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COUNCIL OF THE CITY OF PHILADELPHIA

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COMMITTEE ON APPROPRIATIONS

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Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, March 5, 2008
10:30 a.m.

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PRESENT:

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COUNCILWOMAN JOAN L. KRAJEWSKI, CHAIR

COUNCILMAN DARRELL L. CLARKE

COUNCILMAN W. WILSON GOODE, JR.

11

COUNCILMAN CURTIS JONES, JR.

COUNCILMAN JACK KELLY

12

COUNCILMAN JAMES KENNEY

COUNCILWOMAN MARIA QUINONES-SANCHEZ

13

COUNCILWOMAN DONNA REED MILLER

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BILL 080150 - An ordinance authorizing
transfers in appropriations for Fiscal Year
2008 within the Grants Revenue Fund...

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16

BILL 080151 - An ordinance authorizing
transfers in appropriations for Fiscal Year
2008 within the General Fund...

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BILL 080152 - An ordinance authorizing
transfers in appropriations for Fiscal Year
2008 within the Aviation Fund...

19

BILL 080153 - An ordinance authorizing
transfers in appropriations for Fiscal Year
2008 within the Water Fund...

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COUNCILWOMAN KRAJEWSKI: Good morning. The Committee on Appropriations is now in session.

Will the Clerk please read the title of the bills.

THE CLERK: Bill No. 080150, an ordinance authorizing transfers in appropriations for Fiscal Year 2008 within the Grants Revenue Fund from the Director of Finance - Provision for other grants to the Law Department and the Board of Trustees of the Free Library of Philadelphia; and

Bill No. 080151, an ordinance authorizing transfers in appropriations for Fiscal Year 2008 from the General Fund, certain or all City offices, departments, boards and commissions and from the Grants Revenue Fund, the Director of Finance - Provision for other grants to the General Fund, certain or all City offices, departments, boards and commissions; and

Bill No. 080152, an ordinance

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.
2 authorizing transfers in appropriations
3 for Fiscal Year 2008 within the Aviation
4 Fund from the Managing Director - Office
5 of Fleet Management to the Managing
6 Director - Office of Fleet Management;
7 and

8 Bill No. 080153, an ordinance
9 authorizing transfers in appropriations
10 for Fiscal Year 2008 within the Water
11 Fund from the Managing Director - Office
12 of Fleet Management to the Managing
13 Director - Office of Fleet Management.

14 COUNCILWOMAN KRAJEWSKI: Thank
15 you.

16 Is there someone from the
17 Administration here?

18 (Witness approached witness
19 table.)

20 MR. AGOSTINI: Good morning,
21 Councilwoman Krajewski.

22 COUNCILWOMAN KRAJEWSKI: Good
23 morning.

24 MR. AGOSTINI: Good morning,
25 members. My name is Steve Agostini. I

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 serve as the Budget Director for the City
3 of Philadelphia and I appear --

4 COUNCILWOMAN KRAJEWSKI: Pull
5 your mike a little closer.

6 MR. AGOSTINI: Oh, I'm sorry.

7 I appear before you today to
8 offer testimony on Bill Nos. 080150,
9 080151, 080152 and 080153, which make
10 FY2008 budget appropriation transfers
11 between and among classes and departments
12 in the City's General Fund, Grants
13 Revenue Fund, Water Fund and Aviation
14 Fund.

15 There are a total of 27
16 transfers requested in Bill No. 080151,
17 including 20 transfers involving a net
18 change in departmental appropriations and
19 seven transfers between classes within a
20 departmental budget that do not result in
21 any net change in appropriations. These
22 transfers total \$84,358,773, a majority
23 of which is in the Grants Revenue Fund.

24 The largest increase in
25 appropriation requested is 47,427,378 in

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 Class 100 fringe benefit funds for the
3 Director of Finance to cover the
4 increased cost of employee benefits as a
5 result of health and medical benefit
6 reopener agreements. The Administration
7 also requests an increase of 5.7 million
8 in Class 500 appropriations for an
9 increase in Finance's Indemnities Fund
10 due to the settlement activity higher
11 than budgeted. For Fleet Management's
12 increase in fuel costs, the
13 Administration requests that five million
14 be transferred to Classes 300 and 400.

15 I'm going to try and hit the
16 high notes for the rest of these, and if
17 you have questions, there are a number of
18 representatives from the Administration
19 to answer your questions.

