced services that
23 you're looking to provide, whether it's
24 services online or things that you don't need
25 to come -- the horror story for most people

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2 is, I went to the basement of L&I or just to
3 the basement of MSB and I spent four hours
4 down there, I never got out.

5 How do we communicate with the
6 public that we're doing these kinds of things
7 and that you don't necessarily have to spend a
8 few hours down in the basement doing whatever
9 it is that people need to do down there?

10 MR. PERRI: We do have a pretty
11 extensive web site that has a lot of
12 information on there about our various
13 building permits and our programs. We made
14 the effort to have some of our literature
15 translated into non-English languages so that
16 we can reach out to groups that otherwise we
17 couldn't reach out to.

18 And I agree. I mean, we need to do
19 a better job with the web site, but the
20 information is there. This afternoon we're
21 holding -- actually, it's taking place now.
22 We've partnered with Drexel University to have
23 a seminar on the new building code, and myself
24 and some other key members will be at the
25 seminar this afternoon.

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2 We use Drexel to get the word out
3 about this seminar. Commissioner Solvibile
4 has been very proactive in meeting with the
5 media and getting stories out about the
6 department.

7 So we are making a conscious effort
8 to let the people know about L&I and the
9 services that are available.

10 MR. SOLVIBILE: And,
11 Councilman --

12 COUNCILMAN NUTTER: The
13 Commissioner is very camera friendly.

14 MR. SOLVIBILE: And we also
15 sent notice to our stakeholders of these
16 improvements we have in our process.

17 COUNCILMAN NUTTER: Okay.

18 Mr. Prospero -- I'm sorry;
19 Commissioner Perri, the people who do the
20 Accelerated Review Program, is that work
21 taking place during the normal work hours or
22 is that in a non-traditional work time on
23 overtime?

24 MR. PERRI: That work is done

25 on overtime. None of it is done during normal

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2 work hours.

3 COUNCILMAN NUTTER: Is the
4 accelerated review fee covering the total
5 overtime costs?

6 MR. PERRI: Yes. I believe our
7 multiplier was about 2.4 for last year,
8 meaning that the fees are about almost two and
9 a half times what the actual overtime cost is.

10 COUNCILMAN NUTTER: What I
11 would ask is if you would, working with your
12 other staff and through the department, if you
13 could forward to us through the Chair your
14 plans or ideas for how we would seek to
15 significantly reduce the average time that it
16 takes to issue a building permit or some of
17 the other more sought-after permits in a
18 fairly significant way, while not driving up
19 the cost of getting those documents.

20 We really have to drive down the
21 cost of people trying to do business in the
22 City. And I understand that's, to some
23 extent, in conflict with much of the testimony
24 here, because we're increasing a variety of

25 fees. So that will be quite interesting.

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2 Now, Mr. Prospero, Page 5 of this
3 testimony talks about expansion and increased
4 fees for code violation notice (ticket)
5 writing program. And I'm particularly
6 intrigued with this sentence: "The expansion
7 program will also require an increase in
8 Housing and Business Compliance inspector
9 ticket writing by 20 percent."

10 Are you now in the process of
11 establishing, for lack of better terms,
12 essentially a quota of ticket writing for your
13 inspectors?

14 MR. PROSPERO: Councilman, when
15 we took a look at the number of violations
16 that each of those units issued, in the
17 Housing unit, Business Compliance unit, across
18 the board, it was felt that at least in the
19 first year we started to issue -- at least in
20 the first year, if we started issuing tickets,
21 that there would be greater compliance brought
22 on by the issuance of these tickets.

23 COUNCILMAN NUTTER: Aren't you

24 already issuing tickets?

25 MR. PROSPERO: Correct. Yes,

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2 we are.

3 COUNCILMAN NUTTER: Okay. You
4 just said that if you started issuing tickets.

5 MR. PROSPERO: In the course of
6 a Housing inspector's duties during the course
7 of the day, he will be asked to look for those
8 situations that require the issuance of a
9 ticket. We assume that that number could
10 increase by approximately 20 percent.

11 COUNCILMAN NUTTER: And I guess
12 what I'm asking you is, if you're a Housing
13 inspector, aren't you supposed to be doing
14 that anyway?

15 MR. VERDI: Councilman, Dominic
16 Verdi.

17 They are supposed to -- they will
18 issue tickets for violations that we feel
19 would be better served with a CVN than trying
20 to get the case into court. There are some
21 situations where a CVN, there's no one to
22 write the CVN to. There's absentee landlords,
23 there's absentee owners. But we have sat and

24 talked to the Managers of both Business
25 Compliance and Housing, and they intend to

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2 increase the use of the CVNs.
3 COUNCILMAN NUTTER: Okay.
4 Let's go back to the original question,
5 though. I mean, you're going to leave me with
6 the impression, certainly from reading the
7 testimony, if not listening to some of the
8 responses, that we are, because of our
9 financial issues, we are now moving from a
10 realm of "We go out and do what we do because
11 we're in the public safety business" to "We
12 need money, and now when we go to your house,
13 we're going to look for every possible thing
14 that we can find in order to generate more
15 tickets, because I've now got a 20 percent
16 bump in what I'm supposed to write, because
17 the department is being pushed to generate
18 more revenue."

19 MR. SOLVIBILE: As we saw it in
20 our discussions about doing this, it's a way
21 to put more pressure on the owners to comply
22 with our violations and our public safety, our

23 nuisance violations that we write for high
24 weeds, high grass, trash in our communities
25 that really just tear down the fabric of the

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2 community. It's just a way to give them more
3 incentive to comply with what we're doing.
4 COUNCILMAN NUTTER: I
5 understand. How many tickets do we issue
6 annually or in a fiscal year?
7 MR. PROSPERO: I have that.
8 I'll get that to you. I have it here. It's
9 in these notes.
10 MR. VERDI: This year,
11 Councilman, if I'm not mistaken, it's
12 approximately 2,500 to 3,000.
13 COUNCILMAN NUTTER: That's all?
14 MR. VERDI: If I'm not
15 mistaken, that's all.
16 COUNCILMAN NUTTER: May I
17 just --
18 MR. SOLVIBILE: Councilman,
19 we'll provide that.
20 COUNCILMAN NUTTER: I'm not
21 complaining. If you're one of the people that
22 didn't get one, I guess you'd be happy, but

23 given the number of houses, the number of
24 inspections, I just assumed that, quite
25 honestly, the number would be much higher.

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2 MR. PROSPERO: Over the last
3 three years, we've issued almost 10,000.

4 COUNCILMAN NUTTER: Okay. And
5 what was the value of those?

6 MR. VERDI: The value of the
7 CVNs?

8 COUNCILMAN NUTTER: Yes.

9 MR. PROSPERO: Fiscal year '04
10 we received from revenue directly from the
11 issuance of CVNs \$37,000.

12 COUNCILMAN NUTTER: I
13 appreciate that response, but that wasn't my
14 question. My question was, what was the total
15 value of all the CVNs issued?

16 MR. SOLVIBILE: Councilman,
17 we'll get that answer to you.

18 COUNCILMAN NUTTER: So is your
19 response the answer to what would have been my
20 next question, which is how much did you
21 collect? \$37,000?

22 MR. PROSPERO: 37,000 is what
23 was collected fiscal year '04. To date, the
24 information that I have on that number is --
25 it's not through April. That would be through

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2 like February.
3 COUNCILMAN NUTTER: Well, I
4 understand that. Now, you say it was 10,000.
5 I'm looking at your five-year plan on Page
6 122. Your Key Performance Measurements
7 section indicates for Code Violation
8 Notices/Tickets issued for FY04, your original
9 projection was 2,100. Your current projection
10 is 2,600, and I thought you said 10,000.

11 MR. PROSPERO: What number are
12 we referring to?

13 COUNCILMAN NUTTER: I'm on Page
14 122 of the five-year plan. I asked you
15 earlier how many CVNs you issued in the last
16 fiscal year. You told me 10,000. The
17 five-year plan indicates that you anticipate
18 doing 2,600. I'm trying to understand.

19 MR. PROSPERO: We issued
20 between fiscal year '01 and fiscal year '03
21 just under 10,000 CVNs.

22 COUNCILMAN NUTTER: Okay.
23 MR. PROSPERO: We issued 9,998.
24 Approximately 3,200 of those were issued for
25 tobacco-type violations. Another 2,400 were

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2 issued for vacant lots, high weeds, that sort
3 of situation, and the remainder were for
4 licensing issues.
5 COUNCILMAN NUTTER: What about
6 just regular CVNs for basically property
7 violations or property maintenance code
8 violations?
9 MR. PROSPERO: Approximately a
10 third of them were for --
11 COUNCILMAN NUTTER: Because I
12 know my time probably expired a long time ago.
13 Why don't I, for a moment, take you out of
14 your misery. Why don't you just get us a
15 complete report and give it to the Chair.
16 MR. SOLVIBILE: We will do
17 that, Councilman.
18 COUNCILMAN NUTTER: Thanks.
19 I'll come back.
20 COUNCIL PRESIDENT VERNA: Thank

21 you.

22 The Chair recognizes Councilwoman

23 Tasco.

24 COUNCILWOMAN TASC0: Thank you.

25 Good morning.

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2 MR. SOLVIBILE: Good morning,
3 Councilwoman.

4 COUNCILWOMAN TASC0: I just
5 have a couple of questions.

6 During the Police Department's
7 testimony on April 19th, Commissioner Johnson
8 stated that the Police Department has
9 allocated funds to provide surveillance of
10 illegal short dumping of trash. How is this
11 initiative coordinated with L&I?

12 MR. VERDI: In some cases,
13 Councilwoman, the Police Department refers
14 over to us nuisance businesses or nuisance
15 properties. In some cases, if the person
16 dumping, they'll come to -- the Police
17 Department will discuss issues whether these
18 businesses or people that are dumping are
19 licensed in any way, and at that time, we will
20 look into removing their licenses as a public

21 nuisance.

22 COUNCILWOMAN TASC0: Well, how
23 do you interact --

24 MR. SOLVIBILE: And also the
25 Police Department under state law can

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2 confiscate the vehicle used to do the dumping.

3 COUNCILWOMAN TASC0: So how do
4 they coordinate with you?

5 MR. VERDI: The Police
6 Department coordinates with us in various
7 different ways. We coordinate on nuisance
8 locations, bars, businesses. And in this
9 case, they will refer to us on the illegal
10 dumpers. Say, for instance, it's a
11 contracting company that has a legal
12 contractor's license or a business privilege
13 license for other services in the City. If
14 they get caught dumping on a property and
15 they're short dumping, those people are turned
16 over to us and we look into immediate
17 revocation of their licenses to actually do
18 business in the City.

19 COUNCILWOMAN TASC0: Regarding

20 the CLIP program, I know that you're going to
21 target zip codes in the City. During the
22 discussion with the Managing Director, we
23 looked at the zip code map, which overlaps
24 Council districts.

25 How do you all plan to identify

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2 whether or not that you will reach a Council
3 district going solely by zip codes?
4 MR. SOLVIBILE: Our system,
5 whether -- the Managing Director is using the
6 zip codes, but in our system that we're
7 creating, we're created over Council
8 districts. We're aware if it's zip code at
9 19125 and it's on the cusp of two districts
10 what district it's in. So we would be aware
11 of that. Although they'll set up how we'll
12 make the inspection code, we will be aware and
13 the Managing Director will be aware of what
14 Council district we're in. And as I
15 understand it, they will work with that
16 Council person to insure that the violations
17 being written and the areas picked will be
18 areas that Council person wants us to be
19 active in.

20 COUNCILWOMAN TASC0: So tell
21 me, what do we get with the CLIP program?
22 What services are there?
23 MR. SOLVIBILE: It's a program
24 being still developed as we speak by the
25 Managing Director's Office, but as I

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2 understand it, what we'll get is the
3 nuisance-type violations that are in every
4 community, high weeds, trash in the yard,
5 violations of that sort. We'll be real
6 proactive. We'll write the violation, and if
7 the owner does not comply, there will be an
8 abatement of that situation.
9 And a program overseen --
10 coordinated by the Managing Director's Office,
11 it will not just be Licensing and Inspections
12 involved in CLIP. It's not now. Or the CLIP
13 expansion. It's the Streets Department, it's
14 the Water Department, the Police Department
15 for towing cars. It's a lot of agencies that
16 come under the jurisdiction of the Managing
17 Director and the program. That's why the
18 program will be coordinated through that

19 office.

20 COUNCILWOMAN TASCO: And I know
21 that. The organization or the program is not
22 yours, but what impact will it have on service
23 to other communities with no CLIP?

24 We have problems all over this City,
25 and I'm going to be asked to select an area

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2 for a CLIP program and I'd like to know what
3 impact that has on the other parts of my
4 district in terms of accessing service,
5 particularly for L&I services, and enforcement
6 throughout my district.

7 MR. SOLVIBILE: If a department
8 receives a complaint, wherever it is, we will
9 answer it and write the proper violations.
10 And the CLIP area expansion, they're being
11 more proactive, and I see that program is
12 eliminating a lot of complaints that we would
13 normally receive. We'll just be able to
14 attack the situation in a more efficient way.
15 From L&I's perspective, that we find the
16 violations before they're complained about,
17 hopefully, and get the enforcement action
18 that's needed or the abatement activity that's

19 needed to satisfy the community's desire to
20 have a better place to live.

21 COUNCILWOMAN TASC0: Tell me
22 about Logan. How are we going to deal when we
23 finish the demolition over there?

24 MR. SOLVIBILE: Hopefully by
25 the end of next year, with the plan demolition

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2 that NTI will take on and the emergency
3 demolition that License and Inspections will
4 take on, the triangle will have no buildings
5 that need to be still demolished. We'll have
6 it all done.

7 COUNCILWOMAN TASC0: You'll
8 have what?

9 MR. SOLVIBILE: The demolition
10 of the dangerous buildings in the Logan
11 triangle.

12 I'd have to get back to the Council
13 President with the number, but I believe right
14 now it's about 25 buildings, if my memory
15 serves me. Fourteen of the buildings will be
16 done under the program in the Logan area that
17 you're working on with NTI, Mr. McCullough and

18 Pat Smith presently, and that the others will
19 be done by License and Inspections contractual
20 services as emergency --

21 COUNCILWOMAN TASC0: In the
22 triangle?

23 MR. SOLVIBILE: Yes, ma'am.

24 COUNCILWOMAN TASC0: I think
25 that's all.

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2 COUNCIL PRESIDENT VERNA: Thank
3 you.

4 The Chair recognizes Councilman
5 Ramos.

6 COUNCILMAN RAMOS: Thank you,
7 Madam Chair.

8 Maybe Commissioner Solvibile can
9 help me with this one. The sale of cigarettes
10 to minors, what jurisdictions, if any, do you
11 have on the enforcement of this violation?
12 And this happens a lot throughout the City. I
13 know it happens in North Philadelphia a lot
14 where neighborhood stores sell packs of
15 cigarettes to minors and the loosies, the
16 loose cigarettes to kids as well.

17 Do you have any jurisdictions over

18 that?

19 MR. VERDI: Last year alone, I
20 think, if I'm not mistaken, we shut down 13
21 locations in the City for sale of cigarettes
22 to minors.

23 We have a partnership right now with
24 the Health Partners of the State of
25 Pennsylvania and also the Health Department

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2 locally where they send in young teenagers to
3 verify the fact that these cigarettes are
4 being sold, and the information comes back to
5 us, which in time an immediate ticket is or a
6 CVN is issued to that location.

7 After two infractions of that
8 ordinance, we then send out a letter to the
9 business explaining to them that if it's done
10 again, their business is in jeopardy of being
11 closed. And any further infractions after
12 that require immediate closure of the
13 business. And the only way those businesses
14 get reopened is through court order and an
15 agreement with the Law Department.

16 COUNCILMAN RAMOS: But you are

17 aware that this is still very widespread?

18 MR. VERDI: Yes, we are. We
19 just met with the Health Council last week,
20 and our rate throughout the state was at one
21 time 25 percent. I think we're back up to 40
22 percent. And we're looking into further
23 enforcement.

24 What we've asked for is to combine
25 our efforts and concentrate on the areas that

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2 we know have high rates of sale to minors.

3 COUNCILMAN RAMOS: I think this
4 is something that we definitely need L&I and
5 community groups to be of support to the
6 enforcement of this law, because we see this
7 as a major health issue in this City.

8 I have approached at least one group
9 of businesses and I have asked them to help
10 enforce this. They need to make sure that
11 among themselves they are enforcing themselves
12 and making sure that children are not being
13 sold cigarettes.

14 I would like to extend my hand to be
15 of whatever help I can be in the enforcement
16 of this law, and also that we need to shut

17 these places down and maybe we need to
18 consider a campaign where we set some time
19 aside this summer where we go after any store
20 in our neighborhoods in this City and close
21 them down once we have proof that they have,
22 in fact, sold cigarettes to minors, whether
23 loose cigarettes or packs of cigarettes.

24 MR. VERDI: Again, Councilman,
25 we've had this meeting last week and the

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2 Health Promotion Council is now in the process
3 of putting out information, advertising
4 information.

5 Also, they're going to offer all the
6 stores in the City -- if I'm not mistaken,
7 there's over 2,000 or 3,000 stores that sell
8 cigarettes or tobacco products -- classes on
9 what they can and cannot do according to their
10 license.

11 COUNCILMAN RAMOS: I think all
12 that is fine and dandy, but I'm not talking
13 about -- they're very complimentary and very
14 needed. What I'm talking about is start
15 closing these businesses down. Once it hits

16 them in the pocket, then they will realize
17 that they have to stop these activities in our
18 neighborhoods in Philadelphia.

19 All that is fine, but unless we
20 launch a campaign, and that's what I'm
21 recommending, that you launch a campaign of a
22 given period of time and do all the exposure
23 and all the media stuff that's needed and
24 promotion to get this message across, because
25 it is happening, and it's probably worse now

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2 than ever.
3 We have this growing population of
4 young folks in this City and they're being
5 sold cigarettes, loose cigarettes, packs of
6 cigarettes, every minute of the day. I'm of
7 the belief we have to do a whole lot better.
8 And I'm not just putting it on you. I believe
9 that this promotion has to be for the
10 community to get much more involved. Those
11 business associations have to patrol their own
12 people and make sure that they have
13 repercussions if they do not comply by the
14 standards that their business associations
15 have established.

16 MR. VERDI: Okay.

17 COUNCILMAN RAMOS: So are you

18 okay with this campaign? We ought to get

19 together and get this campaign going.

20 MR. VERDI: Absolutely.

21 MR. SOLVIBILE: Yes. We will

22 support --

23 COUNCILMAN RAMOS: If not, I'll

24 start the campaign myself and say you didn't

25 want to be a part of it.

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2 MR. SOLVIBILE: Councilman,

3 being an ex-smoker, knowing how hazardous it

4 is, I fully support it, because it is a habit,

5 an addiction that needs to be kept away from

6 our children.

7 COUNCILMAN RAMOS: Thank you.

8 In your five-year plan, you have an

9 item here on Page 122 in the five-year plan

10 book, it says Code Violation Notices/Tickets

11 Issued. It tells us how many tickets were

12 issued, but I don't know how many of these

13 tickets got paid.

14 MR. SOLVIBILE: We would have

15 to -- that is not something that's paid to
16 L&I. It's paid to Revenue, I believe, and
17 we'll have to get that information for you.

18 COUNCILMAN RAMOS: Can you get
19 that for me?

20 MR. SOLVIBILE: Absolutely.
21 We'll provide it to the Council President.

22 COUNCILMAN RAMOS: Thank you.
23 The other question was concerning -- you've
24 had a very long commendable tradition in clean
25 and seal and the demolition of abandoned

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2 properties in our City. And during these
3 testimonies during this budget hearing,
4 particularly when the representatives of NTI
5 came before us, we posed the question of your
6 workings with NTI.

7 Are you doing more of the work that
8 you have done fairly well over the years for
9 NTI at this point? I know you mentioned
10 something in your report here, in your
11 presentation, but it's not a whole lot.

12 I think the City of Philadelphia,
13 and some of my colleagues have expressed the
14 same concern, that we'd like to see L&I that

15 has done this over the years do more of this
16 in our NTI program. It's probably -- the
17 indication is probably more cost effective.

18 What is your role and has your role
19 been increased in the NTI, particularly the
20 demolition end of the work?

21 MR. SOLVIBILE: The NTI program
22 has only enhanced our license and inspections
23 effort. A building, we still supply the
24 building inspectors to go out and identify the
25 buildings, working with the Council people and

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2 the NTI staff, that need to be demolished. We
3 supply the inspector who oversees the
4 demolition contractor to insure that there's
5 compliance that the property is done right.

6 Matter of fact, yesterday there was
7 a statistic at a meeting I was at that the
8 number of claims about damage to the adjacent
9 property under the NTI program has gone down
10 considerably, and I believe the reason,
11 because each demolition project has to have
12 the L&I inspector on site. Whereas, in the
13 past, our inspectors had multiple sites and

14 multiple locations and could not spend every
15 day being at a site.

16 So I see it as being an improvement.
17 The system works. I like the way the planning
18 is done with the Council people, just not
19 reacting to a person's complaint or an
20 individual's, that we sit down and have a plan
21 discussion of what will be demolished.

22 Prior to the demolition package
23 being approved or submitted to Procurement,
24 the Council person whose district that is has
25 to sign off on the demolition that they agree

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2 these buildings be demolished. And to create
3 that list, we go door to door physically in
4 front of the properties and pick and choose
5 which is the worst of the worst, and they're
6 the properties to demolish.

7 So overall, Councilman, I just see
8 the NTI program as being a great enhancement
9 to what L&I's goal is to public safety.

10 COUNCILMAN RAMOS: So you have
11 more involvement with NTI now than at the
12 beginning of the program?

13 MR. SOLVIBILE: From the

14 beginning of the program, Councilman, I was
15 always involved. "I" representing the
16 department. L&I was always involved from day
17 one and had complete -- a seat at the table in
18 deciding how it would be set up and what we
19 would do. We were never not involved.

20 COUNCILMAN RAMOS: Thank you,
21 Madam Chair.

22 Thank you, Mr. Solvibile.

23 MR. SOLVIBILE: Thank you.

24 COUNCIL PRESIDENT VERNA:
25 You're welcome.

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2 The Chair recognizes Councilman
3 Cohen.

4 COUNCILMAN COHEN: Thank you,
5 Madam President.

6 Mr. Solvibile, I agree with the fact
7 that L&I has a pretty good record and has over
8 many years and that you've played a very
9 important part in achieving that record.

10 MR. SOLVIBILE: Thank you,
11 Councilman.

12 COUNCILMAN COHEN: However, I

13 am mystified by the notion that L&I has been
14 in the midst of the demolition program of NTI
15 since the beginning, because I remember
16 spending long periods of time questioning the
17 Administration on the NTI program and being
18 told that L&I would have nothing to do with it
19 and for good reason, because the
20 Administration didn't think it was good
21 enough, they didn't have enough experience and
22 they needed separate companies dealing with it
23 separately.

24 So apparently somehow or other, the
25 differences were bridged over and a place was

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2 found for L&I in the program, because we would
3 have had much more confidence in the NTI
4 program from the beginning on had we known of
5 L&I's involvement.

6 MR. SOLVIBILE: Councilman, the
7 only thing I can say to answer that is that
8 from day one of the NTI program, I represented
9 the Department of License and Inspections
10 sitting at the table. Weekly meetings when
11 Ms. Smith, the director of NTI, I'm not sure
12 if that's her proper title, when she first

13 came on board, I spent two weeks with her
14 touring the City of Philadelphia going from
15 place to place.

16 I just -- I'm mystified by how that
17 could be, because I was always involved and
18 obviously myself representing the Department
19 of Licensing and Inspections.

20 COUNCILMAN COHEN: Because
21 sometimes two different groups get two
22 different stories. We were told that L&I did
23 not have the experience to engage in a
24 large-scale demolition program and that what
25 was needed was a separate commercial

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2 component, not consisting of government people
3 at all, but a separate company set up. And
4 even though that company may have had no
5 experience in the past, it would be far better
6 than the L&I.

7 But we're delighted that something
8 happened along the way that overcame that. I
9 guess had we had better communication between
10 the Mayor and the Council, we would have
11 learned that sooner and many of our questions

12 might have been relieved.

13 But we were under the impression
14 that a company, I think called the Hill
15 International Company or something like
16 that --

17 MR. SOLVIBILE: That's correct,
18 Councilman, Hill.

19 COUNCILMAN COHEN: -- was
20 needed to run the show, because it was said
21 L&I had no way of running the show or handling
22 the matter. Were you in agreement with such a
23 conclusion?

24 MR. SOLVIBILE: I would add
25 that the Hill International has brought to the

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2 table in working with them a quality and
3 assistance to the department that the
4 department did not have as far as the
5 massiveness of the NTI program.

6 But I would disagree with any notion
7 that we were not involved from the beginning,
8 because as a fact, I sat personally on a panel
9 of about five different -- I think there was
10 six of us, that interviewed various companies
11 that would provide project management, and we

12 graded each company.

13 So it is an involvement from the
14 beginning. And I see the benefit of having
15 Hill to assist us in setting up the different
16 parts of the program that are really -- that
17 L&I would not be capable of doing.

18 We're capable of the bricks and the
19 demolition process and the overseeing of that,
20 but the planning and the creating of maps and
21 all and all the situations that would go into
22 supplying Council people with the information
23 they need to make informed decisions would be
24 beyond what L&I is capable of doing at the
25 present time with the staff we have.

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2 COUNCILMAN COHEN: Let me ask
3 you a very specific question. Is it your
4 feeling that the cost would have been as high
5 as it's been now if L&I had handled the matter
6 from the beginning on?

7 MR. SOLVIBILE: I believe the
8 cost of what it cost to demolish a building is
9 irregardless. Right now presently our average
10 cost on curbside demolitions is \$20,012 per

11 house, counting the stucco, the demolition,
12 the removal of asbestos, the investigation if
13 there's asbestos, and the NTI average cost is
14 roughly 22,000.

15 Now, their cost is higher because we
16 in our curbsides do not provide seeding for
17 grass nor fences. We just demolish the
18 building. So that's why their average cost --
19 our costs are similar, and that's the reason I
20 believe for the driving cost, is just the
21 demolition has -- the cost of providing that
22 and stuccoing the party walls has increased
23 greatly over the last few years.

24 To give you an example, Councilman,
25 stuccoing a party wall, the average cost was

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2 roughly, three years ago, \$4,500 a wall. It
3 is now averaging about approximately \$9,000 a
4 wall.

5 COUNCILMAN COHEN: But what
6 puzzled the Council, or at least a number of
7 individual members of Council, was that it
8 would seem to us that with the greater call
9 for more stuccoing and more demolition, we
10 were of the view that the costs were going to

11 go down, not up, and this whole schedule
12 seemed to be in reverse order, and we wondered
13 why was it that instead of volume decreasing
14 the costs, it seemed to be increasing the
15 costs.

16 MR. SOLVIBILE: I believe that
17 part of the answer is that several years ago,
18 the Philadelphia Police Department in
19 cooperation with L&I and also the District
20 Attorney's office did an investigation of
21 contractors and what they were doing, and
22 found that what they were putting in the holes
23 was not necessarily what we want in the holes,
24 in the cavities created by the demolition. It
25 wasn't all clean debris. Not necessarily

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2 unclean, but like wood, and you cannot have
3 wood in the hole. And they were filling the
4 holes with that, which would cut their dumping
5 costs.

6 With the DA and the Philadelphia
7 Police Department enforcing that strictly and
8 bringing a few companies to trial and a
9 conviction on one of them, that itself drove

10 up the cost of demolition from that moment on.

11 And then also with the better
12 ability for us to enforce what we're doing,
13 what the specs call for, by having our
14 inspectors on the job, also I would guess
15 drives up the cost, but provides a better
16 service to the homeowner, because if you
17 remember, I just said that the claims of
18 damage to adjacent properties is down
19 dramatically from the past because of the
20 inspector being on the site.

21 COUNCILMAN COHEN: Well, in the
22 days before you became Commissioner, I
23 remember there were many questions by City
24 Council in the old days, before NTI, as to why
25 the costs were as high as they then were,

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2 because the then costs, which is much less
3 than half of the current costs, seemed very
4 high, and we were told, Well, we can't get
5 contractors to build, to do the work. I think
6 at a time only one contractor was even bidding
7 on City contracts. And if only we could get
8 more contractors working in the field and add
9 more demolition, we could probably get the

10 costs down.

11 So many of us felt very comfortable
12 that with NTI engaging in an expanded program
13 for demolition, that would happen, but exactly
14 the reverse happened.

15 MR. SOLVIBILE: And not just
16 with NTI, Councilman, but as I said, in our
17 curbsides, which is separate, and I believe
18 there's 15 or 16 contractors on that list, we
19 call it the daily list that we pre-approve --
20 that we allow to bid on emergencies for us,
21 that that price went up, too.

22 So it's a matter of what the market
23 is calling for the price to be. And that's
24 the part that was unforeseen, at least in my
25 part, because I agree with you, I thought the

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2 price would come down. But I've been proven
3 wrong.

4 COUNCILMAN COHEN: All right.
5 Now let's go to another area. Tell me, how
6 does a homeowner or homeowners who have seen
7 building taking place, have never seen a
8 permit posted anywhere and they wonder what's

9 being built, how do they find out what it is
10 that's being built, whether it's permissible
11 or not, whether people have a permit?

12 MR. SOLVIBILE: There's a
13 requirement that the permit is posted, and
14 part of our enhancement of the code violation,
15 CVNs, this coming year and presently will be
16 that we will write violations against the
17 contractors for not or homeowners for not
18 posting the permits so the community is aware
19 of what's allowed to be built there. And if
20 there is a question, they can call us at
21 215-686-2463 and we will get the information
22 to them as to what is allowable at that site.

23 COUNCILMAN COHEN: All right.
24 Because there's a place on Kemble and 20th
25 Street that used to be called a Baby Doll Bar

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2 for many years, then it was left vacant, and
3 for the last couple of months, workmen, nobody
4 knows who they are, come in at various hours
5 of the day or night and start working. They
6 don't talk to anyone. Nobody has ever seen a
7 sign posted.

8 People in the community say they

9 have called L&I and got no answer. If you
10 could repeat the numbers again. Should they
11 ask for anybody in particular?

12 MR. SOLVIBILE: The number is
13 215-686-2463, and that's our general complaint
14 number, and the customer service
15 representative that answers the phone will
16 make sure that it gets to the right district
17 and the right person. And as far as the
18 address you just gave us, Deputy Commissioner
19 Perri will have it investigated and an answer
20 to Council President Verna and to your office
21 sometime today.

22 COUNCILMAN COHEN: That would
23 be very good.

24 Now, one last series of questions
25 relating to the billboards. On this occasion,

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2 I think I may have to be giving you some
3 congratulations. I sense over the last period
4 of time, maybe a year, maybe two years, there
5 seems to be a change of attitude and a more
6 law-abiding policy being followed.

7 In other words, apparently the laws

8 against illegal billboards at least seem to be
9 more enforced than they've been in a long
10 time, and I want to congratulate you for that.

11 MR. SOLVIBILE: Thank you.

12 COUNCILMAN COHEN: Because it's
13 been very embarrassing to have a period of
14 time where there were plain violations and
15 nobody doing anything.

16 MR. SOLVIBILE: Councilman --

17 COUNCILMAN COHEN: I hope I'm
18 not just wishfully dreaming that this is so
19 and that the facts are bearing it out, but
20 that seemed to be the conclusion.

21 MR. SOLVIBILE: The first day
22 that I was told by the Managing Director that
23 I'd be Acting Commissioner, I took a crash
24 course in signs, because, as you know, my
25 involvement with signs was very little, it was

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2 somewhat new, at least to me. And I would say
3 that Deputy Commissioner Perri has done a
4 great job and Deputy Commissioner Verdi, and
5 we have met with the Law Department and we're
6 now awaiting a plan of attack, a further plan
7 of attack.

8 And Deputy Commissioner Perri has
9 some stats that he could give you, but we're
10 going to be proactive in getting the signs
11 legalized and the ones that aren't capable of
12 being legalized or in the owners to be
13 demolished, and that plan is being worked out
14 with the Law Department as we speak.

15 COUNCILMAN COHEN: Well, I'm
16 very pleased to hear that, because one of the
17 embarrassing features was that despite a
18 Supreme Court ruling is the illegality of a
19 group of signs near the bridge, I think, near
20 Ben Franklin Bridge. The City seemed to be
21 taking the position that it didn't matter and
22 they were going to ignore the Supreme Court
23 decision. And that's very embarrassing to the
24 whole legal fraternity, to have a decision of
25 the Supreme Court not enforced. So we want to

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2 congratulate you and hope that that continues.
3 And one last question on that. Who
4 would know what kind of revenue is derived
5 from the signs? For example, I understood
6 there were a group of delinquent billboard

7 owners, I'm not sure exactly who they were,
8 who were taken to court for either having
9 illegally posted billboards who created them
10 and there was some kind of a hearing, they
11 were fined. Who would know whether the fines
12 were paid? Because in the past when there
13 have been fines, they've also been routinely
14 ignored.

