

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 PUBLIC HEARING AND PUBLIC MEETING
4 BEFORE THE COMMITTEE ON STREETS AND SERVICES

5 - - -
6 Room 400 City Hall
7 Philadelphia, Pennsylvania
8 Monday, 12/7/98, 3:18 p.m.
9 - - -

10 BILL 980707 - Penn Center House, Inc.
11 BILL 980884 - Atlantic Pipeline Corp.
12 BILL 980844 - Carematrix Corp.
13 BILL 980885 - S. Tilvawala Newsstand
14 BILL 980896 - Twelfth St. Hotel Assocs.
15 BILL 980709 - Geary/Davinci/Justinian
16 BILL 980710 - " " "
17 BILL 980803 - Dilworth St. and Ritner St.
18 BILL 980888 - Alter St.
19 BILL 980897 - Clover St. and Market St.
20 BILL 980891 - Lafayette St. Water
21 BILL 980892 - " " "

22 (Full text of ordinances attached.)

23 PRESENT: COUNCILMAN FRANK DICICCO, Chairman
24 COUNCILMAN DAVID COHEN
25 COUNCILMAN MICHAEL A. NUTTER
COUNCILWOMAN ANNA C. VERNA
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN ANGEL L. ORTIZ
COUNCILMAN RICHARD T. MARIANO
COUNCILMAN FRANK RIZZO

- - -

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1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980707

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

3 COUNCILMAN DICICCO: We now have a
4 quorum. Good afternoon, everyone. The Streets
5 and Services Committee is now in session. In
6 attendance today are: Councilman Nutter;
7 Councilman Ortiz; Councilman Cohen; and myself,
8 Councilman DiCicco. And former Councilman Jim
9 Tayoun is here, who is not a part of the
10 committee.

11 The clerk will read title of the first
12 bill.

13 THE CLERK: Bill No. 980707, an
14 ordinance authorizing the Penn Center House, Inc.,
15 owner of the property at 1900-1934 John F. Kennedy
16 Boulevard, Philadelphia, PA, 19102, to construct
17 and maintain a glass and metal electrified canopy
18 with support columns under, on, and over the south
19 footway of the 1900 block of John F. Kennedy
20 Boulevard, under certain terms and conditions.

21 COUNCILMAN DICICCO: Please state your
22 name for the record.

23 MR. LONGSHORE: Good afternoon,
24 Chairman DiCicco and members of Council. My name
25 is Mike Longshore, Chief Permits Officer,

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980707
2 representing the Streets Department in today's
3 testimony.

4 In reference to Bill No. 980707, this
5 is not an administration ordinance but, rather, an
6 ordinance by request on behalf of Penn Center
7 House Incorporated, owner of the property 1900 to
8 1934 John F. Kennedy Boulevard. The purpose of
9 this ordinance is to acquire from City Council the
10 legal authority to construct and maintain an
11 electrified glass and metal canopy with support
12 columns under, on, and over the south footway of
13 the 1900 block John F. Kennedy Boulevard. The
14 canopy encroaches 18-foot-0-inches inches over the
15 south footway of John F. Kennedy Boulevard, and is
16 19-feet-9-inches in width.

17 The plan of this property has been
18 approved by the Board of Highway Supervisors;
19 therefore, the Department of Streets has no
20 objection to the passage of this bill.

21 COUNCILMAN DICICCO: Are there any
22 questions for this witness from any members of the
23 committee?

24 (No questions.)

25 COUNCILMAN DICICCO: Is there anyone

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980884

2 else here who wishes to testify for or against
3 this bill?

4 (No response.)

5 COUNCILMAN DICICCO: Hearing none, the
6 clerk will read the title of the next bill.

7 I would like to recognize Councilwoman
8 Miller, who is also a member of the Streets and
9 Services Committee. She is now in attendance.

10 The clerk will please read the title of
11 the next bill.

12 THE CLERK: Bill No. 980884, an
13 ordinance authorizing Carematrix Corporation,
14 lessee of the property 2000 to 2014 Race Street,
15 Philadelphia, Pennsylvania, 19103, to construct
16 and maintain various encroachments onto and over
17 the west footway of 20th Street, adjacent to the
18 property 2000-2014 Race Street, all under certain
19 terms and conditions.

20 MR. LONGSHORE: Good afternoon,
21 Chairman DiCicco and members of Council. My name
22 is Mike Longshore, Chief Permits Officer,
23 representing the Streets Department in today's
24 testimony.

25 In reference to Bill No. 980884, this

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980884

2 is not an administration ordinance but, rather, an
3 ordinance by request on behalf of Carematrix
4 Corporation, lessee of the property 2000 to 2014
5 Race Street, Philadelphia, PA. The purpose of
6 this ordinance is to acquire from City Council the
7 legal authority to construct and maintain various
8 encroachments onto and over the west footway of
9 20th Street.

10 These encroachments include a landscape
11 planter area and retainer wall, which encroaches a
12 maximum of six feet onto the west footway of 20th
13 Street, and is approximately 288 feet in length.
14 Also included is an awning, which projects 18 feet
15 over the west footway area of 20th Street, and is
16 21-foot-4-inches in width, being of cantilever
17 design.

18 The plan for this property has been
19 approved by the Board of Highway Supervisors;
20 therefore, the Department of Streets has no
21 objection to the passage of this bill.

22 COUNCILMAN DICICCO: Thank you. Are
23 there any questions from the committee for this
24 witness?

25 (No questions.)

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980844

2 COUNCILMAN DICICCO: Is there anyone
3 else here who wishes to testify for or against
4 this bill?

5 (No response.)

6 COUNCILMAN DICICCO: Hearing none, the
7 clerk will read the title of the next bill.

8 THE CLERK: Bill No. 980844, an
9 ordinance granting permission to Atlantic Pipeline
10 Corporation, Ten Penn Center, 1901 Market Street,
11 Philadelphia, Pennsylvania, 19103, to abandon one
12 existing 12-inch pipeline within public
13 rights-of-way and to construct, maintain, and
14 operate new pipelines within and under the
15 rights-of-way of Essington Avenue, Passyunk
16 Avenue, 67th Street, and Norwitch Drive, all under
17 certain terms and conditions.

18 MR. LONGSHORE: Good afternoon,
19 Chairman DiCicco and members of Council. My name
20 is Mike Longshore, Chief Permits Officer,
21 representing the Streets Department in today's
22 testimony.

23 In reference to Bill No. 980844, this
24 is not an administration ordinance but, rather, an
25 ordinance by request on behalf of Atlantic

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980844

2 Pipeline Corporation, Ten Penn Center

3 Philadelphia, PA.

4 The purpose of this ordinance is to
5 acquire from City Council the permission to
6 construct and maintain two new 12-inch diameter
7 pipelines within the public right of way of
8 Passyunk Avenue, connecting the existing lines on
9 Sun's property and the Point Breeze Pumping
10 Station; and also the replacement of existing
11 lines covered under Ordinance No. 1996, signed
12 into law in 1962.

13 The Department of Streets has no
14 objection to the passage of this bill.

15 COUNCILMAN DICICCO: Are there any
16 questions from the committee for this witness?

17 (No questions.)

18 COUNCILMAN DICICCO: Is there anyone
19 else here to wishes to testify for or against the
20 bill?

21 (No response.)

22 COUNCILMAN DICICCO: Hearing none, the
23 clerk will read the title of the next bill.

24 THE CLERK: Bill No. 980885, an
25 ordinance granting permission to Shailesh

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980885

2 Tilvawala, the owner and operator of the newsstand
3 located on northeast corner of 16th and Ranstead
4 Streets, to construct, use, and maintain
5 electrical conduit and telecommunication fiber
6 optic conduit in, under, and across the public
7 right-of-way of 16th Street and Ranstead Street,
8 for the purpose of supplying electrical and phone
9 service to his newsstand, under certain terms and
10 conditions.

11 MR. LONGSHORE: Good afternoon,
12 Chairman DiCicco and members of Council. My name
13 is Mike Longshore, Chief Permits Officer,
14 representing the Streets Department in today's
15 testimony.

16 In reference to Bill No. 980885, this
17 is not an administration ordinance but, rather, an
18 ordinance by request on behalf of Shailesh
19 Tilvawala, the owner and operator of the newsstand
20 located on the northeast corner of 16th and
21 Ranstead Streets. The purpose of this ordinance
22 is to acquire from City Council the permission to
23 construct and maintain electrical and fiber optic
24 conduit and appurtenances to the above newsstand.

