

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON TRANSPORTATION AND
PUBLIC UTILITIES

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, November 30, 2015
10:20 a.m.

PRESENT:

COUNCILMAN KENYATTA JOHNSON, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN BOBBY HENON
COUNCILMAN BRIAN J. O'NEILL
COUNCILMAN MARK SQUILLA

BILL 150642 - An ordinance amending Chapter 13-800 of The Philadelphia Code, entitled "Damages From Breakage," by providing for certain duties and responsibilities of the Water Department in the event of water main breaks...

BILL 150768 - An ordinance authorizing the Procurement Commissioner to enter into agreements to purchase electricity, natural gas and motor fuel for use by the City...

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1
2 COUNCILMAN JOHNSON: Good
3 morning, everyone. This hearing is
4 called to order. This is a public
5 hearing of the Transportation and Public
6 Utilities Commission. My name is
7 Councilman Kenyatta Johnson, Chair of the
8 Committee.

9 A quorum is present in the
10 presence of Councilman Bobby Henon,
11 Councilman Bill Greenlee, Councilwoman
12 Cindy Bass.

13 Will the Clerk please read the
14 title of the first bill.

15 THE CLERK: Bill No. 150768,
16 entitled "Authorizing the Procurement
17 Commissioner to enter into agreements to
18 purchase electricity, natural gas and
19 motor fuel for use by the City in City
20 facilities and vehicles, including
21 agreements that obligate payment for
22 delivery of such energy supplies in
23 future fiscal years, all under certain
24 terms and conditions.

25 COUNCILMAN JOHNSON: Will the

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2 Clerk call the first panel of witnesses,
3 please.

4 THE CLERK: Adam Agalloco.

5 (Witness approached witness
6 table.)

7 MR. AGALLOCO: Good morning.

8 COUNCILMAN JOHNSON: Good
9 morning. Can you please state your name
10 for the record and begin your testimony.

11 MR. AGALLOCO: My name is Adam
12 Agalloco. I serve as the City's Energy
13 Manager.

14 Good morning, Chairman Johnson
15 and members of the Committee. My name is
16 Adam Agalloco and I serve as the Energy
17 Manager for the City of Philadelphia in
18 the City's Office of Sustainability. I
19 am here in support of Bill No. 150768,
20 which authorizes the purchase of
21 electricity, natural gas and motor fuel
22 for the City for its facilities for
23 delivery through Fiscal Year 2018 and
24 2019.

25 In 2010, City Council

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2 authorized the City to make electricity
3 purchases for FY11 through FY14. In
4 FY12, Council extended the authorization
5 for FY15 and has continued granting
6 additional authorizations in subsequent
7 years. The Mayor issued an Executive
8 Order creating an Electricity Supply
9 Advisory Committee. The City Council
10 Committee Chairs of Transportation and
11 Utilities, Public Works, and the
12 Environment or their representatives
13 serve on the Committee. The Electricity
14 Supply Advisory Committee reviewed the
15 electricity purchasing strategy and has
16 been kept abreast of purchases.

17 The City government's
18 electricity costs are significant. The
19 total cost for the General Fund, the
20 Aviation Fund, and Water Fund were
21 between 60 and 72 million over the
22 previous three fiscal years. The cost of
23 the General Fund for Fiscal Year '15 was
24 36 million, with 13 million going to
25 street lighting and traffic signals.

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2 The electricity supply portion
3 of the total bill is about two-thirds of
4 the total electricity costs and the
5 remaining third is made up of PECO
6 distribution charges.

7 The City has successfully
8 managed our supply costs by purchasing in
9 a wholesale electricity market and
10 staggering our purchases to limit the
11 risk of paying a premium for electricity.

12 The proposed ordinance would
13 authorize the City to make agreements for
14 delivery of electricity in FY18 and 19
15 through a state-regulated licensed
16 service provider. Our licensed service
17 provider was selected through a
18 competitive process and acts as the
19 City's agent in making purchases in the
20 regional electricity marketplace.

21 The Pennsylvania Public
22 Utilities Commission allows natural gas
23 customers -- in addition, Pennsylvania
24 Public Utilities Commission allows
25 natural gas customers with large

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2 interruptible accounts like the City to
3 purchase natural gas from a competitive
4 market. Interruptible accounts are those
5 that can switch from natural gas to an
6 alternative fuel whenever PGW works --
7 Philadelphia Gas Works announces a
8 temporary curtailment of gas service.

9 The City's largest buildings have
10 accounts that qualify for this access to
11 the competitive market for natural gas
12 supply. PGW is supportive of this
13 approach, as it is in the interest of all
14 PGW ratepayers for large account
15 customers to purchase in the competitive
16 marketplace.

17 The City government's purchase
18 for natural gas supplies are a meaningful
19 expense. The cost for all City funds -
20 General Fund, Aviation and Water - were
21 approximately 5 million in FY15. The
22 cost to the General Fund was about 2 and
23 a half million.

24 The proposed ordinance would
25 authorize the City to make agreements for

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2 delivery of natural gas through FY18 and
3 FY19 with a state and federally licensed
4 service provider. Our current provider
5 was selected through a competitive
6 process and acts as the City's agent in
7 making purchases in the natural gas
8 market. The proposed ordinance will
9 permit the City to take advantage of
10 favorable market prices over the long
11 term.

12 Finally, the City government's
13 motor vehicle costs are a meaningful
14 expense. Cost for all funds - General
15 Fund, Aviation, and Water - were
16 approximately 15 and a half million in
17 FY15. The cost to the General Fund was
18 about 13 million. For motor fuel, the
19 City will make staggered purchases with
20 the wholesale motor fuel market,
21 providing the City with stability for
22 motor fuel expenses.

23 Building on a strong and
24 growing relationship with the
25 Philadelphia Energy Authority, I am

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2 pleased to tell you that the ordinance
3 includes provisions that require the
4 Administration to inform a designated
5 representative of the Philadelphia Energy
6 Authority of the City's intent to make
7 purchases and shall fully consider the
8 timely advice provided by the PEA on
9 purchases.

10 I anticipate the procurement
11 approach will continue to lower the
12 City's electricity and natural gas and
13 motor fuel bills while protecting the
14 City from rapid escalation in energy
15 prices over the next several years. It
16 will contribute to competitive prices and
17 budget certainty for City utilities.

18 Thank you for the opportunity
19 to testify. I respectfully request that
20 the bill be reported out of Committee and
21 that the rules of Council be suspended to
22 allow for first reading at the next
23 Council session.

24 COUNCILMAN JOHNSON: Thank you
25 for your testimony.

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2 Any questions from members of
3 the Committee?

4 (No response.)

5 COUNCILMAN JOHNSON: Thank you
6 very much.

7 Are there any other witnesses
8 for this bill, 150768?

9 (No response.)

10 COUNCILMAN JOHNSON: Will the
11 Clerk please read the title of the next
12 bill.

13 THE CLERK: Bill No. 150642,
14 entitled "Amending Chapter 13-800 of The
15 Philadelphia Code, entitled 'Damages From
16 Breakage,' by providing for certain
17 duties and responsibilities of the Water
18 Department in the event of water main
19 breaks and providing for certain rights
20 and protections to property-owners
21 affected by such water main breaks, all
22 under certain terms and conditions.

23 COUNCILMAN JOHNSON: Before I
24 call the first witness, I'm going to
25 defer to the creator of the bill, sponsor

1 11/30/15-TRANSPORTATION-BILLS 150642 & 150768
2 of the bill, Councilwoman Jannie
3 Blackwell.

4 COUNCILWOMAN BLACKWELL: Thank
5 you, Mr. Chairman. Good morning to all
6 members of the Committee. I want to
7 thank all of the individuals who are here
8 from the June 14th incident where pipes
9 on North 52nd Street between Westminster
10 and Wyalusing broke. When we left at our
11 last hearing, we thought there were four
12 or five people. There are ten unresolved
13 cases. So we hope that we can hear two
14 or three of the people involved who are
15 willing to testify. One is providing
16 written testimony, Deborah Smith. And we
17 would like to hear from the Commissioner
18 and Risk Management about where we are on
19 these cases, if that's okay,
20 Mr. Chairman. They should have been
21 resolved. We've been asking and asking.
22 And I thank you all very much.

23 COUNCILMAN JOHNSON: Thank you,
24 Councilwoman. I most certainly hope it
25 is resolved. I think it was a month ago

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2 when we had this hearing.

3 Will the Clerk please call the
4 first witness, please.

5 THE CLERK: Deborah Smith.

6 (Witness approached witness
7 table.)

8 COUNCILMAN JOHNSON: Good
9 morning. Can you please state your name
10 for the record and begin your testimony.

11 MS. SMITH: My name is Deborah
12 Smith.

13 COUNCILMAN JOHNSON: Good
14 morning.

15 MS. SMITH: Good morning.

16 Good morning, Ms. Blackwell.

17 Good morning, Councilpeople.

18 I'd like to start by saying when we left
19 the last public hearings, we were
20 supposed to have seen some resolution in
21 what happened with our properties, the
22 damages, the structures. I personally
23 requested a structural engineer report.
24 They came out. Somebody came out to test
25 the air.

