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COUNCIL OF THE CITY OF PHILADELPHIA
PUBLIC HEARING
COMMITTEE OF THE WHOLE

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Room 696, City Hall
Philadelphia, Pennsylvania
Tuesday, April 8, 2003
2:05 p.m.

- - -

BILL NOS. 030002, 030003, 030005, 030006, 030009,
030012, 030013; RESOLUTION NO. 030030.

BILL NOS. 030004, 030008, and 030010.

- - -

PRESENT:

COUNCIL PRESIDENT Verna
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN DAVID COHEN
COUNCILMAN MICHAEL NUTTER
COUNCILMAN ANGEL ORTIZ
COUNCILMAN FRANK RIZZO
COUNCILWOMAN MARIAN TASCO

- - -

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2 COUNCIL PRESIDENT VERNA: Good
3 afternoon, everyone. This is the continued public
4 hearing of the Committee of the Whole regarding Bill
5 Nos. 030002, 030003, 030005, 030006, 030009, 030012,
6 030013, Resolution 030030, and Bill Nos. 030004,
7 030008, and 030010.

8 I believe the first department to
9 testify --

10 THE CLERK: Records Department.

11 COUNCIL PRESIDENT VERNA: Good
12 afternoon, Commissioner.

13 MS. DECKER: Good afternoon. Joan
14 Decker, Records Commissioner. And with me today is
15 Jeanne Reedy, Administrative Services Director.

16 COUNCIL PRESIDENT VERNA: Councilman
17 Cohen, do you have any questions of the Records
18 Commissioner?

19 COUNCILMAN COHEN: I would like to know
20 whether there have been meetings between
21 representatives of the City, including yourself and
22 Mr. Godbolt, and what the results are so that we can
23 know where the public stands on this. Let me ask,
24 were meetings that took place?

25 MS. DECKER: Mr. Godbolt yesterday

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2 requested a meeting and we did respond to him --

3 COUNCILMAN COHEN: Who requested a
4 meeting?

5 MS. DECKER: Mr. Godbolt.

6 COUNCILMAN COHEN: That wasn't my
7 question. I didn't think Mr. Godbolt had to request
8 a meeting. A meeting was called for as a result of
9 the testimony last week. I'm the one that requested
10 that the meeting take place. And I expected you as
11 the Commissioner to immediately follow through and
12 call Mr. Godbolt for a meeting to carry through the
13 request of this Committee.

14 MS. DECKER: Councilman --

15 COUNCILMAN COHEN: You mean nothing
16 happened until Mr. Godbolt called you?

17 MS. DECKER: I did not understand that
18 you requested that we have a meeting with Mr.
19 Godbolt.

20 COUNCILMAN COHEN: I was the one that
21 insisted that the City stop preventing the people
22 from Philadelphia from getting information that they
23 can get free from Mr. Godbolt. It would cost the
24 City much in the way of dollars to provide that
25 information. I could not understand why the City

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2 was so insistent in denying the people of
3 Philadelphia ready access to that information. I
4 thought it was tremendous of Mr. Godbolt as a
5 private citizen to offer to render this service to
6 Philadelphians. And my memory is clear that I'm the
7 one that suggested that there be a meeting. That's
8 the reason that hearing was recessed until today, to
9 give you an opportunity to work out the meeting.

10 Is Mr. Dubow in the room? I would like
11 to ask him to step forward too.

12 MR. DUBOW: I am, Councilman.

13 COUNCILMAN COHEN: Madam President,
14 would that be all right with you?

15 COUNCIL PRESIDENT VERNA: Yes, sir.

16 COUNCILMAN COHEN: Because I would like
17 to bring this to an end and know whether we have a
18 Records Department that works in the interests of
19 the citizens of Philadelphia or works in some other
20 interest. And right now I'm very confused.

21 MR. DUBOW: Did you ask for me or for
22 Mr. Godbolt?

23 COUNCILMAN COHEN: Both. Could we have
24 Mr. Godbolt also? Because at the end of the last
25 Session we had everybody at the table.

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2 COUNCIL PRESIDENT Verna: Mr. Godbolt,
3 please approach. Just pull that one chair over, if
4 you will.

5 COUNCILMAN COHEN: The purpose of my
6 questioning is to find a way to make information
7 available to the people of Philadelphia. I think
8 it's the duty of the Department of Records to make
9 the material available. If this doesn't work out,
10 then at least I want to know from the Budget
11 Director how much money it will cost, and to provide
12 for that amount of money to be put in the Records
13 Department, maybe taking it from money already in
14 the budget for the Records Department, make
15 available to the people of Philadelphia the services
16 that Mr. Godbolt is offering for free to the
17 citizens of Philadelphia.

18 It seems to me that your waiting for Mr.
19 Godbolt to call made the meeting the other day
20 worthless. The meeting was not to urge Mr. Godbolt
21 to call you. He complained a number of times that
22 he had been trying to meet with you and that there
23 was no response.

24 The purpose was to direct you, if you
25 wanted to have a budget for the Records Department,

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2 to proceed to work out with Mr. Godbolt a way to
3 make this information available to the people of
4 Philadelphia at the minimum cost. It seems that Mr.
5 Godbolt can make that material available to the
6 public at a much less cost than the City of
7 Philadelphia can and, therefore, I want us to take
8 advantage of his offer.

9 I'm astounded that you waited for Mr.
10 Godbolt to call. You should have been in touch with
11 him immediately to sit down and decide how can we
12 work this thing out.

13 Now, Mr. Dubow, did you have any
14 question about what I was trying to do the other
15 day?

16 MR. DUBOW: What I'd like to do is walk
17 you through what we want to do, because we agree
18 with you --

19 COUNCILMAN COHEN: Well, tell me what
20 you want to do to make available to the people of
21 Philadelphia at the minimum cost the same
22 information that the City of Philadelphia makes
23 available to bankers, to real estate, to preferred
24 law firms. I don't know how these law firms are
25 chosen for this information. And to make it

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2 available in the same fashion. If Mr. Godbolt needs
3 it and can use it in any way in which any of these
4 three companies or -- not the three companies -- but
5 the various companies can, that should be available
6 with thanks from the City to him for performing a
7 public service, instead of putting obstacles in his
8 way.

9 COUNCIL PRESIDENT Verna: Thanks,
10 Councilman.

11 Mr. Dubow, do you mind walking us
12 through exactly what you're attempting to do,
13 please.

14 MR. DUBOW: Yes. There are two things
15 that we wanted to do. One is that, as you know,
16 there were 50 companies that had access to this
17 information. We're going to give Mr. Godbolt that
18 access too so that he can use that information and,
19 as he said, that he can make that available to -- he
20 already has that information, I understand, from the
21 Records Commissioner. So he has that information.
22 And so if he can, as he says, make that available to
23 the public, that's one venue for the public to have
24 the information.

25 We also want the public to be able to

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2 have the information through the City, so we're
3 going to make changes to our system to ensure that
4 that information is available both from the City and
5 we've made it available to Mr. Godbolt.

6 COUNCILMAN COHEN: Has Mr. Godbolt been
7 informed of that?

8 MS. DECKER: Yes, he has.

9 COUNCILMAN COHEN: So he's been informed
10 that he's going to be given the same privileges
11 that the banks and the --

12 MS. DECKER: He requested at our meeting
13 last week, he requested access to philadocs and we
14 provided access to the philadocs system to him.

15 COUNCILMAN COHEN: Mr. Godbolt, is that
16 so?

17 MR. GODBOLT: Good afternoon,
18 Councilmembers.

19 I would say in a narrow sense it is
20 true. But the bigger issue here, it seems to me, is
21 making these records available to the public as soon
22 as possible. What has been provided by the Records
23 Department to me is retail data. What I need in
24 order to make it available to all Philadelphians is
25 the data on a wholesale basis. It is kind of like

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2 asking Acme to shop for its apples at 7-Eleven. It
3 just doesn't make sense.

4 COUNCILMAN COHEN: You'll have to
5 explain that, Mr. Godbolt. What do you mean by
6 retail and what do you mean by wholesale in this
7 context?

8 MR. GODBOLT: Okay. As I understand it,
9 the Records Department offers the recorders extract
10 in three different forms. It offers it as a Web
11 page, which goes by the name of philadocs. It
12 offers it on microfilm. The Commissioner has
13 already talked about the cost of the reels. And
14 then the third way, the way that I need the data, if
15 I'm going to make it available to the public, is on
16 CD, a big lump of data on the CD. Not having to
17 look at individual Web pages for each and every
18 property.

19 COUNCILMAN COHEN: And is that the form
20 in which the information is furnished to the other
21 companies you've outlined? It seems to me three
22 different methods. Are these three methods offered
23 to the companies that do business with the City?

24 MS. DECKER: Yes. For the extracts and
25 the microfilm, everyone pays for microfilm and

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2 extracts. Everyone pays for that. It's a fee
3 established by the City.

4 COUNCILMAN COHEN: Well, we weren't
5 talking about pay yet. I was talking about how the
6 information -- is there a CD version?

7 MS. DECKER: We have a CD version of
8 index information.

9 COUNCILMAN COHEN: Is that what you're
10 referring to, Mr. Godbolt?

11 MS. DECKER: Mr. Godbolt, at our meeting
12 last week, requested access to philadocs and we've
13 provided him with that information.

14 MR. GODBOLT: I would like to answer the
15 Councilman's question, if I may.

16 COUNCILMAN COHEN: I couldn't hear that
17 last answer, Mr. Godbolt.

18 MR. GODBOLT: I want to answer your
19 question, Councilman, if I can remember what it was.
20 Could you repeat it, please?

21 COUNCILMAN COHEN: Yes. The question I
22 have is, is the CD information that you're
23 requesting, is that made available by the City of
24 Philadelphia to the other companies? Or are you
25 requesting a different version?

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2 MR. GODBOLT: Well, I believe it is made
3 available to other companies. I've asked the
4 Commissioner about several companies that make data
5 available, like Lexus Nexus and First American
6 Realty, companies that would be likely to buy the
7 data. And in each case she's denied to me in
8 writing that these companies are purchasing the
9 data. So I'm not sure. My sense is that in order
10 for Lexus Nexus to offer deed information for
11 Philadelphia, somebody has to be getting the data.
12 They might not be getting it directly, but somebody
13 is getting the data and then furnishing it to Lexus
14 Nexus, which then makes it available to the public.

15 Again, I think our primary goal here
16 should be to make this information available to the
17 public as soon as possible. I've looked at what the
18 Records Department has done, their philadocs
19 service, and it is excellent. I think it is a
20 crime. I think it is a crying shame that this has
21 not been made available to the public before now.
22 It is really good. But given the limitations, the
23 reasons why the City cannot move on this right now
24 -- the Commissioner cited limited network capacity
25 and licensing issues, the fact that her oracle

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2 license only allowed 50 people at one time to use
3 this service. I would humbly suggest that the way
4 to go is by providing me with the data in the form
5 that I need it so that I can make it available to
6 the public, while the City works out the licensing
7 issues and the network capacity and so on and so
8 forth.

9 I told this Council the last time and I
10 will say it again, if you give me the data today or
11 sell it to me at a reasonable price -- and by the
12 way, I do not consider \$400 to be a reasonable
13 price, at least not without some explanation -- I
14 will put it up tomorrow. If you give me the data
15 today, I will have it up and available to the
16 citizens of Philadelphia tomorrow.

17 COUNCILMAN COHEN: What's wrong with
18 that, Commissioner?

19 MS. DECKER: Councilman, with all due
20 respect, first of all, the information is available
21 for a fee to everyone across the board and many
22 other companies, individuals who request the data,
23 do purchase the fee. It's a standing practice.
24 It's a past practice. It's been in existence for a
25 number of years that preceded my tenure as

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2 Commissioner. It's a very acceptable practice.

3 COUNCILMAN RIZZO: Point of information,
4 Madam President.

5 COUNCIL PRESIDENT Verna: The Chair
6 recognizes Councilman Rizzo.

7 Excuse me, Commissioner.

8 COUNCILMAN RIZZO: Commissioner, I don't
9 want to be tough on you. You're really a nice
10 person, a good Commissioner. But you know, first of
11 all, I have to support my colleague here. I'm a
12 little bit confused. You're referring to meetings
13 you had with Mr. Godbolt. You're referring to
14 meetings that haven't been set up yet.

15 When I left this room last week, I
16 believe we requested certain information about the
17 50 companies, how frequently they use the service;
18 in other words, a snap shot of exactly what exists
19 today. Mr. Godbolt is not a major law firm that is
20 utilizing that information for a profit. Why don't
21 we just, again, stop all of this? Your tone has
22 changed from last week, so I don't know who spoke
23 with you, but we really need to get on with this.
24 This is information that we need, that I need.
25 There's times when I go to hallwatch to get

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2 information that I can't get through our City
3 system. So, can't we just stop this? There's a lot
4 of people here that we want to get on. Can't we
5 just agree today? If you're selling this
6 information to other people that are making a
7 profit, then maybe we need to have another category
8 of the fees associated with this service.

9 So I would appreciate and I think
10 everybody in this room, Mr. Godbolt, the citizens of
11 this City, because he's become known as the place to
12 go to get information to make people's lives better.
13 So can we just get on this and get this thing
14 resolved today? Because, again, I'm not aware of
15 the information that I requested at the last hearing
16 was provided to the Chair yet. I haven't received
17 it. I asked for information at that last hearing
18 about how much use the system is getting, et cetera.
19 And if you don't want to cooperate, just be up front
20 and say you don't want to cooperate. You're being
21 told not to cooperate. We're big boys and women
22 here. So we can deal with that and maybe go in
23 another direction, have to go beyond the
24 Commissioner of the Records Department. But,
25 please, can we get this resolved today?

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2 MS. DECKER: The fees is not my decision
3 to make. And also these are questions that are
4 currently in a lawsuit, which I explained last week.

5 COUNCILMAN RIZZO: But, Commissioner, if
6 you want to read the transcript, last week there was
7 some agreement made here.

8 MS. DECKER: I believe we agreed to give
9 Mr. Godbolt access to the philadocs system, which we
10 did. He requested access to the philadocs system.
11 We agreed to that during last week's Council meeting
12 and we did provide him with access to the system.

13 COUNCILMAN RIZZO: You left here last
14 week, which I think I could describe as a suggestion
15 -- at least I got the suggestion, the encouragement
16 that you were going to cooperate to make all of this
17 work. And what I'm hearing today is a different
18 Records Commissioner than sat at that table the last
19 time we were here. So what you're telling me is we
20 need to fight over this. And if you want your
21 counsel to fight to get this, we can do that. We're
22 pretty good at that. So if we have to do what the
23 Councilman suggested, tinker with your budget or do
24 whatever is required, we'll do it.

25 Thank you, Madam Chair.

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2 COUNCIL PRESIDENT Verna: You're
3 welcome.

4 COUNCILMAN COHEN: Madam Chair, I would
5 like to suggest that we put all budget matters
6 involving the Records Department on indefinite hold
7 until this matter gets settled.

8 COUNCILMAN RIZZO: I second that.

9 COUNCILMAN COHEN: I'm just astounded by
10 the representative of the City of Philadelphia to
11 keep information hidden from the people of
12 Philadelphia, instead of embracing the opportunity
13 to get volunteer help from the citizens of the City.

14 COUNCIL PRESIDENT Verna: Mr. Dubow.

15 MR. DUBOW: We agree we should make the
16 information available. We'll talk to Mr. Godbolt
17 during the course of these hearings this afternoon
18 and come back to the table before we all leave
19 today.

20 COUNCIL PRESIDENT Verna: That's fine.
21 As a matter of fact, you can meet in the anteroom
22 here and we'll continue on with our hearings. Thank
23 you.

24 The Health Department is next.

25 Commissioner, it was requested that you

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2 be called back.

3 Councilman Cohen, I believe you had some
4 questions of the Health Department.

5 MR. DOMZALSKI: Good afternoon,
6 President. John Domzalski, Health Commissioner.

7 COUNCIL PRESIDENT Verna: Councilman
8 Cohen.

9 COUNCILMAN COHEN: Thank you, Madam
10 President.

11 During a series of investigative
12 hearings held by the City Council with respect to
13 health insurance provided to the employees and
14 elected officials to the City of Philadelphia, it
15 was revealed that there is a situation which
16 employees are covered during the time they're
17 employees, retirees are covered during the time
18 they're retirees, but that if an employee, while on
19 active duty, were suddenly to pass away, for
20 example, none of his family dependents who were
21 covered by the insurance would be covered. Had the
22 employee who was eligible for retirement, say, a
23 long-term employee retired, his family would have
24 been covered for five years following his death as a
25 retirement benefit. But since the employee died on

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2 active duty, there appeared to be a glitch. Since
3 he was no longer an active employee, he wasn't
4 covered. And since he had not become a retiree, he
5 and his family have no rights.

6 COUNCIL PRESIDENT VERNA: Councilman, I
7 don't think that's a question that should be
8 directed to the Health Commissioner. I think that
9 falls more into the category of Personnel and
10 perhaps the Mayor's Office. I don't think that the
11 Health Commissioner has absolutely anything to do
12 with that. And I know what your concerns are
13 because we've been talking about it for quite some
14 time.

15 COUNCILMAN COHEN: If the Health
16 Commissioner concurs with the President, I will
17 agree with her.

18 MR. DOMZALSKI: I concur, Councilman.

19 COUNCILMAN COHEN: Okay. Then I have no
20 further questions of the Health Commissioner. I
21 think he does a great job in general. I was hoping
22 you'd be helpful to resolve this strange glitch that
23 exists in the field of health coverage.

24 COUNCIL PRESIDENT VERNA: I think we
25 would all agree that the Health Commissioner does a

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2 fantastic job.

3 COUNCILMAN COHEN: Yes, he does.

4 MR. DOMZALSKI: Thank you, President.

5 Thank you, Councilman.

6 COUNCIL PRESIDENT VERNA: The Chair

7 recognizes Councilman Rizzo.

8 COUNCILMAN RIZZO: Thank you.

9 Commissioner, could you give me an
10 update on where we are, now that the Health
11 Department is responsible for animal control? I
12 expressed my concern about destroying so many
13 animals. I'd like to know where we are to possibly
14 develop a program that will make more animals
15 available to the public rather than have to destroy
16 them.

17 MR. DOMZALSKI: Absolutely, Councilman.
18 And, in fact, you were very, very clear about your
19 concern that we increase the adoptions, and I will
20 tell you that we share that absolutely.