25 The locations of these proposed

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980885

2 underground connections are under the 16th Street
3 cartway area, which was just recently repaved
4 under City contract, and it is under warranty.
5 The purposes of these utility connections are for
6 lottery sales, which results in queues on the
7 sidewalk, causing unsafe conditions for
8 pedestrians.

9 The Board of Highway Supervisors has
10 denied the owner's application to occupy the
11 public right-of-way; therefore, the Department of
12 Streets does not recommend the passage of this
13 bill.

14 COUNCILMAN DICICCO: Good afternoon,
15 sir, please. State your name for the record.

16 MR. BELLER: My name is Joseph Beller,
17 B-E-L-L-E-R. I am the attorney for Mr. Tilvawala
18 and the attorney for the Newsstand Operators
19 Association that supports it.

20 The newsstands are wonderful places
21 except when it gets cold and their feet freeze and
22 when it gets dark at 4 in the afternoon and it's
23 hard to even see the wares they are selling, and
24 it's almost a question of being humane. They're
25 out there from early morning till the service is

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980885

2 over. And, in fact, the Police Department has
3 often requested that all of the newsstands be
4 electrified so that they can have telephone and
5 lights for public safety. They can call in
6 accidents, they can call in incidents.

7 This will in no way affect anybody
8 adversely. The most adjacent land owner is in
9 favor of it and has given his permission to the
10 applicant here for it. And as I said, newsstand
11 operators ask that you take into account that
12 although it's 70 degrees today, that it's not
13 going to stay that way forever.

14 COUNCILMAN DICICCO: No such luck,
15 right?

16 Do you happen to have a letter or
17 anything from the property owner?

18 MR. TILVAWALA: Yes, I do.

19 COUNCILMAN DICICCO: In support of
20 this?

21 MR. BELLER: Please identify yourself
22 for the record.

23 MR. TILVAWALA: My name is Shailesh
24 Tilvawala and I have a newsstand on 16th and
25 Ranstead Street.

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980885

2 COUNCILMAN DICICCO: Mr. Beller, does
3 the applicant have any other intentions as far as
4 the electrification of the newsstand at the
5 present time?

6 MR. BELLER: No, absolutely not.

7 COUNCILMAN DICICCO: So, it's just
8 mainly for heat and/or phone service?

9 MR. BELLER: That's right.

10 COUNCILMAN DICICCO: Okay, thank you.

11 Are there any other questions from the
12 committee of this witness?

13 (No questions.)

14 MR. BELLER: I'm going to pass up to
15 you, Mr. Chairman, the Cushman & Wakefield's
16 letter indicating that they have no objection to
17 this. In fact, they encourage it.

18 COUNCILMAN DICICCO: Do you have a
19 question, Councilwoman Miller?

20 COUNCILWOMAN MILLER: Good afternoon.
21 I have a question for the newsstand operator.

22 How long have you been there?

23 MR. TILVAWALA: About four and a half
24 years, ma'am.

25 COUNCILWOMAN MILLER: And what have you

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980885

2 done regarding having no electric?

3 MR. TILVAWALA: I was freezing on my
4 feet and using a kerosene heater.

5 COUNCILWOMAN MILLER: A kerosene
6 heater?

7 MR. TILVAWALA: Right.

8 COUNCILWOMAN MILLER: Okay. I have a
9 question for the City, then.

10 MR. BELLER: Let me also mention one
11 thing, Councilwoman, if I may. This is operated
12 by the family, and his wife also is there at
13 times, and she was even colder than him, and she's
14 the one who pushed him to make this request.

15 COUNCILWOMAN MILLER: Okay. I have a
16 question for Mike.

17 Since I've been on this committee most
18 of the time when these kind of bills are before
19 the committee, the City recommends that we not
20 vote favorably for this type of bill. Is there
21 some particular reason?

22 MR. LONGSHORE: The Streets
23 administration feels that electricity is a
24 precursor to lottery sales. In this case, in this
25 particular case, the applicant's asking for

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980885

2 electricity and telephone service, which would
3 definitely preclude a hookup to the lottery system
4 for the state.

5 The current Streets administration
6 feels that this could cause a safety hazard, as
7 far as pedestrians backing up on the sidewalk
8 during the times of lottery mania, if you will.
9 That's why I said that the current administration
10 is under that impression, and that is their call
11 right now.

12 COUNCILMAN DICICCO: Just to follow up
13 on that same question, Mike, but isn't true,
14 though, that if we wanted to as a committee, we
15 could make certain provisos that would prohibit
16 lottery sales at a particular site if we wanted
17 to?

18 MR. LONGSHORE: Yes, sir.

19 COUNCILMAN DICICCO: Okay, thank you.

20 Any other questions for this witness
21 from the committee.

22 (No further questions at this time.)

23 COUNCILMAN DICICCO: Anyone else here
24 who wish to testify for or against the bill?

25 The clerk will read the title of the

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980896

2 next bill, but before she does, I want to
3 recognize Councilmember Rizzo. He is now
4 present.

5 MR. BELLER: Thank you, Mr. Chair, and
6 members of the committee.

7 THE CLERK: Bill No. 980896, an
8 ordinance authorizing Twelfth Street Hotel
9 Associates, L.P., owner of the property 1200
10 Market Street, Philadelphia, Pennsylvania, 19107,
11 to construct and maintain glass and aluminum
12 electrified canopy over the south footway of the
13 1200 block of Market Street, under certain terms
14 and conditions.

15 COUNCILMAN DICICCO: Please proceed.

16 MR. LONGSHORE: Good afternoon,
17 Chairman DiCicco and members of Council. My name
18 is Mike Longshore, Chief Permits Officer,
19 representing the Streets Department in today's
20 testimony.

21 In reference to Bill No. 980896, this
22 is not an administration ordinance but, rather, an
23 ordinance by request on behalf of Street Hotel
24 Associates Limited Partnership, owner of the
25 property at 1200 Market Street, Philadelphia, PA.

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980896

2 The purpose of this ordinance is to
3 acquire from City Council the legal authority to
4 construct and maintain an electrified canopy
5 constructed of glass and aluminum, which projects
6 approximately 11-foot-1-inch over the south
7 footway of Market Street, adjacent to the
8 property. This canopy is of cantilever design and
9 is approximately 28-foot-8-inches in width, and
10 has a vertical height of 9-foot-2.5-inches.

11 The plan for this property has been
12 approved by the Board of Highway Supervisors;
13 therefore, the Department of Streets has no
14 objection to the passage of this bill.

15 COUNCILMAN DICICCO: Are there any
16 questions from this committee for this witness?

17 (No questions.)

18 COUNCILMAN DICICCO: Is there anyone
19 else here who wishes to testify for or against the
20 bill.

21 (No response.)

22 COUNCILMAN DICICCO: Hearing none, the
23 clerk will read the title of the next bill.

24 MR. LONGSHORE: That was my last bill,
25 Mr. Chairman. If I will, the bills I just

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980709

2 testified on today, I would ask for a suspension
3 of rules to allow for first reading at the next
4 session of the City Council.

5 COUNCILMAN DICICCO: So noted.

6 And the number of the next bill
7 is. . .?

8 THE CLERK: Bill No. 980709, an
9 ordinance authorizing the revision of lines and
10 grades on a portion of City Plan No. 46-S, in the
11 area of Geary Street and 20th Street, by placing
12 on the City Plan Gary Street from 20th Street to
13 Davinci Drive, Davinci Drive and Justinian Circle
14 from Davinci Drive westward, all under certain
15 terms and conditions, including the dedication to
16 the City, free and clear of all encumbrances of
17 the beds of Geary Street, Davinci Drive, and
18 Justinian Circle, under certain terms and
19 conditions.

20 COUNCILMAN DICICCO: Please state your
21 name for the record.

22 MR. LONIE: Good afternoon, Mr.
23 Chairman, members of the committee. My name is
24 Paul Lonie. I'm the manager of the Survey Bureau
25 of the Department of Streets, and the Streets

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980709

2 Department would like to offer the following
3 testimony on Bill No. 980709.

4 This is not an administration ordinance
5 but an ordinance requested by Miss Barbara A.
6 Capozzi, Esquire, 3220 South 20th Street,
7 Philadelphia, who represents First Anthony
8 Residential Capital Corporation. The purpose of
9 this ordinance to grant the legal authority to
10 place Geary Street, Davinci Drive, and Justinian
11 Circle on the City Plan to facilitate the
12 development of new homes.