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2 The first time that they came
3 to my business to even look at the
4 structural damage was September 11th.
5 They stated to me that they had sent out
6 some mail for me to see that they were
7 offering me a partial claim. Since then,
8 my building has been completely gutted.
9 There is nothing in my basement. All of
10 my equipment was removed by people that
11 the City hired. There was no one there
12 from Emergency Management or any of the
13 people from the Water Company to see what
14 they removed. They removed all
15 refrigeration equipment, all plumbing
16 apparatus in the basement, all the old
17 hot water heaters, the heaters that were
18 damaged, my backflow preventer. So I was
19 not able to open up.

20 In the interim of this, though,
21 there has been some financial struggles
22 in my business, because I haven't been
23 able to operate. So it's now a loss of
24 income from a job I had to leave because
25 of this crisis and the income that I will

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2 take in from my business. I no longer
3 have those incomes, and my business is
4 still closed, and this is from June 14th
5 to present. Nobody has been back out to
6 even look at the structure.

7 So I see now inside the
8 meetings today, they're handing out
9 structural engineer reports, which we
10 requested back in August, July. Never
11 got any copies of them. The structural
12 engineer actually came out in August.
13 Ms. McCarty, I did speak to her regarding
14 putting in the backflow preventer so that
15 I wouldn't contaminate the regular water,
16 and I asked does she have a number for
17 the plumber that she had hired to do the
18 work. I never received a number from
19 her, telephone number. I did get a card
20 from him.

21 It's kind of like they withheld
22 a lot of information in going through --
23 when we were going through this water
24 main break and they made a lot of
25 promises. They didn't assist the

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2 community in filling out the claim forms.

3 A lot of the claim forms were done wrong.

4 They told us we didn't need exact

5 receipts. It was impossible for me to

6 keep them because my office was in my

7 basement. So I had a month or two the

8 water -- it was 12 million gallons of

9 water. So my steps are still detached.

10 I still have no working plumbing in my

11 basement area to actually be able to

12 open. My licenses are current to be able

13 to operate my business. They just took

14 all of the floors out of my business, and

15 I don't know who gave the authorization

16 to remove all of the floors and then a

17 stop order to stop all work. So my

18 floors are still like gutted. It's still

19 nothing in there. Like the equipment

20 that they did leave in there has rusted.

21 It does not work. They haven't come out

22 to even see that it doesn't work. They

23 weren't even there to see the equipment

24 that they took out of my building, which

25 was four freezers. They have a list of

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2 what was taken out. They have all the
3 claim forms. They had them since July
4 7th. It wasn't until September that I
5 was actually contacted about any
6 movement, and in August, August 10th, I
7 went to Risk Management.

8 So there's still nothing being
9 done. They're still not coming out into
10 the area to see what has or has not been
11 done, until we have the hearings and then
12 they'll motivate themselves and say,
13 Okay, we'll be out today, what's your
14 phone number?

15 You have our phone numbers.
16 You have the claim forms. You have all
17 of our information, but there's nothing
18 being done, which leads me to believe
19 that this area is kind of like now been
20 abandoned.

21 COUNCILMAN JOHNSON: Any
22 questions from members of the Committee?
23 (No response.)

24 COUNCILMAN JOHNSON: So we're
25 going to bring up a representative from

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2 Risk Management to take us through the
3 process as to what has been done, what
4 hasn't been done since the last time
5 we've had this hearing. And, you know,
6 because I had the chance to deal with
7 this issue firsthand in South
8 Philadelphia in the Southwest Center City
9 part of my district, I've seen the
10 efficiency of the Water Department in
11 working on this particular issue, and so
12 it kind of begs the question, why isn't
13 the same thing happening in this
14 particular part of West Philadelphia?
15 And I'll leave it up to members of the
16 Water Department administration to
17 explain the actual process. Because I
18 have seen them come out, help members of
19 the community fill out paperwork, do
20 their due diligence, follow up. And so
21 it begs the question, how come this isn't
22 happening in West Philadelphia? And so
23 only they can answer what the process is.

24 MS. SMITH: In 1994 and 2004,
25 it was handled very efficiently. People

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2 were treated with respect. They came in.

3 They did their estimates, and within four

4 to five weeks, I was reopened and most

5 all of the other houses were repaired. I

6 don't understand --

7 COUNCILMAN JOHNSON: You said
8 in 1994?

9 MS. SMITH: 1994, 2004.

10 COUNCILMAN JOHNSON: Do you
11 know who the Water Commissioner was at
12 that time?

13 MS. SMITH: I kind of looked it
14 up. I don't have his name.

15 COUNCILMAN JOHNSON: I'm just
16 asking. I mean, I know this Water
17 Commissioner currently to be a fine
18 gentleman. That's why I'm trying to
19 really get an understanding. That's
20 really not usually his style. It has
21 been my experience. So that's why I'm
22 trying to get an understanding. We had a
23 hearing and this is 30 days later and
24 from my understanding, it's either a lack
25 of progress, a lack of due diligence.

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2 And I know the staff from the Water
3 Department from working on issues in
4 Packer Park, Southwest in the City, and
5 their team actually goes out on the
6 ground in people's basements doing their
7 due diligence. And so I'm trying to --
8 that's why I'm confused as to why it
9 isn't the same level of attention
10 happening right now.

11 But we're going to ask a
12 representative from Risk Management. I'm
13 going to ask my good friend, the
14 Commissioner, Howard Neukrug, to come up
15 as well and any other members of your
16 team that's overseeing this process to
17 please let us Council -- let the
18 Committee members know why these
19 particular members of the community feel
20 like their issues aren't being addressed.
21 And if that's the case, state on the
22 record as to what's going on and what's
23 not being done.

24 Can you please approach --
25 thank you, Ms. Smith.

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2 I want to also acknowledge the
3 presence of Councilman Mark Squilla and
4 Councilman Brian O'Neill.

5 (Witnesses approached witness
6 table.)

7 COUNCILMAN JOHNSON: Just
8 please state your name. We already know
9 who you are, but just state your name for
10 the record for the stenographer, please.

11 COMMISSIONER NEUKRUG: Good
12 morning, City Council. My name is Howard
13 Neukrug, Water Commissioner, City of
14 Philadelphia.

15 MR. SCOTT: Good morning,
16 Mr. Chair. My name is Barry Scott. I'm
17 the Deputy Finance Director for Risk
18 Management.

19 DEPUTY COMMISSIONER McCARTY:
20 Good morning. My name is Debbie McCarty,
21 Deputy Commissioner of Operations for the
22 Water Department.

23 COUNCILMAN JOHNSON: So before
24 we get started -- and this is probably
25 for Debra and Mr. Scott, because we

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2 worked together in Southwest Center City
3 on a massive water main break issue, and
4 also, Debra, we worked -- we tried to
5 address some issues in Packer Park a
6 couple times with one of the neighbors
7 who wanted to kind of like change her
8 drainage system and so forth. You came
9 out personally yourself with my Chief of
10 Staff, Chris Sample, and myself to
11 address the issues of the constituent
12 that we were servicing.

13 Barry, you came Southwest
14 Center City in a heated community meeting
15 and talked about the process, explained
16 thoroughly what needed to be done for
17 people to have their risk claims.

18 So what's going on with this
19 kind of situation that the people don't
20 feel satisfied that they're getting their
21 issues concerned, particularly Ms.
22 Deborah Smith's business?

23 MR. SCOTT: We are responding
24 with regard to all of the claims as
25 promptly as we can. In terms of --

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2 COUNCILMAN JOHNSON: And not
3 cutting you off, how many claims is it
4 total? Because in South Philly you had
5 like a couple hundred, maybe 200, 300,
6 and y'all got through all of them. How
7 many are in this one?

8 MR. SCOTT: Right now I don't
9 have the exact numbers, but we're
10 talking --

11 COUNCILMAN JOHNSON: Ball park
12 figure.

13 MR. SCOTT: Ball park, we're
14 talking about 55 to 75 claims.

15 COUNCILWOMAN BLACKWELL: And he
16 did 200, Mr. Chairman?

17 Treat me like you treated the
18 Chairman. Maybe it's because I'm not
19 Chair of the Committee or something. I
20 only had about 78, and he got his done.
21 Treat my people like you treat his
22 people.

23 MR. SCOTT: With regard to
24 Ms. Smith, we worked with Ms. Smith and
25 the Revenue Department to address issues

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2 so that we could proceed to settle her
3 claim. In the interim between the time
4 of our last hearing and today, Ms. Smith
5 has become represented by an attorney,
6 and we have then worked to get on the
7 schedule and a meeting with Ms. Smith and
8 her attorney so that we can settle and
9 resolve the claim.

10 COUNCILMAN JOHNSON: How many
11 times have y'all met since the last
12 hearing?

13 MR. SCOTT: We have been -- we
14 have reached out and tried to schedule at
15 least two or three times with Ms. Smith.
16 Her attorney has not been able to meet
17 those times. So we are -- we received an
18 e-mail last week which gave us some times
19 in December when her attorney is
20 available, and we're available at those
21 times to meet with her so that we can
22 resolve her claim and so that she can get
23 back in business.

24 COUNCILWOMAN BLACKWELL:
25 Mr. Chairman, half of these people or

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2 nearly half have tried to get lawyers
3 because they can't get satisfaction from
4 the City. If they had money, we wouldn't
5 be here in the first place. And the fact
6 that she owes back taxes means she
7 couldn't afford to pay them, and now
8 she's getting ready to lose this business
9 because they wouldn't deal with her
10 because she didn't -- because she owed
11 back taxes.