21 Toward that end, what we've done is
22 enhanced our ability to get animals before the
23 public. I will tell you, Councilman, in the
24 hearings that we had about a month ago, you pointed
25 out -- and I don't know whether it was in the public

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2 part of the testimony or afterwards -- about the
3 utility of accessing the City's cable channel as one
4 of the issues associated with that. What we did
5 very shortly after that, we did put some information
6 up there on the banner part of it about our animals
7 for adoption. And I think you supplemented the
8 suggestion, sir, at the time that we would want to
9 include some pictures on that. And we took that and
10 got some photographs of the animals that are
11 available for adoption. The initial batch that we
12 sent over there were not quite cable appropriate in
13 terms of the quality of the photographs. We've
14 remedied that, we believe. In fact, if today's
15 proceedings aren't somehow interfering with the
16 normal broadcast on City cable, we believe that
17 those pictures that you suggested will be up there
18 either this afternoon or tomorrow. It's that kind
19 of thing that we really appreciate the suggestion
20 on, and it really enhances our ability and redoubles
21 our commitment to get that kind of thing
22 accomplished.

23 Our arrangement with Pet Smart, where
24 we're able to get animals over to Pet Smart and show
25 them, have them available for inspection by people

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2 who participate and patronize that establishment,
3 has resulted in an increase in our adoptions. In
4 fact, overall since September, we've been able to
5 post about a 7 percent increase in the numbers of
6 animals that we've adopted over what was the case in
7 the previous arrangement with the SPCA. We expect
8 to dramatically improve that performance, as well,
9 sir.

10 COUNCILMAN RIZZO: Commissioner, if I
11 can also suggest -- and I had a conversation with
12 the Revenue Department to maybe develop a piggyback
13 mailer in the water bill or other communications
14 that are already being sent by the City, so we don't
15 have to add any additional postage to this program,
16 that we do whatever humanly possible. And I also
17 suggested that we enhance that program by having an
18 hour segment on the cable channel.

19 I've talked to the captain of the police
20 K-9 Unit and they would love to be able to
21 participate and facilitate the showing of the dogs
22 on the cable and cats and other animals that you
23 have at your facility. So lessening that number and
24 making some of these pets available for our
25 constituents would be, I think, wonderful. So keep

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2 me in mind to help with anything that we can do.

3 MR. DOMZALSKI: Absolutely. We
4 certainly take you up on it. If you would want to
5 facilitate that communication with the K-9 group or
6 if you'd like us to follow-up, we'd be very pleased
7 to do that.

8 COUNCILMAN RIZZO: Whoever you have that
9 would like to expand what you've already
10 accomplished -- because I envision that we could
11 have on that cable channel a program that's
12 regularly scheduled where we could get guest hosts
13 to come in. I've already talked to a couple of the
14 TV anchors that would love to spend an hour with the
15 Health Department in showing the various animals
16 and making them available for adoption. I mean, I
17 think this is something you can make your dreams
18 come true if you really focus on it. Because,
19 again, we're killing too many nice animals. And I
20 understand we have to destroy the animals that are
21 in bad condition health-wise and come in from being
22 struck by vehicles.

23 The Police Department also said that
24 they would teach people the responsibility of pet
25 ownership. Not everybody should have a pet. Not

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2 every person has the proper accommodations for a
3 large pet.

4 So I think it's whatever we want it to
5 be. We can pretty much make this thing. And maybe
6 we'll have a reputation of trying to lessen the
7 number of those pets that we kill.

8 MR. DOMZALSKI: Absolutely. Absolutely,
9 Councilman.

10 COUNCILMAN RIZZO: Thank you, sir.

11 COUNCIL PRESIDENT VERNA: Thank you.

12 Councilman Cohen, your light is on. Did
13 you want to be recognized?

14 COUNCILMAN COHEN: Well, my staff member
15 reminded me that in addition to the inappropriate
16 question I had directed to Commissioner, I had two
17 more appropriate questions. One dealt with lead
18 paint poisoning.

19 I would like to know what would be the
20 budgetary requirement for us to eliminate the
21 problem of lead paint poisoning in the City of
22 Philadelphia in the new fiscal year and Fiscal Year
23 '04 that we're budgeting for now?

24 MR. DOMZALSKI: We're talking about a
25 figure to keep up with the new cases that come in,

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2 is 1 1/2 million dollars.

3 COUNCILMAN COHEN: Why do new cases come
4 in now? Lead paint is barred, isn't it?

5 MR. DOMZALSKI: It's a function of the
6 age of the housing in cities like Philadelphia.
7 Since 1978 it has been against the law to apply
8 lead-based paint to the interior of any residential
9 dwellings in the City of Philadelphia and elsewhere
10 in the nation. So all the housing built prior to
11 1978 most likely contains a lead paint hazard.

12 Now, lead paint in and of itself intact
13 is not a hazard to children. However, as the
14 dwellings age and as the maintenance issues continue
15 to accumulate, that paint sometimes chips.
16 Sometimes it becomes -- it doesn't adhere to the
17 surface anymore. And other areas such as the
18 double-hung windows where you put them up and down,
19 the windows grind against the sash and create dust,
20 and that is the culprit with children. And so as we
21 see young children in housing that has deteriorated
22 paint in it, that child is at risk for developing
23 lead poisoning.

24 When we get a child screened for lead --
25 we recommend that every child, particularly between

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2 the ages of 0 and 3 and right on up to age five be
3 screened for exposure to lead paint every year.
4 When we get a child that we've identified through
5 the screening process as being lead intoxicated and
6 has a lead level, an elevated lead level, we'll go
7 out there and inspect that property and find out
8 what the source of that lead exposure is in the
9 property, and then we will issue orders from the
10 Health Department that that condition be abated.
11 And when the property owner does that, we'll go out
12 to re-inspect, look at it, do a test to see whether
13 or not the condition has been abated and then clear
14 the property if that has been accomplished.

15 COUNCILMAN COHEN: So these are not
16 necessarily old cases, but these may be new cases
17 that come to the attention of the Health Department?

18 MR. DOMZALSKI: Yes, sir. The ones I've
19 described are new cases.

20 COUNCILMAN COHEN: That's good. But
21 tell me what happens if the Health Department seeks
22 to enforce it against -- I had a call last week, I
23 believe it was from a constituent, who said, "I'm an
24 older woman living on social security. I'm the only
25 one who lives here now and I received a notice from

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2 the Health Department that I've got to clear this
3 condition. The cost will be several thousand
4 dollars. I don't have it."

5 How does that person bring about relief?
6 Is is there any system by which a person can appeal?

7 MR. DOMZALSKI: Yes.

8 COUNCILMAN COHEN: I commend the system,
9 but if it's done arbitrarily without connection with
10 a child living there, it could create a great deal
11 of hardship.

12 MR. DOMZALSKI: Yes. I would like to
13 look at that, Councilman, that specific case, in
14 terms of whether or not -- if there's no child in
15 that property, that would be one thing. If it's a
16 property where a child is a frequent visitor, that
17 property may well be a source. Even though the
18 child does not live there, it may be a source of
19 contamination.

20 COUNCILMAN COHEN: All right. I'll have
21 my office contact --

22 MR. DOMZALSKI: So, given that case,
23 suppose in the event that it is a continuing hazard
24 for the child and the homeowner says in this
25 particular case, "I cannot do this. Can you help

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me?"

The City will perform the abatement.
What we will do is bill the owner for this. The
owner often times -- and in this case this would be
-- and is most likely the case, the owner says, "I
just can't pay this. I just cannot pay this." The
City is not going to take action to reduce that to a
judgment. We will look at the potential for liening
the property.

Also, what we've been experiencing as
we've taken this to a new level this year, is that
when a property owner in that circumstance says,
"You know, I think I'd like to appeal this," often
times they'll appeal it to, I think it's the Board
of Revision of Taxes to which that appeal is made.
Frequently what happens is -- and all of our appeals
so far have been upheld -- is that there will be a
schedule of payments worked out with the homeowner.
So we do everything that we know how to do today to
make this as least onerous as possible for the
homeowner, while keeping focused on the need to
abate that lead hazard in relation to its risk to
children.

COUNCILMAN COHEN: Well, it seems like

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2 you've got a fairly reasonable approach. I'm not
3 sure it can work in all cases, but that's why we
4 have appeal boards to consider special circumstances
5 if they are required. So I thank you for that. We
6 will go over that case, too, to see if it fits one
7 of the categories you spoke about and discuss it
8 with the constituent and the --

9 MR. DOMZALSKI: We'll be happy to work
10 with you on that, Councilman.

11 COUNCILMAN COHEN: -- the potential road
12 maps that they can follow.

13 Let me ask you another question with
14 respect to mammograms. Are mammograms only -- I'm
15 talking mobile, the Mom's cases, mobile groups. I
16 think there's one group that goes around the City
17 with mobile arrangements to take mammograms.

18 MR. DOMZALSKI: Yes, sir.

19 COUNCILMAN COHEN: But I believe it only
20 covers one or possibly two health districts out of
21 ten in the City, or nine.

22 MR. DOMZALSKI: Well, actually you're
23 right, Councilman. Health Center 9 is one of the --
24 we have two ways of doing mammograms.

25 First of all, mammograms relate directly

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2 to the tragedy of breast cancer, of breast cancer,
3 not exclusively, but predominately in women.
4 Fifteen years ago, a woman had a 1 in 11 chance of
5 coming down with breast cancer. That is now 1 in 8.
6 The situation is getting worse. What we need to do
7 is get the ability for diagnostic testing out there
8 and to make that an issue.

9 The other tragedy of breast cancer is it
10 is a very, very clear example of disparities, health
11 disparities. You know, African American women come
12 down with breast cancer at a much lower rate than
13 white women. However, the death rate for African
14 American women from breast cancer is almost double
15 and triple. And that has to do with an access
16 issue. An access issue and being able to get people
17 out, aware, and into mammography.

18 Two ways we do that. One is a mobile
19 mammography unit. The other is where the
20 mammography unit is not appropriate for one reason
21 or another at a center, what we will do is
22 facilitate access in that center to mammography
23 services at one of our back-up hospitals. That's
24 what we do at 9. So it's available.

25 COUNCILMAN COHEN: Is the second method

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2 you just described an effective method in minority
3 communities where there may be very severe concerns
4 about the kind of service they will get and whether
5 they will really be welcomed?

6 MR. DOMZALSKI: Absolutely, Councilman.
7 We facilitate that service. We just don't send a
8 patient to one of our back-up hospitals. Either our
9 social workers or nursing staff or, if need be, our
10 medical director will be in touch with the hospital.
11 When I say facilitate, mammography services for the
12 general community are less available than they need
13 to be, and often times there's a waiting list. So
14 what we do, though, is make sure that our patients
15 get in and get access to those centers without
16 having to go through a waiting period in those
17 hospitals. And we are very effective in ensuring
18 that our patients get appropriate, consistent and
19 respectful care at those facilities.

20 COUNCILMAN COHEN: I'm sure you do
21 everything possible to achieve that. But what I'm
22 more concerned with is getting that knowledge
23 accepted by the minority community, get them willing
24 to go in for that kind of treatment. It seems to me
25 that the mobile system is a very effective system,

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2 more effective than any others. And if it's just a
3 question of money that makes us choose some method
4 other than the mobile mammogram method, I would like
5 to ask you to consider that. And if you conclude
6 that the mobile is most effective, I would like to
7 know what the cost would be to cover all areas where
8 you think the mobile mammogram examination
9 facilities could be employed. Because it seems to
10 me that covering one or two districts is not enough
11 under the circumstances.

12 MR. DOMZALSKI: We cover almost all
13 except the one. And that one is not so much a money
14 problem as it is a physical plant problem. The
15 mobile unit is mobile, but it's a substantial unit
16 and it's getting it physically into that facility
17 that has presented a couple of challenges that we've
18 been working on to resolve over the past several
19 weeks, and we think we might have a shot at this.
20 There's some other aspects to it in terms of
21 utilities. But in the meantime, I want to assure
22 you that while we're doing that, no one is denied or
23 inconvenienced in relation to that critically
24 important service.

25 COUNCILMAN COHEN: Could you keep me

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2 informed of its progress?

3 MR. DOMZALSKI: Councilman, I'll be
4 pleased to, yes, sir.

5 COUNCILMAN COHEN: Thank you.

6 Thank you, Madam President.

7 COUNCIL PRESIDENT Verna: Thank you.

8 The Chair recognizes Councilwoman Tasco.

9 COUNCILWOMAN TASC0: Councilman Ortiz
10 was in my ear. Did you say you didn't have a
11 location to keep the mobile? You said it was a
12 physical plant issue?

13 MR. DOMZALSKI: Yes. It's getting it
14 physically into that health center that presents a
15 physical plant challenge that we're trying to work
16 through.

17 COUNCILWOMAN TASC0: The vehicle itself?

18 MR. DOMZALSKI: Yes.

19 COUNCILWOMAN TASC0: So you have to have
20 a location for storage?

21 MR. DOMZALSKI: No, not so much storage.
22 It's a mobile unit that we transport to different
23 health centers and we have -- the ones we transport
24 there, we've got to get it through the door, and
25 that's the difficulty at that particular center.

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2 COUNCILWOMAN TASC0: I'm not
3 understanding you.

4 MR. DOMZALSKI: Other centers have a
5 ramp that facilitates -- these are very heavy pieces
6 of equipment -- that facilitates the access to the
7 center.

8 COUNCILWOMAN TASC0: Is the mobile the
9 Mom Mobile?

10 MR. DOMZALSKI: Yes, the mobile unit.

11 COUNCILWOMAN TASC0: It's a truck,
12 right?

13 MR. DOMZALSKI: Yes.

14 COUNCILWOMAN TASC0: So you want it to
15 physically fit into the building?

16 MR. DOMZALSKI: Actually, no. There's
17 two pieces. There is a truck that conveys the
18 mammography unit, the X-ray machine. We unload it
19 from that -- and that's a heavy unit and we need to
20 get it into the building. What I've just been
21 assured is that since we had this discussion in my
22 office about 3 1/2 weeks ago, that, yes, we're
23 building that ramp to get it into that facility.

24 COUNCILWOMAN TASC0: Thank you. Thank
25 you. That's good. It's a very important piece.

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2 I want to go back to -- and I support
3 that because the Mom Mobile -- not only for the
4 service, the mammograms, but other health issues
5 too, are very important in the Northwest. Because,
6 you know, we just -- everybody believes that
7 everybody in the Northwest is just so rich and they
8 have all this medical coverage. But we have what
9 you have; we have the working poor. People don't
10 have health insurance. Women don't have health
11 insurance, so they need access to those services.
12 We appreciate all you try to do to make that happen.

13 I wanted to go back to lead paint. I
14 want to go back to the case that Councilman Cohen
15 raised, which kind of triggered my thought around
16 our whole effort to eliminate blight. When we began
17 putting requirements on homeowners -- and
18 Philadelphia is a City of an aging population. A
19 lot of our homeowners, as a matter of fact the
20 majority of them, are older. They're on fixed
21 incomes. Probably the only thing they have is their
22 home. How much does an average abatement cost a
23 homeowner to abate the lead paint?

24 MR. DOMZALSKI: \$5,800.

25 COUNCILWOMAN TASC0: Now, you start

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2 sending those notices out to senior citizens; they
3 don't have the ability to pay that. They're not
4 going to get the ability to pay that. The last
5 thing I want to see you do is lien their property,
6 because the City can't handle it. Plus, you suck
7 out the equity of the homeowner. You suck out the
8 equity of the family's ability to claim that
9 property, and we continue to add and contribute to
10 the blight of the houses in this City.

11 I think what we need to do is find some
12 money to help these families, based on the income
13 requirements, to abate the lead. Because the
14 housing stock -- I was talking about that this
15 morning, and we'll be talking to you about this
16 whole issue. The housing stock, anything that's
17 built before 1978, which are the majority of the
18 properties of this City, fall in the older
19 neighborhoods, and children are there.
20 Grandchildren, great grandchildren. And you tie in
21 the whole issue of kinship care, grandparents taking
22 care of children, you have that problem. And we
23 want to abate the lead. We might want to look at
24 maybe some of the NTI money, since it is designed to
25 prevent blight, or stem blight. Somehow we need to

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2 look at a pot of grant money to help, because you're
3 going to pay for it anyway.

4 The end result is what I'm concerned
5 about. What happens to that house? Does it become
6 a vacant house? The family's got a lien on it.
7 They'll say, "Oh, I don't want it. Just leave it
8 sit there." It still becomes a burden to the City.
9 It still costs the City. So what we need to think
10 about is how we provide some dollars to help with
11 the abatement and, of course, try and get the family
12 to pay. I'm not saying they shouldn't try to pay.
13 Pay whatever little bit they can. A little bit is
14 better than nothing. But to end up liening the
15 property is going to really add to our blight.

16 MR. DOMZALSKI: You're right,
17 Councilwoman. And that's a scenario that we work
18 around very, very carefully to try to make sure that
19 we do only what actually has to be done to make it
20 lead safe in that house. And to try to work through
21 with what we know at this point, the resources that
22 we have around special circumstances, such as
23 Councilman Cohen described. We want to take that
24 kind of careful and hopefully enlightened approach
25 as we deal with these very serious neighborhood

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2 issues.

3 COUNCILWOMAN TASC0: When you abate the
4 property, how do you pay for it? What fund does it
5 come from?

6 MR. DOMZALSKI: Right now the work I'm
7 doing this year comes from the City's General Fund.

8 COUNCILWOMAN TASC0: Have you looked at
9 Community Development Block Grant dollars?

10 MR. DOMZALSKI: We're having that
11 discussion. Where we are -- our funding for the
12 coming year. You know, we've really turned lead
13 paint on its head in Philadelphia in the last year.
14 The word has gotten out on that. And people who
15 weren't talking to us about grants and money in the
16 past now are. And I will tell you that as of
17 yesterday, we secured a full \$550,000 in new funding
18 for this, that when I was here March 4th, I didn't
19 have -- I was confident I was going to get money,
20 but I didn't have it then. I now have \$550,000.
21 I've got a handle on two more areas here where I
22 believe we are going to secure all of the funding
23 that we're going to need for this coming year. No
24 doubt about it.

25 In addition to that, what's also

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2 happened in this community -- and I think we really
3 have to focus on what has come out of this Council
4 in terms of the focus, such as you have and
5 Councilman Cohen and Councilman Ortiz and
6 Councilwoman Reynolds Brown have pointed out the
7 importance of lead paint. And the advocacy
8 community. It's unprecedented where we've had two
9 areas in the private sector, namely hospitals, that
10 have come forward and said, "You know, we want to
11 buy into this. We see the importance of this. We
12 know it's not going to solve the problem, but we
13 want to take on the responsibility as a leader and
14 say we are going to fund an abatement of at least
15 one house in our service area." Two hospitals have
16 come forward to do that. No small amount of that
17 came from the energy of community advocates like
18 PCCY that have really kept this effort in the
19 forefront.