13 This ordinance is supported by the
14 Department of Streets and is recommended to your
15 committee for favorable action.

16 MR. SOFFER: Good afternoon.

17 COUNCILMAN DICICCO: How many new homes
18 did you just say?

19 MR. LONIE: I didn't. The Planning
20 Commission will answer that.

21 COUNCILMAN DICICCO: Thank you.

22 MR. SOFFER: Good afternoon, Mr.
23 Chairman and members of the committee. My name is
24 Martin Soffer from the City Planning Commission.

25 The proposed ordinance authorizes the

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980709

2 placement on the City Plan of three streets
3 located in the Packer Park section of South
4 Philadelphia. The purpose of this ordinance is to
5 provide new streets as a part of a subdivision of
6 a 5.2 acre parcel of ground into 79 lots for the
7 construction of attached single-family dwellings.

8 Therefore, by action at its meeting on
9 October 22, 1998, the Planning Commission
10 recommends that Bill No. 980709 be approved.
11 Thank you.

12 COUNCILMAN DICICCO: Are there any
13 questions for this witness from the committee?

14 (No questions.)

15 COUNCILMAN DICICCO: Is there anyone
16 else here who wishes to testify for or against the
17 bill?

18 COUNCILMAN DICICCO: Mr. Primavera?
19 (Mr. Primavera comes forward.)

20 MR. PRIMAVERA: Thank you, Mr.
21 Chairman. Carl Primavera, P-R-I-M-A-V-E-R-A.
22 Along with me is Barbara Capozzi, who is the
23 President of the Packer Park Civic Association.
24 She's also a broker in the area. We're here
25 testifying in support.

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980709

2 Also, there's a paving ordinance which,
3 I guess, will also be considered simultaneously.
4 But this is a development which has been reviewed
5 by the community very carefully. There's a lot of
6 enthusiasm and support for these new homes. Many
7 people, as you'll hear from Miss Capozzi, have
8 mentioned to her that they would like to move back
9 into the area, and they're waiting for this type
10 of housing to become available. And, hopefully,
11 with the cooperation of Council, we'll be able to
12 make that happen.

13 Barbara Capozzi, just for the record.

14 MS. CAPOZZI: Barbara Capozzi. I'm
15 here in three capacities: the president of the
16 civic association; I'm the Realtor on this
17 development, should it take place; and I'm also
18 the -- my office is immediately next door and
19 adjacent to this development, probably no more 30
20 feet away. So in those three capacities, I am
21 very anxious to have a quality development next
22 door to me.

23 COUNCILMAN DICICCO: Miss Capozzi, by
24 now it's no secret that there have been some
25 questions that have been raised concerning

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980709

2 individuals who may be associated either directly
3 or indirectly with the development of this
4 project. But before I get into that, I just
5 wanted to ask you a couple of questions.

6 Your family, the Capozzi family, have
7 been developing real estate in South Philadelphia,
8 and particularly in the Packer Park section for a
9 number of years. Could you tell me how many years
10 that's been?

11 MS. CAPOZZI: My father originally
12 assembled and developed Packer Park in the late
13 '50s, early '60s, and he sold all those homes
14 originally. His office was also in the Packer
15 Park Shopping Center, and he lived there. So he
16 lived and developed, you know, where he -- he
17 always lived in Philadelphia.

18 And I live no more half a block away
19 from my office and from where this development
20 will be. So our interest is 100 percent in a
21 quality development.

22 COUNCILMAN DICICCO: And how many homes
23 would you say -- not counting these proposed homes
24 -- has your family been instrumental in
25 developing in that area?

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980709

2 MS. CAPOZZI: In this area, there was
3 1200 homes built and sold in the early '60s.

4 The population is very stable there.
5 There are very few resales, and out of 1200 homes,
6 right now, there's only two on the market. They
7 sell in a week.

8 COUNCILMAN DICICCO: Was your family
9 also involved in the development of the apartment
10 complex down in towards the south of Hartranft
11 Street? I believe it was called the -- where the
12 Packer Park Swim Club was at one time?

13 MS. CAPOZZI: My father built Sheaff
14 Lane and managed it for many years; his original
15 partner owned. It's been resold three times since
16 then, so it's a different developer now.

17 COUNCILMAN DICICCO: So you're no
18 longer managing it.

19 MS. CAPOZZI: No.

20 COUNCILMAN DICICCO: But you were part
21 of the -- your father or your family was the --
22 they were the initial developers.

23 MS. CAPOZZI: They developed the swim
24 club, and I worked there for many years.

25 COUNCILMAN DICICCO: All right. And

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980709

2 during those years of developing, I'm certain that
3 you probably had -- 'cause I know Packer Park was
4 done in many phases. I assume that there were
5 several different developers that were used during
6 the development of Packer Park and is continuing
7 now with Britton Estates.

8 MS. CAPOZZI: Right.

9 COUNCILMAN DICICCO: Have you
10 encountered any problems with developers or any of
11 the people that you employed or retained to
12 develop those properties?

13 MS. CAPOZZI: Well, development is a
14 very difficult task. It involves many facets of
15 the building process, and there's a lot of risk
16 involved, and only a certain type of person is
17 willing to take that risk. It's a very scary
18 proposition. And I don't think there's any
19 developer that doesn't have somebody that has
20 something to say about 'em.

21 In this particular case, with the
22 people that are going to develop this parcel, they
23 secured the rights to the ground to the north of
24 me. And when they first started questioning about
25 it, the Planning Commission said that they must

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980709

2 see the civic association and they must keep the
3 civic association happy and deal with them.

4 And from day one, the developer has
5 done that. He's met with the entire board several
6 times, he met with me hundreds of times. And any
7 suggestions we made, they agreed to. And it's a
8 situation where the developer and the community
9 are working pretty closely together.

10 COUNCILMAN DICICCO: Would you identify
11 for the record the name of the developer.

12 MS. CAPOZZI: The developer is First
13 Anthony Residential Corporation.

14 COUNCILMAN DICICCO: And who will be
15 the Realtor and the person responsible for the
16 closings of the properties and information that is
17 necessary? 'Cause this is new construction.

18 MS. CAPOZZI: Right.

19 COUNCILMAN DICICCO: A lot of times --
20 and some of things that I've been hearing about,
21 maybe a subcontractor or a project manager to this
22 project may have had some prior problems in
23 notifying new buyers of the tax abatement
24 ordinance that's presently in place with the
25 city. Would that be your responsibility?

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980709

2 MS. CAPOZZI: As the Realtor who will
3 hold the listings for these 79 homes, it's my
4 responsibility to make sure that title insurance
5 is secured and that people know about the tax
6 abatement. They do have to apply for the tax
7 abatement themselves, though.

8 COUNCILMAN DICICCO: Are there any
9 other questions from this committee for the
10 witness?

11 The chair will recognize Councilwoman
12 Verna.

13 COUNCILWOMAN VERNA: Miss Capozzi, in
14 light of the concerns that have been raised, can
15 you offer the committee any assurance that you
16 will see this project through its completion?

17 MS. CAPOZZI: My office is immediately
18 next door, I own the five acres next door, and
19 there is nothing that I want more than for it to
20 be a flawless development.

21 I have requested and the developers
22 have agreed to a third-party project manager. And
23 right now, it's between two different very
24 reputable firms that will be the on-site project
25 managers for this development.

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2 COUNCILWOMAN Verna: And has a bond
3 been issued?

4 MS. CAPOZZI: I believe in the
5 ordinance, there is a request for a bond. It was
6 suggested by a member of the City Planning
7 Commission, and I absolutely agreed 100 percent to
8 it and encouraged the builder to agree to it, even
9 though it is more expensive. And he has regretted
10 to it as far, as I know. I believe it's a part of
11 the ordinary.

12 MR. PRIMAVERA: Councilwoman Verna,
13 again, to make sure that the public improvements
14 will be done and completed to the satisfaction of
15 the Streets Department, there will be a
16 requirement for a bond, which will be issued like
17 a letter of credit or something from a bank.

18 So, without question, there will be
19 security to make sure that the performance meets
20 the requirements of all The city codes. So not
21 only will that help in the sales, but it also
22 makes it easier for the City to make sure that
23 everything that's supposed to be done will be done
24 with regard to the implementation of the street
25 and sidewalk and curbing.

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2 COUNCILWOMAN VERNA: Are there any City
3 monies involved in this project at all?