12 If the City creates a problem,
13 they're not supposed to hold people up
14 because they owe taxes. That's inhumane.
15 And people should not have to have
16 lawyers to try to make the City deal with
17 them. We're asking them if they will try
18 to work with the people, all of them, so
19 that half of them wouldn't have to try to
20 hire lawyers they can't afford. Still
21 try to work with them. We just would not
22 be here but -- we have the same thing
23 with somebody who owed a bill. So they
24 owe taxes, so therefore they're not
25 deserving of water? Give me a break.

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2 That's wrong. It's inhumane, and the
3 City that I represent isn't supposed to
4 treat people like that.

5 COUNCILMAN JOHNSON: Members of
6 the panel, explanation or your only
7 response is you're trying to get in
8 contact with Deborah Smith and because of
9 her schedule with her lawyer, you haven't
10 had a chance to meet to address the
11 issue?

12 MR. SCOTT: We've -- it's
13 been -- we've been able to get on Ms.
14 Smith's agenda. It's just having -- her
15 attorney has not had the availability to
16 meet with us to this point.

17 In terms of other claimants,
18 we've tried to work with them. We have
19 reached out to them. We have gone out
20 into the community and we have tried to
21 resolve claims. A number of the claims
22 that are still open and unresolved are
23 represented by attorneys, and so in that
24 instance, we need to work -- we can't
25 work through the homeowner. We need to

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2 work through their attorney. So that has
3 been a process which is taking longer.
4 We're happy to work without an attorney
5 with the claimant, but they have -- when
6 they declare that they are represented by
7 an attorney, we have to honor that and
8 work only with their attorney.

9 COUNCILMAN JOHNSON: And I
10 worked very closely with all three of you
11 in some capacity in the past, and this is
12 something that's probably even above your
13 responsibility and probably something
14 that probably needs to be looked at as we
15 go into the next Administration as well.
16 It just seems disheartening that people's
17 lives are upended, right, and it's not
18 their fault, right?

19 MR. SCOTT: Yes.

20 COUNCILMAN JOHNSON: And I
21 understand the whole process. Maybe the
22 back taxes should have been paid. Maybe
23 they weren't paid. But the reality is
24 that has nothing to do with why their
25 business was flooded. It's clearly none

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2 of their responsibility at all. You're
3 talking about people's lives. And the
4 reason why I probably take this issue
5 just a little personally, just for the
6 simple fact that, I mean, I'm a public
7 servant and I'm a first-generation
8 college graduate. We don't have major
9 wealth in our family, and so I'm just
10 thinking if I was in this predicament,
11 right, how would I move forward? Like
12 through the grace of God, you know, I'm
13 just thankful that I haven't had to deal
14 with this type of situation, but my mind
15 just tells me, you know, if this is
16 happening to these families and it's not
17 their fault, they're getting a raw deal.
18 And if you don't have no other place to
19 go to get money, the people who caused
20 the damage should be responsible and
21 should make you whole, whatever you need
22 to do to make them whole. And from the
23 testimony I've heard from the people who
24 have come here, I mean, like the young
25 lady said last time, like we're not

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2 trying to get a free ride. We ain't
3 trying to get a flat screen TV, or the
4 gentleman whose car was flooded, he don't
5 want a Lamborghini. I'm just trying to
6 get made whole on what was taken away
7 from me because of the City of
8 Philadelphia. It has nothing to do with
9 how I operate. It's the City of
10 Philadelphia.

11 And so for me, it's only the
12 right thing to do to figure it out, and
13 they shouldn't have to get lawyers. We
14 didn't have lawyers in South Philly. We
15 didn't. You had a couple people come to
16 the community meeting pissed off, but
17 they didn't get any lawyers, none of
18 them. Somehow y'all figured it out.

19 So that's where I'm at. That's
20 why -- I've seen the situation. I wasn't
21 around in 1994, but I definitely see how
22 you guys work efficiently and I've seen
23 it with my own eyes up close and personal
24 with my staff, addressing people who lost
25 pretty much everything on the 2100 block

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2 of Bainbridge Street in South
3 Philadelphia. So I'm asking for the same
4 type of respect and the same type
5 efficiency.

6 If they have their lawyers,
7 okay, well, y'all need to be calling 10,
8 20 times, say, Listen, we really want to
9 help you, let's get to the bottom of
10 this. So maybe the lawyer got to move a
11 little faster, but that's why I'm calling
12 you consistently, giving you that type of
13 special -- not special treatment, but
14 just do our due diligence as a city. And
15 I know y'all can do it because we've done
16 it before.

17 MR. SCOTT: We have, and in
18 this case we've also reached out. We've
19 gone out. We've had a claims adjuster,
20 frankly, who has been out probably four
21 or five times over the last week to the
22 site in order to visit and inspect
23 properties, in order to set up various
24 things, in order to deliver materials,
25 and in order to collect releases. So we

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2 are still doing it, and we're happy to do
3 what we can in order to address the
4 losses that were suffered as a result of
5 this water main break. That's still our
6 continuing commitment.

7 COUNCILMAN JOHNSON: I have no
8 more questions.

9 Councilman Bill Greenlee.

10 COUNCILMAN GREENLEE: Thank
11 you, Mr. Chairman.

12 First of all, I just want to
13 echo what the Chair said earlier. I know
14 I've worked with the Water Department on
15 certain issues. Usually Deputy
16 Commissioner McCarty is my contact, and
17 you've always responded very well, so I
18 appreciate that. But on this issue, just
19 so I'm clear, you mentioned about the
20 issue of owing taxes. Is that an issue
21 with a number of these claims or is it
22 just one or two?

23 MR. SCOTT: No, it's not an
24 issue with many claims. In fact --

25 COUNCILMAN GREENLEE: On the

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2 ones that are -- and obviously we all
3 want to go on record saying we think
4 people should pay what they owe the City.

5 COUNCILMAN JOHNSON: I second
6 that.

7 COUNCILMAN GREENLEE: But isn't
8 this really a separate thing? I mean, in
9 all fairness -- I mean, if people owe
10 taxes, you should take whatever remedies
11 you would take whether they had water or
12 not, but to couple the things together,
13 again, because these -- whatever reason
14 people aren't paying their taxes really
15 had nothing to do with the fact that they
16 had a water main break. You know what I
17 mean? It seems to be two separate
18 things, and that seems to be -- again, be
19 as aggressive as you need to be to get
20 taxes collected, but to hold people's
21 water service over it, something seems
22 wrong with that.

23 MR. SCOTT: Just to be clear,
24 it's not that their water service is
25 being held. That's not what's happening

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2 here. And it's really that -- it's
3 actually we have worked to proceed and to
4 try to set the claim and it's the claim
5 payment which has to go through the
6 Finance Department, has to be approved by
7 the City Controller, and that process
8 requires that payment before that goes
9 out. It's not actually even in Risk
10 Management per se, but before the payment
11 can be issued, that that person needs to
12 be in some tax compliance relationship.
13 And that doesn't necessarily mean that
14 all of their taxes are paid, as I
15 understand it, but they have some
16 agreement.

17 And so what, frankly, after the
18 hearing last time, we -- I spoke with the
19 Deputy Revenue Commissioner to make sure
20 that he could have someone talk to
21 Ms. Smith about the situation, and that
22 has happened since that time.

23 COUNCILMAN GREENLEE: It has or
24 has not?

25 MR. SCOTT: It has.

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2 COUNCILMAN GREENLEE: It has?

3 MR. SCOTT: Yes. And so we --

4 I think we have a path forward. As soon
5 as we can get together with her and her
6 attorney, I think we can resolve her
7 claim.

8 COUNCILMAN GREENLEE: Okay. So
9 you're saying -- but I guess I'm talking
10 more about the general policy. So the
11 general policy is not Water Department or
12 Risk Management's policy; it's Finance
13 and Controller and all of that?

14 MR. SCOTT: Yes. That's
15 correct, sir.

16 COUNCILMAN GREENLEE: Okay.
17 Well, I just reiterate -- and this isn't
18 directed at you -- that still seems a
19 little -- that's not the way I would do
20 it, because nobody elected me to those
21 positions, but it just doesn't seem fair
22 to hold those two things together.
23 Again, be as aggressive as anybody needs
24 to be to go after people owing the City
25 of Philadelphia money, but to deny water

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2 service for a reason that had nothing to
3 do with them just doesn't seem fair.
4 But, again, I understand that's not your
5 decision.

6 Thank you.

7 COUNCILWOMAN BLACKWELL:

8 Mr. Chairman, on Page 2, the second to
9 the last paragraph, they talk about
10 having -- she talks about having
11 equipment removed from her business at
12 the start of the cleanup and they didn't
13 document -- the City didn't document the
14 items and didn't replace her equipment.
15 It says, My business needs that equipment
16 to be operational.

17 So then I guess she did feel
18 she needed to hire a lawyer. But why
19 can't she -- how can she -- if she says
20 she can't operate without her equipment,
21 why won't you give it back? You want to
22 make sure she pays all this money in
23 taxes. Why won't you give her her
24 equipment back from June until now?

25 COUNCILMAN JOHNSON: I agree,

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2 Councilwoman.