15 Would your department be in a
16 position to determine whether the fines were
17 actually paid?

18 MR. SOLVIBILE: We would have
19 to ask the Law Department for that input, and
20 we will provide it to Council President so she
21 can share it.

22 COUNCILMAN COHEN: We would be
23 very appreciative. In the meantime, we
24 appreciate very much apparently the changed
25 approach, which we think is a healthy one for

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2 the City of Philadelphia. Thank you very
3 much.

4 MR. SOLVIBILE: Thank you,
5 Councilman.

6 COUNCILMAN COHEN: Thank you,

7 Madam President.

8 MR. MCPHERSON: Councilman

9 Rizzo.

10 COUNCILMAN RIZZO: Thank you.

11 Just to follow up before I get into
12 the questions that I have, sometimes it amazes
13 me when I report construction to L&I and a
14 person is putting an addition or doing
15 something very obvious that is taking -- it's
16 not just a small over-the-weekend sneak-it-in
17 type job, that we call and find out that no
18 one has reported it before a member of City
19 Council.

20 What are you doing proactively to
21 see the things that our constituents see? It
22 amazes me that time after time after time
23 walls being built or a retaining wall or some
24 type of construction, that we're the first
25 person to see it or report it.

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2 What are the employees of L&I -- I
3 hope as a work force, that you're all the eyes
4 and ears of the City and when you see
5 something, you report it.

6 MR. SOLVIBILE: Our inspectors
7 in the district, our building inspectors, are
8 assigned areas, and from going to stop to stop
9 and job to job, they know their area. If they
10 see construction, they will stop and put a
11 cease operations on it. We do that
12 frequently. That's part of their job to do
13 that, and I believe that they do it rather
14 well.

15 We can give you the stats of --

16 COUNCILMAN RIZZO: Whoa. If a
17 building has a second floor being put on it
18 and a member of City Council calls and they're
19 told this is the first we've known about it,
20 somebody is not doing what they're supposed to
21 be doing here.

22 How a job could go on for two weeks,
23 I'm not going to be specific, and me be the
24 first one to report it, somebody has got
25 sunglasses on.

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2 MR. PERRI: Deputy Commissioner
3 David Perri.

4 Councilman, just to give you a
5 little bit of background statistics, we have

6 29 building inspectors for the entire City.

7 COUNCILMAN RIZZO: How many
8 employees do you have in L&I?

9 MR. PERRI: There's 392.

10 COUNCILMAN RIZZO: All 392
11 should be looking.

12 MR. SOLVIBILE: Well, not all
13 392 would know if the permit is --

14 COUNCILMAN RIZZO: No, no. I'm
15 just talking about question it. If you have
16 something on your way to work that you see
17 being done, I think that you have the inside
18 track in e-mailing or asking the building
19 inspector or the supervisor of the building
20 inspector to check it out to see if there's an
21 appropriate permit.

22 I'm talking about all employees.
23 The Streets Department, when they see a
24 pothole or a stop sign down, they don't wait
25 for an employee that's responsible at the sign

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2 shop to report the sign down.

3 What I'm trying to say is, if
4 members of Council and members of Council

5 staff are seeing this stuff, all the people
6 that work -- I'm not talking about the
7 secretarial force. I'm talking about the
8 people that are intimately involved in the L&I
9 process. They should see this stuff and
10 report it at least to check it out.

11 MR. PERRI: Councilman, to
12 follow up a little bit on that, what we see as
13 a key to making sure that these jobs can be
14 identified readily is the initiative that
15 we're undertaking this year to make sure that
16 people post their permits. I mean, it will
17 enable us to at a glance know if a job is
18 illegal or not without even stopping.

19 So we're going to make a deliberate
20 effort this summer that if we get calls or
21 know about jobs that are working without
22 permits, that they will be getting a \$75
23 ticket for not posting it.

24 If jobs are working with a permit
25 but they're not posting it, there will be a

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2 \$75 ticket assessed to try to encourage
3 contractors and building owners to post their
4 permits so we can at a glance know which ones

5 are legal and which ones aren't.

6 COUNCILMAN RIZZO:

7 Commissioner, do you ever have people use an
8 old permit just to try to do what you say,
9 satisfy the person because it's a ride-by,
10 they see the orange sign, it was from two jobs
11 ago?

12 I mean, I think people really have
13 to look to see if it's the real deal or not.

14 COUNCILMAN MARIANO:

15 Councilman, could I --

16 COUNCILMAN RIZZO: Sure.

17 Absolutely.

18 COUNCILMAN MARIANO: I'll only
19 do this because I love Councilman Rizzo.

20 Is there any way we can put this
21 online so while your secretaries aren't
22 getting in car accidents when they're home
23 looking for buildings falling down? I mean,
24 seriously, if we go on the computer -- don't
25 tell anybody, but I just came from LA. They

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2 do it in LA. You know how I said LA? I just
3 worked. I was in Los Angeles. They do it

4 there.

5 So if my friend Janice, who works in
6 one of your guy's office, I don't want her to
7 get in a car accident when she's riding home
8 tonight looking for buildings.

9 Now, I know Councilman Rizzo means
10 well. He really means well. And he's right.
11 Everybody should be looking for these things,
12 but that would alleviate fake permits. It
13 could be online. So if I live in a
14 neighborhood, either I'm a Council person or
15 just a concerned citizen, a committee person,
16 a block captain, what are they doing. It's
17 better than clogging up your phones.

18 We talked about that before.

19 MR. PERRI: The whole purpose
20 of our computerization is to allow us to
21 collect this data and make it available
22 online. That's one of the goals. That
23 anybody should be able to look up a given
24 address and know if a permit was obtained.

25 I mean, that is one of the goals.

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2 It's one of the keys of the department
3 becoming automated.

4 COUNCILMAN RIZZO: Well --

5 MR. SOLVIBILE: And my further
6 answer to Councilman Mariano is that in LA
7 they're using the same system that we're now
8 implementing and we'll be able to duplicate
9 whatever LA is doing, only we'll be doing it
10 better because it's newer.

11 COUNCILMAN MARIANO: Only
12 without the blonds in Malibu.

13 MR. SOLVIBILE: There you go.

14 COUNCILMAN RIZZO: There's a
15 new committee here in Council. It's called
16 the Technology and Information Committee, and
17 we're planning to bring you in to talk about
18 technology and where you are, but I'm not
19 finished with the proactive side of L&I.

20 And, Councilman Mariano, I exempted
21 the secretaries in my statement.

22 But my point being is, it's kind of
23 distressing when you're the first after
24 observing something going on for a week, two
25 weeks, ten days and no one else saw it. And

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2 you know what people sometimes suggest, that

3 we sometimes only see what we want to see.

4 And I know that that's not the case, but many
5 people are very -- that's the conditioning
6 that they've come to accept in some big
7 cities.

8 So I want to make sure that we do
9 have everybody engaged that's the appropriate
10 people, that when they see something, e-mail,
11 voice mail, have somebody check it out.

12 MR. SOLVIBILE: Absolutely.

13 It's a great suggestion, Councilman, and as
14 Deputy Commissioner Perri has just stated,
15 with the enforcement of making sure that
16 permits are posted that are legal, that this
17 will help us and the counterfeit, people have
18 used counterfeit permits and we pick it up in
19 about two seconds. And with our new system
20 that's coming online, it's going to be more
21 difficult for people to counterfeit and it
22 will be easier for us to catch it, because the
23 inspector in the field will not have to use
24 his or her memory, it will be right there in
25 their hand-held or their computer that they

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2 have that that building is legally permitted.

3 So we're getting there, and in
4 August of '05 is when we're due to be fully
5 operational in our Hanson system and our new
6 computerization system, and between now and
7 then, we'll have certain phases that come
8 online and will be operational, and we'll
9 obviously share that with Council.

10 MR. PERRI: And just one more
11 thing on that. We also have a training class
12 of building inspectors. When we hire building
13 inspectors now, they come in as trainees.
14 They have to pass certain modules in order to
15 become a full-fledged building inspector.

16 But what we have them do is do
17 patrol inspections, looking for illegal work.
18 They go up and down the streets. They go look
19 at the loading docks. They look for work
20 being done without permits. They also look
21 for licenses for contractors. And it's been
22 successful. And we currently have a trainee
23 class that's coming through the department and
24 we're able to use them effectively in doing
25 these type of patrol inspections.

2 COUNCILMAN RIZZO: That's
3 great.

4 MR. SOLVIBILE: Also,
5 Councilman, if I could add one thing to that,
6 please. The department, in cooperation with
7 Drexel University, has created a License and
8 Inspections University at Drexel where we've
9 had recently ten individuals who graduated
10 that program and passed the required modules
11 at Drexel to receive a certificate. One of
12 the people that were in that program,
13 Inspector DiPietro from Center City District
14 in making a routine inspection, found that the
15 illegal construction, I might add, on a
16 complaint from within the department that the
17 chimney was blocked and it was an occupied
18 property and there was carbon monoxide
19 poisoning going into the property.

20 He evacuated the property, and that
21 was not an easy part of the inspection to
22 find, saved at least eight people's lives in
23 doing his job. And I would suggest that the
24 men and women in License and Inspections all
25 have that same commitment to public safety and

2 they're not trained to look away. We don't
3 want them looking the other way or putting
4 sunglasses on. We want them to be proactive
5 and to stop anything that's illegal and not
6 being done properly.

7 COUNCILMAN RIZZO: Well, that's
8 good, because there's nothing more important
9 than being proactive.

10 Something else that I thought was
11 good that I saw in another jurisdiction, a lot
12 of people that do what you do now refer to
13 their operations as code enforcement. I like
14 that. Is that something that we have
15 considered or terminology that we have started
16 to use? Because many jurisdictions throughout
17 the state, New Jersey refer to the people out
18 on the street, the inspectors, as code
19 enforcement.

20 Is that a term that we use at all or
21 considering?

22 MR. PERRI: It's a term that
23 we're working into the department. We call
24 them code officials, and that implies a
25 certain amount of impartiality when they're

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2 doing these inspections and it also implies a
3 professionalism. It's more than just being a
4 building inspector. They're code officials.
5 And even though I slip myself, that's how we
6 want to address the individuals that work for
7 our department.

8 COUNCILMAN RIZZO: My last
9 question is, I believe it's to Commissioner
10 Perri, could you give me an update on the
11 conversations with the Planning Commission and
12 the Department of Licenses and Inspection with
13 the proliferation -- we talked about
14 billboards earlier -- the proliferation of
15 wireless antennas that are being attached to
16 everything that's above a few feet off the
17 ground anymore? Everywhere you go, abandoned
18 buildings, smoke stacks, billboards, you name
19 it, wireless antennas to support that
20 technology is everywhere, everywhere you look,
21 around the perimeter, atop of buildings.

22 My initial concern when I met with
23 you was what are we doing to insure the
24 integrity of those installations so some day
25 we don't have one of them coming down on the

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2 sidewalk and kill someone. And, again, it
3 seems as though we wait until a tragedy occurs
4 until we look at an issue, and then all the
5 sudden millions of dollars are spent, a lot of
6 panic and immediate reaction to work people
7 ten days straight to go inspect every one
8 that's out there.

9 It looks terrible. The Planning
10 Commission, I believe, agreed with that, that
11 the way these things are being nailed to
12 everything that, again, exists -- and for the
13 people listening, I'm talking about these big
14 boxes that are attached to the side of the
15 building to support cell telephones and other
16 wireless communications. They are everywhere.
17 Water towers, 360 degrees around them.

18 I really think that we need to get
19 this under control, A, for safety reasons;
20 two, for anesthetics, and I think it also
21 maybe require a permit to put them up. I know
22 presently it's kind of loose.

23 Could you just bring us up to date
24 on this?

25 MR. PERRI: I haven't had any

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2 recent conversations with the Planning
3 Commission, but we have found that the vast
4 majority of these wireless operations is City
5 obtained permits. They obtained both the
6 zoning and building permit for the
7 installation of these wireless facilities.

8 Most of the ones you're seeing today
9 are basically the antennas with an equipment
10 box. Years ago you were seeing a lot of the
11 larger holes and the erector set type towers.
12 There's very, very few of those going up
13 today, and most of them are light-weight
14 antennas. And the zoning code is quite
15 liberal on where those can be located,
16 because, in general, wireless communications
17 are protected under the Federal Wireless
18 Telecommunications Act.

19 COUNCILMAN RIZZO: Well, I
20 really think that even though what you've just
21 stated is correct -- and the reason they're
22 using the buildings to attach them, it's
23 cheaper than erecting a unipole, a monopole or
24 some other way of supporting the technology.
25 So to pay someone 500 a month to attach these

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2 antennas and put an equipment box -- I believe
3 there was a height restriction of four feet,
4 six feet, couldn't be any higher than that. I
5 can't remember.

6 But I really think that we need to
7 focus on this before the City becomes
8 cluttered with these antennas. It's cluttered
9 already, and I don't think we can dig our way
10 out of that.

11 COUNCIL PRESIDENT VERNA: Thank
12 you. Councilman Rizzo, I believe Councilman
13 Cohen has a question or a point of order.

14 COUNCILMAN COHEN: It's a
15 question.

16 COUNCILMAN RIZZO: No problem,
17 Madam President.

18 COUNCIL PRESIDENT VERNA: It's
19 a question on the same issue, sir? On the
20 same issue as Councilman Rizzo is addressing?

21 COUNCILMAN COHEN: No. It's a
22 follow up on a question I did not ask before.

23 COUNCILMAN RIZZO: I'm
24 finished. I just wanted to see if we could
25 get together with the Planning Commission and

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2 the Department of Licenses and Inspection just
3 to tighten this process up a bit.

4 COUNCIL PRESIDENT VERNA: Very
5 well.

6 Councilman Cohen, you're not next,
7 but go ahead.

8 COUNCILMAN COHEN:
9 Commissioner, let me ask this: In the event a
10 court finds that a billboard is wrongly posted
11 or your records show and it doesn't go to
12 court, do you have any need for additional
13 legal support to enable you to take down the
14 sign?

15 For example, as soon as a court
16 finds that the sign is illegal or you
17 determine it in the department, you have the
18 right to order the sign removed by the company
19 that put up the sign. You also have the right
20 to impose a penalty. For example, it's
21 getting common these days to prevent stalling
22 by people who don't like the decisions of
23 courts to just appeal cases, because they take
24 time to be heard. So courts increasingly are
25 adding a provision that says you forfeit any

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2 funds you earned during the appeal time. In
3 fact, some courts are saying you not only
4 forfeit the money, but you have to pay
5 interest because you owed us that money as
6 soon as you earned -- as soon as it became
7 due. And you can't keep it, because otherwise
8 you're profiteering by stalling on appeal.

9 So I'm asking, do you need help? Is
10 there any change in the law you need?

11 The City has always had the right to
12 impose a lien. If a company puts on a sign
13 that's illegal and refuses to take it down,
14 you can lien them for the cost of it if you go
15 ahead and clear it.

16 MR. SOLVIBILE: We --

17 COUNCILMAN COHEN: I'm thinking
18 of ways to do it without the City having to
19 expend the money in the first place.

20 MR. SOLVIBILE: I understand.
21 The Law Department, as I said earlier,
22 Councilman, the Law Department and License and
23 Inspections and the Managing Director's Office
24 have met on this very subject, and the Law
25 Department is coming up with a plan of attack

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2 that legally and enforcement-wise that we can
3 enter into, and I would best ask that question
4 to be answered by them to answer your
5 question. I really feel it's beyond my
6 capability to answer.

7 COUNCILMAN COHEN: I would then
8 like to suggest that you inform them of the
9 suggestion I've made. If they want, I'll be
10 ready to go into it more fully with them.

11 MR. SOLVIBILE: Absolutely,
12 Councilman, I will.

13 COUNCILMAN COHEN: Because
14 right now, it often takes three or four years
15 to get an appeal through the courts, and all
16 that time the company is illegally collecting
17 payments from it. And to prevent them from
18 using that to their benefit, it ought to be
19 used for the benefit of the City. The City
20 can be entitled to get that money together
21 with interest. And that will discourage the
22 appeals. And then if there's any -- I hope
23 you will also raise with the Law Department, I
24 don't understand why the City can't
25 immediately move, because if a company that

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2 we're doing business with regularly has put up
3 this wrong sign, you can lien them for this
4 money of removing the sign and demand that
5 they pay for it right away.

6 MR. SOLVIBILE: In License and
7 Inspections' budget, there's absolutely no
8 money for the removal of signs.

9 COUNCILMAN COHEN: All right.

10 COUNCIL PRESIDENT VERNA:
11 Councilman Cohen, I think that what is being
12 suggested is that this issue be addressed when
13 the Law Department comes before us.

14 COUNCILMAN COHEN: I didn't get
15 that question.

16 COUNCIL PRESIDENT VERNA: It's
17 not a question. I said I believe that what is
18 being said is that your question would be best
19 addressed when the Law Department comes in to
20 testify.

21 COUNCILMAN COHEN: Well, no. I
22 think it's best addressed by the agency that
23 has the duty under the law to accomplish an
24 orderly procedure of legal signs and
25 preventing illegal signs from occurring.

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2 COUNCILMAN MARIANO: Point of
3 clarification --

4 COUNCIL PRESIDENT VERNA: The
5 Chair recognizes Councilman Mariano for a
6 point of --

7 COUNCILMAN MARIANO:
8 Councilman, not to step on you, but I think
9 the Commissioner just answered that he agrees
10 with you and he just is not a lawyer. Nobody
11 sitting there is a lawyer.

12 COUNCILMAN COHEN: No. All I'm
13 suggesting is that they raise it with the Law
14 Department.

15 MR. SOLVIBILE: We have and we
16 will, and I'm sure that I will bring your
17 concerns to them and they'll be prepared
18 hopefully when they come here to provide an
19 answer to you as to your question.

20 COUNCILMAN COHEN: Okay. Well,
21 what I'm trying -- I guess I'm not putting it
22 forth yet. I don't believe it appropriate for
23 your department to be quiet and just say,
24 Well, there's an illegal sign, there's nothing
25 we can do with it. I think you've got to

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2 indicate to the Law Department that you
3 believe something has to be done and you're
4 offering them one opportunity to see whether
5 that works.

6 MR. SOLVIBILE: Also,
7 Councilman, in our budget, there is absolutely
8 no money for the removal of signs that we
9 could tap into to remove signs. All the money
10 that we have in our department is geared
11 towards removal of dangerous buildings, not
12 the removal of signs.

13 COUNCILMAN COHEN: Well, then
14 you would like an ordinance produced that
15 would give you that power?

16 COUNCILMAN MARIANO: I think he
17 needs money, Councilman.

18 COUNCILMAN COHEN: Well, then
19 we'd have to budget it, because we'd make a
20 lot of money in return, because we would be
21 getting the profits that the companies get by
22 illegally stalling on appeals.

23 MR. SOLVIBILE: I personally
24 would prefer that the enforcement process

25 using the courts be used to require owners to

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2 remove the signs, in that it's a situation
3 where it's not easily -- it seems easy to just
4 say, Well, remove the sign, but it's
5 probably -- it is definitely more complicated
6 than just saying that we'll remove it and
7 everything will be fine.

8 COUNCILMAN COHEN: No, but I
9 think the enforcing department has a
10 responsibility to make clear that the L&I
11 Department, which I say enforces the sign law,
12 has a responsibility for making clear to the
13 Law Department that the current system of
14 enforcement takes many years, isn't there a
15 better way and offering them a suggestion.
16 I'm not saying that you do the enforcement
17 yourself.

18 MR. PERRI: Councilman, David
19 Perri, Deputy Commissioner --

20 COUNCILMAN MARIANO: Can I
21 speak to a point of order?

22 Councilman, you asked a point of
23 information and I was okay with that.
24 Councilman Nutter's turn, then mine, then we

25 go back to you. I know it's an important

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2 thing that you're doing here, but we all have
3 things to do and you can ask those questions
4 after we're done. Would that be fair?

5 COUNCILMAN COHEN: No, it's not
6 fair.

7 COUNCILMAN MARIANO: Well, then
8 you know what's not fair? That Nutter is next
9 and I'm after him. So you had a turn, so
10 let's do Nutter, then me and then we'll do it.
11 You're beating these guys up for nothing.
12 They agree with you.

13 COUNCILMAN COHEN: I'm not
14 beating anybody up.

15 COUNCILMAN MARIANO: They agree
16 with you, Councilman. They agree with you.

17 COUNCILMAN COHEN: I'm trying
18 to making something clear.

19 COUNCILMAN MARIANO: We all
20 agree with you, but you got to take a turn.
21 You asked for --

22 COUNCILMAN COHEN: Rick --

23 COUNCILMAN MARIANO: You asked

24 for a point of information.

25 COUNCILMAN COHEN: It's very

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2 difficult --

3 COUNCILMAN MARIANO: You asked
4 for a point of order.

5 COUNCILMAN COHEN: You want to
6 spend a lot of time --

7 COUNCIL PRESIDENT VERNA:
8 Councilman --

9 COUNCILMAN COHEN: You want to
10 spend a lot of time arguing.

11 COUNCIL PRESIDENT VERNA:
12 Councilman --

13 COUNCILMAN MARIANO: My time is
14 important. I got things to do. I got
15 questions just like everyone else and I'm
16 willing to sit here, but not for him to badger
17 these people over a point of information.

18 COUNCILMAN COHEN: They're not
19 being badgered. They're being --

20 COUNCILMAN MARIANO: Well
21 beyond a point of information.

22 COUNCILMAN COHEN: They're
23 facing suggestions.

24 COUNCILMAN MARIANO: It's not
25 the point, Councilman. You're out of order.

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2 COUNCILMAN COHEN: Rick, they
3 don't really need your help --

4 COUNCILMAN MARIANO: You're out
5 of order.

6 COUNCILMAN COHEN: -- and
7 you're not helping them.

8 COUNCILMAN MARIANO: You're out
9 of order.

10 COUNCIL PRESIDENT VERNA:
11 Councilman Cohen, I think you had asked for a
12 point of order. Actually, Councilman Nutter
13 was next, then Councilman Mariano and then
14 you. And I thought your point of order would
15 be following what Councilman Rizzo was asking.

16 So rather than belabor this issue, I
17 think it was asked. I think we have to move
18 on to the --

19 COUNCILMAN COHEN: I don't
20 think it's belaboring an issue when we're
21 trying to get something --

22 COUNCIL PRESIDENT VERNA: But

23 it wasn't your turn.
24 COUNCILMAN COHEN: Well, you
25 asked me to speak.

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2 COUNCIL PRESIDENT VERNA: I
3 didn't ask you to speak. You raised your
4 hand --
5 COUNCILMAN COHEN: I did not
6 say it was following up Rizzo. I said it was
7 following up my own question.
8 COUNCIL PRESIDENT VERNA:
9 Well --
10 COUNCILMAN MARIANO: In turn.
11 COUNCILMAN COHEN: You asked
12 whether I was following up with Rizzo, and I
13 said no.
14 COUNCIL PRESIDENT VERNA:
15 Councilman Rizzo?
16 COUNCILMAN COHEN: Because I
17 wasn't.
18 COUNCILMAN RIZZO: When
19 Councilman Cohen --
20 COUNCILMAN COHEN: But he asked
21 a question.
22 COUNCILMAN RIZZO: -- asked for

23 the point of information, I wasn't finished,
24 but I did say I was finished just to try to be
25 accommodating. I would like to just ask a

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2 30-second question so I can end this contact.
3 Could you tell me the relationship,
4 Commissioner Solvibile, that we have with the
5 Streets Department for the Streets Department
6 to report construction activity that may be
7 put out at the curb? What's the relationship
8 we have, again being proactive when the
9 Streets Department comes to a location?
10 And, again, the reason I'm asking
11 you this, many times I talk to some of the
12 employees in the Sanitation Division and they
13 complain that they have to pick up
14 construction debris and it's suggested that
15 there is work going on in a particular
16 premise, because each trash day there's
17 significant construction materials put out for
18 collection.
19 Do we have some kind of a
20 relationship?
21 MR. SOLVIBILE: The Streets

22 Department has a complaint unit or a service,
23 and they daily have contact with our services
24 and operations unit. Their customer service
25 reps and our customer service reps daily

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2 communicate. So any concern that the Streets
3 Department employee has given through that
4 system would come into our system and we would
5 handle or investigate the complaint.

6 COUNCILMAN RIZZO: I doubt very
7 much there's very many employees of the
8 Sanitation Division that would call customer
9 service to report construction debris on their
10 route.

11 MR. SOLVIBILE: I'm not at all
12 sure. The answer to the question, though, is
13 that there's a unit in Streets and a unit in
14 Licensing and Inspections who daily
15 communicate concerns back and forth. It's an
16 issue that if we receive an issue that's a
17 Streets Department-related issue, we will
18 communicate to them, send people to them, and
19 they do it with us. So that relationship has
20 worked for years and rather well. But I don't
21 know what the sanitation workers would do or

22 not do.

23 COUNCILMAN RIZZO: We'll find
24 out later this afternoon.

25 So, again, if a communication came

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2 in that a truck was in front of a certain
3 location and there was significant
4 construction debris, they radioed it in, you
5 would assign someone to investigate the source
6 of that construction debris?

7 MR. SOLVIBILE: Absolutely.

8 COUNCILMAN RIZZO: Thank you.

9 Thank you, Madam Chair.

10 COUNCIL PRESIDENT VERNA: Thank
11 you.

12 The Chair recognizes Councilman
13 Nutter.

14 COUNCILMAN NUTTER: Thank you,
15 Madam Chair.

16 Mr. Perri, you said something in
17 response to a question I think from Councilman
18 Rizzo, which I had planned to ask you anyway,
19 so let me start there.

20 You said that you have 29

21 inspectors. Are these the Housing and
22 Business Compliance inspectors?

23 MR. PERRI: These are the
24 inspectors assigned to the Construction
25 Services Branch that do what would commonly be

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2 known as building inspections. They're
3 looking at work in progress.

4 COUNCILMAN NUTTER: They're
5 looking for what?

6 MR. PERRI: They're looking at
7 work in progress, work in which a permit was
8 obtained, there's required inspections to be
9 made.

10 MR. SOLVIBILE: And,
11 Councilman, in addition to the 29, there's
12 roughly 12, I believe -- 14 inspectors in
13 Contractual Services supporting the demolition
14 program and the NTI program. They're also
15 code officials that oversee demolition that
16 are the same classification.

17 COUNCILMAN NUTTER: How many
18 Housing and Business Compliance inspectors do
19 we have?

20 MR. VERDI: It's 40 Housing

21 inspectors and 20 Business Compliance
22 inspectors.
23 COUNCILMAN NUTTER: 40 Housing.
24 And what was that? 20?
25 MR. VERDI: 20 Business

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2 Compliance inspectors.
3 COUNCILMAN NUTTER: Now, how
4 many houses do we have in Philadelphia?
5 MR. PERRI: There's
6 approximately 400,000 parcels in the City of
7 Philadelphia. It's generally estimated to be
8 about 200,000 of them are residential.
9 COUNCILMAN NUTTER: Are you
10 sure there are only 200,000 houses in the
11 City?
12 MR. PERRI: They're the
13 estimates that we use as a rule of thumb based
14 upon the information that we have. There's
15 probably better sources that could give you an
16 exact number, but they're the estimates that
17 we have available to us.
18 COUNCILMAN NUTTER: I thought
19 when we went through a painful exercise with

20 the Board of Revision of Taxes along
21 assessment increases, I thought there were
22 somewhere between four and 500,000 residential
23 properties in the City.

24 MR. PERRI: I would defer to
25 the number that they provided to you rather

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2 than the numbers that we would use based upon
3 the number of zoning files in cases that we
4 have.

5 COUNCILMAN NUTTER: Okay. It's
6 just a number that I remember based on how
7 many people got assessment increases. This
8 was in '02 versus the number who did not.

9 In any event, and I think we went
10 through this a budget or two ago, I mean, how
11 do you provide the level of service that I
12 know you want to provide with 40 Housing
13 inspectors and 20 Business inspectors for a
14 City of our size?

15 MR. VERDI: Councilman, the
16 level of service is based on the severity of
17 the complaint. The issues with the Housing
18 inspectors -- the Housing inspectors and
19 Business Compliance inspectors, for the

20 record, are two separate units that handle two
21 different issues. Business Compliance handles
22 mainly business inspections and commercial
23 locations. They at this point are still doing
24 census track inspections and they're also
25 doing complaint-driven inspections.

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2 On the Housing end, we are actually
3 at this point fielding approximately 1,200
4 inspections a month in that unit in
5 relationship to housing issues, property
6 maintenance issues and housing and fire
7 issues.

8 The housing and fire issues take
9 precedence over -- I mean, the fire issues
10 take precedence over any other complaint that
11 comes into the unit. But we are, in reality,
12 getting to 90 percent of those inspections a
13 month of the complaints.

14 COUNCILMAN NUTTER: You're
15 getting to what?

16 MR. VERDI: Approximately 90
17 percent of those inspections per month.

18 COUNCILMAN NUTTER: Okay.

19 MR. SOLVIBILE: Councilman,
20 we're also in areas like with our R-2 program
21 where we're proactive and we don't wait for
22 complaints, we go into buildings of three or
23 more apartments on a routine basis without a
24 complaint to insure that the fire alarm and
25 the life safety issues are, in fact, being up

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2 to date and current.

3 COUNCILMAN NUTTER: A couple
4 last questions. The Managing Director, when
5 he was here about a week or so ago, talked
6 about enhanced enforcement regarding illegal
7 signs on poles. In the past, I know the
8 department has been asked about that as well.
9 Are you involved in this signage enforcement
10 issue?

11 MR. PERRI: As of the present
12 time, the City of Philadelphia was sued in
13 Federal Court and we were remanded from taking
14 any enforcement actions against temporary
15 signs. And we are awaiting the City's lawyers
16 to give us additional direction on what the
17 next steps are.

18 COUNCILMAN NUTTER: Well, I

19 think you're talking about the recent Bill
20 that was passed primarily regarding political
21 posters. But, again, the Managing Director
22 actually in his testimony a couple weeks
23 ago -- I may still have it here -- talked
24 about going after the illegal signs that are
25 primarily up by companies. He talked about

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2 having gone after, I think, a couple of them
3 and issued some cease ops orders.
4 He talked about a new tool or device
5 or something that he carries around in his car
6 to take them down and made actually no mention
7 of the lawsuit, which I think was in progress
8 at the time.

9 So are we talking about two
10 different things?

11 MR. VERDI: No, we're not
12 talking about two different things. What
13 happened is, we do have a program that we have
14 working with community groups, and I can get
15 you the figures on how many signs we've taken
16 down, how many intent to cease letters have
17 gone out due to the fact that we did go after

18 the companies that were producing these
19 temporary signs.

20 I could show you an issue where we
21 even went to the promoter, didn't have his
22 name on the sign, so what the issue is --

23 COUNCILMAN NUTTER: The
24 question was, were you guys involved in it.

25 MR. VERDI: Yes, we were

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2 involved in that. And at this point, as
3 Deputy Commissioner Perri said, the
4 unfortunate part is, those temporary signs
5 have now gotten thrown into that lawsuit with
6 the election signs, so at this point, we're at
7 a standstill on enforcement.

8 MR. PERRI: Just to follow up
9 on that, Commissioner Verdi, I've been advised
10 that we can only take action at this point
11 against signs that have been pasted on various
12 poles in the City. We're still remanded from
13 removing other types of either political
14 campaign signs or advertising signs on poles
15 until we can sort out the judge's rulings
16 involved with the lawsuit.

17 COUNCILMAN NUTTER: Wait a

18 minute. So if it's pasted on, you can do
19 something about it, but if it's nailed on, you
20 can't?

21 MR. PERRI: That's my
22 understanding.

23 MR. VERDI: That's correct.

24 COUNCILMAN NUTTER: On a
25 regular wood, I think generally, either PECO

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2 or telephone company pole?

3 MR. PERRI: Like I said, the
4 judge made a ruling and I believe the City is
5 appealing that ruling, but it was fairly
6 broad-based in preventing us from taking much
7 enforcement action against these signs at this
8 point in time.

9 COUNCILMAN NUTTER: Well, I
10 think even before we passed the Bill, which
11 was last year, it was already illegal to have
12 some of these signs on poles anyway, right?

13 MR. PERRI: Correct. What
14 happened was, the lawsuit went beyond just a
15 recent amendment to the sign --

16 COUNCILMAN NUTTER: I didn't

17 read the complaint, so I don't know what the
18 filing was, but okay. Well, that will be
19 interesting.

20 Commissioner, I have one last issue,
21 which I think I'm getting the supreme
22 bureaucracy treatment. It involves a property
23 that you and I have talked about on a number
24 of occasions and I'm still getting calls about
25 it as recently as either yesterday or this

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2 morning. 6028 Daniel Street was supposed to
3 be demolished last year. As recently as this
4 morning, a constituent called about that
5 property, and I'm at a loss to explain why it
6 hasn't been torn down. I need the property
7 demolished.