4 MS. CAPOZZI: None at all; it's all
5 private financing.

6 COUNCILWOMAN VERNA: And you have
7 indicated, I think I heard as I was walking in,
8 that the Packer Park Civic Association is in full
9 agreement with this development?

10 MS. CAPOZZI: Absolutely.

11 COUNCILWOMAN VERNA: Thank you.

12 MR. PRIMAVERA: One final note. With
13 regard to this as well as the paving bill, we'd
14 also request a waving of the rules so we could
15 move ahead with the project.

16 COUNCILMAN DICICCO: I just would like,
17 for the record, to make one thing clear. One of
18 the concerns that was brought to my attention
19 about a proposed subcontractor or consultant to
20 the project, that it is alleged that that
21 individual was involved in some other housing
22 developments and there are a number of issues that
23 have been raised, but one in particular, and I
24 want to go back to the issue of the tax abatement.

25 What is the criteria in order for

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2 somebody to qualify for tax abatement on the new
3 construction, residential real estate
4 construction, Miss Capozzi?

5 MS. CAPOZZI: The builder has to
6 initially make the request and we have requested
7 that Carl do that on behalf of the builder and get
8 a letter from the Board of Revision of Taxes that
9 this development will qualify for a tax
10 abatement.

11 But then once settlement occurs, each
12 individual homeowner must make an individual
13 request to have their taxes abated, which will
14 then be granted unless they owe the City
15 themselves money. And if they owe the City any
16 money in any capacity, they will not be eligible
17 for the tax abatement, which is only fair.

18 COUNCILMAN DICICCO: "They" being the
19 potential home buyers.

20 MS. CAPOZZI: Yes, the potential home
21 buyers.

22 COUNCILMAN DICICCO: Absent that, then
23 the abatement --

24 MS. CAPOZZI: There should be no
25 problems, right. And Mr. Primavera is working on

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2 a letter from the Board of Revision of Taxes that
3 will clarify that this development is eligible
4 because I am obviously telling that to people;
5 it's a big sales pitch that people --

6 COUNCILMAN DICICCO: It's a marketing
7 tool.

8 MS. CAPOZZI: -- get abatement for
9 three years.

10 MR. PRIMAVERA: With regard to the
11 abatement, the land tax remains, but the value of
12 the improvements is exempt for three years,
13 starting with the certificate of occupancy. And
14 as Miss Capozzi said, it's up to the homeowner to
15 certify each year that they occupy the property;
16 otherwise, if they were to rent it, it would be
17 eligible under a different program.

18 But we're going to work with Mr.
19 Glancey and the board to make sure that there no
20 wrinkles because it's important, not only for
21 selling the units, to make them attractive and to
22 compete with other developments, but it's also
23 important for the buyers to make sure that they
24 get advantaged by the program which, quite
25 frankly, has been very successful all over the

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2 city and other developments.

3 COUNCILMAN DICICCO: Yeah. We're
4 trying for a ten-year abatement.

5 Can you tell me who the title company
6 is, either one of you, Miss Capozzi or Mr.
7 Primavera?

8 MS. CAPOZZI: It hasn't been selected
9 yet.

10 COUNCILMAN DICICCO: The title company
11 has not been selected yet?

12 MS. CAPOZZI: No. But there will be a
13 title --

14 COUNCILMAN DICICCO: And who will
15 decide, who will determine who the title company
16 is?

17 MS. CAPOZZI: The title company is
18 always the buyer's choice. It would be easiest
19 and most expeditious if they would use the same
20 title company that will do the title from the
21 transfer of the ground as a whole to the
22 developer.

23 But we are not allowed to suggest or
24 force anybody to pick a title company. So they're
25 free to go to any title company in the city. But

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2 there will be a title company; I mean, there's no
3 way to have a settlement without it.

4 COUNCILMAN DICICCO: So there's no
5 predetermined title company in this case?

6 MS. CAPOZZI: No. We cannot do that.

7 COUNCILMAN DICICCO: Any other
8 questions from the committee of this witness?

9 Councilmember Nutter.

10 COUNCILMAN NUTTER: Thank you. Mr.
11 Chair. And I apologize if you've already answered
12 this question but, Mr. Chairman, you had asked
13 questions about --

14 COUNCILMAN DICICCO: Councilman Nutter,
15 can you raise your microphone a little bit higher.

16 COUNCILMAN NUTTER: You had asked
17 questions, I believe, about the tax abatement
18 issue and who applies and how do you make sure the
19 people get what they're supposed to get because of
20 alleged previous problems with someone who may be
21 involved in this particular project.

22 Has that issue been resolved? Or do we
23 know what, if any, involvement that individual may
24 have as it relates to making sure that people will
25 get what they're allowed?

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2 COUNCILMAN DICICCO: I would ask the
3 witnesses to just reiterate their statements,
4 please.

5 MR. PRIMAVERA: Yes. This developer,
6 Councilman Nutter, First Anthony Residential
7 Corp., has no problem or a track record with
8 regard to tax abatements. There is an individual
9 who --

10 COUNCILMAN NUTTER: Have they gotten
11 the appropriate tax abatement for previous
12 project?

13 MR. PRIMAVERA: Yes, as far as I'm
14 aware of.

15 The issues that are outstanding pertain
16 to an individual who not an owner of this
17 developer but who is a consultant; he actually
18 had, I believe, looked at this project early on
19 and brought it to the attention of First Anthony
20 and we are convinced that --

21 COUNCILMAN NUTTER: What's the
22 consultant's role in this?

23 MR. PRIMAVERA: Well, he's going to
24 basically -- he brought it to the attention of the
25 developer and he will continue to work through the

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2 project.

3 But as an extra layer of protection and
4 to make sure everything's done properly, Miss
5 Capozzi mentioned that this will be an independent
6 third-party project manager so that in addition to
7 First Anthony managing the property and developing
8 it, there will also be a third-party construction
9 management team as an extra layer of protection.

10 With regard to the abatements --

11 COUNCILMAN NUTTER: So what's the
12 individual going to do?

13 MR. PRIMAVERA: Well, the scheduling of
14 the work and advancing the job orders and buying
15 materials. I'm sure there will be plenty to do
16 with a job of this size.

17 COUNCILMAN NUTTER: So who do the
18 prospective homeowners deal with directly to make
19 sure that they get whatever they're allowed to get
20 by way of the Philadelphia Code?

21 MR. PRIMAVERA: Well, there will
22 probably be a sales representative from Barbara's
23 office -- it will probably be Barbara, and I'll
24 let her answer that in more detail -- functioning
25 as the broker. With regard to the development

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2 company, they probably will have, you know, one of
3 their team assigned to this.

4 The project manager is really there to
5 make sure the job is done under the appropriate
6 codes and warranties. They probably wouldn't
7 interface with any individual; that's more on the
8 technical side. But clearly, there will be people
9 in the development side who will be available to
10 answer questions and to work with any community
11 people or any purchasers that have questions.

12 The abatement process is fairly
13 straightforward, and if the purchaser of the
14 property --

15 COUNCILMAN NUTTER: Well, we thought it
16 was straightforward. But apparently, this
17 particular individual has been involved supposedly
18 in projects in the past where people did not get
19 the appropriate abatement. I mean, for such a
20 straightforward program, what was the problem?

21 MR. PRIMAVERA: Well, I don't represent
22 that individual, and I know there's litigation so
23 I don't want to comment as to him.

24 But representing some of the
25 developers, including some of the largest in the

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2 Northeast that built those of units over the past
3 20 years, the process requires an application
4 within 60 days from the date of the building
5 permit.

6 If the applicant, which is the
7 developer, doesn't have any tax liabilities to the
8 City, then the developer will be given a
9 certificate that says that that property is
10 entitled to the three-year abatement. And then at
11 the closing, the purchaser will be given
12 confirmation of the abatement status, and it will
13 be up to the purchaser on an annual basis to
14 certify in writing to the board that they occupy
15 the property and that they are not indebted to any
16 taxes.

17 So I'm not sure -- although I'm aware
18 of that individual having some issues and
19 litigation, it seems to me that at least with
20 regard to this project and others that I've been
21 familiar with, if you work with Board of Revision
22 of Taxes and David Glancey, then you're really
23 able to address any issues and make sure the
24 abatements are in place.

25 So we don't anticipate any problem.

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2 We're sorry about any other project that may have
3 been a problem, but we're not involved in it, we
4 weren't involved with it. And in addition to the
5 litigation, where I'm sure they'll be protected,
6 they should also talk to the Board of Revision of
7 Taxes to see if they can take some corrective
8 action on their behalf.