3 COUNCILWOMAN BLACKWELL: Thank
4 you.

5 COUNCILMAN JOHNSON:
6 Councilwoman Bass.

7 COUNCILWOMAN BASS: I just
8 wanted to wait to see if there was a
9 response.

10 MR. SCOTT: I don't have an
11 answer specifically with regard to the
12 equipment. We are also trying to work
13 with her to document what equipment she
14 is claiming a loss for. So that was the
15 materials that were removed in the
16 clean-out happened at a time and it was
17 done by a contractor that the City hired,
18 and I'm not --

19 COUNCILWOMAN BLACKWELL: How
20 come you all didn't get records from
21 them? My goodness, you got to ask her
22 what she's missing, because you all don't
23 even have records about it, but you want
24 to make sure she pays her taxes. It's so
25 unfair and unethical. I'm sure she told

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2 you. She gave you pictures and
3 everything. So why won't you give it
4 back? This is from June 14th until
5 November 30th and you won't give her back
6 her equipment? Jeez.

7 COUNCILMAN JOHNSON:

8 Councilwoman Bass.

9 COUNCILWOMAN BASS: Thank you.

10 Well, I too am curious as to
11 the equipment question and the fact that
12 we had a contractor who appears to have
13 taken out equipment from a business and
14 has no documentation for it, and now she
15 has to basically prove what was taken
16 from her business. Is that correct?

17 MR. SCOTT: Well, she's claimed
18 a loss of her equipment, and what we are
19 trying to get from her is a value of that
20 loss. And so we've asked her to provide
21 us with records that indicate what
22 equipment that she had there, its
23 approximate age, and its approximate
24 value. And if we can get that
25 information about what her loss is, then

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2 we can compensate her for her loss.

3 COUNCILWOMAN BASS: So then you
4 do have information from the contractor
5 saying what equipment they took out or
6 removed? Are you trying to reconcile the
7 two; is that what you mean?

8 MR. SCOTT: We need information
9 as, frankly, the contractor who was there
10 was there in order to clean out the
11 basement to address the water and sludge
12 which might have been there. That's what
13 their focus is. We are looking to the
14 property owner, Ms. Smith, who has
15 purchased that equipment, has maintained
16 that equipment in order to define
17 specifically what the equipment is, not
18 relying on the remediation contractor to
19 define specifically the equipment and its
20 value. We're really looking to her to
21 say, What did you have down there? You
22 worked with that equipment all the time.
23 You purchased it. You maintain it. What
24 did you have? And so that's what --
25 that's the information that we need in

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2 order to sort of approve the value of her
3 loss.

4 COUNCILWOMAN BASS: Okay. So
5 you're waiting for a list from her?

6 MR. SCOTT: Yes.

7 COUNCILWOMAN BASS: Because
8 earlier you mentioned that you thought
9 you all could -- as soon as you were able
10 to get with her attorney, you all could
11 settle this out and make her whole. But
12 you can't make her whole because we don't
13 have all the information, right?

14 MR. SCOTT: Right, but that's a
15 discussion that we have to have with her,
16 and as she's represented, her attorney
17 needs to be there. So there are --

18 COUNCILWOMAN BASS: So it's not
19 as ready to go, I guess? In my mind I
20 kind of got the impression that you all
21 were ready to go and it was really just a
22 matter of sitting down at the table, but
23 it's not exactly.

24 MR. SCOTT: Well, here's where
25 we are: I think that we have -- we are

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2 clear about some value on her loss.

3 She's got a claim that's a higher value.

4 So we were happy to make and offered to

5 make a partial settlement for the things

6 we're clear about that she has documented

7 in her loss. And we know that there are

8 other things that are out there. We're

9 not clear on the values there, and that's

10 why that piece is unresolved, but we can

11 issue a partial settlement if we're able

12 to come to some agreement with her and

13 her attorney about that.

14 COUNCILWOMAN BASS: Okay. Let

15 me come back to that, because I had a

16 couple of other questions.

17 There's all sorts of things

18 that we do here in the City of

19 Philadelphia that are done very

20 differently, I'll put it that way, and

21 the idea that a water main break that she

22 had no -- or the residents and merchants

23 had no cause, they did not cause the

24 situation to occur and still because they

25 have a tax issue with the City may be

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2 penalized in terms of being able to move
3 forward with their claims. And I
4 understand it has to go through Finance
5 and all of these sorts of things, the
6 Controller's Office. I certainly
7 understand that, but I guess the question
8 is, knowing that we're a city that has
9 difficulty collecting taxes, what kind of
10 things do we do to ensure that if someone
11 comes to the Water Department in a
12 similar situation, is there a program?
13 Do we have a spiel? Like what do we do
14 when someone comes to us and says, you
15 know, I had this loss, but I also am
16 behind on my taxes and I need help? What
17 does the Water Department do to make sure
18 that we get the situation resolved and
19 that we have this person back on the tax
20 rolls? Is there anything proactive, I
21 guess is what I'm asking?

22 COMMISSIONER NEUKRUG: Thank
23 you, Councilwoman. We seek to help all
24 our customers, and certainly if a
25 customer comes to us with damages and a

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2 claim, we have claim adjusters to go out
3 and work with the customer to resolve
4 that claim. But it's not the Water
5 Department, again, that does this,
6 actually accepts or rejects the claim.
7 It is Risk Management. But we do
8 everything we can to support the
9 homeowner in any kind of condition that
10 they have.

11 COUNCILWOMAN BASS: But I guess
12 my question is then if it's not the Water
13 Department, if it's Risk Management, what
14 kind of steps are taken proactively if
15 someone -- if I say up front, you know,
16 I'm behind, I haven't had a chance to
17 catch up, my business is going through
18 some tough times right now, whatever, but
19 I've had this loss, do we do anything
20 proactively to get in front of that and
21 say, Well, this is what we're going to do
22 to be able to be helpful to you? I'm
23 just asking is there anything that we do
24 proactively?

25 DEPUTY COMMISSIONER McCARTY:

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2 Well, I mean, if a customer or impacted
3 resident came to us with what you had set
4 out, we would refer them to Revenue to
5 see what could be worked out, to get in
6 some sort of payment agreement and help
7 them resolve those issues, those
8 outstanding tax issues and then, on a
9 parallel path, work on their, with Risk
10 Management of course, on their claim.
11 But, yeah. I mean, we do that with water
12 bills as well as any tax things. We
13 refer them to Revenue.

14 COUNCILWOMAN BASS: So I guess
15 the answer is not really, because if I
16 was just saying, Well, you should go to
17 Revenue, it's not really the answer in
18 terms of --

19 DEPUTY COMMISSIONER McCARTY:
20 Well, no. I mean, we would provide the
21 connection to that person, not just say,
22 Here's the number, go call. No. We
23 would make that connection, but it would
24 have to -- it's not our authority, so we
25 would have to have Revenue work with that

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2 resident and get those issues resolved.

3 COUNCILWOMAN BASS: Okay. All
4 right. Because it's obviously in our
5 best interest that we want the repairs
6 done, but we also want the tax situation
7 resolved, and if they can't get back in
8 business, they really can't pay. So we
9 have to make sure that they have water
10 service and that they're made whole, and
11 sometimes we might have to take somewhat
12 of a risk. We might have to find other
13 ways to ensure that the City is made
14 whole. But we know that if we put them
15 out of business, then we're not going to
16 see any revenue, taxes or otherwise.

17 But thank you.

18 COUNCILMAN JOHNSON: Councilman
19 Mark Squilla.

20 COUNCILMAN SQUILLA: Thank you,
21 Mr. Chairman.

22 It seems to me -- and it's not
23 only the water issue which we're here for
24 today, but even if it's Streets
25 Department who are redoing the streets

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2 and they break a curb or crack someone's
3 sidewalk, it goes through Risk
4 Management.

5 Is there a policy or a timeline
6 that Risk Management likes to follow to
7 resolve these? Because some of these
8 seem like they go on forever before they
9 would ever get resolved. Are we saying
10 that the people aren't given the right
11 information or that we need to do
12 something differently in our policy?

13 MR. SCOTT: So thank you,
14 Councilman. The process does come
15 through Risk Management. What we have
16 done, we have put, when people have a
17 loss, we have -- they are free to call
18 us. They call us. They can also
19 download a claim form off of our website.
20 And so on our website at
21 www.phila.gov/risk they can go to the
22 Claims section so that they can begin
23 immediately to fill out a claim form.
24 And so that process consists of basically
25 three parts. One is an investigation,

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2 two is a claims adjustment, and three is
3 a settlement or payment.

4 And so first in the
5 investigation, there's correspondence
6 between the claimant and us about what
7 happened, and then we also correspond
8 with the City department that's affected
9 or that's involved, the Water Department
10 obviously in this case or the Streets
11 Department in the case that you
12 mentioned. We need to get information
13 from those departments about what
14 happened to verify that there is a loss.
15 We also then -- then that's sort of part
16 of the investigation.

17 Based on the investigation,
18 there's a decision made about whether the
19 City's liable, and if the City's liable,
20 we'll work in adjusting the claim,
21 finding out the value of the loss. We
22 don't -- the City doesn't maintain
23 insurance for this. We are self-insured.
24 So we work with the owner, the property
25 owner, whoever has suffered the loss, in

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2 order to identify the value of that loss
3 and adjust the claim and come to an
4 agreement with them about the amount of
5 money that would settle that claim.

6 And then we then finally --
7 that goes out in paperwork in order to be
8 processed and issued as a payment.

9 COUNCILMAN SQUILLA: So it's a
10 long process, so --

11 MR. SCOTT: It's a long process
12 and it's an individual process. So
13 there's not a set time. So claimants
14 have up to two years under the law in
15 order to file a claim. So the date of
16 the loss of this event was June 14th,
17 2015. They have until June 13th of 2017
18 to file a claim about this. And so at
19 that point, then we would start working
20 with them in order to adjust the claim.