8 MR. SOLVIBILE: And I hear you,
9 and I'll provide an answer this afternoon as
10 to why and what will happen. And I'm at a
11 loss as to why that property has been not
12 demolished at the present time and I'll have
13 to give you that answer, Councilman.

14 COUNCILMAN NUTTER: I would
15 greatly appreciate it. I mean, it's ours,
16 it's on our property, we own it. It's time

17 for it to go.

18 MR. SOLVIBILE: Councilman, I
19 said the street name before you said it, when
20 you said 6028. But I would have to really get
21 back to you on why it has not taken place.

22 COUNCILMAN NUTTER: All right.
23 I got a call this morning about it. I'd like
24 to move on from that. Thank you.

25 Thank you, Madam Chair.

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2 COUNCIL PRESIDENT VERNA: Thank
3 you.

4 The Chair recognizes Councilman
5 Mariano.

6 COUNCILMAN MARIANO: Thank you,
7 Madam President.

8 Before we get into it, one of the
9 important things that Councilman Nutter said I
10 want to talk about, but I'd just like to thank
11 everyone at this table. I know I personally
12 have your cell phone numbers. Didn't we give
13 you your cell phone back?

14 MR. VERDI: I changed my
15 number.

16 COUNCILMAN MARIANO: I still
17 have your number. I can track you down.
18 But I really harass these guys.
19 MR. SOLVIBILE: And he told the
20 City Hall operator not to give his number to
21 you.
22 COUNCILMAN MARIANO: And I got
23 a feeling every other Council person does, not
24 to place you above any other --
25 COUNCIL PRESIDENT VERNA: I

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2 don't think that's so. I think we all have
3 their cell numbers.
4 COUNCILMAN MARIANO: Not to
5 place you above any other department, but you
6 guys are very responsible and I think you're
7 doing a good job with the money we give you.
8 And I know there's always more money that you
9 need, and I think your people are very
10 responsive, from Janice that answers the
11 phones, who grew up on my street, who I did
12 not know worked over there until I became a
13 Councilman, does a great job. I won't say her
14 last name not to embarrass her, but she's a
15 very short woman, amazingly short.

16 MR. SOLVIBILE: I'm sure she's
17 back there listening to this.

18 COUNCILMAN MARIANO: Oh, yeah.
19 Hi, Janice.

20 Councilman Nutter was on the pole
21 thing. I guess I am -- not the pole,
22 Councilman is not on the pole, but the pole
23 sign. I guess I am the culprit of the sign.

24 Now, in this City, it seems that
25 billboards are bad, but little teeny signs,

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2 which are little teeny billboards, are good.
3 This isn't a shot at any Councilman in
4 particular or any group.

5 I can't understand. I have an idea,
6 and I say we have to get these signs down.
7 Whether they're for Rick Mariano, Anna Verna,
8 anybody, weight loss, computers at home,
9 baby-sitting, they look bad. It's as bad as
10 graffiti. It's as bad as taking a spray can
11 and writing on that column Vote for Rick
12 Mariano, Vote for Anna Verna, Councilman
13 Cohen. This isn't against anyone.

14 I asked the Law Department to write

15 this Bill. They write the Bill. They write
16 the Bill. The Bill gets overturned. I don't
17 know why. I didn't go to law school. I
18 should have went to law school instead of
19 Local 98 school, but I didn't.

20 I don't understand. I don't want to
21 understand. All I know is, now, as Councilman
22 Nutter was befuddled, it seemed to me over
23 there, at the other stuff -- and I know this
24 isn't your fault or anyone sitting there.
25 It's judges, and that's why they're judges and

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2 that's why they don't have to answer to
3 anybody, because they're all basically nuts
4 anyhow when they put that robe on. Because
5 I've been screwed by the best of them in my
6 political career and I probably will get
7 screwed more after this, but it don't matter.
8 The lawsuit was for political signs.
9 So okay. They make a decision. We live with
10 that. How do they stop the weight loss signs,
11 the computer signs? It's all graffiti. It's
12 all a form of a disturbance. It's all a
13 public nuisance.
14 Mr. Verdi and I had a talk last week

15 about benches, and I kidded him, I said,
16 Dominic, you're going to harass this guy for
17 his bench with his roofing company's name on
18 it. How can we not harass people with the big
19 signs or Rick Mariano for Council signs? I'm
20 sure there's a couple still out there from
21 last year.

22 Where do we go with this? We had
23 something before that the political signs, but
24 only the political signs, and correct me if
25 I'm wrong, I could put a political sign up if

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2 I paid 50 cents and put a little sticker on
3 it. Because I worked for a guy who actually
4 did that. He's the only one I ever knew that
5 did that. If anyone else ever did that --

6 COUNCIL PRESIDENT VERNA: I
7 did.

8 COUNCILMAN MARIANO: Did you?
9 That's good.

10 At a point we stopped doing that
11 because I guess it wasn't enforced.

12 I don't come here to embarrass
13 anybody. I come here to get information. If

14 I want to embarrass any of you, I'll embarrass
15 you in person just you and me so the whole dog
16 and pony show is not here.

17 We need answers. And if it's not
18 from you, we'll ask Pedro Ramos when he
19 becomes the new City Solicitor.

20 How do those signs get thrown in
21 with the political signs? Because the weight
22 loss signs, could you ever go around and say,
23 I want to put a sign up, Miracle Weight Loss
24 Pill? Could I get stickers for that? Could I
25 ever have gotten stickers for that?

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2 MR. PERRI: You could have
3 gotten -- in the past, you could have gotten
4 stickers for temporary signs. You couldn't
5 have put them on those particular poles. You
6 couldn't have nailed them on those poles.

7 What happened with the lawsuit, it
8 went beyond just a recent amendment. They
9 went after the entire sign license piece
10 that's in the Philadelphia Code, and there
11 were several parts of that that we're being
12 prohibited from enforcing. So we probably
13 have to --

14 COUNCILMAN MARIANO: Dave, let
15 me stop you on that. Who went after it? The
16 people that filed the lawsuit?

17 MR. PERRI: That's correct.

18 COUNCILMAN MARIANO: Anyone in
19 this room -- did you file a lawsuit?

20 MR. JAFFE: The ACLU did.

21 COUNCILMAN MARIANO: ACLU did.
22 Were you a lawyer for them?

23 MR. JAFFE: No.

24 COUNCILMAN MARIANO: Could you
25 hold on a minute, Councilman? Maybe you could

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2 help us.

3 You never wanted to go after those
4 signs; you just wanted the political ones you
5 were trying to save, correct?

6 COUNCILMAN COHEN: That would
7 be correct.

8 COUNCILMAN MARIANO: How does
9 the whole thing get thrown into it?

10 COUNCILMAN COHEN: The ACLU
11 said they read the transcript of testimony and
12 decided that it was unconstitutional and they

13 took the same position I did. Now, they dealt
14 with all the signs. I didn't care about the
15 other signs. I was interested in the free
16 speech sign.

17 COUNCILMAN MARIANO: I
18 understand that. I'm just trying to get in my
19 non-lawyer mind how we correct the situation.
20 If they make a decision on the political
21 signs, fine, but I have a problem in the City
22 where we fight for, and rightfully so,
23 rightfully so, we should fight for things like
24 that, and that's the thing that makes us work.
25 When we don't agree, we can argue and yell,

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2 but eventually we work out a compromise.

3 I don't understand why the ACLU
4 would do that or why a judge would let that
5 happen.

6 COUNCILMAN COHEN: I felt very
7 strong that the law has been passed to
8 Council, and I like the constitutional rights
9 of people to use poles for political purposes,
10 and I testified to that effect. That was my
11 testimony.

12 COUNCILMAN MARIANO: Thank you,

13 Councilman.

14 COUNCILMAN COHEN: Just on the
15 political aspect.

16 COUNCILMAN MARIANO: We just
17 got to ask the judges, who don't answer to us,
18 how they get to that point beyond the
19 political aspect.

20 COUNCILMAN COHEN: Well, it
21 happened to be a good judge from the
22 constitutional point of view and he found
23 merit in the proposal.

24 Now, I don't know what his reasoning
25 was with respect to the partial signs. I was

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2 not interested in that part.

3 COUNCILMAN MARIANO: Thank you,
4 Councilman.

5 Can we go back now and reconstruct
6 these laws or do we wait for Mr. Ramos, the
7 City Solicitor, not the Councilman, to come up
8 with an opinion?

9 MR. PERRI: The City --

10 COUNCILMAN MARIANO: Because
11 I'm going to tell the guy to put his signs

12 instead of putting them on the benches, I'm
13 going to say, Just throw your signs anywhere.
14 As long as they're not billboards, it's fine,
15 right?

16 MR. VERDI: Wrong.

17 COUNCILMAN MARIANO: Well, I
18 know you were going to say that.

19 MR. VERDI: Dave and I are
20 still waiting for the transcripts and the
21 actual opinion from somebody in writing in
22 reference to what he means by temporary signs.
23 If they're temporary signs that are described
24 in the ordinance, they're signs that are
25 nailed to a pole.

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2 COUNCILMAN MARIANO: Is a
3 billboard temporary?

4 MR. VERDI: A temporary sign
5 could also mean a temporary sign is a
6 billboard.

7 COUNCILMAN MARIANO: Is a
8 billboard temporary? Because that might be
9 there for -- Mary, you're the expert. Is a
10 billboard temporary, 30 days, 60 days?

11 MARY: It's permanent.

12 MR. VERDI: But the advertizing
13 on it is not.

14 COUNCILMAN MARIANO: Now, let
15 me play devil's advocate. I just want to be
16 fair. If I want to throw Frankie's Roofing
17 signs up there, it's going to be permanent
18 because I'm going to use the big heavy nails
19 when I ram it into PECO's pole.

20 MR. VERDI: Just don't use
21 glue.

22 COUNCILMAN MARIANO: Can I use
23 PECO's pole to put up any sign I want?

24 COUNCILMAN RIZZO: Matter of
25 fact, can I add --

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2 COUNCILMAN MARIANO: I'm asking
3 him because he's a PECO expert.

4 COUNCILMAN RIZZO: First of
5 all, it's a safety issue, and the existing law
6 prohibits any attachment. Matter of fact,
7 SEPTA had to get a variance and create a sign
8 that a lineman's gaff could penetrate to allow
9 them to even attach to a wood utility pole.

10 So any attachment to a utility pole

11 is considered improper, and PECO Energy can go
12 out at any time they choose and remove an
13 attachment to a wood utility pole.

14 I think where the confusion may be
15 is that the aluminum light standards are City
16 property, and putting a permanent adhesive to
17 the aluminum light standard, in many cases
18 it's a permanent attachment. I see Tom Gola
19 signs still on them.

20 MR. VERDI: It's still based
21 upon -- again, until we get a written
22 statement from the judge as to what this whole
23 issue deals with, we have basically stopped
24 enforcement for threat of --

25 COUNCILMAN RIZZIO: If PECO

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2 Energy wanted to send out a work force, a
3 crew, to remove ABC Roofing sign from one of
4 their poles, they don't until they actually --
5 they work on that structure --

6 MR. VERDI: Then they take the
7 sign down.

8 COUNCILMAN RIZZIO: They'll take
9 the sign down and throw it away. But if they
10 wanted to be aggressive, they could go out and

11 take them down and they could have a campaign
12 to take them down.

13 COUNCILMAN MARIANO: And the
14 lighting division of the City could do the
15 same thing, because it could mess up the
16 ground.

17 MR. VERDI: Well, until this
18 issue came about, and to get back to what
19 Councilman Nutter asked, is, we did have an
20 initiative and our partners were PECO, the
21 Street Department and Verizon. So we were
22 taking signs down systematically throughout
23 the City from one end to the other until this
24 issue came about.

25 COUNCILMAN MARIANO: And by the

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2 way, I know the Councilman left. We weren't
3 taking political signs down except in past
4 campaigns.

5 COUNCILMAN RIZZO: And the
6 reason, many years ago we started -- do you
7 remember when we were kids, all the street
8 signs that identify the name of the street
9 were attached to the PECO wood utility pole.

10 A very serious accident occurred to a lineman
11 that fell and hit one of those. Then they
12 decided to put the pole up its own structure
13 to support that information. But now because
14 linemen don't climb like they used to, they
15 use the bucket trucks, they're not as
16 dangerous as they once were, so they're not
17 aggressive as they once were.

18 MR. VERDI: We'll provide you
19 with a written copy of the opinion or a copy
20 of the agreement.

21 MR. SOLVIBILE: Also, I want to
22 add that the new signs they put in the grass,
23 on Henry Avenue on my way to work this
24 morning, I noticed they were all gone already.
25 I don't know if that's because they have a

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2 value and they're reusable, but every sign,
3 both for both parties and losing and winning
4 candidates, was no longer there, which I
5 thought was a good thing.

6 COUNCILMAN MARIANO: That's
7 what they should be doing.

8 My next question, to curb the
9 stuccoing on the NTI. I heard you debate with

10 Councilman Cohen. Now, me and my background
11 in the building trades and knowing what Local
12 8 does, Local 8 is a plasterers union. You
13 guys probably know. If union plasterers are
14 doing stucco out at 61st and out your way -- I
15 know they're doing it out there because one of
16 the young guys from my neighborhood is out
17 there, they're doing stucco -- that's a really
18 hard job to be on that scaffold eight hours a
19 day. And the young guys are humping that
20 stuff up there by bucket, and they got arms
21 like -- and there's black guys and white guys.
22 It's very diversified. It's an old union, but
23 they're really diversified.

24 To have union plasterers on that
25 scaffold to do that as opposed to somebody

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2 that doesn't live in the City or somebody
3 that's not paying any City wage tax, these
4 guys are trained. Believe it or not, you have
5 to be trained to put stucco up, to do the
6 right finish, to make sure that it works,
7 lasts longer than just throwing -- Look, if
8 nobody is around, I'll throw some of that

9 newspaper in the hole and just put a little
10 mix of stucco, but I'll save some money in the
11 stucco and throw some Quikrete in there.
12 That's what the non-skilled people do. And
13 then it doesn't last and who knows what
14 they're mixing.

15 MR. SOLVIBILE: And the most
16 important part of the stucco, Councilman, as
17 you probably know, is the wire that goes on.

18 COUNCILMAN MARIANO: The mesh.

19 MR. SOLVIBILE: We've caught
20 contractors putting the wire upside down.
21 There's a little lip on it, supposed to be
22 facing towards the sky. They have it the
23 opposite, and it negates the whole idea of
24 having the wire there. And if the wire is not
25 properly nailed, it becomes loose and it bangs

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2 against the wall.

3 So there's a skill. It's a lot
4 easier, as you said -- it looks a lot easier
5 than in reality it is.

6 COUNCILMAN MARIANO: I know.
7 It's hard work. And it's a very skillful
8 trade. Let me tell you, it may cost a little

9 more to have them guys do it. This isn't a
10 commercial for the plasterers union. They
11 don't need my help, but that's why probably
12 the prices go up. And my question to you was,
13 on all your curbside emergency stuff, probably
14 some of the guys you use, you have no way to
15 know who is Local 8 and who is not and what
16 guys are union, because you don't need to know
17 that, it wouldn't be right, but I suspect most
18 of the people in NTI are, most of your guys
19 may or may not be.

20 MR. SOLVIBILE: The spec that
21 we created for stucco and demolition for
22 curbsides and for NTI is now similar, and the
23 bid for stucco is a performance contract
24 citywide that recently a different contractor
25 won. There's two contractors now that have

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2 that, but it calls for prevailing wage to be
3 paid.

4 COUNCILMAN MARIANO: Excellent.
5 And the reason I say that is, Councilman
6 Nutter, Councilwoman Verna, the other District
7 Council people here, not to leave Councilman

8 Rizzo off, but someone calls you in your
9 office and they live on a street where they're
10 knocking some houses down -- I mean, I can
11 picture this one case in my district where
12 it's an elderly woman, and it was her life,
13 that house. Now, those neighbors are gone and
14 she's got two empty houses between, and
15 eventually there will be a lot. The last
16 thing she needs to worry about is two, three
17 years down the line that the stucco is wearing
18 off and the rain is bleeding through in her
19 nice wallpaper in her bedroom. I mean, and
20 that does happen if it's not done.

21 So that's why the cost may be a
22 little -- you get what you pay for in this
23 world. If you want a half-assed plasterer,
24 you pay less price. If you want a good one,
25 you pay the right price. It goes for all the

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2 trades. And these guys are trained. And if
3 you want to call Bill Taylor at Local 8,
4 follow him around on the jobs and see what
5 they do, then guys earn their money. And
6 ladies, too. There's some ladies on the job,
7 too.

8 MR. SOLVIBILE: Also,
9 Councilman, as you said, water damage to the
10 adjacent property is the really big enemy, and
11 that's mostly at the top of the roof and in
12 the cellar. And we insure that the inspector
13 sees two coats of mastic waterproofing agent
14 put in the basement before he'll approve the
15 backfill going down. And also at the roof
16 top, we made that and took it away from the
17 stucco contractor putting that tin that they
18 were bending and they now have to cap the roof
19 with a barge board, and it's done -- it can
20 only be done by a professional roofer. And
21 that improvement is 100 percent in that, that
22 the -- we've been doing that for the last
23 three years and I believe we've only had about
24 two or three call-backs at the roof line,
25 where it used to be common every day.

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2 COUNCILMAN MARIANO: I
3 appreciate that.

4 Let me talk about the last thing. I
5 want to talk about the sprinkler Bill. I did
6 a Bill couple years ago with the sprinkler

7 fitters, and all these guys at the table know
8 what it's about, and the rest of the people in
9 this room probably don't know what it's about.
10 We actually have people who put sprinklers in
11 the high-rise buildings in the City of
12 Philadelphia that may or may not at one point
13 have been licensed.

14 So as serious as that sounds, there
15 was all kinds of people coming in. And these
16 guys, we busted their stones for a while until
17 we got it together and we worked. And Dave is
18 smiling. We spent a lot of hours with my
19 staff and their staff trying to get the stuff
20 done. But for the first time in this City --
21 and it happens in a couple other major cities,
22 but not most of them. We're ahead of the
23 curve on this one. This sprinkler Bill is
24 really important.

25 Anybody installing these sprinklers

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2 is going to be skilled, and they're going to
3 be not necessarily union. I'm a union guy,
4 but it doesn't have to be. I would like it,
5 but I don't run the City yet. I don't know if
6 I ever will. But we need to make sure that we

7 keep doing what we're doing.

8 I know the program has been going
9 on. I'd like to thank you for bearing with us
10 and with the sprinkler fitters, because I know
11 Business Manager Miller can be a tough
12 character, but I think we got it down to a
13 point, right, Dave, now where you're starting
14 to -- where everybody is starting to be
15 certified and it's going to be pretty safe,
16 hopefully not just for the residents but the
17 fire fighters that have to fight them fires?

18 We had that tragedy across the
19 street years and years ago, and we hope to
20 avoid something like that.

21 MR. PERRI: We agree 100
22 percent. We've now started taking enforcement
23 actions against the companies. I believe we
24 faxed over to your office results of several
25 administrative hearings and we're suspending

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2 licenses if we catch sprinkler contractors
3 working without the proper employees.

4 It is a life safety issue and we're
5 100 percent behind it.

6 COUNCILMAN MARIANO: Thank you.
7 And just one point. Councilman Cohen talked
8 about Hill International, and I don't know if
9 you guys will know the answer to this, but I
10 think that Hill International is doing
11 construction work in Iraq right now.

12 MR. SOLVIBILE: That's correct.

13 COUNCILMAN MARIANO: So I would
14 say if they're able to do that there, they
15 might be able to do this NTI program here in
16 Philadelphia.

17 MR. SOLVIBILE: They were hired
18 to help with project management, which is -- I
19 don't have to say that we in License and
20 Inspections aren't perfect, and to have
21 somebody else to be another pair of eyes
22 working with us is a great thing.

23 COUNCILMAN MARIANO: There were
24 some Commissioners before you that thought you
25 were perfect. Not the one before you, but a

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2 couple before, before-before that were
3 perfect.

4 MR. SOLVIBILE: I don't want to
5 go there today, Councilman.

6 COUNCILMAN MARIANO: I know you
7 don't, but I appreciate it. Thank you. Thank
8 you for all the help and for all the grief we
9 give you, for the money we give you. I mean,
10 it becomes a dilemma, because we could give
11 you all the money the world, but it comes out
12 of your tax dollars and your employees' tax
13 dollars. Again, it's easy to come here and
14 beat guys like you up, but I know you are
15 consummate professionals.

16 If I can get Verdi on the cell phone
17 at 2 o'clock in the morning, I know everything
18 is right in my world.

19 MR. SOLVIBILE: Well, since
20 Dominic --

21 COUNCILMAN MARIANO: Since he
22 got remarried.

23 MR. SOLVIBILE: Since he's got
24 remarried, he doesn't even answer my beep
25 anymore, so I don't know how you get him,

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2 Councilman.

3 COUNCILMAN MARIANO: He answers
4 mine. He must go, It's Mariano, I'll answer

5 it.

6 Thank you.

7 COUNCIL PRESIDENT VERNA: Thank

8 you.

9 Are there any other questions or

10 comments from Members of the Committee?

11 (No response.)

12 COUNCIL PRESIDENT VERNA:

13 Seeing none, gentlemen, thank you very much --

14 MR. SOLVIBILE: Thank you very

15 much.

16 COUNCIL PRESIDENT VERNA: --

17 for all your help.

18 The Board of L&I Review, please.

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2 COUNCIL PRESIDENT VERNA: Please

3 identify yourself for the record and

4 proceed with your testimony. Please

5 abbreviate your testimony.

6 MR. PROSPERO: Good afternoon,

7 Council President Verna.

8 I am Jerry Prospero, here to testify
9 on behalf of the L & I Review Board.

10 The L & I Review Board's budget for
11 fiscal year 2005 is \$212,927. It supports
12 a full-time staff of three employees, as
13 well as funding for six board members.

14 COUNCIL PRESIDENT VERNA: Thank you.
15 Are there any questions from members of the
16 Committee?

17 (No response.)

18 COUNCIL PRESIDENT VERNA: Seeing
19 none, I thank you.

20 The Board of Building Standards.

21 MR. PROSPERO: Good afternoon,
22 Council President Verna and members of
23 Council.

24 I am Jerry Prospero. I'm here to
25 testify on behalf of the Board of Building

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2 Standards fiscal year '05 budget request of
3 \$121,054. This budget will fund two
4 full-time employees and four board members.

5 COUNCIL PRESIDENT VERNA: Thank you.

6 Any questions from members of the

7 Committee?

8 (No response.)

9 COUNCIL PRESIDENT VERNA: Seeing
10 none, I would then call upon the Zoning
11 Board of Adjustment.

12 MR. PROSPERO: Good afternoon,
13 Council President Verna and members of
14 Council.

15 I am Jerry Prospero, and I'm here to
16 testify on behalf of the boards proposed
17 '05 budget. Zoning Board of Adjustment is
18 requesting a budget of \$497,658 for fiscal
19 year 2005. The budget supports six
20 full-time employees and five board members.

21 COUNCIL PRESIDENT VERNA: Thank you.
22 Any questions from members of the
23 Committee?

24 (No response.)

25 COUNCIL PRESIDENT VERNA: Thank you

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2 so much.

3 MR. PROSPERO: Thank you.

4 COUNCIL PRESIDENT VERNA: We
5 appreciate your testimony.

6 The Committee will stand in recess
7 until 2 o'clock at which time we will have

8 the Streets Department. After Streets we
9 will have the Water Department coming in.

10 Thank you.

11 COUNCIL PRESIDENT VERNA: Good
12 afternoon. This Committee of the Whole is
13 now back in session regarding Bill Number
14 040255.

15 We will now hear from the Streets
16 Department. Good afternoon and welcome.
17 Commissioner, we have your testimony. It
18 will be given to the stenographer. It will
19 be transcribed in whole, and I would ask
20 you to please abbreviate your testimony, if
21 you will.

22 MS. TOLSON: Surely.

23 COUNCIL PRESIDENT VERNA: Thanks.

24 MS. TOLSON: Good afternoon, Council
25 President Verna and members of City

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2 Council. My name is Clarena Tolson,
3 Commissioner of the Streets Department.
4 And I am here today to present testimony on
5 behalf of the department's proposed fiscal
6 year 2005 operating budget.

7 We request a General Fund

8 appropriation of \$116 million and an all
9 funds appropriation of \$149 million.

10 Our proposal budget reflects a net
11 General Fund decrease of 6.6 mill from
12 fiscal year 2004 estimated obligations.

13 The overall request from the
14 department for all funds; general, county,
15 liquid fuels, special gas and grants
16 revenue is a net \$2.6 million lower than
17 our fiscal year 2004 general obligations.

18 The sanitation services, with regard
19 to that, the fiscal 2005 budget request for
20 sanitation is \$98 million for all funds.
21 This includes 88 million in the General
22 Fund, a decrease of 2.4 million over 2004
23 estimated obligations.

24 This is offset by an increase in
25 contractual landfill fees.

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2 Sanitation will continue to provide
3 a variety of programs, designed to collect
4 and dispose of trash, as well as the
5 recyclables from the waste stream.

6 Additionally, the department has
7 assumed responsibility for refuse
8 collection at all recreation facilities.

9 Economies of scale as they set in,
10 the department expects to bring a net
11 savings to the General Fund through these
12 agencies.

13 Discussions are ongoing at Fairmount
14 Park that will also result in a similar
15 arrangement and savings.

16 Results of the 2003 citizens
17 satisfaction survey show that 88.6 percent
18 of respondents said that trash was always
19 or frequently collected on time.

20 On time collection rate of 94
21 percent in 2003 is projected for 2004, and
22 projected to increase to 97 percent for
23 2005.

24 Also, crew productivity is projected
25 to increase from 14.3 tons per crew to 14.9

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2 tons per crew in 2004 and 15.35 in 2005.

3 We expect to reach these goals by
4 continuing to focus on maximizing
5 efficiency and productivity through
6 innovation and collection route
7 optimization.

8 With regard to recycling, in fiscal

9 2003, 45,000 tons of recyclables were
10 collected. Projections for 2004 are
11 44,000, and for 2005, forty-nine nine are
12 expected.

13 The negotiations of the most
14 favorable contract rates in nearly a decade
15 has industry analysts noting that
16 Philadelphia's material marketing
17 arrangement is the most lucrative of any
18 major City in the mid Atlantic region.

19 In fact, the City will receive \$1.26
20 for each ton of mixed containers and \$50.50
21 for each ton of mixed paper recycled in the
22 fourth quarter of 2004, generating an
23 estimated revenue of \$500,000 from curbside
24 recycling during that three-month period.

25 This number can be compared to

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2 \$238,000 for the four quarter of fiscal
3 2003.

4 The Streets Department is tackling
5 several significant issues impacting the
6 future of the City sanitation costs,
7 including the expiration of the current
8 disposal contracts and a proposed increase
9 in the growing greener tipping fee on the

10 disposal of trash in the state's landfills.

11 The City's currently in the second
12 of three one-year options in its disposal
13 contracts, with the last option expiring on
14 June 30, 2005.

15 These contracts include language
16 protecting the City from tipping fee
17 increases, by imposing a cap that limits
18 the City's exposure to increased costs from
19 changes in law, such as the states growing
20 greener fees to five percent per year.

21 With regard to transportation
22 services, the Highway, Engineering, Traffic
23 and Street Lighting Divisions provide the
24 departments transportation services.

25 The goal of the transportation group

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2 is to continually provide cost effective
3 and functionally safe movement on streets
4 and bridges for public transport, commerce,
5 and automobiles, as well as for bicycles
6 and pedestrians.

7 We accomplish this by continually
8 exploring new approaches to improve
9 productivity and delivery of services, such

10 as continuing to invest in innovative,
11 geographic and management information
12 systems, managerial accounting and
13 information systems, and through upgrading
14 of computer equipment.

15 In January of 2004 the department
16 implemented a pilot to test automatic
17 vehicle locator, AVL, and equipment sensing
18 technology for use with highways and
19 sanitation operation.

20 This equipment was placed on 50
21 vehicles. The department projects a 10
22 percent reduction in the use of road salt
23 through real time monitoring of
24 distribution rates during winter whether
25 events. This will provide a budgetary

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2 savings and environmental benefits.

3 Continuous knowledge of vehicle
4 location and status will provide a higher
5 degree of certainty and accountability,
6 especially during snow events and other
7 critical operations.

8 For fiscal 2004 and 2005, the
9 department, Highway Division, projects
10 resurfacing 122 miles of streets and

11 placing 85 linear miles of pavement
12 markings, including traffic lanes.

13 Ditch restorations are projected at
14 7500 and 7600, respectively.

15 The department repaired 24,000
16 potholes in fiscal 2003 and projects
17 repairs of 25,000 in 2004 and 2005.

18 In 2004 the division again leased
19 spray patcher units, also known as pothole
20 killers, to assist during the peak month of
21 repair. These machines quickly and safely
22 perform the repair in a more durable and
23 economical manner.

24 In conclusion, the employees of the
25 Streets Department continue to work

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2 diligently in the delivery of services to
3 our citizens and neighborhoods, and to
4 improve the quality of life in our City, by
5 providing clean and safe streets.

6 Therefore, we request your favorable
7 consideration of this budget request.

8 Thank you so much.

9 COUNCIL PRESIDENT VERNA: Thank you.

10 Commissioner, what is the number of

11 positions you will be eliminating as a
12 result of the DROP related work force,
13 right sizing?

14 MS. TOLSON: 24.

15 COUNCIL PRESIDENT VERNA: 24. Can
16 you tell me what those positions were, for
17 the most part?

18 MS. TOLSON: Yes. We're going
19 through a reorganization within our
20 transportation group, particularly focusing
21 on --

22 COUNCIL PRESIDENT VERNA: I'm sorry.
23 You're going through?

24 MS. TOLSON: Reorganization.

25 As we have employees who are

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2 retiring and leaving through DROP, we're
3 taking the opportunity to review all of our
4 management positions that we have in place.

5 We're doing some consolidations.
6 And we are not replacing all of our
7 management positions, and instead focusing
8 on new worker level.

9 So as opposed to hiring, say, a
10 district manager, we may be hiring a raker
11 instead or a semi-skilled laborer.

12 COUNCIL PRESIDENT Verna: How many
13 positions do you have? How many positions
14 do you presently have?

15 MS. Tolson: 600 in our
16 transportation group. One moment, please.

17 COUNCIL PRESIDENT Verna: I'm sure
18 if I checked the budget book, I could find
19 that very easily.

20 MS. Tolson: Okay.

21 COUNCIL PRESIDENT Verna: Do you
22 have it?

23 MS. Tolson: Oh, I'm sorry. I
24 thought you were telling me that you were
25 going to get it. I can get it for you.

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2 Our budgeted level is 634, fiscal
3 '05.

4 COUNCIL PRESIDENT Verna: Does this
5 634 -- Oh, for '05?

6 MS. Tolson: Yes.

7 COUNCIL PRESIDENT Verna: Okay. In
8 the recycling program, you mentioned a
9 pilot program.

10 MS. Tolson: Yes.

11 COUNCIL PRESIDENT Verna: Will you

12 please explain what the pilot program is
13 and the areas of the City it will cover?

14 MS. TOLSON: Yes. The pilot program
15 for recycling is called A Single Stream
16 recycling program. And what that program
17 does, it allow citizens to commingle, put
18 all of their recycling materials out at the
19 curb at one container.

20 And in fact, they may be able to add
21 additional products that we are not now
22 collecting. And those products would be
23 cardboard and plastic.

24 The beauty of this pilot is that we
25 will be able to collect the materials in a

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2 packer truck or a compactor versus an open
3 truck.

4 We expect to find some efficiencies
5 through that system. Presently with our
6 open truck system we can collect
7 approximately four-and-a-half tons per day.

8 The packer system may allow us to
9 collect as much as 15 or 14 or 15 tons per
10 day per crew.

11 It is the system that we have not
12 yet identified the location or the route

13 that will be used in the test, but it will
14 be some place where the packer truck will
15 be able to fit.

16 COUNCIL PRESIDENT VERNA: Will that
17 all have to be sorted at one point in time?

18 MS. TOLSON: Yes. In a system that
19 requires us to work with our vendor who
20 will agree to accept the commingled
21 materials and then sort them through the
22 processing system.

23 It will probably require us to
24 receive less revenues in processing, but
25 we're expecting to find a benefit and a

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2 savings through the collection process,
3 because of the larger amount that we can
4 collect with each crew.

5 COUNCIL PRESIDENT VERNA: How do you
6 define your department's relationship with
7 the Recycling Advisory Committee over the
8 past year?

9 MS. TOLSON: Our recycling unit
10 within the department works, I think, as
11 close as they can with our RAC, as we call
12 them, Recycling Advisory Committee.