20 And so because of all the things, the
21 stuff that we've been able to do as a department and
22 working -- you know, the other thing I'm quick to
23 point out is, the Health Department has a long and
24 distinguished history of not being able to do this
25 alone. So recognizing that, we brought our partners

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2 to the table on this. We brought certainly the Law
3 Department where they created Lead Court, which has
4 been a tremendous value to us. The Department of
5 Human Services is at the table with us. L&I is at
6 the table with us. OESS, Office of Emergency
7 Shelter Services, is at the table with us. Plus
8 PHA, OHCD, and PHDC are all at the table with us.
9 We meet regularly to bring these things together.
10 The people that committed to funding us for another
11 \$550,000 yesterday said, "We've never seen anything
12 like this. We would like to tell the people in
13 other communities across the state about the kind of
14 a program you have in Philadelphia and the kind of
15 coordinated approach that you have."

16 I think that those kinds of things are
17 things that make it possible for us to have a
18 tremendous amount of optimism to go along with the
19 determination that exists in this government, in
20 this department, in this Council, in this community
21 to commit to children and not have this permanently
22 impair the cognitive ability of children.

23 COUNCILWOMAN TASC0: We appreciate that.
24 We're pleased to know that the departments do talk
25 to each other. It has been beneficial to us in this

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2 City and we appreciate your leadership on that.

3 One other place I think we ought to look
4 toward, since the federal government has
5 regulations, we might look to our Congressional
6 Delegation. Maybe they can help find us some money
7 to do that too. We will help you with that. Thank
8 you very much.

9 COUNCIL PRESIDENT VERA: Thank you.

10 The Chair recognizes Councilman Ortiz.

11 COUNCILMAN ORTIZ: Thank you, Madam
12 Chair.

13 Commissioner, I feel lousy today.

14 In terms of the program that you began
15 with the high schools, could you please tell me
16 where that is at and how is it proceeding and how
17 many high schools you have gone to at this point.
18 And what is the process for students to get tested
19 and so on?

20 MR. DOMZALSKI: What Councilman Ortiz is
21 referring to is an unprecedented collaboration
22 between the School District of Philadelphia and the
23 Department of Public Health to deal with an epidemic
24 in the City of Philadelphia of sexually
25 transmissible diseases, particularly gonorrhea and

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2 chlamydia, among our children, especially among the
3 children 15 to 19 years of age.

4 We have gone in with, not only the
5 cooperation, but the encouragement of the School
6 District of Philadelphia to the high schools. And
7 we began January 7th. And as of this date we have
8 been in some 12 high schools and have tested
9 somewhere in the neighborhood of -- by the time
10 we're finished, by the end of the school year, we
11 will have accessed about 50,000 children with
12 educational sessions. So far we have tested about
13 4,500 children in the schools. That may be a little
14 more than that at this point.

15 What's so unique about this is people
16 that go in and do these sessions, educational
17 sessions in the schools, are kind of at the same
18 level of the student in terms of age, in terms of
19 where they are. After we do the session, we offer
20 the students an opportunity to provide a urine
21 sample to be tested. Once that test is done, and
22 should the test turn out positive, we then provide
23 an ability for the student to contact us for
24 results. And then the student has an option: The
25 student can receive treatment either at the school

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2 or the student can receive treatment at his or her
3 own healthcare provider or the student could come to
4 one of the City health centers.

5 COUNCILMAN ORTIZ: How is the process?

6 The testing is not obligatory; is that true?

7 MR. DOMZALSKI: It is not.

8 COUNCILMAN ORTIZ: So it's voluntary?

9 MR. DOMZALSKI: It is.

10 COUNCILMAN ORTIZ: The student goes up
11 to the person who is giving the lecture, I would
12 imagine, and requests to be tested?

13 MR. DOMZALSKI: What we do is we have a
14 kit. It looks very much like a brown paper bag.
15 And in the kit is a urine specimen container and
16 some educational material. Everybody who attends
17 the session gets one. We ask everybody to turn the
18 bag in at the end of the session. So nobody knows
19 who gave a specimen and who didn't. It's completely
20 anonymous. People don't single themselves out and
21 say, "Yes, I'm the one that's going to be tested."
22 So we have it done in a way where people feel
23 comfortable.

24 COUNCILMAN ORTIZ: Well, do you have a
25 number on the bag, or what? How do you know which

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2 student turned in a urine sample?

3 MR. DOMZALSKI: We speak with the
4 student. We get a name and contact information to
5 be able to follow-up.

6 COUNCILMAN ORTIZ: How do you do that?
7 How do you get the name of that student?

8 MR. DOMZALSKI: When it's turned in
9 there's a discussion with each one and we have that
10 contact information on each one.

11 COUNCILMAN ORTIZ: Go ahead.

12 MR. DOMZALSKI: What is fascinating
13 about this is that in sessions like this, you end up
14 with maybe 10, 20 percent of people saying, "Yes,
15 I'll get tested."

16 What we're seeing in the schools, as
17 many as 60 percent of the kids that we give this
18 information to elect to be tested. And the
19 positivity rate underscores the need for this kind
20 of --

21 COUNCILMAN ORTIZ: That means they're
22 sexually active, those individuals?

23 MR. DOMZALSKI: Well, it does. There's
24 a figure that's been used. The Centers for Disease
25 Control does something called the Behavioral Risk

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2 Survey in which students and people are asked about
3 their risk behaviors. And in Philadelphia some 67
4 percent of kids in school self-identify as being
5 sexually active. So this is a very valuable
6 program.

7 COUNCILMAN ORTIZ: Is it 4,500 you
8 tested so far?

9 MR. DOMZALSKI: I believe that's the
10 number, yes. It may be a little larger now.

11 COUNCILMAN ORTIZ: What is the rate of
12 infection?

13 MR. DOMZALSKI: Well, it varies by sex.
14 In males it's 3 percent. Overall, of all of the
15 people we test, all of the students we test, the
16 positivity rate is 6 percent. That's 3 percent for
17 males. 10.5 percent for women. Now, these are
18 children walking around with an infection, an active
19 infection, that they don't know about. No symptoms.

20 COUNCILMAN ORTIZ: How many high schools
21 have you gone into so far?

22 MR. DOMZALSKI: I believe we were in 12
23 of them at this point. We will be through all of
24 them by the end of the year.

25 COUNCILMAN ORTIZ: Do we have a list of

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2 them?

3 MR. DOMZALSKI: Yes. Well, we're going
4 to be in all the high schools. I think there's
5 something like 46 high schools that we'll be in.

6 COUNCILMAN ORTIZ: Councilman Rizzo
7 always has a point of information.

8 COUNCILMAN RIZZO: Commissioner, I'm
9 much concerned about the treatment process. Do you
10 have a way of determining whether the student gets
11 treatment or not?

12 MR. DOMZALSKI: Yes.

13 COUNCILMAN RIZZO: Now, what do you do
14 if I don't get care and I continue to walk around
15 and possibly transmit this infection? Do you do
16 anything about people that deny treatment?

17 MR. DOMZALSKI: At this point, the
18 situation has changed in that now, not only do we
19 think you may be at risk, but we now know you are
20 infected. And what we will do -- and we do this in
21 a very discreet way. But we will follow-up with you
22 and contact you. We've asked for contact
23 information. And we will work with you and
24 encourage you to get into treatment. Sometimes the
25 person just has forgotten, that, "Oh, yes, I can

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2 come back to school and get treated." Or, "Yes, I
3 had an appointment to come back and I just forgot
4 about it," with everything else that's going on in
5 their lives. Or they're saying, you know, I really
6 don't want to come back to school and will have
7 forgotten that, yes, you can go to your private
8 physician or you can come to one of health centers.
9 We make very special arrangements in our health
10 centers.

11 COUNCILMAN RIZZO: Is a private
12 physician required to report that to the Health
13 Department when they treat a person with a disease?

14 MR. DOMZALSKI: Gonorrhea and chlamydia
15 are reportable diseases in Philadelphia. What we
16 will do is we will verify -- the student will tell
17 us where they got treated. We will verify with the
18 clinician that that treatment occurred. It's
19 important, not only that the patient gets treated,
20 but the patient gets treated with the right
21 antibiotic.

22 COUNCILMAN RIZZO: Thank you, Councilman
23 Ortiz.

24 COUNCILMAN ORTIZ: Do you have the
25 numbers of kids who have gotten infected by areas,

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2 like Zip codes, for example?

3 MR. DOMZALSKI: Got infected by?

4 COUNCILMAN ORTIZ: Do you have addresses
5 for all these kids who have been infected --

6 MR. DOMZALSKI: Yes.

7 COUNCILMAN ORTIZ: -- so that you can
8 check out certain places, certain areas, and so on?

9 MR. DOMZALSKI: Councilman, if we had
10 better visual aides, I could show you a map. I
11 could show you a map and where we have
12 concentrations, heaviest concentration in the City.
13 There's virtually no area of the City that is not
14 impacted by this, but there are areas of the City
15 that are impacted higher than others. When we
16 looked at a map of the City of Philadelphia, you
17 come right down from the north to the south and you
18 stop at City Hall and you make a right, if you're
19 coming north to south, that's a lot of where we have
20 a lot of our --

21 COUNCILMAN ORTIZ: I think it would be
22 interesting for us to see that.

23 MR. DOMZALSKI: We can show that. We
24 can show that with all of our epidemiologic data on
25 this. We'll be happy, President, to send that you

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2 to Council.

3 COUNCILMAN ORTIZ: Of the total
4 population -- how many high schools did you say you
5 have gone to?

6 MR. DOMZALSKI: I think we've been
7 through 12.

8 COUNCILMAN ORTIZ: What's the total
9 population of those high schools?

10 MR. DOMZALSKI: Of the 12? I can't tell
11 you the 12 because they vary.

12 COUNCILMAN ORTIZ: I mean in
13 conjunction --

14 MR. DOMZALSKI: The whole number, I
15 think we're talking about 50,000 students.

16 COUNCILMAN ORTIZ: How many have gone
17 through the process? Of 50,000 students, how many
18 have taken advantage of the --

19 MR. DOMZALSKI: We've probably given the
20 presentations between 8,000 and 10,000 students, of
21 which we've actually tested somewhere in the
22 neighborhood of 5,000 or 6,000.

23 COUNCILMAN ORTIZ: So a whole lot of
24 other students have not taken advantage of at least
25 learning about this thing?

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2 MR. DOMZALSKI: I think the other way to
3 look at it, is a huge number have. And those that
4 haven't, they may go to their own private physician
5 and say, "Look, I'm not going to get tested here. I
6 have a source of care. I don't mind doing that.
7 I'll go there. They've already said I could go to
8 the health center and get tested." Maybe they'll do
9 that. So we think that that's the minimum number.

10 COUNCILMAN ORTIZ: Has any of them come
11 out positive for HIV?

12 MR. DOMZALSKI: We don't do HIV testing.

13 COUNCILMAN ORTIZ: You don't do that?

14 MR. DOMZALSKI: Not at that session.

15 COUNCILMAN ORTIZ: Let me go into that.
16 I was going into the HIV. How is the spread of HIV
17 going in the City? Has it leveled off? Have we
18 seen areas of the City where HIV is increasing? Are
19 there other places where we have seen definable
20 decreases in HIV contagions and so on?

21 MR. DOMZALSKI: Well, there are two
22 pieces. First of all, with regard to HIV, we don't
23 know because HIV is not reportable. We do know
24 about AIDS.

25 COUNCILMAN ORTIZ: Well, AIDS then.

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2 MR. DOMZALSKI: We do know about AIDS.

3 I really have a hard time talking about leveling
4 off. We've had about 1200, 1100 to 1200 cases of
5 AIDS last year. That would have been within about
6 40 cases of the year before. I don't see that
7 number of cases being leveling off. I think it's a
8 huge problem.

9 Now, where it is, are there areas?

10 Absolutely. And where it is in Philadelphia, right
11 smack in the middle of the communities of color.
12 Poor communities, communities of color, it's there.
13 And what's interesting about Philadelphia is that
14 apart from other cities, the exposure pathways are
15 much different here.

16 COUNCILMAN ORTIZ: Could you define
17 that?

18 MR. DOMZALSKI: In Philadelphia, the
19 most frequent avenue of people being exposed is in
20 injection drug use. The next is heterosexual sexual
21 transmission and the third is men having sex with
22 men. That's where our whole -- we're going through
23 a whole process now of looking for ways to continue
24 to build on the success we've had getting our money
25 out into community-based organizations and in the

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2 communities where we know transmission --

3 COUNCILMAN ORTIZ: Could you give me
4 details as to where the AIDS epidemic is impacting?
5 You said communities of color. But in North
6 Philadelphia? In South Philly? Where is it
7 impacting?

8 MR. DOMZALSKI: I would again show you a
9 map, and I'll be happy to get that for you. Not too
10 different. Not that other communities aren't
11 impacted, but where the major impact is, is in that
12 band, in the middle of the City. That's really
13 where our prevention and follow-up resources have to
14 be focused and distributed.

15 COUNCILMAN ORTIZ: In Center City, have
16 we seen an increase within the gay and lesbian
17 community at all? Because that was a community
18 heavily impacted at one point.

19 MR. DOMZALSKI: I think that there are
20 certain aspects of this where we have seen some
21 increases. For example, we're dealing with an issue
22 now of syphilis, and I've asked Joe Cronauer if he
23 would come over. He's director of our AIDS
24 Activities Coordinating Office, to talk with a
25 little more specificity on this important subject.

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2 MR. CRONAUER: I'm Joe Cronauer,
3 Director of the AIDS Activities Coordinating Office.

4 In the community of men having sex with
5 men, which is one of the primary modes of
6 transmission for HIV, it is right now the third
7 leading cause of HIV transmission in the City of
8 Philadelphia. It's still a disproportionately
9 impacted community because of the size. It's hard
10 to get numbers. The size of the community is
11 relatively small, given the amount of burden they
12 have for the HIV epidemic. So there are very
13 tailored programs that we have specific to outreach
14 in HIV testing media and the rest for all three of
15 the major communities; men having sex with men, IDU
16 and heterosexual sexual transmission.

17 In the issue of syphilis, we're seeing a
18 rise in syphilis cases amongst men having sex with
19 men. That is similar to other major cities like New
20 York and San Francisco seeing the same thing. So
21 now what we're doing is piggybacking STD prevention
22 messages on all of our HIV prevention messages to
23 remind people that HIV, although it's an important
24 issue, it's not the only issue for that particular
25 community.

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2 COUNCILMAN ORTIZ: So the increase in
3 syphilis has been dramatic?

4 MR. CRONAUER: The numbers are pretty
5 small. Nationally, there's a syphilis elimination
6 program that the CDC is undergoing to try and
7 eliminate syphilis transmission in the country. In
8 Philadelphia, I think we've seen maybe 25 cases so
9 far this year. About half of them are amongst men
10 who have sex with men, which is pretty significant.
11 The numbers are low. The percentage amongst men who
12 have sex with men is high.

13 COUNCILMAN ORTIZ: I thought syphilis
14 was something out of the 1950s.

15 MR. CRONAUER: It's here again. The
16 numbers are still low, which is why now is the time
17 to deal with the problem.

18 COUNCILMAN ORTIZ: It's nice to know.
19 Obviously, that will spread to other communities
20 across the City as it goes on?

21 MR. CRONAUER: Yes, exactly. This is
22 why we're trying to have an impact on it now when
23 the numbers are still low so that we can keep it
24 from spreading any further.

25 COUNCILMAN ORTIZ: So the program is in

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2 place, Commissioner? Do you have a program in
3 place?

4

MR. CRONAUER: We're working with all of
5 our providers right now doing prevention, HIV
6 prevention. And last year we were able to
7 significantly reduce -- I think we cut the number of
8 MSM cases in half. I think that was two years ago,
9 and it's relatively stable. Now we're seeing it
10 increase. So we've called together all of our
11 community-based providers who have been so
12 successful in partnering with us in getting the word
13 out, getting the message out, getting people into
14 testing and getting people into treatment. They're
15 around the table with us working strategies to bring
16 people into treatment.

17

COUNCILMAN ORTIZ: Commissioner, could
18 you give us those figures and maps in terms of where
19 AIDS, syphilis, these things are happening?

20

MR. DOMZALSKI: Yes, sir. I just made a
21 note to myself to make sure we get that over to you.

22

COUNCILMAN ORTIZ: Send that over to the
23 President. Okay. Thank you.

24

COUNCIL PRESIDENT VERNA: The Chair
25 recognizes Councilman Nutter.

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COUNCILMAN NUTTER: Thank you, Madam
Chair.

I actually did not have a question for
Commissioner Domzalski. I have a question that is
more pertinent for Public Property, although I do
not believe that they are here. So I'd like to ask
Mr. Dubow, as I think he's generally the highest
ranking representative of the Administration, if he
could take the question.

Mr. Dubow, I seem to recall a couple
years ago in a budget hearing -- and actually, I
think that Councilman Rizzo may have expressed some
concerns about this issue. He and I haven't had a
chance to talk about this. Now, the City has a
contract with a company for the advertising on the
bus shelters; is that correct?

MR. DUBOW: That's correct.

COUNCILMAN NUTTER: I seem to recall
that there were, I believed, at that time, some
restrictions on the type of ads that could be
displayed on those bus shelters, and specifically I
seem to remember -- and I have not pulled the notes
of testimony because I can't remember what year this
was -- I thought that there was a specific

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2 prohibition on alcohol and tobacco ads on the bus
3 shelters. And in recent times, both in my district
4 and other places, I have seen ads for alcoholic
5 beverages, beer. A couple of them are structured in
6 such a way that they portray a beer can somehow
7 matted over or in the shape of a woman's body. And
8 I think that at two levels these particular
9 advertisements are completely inappropriate on a
10 City-owned bus shelter for which the City generates
11 revenue. One, they are sexist in nature. And two,
12 I don't know that we should be in the business of
13 generating revenue from alcoholic beverages as a
14 City government.

15 Can you get us some information quickly
16 about that issue? I thought -- and I'm not putting
17 my colleague on the spot -- I seem to remember that
18 there was supposed to be a provision in our lease
19 agreement that specifically prohibited that type of
20 advertising, or if it did not specifically prohibit
21 it, that it was within the Public Property
22 Commissioner's discretion to prohibit such ads. And
23 I've noticed a recent almost kind of explosion of
24 them, as I indicated. Some are in the district that
25 I represent and I've seen others in other places.