21 COUNCILMAN SQUILLA: Is there a
22 timeline of when we as a city have to
23 have that claim either rectified or a
24 decision made, or that could go on for
25 years?

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2 MR. SCOTT: You know, generally
3 speaking, it resolves at least in some
4 way by that two-year limit. That point
5 people can at that point or at any point
6 file suit against the City in the matter.
7 But for us, it's better for us to resolve
8 the claim as soon as we can, because we
9 only have a limited number of claims
10 adjusters and they have -- they're
11 holding these cases on the books until
12 they have the information they need or
13 they have the documentation that they
14 need in order to resolve the matter.

15 COUNCILMAN SQUILLA: Now, does
16 the City have the option of either fixing
17 what they have broken or lost or pay out
18 in cash the value of that?

19 MR. SCOTT: We don't fix,
20 because that's a longer process and
21 generally there are no forces, City
22 forces, who are equipped and able to do
23 that kind of work. So we ask the owners
24 of the property to give us an estimate or
25 two estimates, is what we've asked, so

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2 that we can then provide them a
3 settlement and they can contact whomever
4 they choose in order to fix or repair.

5 COUNCILMAN SQUILLA: And if
6 there is no settlement at that time, then
7 the customer or the resident, the City
8 resident, has the ability to then go to
9 court to sue the City to get the --

10 MR. SCOTT: At any time in the
11 process, that can happen. They can do
12 that on day one or on --

13 COUNCILMAN SQUILLA: Well, I
14 would think as the City we would want to
15 try to resolve those issues.

16 MR. SCOTT: We do. We do. And
17 so we prefer that they come to us
18 because, frankly, we believe that that
19 process is quicker and involves less
20 hassle. I'm not saying that our process
21 is free of any hassle, but it is less
22 hassle than going to court, is what I'm
23 trying to say.

24 COUNCILMAN SQUILLA: And I
25 agree with you. I mean, there's hassle

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2 in any process dealing with the City.

3 The issue comes in -- the liability here,
4 we know who is at fault. We know what
5 happened, the water main break.

6 MR. SCOTT: Yes. In this
7 instance, it's clear.

8 COUNCILMAN SQUILLA: The issue
9 comes in what was destroyed, how much was
10 destroyed, and then the value of that
11 destruction, and I think that's something
12 we need to really contemplate. And I
13 understand that the staff -- hopefully we
14 don't have these big water main breaks.
15 I mean, year after year we've seen with
16 our old infrastructure, we could have
17 water, gas, other situations that are
18 going to cause a problem, so we need to
19 be able to know how to deal with these on
20 a basis that can keep especially
21 businesses and homeowners in business,
22 because if not, we're really ruining
23 their livelihoods. And so we need to try
24 to do a better job.

25 MR. SCOTT: Yes, Councilman.

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2 We also -- as I mentioned at the last
3 hearing, that it's important for us, and
4 in this case we didn't respond as
5 robustly as we have in the past, and what
6 we have done, the Water Department and
7 Risk and other parties, City parties
8 especially, have worked to try to make
9 sure that we have going forward a much
10 more robust response, because first of
11 all, people want their property. They
12 want to stay in their homes. And so we
13 want to just sort of make sure that we
14 can respond, get the water out, get them
15 back up and running again, and that's
16 really what we are prioritizing going
17 forward.

18 COUNCILMAN SQUILLA: Okay.

19 Thank you.

20 COUNCILWOMAN BLACKWELL:

21 Mr. Chairman?

22 DEPUTY COMMISSIONER McCARTY:

23 May I -- I'm sorry.

24 COUNCILWOMAN BLACKWELL: Point
25 of information. We have another victim,

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2 Mr. Jackson, who is here from Creighton
3 Street. Now, they still don't have --
4 this happened June 14th. They have no
5 heat. Now, they were willing to even
6 take a partial settlement, but there was
7 some question about some note at the
8 bottom of a form and whether or not they
9 could -- if they took partial settlement,
10 can't they still apply for other monies
11 needed. There was some question on the
12 form that wasn't clear. So they're
13 sitting all this time without heat.

14 MR. SCOTT: So we only found
15 out that Mr. Jackson had a concern about
16 that form on Friday. On Friday we
17 created a new form. It was clearly a
18 partial release. We have that form and
19 we are happy to have him sign it today
20 and can issue him a partial payment.

21 COUNCILWOMAN BLACKWELL: And he
22 can still sue for what --

23 MR. SCOTT: Yes.

24 COUNCILWOMAN BLACKWELL: See
25 what I'm saying how much they care? No

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2 heat, as cold as it is today. Because
3 the form said if they once signed, then
4 they couldn't get anything else. No heat
5 all the time since June. So thank God,
6 Committee and Mr. Chairman, that we have
7 this hearing, so maybe we can get
8 Mr. Jackson and his family some help.

9 Thank you. Thank you,
10 Councilman Squilla.

11 COUNCILMAN JOHNSON: You're
12 welcome, Councilwoman.

13 Debra.

14 DEPUTY COMMISSIONER McCARTY:
15 Thank you, Councilman Johnson. I just
16 wanted to add to something that
17 Councilman Squilla asked about the
18 repairs and replacement. And with water
19 main breaks, we do replace the hot water
20 heaters and house heaters. Now,
21 Mr. Jackson's house heater, there's a
22 little different issue with that one, but
23 we have replaced many house hot water
24 heaters and house heaters as a result of
25 this water main break at 52nd and

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2 Wyalusing. I just wanted to clarify.

3 COUNCILMAN JOHNSON: Okay.

4 Thank you.

5 Any other questions from

6 members of the Committee?

7 (No response.)

8 COUNCILMAN JOHNSON: Thank you

9 very much.

10 MR. SCOTT: Thank you.

11 COUNCILMAN JOHNSON: Anyone

12 else here to testify on this bill?

13 (Witnesses approached witness
14 table.)

15 COUNCILMAN JOHNSON: Please
16 state your name for the record and begin
17 your testimony.

18 MR. JACKSON: Good morning. My
19 name is Edgar Jackson. I live in the 500
20 block of Creighton Street.

21 MS. JACKSON: And my name is
22 Carla Jackson, 500 block of Creighton
23 Street.

24 MR. JACKSON: As you know, as
25 they just stated, I haven't had any heat

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2 since June. They issued me a release
3 form.

4 COUNCILMAN JOHNSON:

5 Commissioner, can you stay for a second.

6 Excuse me, sir.

7 Commissioner, can we hold you
8 just for a second until they get
9 finished?

10 Go ahead, sir. Excuse me.

11 MR. JACKSON: They issued me a
12 release form. They've been knowing about
13 this since October. They issued me a
14 release form to give me some money for my
15 damages as far as the heater. On this
16 document it states if I sign this,
17 they're not liable for anything else
18 that's wrong with my house. This is the
19 document that they sent me. You can't
20 even understand it. All right? They
21 made it unlegible for anybody to read.

22 Also, as far as my claim, they
23 had a claim adjuster and some other
24 people come out to my home. Now, my
25 house was hit from four different sides

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2 from the water main break. I have
3 ongoing mold, cracks in the cement, water
4 still seeping in. Also I had a drain
5 pipe that was disengaged from my house.
6 They told me I had to fix that before
7 they will even settle -- they would even
8 start looking at a claim.

9 You have -- at that time -- I
10 haven't seen any claim adjuster since
11 September and to deal with a Stacy and a
12 Ty Gardner that was the claim adjusters
13 for the Water Department. True, for 78
14 homes, it seems like it's a lot for two
15 people to try to handle.

16 I have reports from a mold
17 company saying that my mold is still
18 active and alive. It's still active.
19 And I haven't seen anybody or anyone that
20 has come out to get rid of the mold. All
21 right? The company they did send out in
22 the beginning tried to do something, but
23 the mold just came right back through.
24 So my basement is mold. My cement, you
25 know, my foundation and, again, no heat.

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2 MS. JACKSON: And we're using
3 five heaters to heat our house.

4 MR. JACKSON: And the stove and
5 the oven. That's how we're staying warm.

6 MS. JACKSON: Where they took
7 the carpet up from the oil, the wood is
8 cracking.

9 I know everybody had a nice
10 Thanksgiving. Ours wasn't a Thanksgiving
11 at all.

12 Each time that we come, I come,
13 I try to be kind, patient, courteous.
14 Right now I'm like it's time for the kid
15 gloves to come off. I'm tired of being
16 nice. Yes, I do have an attitude,
17 because I'm upset. You know, living like
18 we're living, like I said before, it's
19 not human. And, no. They sit up here
20 and tell y'all that they call us and all
21 that. I'm telling you, excuse my
22 language, they're lying. They're lying.
23 They don't call us. We have two phones
24 so they can reach us by. They don't call
25 us. If anything, when I did call them, I

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2 find out about our oil heater and the oil
3 tank, and I called them. They told me to
4 go through the phone book and look for
5 someone to do the procedure. I did that.
6 I turned it in to them, and that's when
7 we got the letter saying -- at the bottom
8 it says once we do that, if they do that
9 procedure, then we're done with the City.
10 It's not -- when does it end? And like I
11 told y'all before, we're not looking for
12 a million dollars. All we want is our
13 home to be back the way it was. That's
14 simple. Simple.