9 COUNCILMAN NUTTER: All right, thank
10 you, Mr. Chairman.

11 COUNCILMAN DICICCO: Just for a matter
12 of clarification, the individual that we're
13 speaking to, about a month or so ago, I was at a
14 civic association meeting in my district in
15 Northern Liberties, and when we discussed some of
16 the bills that are before Council, the issue of
17 extending the tax abatement was a part of the
18 discussion that night.

19 I was informed by some of the people in
20 the audience who live on Brown Street -- and I
21 believe that's the development that is in question
22 here, and some of the people said no one ever told
23 them about the abatement. I had those individuals
24 contact our office, and through further
25 investigation, we find out that there may be some

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2 concern or questions relating to the people who
3 bought the properties and some of their tax
4 issues. So it is not necessarily just the
5 developer in question here; it may be a question
6 of the developer and/or the home buyers.

7 I'm waiting I think this week, either
8 tomorrow or Wednesday if I'm not mistaken, someone
9 from the Board of Revision of Taxes is coming to
10 my office to discuss each of those individual
11 abatements with me so that we'll have a better
12 understanding as to who is at fault in that
13 matter.

14 COUNCILWOMAN VERNA: Did the developer
15 complete the development on Brown Street?

16 COUNCILMAN DICICCO: No, the
17 development has not been completed. I don't
18 understand -- I think the reason is there may have
19 been some -- ran out of money, I guess basically,
20 or something to that nature, but I'm not really
21 familiar with all those details.

22 COUNCILWOMAN VERNA: Well, I think that
23 that would be some of the concerns that the
24 community would express.

25 MR. PRIMAVERA: And we've asked that

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2 individual to meet with L&I, and he has agreed to
3 set up a meeting. We've even contacted Deputy
4 Commissioner Perry in that regard.

5 So I'm not saying he's obligated or
6 he's at fault, but we, to protect our good name in
7 this project, have asked him to meet with L&I and
8 at least understand what they're saying. And,
9 hopefully, they'll be able to resolve that or, at
10 the very least, you know, come up with some
11 dialogue so that people will know what, if
12 anything, he's either prepared to do or capable of
13 doing.

14 COUNCILMAN DICICCO: And for the
15 record, Mr. Primavera shared with myself and
16 Councilwoman Verna earlier today a letter that Mr.
17 Primavera has sent to Mr. Dave Perry, who's the
18 Deputy Commissioner for Construction Services in
19 the Department of Licenses and Inspections,
20 expressing his concern as to some of the
21 allegations as to the individual in question here
22 today. And it appears to me that Mr. Primavera
23 and Miss Capozzi and others are making every
24 effort to make sure that there aren't any problems
25 with this project going forward.

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2 Are there any questions from members of
3 this committee? Councilman Rizzo.

4 COUNCILMAN RIZZO: Mr. Chairman, do you
5 have any problem -- and I'm going address the
6 Chair -- to identify who we're talking about
7 here? I keep hearing "an individual," "an
8 individual." Is it a secret who we're talking
9 about here?

10 COUNCILMAN DICICCO: I'll let the
11 attorney answer that.

12 MR. PRIMAVERA: I would say this: that
13 the name that was brought to our attention by L&I
14 was John Berg, B-E-R-G. And, basically, he's the
15 one that L&I has requested to meet with and that
16 we said that we would be agreeable to that.

17 Again, he doesn't own or control the
18 company that will be developing this property in
19 Packer Park, but he will be affiliated or
20 associated with it. And because of his limited
21 involvement, both the developer and Miss Capozzi,
22 as the broker, want to make sure that his
23 involvement is, one, not a problem in realty, and
24 we're convinced that it would be; but, two, not a
25 problem in perception, because people who are

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2 doing new business on a new project don't want to
3 be in any way unfairly connected to some prior
4 developments where he may have had a problem.

5 I'm not saying he did or he didn't; I
6 don't the facts of that. But what we've said was,
7 Go and talk to the City, work out your problems,
8 we want you to hopefully be able to clean up
9 whatever history is out there. And he said that
10 he's prepared to meet. He also said that he
11 believes that most of what has been suggested is
12 probably unfair to him, but we don't want to get
13 into that since I don't represent him and we don't
14 know.

15 COUNCILMAN RIZZO: Mr. Primavera, the
16 company going to be the management company, could
17 you say the name again.

18 MR. PRIMAVERA: Yes. Well, the
19 developer. It's First Anthony Residential Capital
20 Corp. That's an individual -- George David, Sr.
21 and his son, Junior. They've been in real estate
22 for 40 years -- commercial, residential. They're
23 capitalized, and they're in a position to do this
24 project. And Miss Capozzi's company will be the
25 broker.

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2 Mr. Berg does not have any capital that
3 would allow him to be the developer but he did
4 look at this project years ago and he brought it
5 to First Anthony's attention. They saw it, they
6 spoke to Miss Capozzi. They saw there was a
7 strong mark, and they're hoping to be able to
8 develop it and see it through to fruition.

9 COUNCILMAN RIZZO: Thank you. Thank
10 you very much.

11 COUNCILMAN DICICCO: Any other
12 questions from the committee? Councilwoman
13 Verna.

14 COUNCILWOMAN VERNA: Yes, thank you.

15 Mr. Berg will have absolutely nothing
16 to do with this project? He will not be the
17 project manager or will have anything to do with
18 it?

19 MR. PRIMAVERA: Well, he will. He will
20 not have ownership or control. He will function
21 as a consultant or as an affiliate. He himself
22 has a lot of experience; although in light of what
23 appears to be some type of outstanding dispute
24 with people in the city, you know, his role will
25 be limited. And also, as mentioned, we're

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2 interposing an outside management company to make
3 sure that everything which is done is done
4 properly.

5 So he will be involved but he will not
6 in a position to make any decisions or any final
7 actions. Those will be reserved to Mr. David, who
8 will be financially responsible for the
9 development. So Berg will be involved but he will
10 not be the one calling the shots. He'll be a
11 functionary, which -- the man's entitled to make a
12 living.

13 So I think that's kind of our
14 decision. As long as he works well with this
15 project and does everything properly, we're not
16 trying to get involved with his prior disputes.
17 And, hopefully, we can be a force of having him
18 resolve his prior disputes. But, again, that's a
19 collateral issue.

20 COUNCILMAN ORTIZ: Excuse me. Just
21 following up on Councilwoman Verna's question.
22 You say "consultant." That means that he has no
23 ownership -- 5 percent, 2 percent 3 percent of the
24 property?

25 MR. PRIMAVERA: That's correct,

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2 there'll be no ownership, no equity.

3 COUNCILMAN ORTIZ: He will be a
4 salaried consultant?

5 MR. PRIMAVERA: Either commissioned or
6 salaried -- I mean, something unrelated to
7 ownership. I'm not exactly sure of the mechanism
8 but he clearly will not be an owner. Quite
9 frankly, he didn't have the capital to be an
10 owner, which is why he had to bring this project
11 to First Anthony's attention. They are
12 capitalized and are able to go ahead.

13 COUNCILMAN ORTIZ: I just wanted to
14 clean up that record.

15 COUNCILMAN DICICCO: Any other
16 questions?

17 COUNCILMAN COHEN: Yeah, just one.

18 Mr. Primavera, are there people who are
19 in the community who are concerned about
20 Mr. Berg's participation?

21 MR. PRIMAVERA: Well, the people in
22 Packer Park are not concerned because, quite
23 frankly, he has not been the focus of any
24 discussion. The developer has been the focus of
25 the discussion.

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2 But Mr. Berg's other projects outside
3 of South Philadelphia, apparently, are still an
4 open item so that the neighborhood -- and Miss
5 Capozzi represents Packer Park -- is, you know,
6 anxious to have this development done but they
7 want it done properly. That community has not
8 raised any concern other than the fact that they
9 want to make sure that whatever plagued Berg in
10 the past does not happen here, and we've taken the
11 steps to make sure that that certainly won't
12 happen.

13 So I don't think that they're alarmed
14 or concerned because, as Miss Capozzi said,
15 there's been so many meetings with the developer,
16 they're confident that he can do this and do it
17 properly, and he is not Mr. Berg.

18 COUNCILMAN COHEN: I'd like to address
19 a question to Councilwoman Verna, 'cause you're
20 right in that area. Do you sense that Mr. Berg's
21 involvement will endanger the success of the
22 project?