20 Another transfer of five
21 million in Prisons' Class 100 is
22 requested to fund increased overtime
23 costs associated with the census. A
24 transfer of 3.1 million is requested for
25 the Department of Public Health to fund

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.
2 hospital contracts and prescription
3 drugs. For an increase in costs for
4 experts and outside counsel, the
5 Administration requests a transfer of \$3
6 million to the Law Department Class 200
7 funds and an increase in appropriations
8 of 2.4 million in Class 200 for the
9 Mayor's Office of Information Services,
10 which will fund infrastructure and
11 security improvements to the City's
12 Internet, subpoena investigation requests
13 for electronic data, as well as
14 professional services in Wireless
15 Philadelphia and the PhillyStat/3-1-1
16 system.

17 The Administration requests an
18 increase of 2.2 million to the Department
19 of Public Property for maintenance and
20 custodial contract cost increases.
21 Another transfer of 2.2 million is
22 requested for the Department of Human
23 Services, as well as an internal transfer
24 of one million to fund overtime and
25 hiring associated with recommendations of

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.
2 the Blue Ribbon Panel.

3 These increases in
4 appropriations are made possible in part
5 through transfers of \$72 million from the
6 Director of Finance - Provision for other
7 grants and 12 million point 288 in
8 appropriations from the following General
9 Fund.

10 Internal transfers with no net
11 change in appropriation levels include
12 the previously mentioned one million for
13 Human Services' Class 300 and 400 funds
14 to Class 100, as well as some smaller
15 amounts in Licenses and Inspections and
16 Prisons, the Office of Behavioral Health
17 and Mental Retardation Services and
18 Zoning Code Commission.

19 Bill No. 080150, Fiscal 2008
20 grants, requests additional
21 appropriations for the Law Department in
22 the amount of \$9 million to pay
23 additional expenses and commissions to
24 their tax collection co-counsel relating
25 to the City's efforts to collect

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 delinquent taxes, and the Free Library in
3 the amount of 900,000 to roll over
4 unspent FY07 grant funds from the state
5 for the purchase of library materials.

6 Bill No. 080152 requests
7 approval for a transfer in appropriation
8 to Class 300 for 575,000 for the Water
9 Fund, and this is primarily for the
10 increase in costs of unleaded and diesel
11 fuel, as well as some internal
12 realignment in the Office of Fleet
13 Management.

14 And, finally, for Bill No.
15 080153, which requests the approval of
16 transfer of 178,000 in the Aviation Fund
17 and is an internal realignment of
18 appropriations in the Office of Fleet
19 Management for repair of heavy equipment.

20 I went over these quickly, and
21 if you have questions, there are
22 representatives here.

23 Thank you for the opportunity
24 to provide you with testimony.

25 COUNCILWOMAN KRAJEWSKI: Thank

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 you very much.

3 Regarding Bill 080153, could
4 you tell me the current number of
5 vehicles now being utilized by the Water
6 Department and a breakdown on how the
7 vehicles are used and also the age of the
8 vehicles.

9 MR. AGOSTINI: I think we have
10 that, if you would give us a moment.

11 (Witness approached witness
12 table.)

13 MR. MULLER: Good morning.

14 COUNCILWOMAN KRAJEWSKI: Good
15 morning.

16 MR. MULLER: Jim Muller, Fleet
17 Management.

18 We have about 900 vehicles in
19 the Water Department, but I could get you
20 the information on the mileage and the
21 years of that equipment.

22 COUNCILWOMAN KRAJEWSKI: Could
23 you forward the information to the Chair?

24 MR. MULLER: Yes.

25 COUNCILWOMAN KRAJEWSKI: Okay.

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 Go ahead.

3 MR. MULLER: That's --

4 COUNCILWOMAN KRAJEWSKI: That's
5 it?

6 MR. MULLER: That's it.

7 COUNCILWOMAN KRAJEWSKI: Okay.

8 But you will forward it to the Chair?

9 MR. MULLER: Yes, I will.

10 COUNCILWOMAN KRAJEWSKI: Thank
11 you.

12 MR. MULLER: Thank you very
13 much.

14 COUNCILWOMAN KRAJEWSKI: What
15 were the costs associated with the hiring
16 of experts and outside legal counsel last
17 year and what is the reason for this
18 year's increase?

19 (Witness approached witness
20 table.)

21 MS. SMITH: Good morning.

22 Shelley Smith, City Solicitor.

23 The outside counsel fees are
24 related to the departure of senior staff
25 from the Law Department and the inability

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 to replace that expertise in time to
3 handle matters that came into the Law
4 Department. Based on the timing of the
5 matters that we handle, we needed to hire
6 outside counsel to get involved in the
7 difference in the City in those cases.