15 COUNCILMAN JOHNSON: Thank you.

16 Any questions from members of
17 the Committee?

18 COUNCILMAN SQUILLA: One.

19 COUNCILMAN JOHNSON: Councilman
20 Mark Squilla.

21 COUNCILMAN SQUILLA: Thank you
22 for coming out here, and as
23 representatives of the City, we apologize
24 for you having to put up with this. I
25 mean, it's not something that we

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2 ourselves would want to do in our homes,
3 and we don't expect other residents to
4 have to put up with that. And we will
5 work with Councilman Johnson and
6 Councilwoman Blackwell and Risk
7 Management to make sure that there's a
8 resolution to this. And you're right, I
9 wouldn't sign that and I wouldn't have
10 that done, because not knowing the end
11 results. And I think at the end of the
12 day, they'll be back in touch with you
13 and I think we'll have a resolution in
14 place, at least for the heat to get fixed
15 immediately and then go from there, and
16 we'll work with the Committee here and
17 with Risk Management and Water to make
18 that happen. Sorry.

19 MR. JACKSON: Thank you.

20 MS. JACKSON: Thank you.

21 COUNCILMAN JOHNSON: Thank you.

22 I'm going to ask for, at the
23 request of Councilwoman Blackwell, for
24 Dorian Evans of National Restoration to
25 please come to the panel.

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2 So I know that's the mighty 3rd
3 Councilmanic District represented by
4 Councilwoman Blackwell, but if I can
5 assist in this process, Councilwoman, I'm
6 going to have my staff member, Steve
7 Cobb, to follow up with your staff so we
8 can get to the bottom of this, because --

9 COUNCILWOMAN BLACKWELL: Thank
10 you.

11 COUNCILMAN JOHNSON: -- because
12 I know what the Water Department can do.
13 This wasn't my experience, and that's a
14 problem. And so I would like to partner
15 with you to figure out how we get to the
16 bottom of this like ASAP.

17 COUNCILWOMAN BLACKWELL: Thank
18 you.

19 (Witness approached witness
20 table.)

21 COUNCILMAN JOHNSON: Go ahead,
22 Dorian. Please state your name
23 officially for the record, please.

24 MR. EVANS: Good morning. I'm
25 Dorian Evans. Our company is National

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2 Restoration. And, first, thank you for
3 allowing me to speak.

4 I think I have some experience
5 in this matter. We were the company
6 that --

7 COUNCILMAN JOHNSON: Just
8 before we get started, you're not the
9 gentleman that took out the equipment in
10 the basement, are you?

11 MR. EVANS: Absolutely not.

12 COUNCILMAN JOHNSON: All right.

13 MR. EVANS: We're actually the
14 company that was mentioned a little while
15 ago when there was a big water main break
16 on 21st and Bainbridge Street. Out of
17 the, I think it was, 34 houses up and
18 down Pemberton Street, along with the
19 church that was affected pretty
20 substantially, I think we did about 32 of
21 maybe the 34, 35 jobs.

22 I can speak to the fact that
23 also being allowed to do what it is we do
24 and we do well, if companies are given
25 the opportunity, a lot of the things that

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2 we're talking about don't happen. So, in
3 other words, quick response time is key.
4 But at the same time, I understand that
5 there's cost issues where the Water
6 Department has a certain amount of funds
7 in the budget and they have to make sure
8 that they don't exceed that within a
9 certain amount of time, and they want to
10 put some price caps on some things.

11 Our experience has always been,
12 listen, we're part of the team, we're
13 part of a partnering agreement. We're
14 not here to overbill or do anything like
15 that, but the main thing is that the
16 people who are affected get treated
17 properly, that the mitigation gets done
18 properly and in accordance with science.

19 It's important to clean those
20 properties out, get the soot and those
21 kind of things, the silt, get those
22 things out of the basement as quickly as
23 possible, begin the drying process. And
24 if you do it properly and you remove the
25 things that should be removed and you

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2 capture by way of pictures and inventory
3 documents what was in that basement, if
4 in fact you had to remove it, then a lot
5 of these things we wouldn't be talking
6 about today. Because through time, the
7 longer it takes, the more damage that's
8 going to occur. It starts to wick up the
9 walls. Wood that was affected or had
10 been touched by these -- by the water,
11 and that --

12 COUNCILMAN JOHNSON: Excuse me
13 just one second.

14 I would recognize Councilman
15 Brian O'Neill.

16 COUNCILMAN O'NEILL: Thank you,
17 Mr. Chairman. I just have to run out. I
18 may not be back in time, and I want to
19 leave my vote as aye on both bills and
20 thank the Committee for their time
21 they're spending on this.

22 Thank you.

23 COUNCILMAN JOHNSON: Thank you
24 very much.

25 Proceed.

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2 MR. EVANS: So by having the
3 trucks ready; in other words, guys on
4 call, local companies that have been
5 vetted, that know how to handle water
6 loss.

7 A category three water loss is
8 different from a fresh water loss. In
9 other words, once that water touches the
10 street and it comes into someone's house,
11 there's a contamination there. It has to
12 be treated differently than if there was
13 a little pipe inside the house and fresh
14 water came in. Not a toilet, but, you
15 know, just a fresh water line. So it
16 gets treated differently, and it has to
17 be treated differently, because you have
18 environmental issues that can occur if
19 you don't treat it properly.

20 So the proper way to do it is
21 to respond quickly with companies that
22 are vetted, that you know is not going to
23 be gouging in their pricing, that has a
24 long-term commitment and a relationship
25 to the City to make sure that those kind

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2 of things don't occur. You can't bring
3 in companies from Baltimore, which is
4 what happened in West Philadelphia,
5 Springfield. They have no real --
6 they're just here to do whatever they do,
7 and when they get called in three or four
8 days later, especially in the summertime,
9 the mold has already started to appear
10 and grow, right? So then a whole other
11 treatment process has to occur. You have
12 to have -- and we do this in New Jersey,
13 across the state in New Jersey. We are
14 one of three companies that handle all of
15 the municipalities. There's a list.
16 It's called a joint insurance fund. It's
17 very difficult to get on that list, but
18 what they do is, they partner with a
19 large insurance company. In this
20 instance it's Lexington, part of AIG.
21 And any loss over and above a certain
22 threshold then gets handled by the
23 insurance carrier, so that they keep the
24 costs down. And then -- but the reality
25 of it, say if it's a commercial building

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2 that gets exposed to these damages, where
3 there's people coming in every day, you
4 have to handle those losses correctly.

5 There was an issue in New
6 Jersey a few years ago -- and this is why
7 they did it -- because they allowed a
8 company who was a friend of someone to
9 come in and handle a municipality loss,
10 water main, and they came in and what
11 they did was instead of just handling it
12 the correct way, they ruptured some
13 asbestos and a \$15,000 mitigation wound
14 up being a half a million dollar
15 mitigation that that jurisdiction had to
16 eventually pay for. Those are the kind
17 of things that happen.

18 If these things -- I sat there
19 in West Philadelphia. I was on the site.
20 I went there. I was on site. So I saw
21 what was happening, and it was not right.
22 It was a disgrace.

23 What was happening is, water
24 mitigation people who do this for a
25 living weren't present. An adjuster is

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2 different from a person who does the
3 work. The adjusters came out. The Water
4 Department responded in the way that they
5 know how to do it, but they didn't have
6 the policy in place to allow a company to
7 respond immediately. Therefore, mistakes
8 were being made. It's not their fault.
9 They did the best that they could in
10 accordance with the policies and
11 procedures that they had put in place.
12 Since, since the South Philadelphia
13 issue -- because we got called out
14 immediately that night. I was there
15 because the Fire Department was having
16 their international conference and we
17 were a big supporter of it. So I was
18 local. So when it happened, I was able
19 to go right there. And so while I was
20 there, boom, let's get them down here,
21 let's get the trucks ready. We had 40 or
22 50 guys on the ground within an hour or
23 two. And that's what you need to have
24 happen. We were there all the way
25 through. And that was a big main break.

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2 You recall it in South
3 Philadelphia, right, Councilman? That
4 was huge. But it was handled. There
5 wasn't a lot of chatter after it. People
6 were relatively -- I mean, they were
7 upset, but the response was there. Their
8 homes were cleared. Their homes were
9 cleaned within a matter of a day.
10 Everyone had been seen, right? There was
11 a couple days that we had to leave the
12 equipment in there to make sure the
13 drying was proper. We came back, we
14 sprayed after. We may have done some
15 testing after to make sure there was no
16 mold growing as a result of it, but we
17 were there, right? Everything worked out
18 fine.

19 What happened in West
20 Philadelphia, in my opinion, has a lot to
21 do with the policies and procedures and
22 an attempt to cut costs over making sure
23 that the work was being done properly,
24 right? And that's my opinion on what
25 happened there.

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2 COUNCILMAN JOHNSON:

3 Councilwoman.

4 COUNCILWOMAN BLACKWELL: Let me
5 thank Mr. Dorian Evans for coming. He
6 was at the meetings. He came. So he did
7 see what was happening.

8 MR. EVANS: Well, since then
9 we've been doing work for the City, and
10 they've been calling us. But, again, I
11 think it's still taking too long to be
12 called out.

13 COUNCILMAN JOHNSON: So it's
14 only right to bring, I guess it would be,
15 the Commissioner.

16 Commissioner, can you come back
17 to the panel just real quick, please?
18 Because one thing the gentleman talked
19 about was policy, the response time
20 policy. So can you elaborate on the
21 Philadelphia Water Department's policy as
22 it relates to responding to water main
23 breaks? And as it was explained, the
24 timeframe makes all the difference,
25 correct?