13 It is a group that is made up of
14 business interests in some citizens, some
15 of whom have a vested interest in the
16 business because they too are in the same
17 business they are advising on.

18 They have expressed concern from
19 time to time with regard to their
20 involvement on policy. But to the extent
21 that it's possible and prudent, our
22 recycling office works with them.

23 COUNCIL PRESIDENT VERNA: So how
24 often did you meet last year?

25 MS. TOLSON: Last year, nine times.

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2 And it's usually a once-a-month
3 arrangement. But about ten per year
4 because usually about a couple months are
5 skipped.

6 COUNCIL PRESIDENT VERNA: Can you
7 remind me what the RAC's role is as defined
8 by the law. What is their...

9 MS. TOLSON: Surely. I'll get the
10 law out for you. One moment.

11 COUNCIL PRESIDENT VERNA: While
12 you're searching for the information, let
13 me ask another question, and then we'll get

14 back to that. Commissioner?

15 MS. TOLSON: Yes.

16 COUNCIL PRESIDENT VERNA: I said
17 I'll ask another question while he's
18 searching for the information.

19 MS. TOLSON: Oh.

20 COUNCIL PRESIDENT VERNA: You
21 mention in your testimony that there will
22 be some reduction in areas such as highway
23 roadside work and response time to repair
24 major streetlights or those that are not in
25 operation.

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2 Will you elaborate as to what the
3 reductions and delays we should expect?

4 MS. TOLSON: Yes. Highway roadside
5 work is repair to islands, cleaning
6 islands, cement repair work. So, a
7 reduction and delay in time to those
8 repairs is expected.

9 For the streetlights, that really
10 should read alley lights. Right now the
11 alley lights are done on the -- many of
12 them are done on the weekends.

13 COUNCIL PRESIDENT VERNA: Aren't

14 they under contract?

15 MS. TOLSON: No, not for the alley
16 light repair. There is some contract work.
17 There's also some City work involved, too.

18 And much of that is done on overtime
19 on Saturdays. One of our cost savings
20 measures is to reduce some of our overtime.
21 So we expect a delay in the amount of time
22 it will take us to respond to some of the
23 alley light repairs.

24 COUNCIL PRESIDENT VERNA: How long
25 do we have to wait now for an alley light

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2 to be repaired?

3 MS. TOLSON: Our plan is 15 days,
4 our average. And we expect it to go to 30.

5 COUNCIL PRESIDENT VERNA: And what
6 can we expect?

7 MS. TOLSON: 30.

8 COUNCIL PRESIDENT VERNA: Okay.

9 MS. TOLSON: We're not increasing
10 the City's liability in the event of an
11 accident by delaying either the repair of
12 the streetlights, alley lights or the
13 highway roadside work, are we?

14 MS. TOLSON: We certainly are very

15 concerned about maintaining our safety
16 levels.

17 And what we've done is to look at
18 those areas that we think we can minimize
19 the impacts to safety. We will be
20 maintaining our on-time expectations, with
21 regard to streetlights.

22 Right now there is... Our efforts
23 are to have streetlights done within the
24 day. When people call... The same day
25 they call, if they call in the evening or

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2 in the daytime, we're out that night to
3 check them and repair them.

4 If they call at night, after crews
5 have been dispatched, then the next night
6 the lights are checked upon. We do most of
7 the investigations there at nighttime so we
8 can see the condition versus the day.

9 COUNCIL PRESIDENT VERNA: Well,
10 Commissioner, earlier we had the
11 Commissioner of L & I. And they testified
12 that they are going to be setting fees for
13 re-inspections.

14 For instance, the fees will go up

15 for... I guess the first inspection
16 violation will be \$75, the second will be
17 \$150, the third will be \$300.

18 You are very familiar with an issue
19 that has actually had some publicity in the
20 paper about someone in my District who does
21 not have a sidewalk. And he should have a
22 sidewalk.

23 Consequently, people have to walk
24 through a mud pit. How many times has he
25 been cited? And I know he has been cited.

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2 And what does it take for him to have to
3 abide by the law like everybody else?

4 Now, who follows through on the
5 citations that the Streets Department
6 issues? Do you have somebody go out and
7 check if the work was done; and if it was
8 not done he receives another citation?

9 Walk me through this process, if you
10 will, please.

11 MS. TOLSON: Okay. When citizens...
12 If a citizen calls to express concern about
13 a violation with regards to sidewalk
14 repair, we have someone go out and inspect
15 the location.

16 The challenge that we have right now
17 is with regard to how ultimately the
18 sidewalk repair is done.

19 As Council is aware, there is some
20 legislation that would require the City to
21 do some of that work, should the citizen
22 not prepare it himself.

23 We are presently challenged with
24 regard to that because we have not
25 identified --

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2 COUNCIL PRESIDENT VERNA: I'm sorry.
3 You're going to have to pull the microphone
4 closer to you. I'm having difficulty
5 hearing you.

6 MS. TOLSON: We are presently
7 challenged with that because we have not
8 identified a funding source to support
9 repairs of the sidewalks.

10 I think that the numbers that we
11 identified in previous testimony may cost
12 as much as \$6 million to repair sidewalks,
13 the problem that we have right now.

14 So we are still trying to
15 investigate and figure out ways to follow

16 through, as you suggest, and see that
17 sidewalks are repaired, but --

18 COUNCIL PRESIDENT VERNA: Well, I
19 don't know if we're ever going to have the
20 \$6 million to do that. So tell me: What
21 do we do? And what is the process at the
22 present time to do something about this mud
23 pit that people have to walk through every
24 time there's rain.

25 MS. TOLSON: Presently we do not

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2 have a process for getting the sidewalk
3 repaired because we don't have the ability
4 to pay to get it repaired. And we have --

5 COUNCIL PRESIDENT VERNA: Could you
6 issue a citation?

7 MS. TOLSON: We are not issuing
8 citations.

9 COUNCIL PRESIDENT VERNA: You don't
10 issue citations for people who have a
11 problem with their sidewalk?

12 MS. TOLSON: We haven't presently,
13 in the -- in the recent time, in the last
14 six months, issued citations.

15 The location that you talked about,
16 yes, we did issue citations for that.

17 COUNCIL PRESIDENT VERNA: All right.
18 So, say citations are issued. Where do we
19 go from there? Who's responsible for
20 collecting the fines on this citations?
21 And what other steps could be taken?
22 Because I think this is horrible. I really
23 do.

24 MS. TOLSON: The challenge that we
25 have is that when citizens ignore the

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2 City's request that they follow through and
3 take care of their own property, it's left
4 to the City to do something.

5 And we have limited means of doing
6 something, and that is the problem.

7 COUNCIL PRESIDENT VERNA: I know if
8 I have a crack on my sidewalk, it's my
9 responsibility. And if somebody falls, I
10 could be sued; is that right?

11 MS. TOLSON: That's correct.

12 COUNCIL PRESIDENT VERNA: Right.
13 Here somebody doesn't even have a sidewalk.
14 So what did you site him for? If it's not
15 the City's responsibility, what did you
16 site him for?

17 MS. TOLSON: We cited him for the
18 inappropriate sidewalk, not having... for
19 having a damaged sidewalk because, I mean,
20 there's something that exists there and
21 it's been damaged.

22 COUNCIL PRESIDENT VERNA: So in
23 other words, If you could issue 50
24 citations, and this gentleman will never be
25 required to actually install a sidewalk.

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2 MS. TOLSON: In this case the
3 gentleman knew very well that he had a very
4 bad sidewalk. This gentleman, I believe,
5 was an attorney -- is an attorney.

6 COUNCIL PRESIDENT VERNA: Mm-hmm.

7 MS. TOLSON: That lives --

8 COUNCIL PRESIDENT VERNA: There is
9 no sidewalk.

10 MS. TOLSON: Right. -- that lives
11 in --

12 COUNCIL PRESIDENT VERNA: Center
13 City.

14 MS. TOLSON: That lives in Center
15 City.

16 And he chose not to do his part, in
17 a community that was in much worse

18 condition than where he lives.

19 And I don't know how to answer that.

20 I don't know how to answer that, in terms
21 of citizen responsibility or property owner
22 responsibility.

23 But I do know that we are fully
24 challenged with regard to how to respond to
25 people who will not do their part.

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2 COUNCIL PRESIDENT VERNA: I just
3 can't... I just can't understand it. And
4 I think we have to look into this further.

5 And nobody from the Streets

6 COUNCILWOMAN TASC0: Madam
7 President.

8 COUNCIL PRESIDENT VERNA: Yes. The
9 Chair recognizes --

10 COUNCILWOMAN TASC0: Are you able to
11 take him to court?

12 MS. TOLSON: I am not sure. I can
13 get an answer fairly quickly, but I'm not
14 sure.

15 COUNCILMAN NUTTER: Madam President.

16 COUNCILWOMAN TASC0: Are you able to
17 lien his property if he doesn't pay the

18 citation?

19 MS. TOLSON: Yes. It was a lot. It
20 was a vacant lot on the corner.

21 We even gave him estimates, what it
22 would cost to get done, and he was just
23 reluctant to pay it.

24 COUNCILWOMAN TASC0: Well, have you
25 liened his properties?

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2 MS. TOLSON: He has since sold it,
3 and the new property owners will -- said --

4 COUNCIL PRESIDENT VERNA: He sold
5 it?

6 MS. TOLSON: Yes, he sold the
7 property.

8 COUNCIL PRESIDENT VERNA: When?

9 MS. TOLSON: About two months ago.
10 And the new property owner is to take care
11 of it.

12 COUNCILMAN CLARKE: Settlement...

13 COUNCIL PRESIDENT VERNA: I'm sorry.
14 I can't hear you.

15 COUNCILMAN CLARKE: Wouldn't it have
16 been resolved at settlement?

17 MS. TOLSON: I don't know that
18 information.

19 COUNCILMAN RIZZO: Madam President.

20 COUNCIL PRESIDENT Verna: The Chair
21 recognizes... I would just like to remind
22 everybody, when you ask for a point of
23 order your name suddenly disappears from
24 the screen. So we're going to write
25 everybody's name down as it appears.

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2 Now, thank you; the Chair recognizes
3 Councilman Rizzo.

4 COUNCILMAN RIZZO: Commissioner,
5 there was some confusion. You're talking
6 about sidewalks.

7 This winter I got a few calls about
8 people getting a ticket for not shoveling
9 on their sidewalk, and they didn't have
10 sidewalks.

11 So I don't know how some of those
12 things are being adjusted. Up in the
13 northwest especially, many people got --
14 and I assume that's somebody in your
15 department that issues those tickets?

16 MS. TOLSON: Yes.

17 COUNCILMAN RIZZO: Don't you think
18 it's kind of strange to give a person a

19 ticket for --

20 MS. TOLSON: Yeah, that certainly
21 would be inappropriate.

22 COUNCILMAN RIZZO: But they got
23 them. So, I assume they'll be adjusted.

24 But that's the question that we
25 have. How do people... And again, it's

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2 some of the older neighborhoods. I notice
3 when you're out walking, you'll run across
4 a property that just has grass.

5 MS. TOLSON: Mm-hmm.

6 COUNCILMAN RIZZO: No sidewalk.

7 Is there a requirement to have a
8 sidewalk?

9 MS. TOLSON: There are some
10 requirements with regard to having
11 sidewalks.

12 The location in question is a
13 thoroughly... It is not near a park. It
14 is not near other green space that might
15 require a sidewalk --

16 COUNCIL PRESIDENT VERNA:
17 Commissioner. Commissioner.

18 MS. TOLSON: -- but it's --

19 COUNCIL PRESIDENT VERNA:

20 Commissioner, I don't mean to interrupt
21 you, and I don't want to belabor this
22 issue.

23 You know how that area is changing,
24 how the prices of real estate is
25 skyrocketing.

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2 And we allow somebody to get away
3 with this? Who apparently has the
4 wherewithal to make what is required of him
5 to do. And we allow him to get away scot
6 free?

7 I just don't think it's right. I
8 don't think it's right. But since the
9 property's been sold, I assume the new
10 property owner understands that there have
11 been citations issued on this?

12 MS. TOLSON: Yes.

13 COUNCIL PRESIDENT VERNA: You're
14 certain of that.

15 MS. TOLSON: I am certain that the
16 property owner would get the citations that
17 were there from before.

18 COUNCIL PRESIDENT VERNA: I
19 personally --

20 MS. TOLSON: And what I will also do
21 is go back to make sure that we deliver to
22 the new property owner a new citation.

23 COUNCIL PRESIDENT VERNA: Thank you.
24 I don't want to tell you what their
25 response was. I mean, it's utterly

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2 ridiculous.

3 Chair recognizes Councilman Rizzo.

4 COUNCIL PRESIDENT VERNA: You're
5 next.

6 COUNCILMAN RIZZO: Oh, great. Thank
7 you. Thank you.

8 Commissioner, let me first say that
9 after many, many years the Germantown
10 Avenue bridge turned out to be a very, very
11 beautiful project.

12 I think you must agree that the
13 community, the Streets Department worked
14 very closely together. I know it got
15 heated at times.

16 But now I think that is probably one
17 of the most beautiful bridges in the City
18 of Philadelphia, the one that spans the
19 Wissahickon Creek at... up in the
20 northwest. It's really impressive when you

21 go over there, day or night. Great job
22 that your people did, in creating something
23 that will be there for many, many, many
24 years.

25 But my question is that, a few days

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2 after that bridge opened, the little bridge
3 on Bells Mill shut. And I know it was
4 turned around quickly. Temporary repairs
5 were made to get that bridge reopened in
6 its full capacity.

7 I anticipate... I understand we can
8 anticipate a major bridge construction on a
9 bridge that will cause a lot of confusion
10 again in that community.

11 For eight... seven, eight years the
12 bridge on Germantown Avenue was shut and
13 then one way.

14 What can we expect, and... What can
15 we expect? And if you have someone on the
16 staff that has, you know, up-to-date
17 information, what can we expect to have
18 happen?

19 When will that bridge be shut down
20 for the repairs? And what can we do to

21 alleviate a major artery that connects
22 Roxborough and Chestnut Hill? What can we
23 expect the impact to be and keep it to a
24 minimum?

25 MS. TOLSON: In the design plans for

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2 all of our bridge work, whether they be
3 some renovations or reconstruction, the
4 engineers take into some consideration the
5 use of the bridge and the need to maintain
6 some -- and whatever need to maintain
7 traffic, as required there.

8 We understand that for -- for the
9 bridge in question, that it is an important
10 artery. And what... I am not clear about
11 the time line for repair.

12 But when the repair does happen, as
13 traffic is needed to be rerouted, it will
14 work -- we will work with, I think,
15 Flowertown and the other communities, to
16 try to route the traffic properly and as
17 best as we can.

18 But because it is fairly small, we
19 probably have limited capacity to maintain
20 it being open.

21 During the short period of time that

22 we had it closed or partially closed, we
23 had a lot of disruption and a lot of
24 intervention by police because people were
25 failing to heed to the directionals and the

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2 one way that we had put in place.

3 But I am confident that we will be
4 able to work it out, once the full
5 construction goes into place.

6 And I also add, with regard to the
7 Germantown Bridge, I thank you for your
8 comments on that, and also tell you that
9 the work on that bridge has just received
10 some national recognition.

11 In fact, we are putting out a press
12 release today to talk about the national
13 award that the engineers on staff have won
14 for the work that they did on that bridge.

15 COUNCILMAN RIZZO: Yeah. It's
16 magnificent.

17 Commissioner, would you mind? I
18 hate to again have to get real... have to
19 nail you down. But could you bring someone
20 to the table that can for the record talk
21 about a time line for that Bells Mill

22 bridge? Could Mr. Sernick or --

23 MS. TOLSON: To the extent that he
24 has it, sir. I would really not like him
25 to speculate on it for the record.

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2 COUNCILMAN RIZZO: I don't want to
3 speculate. I want to nail you down a bit.

4 MS. TOLSON: Okay.

5 COUNCILMAN RIZZO: Because when this
6 project starts, I don't want to say... I
7 don't want to be told something differently
8 than we can expect here.

9 So could he come to the table --

10 MS. TOLSON: Sure.

11 COUNCILMAN RIZZO: -- and talk about
12 exactly what the community impact will be.

13 MR. SERNICK: Good afternoon.

14 Joseph Sernick, Chief Engineer and
15 surveyor, Streets Department.

16 Councilman, that bridge is, as you
17 know, it's a historic, very old stone arch
18 bridge.

19 We have a program for a
20 rehabilitation in fiscal year '06. Our
21 plan would be to use a new process that is
22 currently being tested on the Century Lane

23 bridge, which has just undergone
24 construction within the last month.
25 It's that technique which is sort of

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2 a non-destructive arch-strengthening
3 method, if that technique works well on
4 Century Lane, which is a very similar
5 bridge, we would be instituting that on the
6 Bells Mill Road project.

7 We are looking at that process very
8 closely, as is PENNDOT, because they have a
9 lot of stone arch bridges also.

10 It's a process that was imported
11 from Britain. If that process works, it
12 will shorten greatly the amount of time
13 needed for construction, such that the
14 bridge will probably be closed about six
15 months. That's still a long time.

16 COUNCILMAN RIZZO: Closed. Closed.
17 Shut down.

18 MR. SERNICK: Shut down.

19 COUNCILMAN RIZZO: Bells Mill.
20 Gone.

21 MR. SERNICK: Yes.

22 COUNCILMAN RIZZO: Okay.

23 MS. TOLSON: And it's a very
24 difficult detour, as you know, because
25 we've got to run up through Whitemarsh,

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2 over Baron Hill Road. You know the detour.

3 COUNCILMAN RIZZO: The question.
4 That's the shortest, six months. Now, if
5 they don't use that technology, what's
6 going to be the long side?

7 MR. SERNICK: Well, we're going to
8 have to go in and conventionally
9 reconstruct that arch, which means taking
10 the stones out, putting up some false work,
11 and putting them back in.

12 Again, we're forced to pretty much
13 keep the look of the bridge the same as it
14 is. So it would probably take a full
15 construction season, probably eight or nine
16 months.

17 COUNCILMAN RIZZO: That's going to
18 be... We're going to be back where we were
19 with -- pretty much, or maybe worse than
20 having the Germantown Avenue bridge out.

21 MR. SERNICK: Well, the Commissioner
22 just asked me would the start time change
23 under those two scenarios.

24 And I would say that the start time
25 would not change. However, in the longer

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2 technique, would have to make sure that we
3 started at the beginning of a construction
4 season, such like in February, because you
5 would not want to be in a situation where
6 you did not get it completed and had to
7 have it sit over the winter closed but not
8 being worked on. So the timing gets more
9 critical in the second scenario.

10 COUNCILMAN RIZZ0: So for the
11 record, when you talk about fiscal year
12 '06, could you be clearer on... We're
13 talking about the calendar year '05.

14 MR. SERNICK: We're probably talking
15 about starting this project in the spring
16 of '06, the latter part of the year.
17 Again, you don't want to have it under
18 construction so that it would sit over a
19 winter.

20 COUNCILMAN RIZZ0: Okay.

21 MR. SERNICK: And the strengthening
22 that we made to the bridge in the work that
23 you just described at the beginning of your

24 testimony there is fine in order to hold
25 the bridge over for that length of time.

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2 COUNCILMAN RIZZO: Well, thank you.

3 And let's hope that the new imported
4 technology works because six months is even
5 a long time to have that particular roadway
6 shut down in total.

7 MR. SERNICK: It is.

8 COUNCILMAN RIZZO: And again, we
9 have to keep in consideration when there's
10 a hospital case that goes to Chestnut Hill,
11 lots of the Roxborough community is
12 serviced by emergency medical care that
13 uses that road, and that creates a
14 significant delay.

15 And I know you even went out there
16 on your own and timed it, which I
17 appreciate, to make sure that we're not
18 delaying hospital cases being taken to
19 Chestnut Hill Hospital.

20 Madam President, I know I went long.
21 And I'll just pass and come up to the next
22 question on the second round.

23 COUNCIL PRESIDENT VERNA: The Chair
24 recognizes Councilman Nutter.

25 COUNCILMAN NUTTER: Thank you, Madam

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2 Chair.

3 Commissioner, I have a couple items
4 that I'd like to raise with you. Some are
5 slightly old in nature, but I'll get
6 through them with you.

7 But let me ask this question now.
8 Does the Streets Department work in concert
9 with the School District, the other large
10 governmental body in the City, on
11 sanitation removal? Do we pick up trash
12 and debris from public schools?

13 MS. TOLSON: We do not presently
14 collect from public schools.

15 COUNCILMAN NUTTER: We do not.

16 MS. TOLSON: Presently.

17 COUNCILMAN NUTTER: You say
18 presently as if...

19 MS. TOLSON: Historically we have --

20 COUNCILMAN NUTTER: Either we are or
21 we used to.

22 MS. TOLSON: We used to.

23 COUNCILMAN NUTTER: Okay. Why did
24 we stop?

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2 School District, they wanted to try to use
3 a private vendor, and see if they could
4 expand their recycling program.

5 COUNCILMAN NUTTER: Okay. Do you
6 know what the result of that effort is?

7 S. TOLSON: I think that the School
8 District is still trying to work through a
9 good -- a good program.

10 COUNCILMAN NUTTER: Is the City
11 charging the School District for trash
12 pickup?

13 MS. TOLSON: Yes.

14 COUNCILMAN NUTTER: And do you
15 recall what it was? What is it; a tonnage
16 issue or is it a flat rate or...

17 MS. TOLSON: No. We charged our
18 cost. So it was time and material, time
19 and tonnage.

20 COUNCILMAN NUTTER: And do you have
21 any idea what the cost of the private
22 service was?

23 MS. TOLSON: The cost of the private
24 service is about a million and a half. I
25 think that... I'm sorry. Two-and-a-half

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2 million.

3 I believe that the School District
4 believed that they could get recycling and
5 waste collection at the same cost.

6 They have not yet achieved that, but
7 they're still working on it. And we are
8 trying to assist them in getting a good
9 contract, in terms of the... working out
10 for them the terms of the contract, the
11 suggested terms.

12 COUNCILMAN NUTTER: And when did the
13 City School District relationship, at least
14 on trash, end?

15 MS. TOLSON: I think it was three
16 years ago.

17 COUNCILMAN NUTTER: Okay. All
18 right.

19 I was looking through the large
20 budget book, and I could not find the
21 detail on the contracts I assume we have
22 with companies for resurfacing. Do you
23 know where I would find that? I'm assuming
24 they're under contract to the Streets
25 Department.

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2 MS. TOLSON: We do a significant
3 piece in our Capital Budget.

4 COUNCILMAN NUTTER: Street
5 resurfacing in the Capital Budget?

6 MS. TOLSON: A page number. We're
7 looking through the book to get you the
8 page number.

9 COUNCILMAN NUTTER: No problem.

10 MS. TOLSON: On Page 40, section 37.

11 COUNCILMAN NUTTER: Page 40.

12 MS. TOLSON: Item number 305.

13 COUNCILMAN NUTTER: So you're
14 talking about item number 305, building and
15 construction, highway materials: asphalt,
16 super patch, et cetera?

17 MS. TOLSON: Yes.

18 COUNCILMAN NUTTER: And that's \$2.49
19 million that we spend on that?

20 MS. TOLSON: Yes.

21 COUNCILMAN NUTTER: Okay. Normally
22 in that section these kinds of listings,
23 although I see this appears to be a Class
24 300? Do we have contracts with companies
25 that provide these services?

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2 MS. TOLSON: Yes. We do a
3 significant amount through our Capital
4 Budget.

5 COUNCILMAN NUTTER: So you do street
6 resurfacing through the Capital Budget.

7 MS. TOLSON: Yes.

8 COUNCILMAN NUTTER: Just to inquire,
9 why would we do street resurfacing through
10 the Capital Budget? Doesn't that have a
11 useful life?

12 MS. TOLSON: I'm sorry.

13 COUNCILMAN NUTTER: Within five
14 years or seven years or something like
15 that?

16 MS. TOLSON: We do a significant
17 amount of reconstruction and resurfacing.
18 And it historically has been through the
19 Capital Budget. We have about \$11 million
20 there.

21 COUNCILMAN NUTTER: Okay. So what
22 is this line item 305 then?

23 MS. TOLSON: The City also -- We --
24 With our operating forces --

25 COUNCILMAN NUTTER: We do our own,

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2 right.

3 MS. TOLSON: -- we do some work as
4 well.

5 COUNCILMAN NUTTER: How many
6 companies provide street resurfacing
7 services to us?

8 MS. TOLSON: There's probably a
9 handful that are available for that
10 service.

11 COUNCILMAN NUTTER: Okay. Could you
12 be a little more specific? How many... I
13 know what a couple is. I know what a few
14 is.

15 MS. TOLSON: Handful.

16 COUNCILMAN NUTTER: I don't know
17 what a handful is.

18 MS. TOLSON: Handful? Four to five.

19 COUNCILMAN NUTTER: Four to five.

20 Okay. All right. A new definition.

21 How much do we spend... In addition
22 to the City's \$2.49 million, how much do we
23 spend on street resurfacing with private
24 companies?

25 MS. TOLSON: \$11 million.

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2 COUNCILMAN NUTTER: I'm sorry?

3 MS. TOLSON: 11.

4 COUNCILMAN NUTTER: \$11 million.

5 MS. TOLSON: \$11 million.

6 COUNCILMAN NUTTER: Where would I

7 find that in any of these books?

8 MS. TOLSON: Let me get my Capital

9 Budget book.

10 I'm sorry, Councilman. We don't

11 have our Capital Budget book here.

12 COUNCILMAN NUTTER: That's all

13 right. I have one, but that's not going

14 to... Okay. That's fine. The Capital

15 Budget is not going to tell me what I want

16 to know.

17 How many companies and what are

18 their names?

19 MS. TOLSON: Okay. We will get that

20 for you.

21 Okay. The list of vendors here are

22 our vendors that usually participate. AP

23 Construction.

24 COUNCILMAN NUTTER: I'm sorry. What

25 was that name again?

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2 MS. TOLSON: AP.

3 COUNCILMAN NUTTER: AP?

4 MS. TOLSON: A as in apple. P as in

5 Paul.

6 COUNCILMAN NUTTER: Construction.

7 MS. TOLSON: DePaul Construction.

8 Anderson, Glasgow.

9 COUNCILMAN NUTTER: Hold on.

10 MS. TOLSON: G-l-a-s-g-o-w.

11 COUNCILMAN NUTTER: G-l-a-s...

12 MS. TOLSON: g-o-w.

13 COUNCILMAN NUTTER: g-o-w. Mm-hmm.

14 MS. TOLSON: And Seravelli.

15 COUNCILMAN NUTTER: Seravelli?

16 MS. TOLSON: Does a limited amount.

17 COUNCILMAN NUTTER: AP Construction,

18 DePaul, Anderson, Glasgow, Seravelli?

19 MS. TOLSON: Yes.

20 COUNCILMAN NUTTER: So there are

21 five firms that provide street resurfacing

22 services to us?

23 MS. TOLSON: Yes. This is a...

24 They bid on these jobs.

25 COUNCILMAN NUTTER: I'm sorry?

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2 MS. TOLSON: They bid on these jobs.
3 These are all bid jobs.

4 COUNCILMAN NUTTER: Okay. And what
5 I'd like is, if you could provide us, say
6 for the last two fiscal years, all the
7 companies that bid, the companies that were
8 awarded, how much they were awarded.

9 To your knowledge, are any of these
10 companies owned by either a minority or a
11 female or any other person or entity in a
12 disadvantaged business class?

13 MS. TOLSON: I believe... Let me
14 just confirm... that one is a female. I
15 think Glasgow. Glasgow is a woman-owned
16 business.

17 COUNCILMAN NUTTER: Okay. Are there
18 any minority-owned firms or of any minority
19 status?

20 MS. TOLSON: Not in the resurfacing.

21 COUNCILMAN NUTTER: Okay. All
22 right. And the amount that we spend
23 annually on street resurfacing, is it
24 fairly consistent over the years?

25 MS. TOLSON: The number is somewhat

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2 smaller this year.

3 COUNCILMAN NUTTER: So we've done
4 more in previous years.

5 MS. TOLSON: Yes. Yes. We had
6 larger capital budgets.

7 COUNCILMAN NUTTER: Okay. Okay.
8 When you gave your answer on street
9 resurfacing regarding minority firms, you
10 seemed to make it specific to resurfacing.

11 Are there other minority-owned
12 companies that do major work for the
13 Streets Department?

14 MS. TOLSON: Yes. We have Ramos
15 that does construction work.

16 COUNCILMAN NUTTER: Did you say
17 Ramos?

18 MS. TOLSON: Yes. Ramos
19 Construction Company.

20 COUNCILMAN NUTTER: What kind of
21 work would they do?

22 MS. TOLSON: Construction.

23 COUNCILMAN NUTTER: I kind of
24 figured that. What kind of construction?

25 MS. TOLSON: For example, they were

2 a major player in the Independence...
3 independence Construction project on
4 Chestnut Street? They did the sidewalks
5 the streetscape work...
6 COUNCILMAN NUTTER: Is it the
7 Independence Mall Project?
8 MS. TOLSON: Yes.
9 COUNCILMAN NUTTER: Okay.
10 MS. TOLSON: Independence project.
11 COUNCILMAN NUTTER: All right. Why
12 don't we do this. Can you provide to the
13 Chair a list.
14 Is there, again, any central place
15 that I would be able to go in the budget?
16 As I said, I've been looking through the
17 detail, and generally your 200 series or
18 your 250 series.
19 I don't see a lot of contracts or
20 traditional... in the traditional places.
21 Can you get to us a list of the various...
22 Now, you did some one page with a
23 whole bunch of professional services
24 contracts on it, which I've now lost.
25 Could you give us a list of all your

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2 contracts, and the amounts and what they
3 were for?

4 MS. TOLSON: Yes.

5 COUNCILMAN NUTTER: Okay. All
6 right.

7 Now, let me ask --

8 COUNCILWOMAN BROWN: May I have a
9 question?

10 COUNCILMAN NUTTER: Yes.
11 Microphone. Sure.

12 COUNCILWOMAN BROWN: Indicate, if
13 you would also, of those which are
14 Philadelphia based.

15 Thank you, Councilman Nutter.

16 COUNCILMAN NUTTER: Sure. Well, why
17 don't we just ask. I mean, there are only
18 a handful.

19 MS. TOLSON: Mm-hmm.

20 COUNCILMAN NUTTER: At least on the
21 resurfacing.

22 Are all these companies Philadelphia
23 based?

24 MR. SERNICK: Councilman, Joe
25 Sernick again.

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2 Anderson, Seravelli are Philadelphia

3 based. Ramos are Philadelphia based.

4 COUNCILMAN NUTTER: I'm sorry?

5 MR. SERNICK: Ramos is Philadelphia

6 based.

7 COUNCILMAN NUTTER: They weren't on

8 my list.

9 MR. SERNICK: Oh, resurface. All

10 right. Saravelli, Anderson.

11 COUNCILMAN NUTTER: Well, hold on

12 for a second.

13 Ramos wasn't in the five that I was

14 initially given. So they must provide --

15 What service do they provide?

16 MR. SERNICK: They don't do

17 resurfacing.

18 COUNCILMAN NUTTER: What do they do?

19 MR. SERNICK: I believe you said

20 other types of work.

21 And we had said that Ramos had done

22 street reconstruction...

23 COUNCILMAN NUTTER: Right.

24 MR. SERNICK: ...streetscaping,

25 concrete work, curbing, sidewalks, that

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2 kind of thing.

3 COUNCILMAN NUTTER: Right. Right.
4 Yeah. They did Allegheny Avenue a bunch of
5 years ago.
6 So, I don't want to get caught in
7 the you-didn't-ask-the-right-question
8 situation.
9 So, I know we have straight
10 resurfacing work. And then we have road
11 reconstruction. We've got streetscape and
12 all the rest.
13 Can I have the larger list, then?
14 MS. TOLSON: Yes.
15 COUNCILMAN NUTTER: Okay.
16 MS. TOLSON: Not a problem.
17 COUNCILMAN NUTTER: That's going to
18 be as a part of the response?
19 MS. TOLSON: Not a problem.
20 COUNCILMAN NUTTER: Okay. All
21 right. So, go ahead.
22 And all of these companies do their
23 own milling work or is that someone else?
24 Is that a separate --
25 MS. TOLSON: That's part of this.

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2 COUNCILMAN NUTTER: That's part of
3 that. Okay.

4 Let's go to Page 107 in your section
5 37. Can you just provide to the Chair some
6 additional information about all of these
7 companies in your 250 series, in terms of a
8 little bit of additional information on
9 what the contract is, some demographic
10 information about the contractor, including
11 whether they are in the City or outside the
12 City.

13 MS. TOLSON: Yes.

14 COUNCILWOMAN TASC0: What page are
15 you on?

16 COUNCILMAN NUTTER: Page 107 in
17 section 37.

18 Okay. And Commissioner, we heard
19 the other day, when you go out into the
20 marketplace for professional services
21 contracts, is it normally with... Do you
22 normally... I guess we've got RFPs, RFQs,
23 RFIs, you know, RF, any other letter of the
24 alphabet.