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2 So it's not unique to the 4th District. And I'd
3 like to get an answer to that particular issue. I
4 don't know why we're in that business.

5 MR. DUBOW: I've not dealt with that
6 issue, but we'll get you information quickly.

7 COUNCILMAN NUTTER: I'd appreciate it.
8 Thank you, Madam Chair.

9 COUNCIL PRESIDENT VERNA: You're
10 welcome.

11 The Chair recognizes Councilman Rizzo.

12 COUNCILMAN RIZZO: Thank you.

13 Commissioner, I just want to go back
14 briefly to the high schools and the infection rate,
15 the various infections that you identified.

16 Commissioner, could you leave us today
17 and ensure me that anyone that tests positive is
18 being treated?

19 MR. DOMZALSKI: Yes. Yes, in the sense
20 that they either will come back to the school to be
21 treated or we will outreach and determine what is
22 happening with treatment. Eventually they will be
23 treated.

24 COUNCILMAN RIZZO: So what I'm hearing
25 today is that someone takes the test, tests

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2 positive. What would be the period of time that you
3 would -- your time line -- that after 30 days, after
4 60 days? How quickly will you assure that that
5 student is contacted and treated or the information
6 -- my concern is the bureaucracy. If the student
7 goes to the private doctor, the information flows
8 back and forth because you could have a number of
9 young people out there that you know have this
10 infection and not have the process to assure that
11 they're all treated.

12 MR. DOMZALSKI: We would either treat or
13 verify treatment within 10 days at the outside.

14 COUNCILMAN RIZZO: Can they refuse
15 treatment?

16 MR. DOMZALSKI: Yes. Yes, they can.
17 However, we've never had that. I mean, we've never
18 had that. If a child is refusing treatment, there's
19 something else going on. We'll sit and we'll talk
20 with them. We'll have our doc talk with them. They
21 will be treated.

22 COUNCILMAN RIZZO: What is the
23 treatment?

24 MR. DOMZALSKI: It is an antibiotic.
25 It's one dose, and I believe that it's a Pfizer

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2 product, azithromycin, I believe.

3 COUNCILMAN RIZZO: So you're fairly
4 confident that all of the people that test positive
5 for this, for an infection, are not out there still
6 walking around with an infection, that they're
7 treated within 10 days?

8 MR. DOMZALSKI: No, not the original
9 one. One of the things we need to make sure is that
10 we provide the education to children, and these are
11 children aged 15 to 19 years old about how they got
12 the disease and what they really need to do to
13 prevent this from happening again.

14 COUNCILMAN RIZZO: I don't want to
15 disappoint you, Commissioner. During this whole
16 process we haven't talked about the needle exchange
17 program. How is it working?

18 MR. DOMZALSKI: Well, Councilman, I want
19 to make sure I stay within my area of expertise and
20 give you really good information, so I'll call my
21 colleague, Mr. Bencivengo, who has information.

22 COUNCILMAN RIZZO: My concern is the
23 common complaints that we get. It's not so much the
24 program. It's in many cases the locale of the
25 program; near schools, near populated areas that

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2 people feel as though it's bad for their
3 neighborhood. I haven't heard too much of that
4 lately, so I just thought maybe we'd take a minute
5 to get us up to speed on how the program is doing.

6 MR. BENCIVENGO: My name is Mark
7 Bencivengo, Assistant Health Commissioner in charge
8 of the Drug and Alcohol Program in the City of
9 Philadelphia.

10 You're absolutely right, Councilman. I
11 think a couple of years ago, and prior to that time
12 even, I don't think a week went by that I didn't
13 hear something about some kind of a complaint.
14 Generally, it came from the same group of people,
15 but nevertheless, there were complaints about the
16 locations. And in a couple of cases where we had
17 some concerns like that, we did work with Prevention
18 Point Philadelphia to relocate the needle exchange
19 to an area that was less problematic. I am very
20 happy to say that in the last couple of years, I
21 have heard virtually nothing in the way of
22 complaints voiced by residents of neighborhoods
23 where the exchange is working. I do think, though,
24 that it remains a potentially controversial area.
25 Harm reduction programs have elicited mixed feelings

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on the part of people looking at them.

I think, though, the literature over the last several years has been overwhelmingly positive with regard to needle exchange in a number of areas. One, not contributing to an increase in drug use; and two, addressing the spread of HIV to a very high risk population.

I believe the Commissioner talked about the various modes of transmission in Philadelphia and identified injection drug use right now as probably the number one reason that we're seeing for people becoming HIV-positive and eventually being identified with AIDS. So I think in a City like Philadelphia where there are a fairly large number of injection drug users, where opiates are a fairly popular drug, unfortunately, and where there is some resurgence in the use of heroin, not just in Philadelphia, but across the nation -- my colleagues in some other cities where they're not very familiar with heroin are now seeing it. I think having something like a community-based activity like Prevention Point Philadelphia is absolutely essential to address the spread of HIV in this particular population. And the program is actually

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2 doing quite well.

3 COUNCILMAN RIZZO: Well, good.

4 Obviously, you've made some adjustments and have
5 made the program more acceptable to people that
6 don't accept the program. As you mentioned, it's a
7 very controversial issue. But I think by tweaking
8 it and getting it out of sight in some communities
9 that look at it as objectionable work -- because the
10 complaints that I have received have stopped.

11 The only question I would like to end
12 with is that there was an accusation which recently
13 -- the reason I'm bringing this up today is I got a
14 telephone call from a mom in New Jersey that tells
15 me that her daughter still continues to come to
16 Philadelphia to get her syringes. That's troubling,
17 if we're supporting the drug habit of a person in
18 another state, or anywhere, even here,
19 inappropriately. Have you been able to work at that
20 problem?

21 MR. BENCIVENGO: Actually, I believe
22 that the former Governor of the State of New Jersey
23 did commission a report and had a group of folks
24 working on needle exchange in the State of New
25 Jersey, and I believe that the recommendation that

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2 was given to her by a commission which she had
3 established was for New Jersey to implement syringe
4 exchange programs in that state. That did not
5 happen. I believe that the current Governor
6 McGreevey is a bit more open to having syringe
7 exchanges in the State of New Jersey, certainly in a
8 City like Newark and some of the upstate counties in
9 New Jersey where there are fairly high rates of
10 opiate and injection drug use. I would, as a
11 professional in the area, recommend syringe
12 exchanges.

13 We do not ask people where they're from
14 and deny syringes to people coming from out of state
15 or outside the City of Philadelphia. I think not
16 only in the case of New Jersey, but Philadelphia and
17 Allegheny County are probably about the only two
18 places in the state right now that have syringe
19 exchange programs, and we are clearly not the only
20 two counties in the Commonwealth of Pennsylvania
21 that have opiate drug users. I'm sure there are
22 folks from Lower Bucks that come to our syringe
23 exchange. And the issue, from a public health
24 perspective, is to prevent the spread of HIV and
25 AIDS, and so we do not ask people where they're

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2 from, and if they're not from this county, tell them
3 they cannot participate.

4 COUNCILMAN RIZZO: Help me answer the
5 question. You could save me a phone call. A person
6 comes from New Jersey. They come over the Walt
7 Whitman Bridge. They come to our exchange program.
8 They have no drugs in the car. They leave the site.
9 They have -- how many syringes do you give them?

10 MR. BENCIVENGO: About eight in a
11 starter kit, unless they're bringing something back.

12 COUNCILMAN RIZZO: Now, they're going
13 back over the Walt Whitman Bridge. The Delaware
14 River Port Authority Police stop them. They have
15 eight syringes that you just gave them. Is that
16 legal?

17 MR. BENCIVENGO: In the State of
18 Pennsylvania the possession of injection drug
19 equipment is not legal. I can't really say for the
20 State of New Jersey. I believe there are only about
21 seven states in the United States where the
22 possession of injection drug equipment -- or
23 injection equipment is illegal. So I guess it would
24 depend on what side they get caught.

25 COUNCILMAN RIZZO: So they get caught on

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2 our side. They could be arrested for something they
3 just got from us?

4 MR. BENCIVENGO: They could be arrested.
5 We have ID cards for folks that are users of the
6 syringe. There are rare occurrences where there
7 will be a situation, even here in Philadelphia,
8 where an individual leaving the syringe exchange or
9 even going to the syringe exchange may be stopped by
10 the local police. I would say that the Police
11 Department in Philadelphia has been very cooperative
12 in working with us. We've met with their legal
13 counsel, when need be. The Prevention Point
14 Philadelphia meets routinely with the district
15 captains and we have very, very few problems in
16 Philadelphia. It's not something that cannot
17 happen, that injection drug equipment can be
18 confiscated and perhaps taken away. We had a couple
19 of cases sometime ago where an individual was
20 arrested and the DA's Office worked with us around
21 that. Generally, if they're frequenting the syringe
22 exchange. And can show that they've frequented the
23 syringe exchange, these case are not going to go
24 anywhere.

25 COUNCILMAN RIZZ0: Thank you very much.

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2 Thank you, Madam Chair.

3 COUNCILWOMAN TASC0: Thank you very
4 much.

5 Are there any other questions?

6 Councilman Ortiz.

7 COUNCILMAN ORTIZ: I just want to make a
8 point on the program. It's one of the most
9 successful programs ever instituted in terms of
10 preventing the HIV/AIDS spread in the City. I
11 remember when we began the process in this City of
12 hearings and discussions in '86, '87. We had
13 hearings -- Mark, you were here. At that point, it
14 was really a huge epidemic. It still is an
15 epidemic. But at that point it was no one wanted to
16 deal with the solutions that had to be there.
17 Rendell and both -- when Rendell said it's going to
18 happen, even though it's illegal, it is a health
19 prevention measure that we need to institute if
20 we're going to protect the masses of the citizens of
21 Philadelphia. And when you do needle exchange
22 points, you've got to go to where the people that
23 are using the needles are. And those are the points
24 that we have been able to institute it. And I think
25 our program in the City has become a model, if

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anything, to be emulated across the nation.

If the young woman is coming across the bridge, at least we know she's not going to be spreading the virus. She got the needle. I think that's the answer you give to the mother. If you know your daughter is a user, it's better that she's able to have access to needles or to treatment, rather than tell her when she comes across the bridge, you can't have it. Because she's going to use a needle, and it's probably going to be a used needle and then she's going to have AIDS and HIV and then we're going to have a problem.

MR. BENCIVENGO: We are non-judgmental in this regard, but we do encourage people to seek treatment. We make referrals to treatment. Not everyone wants to go to treatment. But we're always there encouraging folks to address their drug issue. We are primarily trying to stop the spread of HIV, but we do want to see people get into treatment, and that program does function as a bridge to treatment and reaches people that are on the margins.

COUNCILMAN ORTIZ: We had testimony here from Sylvester Johnson. As long as we're the center of the best heroin on the East Coast -- and it seems

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2 that we have the best heroin on the East Coast
3 warehoused in the City of Philadelphia. No matter
4 what anybody says about anything in terms of
5 programs out on the streets and so on, we are the
6 center of that heroin program and heroin stash. As
7 long as we're that, we are going to be a center
8 where people are going to come to buy drugs and use
9 drugs and so on. The Health Department, our Health
10 Department, is going to have to be very much aware
11 of what's needed to be done. So I commend you on
12 that. That resisted, by the way. You resisted all
13 of the bad publicity, all of the stuff that came
14 down, and I've got to say the Mayor resisted it and
15 you resisted it, and I commend you for that process.

16 MR. BENCIVENGO: Thank you.

17 COUNCILWOMAN TASC0: Thank you very
18 much.

19 Are there any other questions?

20 (No response.)

21 COUNCILWOMAN TASC0: There being none,
22 thank you very much.

23 The Chair recognizes and calls the
24 Office of Emergency Shelter Services.

25 Good afternoon.

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2 MR. HESS: Good afternoon, Madam Chair.
3 Mr. Hess, Deputy Managing Director for Special Needs
4 Housing.

5 COUNCILWOMAN TASC0: Yes. Mr. Hess, I
6 requested that you come back because I have been
7 requested by two gentlemen who are social workers in
8 this office have asked to testify and I need to have
9 you here to respond to their questioning. And I
10 have some questions.

11 So we'll ask Mr. Glen Davis and Mr.
12 Glen Reed and Victor McDavis to come forward. They
13 have testimony.

14 Good afternoon. Would you identify
15 yourself for the record as you proceed to testify?

16 MR. REED: Yes. Good afternoon. My
17 name is Glen Reed, and I'm a social worker too at
18 the Office of Emergency Shelter and Services, and I
19 work in the Emergency Relocation Unit.

20 MR. MCDAVIS: My name is Victor McDavis
21 and I'm a social worker too, and I work as a case
22 manager at the Office of Emergency Shelter and
23 Services.

24 COUNCILWOMAN TASC0: Do you want to
25 testify? You have some comments you want to make?

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2 MR. REED: Yes. The reason why we're
3 here today is because we feel that City Council
4 should be aware that currently at the Office of
5 Emergency Shelter and Services, we have a crisis
6 there. The service that we're giving the citizens
7 of Philadelphia, I don't think we're doing the best
8 job that we can. I think if people like myself and
9 Mr. McDavis, if we don't come here and notify City
10 Council of what's going on, I think that it will be
11 continuous and it will go into year 2004, 2005.

12 I have been working for the City of
13 Philadelphia for 14 years, and I've been working at
14 the Emergency Shelter and Services back when it was
15 called OSHA. We're not here necessarily to ask for
16 more money. We think that the money, whatever it is
17 that you determine our office should have, I think
18 we can spend it better.

19 I think that presently our concerns are
20 how our clients are being treated at the Office of
21 Emergency Shelter and Services. I think that there
22 are a number of issues that need to be addressed.
23 We've tried to address it at our office for years.
24 It's come to a point where I think that we needed to
25 bring it to City Council's attention. Because I

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2 think if they found out what's going on from the
3 people they represent, I think that they would want
4 to hear what's going and want to intervene.

5 We made a statement that we brought
6 along with us.

7 COUNCILWOMAN TASC0: Do you want to read
8 that, please? I think it would be more specific.

9 MR. REED: Yes. We wanted to take you
10 through the intake process at the Office of
11 Emergency Shelter and Services.

12 Starting on the first page, it says, if
13 you and your family were applying at OESS for
14 emergency shelter or services today, this is what
15 you would go through.

16 First, if you had a young child in a
17 baby coach, when you arrived at 141 North Juniper,
18 you would have to lift your baby coach up six
19 concrete steps to get into the office. Hopefully,
20 no one in the party is handicapped and confined to a
21 wheelchair, because the handicap lift rarely works.

22 Once your family is in the building,
23 everyone is frisked by security and given a number
24 that's handwritten on cardboard and told to have a
25 seat in the waiting room until your number is

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2 called. The wait could be anywhere from a few
3 minutes to the entire day. The length of the
4 waiting period also depends on what time you arrive
5 and who's working the front window.

6 When your number is finally called, the
7 person you encounter in the front window is a
8 service rep. The service rep will ask you what
9 service you're applying for at OESS that day. The
10 service rep has the power to grant or deny you
11 service. If the service rep determines that your
12 are absolutely having a housing problem, then the
13 service rep will place you on the appropriate log
14 sheet and enter some of your personal information on
15 the computer. Some of the questions the service rep
16 asks while you're standing in line in front of other
17 people, questions like: What is your name? What is
18 your social security number and birthday? Do you
19 have any medical problems and do you take any
20 medication? Do you have any mental health issues?
21 Are you pregnant? Are you a veteran? The questions
22 continue.

23 Answering the above questions in an open
24 area, we feel, is a breach of confidentiality. And
25 we believe it's dehumanizing to stand at the window

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and tell your personal information where other people can hear you.

Once the service rep determines you are eligible for shelter, you are given an orientation date, which is when you will first speak to a social worker for an assessment of your housing emergency. The orientation is usually scheduled anywhere from three to four weeks later. In the meantime, you are placed in the shelter paid by the City. There is no assessment done. There is no counseling. There's no hard copy record. OESS may be found liable for placing clients who were not assessed with permanent shelter residence. In other words, for example, we had a child molester placed in a shelter that was for families. Also, since you have not yet spoken to a social worker, you are not required to pay shelter fees and you're not required to save your money.

Now that you and your family are placed in the shelter, depending on available shelter space, you and your family may be sleeping in a single room, a lounge area or any space at a shelter that can be transformed into a sleeping area. The dilemmas that we see that are connected to the

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2 example that we just gave you earlier is, first,
3 there are not enough social workers and support
4 staff at OESS in the intake unit to assess and
5 address the volume of residents seeking emergency
6 housing.

7 Number two. On any given day, there are
8 not enough shelter vacancies to accommodate the
9 daily client demand.

10 Number three. There are not enough
11 social workers in the shelters to adequately address
12 the intensive case management needed at the shelter
13 for the residents.

14 Number four. Resources at the shelters
15 have been cut back by OESS, which limits the ability
16 of social workers to provide essential services to
17 shelter residents. For example, there have been cut
18 backs at many shelters resulting in the suspension
19 of immediate on-site drug testing. Funds for
20 on-site drug testing and alcohol counseling have
21 been taken away from many shelter provider budgets.
22 It should be noted that drug and alcohol screening
23 is a powerful tool that is essential when dealing
24 with many of the chronically homeless. If an
25 on-site drug and alcohol screening -- if it's not

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done in a timely manner, there is no way to determine a client's real sobriety.

Number five. Once a family has been in shelter a minimum of 30 days and has saved \$450 in their OESS saving account, they are eligible to apply for transitional housing. However, there is a lack of transitional housing vacancies. Eligible clients in shelters are currently on a waiting list. The wait may extend up to several months. Delaying a client's departure from shelter is costly to the City and money and man hours.

Number six. There are not enough permanent housing programs to meet the current demand of the clients in shelter and those displaced by building emergencies. It should be noted there are a large number of clients entering the shelter system on a daily basis, yet there are limited opportunities to exit the shelter system and move into safe, secure, affordable housing.

Number seven. On November 12th, 2002, OESS informed the social workers in the Emergency Relocation Unit that they were spending too much money from the Philadelphia Emergency Relocation account. The social workers were instructed to

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2 decide which clients who have housing emergencies
3 are most deserving of OESS Relocation money. In
4 other words, no longer is the fact that you have a
5 verifiable housing emergency enough to qualify you
6 for a relocation payment. Your eligibility depends
7 on the social worker's discretion. Also, depending
8 on unknown variables, some clients are subject to an
9 income guideline. In fact, it is true that there
10 has been a substantial increase in the money used to
11 relocate residents with building emergencies.
12 However, according to the audit in 2002, the
13 increase came from expenditures authorized by
14 management, not social workers. For example,
15 social workers are limited to making payments of no
16 more than \$750. During the audit period, 33 clients
17 received benefits of over \$1,000, for a total of
18 \$150,803, or 36 percent, of the total expenditures
19 through March 2002.