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2 MR. EVANS: Yes, makes all the
3 difference.

4 COUNCILMAN JOHNSON: Thank you
5 for your testimony.

6 Commissioner, please.
7 (Witnesses approached witness
8 table.)

9 COMMISSIONER NEUKRUG: Howard
10 Neukrug, Water Commissioner.

11 Yes. We have as our set policy
12 to obviously go in and do as much repair
13 as we can as quickly as we can and get
14 our customers back into service with
15 water and other utilities and have their
16 properties repaired as quickly as
17 possible.

18 COUNCILMAN JOHNSON: Do you
19 want to address the statement regarding
20 the response and timeframe as it relates
21 to the policy of the Water Department
22 that was just mentioned?

23 DEPUTY COMMISSIONER McCARTY:
24 As Barry Scott said earlier, I think we
25 could have done a better job on this one,

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2 but it's not because of funding that we
3 didn't respond maybe as well as we should
4 have responded. Not maybe. As well as
5 we should have responded. We have
6 cleaning companies that we had to call
7 in. We also had -- we've never had to
8 before call electricians to restore power
9 and get UL certification for properties.
10 That was a huge challenge getting that.
11 We have since put in place or working on
12 putting in place a contract with
13 electricians, more than one, to be
14 available if we need to get UL
15 certification again on properties. So we
16 were assessing and then calling the
17 cleaning companies, and we should have
18 just called the cleaning companies. I
19 mean, to be quite frank.

20 COUNCILMAN JOHNSON: I
21 understand, Debra. So this is what begs
22 the question. Some of the things you
23 talked about, you're saying you're either
24 going to be putting in motion moving
25 forward the electricians component, I

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2 guess the other companies that you deal
3 with, but over the last four years, we've
4 been having frequent water main breaks.

5 I know we had one -- Brown ShopRite
6 flooded actually twice. I remember
7 seeing it on the news. And then
8 obviously you had the West Philadelphia

9 one. I seen a couple other ones that
10 happened during the wintertime. So I

11 would think that a lot of those things
12 would already be in place, because we've
13 been having water main breaks frequently.

14 It's not like a once in a while thing.

15 For some apparent reason -- well, we know
16 the reasons why, and I do give credit to
17 the Commissioner that when I first was

18 elected and we had a meeting over MSB
19 building with all the different people
20 under Transportation and Public

21 Utilities, for the record, you mentioned
22 that you would like to see investment in
23 the City's infrastructure, pipe

24 infrastructure, and just to be quite

25 frank, I don't think that was a priority

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2 of the Administration at that particular
3 time. I mean, it is what it is, but I do
4 remember you making that statement,
5 because once I started seeing the water
6 main breaks actually happening, I said,
7 Wow, we could have been preventable, at
8 least started that process early on.

9 But I guess my question is, why
10 aren't we putting these systems in place
11 now when these water main breaks have
12 been happening consistently? I would
13 think there would be a playbook, because
14 they're always happening.

15 COMMISSIONER NEUKRUG: And
16 there has been a playbook for quite a
17 long time. And just to put this all in
18 context, there's a water main break in
19 the U.S. every two minutes.

20 COUNCILMAN JOHNSON: Is the one
21 in West Philadelphia a little more unique
22 than the rest of them regarding the whole
23 let me bring in electricians?

24 COMMISSIONER NEUKRUG: Well, I
25 will say that there are between 500 and

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2 900 water main breaks every year in the
3 City of Philadelphia, and we respond and
4 can respond to almost every one of them
5 in a quick and efficient manner and
6 support our customers. As Deputy
7 Commissioner McCarty mentioned, that
8 there was -- that this one could have
9 been done a little bit better, and we
10 apologize for that.

11 COUNCILMAN JOHNSON: All right.

12 Any questions from any member
13 of the Committee?

14 (No response.)

15 COUNCILMAN JOHNSON:
16 Councilwoman Blackwell?

17 COUNCILWOMAN BLACKWELL: No.

18 COUNCILMAN JOHNSON: All right.
19 Thank you very much.

20 Can we bring up our last two
21 members to the panel.

22 Can the clerk please call the
23 witnesses, please. Ms. Yavonna Royster
24 and Mr. and Mrs. Edgar Jackson. Jacksons
25 were here already? Okay.

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2 COUNCILWOMAN BLACKWELL: And
3 Theodore Smith, Mr. Chairman.

4 COUNCILMAN JOHNSON: Come on
5 up, young man.

6 (Witnesses approached witness
7 table.)

8 MS. ROYSTER: Good morning.

9 COUNCILMAN JOHNSON: Good
10 morning. Please state your name for the
11 record, please.

12 MS. ROYSTER: Yavonna Royster,
13 539 Creighton Street.

14 I just came up to show the
15 panel some of the pictures. I still have
16 mold all on my walls. My walls are
17 cracking. I have asthma, so I can't
18 really stay in the house all the time and
19 to leave the house some of the times.

20 Now, they did tell me that they
21 were coming out today with a construction
22 person to look at the things. I wondered
23 if they come out today, how long is it
24 going to take for them to fix the stuff?

25 COUNCILMAN JOHNSON: Okay. So

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2 here's what we'll do and here's what
3 we'll continue to do, and my staff is
4 going to get involved and be supportive
5 of the Councilwoman particularly on this
6 issue so we can just get to the bottom of
7 it. Debra, can you just do a personal
8 follow-up with the young lady, right?

9 Say your last name again.

10 MS. ROYSTER: Royster.

11 COUNCILMAN JOHNSON:

12 Ms. Royster. So she can know what's
13 going to be the process moving forward.

14 Okay? We'll have someone speak
15 with you directly on your issue and go
16 from there.

17 MS. ROYSTER: Okay. Thank you.

18 COUNCILMAN JOHNSON: Thank you
19 very much.

20 Is there anyone else here to
21 testify on the bill?

22 MR. SMITH: Good morning,
23 Mr. Chair, and good morning, Committee
24 members, and good morning, Ms.
25 Councilwoman. My name is Theodore Smith.

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2 I'm the 44th Ward, 18th District
3 committee person, and I'm just here to
4 testify on basically the events leading
5 up to it, if that's okay, or if you guys
6 don't want to hear it, then that's fine
7 as well.

8 COUNCILMAN JOHNSON: Do you
9 mind summarizing it? Because we pretty
10 much -- this is our second hearing, so
11 we're well versed.

12 MR. SMITH: I understand. I
13 was here at the first one. I've been
14 here at all of the community meetings.

15 There is one point that I
16 wanted to stress out that I think a lot
17 of people have not considered, the fact
18 that around this time in 2014 November is
19 when PGW came to 52nd and Westminster and
20 they dug up an 8-by-10-foot hole. They
21 also left -- they did not backfill the
22 hole. They excavated all the dirt out of
23 the hole. At the end of November, around
24 December 1st, they put the lead plate
25 over top of the hole. They put the

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2 little lights around the hole and left it
3 for four months. It sat there and it
4 collected debris. It froze. The water
5 and the rain and the snow got in there
6 and froze up a lot of things and
7 defrosted a lot of things, which happened
8 maybe 20 feet from where PGW excavated.

9 My main concern is how does the
10 City come up with the plan to do
11 construction on a major highway or a
12 major intersection where the 52 bus comes
13 both ways every six minutes and it's
14 constant traffic on there, police, fire
15 and things like that, and nobody is a
16 liaison between the Water Department, the
17 Streets Department, the Gas and
18 everything? Because to me, that's what
19 made this water main break.

20 COUNCILMAN JOHNSON: Okay.

21 Thank you very much.

22 MR. SMITH: No problem.

23 COUNCILMAN JOHNSON: Appreciate
24 it.

25 Young man, just real quick as

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2 we wrap up, that does make sense,
3 because -- and I learned this when the
4 water main break happened in South
5 Philly. Each individual public utility
6 agency has their own representative, but
7 the left hand doesn't always know what
8 the right hand is doing.

9 MR. SMITH: Exactly.

10 COUNCILMAN JOHNSON: Now, we
11 had the fine opportunity in South
12 Philadelphia to work with a young lady
13 named Mellanie Lassiter who kept us in
14 contact with a representative from PGW,
15 worked in partnership with a
16 representative from the Water Department.
17 So they kind of communicated. And
18 Comcast was a part of it as well, because
19 they had wires under the ground, so they
20 played a major role in it. But I don't
21 think on the City side there is one
22 particular liaison to make sure that all
23 of those agencies on these particular
24 issues are all working on the same page,
25 because sometimes the electric company

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2 will say, Well, we can't do a certain
3 part until the gas company come out, or
4 the gas company say, Well, it's the
5 Streets Department's responsibility. And
6 then if you're not having a person
7 advocating for you, nothing gets done.

8 MR. SMITH: Yes, sir. That's
9 well taken and understood. But after all
10 this happened, that's when they started
11 coming out to do everything else. That's
12 when all the sudden the cable started
13 getting ran and other things started
14 getting ran. But for it to sit for so
15 long and to do construction on a major
16 street in November, it makes absolutely
17 no sense. And it sat there. It blocks
18 the curbs and people in wheelchairs
19 couldn't get past. It diverted all the
20 traffic, and it just didn't make any
21 sense.