25 Is yours usually a written proposal

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2 or document? And do you usually seek
3 competitive bids or do you just often know

4 who you want to pick and you just pick
5 them?

6 MS. TOLSON: In writing with some
7 general description or scope of services
8 requested.

9 COUNCILMAN NUTTER: Okay. All
10 right.

11 A couple outstanding items. I've
12 got... We get these letters from time to
13 time in response to requests from
14 constituents about streetlights. Am I
15 over? Okay.

16 Constituents ask about streetlights,
17 for whatever particular reason. And at
18 varying points in time, in the year, the
19 response comes back that you're unable to
20 install additional streetlights because you
21 don't have any funding for new street
22 lighting.

23 My concern with that is... I got
24 one of those letters last year. The reply
25 was dated July 10th. The fiscal year

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2 started July 1st.

3 And so, on that one I'm slightly
4 perplexed to understand how you could be

5 out of money ten days into the fiscal year.

6 So, I do wonder both about the
7 response itself. And I know that you
8 actually have money for street lighting.
9 So, how do we go about getting additional
10 streetlights when constituents ask for
11 them?

12 MS. TOLSON: We certainly had money
13 on July 10th from July 1st. And the focus
14 of our program --

15 COUNCILMAN NUTTER: I'd like to
16 think so.

17 MS. TOLSON: Yes. We don't spend it
18 quite that fast.

19 The focus of our program has been on
20 the replacement of obsolete fixtures
21 throughout the City, replacing them with
22 energy efficient, high pressure sodium
23 fixtures, and also doing repairs.

24 We have the opportunity to and we're
25 able to also place new fixtures where

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2 there's existing poles.

3 Because of our limited funds, we are
4 also taking the opportunity to include on

5 our federal aid programs street lighting
6 replacements and fixtures, where we can.

7 COUNCILMAN NUTTER: Mm-hmm.

8 MS. TOLSON: We are challenged to
9 get a little bit past that. And I think
10 that we have to do a better job, maybe in
11 working with Council, to identify possible
12 funding sources and support for those
13 requests.

14 COUNCILMAN NUTTER: Okay. Which I'd
15 be pleased to have that discussion. I
16 mean, I think our goals are the same. We
17 want to provide the service.

18 If for some reason, with the
19 exception of ten days into the fiscal year,
20 you don't have the funds available, then I
21 would like to have the discussion. I'd
22 like to provide the service, and, you know,
23 kind of move on.

24 So, I will give you copies of these,
25 a couple of which I did not receive a

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2 response to and a couple I did.

3 There was discussion earlier -- I
4 hate to take you back into this
5 territory -- with the person with no

6 sidewalk.

7 And when the President returns, I
8 actually would love to hear what the Law
9 Department said about that.

10 But I get requests from constituents
11 on a pretty regular basis, and you know
12 I've been involved in this issue for some
13 time.

14 But I got the 3,000 block of North
15 Bambrey. Those constituents wrote earlier
16 this year about their curbs and sidewalks.

17 And there is a provision in the Code
18 related to Streets, providing for if you're
19 resurfacing a street, and if as a part of
20 the work that needs to be done a
21 determination is made that curb and
22 sidewalk needs to be replaced, that you
23 will do it.

24 I guess the question is: Has that
25 particular provision ever been utilized in

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2 the Code, related to these kinds of
3 problems?

4 MS. TOLSON: In my previous
5 commentary, that was the issue that I

6 expressed some concern about, our lack of
7 ability to fund that.

8 COUNCILMAN NUTTER: Okay. So...

9 Well, let me ask this question: If you had
10 the funding, and if there were a street in
11 such poor condition that while you were
12 pursuing resurfacing... It was in such
13 poor condition that you really did need to
14 reconstruct the curb and sidewalk area to
15 make the resurfacing effective, would you
16 pursue the curb and sidewalk replacement?

17 MS. TOLSON: I'm sorry, Councilman.
18 I turned away for a minute. I apologize.

19 COUNCILMAN NUTTER: I can understand
20 that.

21 What I said was, if you had the
22 funding, and you went out to resurface a
23 street, and the curb and sidewalk were in
24 such bad condition that it basically didn't
25 make sense to resurface the street without

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2 repairing the curb and sidewalk, would you
3 do it?

4 MS. TOLSON: I think that's when we
5 certainly would be able to engage with the
6 Law Department, in a real conversation

7 about how we proceed, then; you know, what
8 are the legal issues, what are the policy
9 issues; probably that said aside, you know,
10 so that we can move forward with
11 implementation.

12 COUNCILMAN NUTTER: Okay. Well,
13 again, I'll give you another copy of this
14 particular letter. And we've received some
15 others, because I think some response to
16 the citizens in that particular case would
17 be helpful. And we didn't get anything
18 back on that one.

19 MS. TOLSON: Okay. I'll be sure to
20 engage the Law Department with this.

21 COUNCILMAN NUTTER: Okay. Thanks.
22 I think I'm done.

23 COUNCIL PRESIDENT VERNA: Thank you.

24 The Chair recognizes Councilwoman
25 Tasco.

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2 COUNCILWOMAN TASCO: Good afternoon.

3 MS. TOLSON: Good afternoon.

4 COUNCILWOMAN TASCO: Last year a
5 million dollars of NTI funds were allocated
6 to do a study and pilot program regarding

7 driveways, sidewalks and retaining walls.
8 What was the result of the study and the
9 pilot program?

10 MS. TOLSON: I'm pleased to report
11 that we have achieved a great deal with
12 regard to our retaining walls.

13 Over this last year three retaining
14 walls were repaired, Berk Street, Mascher
15 and Nedro. And we've identified the next
16 two that are to be done.

17 We did a significant survey
18 throughout the entire City of all the
19 retaining walls, to assess where we had our
20 biggest challenges with regard to walls
21 that were potential safety hazards.

22 In fact, some were just teetering.
23 So, the intervention and concern of Council
24 was certainly very, very helpful to move
25 ahead with that project.

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2 We've identified a priority order of
3 walls that need to be taken care of and
4 removing post haste to get those walls
5 addressed.

6 COUNCILWOMAN TASCO: But the million
7 dollars was for a fund to do a study -- are

8 you aware of that -- in the NTI program?

9 MS. TOLSON: I wasn't aware that it

10 was for the study. I thought it was to do

11 some of the work.

12 COUNCILWOMAN TASC0: (Shakes head in

13 the negative.)

14 COUNCILMAN NUTTER: Both.

15 COUNCILWOMAN TASC0: Both.

16 MS. TOLSON: All right. So we did

17 the study and we're doing the work.

18 COUNCILWOMAN TASC0: What did the

19 study show?

20 MS. TOLSON: We did an assessment of

21 all of the retaining walls.

22 COUNCILWOMAN TASC0: What about

23 sidewalks and driveways?

24 MS. TOLSON: The sidewalks and

25 driveways... There is some analysis about

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2 that potential cost to do those. They are

3 significant.

4 They do not pose -- What was found,

5 they do not pose the same safety hazard and

6 concern as retaining walls.

7 Some of the retaining walls were

8 quite significant in size. Obviously,
9 there was a concern with either things
10 falling from above onto people or people
11 falling down through something because of
12 failing retaining walls.

13 COUNCILWOMAN TASC0: Is the million
14 dollars being used for retaining walls?

15 MS. TOLSON: So far it has been used
16 for retaining walls, yes.

17 COUNCILWOMAN TASC0: So did you do a
18 study -- I think the purpose of the study
19 was to look at how you could come up with a
20 program that would be helpful to neighbors,
21 in addressing the issue of driveways
22 because right --

23 COUNCILMAN NUTTER: And curbs.

24 COUNCILWOMAN TASC0: And curbs and
25 sidewalks. And because the problem has

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2 been that there is no... has been no effort
3 to try to come up with a plan to help
4 neighbors to repair their driveways.

5 And that was the major concern, why
6 the million dollars was done, to do some of
7 this stuff, but also to do the study,
8 basically for driveways and curbs and

9 sidewalks.

10 MS. TOLSON: Yes. I understand. I
11 think that some priority was given to the
12 retaining wall because of the safety issue.

13 There is some analysis and
14 commentary, with regard to the sidewalks
15 and driveways as well. And I can pull that
16 information and get it to you.

17 COUNCILWOMAN TASCO: But what's
18 important for us who have to deal with
19 these driveway issues every time I go to a
20 meeting, the neighbors want to know what
21 can the City do.

22 They don't necessarily want the City
23 to pay for it. They want a process by
24 where everybody... They understand it's a
25 common driveway. But they can't, through

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2 their own process, engage a hundred percent
3 of the neighbors in paying for the repair
4 or repaving of the driveway.

5 So what we ask the City to do is to
6 come up with a way that the City could
7 involve itself, somewhat as you're doing
8 with the retaining walls.

9 I think the people who live where
10 the retaining wall is being repaired have
11 to pay, right?

12 MS. TOLSON: Yes.

13 COUNCILWOMAN TASC0: Right. And the
14 City does put some money in that, right?

15 MS. TOLSON: Yes.

16 COUNCILWOMAN TASC0: All right. So
17 what will you all do to help the people
18 with the driveways, even absent the money,
19 even helping them to understand that you
20 have to pay. This is how much it costs.
21 Then we will do X, Y, Z to help you get it
22 done. That is what people are asking for.

23 MS. TOLSON: I think what we've
24 done -- what we've started in this process
25 with the retaining wall is just that

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2 approach.

3 We've -- We've had community
4 meetings with people, to talk about why
5 we're doing retaining walls or their
6 retaining wall first, the dangers and
7 concerns that we have.

8 And we've also talked about the need
9 for citizens to repay the money, because

10 the fund is somewhat like a revolving fund.
11 And as people have the work done, we talk
12 about -- they pay it back so that more work
13 can be done.

14 We have billed for at least two of
15 these walls several hundred thousand
16 dollars. The money has been slow in
17 return.

18 And I guess we have to give people a
19 little bit more time. But those bills have
20 been out there probably a little over a
21 month at this point.

22 COUNCILWOMAN TASC0: Are they -- Are
23 the people -- Are the properties lienied?

24 MS. TOLSON: They have not been
25 lienied. Well, actually, let me back up one

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2 second.

3 Citizens have up to three years to
4 repay the funds or pay it all at one time.
5 After that point they are lienied. So no
6 one has been lienied as yet.

7 But the feature of the program that
8 talks about being the revolving fund is
9 explained on the front end, so that people

10 understand that as we do a retaining wall,
11 it's very helpful to put the money back in
12 so we can do more and more work.

13 The fact is that these retaining
14 walls, some were very, very bad and some
15 were very, very large... in and of
16 themselves have used up now nearly a
17 million dollars.

18 Now, certainly many driveways could
19 be done for the same amount of money
20 versus, you know... You could do, you
21 know, ten, twenty times over the work with
22 driveways, as opposed to retaining walls.
23 But these were safety concerns that we felt
24 had to be addressed fairly immediately.

25 COUNCILWOMAN TASC0: So you're

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2 saying if you had a million dollars you
3 could do how many driveways?

4 MS. TOLSON: I'll give you that
5 calculation in one minute. If you could
6 ask other questions, somebody will give me
7 the answer to that.

8 COUNCILWOMAN TASC0: So if you had
9 another million dollars we could begin
10 helping to repair driveways.

11 MS. TOLSON: Certainly.

12 COUNCILWOMAN TASC0: Somebody's

13 going to give us some costs on that?

14 MS. TOLSON: Yes, somebody's going

15 to give me the answer. We need a

16 calculator.

17 COUNCILWOMAN TASC0: Well, has your

18 department made any attempt --

19 COUNCILMAN NUTTER: Charley's got a

20 calculator.

21 MS. TOLSON: Thank you.

22 For reconstruction of a driveway, 10

23 to 15. That number can be made even larger

24 if we use other techniques, such as

25 resurfacing and not fully reconstructing.

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2 COUNCILWOMAN TASC0: What did you

3 say?

4 MS. TOLSON: 10 to 15.

5 COUNCILWOMAN TASC0: 10 to 15 with a

6 million dollars?

7 MS. TOLSON: Yes, for

8 reconstruction.

9 COUNCILWOMAN TASC0: For

10 reconstruction.

11 MS. TOLSON: And that number can be
12 even larger if we were to use other
13 techniques, such as resurfacing, other
14 resurfacing techniques.

15 COUNCILWOMAN TASC0: So we might
16 have got more for our money if we had done
17 driveways, right?

18 I certainly had less grief. I don't
19 get complaints about retaining walls. I
20 got one complaint about one retaining wall.
21 I get hundreds of complaints about
22 driveways.

23 MS. TOLSON: Right.

24 COUNCILWOMAN TASC0: In a lot of
25 instances the City is culpable because the

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2 trash trucks use the driveways.

3 And the argument by the homeowner is
4 that, look, our driveways probably wouldn't
5 be so bad if the trash trucks weren't
6 there.

7 So I have one block, as you know,
8 7400 block of... 2400 block, I think, of
9 76th or 77th Avenue, where the driveway has
10 been condemned.

11 So now they are picking up the trash

12 in the front. And the neighbors are upset.
13 And there's nothing being done to help
14 these neighbors try and resolve the issue
15 of how their driveway gets repaired.

16 MS. TOLSON: All right. We have
17 focused on the retaining walls.

18 COUNCILWOMAN TASC0: So are you all
19 going to do anything about the study on how
20 to come up with a plan for driveways?
21 Would you come back to City Council and ask
22 us: We've come up with this program for
23 driveways and here's how much it costs?

24 MS. TOLSON: We can do that,
25 Councilwoman, yes. In fact, we can work

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2 with Council to try and develop a strategy
3 that will be suitable.

4 COUNCILWOMAN TASC0: Well, we're
5 supposed to use some of this million
6 dollars to do that.

7 MS. TOLSON: Yes. Well, as I said,
8 for the first three they really used the
9 million dollars.

10 COUNCILWOMAN TASC0: Well, you
11 weren't supposed to use all the million

12 dollars.

13 You were supposed to use the million
14 dollars to fund the retaining wall, alley,
15 driveway, curbs and sidewalk repair, and
16 reconstruction, pilot program and analysis.

17 MS. TOLSON: Unfortunately, I think
18 the magnitude of the problem and the safety
19 concerns that were highlighted with these
20 walls kind of forced -- forced everyone's
21 hand on the issue of addressing these
22 retaining walls immediately.

23 COUNCILWOMAN TASCO: Councilman
24 Nutter wants a point of order.

25 COUNCILMAN NUTTER: Thank you.

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2 Thank you, Councilwoman Tasco.

3 Commissioner, I'll be the first to
4 say that I am very pleased, very proud,
5 very excited about the retaining wall work
6 that was done.

7 Possibly one of the first letters I
8 wrote when I arrived in City Council in
9 January of 1992 -- I didn't even have
10 regular stationery yet -- was about the
11 retaining wall in the 5200 block of Berks
12 and Euclid, which was completed earlier --

13 earlier this year.

14 It is tremendous. The work was
15 fantastic. The neighbors are very happy.
16 So, you know, finally that got done. And
17 I'm very pleased with it.

18 But I do want to point out to you,
19 and I also respect the fact that, you know,
20 the magnitude of the problem, you know, was
21 very large with the first three walls that
22 were done.

23 What I don't recall is, what the
24 full cost was for the three. There was one
25 done in Councilwoman Tasco's District, one

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2 in Councilwoman Miller's District and mine.

3 But at the same time, I mean, the
4 million dollars was for a certain purpose.
5 It was very clear. It was from NTI funds.
6 It was in the NTI budget from two years
7 ago.

8 And I don't think even utilizing,
9 you know, your good judgment about trying
10 to address the issue that Council wanted
11 addressed, I mean, you can't... you can't
12 change the purpose for which we authorize

13 the funding. And the study issue certainly
14 could have been done before the three walls
15 were worked on and completed.

16 So... I mean, we now find ourselves
17 in the situation where we authorized money
18 to do two things: Start a retaining wall
19 pilot program, which you did, and fund the
20 study.

21 We don't even know how much the
22 study was going to cost. I've never
23 received any kind of detailed response, at
24 least from the NTI people, as to what they
25 were doing because they were actually

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2 charged with doing this. Obviously, they
3 were going to work with the Streets
4 Department on it.

5 But... I mean, now you're in a
6 situation where we ask about the study and
7 you're left to say, well, we spent all the
8 money on the retaining walls that you,
9 Council, asked us to do, but now you don't
10 get the study on all the other elements. I
11 mean, I don't think that's... I don't
12 think that's going to work too well.

13 MS. TOLSON: I understand what

14 you're saying. And I will certainly make
15 sure I communicate the need for the
16 portions of the study that talk about the
17 sidewalks and the driveways, to be shared
18 with Council, to address your concern.

19 COUNCILMAN NUTTER: All right. I
20 appreciate it. Thank you.

21 Thank you Councilwoman Tasco.

22 COUNCIL PRESIDENT VERNA:
23 Councilwoman Tasco, were you finished?

24 COUNCILWOMAN TASCO: Right. I
25 just -- I think it's very important -- And

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2 I don't know how we impress upon you all --
3 We have talked to you on Council on record,
4 and as well as privately, about the need to
5 find a way to deal with the driveways. Our
6 curbs and sidewalks are important, too.
7 But for me it's the driveway issue.

8 We have a meeting tonight about the
9 driveways because it is a problem. And
10 particularly where the trash trucks use the
11 driveways, which most of them do in Mt.
12 Airy, to pick up the trash.

13 And then the trash -- the driveways

14 are in such bad condition because of the
15 constant traffic of the trucks, as well as
16 just normal wear and tear.

17 People are saying, help us fix this.
18 They're not necessarily saying, City fix
19 it, but help us fix it.

20 And that's what I -- When we voted
21 on this, and I was very happy that...
22 Finally we keep telling people, well,
23 there's a study that is going to be done,
24 to talk to us about how to do it.

25 MS. TOLSON: Okay.

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2 COUNCILWOMAN TASC0: I have one
3 other question, and I think I'll be
4 finished. Could I do that?

5 COUNCIL PRESIDENT VERNA: Sure.

6 COUNCILWOMAN TASC0: We asked for a
7 traffic turn signal at Rising Sun and Adams
8 Avenue.

9 It was refused. And last year we
10 introduced a bill, Bill Number 030338,
11 calling for installation of two left-turn
12 green arrow traffic signals at Rising Sun
13 and Adams.

14 And I'd like to know the status of

15 this traffic light. Will the ordinance be
16 enforced?

17 MS. TOLSON: Councilwoman, we would
18 like to talk to you about this issue in
19 detail. I certainly respect the fact that
20 there is an ordinance in place to support
21 this.

22 We do have some concerns on that.
23 And I understand your concerns. And I am
24 willing to get past our concerns. But I'd
25 need to talk with you probably in greater

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2 detail and share some information with you.
3 And if your concerns outweigh the concerns
4 that we have, we'll move ahead.

5 COUNCILWOMAN TASCO: Well, we've
6 only been talking about this for about
7 three years or more.

8 I think everybody who travels Adams
9 Avenue and Rising Sun will tell you of the
10 debacle with the traffic there. It just
11 doesn't seem that the Streets Department
12 can understand the dynamics of what happens
13 there.

14 I avoid the area because of the

15 traffic, and the congestion, and the way
16 the traffic flows. And you know, I will
17 tell you my concern about it, in terms of
18 whether or not it's enforced.

19 Just recently I had a meeting
20 with -- Was it Streets Department -- to
21 talk about Haines and Stenton.

22 And ever since I've been on this
23 Council, since 1988, neighbors ask me about
24 traffic controls at Sedgwick and Philalena.

25 Oh, no, we can't do that. We

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2 can't -- The study says you can't do it.
3 The study says you can't do it.

4 About a month or two ago I got a
5 meeting with the Streets Department,
6 talking about controlling traffic at
7 Stenton and Hanes. And oh, by the way,
8 we're going to put traffic controls at
9 Stenton and Sedgwick.

10 So it creates for me a problem, in
11 terms of being able to rely on how
12 decisions are made in the Streets
13 department.

14 So, if I ask for something and we
15 don't get it, and all of a sudden you all

16 think about it... Well, it may be done
17 now.

18 We don't know if the same conditions
19 existed existed before. So now I need a
20 traffic light at Rising Sun. And your
21 people in your department say, we can't do
22 that, for whatever reason.

23 Something's going to happen there,
24 and then you're going to say, oh, we can
25 put the traffic light there.

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2 Because I don't see any
3 justification or rationale, that's based on
4 anything, how you all make these decisions.

5 And I was totally concerned when
6 they told me they were going to put the
7 traffic controls at Stenton and Sedgwick
8 where there have been any number of
9 accidents, any number of accidents. But
10 nobody listened.

11 So I have a real problem with the
12 information that flows from the Streets
13 Department, regarding these traffic
14 signals, regarding traffic control, because
15 it seems to be based on not what we want or

16 the community wants, but what the people in
17 the department thinks ought to happen.

18 MS. TOLSON: I understand what
19 you're saying, Councilwoman.

20 And I am very concerned about
21 decision-making process because it doesn't
22 seem to be based on anything that is
23 credible.

24 I would say that sometimes in doing
25 traffic studies, conditions do change over

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2 time. And I understand that there are
3 regulations that... that kind of guide -- I
4 won't say govern but guide -- the
5 decision-making process for our management.

6 But we need... We're still working
7 on being more flexible or being as flexible
8 as regulations will allow us to be. We
9 haven't gotten there as yet, and we're
10 still working on that point.

11 COUNCILWOMAN TASC0: We need some
12 help with Rising Sun and Adams. I will
13 tell you I've had a conversation with
14 PENNDOT. Doesn't seem to be a problem with
15 them. We met with the Secretary.

16 MS. TOLSON: Okay.

17 COUNCILWOMAN TASC0: And the staff
18 people. And we raised the issue with them.
19 And they can question sometimes how
20 we make decisions using PENNDOT as the
21 excuse for things not getting done.
22 So we have a democratic government.
23 We have a very good relationship with that
24 department.
25 So, I will talk to you about Rising

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2 Sun and Adams. But what I want is the
3 street signal put up.
4 MS. TOLSON: Okay. Understood.
5 COUNCILWOMAN TASC0: Thank you.
6 COUNCILMAN RIZZO: Point of order.
7 COUNCIL PRESIDENT VERNA: Chair
8 recognizes Councilman Rizzo for a point of
9 order.
10 COUNCILMAN RIZZO: I'd like to add
11 to the list Bells Mill and Germantown
12 Avenue -- Bells Mill and the Ridge, a left
13 turn arrow.
14 And I don't mean to be critical of
15 traffic engineering. But I'll tell you
16 this: That when you ask for a left turn

17 arrow you're told, no, it doesn't meet the
18 standard.

19 But when the bridge was out on
20 Germantown Avenue, they put a left turn
21 arrow for... I guess that would be
22 southbound Ridge Avenue, for lack of a
23 better direction, heading towards the City.

24 COUNCIL PRESIDENT VERNA: That's a
25 question.

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2 COUNCILMAN RIZZO: To help during
3 the detour at that location to get traffic
4 over Bells Mill. Well --

5 COUNCIL PRESIDENT VERNA: Councilman
6 Rizzo.

7 COUNCILMAN RIZZO: Yes.

8 COUNCIL PRESIDENT VERNA: Please.
9 That's not a point of information.

10 COUNCILMAN RIZZO: Oh. I'm sorry.

11 COUNCIL PRESIDENT VERNA: It's a
12 question.

13 COUNCILMAN RIZZO: I just wanted to
14 ask --

15 COUNCIL PRESIDENT VERNA: Well, when
16 it comes to your turn, you'll ask that
17 question.

18 COUNCILMAN RIZZO: Oh, I thought I'd
19 keep it together.

20 COUNCIL PRESIDENT VERNA: Yes. I
21 know.

22 COUNCILMAN RIZZO: All right No
23 problem.

24 COUNCIL PRESIDENT VERNA: Thank you.
25 Chair recognizes Councilman Clarke.

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2 COUNCILMAN CLARKE: Thank you.

3 Thank you, Madam President.

4 Good afternoon. I have a couple of
5 relatively quick, slash, easy questions.
6 And then I'm going to get into a little
7 more detailed questions on some other
8 issues.

9 First, can you tell me on the
10 hazardous waste sites, what the policy is
11 in selecting the sites, how you select the
12 sites, what kind of communications you have
13 with the surrounding community, slash,
14 community groups or elected officials, in
15 terms of selecting the sites.

16 The other one I have is the status
17 of the Avenue of the Arts, North Broad

18 Streetscape project. And then I have some
19 more detailed questions.

20 MS. TOLSON: Okay. I'll have Mr.
21 Sernick come back up and talk in detail
22 about Avenue of the Arts.

23 For the hazardous waste, you're
24 talking about the household hazardous
25 waste?

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2 COUNCILMAN CLARKE: I'm sorry?

3 MS. TOLSON: Household hazardous
4 waste?

5 COUNCILMAN CLARKE: Yeah. There
6 was -- Yeah. I think it was probably two
7 years ago. There was a hazardous waste
8 site at Sedgley and Ridge. It was one of
9 the City's municipal yards.

10 And it was utilized for hazardous
11 waste sites. And the only way I knew about
12 it, although I lived in the neighborhood,
13 like three or four blocks away, I just
14 happened to be driving down the street.

15 And I believe the collection was
16 minimal because I don't think the people in
17 the immediate neighborhood knew exactly
18 what that was all about.

19 And I'm wondering if we've changed
20 or altered that process, to better
21 communicate, particularly to the people who
22 are closest to you, that there's an
23 opportunity to dump off some of the
24 hazardous waste, as opposed to putting it
25 in the trash in a clandestine way, which is

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2 not obviously good environmentally for the
3 citizens to have done. Can you talk to me?

4 MS. TOLSON: Surely.

5 The City offers six household
6 hazardous waste collections per year. And
7 they move around the City.

8 Additionally, we have an
9 intergovernmental agreement with the
10 surroundings counties which gives us
11 another ten collection points.

12 Those sites are designated usually
13 just by where we own a facility. At Ridge
14 and Sedgley we own a facility that we
15 thought could accommodate the cars coming
16 in and out fairly easily.

17 We work with a vendor, Claim
18 Ventures, that captures the material and

19 handles it in a safe and proper manner, and
20 then takes care of disposal in the proper
21 way.

22 The advertising for that is usually
23 through the community papers, the radio and
24 flyers. Flyers and notices go out in the
25 mail --

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2 COUNCILMAN CLARKE: Who puts the
3 flyers out?

4 MS. TOLSON: Who puts the flyers
5 out? We do.

6 COUNCILMAN CLARKE: Streets
7 Department?

8 MS. TOLSON: Yes. We share those
9 with... Usually share it with the Council
10 offices, recreation, and lending library.

11 COUNCILMAN CLARKE: When you say put
12 them out --

13 MS. TOLSON: And --

14 COUNCILMAN CLARKE: -- do you mean
15 you put them out -- you give them to the
16 Councilperson for them to put out or do you
17 have an employee of the Streets Department
18 physically placing flyers in the doors in
19 the --

20 MR. TOLSON: We do not do
21 door-to-door. We do not do --
22 COUNCILMAN CLARKE: So it's
23 essentially left to the -- It's the
24 responsibility of the Councilperson to
25 distribute the flyers.

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2 MS. TOLSON: Well, to various
3 levels. I don't just mean Council people.
4 I mean elected officials, our libraries our
5 recreation centers, we hand them out.
6 And then we do... We do little
7 giveaway, like bookmarks and things like
8 that, to advertise in the front end. And
9 we do that several times throughout the
10 year. But in the beginning of the year we
11 have a big push, listing all the dates and
12 the locations, to encourage people to come
13 out.
14 And you are right --
15 COUNCILMAN CLARKE: Yeah. Well --
16 MS. TOLSON: -- the fact that --
17 COUNCILMAN CLARKE: -- this
18 particular case --
19 MS. TOLSON: It was not good.

20 COUNCILMAN CLARKE: Yeah. I mean,
21 there was like -- There are -- There --
22 There are no libraries in the immediate
23 vicinity, and no recreation center in the
24 immediate vicinity, and so the distribution
25 didn't take place in the way that it should

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2 have.

3 MS. TOLSON: You can maybe schedule
4 something special to that location and try
5 and do a better job of that --

6 COUNCILMAN CLARKE: Well, if you --

7 MS. TOLSON: -- of advertising.

8 COUNCILMAN CLARKE: One of the
9 things, if you let us know early on that
10 that's going to be the location, we could
11 be helpful in the distribution process.

12 In some of the neighborhoods, I know
13 that throughout the City we have contracts.
14 OHCD has contracts with NSAs or NACs, NACs.
15 Their prime responsibility is dissemination
16 of information in and around communities.
17 So I would suggest that we touch base with
18 those organizations.

19 I know in Strawberry Mansion we're
20 actually hopefully going to get one -- back

21 online. And that would be a good
22 opportunity to have them distribute
23 information. I know South Lehigh NAC has a
24 contract with the City to provide that
25 service.

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2 So if you can let us know early on,
3 we can make sure that they get the
4 information because, frankly speaking, if
5 you give to it me, I don't want to
6 guarantee you that I'm going to distribute
7 the flyers door to door.

8 MS. TOLSON: Right. And we're not
9 trying to put that on the Council to be the
10 ones to communicate. That really is our
11 responsibility.

12 COUNCILMAN CLARKE: Yeah.

13 MS. TOLSON: And we can do a better
14 job. And we can -- And we can talk to the
15 other groups for our future household
16 hazardous waste events, as well as other
17 programs that we're doing through the
18 Streets Department. We can use them as a
19 point of information.

20 COUNCILMAN CLARKE: Okay. Second

21 question.

22 MS. TOLSON: Avenue of the Arts.

23 Yes. Joe is going to come forward and give
24 you an update on that.

25 MR. SERNICK: Joseph Sernick,

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2 Streets Department.

3 Councilman, as you know, we were
4 directed by PENNDOT to rebid that project.
5 It was actually re-advertised for bids
6 yesterday. Bids will be received in about
7 one month. And if everything goes well, we
8 should be starting construction midsummer.

9 COUNCILMAN CLARKE: So one month
10 we'll receive bids back from the
11 respondents?

12 MR. SERNICK: Correct.

13 COUNCILMAN CLARKE: What's the time
14 line in selection?

15 MR. SERNICK: We need to review the
16 bids, get approval from PENNDOT, and then
17 go through the contract process, actually
18 getting a contract with the successful
19 bidder.

20 COUNCILMAN CLARKE: Do we anticipate
21 a reasonable response from PENNDOT this

22 time?

23 MR. SERNICK: We're hopeful.

24 COUNCILMAN CLARKE: When somebody
25 issues that, we're involved in the original

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2 bid solicitation that were problematic that
3 created this resubmission resolved so we
4 don't go through that again?

5 MR. SERNICK: The biggest issue
6 there was a prequalification issue. We
7 changed the bid proposal to include in
8 there the different bid codes for the
9 different items of work, so that a
10 contractor -- should be very clear to a
11 contractor whether or not he or she is
12 prequalified to do a particular item of
13 work that should make it, number one,
14 easier for the contractors.

15 It certainly will make it easier for
16 the government to evaluate. The evaluation
17 will be very clear, that you either are or
18 are not to be qualified.

19 COUNCILMAN CLARKE: So both with
20 respects to the capacity issue and the
21 participation levels, we've made it

22 clear...

23 MR. SERNICK: Yes.

24 COUNCILMAN CLARKE: Because my
25 understanding is that those were the two

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2 key issues that created a problem with our
3 prior --

4 MR. SERNICK: That's correct. With
5 regard to participation, there was a
6 question on -- originally, on whether or
7 not one of the minority suppliers was, in
8 fact, a real supplier or, in fact, a
9 broker.

10 That issue sort of dissolved when
11 the lawsuit was withdrawn. But it
12 hopefully will not be a problem in the
13 rebid. So we'll have a ceremony midsummer?

14 MR. SERNICK: That's our hope.

15 COUNCILMAN CLARKE: Okay. All
16 right.

17 One of the things that concerned me
18 over the years in government is trenching
19 and street opening, the lack of
20 coordination.

21 We resurface a street. Two months
22 later, the gas company or the water company

23 or some entity will come and take -- you
24 know, tear the street up or we'd have a
25 situation where an entity would tear the

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2 street up and put a line in, and three
3 months later somebody else will come in.

4 And I see in your testimony you talk
5 about improvement in street openings and in
6 the permitting process, and you also
7 anticipate forwarding an ordinance to
8 Council in the spring.

9 Could one of you talk to me about
10 the ordinance and what specifically will
11 you anticipate. And I understand it may
12 not be ready. If you can in general terms
13 give me a sense of what that ordinance will
14 entail.