20 Number eight. It should also be brought
21 to the attention of City Council that the current
22 chain of command and the insertion of the Office of
23 Adult Services/Housing Support Center has made
24 rectifying problems at OESS painfully difficult. We
25 currently have four directors, one deputy director,

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a deputy managing director and three assistant deputy managing directors. Resolving issues at OESS is chaotic and almost impossible.

COUNCIL PRESIDENT VERNA: Thank you.

The Chair recognizes Councilwoman Tasco.

COUNCILWOMAN TASCO: Thank you.

Mr. Hess, you have an opportunity to respond. I guess the question I want to ask is, what is the Office of Adult Services and what is the relationship between the Office of Adult Services and OESS? And how is OESS funded and where do the employees come from?

MR. HESS: Thank you, Councilwoman.

First, let me say that there is not an Office of Adult Services. However, under the previous Managing Director, Estelle Richman, created essentially an adult services structure that includes OESS, Riverview Home, the Office of HIV Planning, and the Housing Support Center, as well as the administrative support functions associated with each of those operating units under the kind of overall heading of Adult Services. And I'd be pleased to provide you with a copy of that organizational structure. We can do that this

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2 afternoon, if you'd like.

3 COUNCILWOMAN TASC0: The Managing
4 Director organized this. Was it done through the
5 Executive Order of the Mayor? It's a new
6 department?

7 MR. HESS: Councilwoman, it was not. My
8 understanding is that there was an Executive Order
9 that was prepared to create the Office of Adult
10 Services that included the same operating units I
11 just described, and that is still pending action in
12 the Mayor's Office. But in reality, it is true that
13 the structure has been largely operationalized.

14 COUNCILWOMAN TASC0: What does that
15 mean?

16 MR. HESS: I will give you a copy of the
17 organizational structure. It means that it is
18 essentially in place. It is real. It does not have
19 any budget authority, obviously. The budget
20 authority goes through OESS and DHS in this case.

21 COUNCILWOMAN TASC0: Who is the head of
22 the Office of Adult Services?

23 MR. HESS: Again, there's not an Office
24 of Adult Services, but Adult Services in general was
25 assigned to me as the Deputy Managing Director out

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2 of the Managing Director's Office.

3 COUNCILWOMAN TASC0: So you have Adult
4 Services comes under you; you're the director?

5 MR. HESS: That is correct.

6 COUNCILWOMAN TASC0: And then who is in
7 charge of Emergency Shelter, OESS?

8 MR. HESS: Joe Mitchell is the Director
9 of OESS.

10 COUNCILWOMAN TASC0: Now, this
11 department exists without an Executive Order?

12 MR. HESS: That is correct.

13 COUNCILWOMAN TASC0: Shouldn't an
14 Executive Order be executed prior to the creation of
15 a department? Who is from the Administration?

16 MR. HESS: I think the intent,
17 Councilwoman, of the previous Managing Director was
18 to create this operating configuration that would
19 ultimately become an office, if and when the Mayor
20 signed the Executive Order. And I know that this is
21 an issue that the current Managing Director is
22 working on.

23 COUNCILWOMAN TASC0: Mr. Dubow, do you
24 have any response to the question about this
25 department?

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2 MR. DUBOW: (Inaudible. No microphone.)

3 COUNCILWOMAN TASC0: Okay. So you
4 expect an Executive Order to come down fairly soon?

5 MR. HESS: I wouldn't want to speak for
6 the Mayor on that, Councilwoman. I have not had a
7 conversation with the Mayor about it. I do know
8 that the Executive Order was drafted sometime ago
9 and it is in the Mayor's Office pending disposition,
10 and that's the extent of my knowledge.

11 COUNCILWOMAN TASC0: Now, what about
12 some of the other concerns that were raised by these
13 two gentlemen?

14 MR. HESS: With respect to the intake
15 process that was described, which I think was
16 directed toward the family intake system, we share a
17 number of those concerns. And, in fact, the
18 Director of OESS has been working with the RGI folks
19 to begin a process in collaboration.

20 COUNCILWOMAN TASC0: What's RGI?

21 MR. HESS: Reinventing Government
22 Initiative. To begin a process that would be
23 collaborative with management staff and union
24 representation to review the intake processes and
25 operational practices and to make some

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2 recommendations for changes in that area.

3 COUNCILWOMAN TASC0: When do you think
4 that will take place?

5 MR. HESS: Well, we had hoped that it
6 would have already started. It is ready to start.
7 My understanding is that as soon as there is union
8 representation assigned to that process, it will
9 begin.

10 I'm reminded that this is especially
11 timely for us because, as you may know, we've just
12 begun developing and instituting a brand-new
13 homeless management information system. And so it's
14 critical to the implementation of that new system
15 that we redesign the processes, the operational
16 process, of intake now.

17 COUNCILWOMAN TASC0: Is there a way for
18 you to provide some privacy area during the intake
19 process? I'm particularly concerned and share with
20 these gentlemen the sharing of personal information
21 in a room where everybody can hear it. Is there a
22 way to provide some privacy for clients when they
23 come in?

24 MR. HESS: There is. The current kind
25 of physical facility is far from ideal in this

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2 regard. There are not, for example, private
3 interview rooms.

4 COUNCIL PRESIDENT VERNA: Couldn't you
5 install cubicles, like partitions?

6 MR. HESS: There are cubicles. Yes,
7 Madam President. There are, in fact, some
8 partitions there that do offer a better interview
9 space than certainly was described to you at the
10 front desk. And I will be delighted to talk to the
11 director and the administrator to see if we can
12 effect some change there. But that has been an
13 ongoing concern.

14 COUNCIL PRESIDENT VERNA: Councilwoman,
15 while we're on that and we're going down this list,
16 if I may.

17 How about the handicapped and those who
18 are confined to a wheelchair? If we ask everyone to
19 make certain that their building is handicapped
20 accessible, why wouldn't your office be handicapped
21 accessible?

22 MR. HESS: Well, again, it was poorly
23 designed in terms of the entrance. There is a
24 handicap lift side of the building. The handicap
25 lift currently works. There have been maintenance

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2 issues with respect to the lift over the last six to
3 eight months that I'm aware of, and perhaps longer.

4 COUNCILMAN ORTIZ: Currently?

5 MR. HESS: Currently it works.

6 COUNCILMAN ORTIZ: That means it really
7 doesn't work very often.

8 MR. HESS: Well, there was a period of
9 time when there were some significant maintenance
10 issues. As it turns out, what had apparently
11 happened is the lift had aged. When it aged, it
12 would still work if there was nobody in it, but the
13 belts became loose and the pulleys, I guess, were
14 not adjusted properly. So if you actually got
15 somebody in it that had any weight to them at all,
16 it wouldn't go up all the way. So there was a
17 period of time when it was necessary to get the
18 thing re-engineered and the maintenance taken care
19 of so that it works properly. It's my understanding
20 it does work properly now. But it is less than
21 ideal.

22 The truth is that there are six steps
23 that you have to walk up to get into that side of
24 the building. Because of the design of that side of
25 the building and the configuration of the street

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2 being directly in front of that space, you really
3 can't put in a handicapped ramp, and so you're kind
4 of left with the steps and the lift. And, again, it
5 is truthfully far from ideal, but it does work.

6 COUNCIL PRESIDENT VERNA: Well, when the
7 lift is not in operation, how is a client serviced?

8 MR. HESS: There have been a couple of
9 occasions that I'm aware of when the lift has not
10 been in service and we were able to redirect folks
11 to 1321 Arch Street where there is an accessible
12 building to interview folks. But, again, that's not
13 an ideal situation.

14 COUNCILMAN COHEN: Point of order, Madam
15 President.

16 COUNCIL PRESIDENT VERNA: The Chair
17 recognizes Councilman Cohen for a point of order.

18 COUNCILMAN COHEN: Mr. Dubow is ready to
19 report on the meeting that took place before. It
20 seems to me the testimony involving this is going to
21 take some time. I'm wondering if we could interrupt
22 the testimony for just a moment or two to permit Mr.
23 Dubow to report to Council on what he's doing to
24 resolve the records problem, and then permit him to
25 go back to work on the problem.

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2 Could we have that moment, a minute or
3 two for Mr. Dubow at this point?

4 COUNCIL PRESIDENT VERNA: Well, he could
5 certainly report what they're doing after we hear
6 from this group. But, Councilman, I'll go along
7 with your request. I think it's not going to be
8 worked out this afternoon.

9 COUNCILMAN COHEN: No, it's not going to
10 be. That's what he wants to briefly report, but he
11 wants us to know.

12 COUNCIL PRESIDENT VERNA: Mr. Dubow,
13 give us your words of wisdom, please, how you're
14 going to correct this issue.

15 MR. DUBOW: We have set up a meeting
16 with Mr. Godbolt for next Tuesday morning. I think
17 the remaining outstanding issue is what constitutes
18 a reasonable cost for him, and we're going to go
19 through costs with him so that we can reach an
20 agreement on what's reasonable.

21 COUNCILMAN COHEN: Thank you. We have
22 no questions. We wish you well. But remember the
23 budget of the Records Department is at stake.

24 MR. DUBOW: Okay. Thank you.

25 COUNCILMAN COHEN: Thank you.

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2 My apologies to those testifying,
3 because you have an extremely important issue that
4 you're dealing with currently.

5 COUNCIL PRESIDENT Verna: Councilwoman
6 Tasco, I think I interrupted you because I wanted to
7 ask a question, so would you please proceed with
8 your questioning?

9 COUNCILWOMAN TASCO: I'm looking at
10 this. This is not your question. I think what we
11 need to do is have some follow-up on this because a
12 lot of this has to do with the Administration. So I
13 won't belabor you with this because you did not
14 create this. You're the executive director. But it
15 certainly has to be addressed by the Administration
16 as I look at this sheet. Because some of the issues
17 that have been raised here by these gentlemen also
18 have issues relative to who do they report to. Is
19 it the Office of Emergency Shelter or to the Office
20 of Adult Services? Who's in charge?

21 MR. HESS: With respect to the staff
22 members within the Family and Single Shelter
23 Services, they all report to the OESS Director
24 through supervisors and administrators.

25 With respect to Mr. Reed, who is

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2 assigned, I believe, to the Relocation Unit, that
3 unit is housed within the Housing Support Center,
4 which reports to the director, who is Jerry Devine.
5 However, in his case we're still going through the
6 union notification meet and discuss process,
7 negotiation process for work rules and so forth.
8 Because it's envisioned that there will be staff
9 members in the Housing Support Center that
10 historically have been assigned to OESS, and other
11 staff members that have historically been assigned
12 to DHS.

13 The concept of the Housing Support
14 Center is that a number of social service agencies
15 have historically had housing units, and those
16 housing units have been disconnected. And so for
17 example, you might see someone come in to emergency
18 shelter and need drug and alcohol treatment and go
19 to CODAAP and get that treatment through a provider,
20 end up in a recovery house for six to nine months,
21 and then kind of be discharged from that recovery
22 house without a housing plan. What then likely
23 happens is that person may relapse and end up back
24 in the shelter system.

25 What we're trying to do -- and it is

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2 admittedly a new concept, but what we're trying to
3 do with the Housing Support Center is have a single
4 point of entry for housing resources beyond
5 emergency shelter and to coordinate those activities
6 so that in the example that I gave you, for example,
7 before that person left the recovery house, they
8 would leave with a housing plan that would get them
9 into either transitional or permanent housing to
10 make it less likely that they're going to relapse,
11 less likely to end up in the shelter system again.
12 That's the concept. But in order to do that, it
13 takes kind of an unprecedented effort of staff
14 members that have historically been in different
15 departments working together in the same unit. And
16 we're, frankly, still trying to figure out how to
17 make that work effectively. But the concept, we
18 believe, is sound, to bring all housing resources
19 together, other than emergency shelter, under one
20 gatekeeping operation so that there's kind of a
21 seamless delivery of services and people don't fall
22 out of one system inadvertently and end up
23 ultimately back on our streets or back in our
24 emergency shelter system.

25 MR. MCDAVIS: Excuse me, Chairwoman

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2 Verna. Can I reply?

3 COUNCIL PRESIDENT VERNA: Please
4 identify yourself for the record, please.

5 MR. MCDAVIS: My name is Victor McDavis.
6 I'm a social worker at OESS.

7 COUNCILMAN COHEN: Mr. McDavis, can you
8 speak directly into the microphone?

9 MR. MCDAVIS: I want to bring to your
10 attention -- I have a copy of labor management
11 meeting minutes from November 27, 2002. These
12 minutes were actually written by someone from Mr.
13 Hess's staff, so these are the official minutes.

14 It states, "In the meantime, Ms. Stock,
15 2187 President, has asked Mr. Devine to refrain from
16 meeting with his staff in order to discuss the
17 housing operation plan. All of the necessary
18 information can be shared with the union stewards
19 who will then pass on the information to other
20 members. Mr. Devine said that he would comply with
21 the union's request."

22 What's at issue is not the nature of
23 exactly what Mr. Hess is planning or what the Mayor
24 may sign off on. What's at issue is the fact that
25 the plan has been implemented without, one, the

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2 Mayor signing off on it; and, two, without it being
3 negotiated in terms of our work rules and changes
4 with the union. This has not happened. And so you
5 have a situation with my colleague here, Mr. Reed,
6 who previously reported to the Director of OESS and
7 in the minutes, as is stated, that Mr. Hess has
8 agreed, along with Mr. Devine, not to have our
9 members report to Mr. Devine. So in essence, who
10 does Mr. Reed report to?

11 What I'm saying is, is that we have a
12 plan, we have a new structure, but none of this has
13 been fully implemented. Even the housing center.
14 It sounds good on paper, but none of this has been
15 negotiated. None of it has been put into place.
16 And basically what you still have is basically the
17 same OESS structure, but you just have a different
18 level of management. Now that's supervising staff
19 that were previously part of OESS.

20 COUNCILWOMAN TASCO: Madam President, I
21 might want to suggest that we have the Managing
22 Director come and explain to us what is going on,
23 and someone from the Administration to talk about
24 this new creation.

25 COUNCIL PRESIDENT VERA: Fine. I think

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2 we need that.

3 At this time, the Chair recognizes
4 Councilwoman Blackwell.

5 COUNCILWOMAN BLACKWELL: Thank you,
6 Madam President.

7 I would like to apologize to Mr. Reed
8 and to Mr. McDavis. I've heard this three or four
9 times and I've spoken with Mr. Hess and, I believe
10 in one meeting, Mr. Schaffer, about this, and
11 certainly this was before Estelle left. So it's
12 been several months ago. And I've heard these
13 complaints. I've heard others about Mr. Devine.
14 I've heard the fears of Joe Mitchell going back to
15 Seattle. I've heard so many of these complaints
16 before about Mr. Brazil (ph) being needed and losing
17 his position. I've tried to meet with Mr. Hess, and
18 he will agree to that. And I thought that we were
19 on a road to resolving things, but the issues you
20 gentlemen bring before us today are the same issues
21 we talked about in detail. I mean, the exact same
22 issues you brought to us before; the social workers,
23 intake, screening, social workers, people being
24 placed for weeks without being diagnosed, those with
25 DNA problems not even having to take urines so that

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2 we know who is with who, a person accused of a rape
3 is in with general population. All of these issues
4 we talked about before and I talked to Mr. Hess
5 about. I owe you an apology because I thought they
6 were being addressed.

7 I wanted to be used as somebody to try
8 to bring us together to get them solved. And,
9 obviously, any time you have come here today before
10 the whole Body, you feel they haven't. And
11 certainly we want to make sure that you are
12 protected, that your jobs are protected.

13 I know it takes a lot of courage to
14 fight for what one believes in, even given the fact
15 that you have long years of service. And it takes a
16 lot of courage to come forward for the defenseless
17 and the voiceless who otherwise would be just left
18 after. So I applaud you for that.

19 And certainly, Mr. Hess, obviously,
20 these issues haven't been resolved or they wouldn't
21 be here, since these are the exact same issues. I
22 agree with Councilwoman Tasco that some of us have
23 to sit down now in a larger forum and deal with each
24 of these issues.

25 Frankly, I'm disappointed. Every

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2 country is judged by the way it takes care of its
3 poor. In America it's what we're supposed to pride
4 ourselves on. And, as you know, all of you know,
5 this is my issue. I'm just disappointed that we are
6 still here and that we don't have some of these
7 basic issues of service resolved. Maybe at this
8 point what we need to do is, as was suggested, have
9 a group of us, Mr. Reed and Mr. McDavis, involved in
10 the meetings, yourself and whoever you deem, Mr.
11 Hess. Certainly the people we've heard of, Mr.
12 Devine complaints, and Mr. Brazil with fear of being
13 moved, and Mr. Mitchell who wants to stay and is
14 afraid he's got to leave. I hear them all over and
15 over and over and over and over and over. But like
16 I said, I'm just disappointed. So I don't know who
17 else would need to be involved. But we absolutely
18 need to immediately sit down to meet with these
19 issues and to resolve them.

20 We can't treat people any way other than
21 decently and with dignity and give them hope. A
22 person shouldn't be homeless already and come into a
23 place and be insulted or not respected. They're
24 already victims one time or two times or three times
25 when we meet them, and so we have to do our part to

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respect them.

I applaud these men for coming forward,
and again apologize that they felt they had to
mention these same issues that they've mentioned to
me at least three times in the last six months.

So, Madam President, I concur. I agree
with my colleague, Councilwoman Tasco, that some of
us need to sit down in a meeting immediately, in the
next week to 10 days to deal with this issue and all
the issues here point by point with the plan of
resolving them.

COUNCIL PRESIDENT Verna: Well, I notice
Ms. Wilkerson just walked into the room and maybe
she could be assistance in that too.

COUNCILWOMAN BLACKWELL: Thank you. I
agree.

COUNCIL PRESIDENT Verna: Councilman
Ortiz.

COUNCILMAN ORTIZ: Thank you, Madam
Chair.

Mr. Hess, you were here before just a
couple weeks ago.

MR. HESS: Yes, Councilman.