22 COUNCILMAN JOHNSON:
23 Understood. Thank you very much for your
24 testimony.

25 Seeing no one else --

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2 COUNCILWOMAN BLACKWELL:

3 Mr. Chairman?

4 COUNCILMAN JOHNSON: Yes.

5 COUNCILWOMAN BLACKWELL: Let me
6 thank him too. He volunteered to start a
7 community organization. He gives out
8 materials. He's really trying to help
9 and be a leader in that community, and we
10 thank him.

11 COUNCILMAN JOHNSON: Thank you
12 very much.

13 Councilwoman, any other
14 comments?

15 COUNCILWOMAN BLACKWELL: We --

16 COUNCILMAN JOHNSON: We have
17 one more person who wants to testify.
18 Two more people.

19 You were on the list? Come on
20 up and state your name for the record.
21 We're sorry. We all do everything in
22 decency and transparency, in that order.

23 MS. POSTELL: My name is
24 Patrell Postell. I'm in the household of
25 5155 Wyalusing. My sister testified the

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2 last time and since then, nothing has
3 happened concerning our home.

4 COUNCILMAN JOHNSON: You said
5 5155 Wyalusing?

6 MS. POSTELL: Yes. We still
7 have mold in the basement. Our
8 electricity is going haywire. Whoever
9 came in to fix it did not fix it
10 correctly. You turn on the microwave,
11 everything starts flickering. You turn
12 on the toaster oven, everything starts
13 flickering. Don't turn on both at the
14 same time. And no structural person has
15 been out as of yet, because we were
16 informed that being as though the mold is
17 coming from our neighbor's walls into our
18 home, that's the reason why we
19 consistently keep getting mold. And
20 there was supposed to be a structural
21 person to come out, and nobody has come.

22 COUNCILMAN JOHNSON: So what
23 we'll do is, because this is a personal
24 one-on-one issue as well, I'm going to
25 refer you to Debra McCarty, Deputy

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2 Commissioner, Water Department, who is
3 sitting to your right.

4 Young lady.

5 MS. GILMORE: Hello, everyone.

6 My name is Bernadette Gilmore. I was at
7 5149 Wyalusing Avenue, like two doors
8 down -- about three doors down maybe from
9 her. I was in a HUD house.

10 This is like, I think, the
11 third or fourth water main break. The
12 last water main break I was trying to
13 move because it was a HUD house. Once I
14 got the call seeing that they did come
15 out, I had a structural person to come
16 out. They said that -- they asked me
17 questions like was the bricks moved. I
18 said they weren't moved before on the
19 front porch, and they told me they would
20 give me a report of what they seen. And
21 then they came back and they did an air
22 test, and they said they seen mold and
23 things like that. And I'll just say
24 maybe two weeks later, they said they
25 were going to give me the results of

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2 everything. To this day, I haven't got
3 the results. But I did get a call from
4 my manager of that property, and she said
5 on the phone, though, We have emergency
6 move, we need you to call. Because of
7 mold, we have emergency move.

8 Now, we all live in the same
9 facility of these houses that was hit by
10 the water main break. I'm not sure as
11 to -- like I said, it's not just a loss.
12 It's the process of what we went through
13 and how it was handled. We were treated
14 horrible. The first hotel we stayed in,
15 it was like so horrible, it was like a
16 drug deal hotel, people walking around
17 asking me for drugs. I couldn't really
18 take off because my particular job I
19 don't get paid when I'm off. So I had to
20 go to work in the midst of this.

21 People were afraid to leave
22 their homes because like the windows were
23 broke. My basement, the whole piece was
24 off, so I had to push it up. And thank
25 God for Ms. Jannie. She came around, she

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2 drove around asking questions how
3 everything was going. She tried to get
4 them to kind of like quarantine the area
5 so that people could at least leave
6 without worrying about their property.
7 Because, you know, if people know your
8 houses are hit by the water main break,
9 they walk in the neighborhood, so they
10 more than likely going to try to rob you
11 while you're gone. So she worked on
12 that, thank God. She kept coming back
13 and forth trying to make sure everything
14 was done. Even one day she was there, I
15 believe it was, I remember on her
16 birthday.

17 So I appreciate everything, for
18 those of you who really was trying to
19 make it work for us. But, you know, it
20 was a lot of trauma and it's just so much
21 that went down, and how you was treated
22 was the worst part, not even so much what
23 you lost, how you were treated. And each
24 time they told me that the mold was
25 resolved, and it wasn't, because we had

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2 to have like three -- I think three or
3 four people to come out, and when they
4 came out, I asked them --

5 COUNCILMAN JOHNSON: Did the
6 mold come back now as well?

7 MS. POSTELL: Yes.

8 MS. GILMORE: I would ask them,
9 can you give me a slip verifying that the
10 mold is resolved. They said, We don't
11 specialize in mold. We just clean, so we
12 can't give you something to say okay your
13 mold is done.

14 So I had to move. In the
15 process when they moved me, the manager
16 of my property called me and said on the
17 phone, Okay, so where do you want to
18 move?

19 I said, What are you talking
20 about? I said, I don't even know what
21 houses that you have. Do you have a list
22 of where I can move or wherever?

23 She was like, No, I don't have
24 a list.

25 This is how she was talking to

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2 me. So I'm like, I'm not sure what's the
3 purpose of this. So I'm treated like you
4 getting ready to evict me as opposed to
5 saying that I have to move.

6 Then I had another manager in
7 the property that I'm in now, when she
8 first called me, she's over -- I think
9 she's over the one manager. I don't know
10 what position she had, but her name was
11 Ms. Rodriguez. She was extremely nasty.
12 She said, Oh, I heard you had Ms. Jannie
13 working with you. There's nothing she
14 can do. She can't move you anywhere.

15 I said, What are you talking
16 about? I said, She's involved with this
17 because of the water main break. I
18 didn't call her for no other reason. So
19 what are you talking about?

20 So she said, Oh, well, this is
21 where you got to move, and if you don't
22 move, I'm terminating your lease.

23 So this is what I went through.
24 She said she would terminate my lease.
25 So I was like, okay, so should I have

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2 just let her terminate my lease and try
3 to fight this afterwards and then see
4 where I can move or whatever. She was
5 like so she wouldn't -- the property was
6 so nasty, I had to go back down to
7 Ms. Jannie's office and ask them could
8 you please make sure somebody come out
9 and clean this property. They wouldn't
10 do it. And I moved in anyway because I
11 didn't want my lease terminated for where
12 I was.

13 So this is what I went through,
14 and I just wanted everybody to basically
15 know that you're looking at what we lost.
16 What we've been through is worse than
17 what we lost. That's all I'm saying.

18 COUNCILMAN JOHNSON: I
19 understand. Okay. Well, thank you for
20 your testimony. But that does give us
21 some insight on the customer service
22 issues that probably need to be addressed
23 in the future.

24 Seeing that there's no more
25 members to testify, we will now go into

1 11/30/15-TRANSPORTATION-BILLS 150642 & 150768

2 our public meeting.

3 The Chair now recognizes
4 Councilmember Bill Greenlee on a motion
5 on Bill No. 150768.

6 COUNCILMAN GREENLEE: Thank
7 you, Mr. Chairman. I move that Bill No.
8 150768 be reported out of this Committee
9 with a favorable recommendation and the
10 rules of Council be suspended to allow
11 for first reading at our next session of
12 Council.

13 (Duly seconded.)

14 COUNCILMAN JOHNSON: It has now
15 been moved and properly seconded that
16 Bill No. 150768 be reported from this
17 Committee with a favorable recommendation
18 and further moved that the rules of
19 Council be suspended to permit first
20 reading of this bill at the next session
21 of Council.

22 All those in favor of the
23 motion will signify by saying aye.

24 (Aye.)

25 COUNCILMAN JOHNSON: Any

1 11/30/15-TRANSPORTATION-BILLS 150642 & 150768

2 opposed?

3 (No response.)

4 COUNCILMAN JOHNSON: The bill
5 passed. The ayes have it and the motion
6 carries. Bill No. 150768 will be
7 reported from this Committee with a
8 favorable recommendation with a request
9 that the rules of Council be suspended to
10 permit first reading at the next Council
11 session.

12 The Chair recognizes Councilman
13 Bill Greenlee for a motion on Bill No.
14 150642.

15 COUNCILMAN GREENLEE: Thank
16 you, Mr. Chairman. I move that Bill No.
17 150642 be reported out of this Committee
18 with a favorable recommendation and that
19 the rules of Council be suspended to
20 allow for first reading at our next
21 session of Council.

22 (Duly seconded.)

23 COUNCILMAN JOHNSON: It has now
24 been moved and properly seconded that
25 Bill No. 150642 be reported from this

1 11/30/15-TRANSPORTATION-BILLS 150642 & 150768

2 Committee with a favorable recommendation
3 and further moved that the rules of
4 Council be suspended to permit first
5 reading of this bill at the next session
6 of Council.

7 All those in favor of the
8 motion signify by saying aye.

9 (Aye.)

10 COUNCILMAN JOHNSON: Those
11 opposed?

12 (No response.)

13 COUNCILMAN JOHNSON: The ayes
14 have it and the motion carries. Bill No.
15 150642 will be reported from this
16 Committee with a favorable recommendation
17 with a request that the rules of Council
18 be suspended to permit first reading at
19 the next Council session.

20 This concludes the business of
21 this Committee for today. Thank you all
22 very much for your participation.

23 (Committee on Transportation
24 and Public Utilities concluded at 11:40
25 a.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

(The foregoing certification of this
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of the same by any means, unless under the
direct control and/or supervision of the
certifying reporter.)

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