23 COUNCILWOMAN VERNA: Miss Capozzi has
24 assured me that Mr. Berg will have little or
25 nothing to do with this project and that they do

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2 have a developer. Not only do they have a
3 developer, but they will have an external project
4 manager to make certain that everything goes
5 according to the way it should.

6 COUNCILMAN COHEN: I think that's the
7 critical question.

8 COUNCILMAN DICICCO: The Capozzi family
9 has been involved in housing development in South
10 Philadelphia since the 1950s, and they are the
11 Realtors and the people who will be really
12 steering this project through all the things that
13 need to get done. And they have built over 1200
14 homes in the Packer Park area, and I don't think
15 they're about ready to make their reputation go
16 down the tubes, I mean, for a lack of a better way
17 of explaining that.

18 But I mean, their reputation is on the
19 line here, and I think that they will continue to
20 do a great job. They've really been an asset to
21 the South Philadelphia community.

22 COUNCILWOMAN VERNA: And I don't think
23 they would want to jeopardize what they have built
24 up.

25 COUNCILMAN COHEN: Well, that's the

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2 reason I'm wondering, why is Mr. Berg still
3 involved if he's not going to be an owner? And I
4 would assume the Capozzi family has the absolute
5 authority to determine what role that Mr. Berg
6 will be playing.

7 MR. PRIMAVERA: Well, no, it's a little
8 bit different. The Capozzi family will be the
9 brokers, the developer was brought -- this project
10 was brought to the attention of the developer by
11 Mr. Berg, who had apparently been working on it.
12 And if was capitalized, he would have done it
13 himself.

14 When he was unable to do that, he
15 brought it to First Anthony because they were
16 capitalized and they were looking for projects.
17 They were convinced that this was a good project.
18 Quite frankly, having received notice of the
19 project from Berg and having the benefit of his
20 homework and his planning, they couldn't exclude
21 him from it. So I think that part of the way that
22 he's financially benefitting from the work that
23 he's done preliminarily is as a consultant through
24 the development and the ultimate sale.

25 Miss Capozzi does not have the right to

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2 tell the developer what to do, although he
3 appreciates her insight and, quite frankly, you
4 know, values what she can tell us about the
5 community to make the job better. But we've
6 spoken to the developer and, you know, he feels
7 some obligation to Mr. Berg because he wouldn't
8 have been involved in the project but for that.

9 But he also realizes, both from the
10 reality and the perception, that there has to be
11 so many checks and balances and so many layers of
12 protection that both he, the broker, and the
13 community are protected from any possible
14 problem. And not that it's a good thing, but the
15 fact that there has been recent discussion about
16 other problems and other projects with Mr. Berg,
17 it only makes it that much less likely that
18 anything will go unchecked here.

19 I think the City's going to be
20 aggressively looking at anything that's done. I
21 know the broker is going to be a third-party
22 project manager. There's going to be a bond for
23 the public improvement.

24 So it may well that the recent spate of
25 complaints, whether they're justified or not --

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2 and I don't know -- will result in just a better
3 job being done for this development. So maybe
4 it's some good news out of some otherwise bad
5 news.

6 COUNCILMAN COHEN: All right, thank
7 you.

8 COUNCILMAN DICICCO: Are there any
9 other questions from the committee?

10 (No further questions at this time.)

11 COUNCILMAN DICICCO: Is there anyone
12 else here who wishes to testify for or against the
13 bill?

14 (No response.)

15 COUNCILMAN DICICCO: Thank you for your
16 testimony.

17 The clerk will read the title of the
18 next bill.

19 THE CLERK: Bill No. 980710, an
20 ordinance authorizing the paving of Geary Street,
21 Davinci Drive, and Justinian Circle, under certain
22 terms and conditions..

23 COUNCILMAN DICICCO: Please proceed.

24 MR. LONIE: Good afternoon, Councilman
25 DiCicco and members of the committee. My name is

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2 Paul Lonie. I'm the manager of the Survey Bureau
3 of the Department of Streets, and the Streets
4 Department would like to offer the following
5 testimony on Bill No. 980710.

6 This is a companion ordinance to Bill
7 No. 980709, and this is the authorization to enter
8 into a contract to pave Geary Street, Davinci
9 Drive, and Justinian Circle for the development of
10 these new homes.

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

14 COUNCILMAN DICICCO: Any questions for
15 this witness from the committee?

16 (No questions.)

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

19 (No response.)

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

22 THE CLERK: Bill No. 980762 has been
23 withdrawn at the request of the sponsor.

24 Bill No. 980803, an ordinance
25 authorizing the revision of lines and grades on

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2 portions of City Plan No. 27-S by striking from
3 the City Plan and vacating the legally open
4 portions of Dilworth Street, from Wolf Street to
5 Ritner Street; by striking from the City Plan
6 Ritner Street from Dilworth Street to Weccacoe
7 Avenue; by vacating Martin Street from Weccacoe
8 Avenue to a point approximately 281 feet
9 southwestwardly therefrom; and by vacating
10 Greenville Street from Weccacoe Avenue to Dilworth
11 Street, all under certain terms and conditions.

12 MR. LONIE: Good afternoon, Councilman
13 DiCicco, members of the committee. My name is
14 Paul Lonie. I'm the manager of the Survey Bureau
15 of the Department of Streets, and the Streets
16 Department would like to offer the following
17 testimony on Bill No. 980803.

18 This is not an administration ordinance
19 but an ordinance requested by Mr. Raymond Delkler
20 (ph.), Executive Vice President of Unique
21 Industries Incorporated, 2400 Weccacoe Avenue,
22 Philadelphia.

23 The purpose of this ordinance is to
24 grant legal the authority to close Dilworth Street
25 and Ritner Street and various smaller streets to

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2 facilitate the expansion of a warehouse and to
3 establish secure parking for an increased number
4 of employees.

5 This ordinance is supported by the
6 Department of Streets and is recommended to the
7 committee for favorable action.

8 COUNCILMAN DICICCO: Any questions for
9 this witness? I'm sorry.

10 MR. SOFFER: Good afternoon, Mr.
11 Chairman and members of the committee. My name is
12 Martin Soffer from the City Planning Commission.

13 The proposed ordinance authorizes the
14 striking from the City Plan of four unneeded
15 streets located in the North Delaware waterfront
16 section of South Philadelphia. The purpose of
17 this ordinance is to enable Unique Industries to
18 construct a warehouse addition in the bed of the
19 former (unintelligible) streets.

20 Therefore, by action at its meeting, on
21 November 19, 1998, the Planning Commission
22 recommends that Bill No. 980803 be approved.
23 Thank you.

24 COUNCILMAN DICICCO: Thank you. Any
25 questions for these witnesses from the committee?

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980803

2 (No questions.)

3 COUNCILMAN DICICCO: Is there anyone
4 else here who wishes to testify for or against the
5 bill?

6 (No response.)

7 COUNCILMAN DICICCO: Are you asking for
8 a suspension of rules?

9 MR. SOFFER: Sure.

10 MR. LONIE: Yes, we'd like to ask for
11 that.

12 COUNCILMAN DICICCO: Hearing no other
13 questions, the clerk will read the title of the
14 next bill.

15 THE CLERK: Bill No. 980888, an
16 ordinance authorizing the revision of lines and
17 grates on a portion of City Plan No. 15-S by
18 striking from the City Plan and vacating Alter
19 Street from Broad Street to a point approximately
20 99 feet west of Broad Street; and reserving and
21 placing on the City Plan a certain right-of-way
22 for drainage purposes and water main purposes
23 within the lines of Alter Street being from
24 stricken from the City Plan and vacated by this
25 ordinance, under certain terms and conditions.

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980888

2 MR. LONIE: Good afternoon, Councilman
3 DiCicco and members of the committee. My name is
4 Paul Lonie. I'm the manager of the Survey Bureau
5 of the Department of Streets, and the Streets
6 Department would like to offer the following
7 testimony on Bill No. 980888.

8 This is not an administration ordinance
9 but an ordinance requested by Mr. Alex Barabuscio,
10 Alex's Auto Body, 1120 South Broad Street,
11 Philadelphia. The purpose of this ordinance is to
12 grant the legal authority to close the 1400 block
13 of Alter Street for security purposes for the
14 interested party and the Marine Club Apartments.

15 This ordinance is supported by the
16 Department of Streets and is recommended to your
17 committee for favorable action.