COUNCILMAN ORTIZ: We asked a lot of

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2 questions and you didn't give us the right answers.
3 That makes us angry. At least me. This is more
4 than testimony. This is an indictment of the way
5 you run the place. And I'd like an answer in
6 writing on each of these things. It's not 10 days.
7 I think you and your staff have to sit down and put
8 together an answer to each one of these, what is the
9 plan, what is the solution, and bring it before this
10 Council. This is going to be resolved right here.
11 You're going to present this so that people and the
12 homeless and the poor of this City can have some
13 sort of faith in the institutions that are supposed
14 to treat them. This is not going to be resolved by
15 committees or whatever. This is going to resolved
16 by you presenting to this Council in front of us and
17 in front of the public how these questions that have
18 been raised are going to be resolved. This is
19 shameful. It's shameful that a sex offender, a
20 child sex offender, is put into the population. If
21 anything had happened to any kid there -- I don't
22 know how you could live with yourself if anything
23 had gone down.

24 I am saying to you -- I'm not going to
25 go through this because I think we would have you

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2 here all day. It isn't 10 days. You sit down. You
3 answer these questions. You resolve these issues.
4 You come back to this City Council with a plan of
5 how it's going to resolve. And if it's more money,
6 what resources are needed? And if you say you can't
7 get them, you better put that down too. You say we
8 can't do that because there is no money. Resources
9 will not be allocated for that. You put that down.

10 MR. HESS: Councilman, we'd be happy to
11 do exactly that. I'll look forward to the
12 opportunity to give you a full and complete answer
13 to each and every one of these questions. We look
14 forward to that. I would really appreciate having a
15 copy of each of the questions and allegations so
16 that we can look into them thoroughly and so we can
17 respond completely and honestly.

18 COUNCILMAN ORTIZ: I'll bring the
19 minutes of your last testimony here. Because we
20 asked questions, and answers were not given.

21 Thank you, Madam Chair.

22 COUNCIL PRESIDENT VERNA: Mr. Hess.

23 MR. HESS: I'm not aware we didn't.

24 COUNCILMAN ORTIZ: We asked the
25 conditions of intake. None of these problems were

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given.

MR. HESS: Councilman, I will re-look at those answers and expand on them.

COUNCIL PRESIDENT VERNA: Mr. Hess, do you have a copy of the list?

MR. HESS: I do not, Madam President.

COUNCILWOMAN TASC0: I'd like to say this is a twofold problem. What we ought to have, Mr. Hess, in addition to answering the issues that have been raised, is the plan of operation of OESS. What happens to a client from the day they walk in? And as you all -- that department -- reviews the entire process, look at what happens to a client. Where it happens to him. How it happens. So that you can assess the quality of service that the client is needing. If the quality of service is not what it should be, then you all need to look at what it takes to make the quality of service better for the client.

The other issue is not yours. The other is an Administrative issue, that we have some issues around. I think that Ms. Wilkerson is here. We can ask her about the organization. And it's not your doing. It was the Managing Director who did it.

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2 But you are in charge of the department.

3 So we want to look at the entire service
4 -- quality of service for clients who come into the
5 City to receive service, how is it? What is it? Do
6 you agree with what's going on? Numbers on a
7 cardboard box is not good enough. There are tickets
8 you can buy. Just look at what happens to an
9 individual, whether they're homeless, whatever, an
10 emergency from a fire. They have to be treated with
11 dignity. Your staff has to understand that. And
12 you have to put the proper service pieces in place
13 so that the quality of service is delivered in a
14 dignified way. And I'm sure that you want that.
15 I've worked with you before. We understand the
16 concerns raised by these gentlemen.

17 I think once we come together and kind
18 of talk about all of that, we can work it out.
19 You've got to have some delineation of who these
20 people report to. Who do they report to? Where do
21 they go? That has to be worked out. You just can't
22 take forever. You're just going to have to take the
23 initiative to do it.

24 MR. HESS: We agree and understand,
25 Councilwoman.

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2 COUNCILWOMAN TASCO: Thank you.

3 COUNCIL PRESIDENT Verna: Thank you.

4 Ms. Wilkerson, if you don't mind taking
5 the witness table, I think Councilwoman Tasco has
6 some questions that she would like to ask you.

7 MS. WILKERSON: My name is Joyce
8 Wilkerson. I'm Chief of Staff.

9 COUNCIL PRESIDENT Verna: Councilwoman
10 Tasco.

11 COUNCILWOMAN TASCO: Ms. Wilkerson, some
12 issues have been raised by some of the staff members
13 from OESS relative to the Office of Adult Services.
14 I understand that this department should be
15 established by an Executive Order. Could you give
16 us the status of that Executive Order?

17 MS. WILKERSON: I didn't know that would
18 be an issue today. I will check on that and try to
19 get back to Council within the next day or so on
20 that. I don't have an answer now.

21 COUNCILWOMAN TASCO: All right. That
22 just came up during the course of a call-back and we
23 do need a discussion about that because there's some
24 confusion about labor issues and -- I mean, you all
25 have the authority and the right to work out, but

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2 it's been two years, I understand, and I think we
3 will need to find out how it's going to be resolved.

4 MS. WILKERSON: All right.

5 COUNCIL PRESIDENT Verna: Thank you.

6 Does anyone else have any questions?

7 Councilwoman Blackwell.

8 COUNCILWOMAN BLACKWELL: Thank you,
9 Madam President.

10 May I request that during this meeting
11 perhaps we can talk about other organizational
12 issues that have been brought to my attention so
13 that we have a full airing and can report back to
14 the Council with regard to all these issues, as well
15 as the Housing Support Center and other
16 organizational issues that have arisen?

17 MS. WILKERSON: All right.

18 COUNCILWOMAN BLACKWELL: Thank you.

19 Thank you, Madam President. I don't
20 know who else might want to sit in, but we can
21 coordinate through the Chief of Staff's office to
22 schedule that meeting. Is that all right?

23 MS. WILKERSON: I'll take responsibility
24 for setting that up.

25 COUNCILWOMAN BLACKWELL: Thank you.

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2 COUNCIL PRESIDENT VERNA: Councilman
3 Cohen, this is regarding OESS.

4 COUNCILMAN COHEN: Concerning what?

5 COUNCIL PRESIDENT VERNA: OESS, Office
6 of Emergency Shelter Services.

7 COUNCILMAN COHEN: I wanted to know
8 what's the impact of the cuts in the Rendell
9 Administration on the availability of shelter beds.
10 Is there any impact on that?

11 MS. WILKERSON: Yes. I think Mr. Hess
12 can respond more directly. This is one of those
13 areas where the Rendell cuts will have a fairly
14 devastating impact.

15 MR. HESS: Councilman, the effect of the
16 state cuts as they currently stand could be as much
17 as the loss of about 900 shelter beds. So we are
18 diligently working with the Budget Office and the
19 Division of Social Service folks to figure out how
20 to mitigate some of that devastating effect.

21 COUNCILMAN COHEN: That 900 would be on
22 top of the 200 that the Street Administration itself
23 cut last year; is that correct?

24 MR. HESS: Actually, I think they've
25 been largely added back. But yes.

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2 COUNCILMAN COHEN: They've been largely?

3 MR. HESS: Added back to the system.

4 The reductions we were able to take last year as a
5 result of the census going down for the year, that
6 trend changed in June and has been an upward
7 increase in singles, also, and families experiencing
8 homelessness in our City of 5 and 8 percent this
9 winter. And so for next year's budget, at the
10 request of Councilwoman Blackwell, and after
11 consultation with the Mayor and others, we have
12 added back those beds and some additional beds from
13 other systems, principally DHS and Behavioral
14 Health.

15 COUNCILMAN COHEN: What happens now when
16 a person needs shelter? What happened in the height
17 of the winter, say, in February of this year? Was
18 there a shelter, a bed, available for everyone who
19 needed it?

20 MR. HESS: There was. We did have to
21 open a couple of rec centers at certain points
22 throughout the winter to be able to handle the
23 overflow, but we worked closely with the Department
24 of Recreation to make those facilities available.
25 And we were able to provide shelter to those that

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needed it.

COUNCILMAN COHEN: How much of the cost is covered by the state currently, say, in this year's budget?

MR. HESS: About 30 percent. Now, the reductions in the state budget as they've currently been passed is about \$4-and-a-half million.

COUNCILMAN COHEN: Out of what amount that had been budgeted last year by the state?

MR. HESS: I'm going to ask Rick Schaeffer, the Administrative Services Director, to give you greater detail on that.

MR. SCHAEFFER: Good afternoon. I'm Rick Schaeffer. I'm the Director of Administration for OESS.

Councilman Cohen, in Fiscal Year '03, we have two main state grants for homeless services. One is a Homeless Assistance Program. That grant is approximately \$7.9 million in this fiscal year. And the Human Service Development Fund, the HSDF Grant, is approximately \$4 million. So the total this year is about \$12 million.

COUNCILMAN COHEN: How is that impacted by the proposed Rendell budget?

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2 MR. SCHAEFFER: As it stands now, the
3 HSDF grant, which is this year about \$4 million,
4 would be eliminated. And there is a proposed 5
5 percent reduction in the HAP grant, so that would be
6 about a 4 or \$500,000 cut.

7 COUNCILMAN COHEN: And your
8 interpretation is that that will cause a reduction
9 of 900 beds out of how many that are presently
10 there?

11 MR. HESS: I think for this coming year,
12 Councilman, we had budgeted around 2,200 -- I'm
13 sorry. 2,300. We'll have to move some money
14 around. But strictly if you looked at the bed cost
15 and how that would be impacted by a \$4-and-a-half
16 million cut, we would lose 900 beds.

17 COUNCILMAN COHEN: Out of how many?

18 MR. HESS: Out of 2,300.

19 COUNCILMAN COHEN: It just seems
20 disproportionate to the loss. It's serious, I admit
21 that it, but it would not seem to me to impact that
22 much if the state share of the cost is only 30
23 percent.

24 MR. HESS: Well, part of it has to do
25 with how the money can be spent and what funding

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2 sources it's coming from. Admittedly, we would have
3 to move money around because we could not absorb the
4 loss of 900 beds. I can't imagine that would
5 happen. But when we responded to the state as to
6 what the impact would be, that was our position,
7 that the impact would be the loss of up to 900
8 shelter beds.

9 COUNCILMAN COHEN: Now, what has the
10 Governor done with respect to that portion of the
11 state budget? Has he approved that?

12 MS. WILKERSON: That portion of the
13 state budget has been enacted. It was part of the
14 original budget proposed by the Governor. It
15 entailed about a \$100 million in cuts for
16 Philadelphia. The homeless services are just one of
17 the many areas that are substantially impacted.
18 What the Administration is involved with now is
19 lobbying hard, trying to restore the cuts, and we're
20 also working to prioritize where we would actually
21 take cuts if that actually comes to pass. We're
22 taking a hard look at our priorities and working to
23 get some of the money back.

24 COUNCILMAN COHEN: But the Bill has
25 actually been enacted?

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2 MS. WILKERSON: That's right.

3 COUNCILMAN COHEN: It's gone through the
4 Governor's office, in other words?

5 MS. WILKERSON: No. The Governor line
6 item vetoed certain elements of it, but the entire
7 \$100 million cut is in place. The Administration
8 circulated information about a little over a month
9 ago that detailed all the cuts across government.
10 But this is just one of those things that we're
11 having to react to. It's before this whole budget
12 process is complete. The Administration will likely
13 have to return to City Council with an amended
14 Five-Year Plan that reflects the loss of
15 \$100 million in FY '04, and it's going to be
16 recurring. So we're talking about a \$500 million
17 loss over the course of the Five-Year Plan. So this
18 is something that's devastating.

19 COUNCILMAN COHEN: Has that already been
20 enacted, is my question.

21 MS. WILKERSON: Yes.

22 COUNCILMAN COHEN: It's gone through the
23 Governor's office and the Governor did not veto his
24 original proposals for these cuts?

25 MR. DUBOW: The Governor has signed the

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2 budget. He did do a line item veto to take out all
3 education funding, so there are clearly discussions
4 that still have to go on at the state level before
5 the budget is enacted. It's going to have to be
6 amended. There's going to be a different budget at
7 the end of the process. So there's still a chance
8 that some of this stuff will get put back into the
9 budget. And we're engaged, as Ms. Wilkerson said,
10 in lobbying in Harrisburg to make sure that when
11 things are put back in, some of these crucial
12 services are funded.

13 MS. WILKERSON: But we can't understate
14 how serious it is for a lot of different parts of
15 government. OESS is hit particularly hard, but
16 after school programming is at risk, drug and
17 alcohol, as a lot of people know, has probably taken
18 one of the most substantial hits at a time when
19 we're seeing a run-up in the demand for additional
20 drug and alcohol services. This is a huge issue.
21 I'll recirculate the memo that details exactly where
22 in government we're looking at these cuts, but they
23 will be substantial, even under the best case
24 scenario.

25 COUNCILMAN COHEN: It's difficult to

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2 comment on that because it's unbelievable that the
3 Governor, who has been the Mayor of Philadelphia,
4 would have been as naive as apparently he was, and
5 that's putting it in the best light, when he
6 proposed a budget that everybody familiar with
7 politics knows the republican party would love. And
8 the more he condemned it as he presented it, the
9 more likely the republicans were going to view it as
10 a very desirable budget, and they did that. I don't
11 know whether he can work his way out of this or not.
12 We will see whether the Rendell magic of the past
13 works currently. I admit it creates all kinds of
14 difficult problems. But then we were in difficult
15 problems before that too, so it's a little hard to
16 evaluate.

17 MS. WILKERSON: Well, that's right.
18 Our situation was challenging. We've suffered the
19 run-ups in costs. We had a fire fighters' award
20 that adds \$30 million to the Five-Year Plan. It
21 wasn't there before. And when you add up all these
22 additional costs or lost revenues, the City's
23 situation is extraordinarily challenging.

24 COUNCILMAN COHEN: All right. I guess
25 at this time there isn't enough hard news from the

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2 state to know what's going to be the final story.
3 But I'm afraid that most of it has already been
4 written. There may be minor changes, but it might
5 get worse also, as well as having the possibility of
6 getting better.

7 MS. WILKERSON: I don't want to predict
8 what will happen up in Harrisburg. What we do know,
9 though, is that that's a situation that's not likely
10 to be resolved before we have to have a Five-Year
11 Plan in place and approved by PICA.

12 COUNCILMAN COHEN: Tell me about this
13 Five-Year Plan. You know, we passed it in very
14 routine fashion. Nobody takes it seriously at all
15 that I find in City Council. Maybe some members do,
16 but I haven't seen any indication of it. It's used
17 as a whipping board against Council. Later we're
18 told, well, you passed that in Five-Year Plan so
19 that you can't change a budget. I just find it as a
20 useful whipping lash that the Administration uses
21 against Council because you can move things in the
22 Five-Year Plan that nobody is paying too much
23 attention to, and then whip it out later and say,
24 yeah, but we proposed it and you approved it in the
25 Five-Year Plan.

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2 Suppose we don't do a Five-Year Plan,
3 what happens?

4 MR. DUBOW: The Five-Year Plan --

5 COUNCILMAN COHEN: Is that set up by the
6 PICA board?

7 MR. DUBOW: The Five-Year Plan is a
8 requirement of the PICA Act. And if we didn't have
9 a plan, then the PICA Board could declare that we're
10 in what's called a variance and they could stop the
11 flow of all state funds to us. So they have some
12 pretty dramatic tools to use against us.

13 COUNCILMAN COHEN: Have they ever done
14 that?

15 MR. DUBOW: No. We've always done a
16 plan.

17 COUNCILMAN COHEN: Who's on the PICA
18 Board?

19 MR. DUBOW: There are appointments by
20 the Governor and by the majority and minority leader
21 of each house, the State Senate and the House of
22 Representatives.

23 COUNCILMAN COHEN: Have they ever issued
24 any kind of a statement attacking Philadelphia for
25 its failure to do what it has to do under the

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Five-Year Plan?

MR. DUBOW: There was a time early in PICA's existence where they declared the City to be in variance because the City was projecting a deficit. And the first step in that process is reporting monthly. And so the City began reporting monthly and showed how it would get out of variance, so PICA didn't have to resort to any of the harsher tools that it can use.

COUNCILMAN COHEN: It seems to me often the Executive Office -- and this is not limited to the current Administration. It's true of every Administration since we've had the PICA law and probably before that. It's very common for a Mayor, whoever the Mayor may be, to work together with the state to try to clip Council's wings, if Council is doing something that the Mayor doesn't like. I think that's the reason we're in such trouble now. We taught the state how to carry out its role as a Super City Council. And so the state finally learned and began acting on its own, sometime when the Executive Office didn't want them to act. So I just think the City ought to stop using the state body as a method of controlling City Council.

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They ought to try to do it within the framework of the City.

You were saying we cannot afford to lose 900 beds, right?

MR. HESS: That's correct, Councilman.

COUNCILMAN COHEN: And I agree with that completely.

With respect to testimony of Mr. Reed and Mr. McDavis for a moment. Were Mr. Reed and Mr. McDavis here on their own, or were they here because you were presenting both sides? How did they happen to be at the witness table during the Administration presentation? I'm just wondering. I was about to congratulate you on a fine display of government activity to have both sides presented, to have criticism of your Administration at the same time as you're seeking support.

MR. HESS: If I had thought to do that, we would have invited them up. Maybe we'll do that next year.

COUNCILMAN COHEN: I was trying to figure it out. I thought their testimony was very helpful and useful in giving all of us a picture of what was happening.

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2 Are there differences between the labor
3 organization and your administration that have not
4 been resolved? Is that why they were here?

5 MR. HESS: There are certainly ongoing
6 discussions with the union, especially with respect
7 to the Housing Support Center, but also with respect
8 to the intake process and the family shelter
9 services. These are discussions that have gone on
10 for some time and I suspect will take a while longer
11 to get resolved. There is a need. A number of
12 areas are in transition, are changing. We're moving
13 much faster towards trying to reduce the average
14 length of stay, for example, in shelter and move
15 people into permanent housing faster with supportive
16 services. We had a significant amount of success
17 with that last year, thanks to our colleagues in the
18 Philadelphia Housing Authority. We need to continue
19 that. All those changes do create some degree of
20 tension and some degree of uncertainty and has to be
21 talked through and worked out.

22 Ultimately we are most concerned about
23 the quality of service we can provide to our
24 clients. There continues to be room for improvement
25 in that area in a number of ways. We're not going

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2 to sugarcoat that. We want to get it out. We want
3 to have those discussions. We want to work through
4 those issues and we want to make that happen. We
5 will continue to do everything we can to effect
6 those changes along the way.

7 Now, having said that, I'm not naive
8 enough to think that it will happen fast enough,
9 because clearly it has not happened fast enough
10 already. But we have made some very significant
11 strides in a number of areas that we try to present
12 to Council in our original testimony and we will
13 continue down that path.