15 And the other question... Well,
16 I'll let you answer that, and then I'll ask
17 you to follow up to that.

18 MS. TOLSON: The... We call it the
19 right-of-way ordinance. What it does is,
20 it allows the Streets Department to
21 organize the work in the construction on
22 city streets, and it also allows to us

23 recapture the costs to repair and restore
24 the street after others do what they need
25 to do on the streets.

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2 We presently have a system where a
3 street can be paved. And sometimes within
4 weeks, the street -- the street is cut
5 into, as you said, by the gas works or by a
6 cable company.

7 We saw Ogontz Avenue that was not
8 even completed cut into within -- within a
9 week of its being resurfaced and in part
10 reconstructed.

11 And it's a very sad thing for the
12 City because every time a street is cut, it
13 degrades the life of the street,
14 potentially. In addition, it looks bad.

15 And we go through a lot of effort to
16 do our work, and we really cannot afford
17 for others to come in and tear up behind
18 us.

19 We've improved our ability to
20 coordinate between the Water Department and
21 the Streets Department. But they are the
22 external agencies of the utility companies
23 and cable companies that don't kind of

24 follow the same rules.

25 So through our right-of-way

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2 ordinance and also through our payment
3 management system, we're looking to track
4 the condition of streets, track who's doing
5 what work, and maintain the streets in a
6 proper manner.

7 And for those who want to cut into
8 those streets, they can do so but they can
9 also pay for it at the same time.

10 COUNCILMAN CLARKE: Are we talking
11 about increasing the fees?

12 MS. TOLSON: That's correct. There
13 would be fees for cutting into the streets.

14 COUNCILMAN CLARKE: So you say
15 currently there are no fees for cutting
16 into the street?

17 MS. TOLSON: There are no fees that
18 we're applying.

19 COUNCILMAN CLARKE: So you just pay
20 for the permit to do the work, and there's
21 no fee for actually degrading the street.

22 MS. TOLSON: That's correct. So,
23 when PGW goes and then does its work, it's

24 usually labeled as an emergency. They cut
25 into the street. They repair it and

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2 restore it, and then that's it. But if it
3 degrades the life of the streets, limits
4 the life of the street, there is no
5 compensation for that.

6 COUNCILMAN CLARKE: Will there be an
7 across-the-board cost for all individuals,
8 slash, entities?

9 MS. TOLSON: Yes.

10 COUNCILMAN CLARKE: That will trench
11 the streets or municipal --
12 municipally-owned facility such as PGW
13 would pay a fee that would essentially come
14 out of...

15 MS. TOLSON: Yes.

16 COUNCILMAN CLARKE: ...the budget,
17 PGW's budget, and then be subtracted from
18 the \$18 million that they're not going to
19 give us. So we won't really realize any
20 increase in revenue from that particular
21 transaction.

22 MS. TOLSON: Well, one of our hopes
23 is that through this process, that we will
24 heighten the issue for management to

25 understand the implications of some of the

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2 decisions that are going on.

3 Right now there is... There appears
4 to be a lack of concern about cutting into
5 streets, cutting into brand new streets.

6 I can give another example in Center
7 City, where, you know, a main street, after
8 a lot of work being done on it, was cut
9 into it, while almost the asphalt was still
10 wet and soft.

11 And right now there's nothing to
12 encourage management to think about those
13 decisions. And we need to put in place a
14 system that encourages them to think about
15 it.

16 COUNCILMAN CLARKE: Have you ever
17 given any -- First let me ask this
18 question. Are there any shared utilities,
19 in terms of the trench.

20 MS. TOLSON: Mm-hmm.

21 COUNCILMAN CLARKE: Say, for
22 instance, if there's a certain trench line
23 along the street, that there's a shared
24 utility line.

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2 COUNCILMAN CLARKE: Say, for
3 instance, you have the water lines and
4 water supply lines or sewer lines and the
5 gas lines and telecommunication lines all
6 in one trench. Or are they all across the
7 street and throughout the sidewalk?

8 MS. TOLSON: Where possible there is
9 some commingling. Obviously, you can't
10 put, you know, a water line, you know,
11 right with something else that can be
12 damaged by that same -- by that product.

13 But there are opportunities for work
14 to be shared or at least areas, space in
15 the street, to be shared so that the lines
16 are not all across the street.

17 COUNCILMAN CLARKE: Right.

18 MS. TOLSON: However, there are also
19 significant occasions where there's a need
20 to have some separate space between --
21 between the lines, just so that when work
22 is going on, when you -- when you go to
23 work on a water line, you don't hit the gas
24 line, you know. You want to have -- You
25 want to have some space.

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2 COUNCILMAN CLARKE: Right.

3 Is there a possibility -- or does
4 this make any sense -- that we dictate the
5 time line on when individuals could put
6 telecommunication lines or other types of
7 utility lines during the course of the
8 year?

9 Say, for instance, during the month
10 of July, we tell -- the notification is
11 out. Are there any entities, slash,
12 companies that are interested in the
13 foreseeable future putting in lines, be it
14 utility or telecommunications line, this is
15 the time, so when there's an opening in the
16 street it will be done in this particular
17 time line so you'll just have the one --
18 one opening, and then subsequently the one
19 resurfacing --

20 MS. TOLSON: Mm-hmm.

21 COUNCILMAN CLARKE: -- of that
22 particular trench, in the case where you do
23 have shared or commingling of lines? Does
24 that make any sense or is that just
25 something that --

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2 MS. TOLSON: No, no, no. You're
3 making absolute sense. We didn't
4 necessarily look at it from the standpoint
5 of making it a month out of the year.

6 But what we have done, through our
7 payment management system, is to kind of
8 advise folks, if you want to do work in the
9 2200 block of Sansom Street, there is a
10 scheduled reconstruction that's going to
11 happen on this time line. Do your work in
12 advance or you can't do it for a certain
13 period of time afterwards, with it, you
14 know --

15 COUNCILMAN CLARKE: But we don't
16 require that they do that. It's kind of a
17 notification, and we're not -- we don't
18 tell them that if you want to put a line in
19 the street at a time separate and aside
20 from this designated time, you will be
21 prohibited to place a line in the
22 subsequent months.

23 MS. TOLSON: We have limited our
24 permits. In fact, I think we identified
25 400 conflicts just this year alone, where

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2 we avoided that very problem.

3 And we have not given permits or
4 permission to do some work if we thought
5 that it was inappropriate.

6 However, we do run into a problem
7 where we have the... what could be called
8 emergency work. And we're trying to
9 tighten that definition so that the
10 right-of-way management system will work
11 well, work to the City's advantage.

12 COUNCILMAN CLARKE: Is that
13 incorporated in the water --

14 MS. TOLSON: Yes. Yes. So the
15 payment management goes hand in hand with
16 the right-of-way ordinance.

17 COUNCILMAN CLARKE: Could you...
18 Since you're not done with the ordinance,
19 could you incorporate or give some thought
20 to some defined times in trenching because
21 frankly, I think that, you know, I think
22 that the City should manage the streets in
23 a way that people have to adhere to what it
24 is we want, as opposed to us responding to
25 their needs.

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2 And I think that our ability to
3 manage the degradation of the streets, if
4 we set certain time lines and certain
5 locations where people can trench these
6 streets, it would enhance our ability to do
7 this type of work.

8 And ultimately, once people
9 understood that, you know, whatever we're
10 going to do, this is the time line that the
11 City has set.

12 And in fact, add that into their
13 budgets or their capital budgets or their
14 need to do telecommunications or
15 installation of water or sewer lines or
16 whatever it indicates, that's us; that, you
17 know, you have a certain time period and
18 you have a certain trenching area that you
19 want to do that in. Can you, like, look at
20 that --

21 MS. TOLSON: Yes, we can.

22 COUNCILMAN CLARKE: -- and do an
23 analysis --

24 MS. TOLSON: We will look at that.

25 COUNCILMAN CLARKE: -- of that to

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2 see if that makes some sense?
3 MS. TOLSON: Yes.
4 COUNCILMAN CLARKE: All right.
5 I was going to ask you about street
6 paving, but I kind of think I'm not going
7 to like the answer, as we move ahead.
8 But let me ask you part one of that,
9 street paving. What's the criteria used
10 for street paving? And I'm assuming if
11 it's capital budget, there's a time line
12 associated with -- Is it a five-year life
13 to which capital budget funded street
14 repaving?
15 And what's the criteria, first, for
16 the selection of streets for street paving?
17 And what's that process?
18 I know in the olden days -- And I'm
19 hoping it's not still the way we do it --
20 we used to have a couple of employees to
21 actually drive every street through the
22 City of Philadelphia and write down a list
23 of streets that should be paved.
24 And actually, in the olden days I
25 remember we used to get a list -- and I

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2 don't recall seeing them lately -- of
3 streets that were recommended for repaving,
4 and in individual Council Districts.

5 And we would get an opportunity to
6 look at it and add or delete wherever
7 possible, based on the condition of the
8 street. Where are we at with that process?
9 Because I haven't seen my list in a while,
10 so...

11 MS. TOLSON: All right. We actually
12 brought that into the 21st Century. Part
13 of our pavement management system is --
14 offers us the ability to kind of assess
15 conditions of the streets on a global
16 basis, based upon conditions that we state.

17 We still do have to look at the
18 street and see what the conditions are.
19 But through that assessment, we supply the
20 information to our GEFA system which then
21 can tell us, you know, if we delay
22 resurfacing for how many years, what
23 condition we can expect the street to be
24 in.

25 It kind of gives a grading to the

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2 street, to say, you know, it will be
3 satisfactory or unsatisfactory in so many
4 years, absent --

5 COUNCILMAN CLARKE: Yeah, but that
6 doesn't take into account of a bad winter
7 on a street that's on a grade, where you're
8 probably going to put a lot of salt, a lot
9 of treatment or a substantial amount of
10 trenching on a particular street, that
11 would not fall under that category of
12 analysis.

13 MS. TOLSON: Right.

14 COUNCILMAN CLARKE: to give you an
15 example, we are right now repaving the
16 street... I guess it's Vine Street, coming
17 off of the bridge, essentially right off
18 the bridge, the Ben Franklin Bridge...

19 MS. TOLSON: Okay.

20 COUNCILMAN CLARKE: Up to 20th, 20th
21 Street, I think.

22 But just around the corner, going up
23 20th Street, the street is in poor
24 condition, and there's a substantial amount
25 of trenching and other things, and ruts.

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2 And it's all types of problems. And we're
3 not doing that particular street.

4 And the street coming off the
5 bridge, Vine Street, frankly speaking, was
6 not in that bad a condition. And it could
7 have been determined that that should have
8 been redone as a result of the timing
9 issues.

10 And that's what concerns me, that,
11 you flow, when we make these decisions, is
12 it done -- by now this new system that
13 doesn't take into account some of the
14 unforeseeable events such as weather and
15 trenching things of that nature.

16 MS. TOLSON: The system also allows
17 us to collect information about what's
18 happening on the streets. So it kind of
19 stays current.

20 So it never replaces a need for
21 having somebody go out and look to see if
22 there's some things that we can't identify
23 by computer, that -- conditions. You know,
24 if there's raveling or just pitting that's
25 occurring that we have not anticipated.

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2 But another issue that I think that
3 you're highlighting that you may not be
4 aware of is that some of the work in
5 resurfacing that happens on City streets is
6 not happening by the Streets Department.
7 In fact, PENNDOT does a significant amount
8 of --

9 COUNCILMAN CLARKE: Is that what's
10 going on on Vine Street?

11 MS. TOLSON: Yes.

12 COUNCILMAN CLARKE: Do you guys
13 coordinate activities?

14 MS. TOLSON: I wouldn't say that
15 coordinate's the best word for that because
16 they have those streets to maintain, so --

17 COUNCILMAN CLARKE: They're going to
18 do them.

19 MS. TOLSON: Right. So we don't do
20 them; they do them.

21 COUNCILMAN CLARKE: So...

22 MS. TOLSON: But we do work together
23 so that we understand where they're going
24 to be. And to the extent that we can work,
25 you know, we're not on top of each other,

2 in terms of messing up their work as we do
3 our work, that's a very important thing.

4 COUNCILMAN CLARKE: Okay. All
5 right. So --

6 MS. TOLSON: We can look at the
7 street that you're --

8 COUNCILMAN CLARKE: -- what about my
9 list?

10 MS. TOLSON: -- talking about,
11 though.

12 COUNCILMAN CLARKE: Do we still get
13 the -- We haven't gotten the list in a
14 couple of years.

15 MS. TOLSON: That's being compiled
16 now. We'll prepare something.

17 COUNCILMAN CLARKE: So we'll get the
18 list.

19 MS. TOLSON: Yes.

20 COUNCILMAN CLARKE: All Council
21 members --

22 MS. TOLSON: Yes.

23 COUNCILMAN CLARKE: -- get their
24 list.

25 MS. TOLSON: Yes.

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2 COUNCILMAN CLARKE: All right.

3 Okay.

4 Thank you, Madam President.

5 COUNCIL PRESIDENT Verna: You're

6 welcome.

7 The Chair recognizes Councilwoman

8 Miller.

9 COUNCILWOMAN MILLER: Thank you,

10 Madam President.

11 Good afternoon, Streets Department.

12 I have just a couple questions here. And I

13 do want to say that I, too, have the same

14 concerns as my colleagues around the

15 driveways, retaining walls, and the

16 traffic, traffic signs, traffic lights.

17 I need to ask a question about the

18 pilot trash program in my District, you

19 know, with the big green cans?

20 MS. TOLSON: Yes.

21 COUNCILWOMAN MILLER: It's my

22 understanding that's going to be stopped or

23 is it going to be continued?

24 MS. TOLSON: Oh, stopped,

25 Councilwoman.

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2 COUNCILWOMAN MILLER: Okay. When is

3 that going to happen? Because I got -- The
4 reason I'm bringing that up, I got a fax
5 today from someone in that area regarding
6 the trash pickup and the large heavy
7 containers and whatnot, and the problems
8 that it puts people through when they're
9 trying to put those big cans out from a
10 driveway.

11 MS. TOLSON: Yes. We'll be stopping
12 it fairly shortly.

13 COUNCILWOMAN MILLER: Okay. Because
14 actually his suggestion was that the
15 streets -- sanitation trucks come down the
16 driveway.

17 But hearing Councilwoman Tasco talk
18 about the driveways and the sanitation
19 trucks, I don't know that that's such a
20 good suggestion. Okay. That's one.

21 And we got a letter, I believe, from
22 Paul Vallas, saying that they're going to
23 put, you know, the money up for flashing
24 lights. Correct?

25 MS. TOLSON: Yes.

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2 COUNCILWOMAN MILLER: And I just
3 have some questions in terms to process and

4 time line.

5 So, once the School District puts

6 the money up, then I guess you're going to

7 be actively involved in going out. I guess

8 my bottom line question is, how long will

9 it take, basically, to get the flashing

10 lights up?

11 You're going to do... Your schedule

12 will change from the two a year per Council

13 District to more or has any of that been

14 worked out yet?

15 MS. TOLSON: Oh, the details and

16 time lines have not been worked out, but we

17 will be moving fairly quickly. We have a

18 contractor for that.

19 COUNCILWOMAN MILLER: Okay.

20 MS. TOLSON: Our cost is about 22,

21 \$25,000.

22 COUNCILWOMAN MILLER: Per school.

23 MS. TOLSON: Per -- Per -- Per. So,

24 we'll be moving fairly quickly.

25 COUNCILWOMAN MILLER: Okay. And one

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2 other question. In that letter, I believe

3 it said that they were going to be... that

4 they, I guess meaning the Streets
5 Department, was going to be back out
6 reassessing corners where schools are
7 located or areas surrounding the school to
8 evaluate the signage.

9 MS. TOLSON: That's correct.

10 COUNCILWOMAN MILLER: Okay. And I
11 also once again request that the
12 intersection of Armat or Maplewood,
13 whatever street we want to call it, you
14 know, right there --

15 MS. TOLSON: Mm-hmm.

16 COUNCILWOMAN MILLER: -- that street
17 is called Armat by some people and
18 Maplewood by others, and Green be
19 reevaluated for a traffic light.

20 And I know the rationale is that the
21 four-way stops makes it safer. But in that
22 particular intersection, it's in the middle
23 of the business district, and we have a
24 charter school and a private school right
25 there at the intersection.

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2 And maybe cars do actually come to a
3 stop with the stop sign. However, they
4 never stop coming. If it's not one coming

5 one way, it's one coming another way.

6 And for young people trying to cross

7 the street there, it's potentially

8 dangerous. It's bad enough to try to get

9 through in your car with the four-way.

10 The stop signs, the car stops.

11 Doesn't mean that they stop and wait for

12 the pedestrian. They just stop, and they

13 keep going. So I'd like to get that

14 reassessed again for a traffic signal.

15 MS. TOLSON: Okay.

16 COUNCILWOMAN MILLER: Okay?

17 MS. TOLSON: Yes.

18 COUNCILWOMAN MILLER: And those are

19 my two questions.

20 And thank you, Councilwoman Brown

21 for giving me your time.

22 Thank you, Madam President.

23 COUNCIL PRESIDENT VERNA: You're

24 welcome.

25 The Chair recognizes Councilwoman

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2 Brown.

3 COUNCILWOMAN BROWN: Thank you,

4 Madam President.

5 Good afternoon, Commissioner.

6 MS. TOLSON: Good afternoon.

7 COUNCILWOMAN BROWN: And your team
8 there.

9 Let me continue with the line of
10 questioning raised by Councilwoman Donna
11 Reed Miller regarding the flashing lights.

12 I, too, am enthusiastically
13 interested in knowing what that plan will
14 be, around the installation of -- They
15 actually quoted a number someplace in the
16 literature. 140 schools that don't have
17 them.

18 Currently there are 40 schools on
19 line that have applied for signals. Could
20 you forward to Madam President a copy of
21 the list of those schools that are
22 currently on line that have been identified
23 either by your department or the City
24 Managing Director?

25 MS. TOLSON: Yes, we can.

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2 COUNCILWOMAN BROWN: Okay. And
3 we'll just have to wait for the plan to
4 hear how you and the School District will
5 spend that additional million, and how you

6 will ultimately arrive at making sure all
7 the schools are taken care of, correct?

8 MS. TOLSON: Yes.

9 COUNCILWOMAN BROWN: Okay.

10 MS. TOLSON: We did some
11 applications and information about
12 applications to the School District to
13 share with principals, and we advertised
14 that we have them as well.

15 COUNCILWOMAN BROWN: I see.

16 MS. TOLSON: We only have 40,
17 though.

18 COUNCILWOMAN BROWN: I see.

19 MS. TOLSON: Requested that --

20 COUNCILWOMAN BROWN: For the 40 that
21 had previously applied, correct?

22 MS. TOLSON: Had requested them.

23 COUNCILWOMAN BROWN: Okay.

24 MS. TOLSON: The others have not
25 requested them.

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2 COUNCILWOMAN BROWN: Very well. So
3 I'll be interested in knowing who's on that
4 list.

5 Follow-up to Councilman Nutter's

6 questions around MBE WBE participation with
7 Streets Department contracts. What is the
8 role of the Office of Procurement when it
9 comes to the Streets Department letting
10 contracts?

11 MS. TOLSON: They certainly review
12 and final approval on that contract. I'm
13 not sure I understand what you're...

14 COUNCILWOMAN BROWN: I am making an
15 effort to learn more and more how and to
16 what extent the Office of Procurement is
17 involved with Commissioners across the
18 state -- across the state -- across the
19 City departments. So I want to hear from
20 you specifically how it's handled.

21 MS. TOLSON: Right.

22 COUNCILWOMAN BROWN: Because there's
23 not a consistent standard on the role and
24 involvement of the Procurement
25 Commissioner. So how the Streets

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2 Department --

3 MS. TOLSON: Right. For all of our
4 public works contracts, Procurement
5 actually does the advertisements, and they
6 receive the bids.

7 With us they are reviewing the bids.
8 They review for meeting certain
9 expectations and goals requirements.
10 Procurement tells us that, and actually
11 does all the tabulations and gives us the
12 final tabulations.

13 COUNCILWOMAN BROWN: Gives you the
14 final...

15 MS. TOLSON: Tabulations.

16 COUNCILWOMAN BROWN: Tabulations.
17 Which ultimately move you towards a short
18 list, as such.

19 MS. TOLSON: Correct.

20 COUNCILWOMAN BROWN: Okay. What is
21 the role of the office of MBEC in that
22 process?

23 MS. TOLSON: MBEC works with us to
24 assure that we're aware of available
25 contractors. They also work with us to

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2 find out what our needs are, to try to find
3 potential vendors to work with us, as well
4 as certainly setting the goals.

5 COUNCILWOMAN BROWN: As well as...

6 MS. TOLSON: Setting the goals.

7 COUNCILWOMAN BROWN: Okay.

8 MS. TOLSON: Set the goals.

9 COUNCILWOMAN BROWN: All right. And
10 I should just mention for the record that
11 there are a number of members of this body
12 that care, that consideration is given to
13 Philadelphia-based businesses because they
14 typically employ our citizens, et cetera,
15 et cetera, et cetera. So that's why the
16 question is raised about how many are
17 Philly based.

18 Is there a requirement or a
19 stipulation somewhere in regulations,
20 either in Procurement, your office or MBEC,
21 that... And Councilman Nutter may be able
22 to help me with this because I do not
23 remember if it is stated in executive
24 order, that businesses... a percentage of
25 them or whatever have to be Philly based.

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2 Does that exist anywhere?

3 MS. TOLSON: I don't think that
4 there's something that requires that. But
5 I can also say that on the federal jobs,
6 which is a significant portion of our
7 monies, you know, our matching monies, we

8 are not allowed to do that.

9 COUNCILWOMAN BROWN: I see. For

10 reasons that I understand.

11 MS. TOLSON: On the scheduled

12 pieces.

13 COUNCILWOMAN BROWN: Sure.

14 Councilman Nutter.

15 COUNCILMAN NUTTER: Yes.

16 Councilwoman, what you're recalling is last

17 year, much to the dismay of apparently some

18 members of the news media, we passed a

19 number of amendments to the Home Rule

20 Charter, one of which was a five percent

21 bid preference for Philadelphia-based

22 firms.

23 COUNCILWOMAN BROWN: That's right.

24 That's right.

25 COUNCILMAN NUTTER: Which hopefully

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2 is in effect and the Procurement

3 Commissioner is talking to all the

4 departments about it.

5 If companies when they bid in the

6 lowest responsible bidder situation which

7 does not apply, naturally, to the

8 professional services.

9 But in regular bidding process, if a
10 Philadelphia-based firm, their bid gets
11 five percent taken off of the amount. And
12 if as a result of the five percent
13 discount, if you will, if that ends up
14 being the lowest responsible bid, then that
15 company gets the bid. So, it was a bid
16 preference program for Philadelphia-based
17 businesses. That was just approved by the
18 voters last year.

19 COUNCILWOMAN BROWN: Okay.

20 COUNCILMAN NUTTER: And should be in
21 effect now. That, to my knowledge, is the
22 only, you know, preference that we can show
23 to Philadelphia-based firms.

24 COUNCILWOMAN BROWN: Thank you for
25 that clarity. That is what I was trying to

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2 remember.

3 Let me move to a question raised by
4 Councilwoman Jannie Blackwell. She had to
5 step out for a meeting regarding Walnut
6 Street.

7 Then I have a couple of additional
8 questions around recycling. Her question

9 was: There's been dialogue, conversation,
10 planning with regards to helping Walnut
11 Street return to the way I knew it which is
12 just street lanes. Currently it's street
13 lines and bike lines. And she wanted to
14 know where were you in the status of
15 returning it to the way it was.

16 MS. TOLSON: Yes. We were -- I
17 think the issue there is with regard to the
18 traffic calming, slowing the traffic down
19 and making it a safe -- safe corridor.

20 And we have engaged in discussions
21 with the Police Department, with regard to
22 their enforcing the law on that corridor.
23 Absent that enforcement, we are having some
24 problems. Things that need to be enforced
25 are rush hour movement and cars driving in

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2 lanes other than travel lanes.

3 COUNCILWOMAN BROWN: So that is to
4 say, then, that you're still testing the
5 existing patterns or do you ultimately see
6 moving toward -- moving back towards the
7 original configuration of those lanes?

8 MS. TOLSON: Well, what we had --

9 Through evaluations and some traffic
10 studies, it theoretically should work. But
11 we don't have in place all of the
12 components of -- for safety or for
13 efficient movement that we need to have in
14 place.

15 And one missing component is the
16 enforcement for the rush hour removal or
17 not allowing parking. Presently cars are
18 parking during rush hour, and that -- it
19 doesn't allow for safe traffic, because it
20 should be a travel lane, not a parking
21 lane.

22 So what is happening, people are
23 sharing a lane with parked cars. They're
24 trying to drive and park in the same lane.

25 COUNCILWOMAN BROWN: So then the

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2 response to her would be you're still --
3 you're waiting to put in place all those
4 remaining components first to see if it
5 works, based on theory; and then you'll
6 make a determination on whether or not
7 you're going back to the original
8 configuration.

9 MS. TOLSON: Right. We had engaged

10 the Police Department to say that we need
11 their assistance and support on this, in
12 order to make it work.

13 COUNCILWOMAN BROWN: Okay. How long
14 ago was that?

15 MS. TOLSON: It's been several
16 weeks, if not over a month.

17 COUNCILWOMAN BROWN: Okay, then.
18 I'll certainly relay the information to
19 her.

20 COUNCILMAN NUTTER: Councilwoman.

21 COUNCILWOMAN BROWN: Please.

22 COUNCILMAN NUTTER: I'm sorry. If I
23 could add anything or ask a question on top
24 of that which may also enhance the response
25 to Councilwoman Blackwell.

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2 I take Walnut Street every now and
3 then, and Chestnut Street as well.

4 Commissioner, is it true that a number of
5 years ago -- and I think this may be
6 Councilwoman Reynolds Brown's recollection
7 as well as Councilwoman Blackwell's. Many
8 years ago wasn't Walnut Street three travel
9 lanes west all the time?

10 MS. TOLSON: Yes.

11 COUNCILMAN NUTTER: Parking in only

12 one lane, I believe on the south --

13 MS. TOLSON: South side.

14 COUNCILMAN NUTTER: -- side of the

15 street.

16 And then somewhere in more recent

17 times you introduced parking during

18 non-rush hour times on the north side of

19 the street?

20 MS. TOLSON: Well, the parking

21 actually changes. There's a portion of it

22 that had parking on both sides of the

23 street, and there's portions that only have

24 it on one side of the street.

25 COUNCILMAN NUTTER: But if --

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2 MS. TOLSON: But there was three

3 travel lanes.

4 COUNCILMAN NUTTER: It was three

5 absolute, all-time travel lanes on Walnut

6 Street, correct?

7 MS. TOLSON: That's correct.

8 COUNCILMAN NUTTER: Okay.

9 MS. TOLSON: And the challenge --

10 That's why I mentioned, I think it was a

11 safety issue, that Councilwoman was trying
12 to get to.

13 COUNCILMAN NUTTER: Right. Which
14 was also the case on Chestnut Street.

15 MS. TOLSON: That's correct.

16 COUNCILMAN NUTTER: Three full-time
17 travel lanes east on Chestnut Street which
18 have now in some portions been reduced to
19 two.

20 MS. TOLSON: Correct.

21 COUNCILMAN NUTTER: Is that about
22 traffic calming? Is it about allowing
23 people more opportunity to park on the
24 street? Because I could never figure that
25 out.

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2 MS. TOLSON: Right. It certainly
3 does allow people to park, but that was not
4 the goal, the goals with regard to traffic
5 calming.

6 What the three... always having
7 three lanes and sometimes four, we had a
8 speedway that was fairly dangerous. People
9 were kind of jockeying around each other
10 because the lanes are fairly narrow.

11 I think they're as low as eight or
12 nine feet on some of the lanes, which is a
13 fairly narrow lane. If you're on a small
14 street, that might work fine, but on a
15 street like Walnut Street where cars are
16 going 35 miles an hour in some cases, it's
17 a challenge.

18 And you had more aggressive drivers
19 on the outside which were against the
20 parking lanes. So that was causing a big
21 problem.

22 Now the lanes are wider. They are
23 10- and 11-foot lanes. There's a bike lane
24 in a portion of it. And that allows for
25 everyone to travel at a slightly slower

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2 speed. So it its calmer to that extent.

3 But where we have a problem is
4 during rush hour in particular. There's
5 one lane that is now parked that is
6 supposed to be removed during the rush
7 hour.

8 People don't remove their cars.
9 They instead park on the curb which gives
10 you the appearance of there being space for
11 another lane of travel.

12 COUNCILMAN NUTTER: Right.

13 MS. TOLSON: And you have cars

14 driving and parking in the same lane, and

15 that's the problem.

16 COUNCILMAN NUTTER: Okay. All

17 right.

18 Thank you, Councilwoman.

19 COUNCILWOMAN BROWN: You're welcome.

20 My final few questions are around

21 the issue of recycling. I was encouraged

22 to learn, through the reading of your

23 testimony, that the City now has a new

24 recycling pilot program in the works. More

25 importantly, it's providing positive

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2 revenue projections.

3 Please speak to where the City or

4 how close the City may or may not be moving

5 towards weekly recycling for the whole

6 City, as opposed to certain areas.

7 MS. TOLSON: Surely. Let me start

8 by saying that the positive returns on

9 recycling is coming off of the present

10 system, not the pilot program.

11 COUNCILWOMAN BROWN: Okay.

12 MS. TOLSON: The pilot program, in
13 fact, may have lower revenues. The pilot
14 program will allow us to collect all the
15 materials together.

16 COUNCILWOMAN BROWN: The pilot
17 program will allow you to...

18 MS. TOLSON: Collect all the
19 materials together.

20 COUNCILWOMAN BROWN: Okay.

21 MS. TOLSON: Commingle. They call
22 it single stream recycling, everything
23 being collected in one truck.

24 The benefit of the pilot, though, is
25 that it will allow us to use more efficient

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2 trucks. We should be able to carry more
3 materials at a time --

4 COUNCILWOMAN BROWN: I see.

5 MS. TOLSON: -- versus the open
6 trucks that we use now.

7 The pilot program will allow us to
8 use a compactor or packer truck to collect
9 the materials. So, we may double, triple
10 or little bit more on our collection
11 efficiency.

12 But that's yet to be seen. We're

13 developing a pilot around that, in looking
14 at some interesting ideas.

15 David Robinson has been working on
16 that program. He initiated that in the
17 City, initiated the thought and has been
18 developing it. And we hope to have that in
19 place sometime later this summer.

20 So the revenues is really off the
21 present contract. The present contract is
22 one of the best around, and we're getting
23 paid quite nicely.

24 We made \$500,000 off of the last
25 quarter, and compared to the maybe \$200,000

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2 the previous time. In part, the markets
3 are doing better in the area; and in part
4 we've negotiated a good deal. We have a
5 structure where we share the risk on
6 recycling contracts.

7 COUNCILWOMAN BROWN: How are we as
8 citizens doing?

9 MS. TOLSON: We as citizens are not
10 doing as well as we should. There are
11 opportunities to recycle that are not being
12 taken advantage of.

13 COUNCILWOMAN BROWN: Such as?

14 MS. TOLSON: Just putting it out at
15 the curb.

16 And we have sections of the City
17 where we have tested weekly, and we are
18 still doing weekly. Even with weekly
19 recycling, we do not have material at the
20 curb to show that people are sincere about
21 the program.

22 But we do have other areas of the
23 City, even with every other week
24 collection, that do an excellent job of
25 putting materials at the curb.

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2 COUNCILWOMAN BROWN: My own
3 editorial comment on that is, though, we
4 should not give up our on generation, we
5 should probably focus more on teaching the
6 next generation, with hopes that they'll
7 get it.

8 While it is not major, there's a
9 slight tip in the tons of recyclables from
10 FY '03 to FY '04. What do you attribute
11 this to? It's about 45,000 six plus in FY
12 '03 to 44,000 in FY '04, if I'm reading
13 this correctly.

14 MS. TOLSON: Sure. That's right.
15 Recycling is probably far more sensitive to
16 set out, and what's going on at the moment,
17 than trash is.

18 Any inclement weather, you will
19 always see recycling suffer from that,
20 because people tend to put out only one
21 thing. They only want to do one thing.

22 COUNCILWOMAN BROWN: I see.

23 MS. TOLSON: And they will not
24 separate the material. So it's fairly
25 sensitive. No change in the system that

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2 would have caused the degradation in those
3 numbers.

4 As you said, it's about 1300 tons,
5 but there's nothing that changed in the
6 system to cause that.

7 We have... We're doing what we can
8 to educate our citizens, and we continue
9 with that. And we're hoping to step that
10 up over the -- over the next --

11 COUNCILWOMAN BROWN: We now have
12 music as part of the testimony.

13 My final question about recycling

14 is -- Let me say I would be remiss not to
15 say thank you publicly to David Robinson
16 for sitting down with my staff, David Ford,
17 a few years, to talk about recycling in a
18 real global optimistic way.