18 MR. SOFFER: Chairman and members of
19 the committee, the Planning Commission, at its
20 meeting on December 17, 1998, will recommend
21 approval of Bill No. 980888.

22 Thank you.

23 COUNCILMAN DICICCO: Are there any
24 questions from the committee for these witnesses?

25 (No questions.)

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980888

2 COUNCILMAN DICICCO: Is there anyone
3 else here who wishes to testify for or against
4 this bill?

5 Please approach the bench and identify
6 yourself for the record.

7 MR. TAYOUN: Mr. Chairman, my name is
8 James Tayoun, 1321 South Broad Street. With me is
9 and Alex Barabuscio of Alex's Auto Body, and we're
10 very grateful for the speedy efforts given to us
11 by Councilwoman Verna's office for the
12 introduction of this legislation direly needed.

13 And Mr. Barabuscio wants to tell you
14 why he wants this done.

15 COUNCILMAN DICICCO: Alex, pull that
16 microphone close to you.

17 MR. BARABUSCIO: I put a lot of money
18 into the building and what was left to do is the
19 front gate across the building that has an
20 original cyclone fence --

21 COUNCILMAN DICICCO: You need to
22 identify yourself for the record, Alex.

23 MR. BARABUSCIO: It's Alex Barabuscio.

24 COUNCILMAN DICICCO: Spell that last
25 name.

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980888

2 MR. BARABUSCIO: Okay. It's

3 B-A-R-A-B-U-S-C-I-O.

4 COUNCILMAN DICICCO: Thank you.

5 MR. BARABUSCIO: There's gates between
6 myself and the Marine Corps building to be torn
7 down and replaced. It's just -- it's old and
8 doesn't go along with the Avenue of the Arts.
9 When they tore it all down, they just rebuilt it
10 again with new iron gates. In fact, there's an
11 architect looking at it, and it will flow with the
12 rest of Broad Street.

13 COUNCILMAN DICICCO: Any other changes
14 to the facade of the building that you're
15 anticipating?

16 MR. BARABUSCIO: No, none at all.

17 COUNCILMAN DICICCO: I mean, the
18 building looks great, by the way. I drive by it
19 all the time when I go home at night.

20 MR. TAYOUN: Thank you.

21 MR. BARABUSCIO: Thank you.

22 MR. TAYOUN: And may we request is a
23 suspension of the rules?

24 COUNCILMAN DICICCO: So noted.

25 MR. TAYOUN: Thank you.

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980888

2 COUNCILMAN DICICCO: Any other
3 questions for these witnesses?

4 (No further questions.)

5 COUNCILMAN DICICCO: Thank you.

6 MR. BARABUSCIO: Thank you.

7 COUNCILMAN DICICCO: Hearing none, the
8 clerk will read title of the next bill.

9 THE CLERK: Bill No. 980897, an
10 ordinance authorizing the revision of lines and
11 grades on a portion of City Plan No. 307 by
12 relocating a portion of the northerly curblane
13 Clover Street between 12th Street and Camac
14 Street, and relocating a portion of the southerly
15 curblane of Market Street between 12th Street and
16 13th Street, under certain terms and conditions.

17 MR. LONIE: Good afternoon, Councilman
18 DiCicco and members of the committee. My name is
19 Paul Lonie. I'm the manager of the Survey Bureau
20 of the Department of Streets, and the Streets
21 Department would like to offer the following
22 testimony on Bill No. 980897.

23 This is not an administration ordinance
24 but an ordinance requested by Miss Joanne Phillips
25 of Ballard, Spahr, Anderson, and Ingersoll, who

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980897

2 represent Twelfth Street Hotel Associates; it's a
3 limited partnership.

4 The purpose of this ordinance is to
5 increase the size of a pull-in lane at the hotel
6 entrance on Market Street and to widen a portion
7 of Clover Street to allow service vehicles to
8 enter the rear of the hotel.

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

12 MR. SOFFER: Mr. Chairman and members
13 of the committee, my name is Martin Soffer from
14 the Philadelphia City Planning Commission.

15 The Planning Commission, at its meeting
16 on December 17, 1998, will recommend approval of
17 Bill No. 980897. Thank you.

18 COUNCILMAN DICICCO: You request a
19 suspension of rules, I assume?

20 MR. LONIE: Yes, we would like to ask
21 for suspension of the rules.

22 COUNCILMAN DICICCO: Thank you.

23 Any questions from the committee for
24 these witnesses?

25 (No questions.)

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980897

2 COUNCILMAN DICICCO: Is there anyone
3 else here who wishes to testify for or against
4 this bill?

5 (No response.)

6 COUNCILMAN DICICCO: Seeing none, the
7 clerk will read the title of the next bill.

8 THE CLERK: Bill No. 980891, an
9 ordinance authorizing the Water Commissioner, on
10 behalf of the City, to enter into agreements with
11 the owners of the properties and their successors
12 of a private street known as "Lafayette Street,"
13 from Cresson Street to a dead-end approximately
14 150 feet northeasterly of Cresson Street for the
15 grant of a right-of-way to the City for drainage,
16 sewer, and water main purposes.

17 MR. MCCLOSKEY: Mr. Chairman, if I
18 could have the indulgence of the committee, I
19 would like to testify simultaneously on this bill
20 and the filing bill, 892, since they're companion
21 bills.

22 COUNCILMAN DICICCO: Let the clerk read
23 the title of the second bill, and that way, we'll
24 have it in the record.

25 MR. MCCLOSKEY: Thank you very much,

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980891

2 sir.

3 THE CLERK: And Bill No. 980892, an
4 ordinance authorizing the construction of a water
5 main and appurtenant work required to replace a
6 private main to ensure better water supply in
7 portions of a proposed right-of-way for drainage
8 sewer on Lafayette Street, a private street.

9 MR. MCCLOSKEY: Good afternoon. My
10 name's Paul McCloskey. I'm an officer for the
11 Water Department of the City of Philadelphia.

12 These two bills, 980891 and 980892,
13 have to deal with a private street by the name of
14 Lafayette Street, which runs from Cresson Street
15 to a dead-end approximately 150 feet northeast of
16 Cresson Street.

17 Bill No. 980892 authorizes the Water
18 Commissioner to construct a water main in this
19 private street from Cresson to the dead-end, 150
20 feet northeast of Cresson Street, in the 38th
21 Ward.

22 Lafayette Street, as I said, is a
23 private street of single-family dwellings in the
24 East Falls section of the City. The block is
25 currently serviced by private water, private

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980892

2 sewer, and public gas.

3 The facilities were placed in 1905 at
4 private cost. The facilities have outlived their
5 usefulness, and total replacement is required.

6 The water main, in particular, is beyond repair,
7 and temporary measures have been taken to revive
8 water service.

9 The residents have been paying water
10 and sewer bills for over 90 years. A portion of
11 these bills provide for debt service for capital
12 projects such as new water and sewer and
13 reconstruction of water and sewer lines. It is
14 only reasonable that such revenues be used for
15 their own purposes.

16 The revenues received by these
17 properties exceed the construction cost of the new
18 facilities in the street. An assessment will be
19 likely against the owners having frontage in order
20 to absorb a portion of the cost of the
21 constructions, and residents shall be required to
22 connect to the new water main at their cost, in
23 accordance with the City code.

24 Since Lafayette Street is not a public
25 street, the homeowners must grant a subsurface

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980892

2 utility right-of-way to the City. This will allow
3 the City to legally enter the private street to
4 initially construct the utilities and to provide
5 access for future maintenance.

6 Bill No. 980891 provides for the access
7 by authorizing the Water Commissioner, on behalf
8 of the City, to enter into agreements with the
9 owners of the properties and their successors for
10 the grant of the right-of-way to the City for
11 drainage, sewer, and water main purposes.

12 The agreement shall also provide
13 language that the City may place the right-of-way
14 on the City Plan at a future date.

15 We recommend that this bill be
16 favorably reported out of committee.

17 COUNCILMAN DICICCO: Are you requesting
18 a suspension, I assume?

19 MR. MCCLOSKEY: Yes, sir.

20 COUNCILMAN DICICCO: Okay. Any
21 questions for this witness from any members of the
22 committee.

23 (No questions.)

24 COUNCILMAN DICICCO: Is there anyone
25 else here who wishes to testify for or against

1 12/07/98 STREETS & SERVICES COMMITTEE - Bill No. 980892

2 this bill?

3 (No response.)