8 COUNCILWOMAN KRAJEWSKI: Are
9 there any other questions?

10 Councilman Clarke.

11 COUNCILMAN CLARKE: Real
12 briefly in response to that -- good
13 morning, Ms. Smith.

14 MS. SMITH: Good morning,
15 Councilman Clarke.

16 COUNCILMAN CLARKE: The outside
17 counsel that you're hiring, had those
18 positions been budgeted for?

19 MS. SMITH: Some of them
20 probably had been budgeted for, but
21 really the issue is also related to the
22 ability to bring people in in a timely
23 manner and the time sensitivity of the
24 legal matters that need to be defended in
25 the interim.

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 COUNCILMAN CLARKE: So would
3 there be excess in your budget because we
4 haven't filled the positions internally?

5 MS. SMITH: Oh, no, I don't
6 believe there's excess in our budget, no.

7 COUNCILMAN CLARKE: Well, you
8 said how many positions? Was it nine?

9 MS. SMITH: No. I didn't say a
10 number.

11 COUNCILMAN CLARKE: You said
12 the inability to have people on staff. I
13 thought you said that the positions that
14 were not filled.

15 MS. SMITH: I said that there
16 was a departure of senior staff from the
17 Department that coincided with incoming
18 matters that we couldn't then handle in
19 the Law Department and we had to retain
20 outside counsel.

21 COUNCILMAN CLARKE: So my
22 question was, have we budgeted for those
23 positions of senior staff? And if we
24 had, where is that money now?

25 MR. AGOSTINI: Madam Chair,

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 Councilmember, these are additional
3 resources that are being asked for,
4 requested for the Department to bring on
5 the expertise. To your question in terms
6 of the staffing and to Councilmember
7 Krajewski's question, I don't have that
8 in front of me in terms of what was spent
9 in the prior year. We'll bring that
10 forward to you.

11 Currently, as I understand it,
12 there are approximately 20 to 25
13 vacancies in the Law Department. We are
14 having discussions with the City
15 Solicitor and her staff as to how we
16 would fill those, but these would be in
17 addition to that. There is a critical
18 need. There is a shortage of personnel.
19 There's a high turnover, and it has
20 become very difficult, as I understand
21 it, to bring people in on a timely manner
22 in order to take care of the business
23 before the City currently.

24 COUNCILMAN CLARKE: Okay. My
25 only question was purely budgetary, and I

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 understand why there's a high turnover.

3 When I look at the private sector as it
4 relates to the pay for lawyers versus the
5 government sector, frankly speaking --

6 MR. AGOSTINI: But I will bring
7 that back to you. We'll put that
8 together for you so you can see.

9 COUNCILMAN CLARKE: What I'm
10 trying to understand is, the assumption
11 is that we budgeted for the amount as it
12 relates to the senior staff or any other
13 Law Department employees that are
14 currently not in place, and if we have,
15 my question is, where is that money that
16 we budgeted. And now you're asking for
17 additional funding to hire outside
18 counsel to take the place of the staff
19 members that are no longer there.

20 MR. AGOSTINI: I think this is
21 to augment what they're doing currently,
22 and we are still working with the
23 Department in order to find a way to
24 either hire up with the positions that
25 were originally budgeted or find some

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 other solution to that, which we don't
3 have in front of us now.

4 COUNCILMAN CLARKE: Okay.

5 MS. SMITH: And if I might add,
6 it is a combination of that and the fact
7 that in the past year, we sustained a
8 higher than typical level of attrition in
9 the Department, so...

10 COUNCILMAN CLARKE: So, Mr.
11 Agostini, you'll get more specific
12 information on the budgeted amount versus
13 the additional augmentation and where the
14 revenue is associated with what we
15 authorize?

16 MR. AGOSTINI: And I'll try to
17 give you a count as well, sort of a
18 snapshot where we are today based on the
19 most recent payroll in terms of the
20 number of vacancies and how we're trying
21 to address that as well.

22 COUNCILMAN CLARKE: Thank you.
23 Thank you.

24 Thank you, Madam Chair.

25 COUNCILWOMAN KRAJEWSKI: Thank

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 you.