14 COUNCIL PRESIDENT VERNA: Councilman
15 Cohen, I don't mean to cut you short, but I
16 understand Ms. Wilkerson is really pressured for
17 time. She has another commitment that's very
18 important.

19 COUNCILMAN COHEN: Is she going to be
20 here for the --

21 COUNCIL PRESIDENT VERNA: And I know
22 that you wanted her here, not for this issue, but
23 for another issue. So if you could please conclude
24 your questioning with Mr. Hess, we could then go on
25 to the other issue of concern to you.

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2 COUNCILMAN COHEN: Thank you. I'll be
3 pleased to do that.

4 Mr. Hess, I was very much impressed by
5 Mr. McDavis and Mr. Reed because they humanized the
6 issue for you. I think it often officialdom tends
7 to get lost in the work that's to be done and loses
8 human touch. So I was very grateful for the
9 testimony given by both and I would urge that you
10 continue your discussions with them until you've
11 reached joint agreement. I think their
12 contributions and those that they represent will be
13 very helpful. I hope the conclusions that are
14 reached satisfy everyone. Thank you.

15 Now, may I go on with the other question
16 to Ms. Wilkerson?

17 COUNCIL PRESIDENT VERNA: Just a moment,
18 sir. I believe Councilwoman Blackwell has a very
19 brief statement she wants to make.

20 COUNCILWOMAN BLACKWELL: Thank you.
21 Certainly we understand that we have -- that these
22 cuts could mean 130,000 meals for homeless people.
23 And we are absolutely concerned about how they
24 affect us because, frankly, 2,300 beds a night isn't
25 enough. When it's very cold we need at least 2,600

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2 a day. So 2,300 doesn't do it in the bad weather,
3 and I say that to the Chair and to my colleague who
4 asked how many people are being covered per day.
5 And I know in the summer months we like to make
6 lighter, about 2,200, which isn't enough, because
7 the weather changes. You have some people who go
8 in, but all of who work with homeless people know
9 you still have homeless people in the summer, even
10 though it's warmer. We still have more people than
11 we do beds, even though we cut back in the summer,
12 which I disagree with.

13 But having said that, we absolutely look
14 forward to the Chief of Staff scheduling this
15 meeting so that we can meet and talk about the
16 issues with the gentlemen present who have been
17 involved with this issue and who have been talking
18 about it for six months. It is of the utmost
19 importance that we resolve these areas. And I
20 believe, organizationally speaking, that a lot of
21 the stuff we can do with a sit-down meeting if we're
22 committed to making it happen.

23 Thank you, Madam President.

24 COUNCIL PRESIDENT VERNA: Mr. Hess,
25 thank you very much.

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Councilman Cohen.

COUNCILMAN COHEN: Ms. Wilkerson,

beginning several years ago during hearings held by the Law and Government Committee on health insurance provided to City employees, but basically to Council staff and Council employees, we discovered, at least it appears we discovered, that there are certain people left uncovered. We learned, for example, that an employee of long standing, if that employee continues to work instead of retiring, if that employee dies while on the job, his family would be left or her family might be left without any coverage at all. Whereas had the employee taken the course of retirement and died at the same time on retirement, the proposed benefits for the retired employee would continue for the length of time that the City guarantees it for the long-term employee, a five year period. And even that, the employee might be permitted to pay the cost of insurance to maintain it.

When the question was first raised innocently by myself, because the thought suddenly occurred to me, there was a sudden stop by the then Personnel Director. There was a pause. And then I

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2 said, what's the problem? She said she had to
3 discuss it. And the result of it was that we found
4 that apparently in the health insurance field, and
5 it applies to the City of Philadelphia, that if
6 you're an employee, you're covered by employee
7 benefits. If you're a retiree, you're covered by
8 the way they look at retirees. But if you're sort
9 of in between, an employee eligible for retirement,
10 but not retired and you die, you don't get the
11 benefits. Your spouse and your children don't get
12 the benefits that they would get, had you retired.
13 I don't know why that exists, but City Council got
14 that answer from the Personnel people. For two
15 years now, maybe three years we've been trying to
16 rectify that and the Administration has done nothing
17 about it. And it seems to me that Council is going
18 have to deal in some fashion with that question, at
19 least with respect to Council.

20 Now, is there any activity that you know
21 that's ongoing that may deal with it? We're told
22 that it doesn't even involve a matter of cost. That
23 the great likelihood is, that built into the present
24 payments by the City, are payments that would cover
25 this and that there might not be any cost. Or if

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2 there's a cost involved in covering the situation
3 that's uncovered, the cost would be very minimal.
4 But the City Administration takes the position that
5 it is the client of Independence Blue Cross and it
6 has forbidden Independence Blue Cross to even
7 discuss the issue with City Council or anyone else.
8 So we're out in a vacuum. I think that budget time
9 is the time when we've got to make some kind of
10 arrangements to see that this situation doesn't
11 continue.

12 So I raise with you, is there anything
13 ongoing now? Because, if not, I think the budget
14 process is a process by which Council, at least with
15 respect to Council and its employees, may want to
16 deal with it. Because we don't see why employees,
17 long-term employees, should be hurt by their
18 continuing to work, instead of being given the equal
19 rights of a retiree.

20 MS. WILKERSON: Councilman, I believe
21 last year we, in fact, prepared and delivered to
22 your office proposed legislation that would
23 accomplish what it is that you're discussing now.

24 COUNCILMAN COHEN: I don't believe it
25 would have at all.

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2 MS. WILKERSON: Then I'll take another
3 look at that.

4 COUNCILMAN COHEN: I don't believe any
5 legislation is needed. I believe all that is needed
6 is a telephone call from the Mayor or from you to
7 Independence Blue Cross and say, please deal with
8 this question. Tell us what, if any, cost. We
9 understand the cost would be nothing or very
10 minimal. But tell us what it is, so we know what it
11 is and then we can inform Council. But right now
12 the question is shrouded in mystery. Independence
13 Blue Cross insurance company has informed Council
14 that the cost would be very, very minimal and,
15 actually, in the opinion of Independent, it would be
16 no cost.

17 MS. WILKERSON: As I recall last year it
18 was something that we were advised needed
19 legislation, and that's why it was prepared and
20 delivered to your office. I will, before the week
21 is up, pull that file back out and take a look at
22 it. I think you're right. If it's limited to City
23 Council, it is a fairly limited amount that it would
24 cost. But I'll resurrect the record on that.
25 Because I know that there were conversations that

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2 legislation was drafted.

3 COUNCILMAN COHEN: Can we have an answer
4 in a short period of time? Because I don't see how
5 we can complete work on the budget unless we take
6 care of this issue.

7 MS. WILKERSON: Yes, I can do that
8 quickly. Because I know we did take a look at it
9 last year.

10 COUNCILMAN COHEN: Right. And it seems
11 to me the Administrative Board certainly doesn't
12 need legislation to pick up a telephone and say to
13 Independence Blue Cross, we want this group covered.
14 We believe the cost has been paid, but if there's
15 any additional cost, would you make a study and tell
16 us what it would be. That's what we're asking for.
17 I can't see any reason why any legislation is needed
18 at all.

19 MS. WILKERSON: I will pull that record
20 out and get back to you within the next day or two.

21 COUNCILMAN COHEN: Okay. Very good.
22 Thank you, Madam President.

23 COUNCILWOMAN BLACKWELL: You are
24 welcome.

25 Next is MBEC.

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2 We have MBEC. Mr. Roundtree is here.

3 Mr. Roundtree, identify yourself for the
4 record. Then we'll ask Mr. Cohen if he has a
5 question for you.

6 MR. ROUNDTREE: Thank you. Good
7 afternoon, Council people. My name is James
8 Roundtree and I'm the Director of the Minority
9 Business Enterprise Council.

10 COUNCILWOMAN BLACKWELL: Thank you.

11 Councilman Cohen, did you have a
12 question? Was this your request to have MBEC here?

13 COUNCILMAN COHEN: Yes, it was.

14 Since Mr. Roundtree testified, Council
15 has enacted the Bill that's received a lot of public
16 support throughout the City. And I understand that
17 what may be needed in order to effectuate the
18 purposes of the Act is some form of a disparity
19 study.

20 Are you at all familiar with that, Mr.
21 Roundtree?

22 MR. ROUNDTREE: Yes, I am.

23 COUNCILMAN COHEN: There was one made, I
24 believe, about four or five years ago that might be
25 outdated?

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2 MR. ROUNDTREE: Yes.

3 COUNCILMAN COHEN: Do we have any
4 indication of what a current disparity study would
5 show?

6 MR. ROUNDTREE: No, we don't have an
7 indication. But what will be needed is to have the
8 data that we have in the current study refreshed.
9 It needs to be updated to the current status from
10 year 1998 to 2003.

11 COUNCILMAN COHEN: Do you know if the
12 company which performed that study before, is it
13 still in operation?

14 MR. ROUNDTREE: Yes, it is. We have
15 them kind of on hold until we can identify
16 specifically what it is we will need.

17 COUNCILMAN COHEN: Well, I want to urge
18 upon you and others involved in this, I think the
19 matter ought to be dealt with in the budget. I
20 think money ought to be provided for such a study.
21 And I would very much appreciate, if between you and
22 Mr. Macklin and Mr. Jones, you could prepare
23 material that would give us an understanding of what
24 the cost might be so that we could include it in the
25 budget. I would hate to see things held up for a

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2 year on the ground that there isn't sufficient funds
3 in the '04 Budget. Because it's very important that
4 this study be made quickly so that we're ready to
5 implement the law right away.

6 It's really awful that during a time of
7 the City's largest construction boom in history in
8 the largest Public Works projects, the two stadiums
9 particularly, and other construction work, that the
10 extent of minority and diverse employment suffered
11 by 15 to 20 percent at a time when a 15 to 20
12 increase would have been too small an increase. We
13 were entitled to expect much more. So we want to
14 make sure you're all set to go.

15 So I wanted to put officially on the
16 record a request that the three men -- you could use
17 others that know of this situation -- but the three
18 people that testified before us, I think it's
19 important that you present to us, I would say within
20 the next week, your best recommendation with respect
21 to what the cost of the up-to-date disparity study
22 would be so we can take care of it in the budget.

23 MR. ROUNDTREE: Excuse me, Councilman.
24 Who are the three members? I know Mr. Macklin, but
25 what Mr. Jones?

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2 COUNCILMAN COHEN: John Macklin,
3 yourself, and Ernie Jones.

4 MR. ROUNDTREE: Okay.

5 COUNCILMAN COHEN: They were here. I
6 believe they were all at one time testifying.

7 MR. ROUNDTREE: I'm unaware of any
8 testimony by Mr. Macklin, but if you could provide
9 it for me.

10 COUNCILMAN COHEN: All right. The
11 reason I asked for you to come is you're the Council
12 representative and I wanted to make sure that it was
13 in your hands.

14 MR. ROUNDTREE: I have been given the
15 commitment by the Administration that once we get
16 the information about the new law and all of these
17 amendments, that we would press forward with getting
18 some additional information.

19 COUNCILMAN COHEN: How many commitments
20 -- I won't ask that you answer -- but how many
21 commitments have you been given by the
22 Administration that later turned out to be empty
23 promises? And on budget matters there's so many
24 demands, situations and such, the fiscal situation
25 may be so difficult and problematic, I would not

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2 want to depend on promises.

3 MR. ROUNDTREE: Just for the record, I
4 am James Roundtree. I am the Director of the
5 Minority Business Enterprise Council. I report to
6 the current Administration.

7 COUNCILMAN COHEN: Okay.

8 MR. ROUNDTREE: So my answer would be,
9 they are as supportive as I would need them to be.

10 COUNCILMAN COHEN: All right. But I'm
11 suggesting to you that it would be wise for you to
12 talk to whomever you have to talk to. And will you
13 get back to us and tell us you're going to furnish a
14 figure or not?

15 MR. ROUNDTREE: Yes, I will, Councilman.

16 COUNCILMAN COHEN: Thank you very much,
17 Madam Chair.

18 MR. ROUNDTREE: Thank you for having me.

19 COUNCILWOMAN BLACKWELL: Thank you, Mr.
20 Roundtree.

21 Police Department.

22 COUNCILMAN NUTTER: I just have one
23 question.

24 COUNCILWOMAN BLACKWELL: Councilman
25 Nutter, you had a question for Mr. Roundtree?

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2 COUNCILMAN NUTTER: Yes. It's very
3 quick. Thank you, Madam Chair.

4 Mr. Roundtree, I received the document
5 that you sent over in response to some questions
6 that were raised when you were here, I believe, for
7 budget hearing time. I'd like to have an
8 opportunity to possibly talk with you further.

9 There were some components of the
10 document that I could not completely figure out.
11 And it may be a formatting issue or I just might
12 need some additional information to understand all
13 the elements of the report. So if I could have an
14 opportunity to talk with you about that and better
15 understand it, I'd appreciate it.

16 MR. ROUNDTREE: Would you like for
17 someone from my office to call and set up an
18 appointment with you, Councilman?

19 COUNCILMAN NUTTER: That probably would
20 be the best. Again, the report had a lot of
21 information in it. But I just want to make sure
22 it's responding to the questions that we raised.

23 MR. ROUNDTREE: Great. Any day but
24 Friday at 3:45, I believe, or 3:55?

25 COUNCILMAN NUTTER: You don't want to

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2 meet after 3:00.

3 MR. ROUNDTREE: Okay. Yes, sir.

4 COUNCILMAN NUTTER: Thank you.

5 Thank you, Madam Chair.

6 COUNCILWOMAN BLACKWELL: You're welcome.

7 Police Department.

8 Thank you. Identify yourselves for the
9 record again, if you would.

10 MR. NESTELL: Yes. Good afternoon. Tom
11 Nestell, Deputy Police Commissioner. And with me is
12 Lieutenant Harry Giordano, the manager of our
13 Records and Identification Division.

14 COUNCILWOMAN BLACKWELL: Thank you.

15 Councilman Cohen, I believe you had a
16 question for the Police?

17 COUNCILMAN COHEN: Yes.

18 I'm very concerned about the length of
19 time it takes for a person who is arrested to appear
20 before the Bail Commissioner. The average time
21 seems to run between 24 and 36 hours, sometimes a
22 bit shorter, sometimes a bit longer. And I'm
23 wondering if there's anything that can be done to
24 speed that process. I'm told that in other cities
25 the time is much shorter. They basically go through

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2 the same process. I would like to find out what
3 specifically has to be done before the case of any
4 arrest is ready to be dealt with by a Bail
5 Commissioner to determine the situation of bail and
6 when the next hearing, if any, should be held or
7 whether it should be a discharge.

8 MR. NESTELL: Councilman, in answer to
9 your question, the average time for the prisoner to
10 be processed from the time the prisoner is arrested
11 to the time the person is either released or sent to
12 the prison is 18 hours.

13 In reference to the comment that many
14 other jurisdictions do it faster, all I can tell you
15 is we have jurisdictions from all over, including
16 Washington, D.C., who came in to look at ours and
17 were very impressed by the process that we have.
18 When you look at other jurisdictions, you have to be
19 very careful in looking at the number of prisoners
20 they process. Example, in D.C., we process
21 two-and-a-half times more prisoners than they
22 process every week. We also positively identify
23 every prisoner that we have. There are other
24 jurisdictions that do not do that. They will have
25 different -- what here is a misdemeanor is a summary

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2 offense in Washington, D.C. Washington, D.C.
3 processes that summary offense, but has no positive
4 identification on who that individual was. We can
5 tell you who was in our shop.

6 COUNCILMAN COHEN: Well, could you,
7 without us taking the rest of the day, could you
8 give me some documentation in support of your view?
9 I've never, ever had in my personal practice as a
10 lawyer or in my work on behalf of constituents ever
11 had anybody released in a short a time as 18 hours.
12 I would welcome that. If you could show me some
13 documentation. The police stations tell everybody,
14 when they tell the families, they tell the families
15 that it's going to be 24 to 36 hours. And almost
16 always I find it, except as I said before, very
17 rarely it may be a little less or a little more
18 sometimes. And I can I understand those human
19 variations. But it would seem to me that the
20 question of processing more ought not to cause
21 delay. We may need more personnel to handle it.

22 How long does it take on this positive
23 identification? Is there a special technique for
24 that?

25 MR. NESTELL: First of all, an

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2 individual is arrested on the street. They are
3 transported to the Investigative Division that
4 conducts their investigation.

5 After they are fingerprinted and
6 photographed through electronic means and it's
7 transmitted electronically to our records in
8 Identification Division, there is also simultaneous
9 notification to the DA and the courts for the ROR
10 interviews done at that time.

11 Then after that is completed and the
12 positive identification has come back, we know
13 either that that individual has been arrested
14 before, who the individual is, or if the individual
15 has never been through our system.

16 Then the charges are forwarded to the
17 District Attorney Charging Unit, who either approves
18 or disapproves of the charges.

19 Then after that is done, then they are
20 arraigned over the closed circuit television. We
21 have eight remote facilities so that we're not in a
22 position where we have to constantly transport the
23 individual. The individual stays at the one
24 location and is arraigned right at that location
25 over the CC TV.

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2 COUNCILMAN COHEN: Would it be possible
3 to break down what you said in the form of an
4 outline indicating the length of time on average
5 each process requires, and furnish that to the
6 President of City Council who will distribute it to
7 Councilmembers, and perhaps we can deal with that
8 further?

9 The reason I raise the question is, it
10 just seems wrong for someone who may later turn out
11 to be fully innocent, to have to spend a day or a
12 day and a half incarcerated. I'm not too concerned
13 about the person who's later held, but for a person
14 who may have been either wrongly arrested because of
15 insufficient evidence or because of a mistake or for
16 whatever reason might take place, and is found to be
17 free, it seems to me perhaps all of us working
18 together could develop methods for speeding up the
19 time so that people who are proved ultimately to be
20 innocent don't have to spend a day in jail or a day
21 and a half in jail. The more innocent they are, the
22 less pleasant those circumstances are.

23 So if you could, sir, work that out for
24 the Police Department, I would be very appreciative
25 of receiving a response through the President of

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2 City Council. Do you think that might be done in
3 the course of the next week?

4 MR. NESTELL: Absolutely it can be done
5 within the course of next week.

6 COUNCILMAN COHEN: And if you need help
7 in any way, we would like to hear about it.

8 MR. NESTELL: Okay. We don't need help.

9 COUNCILMAN COHEN: You may have a
10 shortage of personnel or there may be something
11 else.

12 MR. NESTELL: We do not need help.

13 Just so you know, Councilman, in the
14 past few years there have been tremendous strides in
15 the processing of the prisoners. There is a
16 coordinating committee with Judge Presenza as the
17 president of that committee that meets every
18 Thursday morning. And Lieutenant Giordano can tell
19 you a little bit about the activities of that
20 committee. But in that committee are the courts,
21 the Police Department, the District Attorney, the
22 voluntary defender. So everyone is represented
23 there. Through automation and coordination there
24 had been tremendous strides.