19 And we did some discussion around
20 recycling at the airport. Can you update
21 me on the progress we're having at the
22 airport around recycling, if you could.

23 MS. TOLSON: I think that's an issue
24 area that Mr. Robinson is still working on.
25 We have some concerns there. And we are

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2 working with the Air Force Management. I
3 think his name is Mr. Davenger and Mr.
4 Isdell, to try to address how we can make
5 that program really work.

6 They have done a great job. The
7 Airport has done a great job in trying to
8 move ahead with their advertising and
9 promotion of recycling program.

10 I think it's a stellar position that
11 they have taken. And we're working with
12 them to try to improve their process on the
13 back end.

14 COUNCILWOMAN BROWN: Okay. So, what

15 does that mean, you're working with them?
16 You've come up with some recommendations
17 and they're implementing them or --
18 MS. TOLSON: What we had suggested
19 is that -- And actually, Dave and I talked
20 about this right before we came here, is
21 that we're ready to sit down with them a
22 little bit more and maybe give them some
23 guidance about how to process their
24 materials, how to get it from the citizen
25 dropoff, and then to the facility versus

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2 just collecting it and having problems and
3 troubles with the sorts thereafter.
4 COUNCILWOMAN BROWN: Okay. I missed
5 that last statement.
6 MS. TOLSON: The sort. With the
7 sort. With the sort. After materials are
8 collected, we want to make sure that once
9 it's collected and sorted -- Once it's --
10 I'm sorry. Not collected. Once it is
11 dropped off by the citizens or the users of
12 the Airport, that the newspaper make it to
13 a paper recycler.
14 COUNCILWOMAN BROWN: And who's

15 responsible for that?

16 MS. TOLSON: Airport.

17 COUNCILWOMAN BROWN: I see. I see.

18 Okay. Well, we are paying close attention

19 to recycling out at the Airport because

20 which need to.

21 Thank you very much for your

22 testimony.

23 MS. TOLSON: Thank you.

24 COUNCILWOMAN BROWN: Thank you,

25 Madam President.

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2 COUNCIL PRESIDENT VERNA: Thank you.

3 The Chair recognizes Councilman

4 Rizzo.

5 COUNCILMAN RIZZO: Thank you, Madam

6 Chair.

7 Okay. I want to get back. I have a

8 few points I want to make, so I'm going to

9 go fast.

10 Bells Mill and the Ridge. Bridge

11 closes on Germantown Avenue. We put up a

12 left turn arrow to accommodate the flow of

13 traffic so it can go east on Bills Mill

14 Road. The bridge --

15 MS. TOLSON: I think you may have

16 gotten it, counselor, to be honest with
17 you.

18 COUNCILMAN RIZZ0: I sent you an
19 e-mail.

20 MS. TOLSON: Earlier today I think
21 when you said it, you gave a location where
22 you wanted the left-hand turn -- turn
23 arrow?

24 COUNCILMAN RIZZ0: Well, let me just
25 finish the quick story here.

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2 MS. TOLSON: I'm sorry.

3 COUNCILMAN RIZZ0: No problem.

4 The Bells Mill bridge, I thought the
5 Streets Department said when the bridge
6 reopened they were going remove the arrow.

7 I thought that maybe, everybody
8 being busy, they'd forget about it and not
9 take it away. Not Charley, right?

10 Okay. But here's what happened.
11 What motivated... He has a list of taking
12 out arrows?

13 COUNCILMAN RIZZ0: I didn't know
14 that.

15 The bridge, then, the little bridge

16 that we talked about earlier, goes out. So
17 that forced us to remember that that left
18 arrow needed to go. So that we took the
19 arrow out after being there for a number of
20 years.

21 The problem that I have, we resist
22 these left-turn arrows and we say it's not
23 according to the code. But the crazy thing
24 is, they work.

25 Everybody calls and says, thank you,

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2 the left arrow. Thank goodness. You know,
3 it really makes life a lot easier.

4 We say that we are not allowed to do
5 it. We do it. Everybody is pleased with
6 the fact that it's working, it's doing what
7 it's supposed to do.

8 And I don't know whether... What
9 can we do to do some of these things that
10 work?

11 And I'm not saying ignore the code,
12 but it just seems stupid to fight it all
13 the time, when they're working. And again,
14 I wouldn't support something that's
15 absolutely a violation of some engineering
16 code. But maybe we have to kind of look at

17 it and address it.

18 Could somebody tell me just quickly
19 why there's such resistance to these
20 left-turn arrows, especially when they
21 work?

22 MS. TOLSON: I don't think it's
23 necessarily the left turn in and of itself.
24 I can say to you from my perspective, that
25 what I'm understanding, what I've come to

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2 understand, there's certain resistance with
3 regard to something that may not meet the
4 regulations because of the liability issues
5 that incur.

6 Our engineers, unfortunately, spend
7 a lot of time in court. And in court
8 they're talking about what's warranted,
9 what's not warranted. And the things that
10 are unwarranted give a City some level of
11 liability. And that's one of the concerns.

12 Certainly where we have discretion,
13 I think that we should exercise to the
14 fullest extent that our political leaders
15 would like us to exercise it. I have no
16 problem with that.

17 COUNCILMAN RIZZO: Okay.

18 MS. TOLSON: And I think that we

19 still have to work on the issue of how we

20 bridge that gap between the warrants and

21 some other desires.

22 COUNCILMAN RIZZO: Well, I'll give

23 you another copy of my March 18th letter.

24 And I know Councilman Nutter, we're working

25 together to try to accommodate --

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2 COUNCILMAN NUTTER: We talked about

3 this about two or three weeks ago, these

4 left arrows?

5 MS. TOLSON: Yeah. I'm not sure

6 it's the same location. I'm not sure.

7 COUNCILMAN RIZZO: It is. Same

8 location.

9 MS. TOLSON: Okay.

10 COUNCILMAN RIZZO: Bells Mill.

11 Bells Mill and the Ridge.

12 MS. TOLSON: Okay.

13 COUNCILMAN RIZZO: And if the little

14 bridge hadn't gone out, I believe that

15 maybe that arrow would have stayed there.

16 At least I think it may have; it would

17 have. But that forced your hand because it

18 had to come out because we didn't want to
19 direct traffic over that bridge.

20 So I have a letter dated March 18,
21 2004. Councilman Nutter has discussed it
22 with you. So maybe we can revisit that
23 because it worked well. The community
24 appreciated it.

25 And if there's a way that you can

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2 exercise some flexibility on that
3 particular location, it would be
4 appreciated.

5 And that leads me to the hearing
6 that we had recently about the school
7 crossings, the safety zones for the
8 schools.

9 There's a new committee in Council.
10 It's technology and information service,
11 that I'm a member of. And I don't want to
12 have to drag you into the technology era,
13 but I would hope that we would please start
14 looking at new technologies that aren't --
15 that gets old, mechanical timers.

16 You know, there's all this new stuff
17 out there. I don't know what you're doing

18 about it, but this technology committee is
19 going to bring you in here to talk about
20 what you're doing to minimize maintenance
21 of timers, to make sure that the newest
22 technology that's available is at least
23 reviewed, to make sure that we're taking
24 advantage of it, like other municipalities
25 do, like the speed -- the speed radar signs

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2 and things like that, that could be very
3 very helpful.

4 The other question that I have is
5 with -- You said something today that I
6 just wanted to make sure I understood. And
7 we talked about it with L & I today.

8 When you open up a street, when a
9 person, a plumber -- Let's say a private
10 contractor asks for a permit to open up the
11 street, I hope the value of the permit also
12 includes your restoration that you -- that
13 the City pays to restore the street. Did I
14 hear you say that that's not in there?

15 MS. TOLSON: It is not sufficient
16 for the plumbers' ditches. It is not
17 sufficient. In fact, we have an ordinance
18 set is on its way over to increase the

19 plumbers' ditch fee.

20 COUNCILMAN RIZZO: Now, you know for
21 sure that we should be recovering our
22 investment in restoring those to the proper
23 status. So, that leads me to the new
24 ordinance about the Water Department being
25 responsible for the laterals... the

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2 laterals out into the street.

3 Now, the Water Department comes.

4 Now that they're responsible, they have to
5 dig up the street to make the repair to the
6 lateral.

7 Who's going to fix the street? The
8 Water Department or the Streets Department?
9 You're going to have a budget impact here.
10 You're going to have to start repairing all
11 of these streets that are going to be dug
12 up by Water to repair these laterals. Do
13 you have money to do all this?

14 MS. TOLSON: Historically the
15 Streets Department and the Water Department
16 have had a very good relationship with
17 regard to restoration.

18 The Water Department has not been

19 able to restore it on its own through their
20 contractor. We will work with them, and we
21 restore it, and they reimburse us.

22 COUNCILMAN RIZZO: Well, but my
23 point: This is a new scenario now. All
24 these years the plumber, the private
25 contractor, the homeowners', responsible

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2 for the pipe between the curb and the water
3 main. Now the Water Department is going to
4 assume that responsibility.

5 I understood that the Water
6 Department sent some piece of paper over to
7 you, and you were their contractor to
8 repair the streets.

9 I don't believe the Water Department
10 comes to you first -- or second. I believe
11 they come to you first to repair the
12 street. Am I right?

13 And they do have a little money in
14 their budget for emergency repairs, but I
15 don't believe... I believe -- You are
16 their contractor to fix their dig-ups. Am
17 I wrong or right or wrong on that?

18 MS. TOLSON: We do a significant
19 amount of work for them. We're reimbursed.

20 COUNCILMAN RIZZO: But now you've
21 got another piece now. You've got all of
22 these laterals that are potentially going
23 to be dug up.
24 Is there money to -- Who's going to
25 pay, the Water Department or the Streets

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2 Department to repair all of this new work
3 that we were never responsible for?
4 MS. TOLSON: My understanding is the
5 Streets Department is not going to be
6 responsible for funding repaving after
7 sewer laterals.
8 COUNCILMAN RIZZO: And that's...
9 Charley McPherson reminded me -- and I'm
10 having a hearing later next month on the 43
11 percent increase in water rates over the
12 next three years. So, Charley just
13 reminded me that that's probably why we
14 have such a significant increase.
15 But somebody's going to have to pay
16 because before the contractor is
17 responsible to make that repair. Now the
18 Water Department is going to be
19 responsible.

20 And that is going to be a big budget
21 item, with both the repair to the service
22 and also to the repair of the street.
23 Okay. That's also...
24 Recycling, my last issue here. In
25 this... And did you see this document yet,

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2 Commissioner, that was sent to all the
3 members of Council? I hope you got a copy
4 of it. Recycling Alliance of Philadelphia.
5 Did you read this yet?
6 MS. TOLSON: No, I have not.
7 COUNCILMAN RIZZ0: Okay. There's
8 something here that's interesting. It says
9 every recycling news in Philadelphia is not
10 all good. Philadelphia still ranks as the
11 second worst City with a population over a
12 million people, in terms of recycling
13 diversion, with a rate hovering around six
14 percent, while many other urban
15 municipalities such as Los Angeles,
16 Chicago, are nearing 30 percent rate.
17 However, if Philadelphia is able to
18 improve its recycling rate, for each
19 percentage point the diversification rate
20 increases, the City will save an additional

21 \$200,000 per year.

22 If we recycle at the same rate as
23 Chicago, we could save almost \$5 million a
24 year just through recycling. Is that what
25 you said earlier?

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2 Is this basically what you were
3 saying earlier with this new process, that
4 you'd be able to commingle, recycle more,
5 even though you'll get less? Will you be
6 where this paragraph that I just read will
7 be eventually?

8 MS. TOLSON: Well, I think it's a
9 couple of things that are a little
10 misleading in there, from what I heard.

11 First I should say that Philadelphia
12 ranks fairly high in its commercial
13 collection. Our diversion rate is 30...
14 38.9 percent.

15 Our curbside household collection is
16 not good, and that could be improved. I
17 think that there's also some concern about,
18 from what I heard, about we approach --
19 have to account for that improvement
20 through that report. But I'd be more than

21 glad to review that with you and discuss it
22 with you.

23 COUNCILMAN RIZZ0: Well, I think we
24 all got a copy of this letter. And I would
25 be more than happy to share it with you.

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2 MS. TOLSON: Unfortunately, they did
3 not send that to me.

4 COUNCILMAN RIZZ0: Okay. Let me see
5 if you're cc'd on it. Just a second. I
6 can't -- Let me -- No, you were not.

7 I'm sorry, Madam President?

8 COUNCIL PRESIDENT VERNA: I believe
9 we received that either today or yesterday.

10 COUNCILMAN RIZZ0: Today.

11 MS. TOLSON: I am not cc'd on that?

12 COUNCILMAN RIZZ0: I'll share it to
13 you. You are not.

14 Well, thank you. And I guess that's
15 it.

16 Thank you, Madam Chair.

17 COUNCIL PRESIDENT VERNA: Thank you.
18 Thank you. The Chair recognizes Councilman
19 Nutter.

20 COUNCILMAN NUTTER: Just one
21 question. Commissioner, there's been a lot

22 of concern over the past, I guess, few
23 weeks. Councilman Kenney through his
24 committee had a hearing. Councilwoman
25 Reynolds Brown asked a question earlier.

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2 With regard to the flashing lights
3 for the schools, I think this program
4 started back in... I think I worked on
5 this in either '97 or '98, with a fair
6 amount of kind of pushing and shoving
7 between us and the City Administration at
8 the time.

9 But we got through all that. And my
10 recollection was that when the program
11 started, we allocated for the first few
12 years \$500,000 in funding each year for the
13 schools and the flashing lights.

14 The agreement was the City would pay
15 for them and install them, the School
16 District would maintain them and take care
17 of them.

18 So, I need to ask a couple questions
19 just to understand why we apparently are
20 where we are, which I'm not completely sure
21 where we are.

22 What's the current backlog? How
23 many schools are on the list that have
24 applied and how long have they been on the
25 list?

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2 MS. TOLSON: I believe there's 40
3 that are still on our list.

4 COUNCILMAN NUTTER: Okay.

5 MS. TOLSON: And some of them are
6 several years along.

7 COUNCILMAN NUTTER: Are what?

8 MS. TOLSON: Several years along.
9 Several years old.

10 COUNCILMAN NUTTER: Right. And in
11 the past when we funded this program
12 better, how many lights were being
13 installed or how many schools were being
14 taken care of per year?

15 MS. TOLSON: The number varies. Our
16 costs... Our costs vary significantly,
17 based upon what's required. If a mast arm
18 is required versus having, you know, a
19 single pole put in. We've done about 150
20 so far.

21 COUNCILMAN NUTTER: Right. So how
22 many were we doing a year?

23 MS. TOLSON: I guess average...
24 COUNCILMAN NUTTER: What was it, two
25 or three per Council District; is that

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2 true?
3 MS. TOLSON: We've averaged about 20
4 a year.
5 COUNCILMAN NUTTER: 20 a year.
6 Okay.
7 And when was the last time the
8 funding was at the \$500,000 level?
9 MS. TOLSON: \$500,000... I think it
10 was capital budget year before last.
11 COUNCILMAN NUTTER: So are we
12 talking about FY '02.
13 MS. TOLSON: FY '02.
14 COUNCILMAN NUTTER: Or is it '03?
15 MS. TOLSON: And I'm just reminded
16 that was the first year that it was funded
17 in the capital budget.
18 COUNCILMAN NUTTER: Where was it
19 funded before?
20 MS. TOLSON: There was some
21 operating budget money before.
22 COUNCILMAN NUTTER: Okay. Okay.

23 Are you ready?
24 MS. TOLSON: Yes. I'm sorry.
25 COUNCILMAN NUTTER: So, you're

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2 saying two fiscal years ago was the last
3 time it was at \$500,000?
4 MS. TOLSON: Yes.
5 COUNCILMAN NUTTER: Okay. And that
6 was also the time when it was moved to the
7 capital budget?
8 MS. TOLSON: Yes.
9 COUNCILMAN NUTTER: Okay. Why was
10 it moved to the capital budget?
11 MS. TOLSON: I think it's an
12 appropriate capital expense. I believe
13 that before it was in the --
14 COUNCILMAN NUTTER: I understand.
15 I'm not questioning it.
16 MS. TOLSON: Yeah. I'm not sure the
17 exact reason why it was moved in, to answer
18 very honestly.
19 COUNCILMAN NUTTER: Okay.
20 MS. TOLSON: I'm not sure of the
21 exact reason.
22 COUNCILMAN NUTTER: Okay. And what
23 was the funding level last year? Was it

24 three?

25 MS. TOLSON: I'm sorry. The funding

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2 level before that was \$300,000, I believe.

3 COUNCILMAN NUTTER: Okay. And why
4 was the funding cut, if there were still a
5 significant number of schools on the list?

6 MS. TOLSON: There -- There are 40
7 schools still on the list, and funding is
8 not as complete as we'd like it to be.

9 But additionally, we're looking at
10 opportunities to use -- utilize federal
11 funds. Something that we started doing
12 this year was to utilize federal funds
13 support our traffic flasher program. We
14 had not done that in the past.

15 COUNCILMAN NUTTER: Right. No. I
16 understand that. Has the decrease in funds
17 impacted the number of installations per
18 year? Did you do 20 last year also?

19 MS. TOLSON: About that. I think
20 the number was 26. Yes, it was.

21 COUNCILMAN NUTTER: And how many do
22 you expect to do this fiscal year, the
23 current fiscal year?

24 MS. TOLSON: Same number.

25 COUNCILMAN NUTTER: So we have 40 on

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2 the list. And you expect to do 20?

3 MS. TOLSON: Yes.

4 COUNCILMAN NUTTER: In the course of
5 this fiscal year?

6 MS. TOLSON: Yes.

7 COUNCILMAN NUTTER: So, next fiscal
8 year we'll only have 20 left?

9 MS. TOLSON: Well, the expectation
10 is that some of the schools who have not
11 applied will begin applying. There are a
12 significant number that have not applied
13 for a flasher.

14 COUNCILMAN NUTTER: Okay. And do we
15 know why they didn't apply?

16 MS. TOLSON: No, we do not. We have
17 advertising communicated with what the
18 schools -- through the School District, as
19 well as through ourselves, to encourage
20 them to review their needs and determine if
21 they'd like to have a flasher.

22 COUNCILMAN NUTTER: And I know that
23 you -- the department has also sent
24 applications.

25 MS. TOLSON: Yes.

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2 COUNCILMAN NUTTER: To all the
3 schools over the years. So...

4 MS. TOLSON: My assumption is that
5 some school principals do not believe they
6 have an issue or a concern where they need
7 a flasher.

8 COUNCILMAN NUTTER: Okay. When the
9 question was asked earlier, then, about the
10 million dollars, so, do you know when
11 you're going to get it, and are you going
12 to get the million dollars all at one time?

13 MS. TOLSON: I am not aware what the
14 plan is to receive that money.

15 COUNCILMAN NUTTER: Okay. I was
16 curious, though, at your response earlier
17 as to a plan for utilization of the money.

18 I mean, we have a fair amount of
19 experience. We've spent, I think, well in
20 excess of a million dollars on the program,
21 so why wouldn't we just keep basically
22 doing what we've been doing?

23 MS. TOLSON: Well, I think earlier I
24 was trying to explain that, for example, if

25 the money comes in all at one time, and the

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2 School District is able to get all that
3 school to apply immediately, that we could
4 then go for a contract that gets everything
5 done a lot faster.

6 COUNCILMAN NUTTER: Right.

7 MS. TOLSON: If it comes in over
8 time then we'd have to develop a plan that
9 would be over time as well.

10 COUNCILMAN NUTTER: But at a minimum
11 it's at least going to take care of the
12 backlog.

13 MS. TOLSON: Oh, absolutely.

14 COUNCILMAN NUTTER: Immediately.

15 MS. TOLSON: Absolutely.

16 COUNCILMAN NUTTER: All right.

17 Okay. And then it was further cut this
18 year to \$200,000?

19 MS. TOLSON: Yes.

20 COUNCILMAN NUTTER: I mean, if we
21 know we have so many more schools out there
22 or we're anticipating so many more
23 applications, this budget was certainly put
24 together before the offer was made by
25 C.E.O. Vallas to enhance or for the first

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2 time for the District to put money up.

3 I guess what I don't understand is
4 for such an important public safety item,
5 why does the number keep going down?

6 MS. TOLSON: I think, in fact, the
7 \$200,000 was noted in the capital budget
8 process last year, if not the year before.

9 But additionally, we are working
10 with our federal funds, to support doing
11 some of this work that before we were just
12 using City monies for, and now using
13 federal monies to supplement that.

14 COUNCILMAN NUTTER: And so you're
15 saying notwithstanding the budget may show
16 \$200,000 of City dollars, that's not
17 necessarily how much is actually being
18 spent?

19 MS. TOLSON: Not actually how much
20 we expect to spend, that's correct, because
21 we're going to leverage on our federal
22 projects.

23 COUNCILMAN NUTTER: Okay. All
24 right. Do we have any kind of problem with
25 the program, in terms of materials or

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2 getting equipment or anything like that?

3 We had a --

4 MS. TOLSON: We had that problem

5 before.

6 COUNCILMAN NUTTER: I seem to

7 remember three or four years ago we had a

8 little situation.

9 MS. TOLSON: With supplies. No, we
10 do not have a problem now.

11 COUNCILMAN NUTTER: Okay.

12 The last question is with regard to
13 the federal funds, normally in the capital
14 budget, if we're anticipating utilizing
15 federal funds or leveraging federal funds,
16 it's usually shown on a separate line for
17 the same item.

18 MS. TOLSON: We had --

19 COUNCILMAN NUTTER: This budget's
20 not showing any.

21 MS. TOLSON: We have it included in
22 our reconstructions.

23 COUNCILMAN NUTTER: I'm sorry?

24 MS. TOLSON: Reconstruction and
25 resurfacing.

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2 COUNCILMAN NUTTER: Do you know
3 what --

4 MS. TOLSON: Which includes -- Which
5 can include larger programs and streetscape
6 and the like.

7 COUNCILMAN NUTTER: Okay.

8 MS. TOLSON: It's under our federal
9 aid line.

10 COUNCILMAN NUTTER: Do you know what
11 number that is?

12 MS. TOLSON: I'm sorry. We didn't
13 bring our capital book.

14 COUNCILMAN NUTTER: I'm sorry?

15 MS. TOLSON: I don't have -- I don't
16 have the capital book.

17 COUNCILMAN NUTTER: Okay. I have
18 one.

19 MS. TOLSON: Okay.

20 COUNCILMAN NUTTER: Is it still
21 under street lighting?

22 MS. TOLSON: No. It's under...
23 We'll give you the page number in one
24 moment. It's item Number 77 on Page 69.

25 COUNCILMAN NUTTER: 77 on 69.

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2 MS. TOLSON: Page 69.

3 COUNCILMAN NUTTER: Right. 4.9?

4 MS. TOLSON: Yes.

5 COUNCILMAN NUTTER: So you're saying
6 some of the \$4.9 million in federal funds
7 is going to be used for school flashing
8 lights?

9 MS. TOLSON: Yes.

10 COUNCILMAN NUTTER: Okay. Do you
11 know how much?

12 MS. TOLSON: No.

13 COUNCILMAN NUTTER: That was a
14 little quick.

15 MS. TOLSON: I don't know that only
16 because the streets have to be identified
17 through this program. These will be for
18 specific federal streets.

19 COUNCILMAN NUTTER: Once you do
20 that, you'll be able to give us a report on
21 that?

22 MS. TOLSON: Yes. Absolutely.

23 COUNCILMAN NUTTER: All right.

24 Thank you.

25 COUNCIL PRESIDENT VERNA: Councilman

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2 Nutter, it was just called to my attention
3 that there may be an issue regarding Act 46
4 on this.
5 COUNCILMAN NUTTER: Yeah, you're
6 right about that.
7 COUNCIL PRESIDENT VERNA: Mr. Dubow,
8 what do you think about...
9 COUNCILMAN NUTTER: Yeah, old Act 46
10 gets in the way every time, every time.
11 COUNCIL PRESIDENT VERNA: Does that
12 pose a problem?
13 COUNCILMAN NUTTER: Is this your
14 first appearance at the table today?
15 COUNCIL PRESIDENT VERNA: Yes.
16 COUNCILMAN NUTTER: Oh, my goodness.
17 MR. DUBOW: Yes.
18 COUNCILMAN NUTTER: You're just...
19 COUNCIL PRESIDENT VERNA: Been
20 rather --
21 COUNCILMAN NUTTER: You just made my
22 day.
23 MR. DUBOW: I was feeling neglected.
24 I thought like you guys didn't like me any
25 more.

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2 COUNCILMAN NUTTER: Let me get my

3 glasses out.

4 MR. DUBOW: Now I feel better.

5 I'll check that with the Law

6 Department, but I don't think -- I think we

7 were not giving the money to the School

8 District, and we were doing the flashing

9 lights ourself, that reducing it wouldn't

10 be -- reducing that line item wouldn't be a

11 problem with Act 46, but I'll check.

12 COUNCIL PRESIDENT VERNA: I think we

13 better. I think we better.

14 Are there any other questions from

15 members of the Committee?

16 (No response.)

17 COUNCIL PRESIDENT VERNA:

18 Commissioner, I want to thank you and your

19 wonderful staff for everything you do

20 throughout the year.

21 And I don't know whether anybody

22 else has any questions. I know I don't.

23 But I know you've been very patient. Thank

24 you very much.

25 MS. TOLSON: Thank you, Madam

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2 President.
3 COUNCIL PRESIDENT VERNA: Joe
4 Sernick, Joe Doyle. I see Dr. No. They're
5 all here.
6 COUNCIL PRESIDENT VERNA: Water
7 Department is next.
8 Good afternoon. Commissioner, I'd
9 like to offer you my congratulations and
10 best wishes. Good luck.
11 MR. BRUNWASSER: Thank you very
12 much.
13 COUNCIL PRESIDENT VERNA: Good luck.
14 And also to you, Deputy Commissioner.
15 We do have your testimony. It will
16 be transcribed in full. So if you would
17 simply abbreviate your testimony, we'd
18 really appreciate it.
19 MR. BRUNWASSER: Absolutely. I know
20 the hour is late.
21 Good afternoon, President Verna,
22 members of City Council. My name is
23 Bernard Brunwasser. I'm the acting Water
24 Commissioner. To my left is Debra McCardy,
25 who is now the Deputy Commissioner for

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2 Operations. And to my right is Joseph
3 Claire, who is the General Manager of the
4 Finance Division.

5 It's a great privilege for my to
6 address this body in this position. I
7 testified a number of occasions before.

8 COUNCIL PRESIDENT VERNA: Yes.

9 MR. BRUNWASSER: But never as acting
10 Water Commissioner.

11 COUNCIL PRESIDENT VERNA: Is today
12 your first day as...

13 MR. BRUNWASSER: Monday was my first
14 day, and I was out at 9th and Girard and
15 literally got my feet wet.

16 COUNCIL PRESIDENT VERNA: Great.

17 MR. BRUNWASSER: Anyway, before I go
18 on, and it will be brief, I just wanted to
19 say a few words about the outgoing Water
20 Commissioner, Mark Kissenshand (phonetic),
21 and the outgoing Deputy Water Commissioner,
22 Richard Roy.

23 I worked very closely with these
24 gentlemen for the past dozen years or so,
25 as they led the department, and they did

2 such a magnificent job, and there are no
3 finer civil servants, I think, in the City.
4 And I'm very happy to hear that you'll be
5 honoring them tomorrow morning. I will
6 certainly be there for that.

7 COUNCIL PRESIDENT VERNA: Well, I
8 will tell you that I think we all have the
9 greatest respect for both men. They're
10 always very, very professional. And I
11 don't think there was ever a time that I
12 called either one of them that they were
13 not responsive, and they really bent over
14 backwards to try to be of assistance. And
15 that's what we're supposed to do.

16 I hate to see them both leave. I
17 really do. But I guess we all have to do
18 what we have to do.

19 But I think that without any
20 question the Water Commissioner was, in my
21 view, one of the best Commissioners we ever
22 had. And I just hated to see him leave.
23 so I totally agree with everything you said
24 thus far.

25 MR. BRUNWASSER: I agree. We have

2 big shoes to file; and, you know, we will
3 do our best.

4 COUNCIL PRESIDENT VERNA: Okay.

5 MR. BRUNWASSER: We still have a lot
6 of talent in this organization. We're
7 recognized throughout the world, in
8 addition to this country, as a world class
9 water utility.

10 We've just had visitors from Russia,
11 from China, from Japan, dozens of officials
12 from each country, come into our offices
13 and find out how we do things here in
14 Philadelphia.

15 The water quality that we produce is
16 excellent. All of our plants, our three
17 water plants, our three waste water plants,
18 and our bio-solids recycling facilities are
19 winning awards every year. And we get a
20 lot of accolades within the industry.

21 Rates are going up, as you know.
22 And we have filed those rates with the
23 Department of Records.

24 But the rate increases that we're
25 asking for are the largest ones we've had

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2 to ask for in about a dozen years.

3 In the 1990s we were able to absorb
4 a great deal of the increased cost of
5 salaries and benefits and other inflation
6 because we had saved so much money in
7 operations, and by refinancing, that we
8 absorbed a lot of these increases. And we
9 had no increases at all for six consecutive
10 years. And then we had three small
11 residential increases the last three years.

12 So we've done a terrific job. Our
13 rates are the lowest in the region.
14 They're actually lower now in relation to
15 our surrounding areas than they were before
16 because we've been able to keep a lid on
17 rates by all of the savings that we have
18 accomplished.

19 Problem is we still have additional
20 costs that are coming down the road. Some
21 are regulatory in nature. We have to
22 continue to replace those pipes, like the
23 one on Girard Avenue.

24 We're getting hit with a lot of debt
25 service in this next bond issue. We

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2 have... We have the lateral program which

3 we are in favor of, and we have put that in
4 the operating budget.

5 We have a lot of regulatory costs
6 that we have to meet. And we've lost our
7 subsidy, our annual subsidy, or actually a
8 grant program from the Commonwealth of
9 Pennsylvania which was there for 50 years,
10 and of course, was finally abolished last
11 year. And that cost us \$8 million a year.

12 So, for a number of reasons we do
13 have to come in and ask for those rates.
14 And we're phasing them in over the
15 four-year period.

16 They will average 9.3 percent
17 annually to the residential customer. They
18 will now -- They will now be able to have
19 their water lines and sewer lateral in the
20 street repaired. They won't be faced with
21 a \$1,500 to \$3,000 surprise bill. And it's
22 an insurance policy.

23 And it will cost them when it's
24 fully implemented about... we have
25 estimated around \$3.50 a month.

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2 So that's the gist of what I want to
3 say. And again, it's a privilege to be

4 here. And I'm ready to take any questions
5 that you have.

6 COUNCIL PRESIDENT Verna: Thank you.
7 The Chair recognizes Councilwoman Brown.

8 COUNCILWOMAN BROWN: Thank you,
9 Madam President.

10 Good afternoon, gentlemen. Good
11 afternoon, representative of the women in
12 City government. You say you are acting
13 Commissioner?

14 MR. BRUNWASSER: That's right.

15 COUNCILWOMAN BROWN: How long have
16 you been acting?

17 MR. BRUNWASSER: Three days.

18 COUNCILWOMAN BROWN: Oh, my. Okay.
19 Is this called a setup? Did they set you
20 up for this?

21 (Laughter.)

22 MR. BRUNWASSER: Everything came
23 together.

24 COUNCILWOMAN BROWN: We expect you
25 to be the miracle worker through this

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2 segment of the hearings.

3 Before I get to operations, I have a

4 couple of questions around staffing.
5 Composition of the upper level staff; what
6 is it?

7 MR. BRUNWASSER: Composition?

8 COUNCILWOMAN BROWN: Mm-hmm. First
9 answer me this question. Are upper level
10 staff -- And upper levels is relative, so
11 you'll have to tell me what that is in the
12 Water Department. Are they Civil Service,
13 appointed? Does staff exempt equal Civil
14 Service? Give me a hand on that.

15 MR. BRUNWASSER: Okay. Water
16 Department like, I guess, many of the other
17 departments under the Managing Director
18 basically has, I think, four exempt
19 positions allowed, a commissioner, two
20 deputies, and one other position which can
21 vary.

22 COUNCILWOMAN BROWN: Now, is exempt
23 synonymous with can be appointed by you?

24 MR. BRUNWASSER: That's right, can
25 be appointed.

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2 COUNCILWOMAN BROWN: Okay. I want
3 to follow this. So it's a commissioner,
4 two deputies, and what did you say?

5 MR. BRUNWASSER: And another --
6 another position which can be used as a
7 confidential secretary. In our case, the
8 head of our Help Loan Program is officially
9 the fourth exempt position.
10 COUNCILWOMAN BROWN: Okay. How many
11 of those four exempt positions are women?
12 MR. BRUNWASSER: That would be one.
13 COUNCILWOMAN BROWN: And how many
14 are of color?
15 MR. BRUNWASSER: One.
16 COUNCILWOMAN BROWN: Okay, then.
17 MR. BRUNWASSER: And there's one
18 vacancy, I should add.
19 COUNCILWOMAN BROWN: Any women of
20 color?
21 MR. BRUNWASSER: So there's really
22 three people right now.
23 COUNCILWOMAN BROWN: Any women of
24 color?
25 MR. BRUNWASSER: No, not in the

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2 exempt position.