4 COUNCILMAN DICICCO: Hearing none, this
5 concludes the public hearing of the Committee on
6 Streets and Services.

7 - - -

8 COUNCILMAN DICICCO: We will now go
9 into our public meeting.

10 The Chair recognizes Councilmember
11 Ortiz for a motion on -- on all of the bills,
12 actually.

13 COUNCILMAN ORTIZ: I'll do it. Mr.
14 Chairman, I move that Bill No. 980707 be voted out
15 of committee with a favorable recommendation and
16 asking for a suspension of the rules so it can be
17 heard at our next session of City Council.

18 (Duly seconded.)

19 COUNCILMAN DICICCO: It's been properly
20 moved and seconded that Bill No. 980707 be
21 reported out of committee favorably and with a
22 suspension of rules.

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

25 Nay?

1 12/07/98 STREETS & SERVICES COMMITTEE - Public Hearing

2 The bill is approved.

3 COUNCILMAN ORTIZ: Mr. Chairman, I move
4 that Bill No. 980709 be voted out of committee
5 with a favorable recommendation and a
6 recommendation for a suspension of the rules of
7 Council so it can be considered at our next
8 session of City Council.

9 (Duly seconded.)

10 COUNCILMAN DICICCO: It's been properly
11 moved and seconded that Bill No. 980709 be
12 reported out of committee favorably and with a
13 suspension of rules.

14 All those in favor, signify by saying
15 aye.

16 Nay?

17 The bill is approved.

18 COUNCILMAN ORTIZ: Mr. Chairman, I move
19 that Bill No. 980710 be voted out of committee
20 with a favorable recommendation and a
21 recommendation for a suspension of the rules
22 Council so it can be read at our next session of
23 City Council.

24 (Duly seconded.)

25 COUNCILMAN DICICCO: It's been properly

1 12/07/98 STREETS & SERVICES COMMITTEE - Public Hearing

2 moved and seconded that Bill No. 980710 be
3 reported out of committee with a favorable
4 recommendation and with a suspension of the rules.

5 All those in favor, signify by saying
6 aye.

7 Nay?

8 The bill is approved.

9 COUNCILMAN ORTIZ: Bill No. 980762 is
10 withdrawn.

11 Mr. Chairman, I move that Bill No.
12 980803 be moved out of committee with a favorable
13 recommendation and a recommendation that the rules
14 of Council be suspended so as to be considered in
15 the next session of City Council.

16 (Duly seconded.)

17 COUNCILMAN DICICCO: It's been properly
18 moved and seconded that Bill No. 980803 be
19 reported out of committee with a favorable
20 recommendation and that the rules of Council be
21 suspended.

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

24 Those opposed?

25 The bill is approved.

1 12/07/98 STREETS & SERVICES COMMITTEE - Public Hearing

2 COUNCILMAN ORTIZ: Mr. Chairman, I move
3 that Bill No. 980844 be recommended with a
4 favorable recommendation and a recommendation that
5 the rules of Council be suspended so as to permit
6 hearing in the next session of City Council.

7 (Duly seconded.)

8 COUNCILMAN DICICCO: It's been properly
9 moved and seconded that Bill No. 980844 be
10 reported out of committee with a favorable
11 recommendation and that the rules of Council be
12 suspended.

13 All those in favor of the bill, signify
14 by saying aye.

15 Those opposed, nay.

16 The bill is approved.

17 Before we go any further, I failed to
18 mention that Councilmember Richard Mariano is
19 present.

20 You can continue with the motions.

21 COUNCILMAN ORTIZ: Okay, Mr. Chairman.
22 I move that Bill No. 980884 be voted out of
23 committee with a favorable recommendation and a
24 recommendation that the rules of Council be
25 suspended so as to permit hearing in the next

1 12/07/98 STREETS & SERVICES COMMITTEE - Public Hearing
2 session of City Council.

3 (Duly seconded.)

4 COUNCILMAN DICICCO: It's been properly
5 moved and seconded that Bill No. 980884 be
6 reported out of the committee with a favorable
7 recommendation and that the rules of Council be
8 suspended.

9 All those in favor, signify by saying
10 aye.

11 Those opposed, say nay.

12 The bill is approved.

13 COUNCILMAN ORTIZ: Mr. Chairman, I move
14 that Bill No. 980885 be voted out of committee
15 with a favorable recommendation and a
16 recommendation that the rules of Council be
17 suspended so as to be considered in the next
18 session of City Council.

19 (Duly seconded.)

20 COUNCILMAN DICICCO: It's been properly
21 moved and seconded that Bill No. 980885 be
22 reported out of committee with a favorable
23 recommendation and that the rules of Council be
24 suspended so as to permit first reading.

25 All those in favor, signify by saying

1 12/07/98 STREETS & SERVICES COMMITTEE - Public Hearing

2 aye.

3 Those opposed, say nay.

4 The ayes have it, the bill is approved.

5 COUNCILMAN ORTIZ: Mr. Chairman, I move
6 that Bill No. 980888 be moved out of committee
7 with a favorable recommendation and a
8 recommendation that the rules of Council be
9 suspended so as to permit hearing in the next
10 session of City Council.

11 (Duly seconded.)

12 COUNCILMAN DICICCO: It's been properly
13 moved and seconded that Bill No. 980888 be
14 reported out of committee with a favorable
15 recommendation and that the rules of Council be
16 suspended so as to permit first reading.

17 All those in favor of the bill, signify
18 by saying aye.

19 Those opposed, say nay.

20 The bill is approved.

21 COUNCILMAN ORTIZ: Mr. Chairman, I move
22 that Bill No. 980891 be recommended with a
23 favorable recommendation and a recommendation that
24 the rules of Council be suspended so as to permit
25 hearing in the next session of City Council.

1 12/07/98 STREETS & SERVICES COMMITTEE - Public Hearing

2 (Duly seconded.)

3 COUNCILMAN DICICCO: It's been properly
4 moved and seconded that Bill No. 980891 be
5 reported out of committee with a favorable
6 recommendation and that the rules of Council be
7 suspended.

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

10 Those opposed, say nay.

11 The bill is approved.

12 COUNCILMAN ORTIZ: Mr. Chairman, I move
13 that Bill No. 980892 be recommended with a
14 favorable recommendation and a recommendation that
15 the rules of Council be suspended so as permit
16 hearing in the next session of City Council.

17 (Duly seconded.)

18 COUNCILMAN DICICCO: It's been properly
19 moved and seconded that Bill No. 980892 be
20 reported out of committee with a favorable
21 recommendation and that the rules of Council be
22 suspended.

23 All those in favor of the bill, signify
24 by saying aye.

25 Those opposed, say no.

1 12/07/98 STREETS & SERVICES COMMITTEE - Public Hearing

2 The bill is approved.

3 COUNCILMAN ORTIZ: Mr. Chairman, I move
4 that Bill No. 980896 be recommended with a
5 favorable recommendation and a recommendation that
6 the rules of Council be suspended so as to permit
7 reading in the next session of City Council.

8 (Duly seconded.)

9 COUNCILMAN DICICCO: It's been properly
10 moved and seconded that Bill No. 980896 be
11 reported out of committee with a favorable
12 recommendation and that the rules of Council be
13 suspended to allow for first reading.

14 All those in favor of the bill, signify
15 by saying aye.

16 Those opposed, say nay.

17 The bill is approved.

18 COUNCILMAN ORTIZ: Mr. Chairman, I move
19 that Bill No. 980897 be recommended with a
20 favorable recommendation and a recommendation that
21 the rules of Council be suspended so as to permit
22 reading in the next session of City Council.

23 (Duly seconded.)

24 COUNCILMAN DICICCO: It's been properly
25 moved and seconded that Bill No. 980897 be

1 12/07/98 STREETS & SERVICES COMMITTEE - Public Hearing
2 reported out of committee with a favorable
3 recommendation and that the rules of Council be
4 suspended so as to permit first reading.

5 All those in favor of the bill, signify
6 by saying aye.

7 Nay?

8 The bill is approved.

9 COUNCILMAN DICICCO: This concludes the
10 public meeting of the Committee of Streets and
11 Services.

12 (Adjourned at 4:19 p.m.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Monday, December 7, 1998, were
reported fully and accurately by me, and that this
is a correct transcript of same.

RE: COUNCIL COMMITTEE ON STREETS AND SERVICES
BILL NO.'S 980707, 980884, 980844, 980885,
980896, 980709, 980710, 980803, 980888,
980897, 980891 980892

_____,
JOSEPHINE CARDILLO,
Registered Professional Reporter