25 COUNCILMAN COHEN: Well, that sound very

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2 promising. I did not know of its existence. Has
3 there been any publication by them? I would like to
4 receive any information about that. That would be
5 helpful. Perhaps a short outline of what they do
6 could be sent to me through the President of City
7 Council with respect to the functioning of that
8 committee.

9 MR. NESTELL: Certainly. And we'll talk
10 to Judge Presenza about that.

11 COUNCILMAN COHEN: Thank you.

12 Thank you, Madam Chair.

13 COUNCILWOMAN BLACKWELL: You are
14 welcome. And certainly I can attest to the fact
15 that that time has been greatly reduced, given our
16 constituency and how many people call us.

17 Thank you very much.

18 Prisons. Thank you for your patience.
19 Please identify yourself for the record and then we
20 will ask Councilman Cohen for his questions.

21 MR. RESNICK: Good afternoon, Madam
22 Chair. My name is Michael Resnick. I'm general
23 counsel to the Philadelphia Prison System. With me
24 is Deputy Commissioner Alan Appel and Ed Szymanski
25 from our Fiscal Office.

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2 COUNCILWOMAN BLACKWELL: Thank you very
3 much.

4 Councilman Cohen, you had a question?

5 COUNCILMAN COHEN: Yes. To the
6 gentleman identifying himself as general counsel,
7 are you a member of the City Solicitor's Office, or
8 are you a private counsel hired by the prison system
9 to serve as its general counsel?

10 MR. RESNICK: I'm not private counsel,
11 Councilman. I am a City employee. I served in the
12 City Solicitor's Office for 11 years. Now, I am
13 employed in the Philadelphia Prison System as the
14 System's attorney.

15 COUNCILMAN COHEN: Are you currently an
16 employee of the City Solicitor's Office?

17 MR. RESNICK: I am not currently an
18 employee of the City Solicitor's Office. I am
19 currently an employee of the Philadelphia Prison
20 System.

21 COUNCILMAN COHEN: What is your relation
22 to the City Solicitor's Office?

23 MR. RESNICK: My relation to the City
24 Solicitor's Office is that for 11 years I was a City
25 Solicitor, and I report on matters of a legal nature

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2 to the City Solicitor and his designees. And, of
3 course, he assigns people to assist me in my
4 function, in my role.

5 COUNCILMAN COHEN: Are you a City of
6 Philadelphia employee?

7 MR. RESNICK: Yes, sir.

8 COUNCILMAN COHEN: I'm a little
9 surprised that the -- because that's information
10 about the City Solicitor's Office I did not know. I
11 thought everybody was assigned to a City agency, as
12 the prison system is, that every attorney worked for
13 the City Solicitor's Office and may be assigned to a
14 department, zoning boards, prisons conceivably, the
15 Health Department, but that they were employees of
16 City Solicitor's Office. You're saying you are not
17 an employee of the City Solicitor's Office?

18 MR. RESNICK: I was released from the
19 City Solicitor's Office to go to the Philadelphia
20 Prison System.

21 COUNCILMAN COHEN: All right. Well,
22 I've learned something new, and after the long
23 service I have, it's always good to find out
24 something new.

25 I would like to raise questions because

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2 the Law and Government Committee has been holding
3 hearings on the question of prisoner experimentation
4 that occurred in the beginning of the late '40s
5 running through maybe the early '70s. I'm wondering
6 if the Prison Department has any information that
7 would enable us to determine who were prisoners in
8 that period of time, what their conditions were.
9 I'm not anticipating you are going to be able to
10 give me information today. But I did want to speak
11 with you to see whether things like what records
12 exist, the names, what information may exist about
13 their personal circumstances, their finances, their
14 medical records and anything about the prisoner
15 records, anything about the experimentation.

16 Are there any records? I would like to
17 know whether they exist. And I would request of the
18 gentleman present a report to be given to the
19 President of City Council informing us what exists
20 in that area. That was the reason for my request.

21 MR. RESNICK: Councilman, I can tell you
22 this, that the prisons currently has a record
23 retention policy of seven years. The experiments of
24 which you speech were the subject of litigation. I
25 was in the City Solicitor's Office when that

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2 litigation was filed. And in anticipation of
3 defending the City in that litigation, the
4 Solicitor's Office made a request to the prisons for
5 all documents in which you're speaking of, in
6 anticipation of probably answering discovery
7 requests or in assisting us in defending the City.
8 The response from the prison system at the time was
9 that there were no documents. We just don't have
10 records from 30 to 50 years ago on inmates who were
11 in the system.

12 COUNCILMAN COHEN: You don't even send
13 them to a warehouse?

14 MR. RESNICK: I don't believe that the
15 documents from the time period of 50 to 30 years,
16 back from 1949, I believe, to 1974 when the
17 experiments ended, I don't believe there are any
18 documents in existence, not only from those
19 experiments, but any documents in existence from the
20 prison system on inmates who are housed in our
21 system from that time period. If the Councilman
22 likes, I could have something in writing delivered
23 to the President of City Council to be disseminated
24 amongst your colleagues.

25 COUNCILMAN COHEN: There is a department

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2 of City government known as the Archives, which I
3 understand is a place to which frequently records
4 are consigned by the City. Have you checked with
5 them?

6 MR. RESNICK: I personally have not.
7 But I can find out what areas the prison system at
8 the time when the litigation came and when the
9 Solicitor's Office made the request, I can check
10 from the prisons' Administration where they looked
11 and what place they inquired to see where the
12 records were, or if there were records. And I can
13 put that in the report.

14 COUNCILMAN COHEN: Well, it certainly
15 would seem to me if there's a seven year policy it
16 ought to be reconsidered in light of what has
17 developed historically.

18 We're told that the City of Philadelphia
19 -- and I don't want to mention it too frequently
20 because I'm very embarrassed -- the City of
21 Philadelphia may not know who the prisoners were.
22 And if you're getting sued by people or claims are
23 being filed against you, you feel pretty badly if
24 you're not even able to say for sure that this was
25 or was not a person that was in the system at the

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2 time. So it would seem to me to be a very
3 shortsighted policy and I would like to know what
4 the policy was and how it got formulated.

5 MR. RESNICK: I can tell you,
6 Councilman, I've been representing the prison system
7 for 11 years while I was in the City Solicitor's
8 Office and I never had a problem getting records to
9 prove that an individual -- when an individual filed
10 a claim, I never had a problem getting the records
11 from the prison system that said, yes, this person
12 was an inmate. This is when they were incarcerated.
13 Here is their legal file and their social services
14 file. I'm talking about cases that have been filed
15 in the last 11 years. You are discussing inmates
16 that may have been in our custody 60 years ago.
17 That may be more problematic. I don't believe those
18 records are in existence.

19 COUNCILMAN COHEN: Well, it might be 60,
20 but it could be as few as 35 years.

21 MR. RESNICK: It may be as few as 35,
22 and 35 is less than 60, but 35 is also a
23 considerable length of time, and I don't believe
24 that we would have records regarding what inmates
25 were in our custody during that period of time. But

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again, Councilman, I can look into the matter and I
can respond to you.

COUNCILMAN COHEN: Well, I would suggest
you study it because there are people who claimed
that they were in jail, and I believe that in a
lawsuit a judge might be compelled to find that they
were in jail, if that were a factor. If the City
says, we don't know, and they assert that have been,
it leaves the City defenseless, it would seem to me.
And so I think that that policy -- and if you are
general counsel, based on that experience I think a
recommendation from you as to a change of policy
might be useful and important.

MR. RESNICK: Two things, Councilman.
The lawsuit to which you're referring, I believe,
has been dismissed by the District Court.

COUNCILMAN COHEN: There may be new
lawsuits.

MR. RESNICK: It may be. But the
lawsuit to which you're referring was dismissed by
the District Court, and that dismissal was upheld by
the Third Circuit.

COUNCILMAN COHEN: But that has nothing
to do with the morale or the ethics. It seems to me

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2 that Philadelphia is in a totally indefensible
3 position and looks very foolish before the public to
4 have to say, we don't know whether these people were
5 prisoners or not.

6 MR. RESNICK: Secondly, Councilman, I
7 believe that the Records Commissioner, Commissioner
8 Decker, has been on the facility site and has been
9 working with our Administration to develop or to
10 refine and enhance our records retention policy.

11 COUNCILMAN COHEN: I missed that. Would
12 you say that again?

13 MR. RESNICK: Certainly. Commissioner
14 Decker, the Records Commissioner, has been on site
15 at our facility up at the Northeast and she's been
16 meeting with members of our Administration, going
17 through our records retention policy and helping us
18 update our records retention policy or modify it
19 where it needs to be modified.

20 COUNCILMAN COHEN: What's that got to do
21 with anything we're talking about?

22 MR. RESNICK: Just to inform the
23 Councilman that we're taking that situation and that
24 issue seriously and we're working on our records
25 retention policy, making sure that it's consistent,

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2 it's applied consistently across the system.

3 COUNCILMAN COHEN: Well, is part of that
4 study the question of how long we should maintain
5 records?

6 MR. RESNICK: Yes, sir.

7 COUNCILMAN COHEN: Well, then I would
8 very much appreciate if you could send through the
9 President of City Council a report on what
10 Commissioner Decker is doing, its participation by
11 prison officials, what its goal is, so we can
12 evaluate it.

13 MR. RESNICK: Certainly, Councilman.

14 COUNCILMAN COHEN: Yes, it might be
15 helpful. I can't tell based on the information we
16 have today. But I would also urge -- whether or not
17 there are any people around who are known to be
18 alive, who were there during that time -- because
19 there are at least 250 people alive now who claim
20 they were prisoners, who claim that they were
21 severely impacted by participating in these
22 experiments. And I'm very fearful that the City of
23 Philadelphia is badly disadvantaged in dealing with
24 it. It's not just a matter of law at all.

25 When President Clinton in 1995 issued an

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2 apology because of the behavior of Tuskegee
3 Institute in a similar situation, it wasn't because
4 he was legally compelled. It was because government
5 morality and ethics required, in his judgment, that
6 kind of policy. It may well be that the same is
7 required in this instance. It may not be a matter
8 at all of law. This Council has nothing to do with
9 the lawsuits. We worry about lawsuits against the
10 City, but if you're not in the Law Department, then
11 I don't want to belabor you with questions about why
12 do we spend about \$50 million a year in paying
13 judgments for damages caused by wrong policies or
14 policies found to be wrong by a judge or a jury.

15 MR. RESNICK: I wouldn't even want to
16 take a stab at that question, Councilman.

17 COUNCILMAN COHEN: You wouldn't want to
18 answer that. No. Because it's a very heavy burden
19 for the City to bear fiscally. Thank you. Could we
20 get whatever you are able to furnish within the next
21 week to the President?

22 MR. RESNICK: I don't see a problem with
23 that. But Councilman should know that the Prison
24 Commissioner is away on vacation. He'll return
25 Thursday. And I'm sure he would like to review

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2 anything that comes out to City Council, so we may
3 be delayed a couple of days in getting to you just
4 because his return.

5 COUNCILMAN COHEN: Okay. How far back
6 do employee records go?

7 MR. APPEL: Councilman, paper records go
8 back probably to maybe the '50s, I believe, and we
9 have computerized records at the prisons.

10 COUNCILMAN COHEN: To the 1950s?

11 MR. APPEL: Not computerized records.
12 Computerized records to about 1990.

13 COUNCILMAN COHEN: How about the
14 non-computer records?

15 MR. APPEL: I believe to the '50s. I'd
16 have to check with our personnel department and make
17 sure that they've been retained.

18 COUNCILMAN COHEN: Could you check with
19 them and give us a report on that included?

20 MR. APPEL: Yes, sir.

21 COUNCILMAN COHEN: Would you tell them
22 that for all practical purposes today's date marks
23 the official request for that material? I just want
24 them to know that they're not to dispose of it.

25 I think as you try to recapture evidence

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2 it's difficult to find -- we may want to get a list
3 of everybody who worked in all parts of the prison
4 system as far back as it goes to see whether or not
5 certain evidence can be reconstructed. Because we
6 understand there was fairly widespread knowledge of
7 these experiments that took place, and there may be
8 many living eyewitnesses that may be yet alive and
9 available. Because a large number of people claim
10 that they were prisoners at the time. Some of them
11 seem to be in their late 50s, early 60s. And with
12 the lifespan increasing, there may be a large number
13 of people. So if you would make sure that there is
14 no destruction of any records, if you could get us
15 what seems to be available at this point just by
16 date as to how far it goes, we'll be appreciative.
17 And that may begin to get the information needed.

18 It's not a matter of law, as far as City
19 Council. We're interested in the policy questions
20 and in making certain, according to a Resolution
21 passed by City Council, that no such activity ever
22 occurs again. We're trying to find out how it
23 occurred between the City, University of
24 Pennsylvania, chemical companies and personnel
25 staff. We don't know to what extent it involved

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2 prison staff against University of Pennsylvania
3 staff. If it did not involve prison staff, we'll be
4 delighted to exonerate the City of Philadelphia
5 entirely from that.

6 We're also interested in any financial
7 records involving payments. Did the prisons get any
8 payments? There were allegations of payments having
9 been made. Did they go to the City and not the
10 prison? That kind of thing.

11 All right, sir. Thank you very much.

12 Thank you, Madam Chair.

13 COUNCILWOMAN BLACKWELL: You're welcome.

14 Next is the Streets Department.

15 Thank you, gentlemen.

16 COUNCILWOMAN BLACKWELL: Thank you.

17 Good afternoon, Commissioner. Would you identify
18 yourself for our record?

19 MS. TOLSON: Good afternoon. My name is
20 Clarena Tolson, Streets Department.

21 COUNCILWOMAN BLACKWELL: Thank you.

22 Councilman Cohen, do you have questions
23 for the Streets Commissioner? Please begin.

24 COUNCILMAN COHEN: I'm asking about
25 what's the condition of Ogontz Avenue repaving

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2 project, which we understand is supposed to take
3 place later this month or early next month?

4 MS. TOLSON: Yes, sir.

5 COUNCILMAN COHEN: We want to know
6 whether it's still on board?

7 MS. TOLSON: Yes, sir, we are. The
8 project is expected to begin in May. We've given
9 notice to the residents and business people along
10 that corridor that the bid was opened on March 18th
11 for a cost of \$6.4 million.

12 COUNCILMAN COHEN: Could you speak
13 directly into the microphone, Commissioner?

14 MS. TOLSON: Yes. We expect to have our
15 work physically begin in May.

16 COUNCILMAN COHEN: What end is it going
17 to begin with?

18 MS. TOLSON: That has not been finalized
19 as yet. We have some flexibility, but it has not
20 been finalized. It will be based upon some of the
21 constraints that the contractor may have.

22 COUNCILMAN COHEN: I'm sorry. I didn't
23 get that.

24 MS. TOLSON: It has not finalized as
25 yet, which end. We're reviewing potential

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2 constraints that the contractor may have in order to
3 determine which end is the best end to begin on.

4 COUNCILMAN COHEN: We won't object if he
5 starts at both ends simultaneously.

6 MS. TOLSON: That may be difficult for
7 mobilization purposes.

8 COUNCILMAN COHEN: When in May do you
9 think it would get underway?

10 MS. TOLSON: At the earliest it will be
11 the 15th to the 19th.

12 COUNCILMAN COHEN: Thank you. And you
13 think we can rely on that?

14 MS. TOLSON: Yes, sir.

15 COUNCILMAN COHEN: We can tell people?

16 MS. TOLSON: We have told people.

17 COUNCILMAN COHEN: You have told them?

18 MS. TOLSON: Yes.

19 COUNCILMAN COHEN: But your telling them
20 and local officials telling them may be two
21 different things. They'll hold us to account. They
22 cannot hold you to account in the same way they can
23 hold us to account.

24 MS. TOLSON: That's true.

25 COUNCILMAN COHEN: So you think it would

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2 be safe for us?

3 MS. TOLSON: Yes. We've actually given
4 out an advisory door to door.

5 COUNCILMAN COHEN: Who's going to do the
6 work?

7 MS. TOLSON: James Anderson Construction
8 Company.

9 COUNCILMAN COHEN: Is it a large
10 company?

11 MS. TOLSON: Yes, sir.

12 COUNCILMAN COHEN: Is it a Philadelphia
13 company?

14 MS. TOLSON: Yes, sir.

15 COUNCILMAN COHEN: Is it a company that
16 meets our tests on diversity of workers? Are they
17 the prime contractor, or are they going to do the
18 whole thing themselves?

19 MS. TOLSON: No. They are the prime and
20 they do have --

21 COUNCILMAN COHEN: Subs?

22 MS. TOLSON: Yes.

23 COUNCILMAN COHEN: And are we policing
24 their employment of personnel for the
25 subcontractors?

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2 MS. TOLSON: I don't believe that
3 they've hired anyone as yet.

4 COUNCILMAN COHEN: Well, I think it
5 would be great if you could get into it even before
6 they hire. Let them know that the City is very
7 sensitive on this issue and we expect them to meet
8 the City's goals.

9 MS. TOLSON: We can certainly do that.

10 COUNCILMAN COHEN: It's better to do it
11 in advance than to face criticism later. I think
12 it's a good opportunity in these relatively smaller
13 jobs to get a good record started. I understand
14 like in providing employment, the number of small
15 contractors jobs add up to more than the big ones
16 ultimately in a City the size of Philadelphia.
17 Well, thanks. You've given us a very hopeful
18 report. We thank you for it.

19 Thank you. I have no further questions.
20 It looks like we're on board. Maybe it will be a
21 quiet, peaceful summer full of congratulations for
22 people on Ogontz Avenue.

23 COUNCILWOMAN BLACKWELL: Thank you very
24 much, Councilman.

25 Does anyone have any other questions?

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2 (No response.)

3 COUNCILWOMAN BLACKWELL: Then we thank
4 you all.

5 This Committee will stand in recess
6 until Monday, April 14th, at 2:00 p.m. Thank you.

7 (Council adjourned at 4:40 p.m.)

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C E R T I F I C A T I O N

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of April 8, 2003, were reported fully
and accurately by me, and that this is a correct
transcript of the same.

RE: COMMITTEE OF THE WHOLE

Lisa C. Bradley, RPR
and Notary Public