3 COUNCILWOMAN BROWN: Forgive me?

4 MR. BRUNWASSER: Not in the exempt

5 positions, no.

6 COUNCILWOMAN BROWN: And the reason
7 for that would be? How long has there been
8 a vacancy?

9 MR. BRUNWASSER: I'm talking about
10 the position to replace myself.

11 COUNCILWOMAN BROWN: Okay. All
12 right. You see where I'm headed?

13 MR. BRUNWASSER: Perhaps.

14 COUNCILWOMAN BROWN: Where I'm
15 headed is, in government there are men and
16 women of color. I mean, if it's MBEC or
17 Procurement or just equal opportunity
18 across the board, in terms of professional
19 positions, where there's leadership and
20 authority, men and women of color and women
21 period should be fairly represented across
22 the board.

23 And if we don't ask the questions,
24 then we can't assume or be hopeful that
25 leadership will recognize that that is the

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2 right thing to do.

3 So, my hope would be that next year
4 across the board, not just the Water
5 Department, but across the board there is

6 better representation of people of color
7 and women in positions of leadership and
8 responsibility. So I'll put that on the
9 record, knowing that you're only three days
10 old. Okay.

11 In the Water Department, this
12 document... I want to speak to this
13 document. Did this paper go to all
14 residential water customers?

15 MR. BRUNWASSER: I believe so. It's
16 supposed to, yes.

17 COUNCILWOMAN BROWN: Okay. Do you
18 know -- And you really are maybe at a
19 slight disadvantage. How much did it cost
20 to produce and distribute this document or
21 did the Water Document do this?

22 MR. BRUNWASSER: Yes. We have to,
23 under the federal guidelines.

24 COUNCILWOMAN BROWN: So it's
25 federal. Okay. That's helpful.

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2 MR. BRUNWASSER: Right. And I think
3 we look at different ways. I think last
4 year we actually distributed those through
5 the Inquirer, through the newspaper because

6 you actually can reach a broader audience.

7 COUNCILWOMAN BROWN: I see.

8 MR. BRUNWASSER: Apartment owners.
9 I mean, people in large apartment houses
10 get the paper.

11 COUNCILWOMAN BROWN: So doing this
12 is not optional.

13 MR. BRUNWASSER: No. No.

14 COUNCILWOMAN BROWN: I see.

15 MR. BRUNWASSER: Not at all. We
16 happen to have gotten awards for the
17 quality of what we've done.

18 Many cities have been criticized
19 quite a bit for a lack of quality in their
20 document for the public.

21 COUNCILWOMAN BROWN: I see. Okay.
22 Well, that certainly answers that question
23 on the why and the value of it.

24 Final question from a constituent.
25 The Queen Lane Station is going through

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2 renovations that currently have Fox Street
3 closed in one direction. Can you share
4 with us how long you anticipate this street
5 being closed because of that circumstance?

6 MR. BRUNWASSER: I don't have that

7 answer personally, but maybe someone on my
8 staff. Two months, I'm hearing.
9 COUNCILWOMAN BROWN: Two months?
10 Okay, then.
11 That takes care of all my questions,
12 Madam President.
13 COUNCIL PRESIDENT Verna: Thank you
14 very much.
15 COUNCILWOMAN BROWN: Thank you.
16 COUNCIL PRESIDENT Verna: Chair
17 recognizes Councilman Nutter.
18 COUNCILMAN NUTTER: Madam President,
19 I'm actually going to be
20 uncharacteristically short. We have a big
21 hearing, I think, coming up with the Water
22 Department primarily around the issue of
23 the proposed rate hike. And I'll save my
24 questions for them as a part of that larger
25 discussion.

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2 COUNCIL PRESIDENT Verna: All right.
3 When is that listed?
4 COUNCILMAN NUTTER: We're working on
5 a date.
6 COUNCIL PRESIDENT Verna: Thank you.

7 COUNCILMAN NUTTER: As we speak.

8 COUNCIL PRESIDENT VERNA: Councilman
9 Ramos.

10 COUNCILMAN RAMOS: Yes. Good
11 morning or good afternoon, Commissioner, or
12 acting Commissioner.

13 Can you talk to us a little bit
14 about the Water Reserve Fund. What
15 jurisdictions, what controls do you have
16 over it?

17 In your opening statement you refer
18 to something that happened, I believe, a
19 few years ago, where you were able to make
20 some changes and help increase your
21 revenues into the water fund, that -- you
22 know, close to \$2 million a year.

23 Can you talk to us about what
24 kind -- you know, who controls that fund?
25 Is it your office? And so forth.

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2 MR. BRUNWASSER: Oh. Okay. I
3 believe you're speaking to the Sinking Fund
4 Reserve of the Water Department?

5 COUNCILMAN RAMOS: Referred to as
6 the Water Reserve Fund, where the --

7 MR. BRUNWASSER: Yes.

8 COUNCILMAN RAMOS: -- City is asking
9 us to...
10 MR. BRUNWASSER: Right.
11 COUNCILMAN RAMOS: ...release or
12 approve \$125 million for a River City
13 concept.
14 MR. BRUNWASSER: Right. That's a
15 debt reserve fund and in the...
16 COUNCILMAN RAMOS: Is it a Sinking
17 Fund? Is that the same thing?
18 MR. BRUNWASSER: Yes. In our
19 general revenue bond ordinance under which
20 we issue all of our debt, there's a
21 provision, a covenant that we've made with
22 bond holders that states that at any given
23 time we will have in this fund enough money
24 to pay one year's principal -- maximum
25 principal and interest payment.

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2 And that fund is there primarily for
3 the benefit of the bond holders. In other
4 words, our debt service is approximately
5 \$160 million annually. And that fund is
6 supposed to be funded at \$160 million.
7 It is... If you read the ordinance,

8 you'll see that it is permissible to
9 replace the cash in the Sinking Fund
10 Reserve with a surety bond or a letter of
11 credit. And so, that is perfectly
12 permissible.

13 COUNCILMAN RAMOS: Yeah. I
14 understand that we can do it. I just want
15 to see if you can talk to me about... Do
16 you see any negative effect? Are we going
17 to take a good chunk of the money that's
18 there out of there?

19 How does that -- What happens if we
20 ever -- if we need -- there's a real -- a
21 big emergency? And we can -- Are we going
22 to be okay to remove \$125 million and still
23 be able to deal with a big emergency?

24 MR. BRUNWASSER: I don't think that
25 the money -- that particular pot of money

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2 is designed for emergencies. Actually, it
3 is designed to be in place in case the
4 Water Department cannot make the full
5 principal and interest payment on its debt.

6 COUNCILMAN RAMOS: I consider that
7 an emergency.

8 MS. TOLSON: That would be an

9 emergency. And then the... For instance,
10 \$125 million surety bond would cover \$125
11 million of potential -- of cash.

12 The other \$35 million is there, as
13 well, in cash. I believe \$35 million would
14 reside in cash in the Sinking Fund Reserve.
15 And either one of those would be used to --
16 to come to the aide of the bond holder.

17 COUNCILMAN RAMOS: So you feel --
18 You feel -- What I'm hearing is that you
19 feel comfortable that -- for the
20 Administration to do this at no -- with no
21 major negative impact on the fund.

22 MR. BRUNWASSER: I think most
23 departments have a kind of a parochial
24 interest in having full control of all of
25 its assets all of the time.

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2 But what I'm saying is that so long
3 as this is done and it's done in a way that
4 is neutral to the department and neutral to
5 the bond holder for which this fund is
6 there, then we should be fine.

7 COUNCILMAN RAMOS: Do you consider
8 it neutral? I mean, you're...

9 MR. BRUNWASSER: More or less.
10 There's -- There are different schools of
11 thought.
12 When interest rates are very low,
13 like they are today, putting a surety
14 bond -- buying a surety bond at... I don't
15 know... three or four percent, rather
16 than -- rather than going out and getting
17 capital at five or six percent, you know,
18 may make sense.
19 But what I'm saying is, the real
20 function of that fund is for the benefit of
21 the bond holder. And as long as there's a
22 surety bond or a letter of credit from a
23 triple A rated company, then the bond
24 holder, I think, would be reassured.
25 COUNCILMAN RAMOS: Thank you for

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2 your insight on that.
3 I live near 9th and Girard Avenue,
4 not too far away. What caused that rupture
5 and how much would that -- how much did
6 that cost to get repaired? I know you were
7 there for many, many hours. I was coming
8 home that evening, and...
9 MR. BRUNWASSER: Right. I want to

10 say to everybody that -- You know, I was
11 out there. And again, I was in the
12 Operations Division for the first 13 years
13 of my 33-year Water Department career. So
14 the last 20 years I've been in finance, and
15 I don't get to see too much of that.

16 But I was out there. And I thought
17 our employees did a marvelous job, quickly
18 shutting down that pipe. It's not easy.
19 It's a 30-inch main. There's 120 MGD,
20 million gallons that can flow through that
21 main in a 24-hour period.

22 And you have to go find the valves.
23 You have to be able to turn the valves.
24 Sometimes these valves haven't been turned
25 in a while.

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2 And they protected the property.
3 There were no... No one got hurt. One
4 business had a wet basement. And you know,
5 most of the damage was confined to the
6 streets.

7 And they cleaned up -- They cleaned
8 up the area, and, you know, allowed two of
9 the four lanes of traffic to get through.

10 So...

11 COUNCILMAN RAMOS: What caused the
12 rupture?

13 MR. BRUNWASSER: They're
14 investigating it. The main is 103 years
15 old.

16 COUNCILMAN RAMOS: A-ha. Okay.

17 MR. BRUNWASSER: But that itself
18 wasn't the cause. I mean, perhaps. There
19 could be maybe long-term corrosion or soil
20 might have washed away in some of these
21 heavy rains that we've been having. It
22 happened during a day we had one and a half
23 inches of rain. Maybe it undermined the
24 support for the main in that particular
25 location.

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2 We have a very scientific way of
3 evaluating these pipes, and we know when
4 they fail. We know -- We evaluate on the
5 basis of age, what type of material was
6 used.

7 Some of the newer pipes than that
8 failed quicker because maybe 50 years ago
9 the Water Department tried some material
10 that wasn't -- that has not held up, you

11 know, with hindsight.

12 So, we evaluate these pipes. And we
13 also have a history of all of these pipes.
14 And in my testimony there's a table there
15 that indicates we've been accelerating the
16 replacement of water main over the last 10,
17 12 years. And we have seen a drop in the
18 rolling average of water main breaks.

19 COUNCILMAN RAMOS: What is the
20 condition of our water pipe infrastructure?
21 I know that you've just mentioned you've
22 been doing --

23 MR. BRUNWASSER: Right.

24 COUNCILMAN RAMOS: -- some work
25 around this area of improving, repairing,

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2 replacing. What is the status of our
3 infrastructure, as far as you're concerned?

4 MR. BRUNWASSER: Based on looking at
5 the national average for water main breaks,
6 we are probably slightly better than
7 average. And that includes newer
8 utilities -- I mean, newer cities than
9 Philadelphia.

10 So we're pretty confident that we --

11 by doing 20 to 25 miles of water main
12 replacement each year, and now we used up
13 the liner, and we use very high quality
14 material, we believe that we -- you know,
15 if anything, things are improving.

16 COUNCILMAN RAMOS: Are you... If
17 you were to grade where our -- what's the
18 status of our infrastructure, what's your
19 grade? Is it... Is it... One of the
20 things that concerned me on 9/11 -- and I
21 worked at the Municipal Services Building
22 back then -- was: Do you know what happens
23 if, you know, these terrorists are, you
24 know, heading towards one of our, you know,
25 heading towards one of our plants.

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2 I mean, do we have infrastructure in
3 place? What kind of long-term planning are
4 we doing to make sure that our
5 infrastructure is good enough to provide
6 water to our citizens, but also how do we
7 protect that structure?

8 MR. BRUNWASSER: That's a very good
9 question for, you know, these times. We
10 have done -- A lot of -- Some of the money
11 in this rate hike that we are requesting is

12 for safety, additional safety.

13 We've -- We're changing out
14 chemicals that could be dangerous for safer
15 chemicals, as far as volatility, not safe
16 as far as water treatment, but as far as...
17 You flow, chlorine gas, for example.
18 Chlorine can be a deadly chemical if used
19 improperly.

20 But we've weaned all of our waste
21 water plants off of chlorine. We used to
22 chlorinate before waste water would go back
23 into the river. And one of our three
24 plants, water plants, is now completely off
25 of chlorine and the other two will shortly

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2 be off of chlorine.

3 And we're changing to sodium
4 hypochlorite, which is more expensive,
5 again, one of the reasons that we need a
6 bit more money.

7 Status of our infrastructure? I'm
8 familiar with a lot of what's going on
9 around the country. And you'd be surprised
10 how badly the infrastructure of a lot of
11 water and sewer utilities have been allowed

12 to deteriorate in this country.

13 And it's a crisis. It's a crisis
14 for water and sewer utilities. And they
15 are looking to the Federal Government to
16 help bail them out.

17 Unfortunately, the Federal
18 Government does not have the wherewithal
19 right now to help very much. So, you have
20 that business.

21 On security, our water treatment
22 plants have undergone a assessment, a
23 security assessment. A vulnerability
24 assessment, I should say. And most of the
25 big water plants in the country have

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2 gone -- have undergone this.

3 And we are -- We have taken steps,
4 and we are continuing to take additional
5 steps to improve security at all of our
6 facilities.

7 COUNCILMAN RAMOS: Thank you,
8 Commissioner. Good luck to you. And in
9 whatever I can be of service to you, please
10 feel free to call.

11 MR. McPHERSON: Councilwoman Brown.

12 COUNCILWOMAN BROWN: Thank you.

13 Thank you. Thank you. Thank you.

14 I just wanted some clarity. Your
15 response was that it was a federal
16 guideline that you must inform, alert
17 citizens of the water quality, correct?

18 MR. BRUNWASSER: Yeah. I believe it
19 actually -- I happened to pick up my copy
20 the other day. And I think it actually
21 says it on the front cover somewhere
22 that...

23 COUNCILWOMAN BROWN: Okay.

24 MR. BRUNWASSER: ...that this is the
25 case.

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2 COUNCILWOMAN BROWN: And
3 traditionally you do it as a mailing? I
4 guess what I'm getting to is, are there
5 other cost effective measures to convey the
6 message but less costly? And there may not
7 be. I'm curious.

8 MR. BRUNWASSER: We look at this
9 every year. And we look at our postage
10 costs, and we look at -- As I said, the
11 Inquirer was able to do this for us last
12 year. For this year they could not, for

13 whatever reason.

14 COUNCILWOMAN BROWN: Mm-hmm.

15 MR. BRUNWASSER: We could not get
16 into agreement with them. And we do look
17 at the lowest cost.

18 I'm going to introduce Ed
19 Grewshefski (phonetic), who's head of our
20 public affairs group and is responsible for
21 seeing this gets to everyone.

22 COUNCILWOMAN BROWN: Okay. Good
23 afternoon, sir.

24 MR. GREWSHEFSKI: Good afternoon,
25 Councilwoman.

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2 In fact, one of the reasons we have
3 been praised for this document is that
4 we've looked at it as an educational
5 document as well, to try to put all of this
6 in context.

7 COUNCILWOMAN BROWN: Sure.

8 MR. GREWSHEFSKI: These figures
9 about what's in the water. The E.P.A.
10 actually requires that we present to our
11 customers are pretty confusing. And so, a
12 lot of the... A lot of the water quality
13 report focuses on generally telling people

14 what the issues are for them.

15 COUNCILWOMAN BROWN: I see.

16 MR. GREWSHEFSKI: Vis a vis each of
17 these particular chemicals are possible
18 pollutants that might be in our source
19 water.

20 The other thing is that we have
21 looked at many ways of trying to cut the
22 cost. And one is that we're presenting it
23 in a newspaper format.

24 COUNCILWOMAN BROWN: I see.

25 MR. GREWSHEFSKI: Originally we

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2 probably cut the cost in half by going from
3 a sort of newsletter paper quality to this
4 news print.

5 And last year we went into
6 discussions with the Inquirer, and they
7 really -- It seemed like they were going to
8 be able to get it to even more people.
9 Right now we send it to all of our
10 rate-paying customers.

11 COUNCILWOMAN BROWN: Rate-paying.

12 Okay.

13 MR. GREWSHEFSKI: Rate-paying

14 customers. And that looked like it was
15 very promising for us because we'd like to
16 have as many people see it as possible.

17 However, we were not able to legally
18 set up a contract with them, with the
19 Inquirer.

20 COUNCILWOMAN BROWN: I see.

21 MR. GREWSHEFSKI: And it had to do
22 with sole source. And it also had to do
23 with some of the issues the Inquirer has
24 with the City contracts.

25 But at any rate, we're -- you know,

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2 we're back to this format and trying other
3 ways to get it through the apartment
4 owners' associations, and groups like that,
5 so that more people will have access to it.

6 COUNCILWOMAN BROWN: Can get it.
7 Thank you. Thank you again for your
8 testimony, and your clarification. Thank
9 you.

10 MR. BRUNWASSER: I could just read
11 into the record, if you don't mind... This
12 is the drinking water quality report. And
13 it does state on the front cover, this
14 report is being mailed to you as a

15 requirement of the Federal Safe Drinking
16 Water Act.

17 COUNCILWOMAN BROWN: Thank you.
18 Thank you.

19 MR. MCPHERSON: Councilman Nutter.

20 COUNCILMAN NUTTER: Thank you,
21 acting Chair.

22 Good afternoon. Good evening,
23 Commissioner. Welcome. Congratulations to
24 you.

25 I would only echo comments made by

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2 Council President Verna about your
3 predecessor, both or predecessors,
4 Commissioner Kishenshawn (phonetic) and
5 Deputy Commissioner Roy.

6 And from time to time we will have
7 our little situations out there. And now
8 I'll be calling you in the middle of the
9 night, asking what's going on with the
10 water somewhere in the District.

11 I wanted to go back to the topic
12 raised by Councilman Ramos, with regard to
13 the Water Department, that reserve fund,
14 and the proposal to remove \$125 million.

15 What I'd like to ask is, those funds
16 could also be used for infrastructure
17 improvements to the normal network of
18 infrastructure that we presently have; is
19 that correct?

20 MR. BRUNWASSER: I presume so.

21 COUNCILMAN NUTTER: Okay. And if we
22 were to use those funds for that purpose,
23 is it also true that we could put off
24 probably for at least a year or so
25 additional borrowings by the Water

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2 Department for infrastructure improvements
3 or capital program; is that right?

4 MR. BRUNWASSER: Yes. I mean, you
5 could -- you could push the next bond issue
6 back or make it smaller.

7 COUNCILMAN NUTTER: Right. And if
8 we did that, wouldn't it also reduce the
9 amount of debt service impact to the
10 General Fund for such an offering, if we're
11 going to push it back a year or so?

12 MR. BRUNWASSER: I believe you mean
13 the Water Fund?

14 COUNCILMAN NUTTER: Water Fund, yes.

15 MR. BRUNWASSER: There would be --

16 There would be some impact. But again,
17 that's a part of the larger revenue
18 requirement need.

19 COUNCILMAN NUTTER: Say that last
20 part again.

21 MR. BRUNWASSER: In other words,
22 yes, that's a portion of our revenue
23 requirement debt service. And we're going
24 out for a four-year plan, so what -- if we
25 were able to push that --

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2 COUNCILMAN NUTTER: Four-year plan
3 for what?

4 MR. BRUNWASSER: For rates.

5 COUNCILMAN NUTTER: Right.

6 MR. BRUNWASSER: For rates. So that
7 bond issue would still occur within the
8 four-year plan, but a bit later than what
9 we have projected.

10 COUNCILMAN NUTTER: Right. And
11 we're going to go into this much more
12 extensively, so give me the shorter answer.
13 I mean, what is... What's driving such a
14 significant rate hike? And what, if any,
15 positive impact could we have on the size

16 of the rate hike by using those debt
17 reserve funds in a different fashion?

18 MR. BRUNWASSER: Councilman, I've
19 prepared some booklets that kind of
20 summarize what that rate filing was all
21 about, and it will indicate how it breaks
22 down.

23 COUNCILMAN NUTTER: All right. We
24 can go into that...

25 MR. BRUNWASSER: Right.

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2 COUNCILMAN NUTTER: ...at the
3 hearing.

4 Have you been involved in the
5 discussions about utilization of this debt
6 reserve account for the proposed purpose?

7 MR. BRUNWASSER: No, I haven't.

8 COUNCILMAN NUTTER: Okay. And I
9 understand you're new in the position. Do
10 you expect to?

11 MR. BRUNWASSER: I would presume
12 that, you know, I will be brought in at
13 some future time.

14 I mean, I've heard the testimony of
15 the Finance Director. And so long as these
16 funds, this \$125 million is used for -- is

17 limited to water and sewer infrastructure,
18 then it is within, I believe, the scope of
19 all the bond ordinances and what have you.

20 COUNCILMAN NUTTER: Has the City
21 ever done something like this before? Have
22 we ever used those reserve funds for
23 anything like this?

24 MR. BRUNWASSER: No, not to -- Well,
25 I think in -- I think I just read where the

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2 Airport has done something like this in the
3 recent past, a small size, the issue.

4 COUNCILMAN NUTTER: Okay. But not
5 the Water Department.

6 MR. BRUNWASSER: Not Water, no.

7 COUNCILMAN NUTTER: Okay. And what
8 would those funds normally be used for?

9 MR. BRUNWASSER: The Sinking Fund
10 Reserve Fund?

11 COUNCILMAN NUTTER: Mm-hmm.

12 MR. BRUNWASSER: Normally it sits
13 there and earns interest. It sits there
14 and it's there, again, as a security to the
15 bond holder.

16 It's a promise that we've made to

17 the bond holder, through our ordinances,
18 that we will have on hand at least one
19 year's worth of principal and interest
20 payment, so that they can rest assured they
21 will get their coupons paid.

22 COUNCILMAN NUTTER: Now, as a result
23 of the removal which will then be secured
24 by the surety bond, but as a result of the
25 removal we will then not get the benefit of

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2 the interest, at least on the \$125 million;
3 is that right?

4 MR. BRUNWASSER: Well, I don't know
5 how to answer that yet because \$125 million
6 would presumably be placed in some other
7 account before it's spent, thereby
8 hopefully earning interest.

9 COUNCILMAN NUTTER: Well, I
10 understand that. But based on the proposed
11 use, it's probably not going to sit in that
12 account very long. It's being moved to be
13 used. It's not being moved to be invested.
14 Right?

15 MR. BRUNWASSER: I believe so, yeah.

16 COUNCILMAN NUTTER: Okay. Do you
17 see any way that the -- that a different

18 use, other than that proposed for economic
19 development purposes, but a different use
20 of those funds could then help to reduce
21 the amount necessary or the amount that's
22 been proposed for the water rate increase?

23 MR. BRUNWASSER: I guess if you're
24 looking at it year by year, there would be
25 a reduction, for instance, in year one of

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2 our rate increase, I suppose, but --

3 COUNCILMAN NUTTER: How is that?

4 MR. BRUNWASSER: It's more of a
5 deferral, because we continue to go out and
6 require additional debt. I think --

7 COUNCILMAN NUTTER: I understand
8 that. But I mean, what's the first part of
9 your -- under what scenario could we use
10 the -- If we were going to use the 125 --
11 If a decision was made that we were
12 absolutely going to use the \$125 million,
13 not let it sit in the debt service account
14 and just accumulate interest, but we were
15 going to use it for some purpose to
16 directly benefit the rate payers, what
17 would it be?

18 MR. BRUNWASSER: It would be to use
19 it for capital purposes; and, again -- and
20 deferred debt service on new bonds.

21 COUNCILMAN NUTTER: And what would
22 the savings -- What would the savings be
23 and how would that -- and what would then
24 be the reduction to the proposed 43 percent
25 rate increase?

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2 MR. BRUNWASSER: Well, if you're
3 talking about \$125 million, my guess is you
4 would have about \$8 million, eight and a
5 half million dollars less of debt service
6 expense.

7 COUNCILMAN NUTTER: Is that a
8 one-time expense or is that an annual
9 expense?

10 MR. BRUNWASSER: Oh, that would
11 be -- I guess... Yeah, it's a one-time
12 savings.

13 COUNCILMAN NUTTER: It's a one-time
14 savings of eight and a half million
15 dollars?

16 MR. BRUNWASSER: That's right.
17 Instead of 17 -- Instead of \$17.2 million
18 in debt service which we are associating

19 with our upcoming \$250 million bond issue,
20 half of that, \$125 million would presumably
21 drop the \$17.2 million debt service
22 approximately in half, to eight... you
23 know, 8.6.

24 COUNCILMAN NUTTER: But if you push
25 off the borrowing and make the savings,

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2 isn't there more than just a one-time
3 savings?

4 If you're going to use the 125 for
5 capital, aren't you going to in effect
6 borrow \$125 million less?

7 MR. BRUNWASSER: Yeah. You won't be
8 paying the 8.5 on an annual basis, that's
9 right, for that chunk of money.

10 COUNCILMAN NUTTER: For how long a
11 period of time?

12 MR. BRUNWASSER: Probably 25 years.

13 COUNCILMAN NUTTER: Okay. Now,
14 it's... I don't know. Maybe it's... What
15 do they call that? Sheer -- Sheer luck
16 or... There is a word; can't think of it
17 right now.

18 Where's representative Dewice

19 (phonetic) when you need him? \$8 million
20 is, coincidentally, the exact amount that
21 would restore full funding to the
22 Recreation Department and the arts and
23 culture that are presently proposed to be
24 cut.
25 So, you're suggesting that if we use

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2 the \$125 million to directly benefit the
3 rate payers, we've already paid for the
4 bonds that were floated earlier, which
5 created the reserve fund in the first
6 place, improved the infrastructure that
7 presently exists, did not do that borrowing
8 at that particular point in time, would
9 save \$8 million on an annual basis, and be
10 able to restore funding to some pretty
11 significant entities in the City.

12 MR. BRUNWASSER: If the money was
13 permitted to be used for other entities,
14 yes.

15 COUNCILMAN NUTTER: No, no, no. Oh,
16 he's been jumping up from the back. I've
17 seen him out of the corner of my eye. I've
18 just been stretching it out to give him
19 time to get up to the table because I know

20 he desperately wants to get back up there,
21 so...

22 MR. DUBOW: I appreciate how
23 considerate you're being.

24 COUNCILMAN NUTTER: It's late in the
25 day. I mean, it's a bonus.

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2 MR. DUBOW: That's right. It's
3 savings in the Water Fund, so it couldn't
4 be used for General Fund purposes.

5 So what it could be used for is what
6 you were saying earlier. It could have
7 some impact on the size of the rate
8 increase. It couldn't be used to restore
9 General Fund dollars.

10 COUNCILMAN NUTTER: Okay. So let's
11 talk about a rate increase. If you have
12 that amount of savings, what does that take
13 off of the proposed 43 percent increase, to
14 the rate payers?

15 MR. BRUNWASSER: Well, it would
16 be... I think we are -- our four-year rate
17 increase would accumulate \$307 million
18 worth of revenue. \$8 million times four,
19 it would take 32 million off of that. So,

20 it would drop the overall revenue
21 requirement by a little more than ten
22 percent, I guess. So...
23 COUNCILMAN NUTTER: So instead of a
24 43 percent rate hike, what would it be?
25 MR. BRUNWASSER: Well, it -- it --

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2 it -- it wouldn't be -- it wouldn't be
3 exactly measure for measure because the way
4 we show the rate increase going out is for
5 the typical residential customer.
6 The actual rate increase, overall
7 rate increase, is 7.4 percent each of the
8 four years. The residential customer,
9 because of the pipeline warrantee or
10 pipeline program that's been proposed,
11 that --
12 COUNCILMAN NUTTER: Are you talking
13 about laterals?
14 MR. BRUNWASSER: Laterals. The
15 lateral program cost of maybe \$3.50, for
16 instance, a month is a higher percentage of
17 a residential customer's bill. So, that's
18 why they're getting a 9.7 percent rate
19 increase because their service charge --
20 COUNCILMAN NUTTER: That's why who's

21 getting a 9.7?

22 MR. BRUNWASSER: The typical
23 residential customer, the one who uses 800
24 cubic feet per month.

25 COUNCILMAN NUTTER: I thought in

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2 some other testimony or discussion, there's
3 been an ongoing dialogue about this, with
4 regard to whether or not the sewer lateral
5 program should be covered by the capital
6 budget.

7 MR. BRUNWASSER: There is a
8 dialogue. There are some outstanding
9 issues that would have to be resolved
10 before that would happen.

11 COUNCILMAN NUTTER: Well, let's say
12 it was -- Let's say those issues were
13 resolved.

14 MR. BRUNWASSER: And it was
15 capitalized?

16 COUNCILMAN NUTTER: Yes. Wouldn't
17 that, then, reduce what we're talking
18 about?

19 MR. BRUNWASSER: It would... It
20 would in the early years, and eventually it

21 would cost more, as you continue to
22 accumulate \$20 million of debt on an annual
23 basis.

24 COUNCILMAN NUTTER: Well, why don't
25 we do this: Can you... The discussion

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2 that we've had and the numbers and the
3 scenarios and the like, could you lay out
4 for us and forward to the Chair a... I
5 don't want to call it a plan, but your best
6 thoughts on utilizing the \$125 million in a
7 way that directly benefits rate payers for
8 the present infrastructure that we have,
9 and the resulting scenarios of doing that,
10 and what that means in the context of the
11 rate increase, built into your assumption a
12 resolution to the sewer lateral issue.

13 MR. BRUNWASSER: We'll give it a
14 shot.

15 COUNCILMAN NUTTER: Oh, I know you
16 will. And Commissioner, I know you had
17 that look of how in the world could I get
18 up at this table.

19 But you know, look: I mean, you've
20 been on the job three days. I mean, what
21 do you expect? I mean, you know, get with

22 the program.

23 (Laughter.)

24 COUNCILMAN NUTTER: I'm sure you'll
25 do fine. I have the greatest confidence in

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2 you, and I look forward to working with
3 you.

4 MR. BRUNWASSER: Thank you.

5 COUNCILMAN NUTTER: Thank you, Madam
6 Chair.

7 COUNCIL PRESIDENT VERNA: Thank you.

8 The Chair recognizes Councilwoman
9 Brown.

10 COUNCILWOMAN BROWN: Thank you.

11 Thank you, Madam President.

12 Again you are at a disadvantage.

13 You may not be aware of this case. If you
14 are, you can comment. If not, then I want
15 to make sure you get a copy of the letter.

16 July 14, 2003, I sent your
17 predecessor a letter expressing concerns
18 about McWayne, Inc., and the contract they
19 had or have with the Philadelphia Water
20 Department.

21 They have been reported to be

22 uncivilized with regards to their workers,
23 in terms of they have a lot of bad
24 practices, a lot of injuries on the job.

25 So I was curious to know is McWayne

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2 a company that the City of Philadelphia is
3 still doing business with?

4 And if you're not aware of it, could
5 you look into it? I'll give you a copy of
6 this letter. And could you look into it
7 and get back to us.

8 There's just a sentiment in a number
9 of different quarters that this is not the
10 kind of company the City of Philadelphia
11 should be doing business with, with regards
12 to the way they treat their employees.

13 MR. BRUNWASSER: I will be happy to
14 look into that.

15 COUNCILWOMAN BROWN: Are you
16 familiar with McWayne.

17 MR. BRUNWASSER: No, I'm not.

18 COUNCILWOMAN BROWN: Okay, then.

19 We'll make sure you get a copy of the
20 letter. And then if you could be so kind
21 as to forward a response to Madam
22 President.

23 MR. BRUNWASSER: Thank you.
24 COUNCILWOMAN BROWN: You're welcome.
25 MR. BRUNWASSER: We will address

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2 that.
3 COUNCILWOMAN BROWN: Thank you very
4 much.
5 Thank you, Madam President. I'm
6 done.
7 COUNCIL PRESIDENT VERNA: Wonderful.
8 Are there any other questions from members
9 of the Committee? Any comments?
10 (No response.0
11 COUNCIL PRESIDENT VERNA: Thank you
12 so much. Again, I wish you both the best,
13 and this committee will stand in recess
14 until Monday, May 3, at 9:30. Thank you
15 very much.
16 (Hearing concluded at 5:50 p.m.)

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3

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I HEREBY CERTIFY that the proceedings

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and evidence are contained fully and

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accurately in the stenographic notes taken by

7

me upon the public hearing of The Philadelphia

8

City Council, taken on April 28, 2004, and that

9

this is a true and correct transcript of same.

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DAVID A. DEIK, RPR and

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Commissioner of Deeds

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