3 Councilman Kelly.

4 COUNCILMAN KELLY: Right.

5 Thank you, Madam Chair.

6 Good morning.

7 MR. AGOSTINI: Good morning.

8 MS. SMITH: Good morning.

9 COUNCILMAN KELLY: I just have
10 a question on tax collection co-counsel.

11 Who is presently our co-counsel?

12 MS. SMITH: The firm of
13 Linebarger.

14 COUNCILMAN KELLY: And how long
15 have they been there?

16 MS. SMITH: This is the fourth
17 year.

18 COUNCILMAN KELLY: Four years?

19 MS. SMITH: Yes. This is the
20 fourth year.

21 COUNCILMAN KELLY: Could you
22 tell me how much so far you've allocated
23 to pay them for their services?

24 MS. SMITH: Bear with me just
25 one moment.

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2 I don't have here the precise
3 amount that we've allocated to pay them
4 so far, but we pay them a contingent fee
5 based on the amount that they collect,
6 and it's --

7 COUNCILMAN KELLY: Well, so far
8 how much have they collected?

9 MS. SMITH: They've
10 collected --

11 COUNCILMAN KELLY: About \$11
12 million?

13 MS. SMITH: No. Actually, for
14 Fiscal Year '08, they've collected \$18
15 million.

16 COUNCILMAN KELLY: And you
17 don't have the precise figure of how
18 much?

19 MS. SMITH: I don't, but I'm
20 happy to get that for you.

21 COUNCILMAN KELLY: Is it a
22 percentage of what they bring in?

23 MS. SMITH: Right.

24 COUNCILMAN KELLY: Could you
25 tell me what the percentage is?

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 MS. SMITH: We pay them
3 actually the fee. We pay them the fees.
4 They collect their -- I'm sorry. We pay
5 them their expenses. They collect their
6 fees as a percentage of the collections,
7 the amount that they collect.

8 (Witness approached witness
9 table.)

10 MS. MOUZAYCK: Good morning.
11 I'm Donna Mouzayck, First Deputy City
12 Solicitor.

13 I understand the Linebarger
14 contract is set up so that there is an
15 administrative fee that's paid each year,
16 which is a couple million dollars.

17 COUNCILMAN KELLY: How much?

18 MS. MOUZAYCK: A couple million
19 dollars. I don't have that precise
20 figure, but it's a few million dollars.
21 They get paid, based upon the amount of
22 money that they bring in, the contingency
23 fee.

24 COUNCILMAN KELLY: That's in
25 addition to the service fee?

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 MS. MOUZAYCK: Yes, and that's
3 18 percent. So if anyone can do the
4 math, 18 percent of the 18 million that
5 they brought in to date. And the \$9
6 million that we're asking for was because
7 this past year we had initiated a broader
8 program, gave them more referrals so that
9 they did more --

10 COUNCILMAN KELLY: That was
11 another question that I had. Are these
12 property taxes now or is it all taxes?

13 MS. MOUZAYCK: It's all real
14 estate taxes.

15 COUNCILMAN KELLY: It's all
16 real estate taxes?

17 MS. MOUZAYCK: Yes.

18 COUNCILMAN KELLY: But how
19 about the Water Department?

20 MS. MOUZAYCK: We do have an
21 across-the-board initiative going
22 forward. We have staffed at greater
23 levels in-house to take care of all other
24 kinds of taxes, including Water
25 Department taxes -- Water Department

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.
2 delinquencies.

3 COUNCILMAN KELLY: So they
4 wouldn't be involved with the Water
5 Department.

6 MS. MOUZAYCK: But they would
7 not be involved for Linebarger.
8 Linebarger is chiefly only real estate
9 taxes.

10 COUNCILMAN KELLY: So this
11 additional \$9 million is to pay for
12 additional expenses and commissions,
13 right?

14 MS. SMITH: That's correct.

15 MS. MOUZAYCK: Right. It's to
16 pay their commission, and if they don't
17 bring it in, then that million doesn't go
18 out the door.

19 COUNCILMAN KELLY: Are they the
20 only ones you use?

21 MS. MOUZAYCK: For real estate
22 taxes, yes.

23 COUNCILMAN KELLY: Okay. Thank
24 you, Madam Chair.

25 COUNCILWOMAN KRAJEWSKI:

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 Councilman Rizzo, and then we'll hear
3 from Councilwoman Miller.

4 COUNCILMAN RIZZO: Thank you,
5 Madam Chair.

6 To the Budget Director, in
7 reference to Bill No. 080151, could you
8 tell me what the transfer for -- the
9 amount of the transfer to the Mayor's
10 Office of Information Service for
11 professional services to Wireless
12 Philadelphia improvements, in Wireless
13 Philadelphia improvements? How much is
14 that transfer?

15 MR. AGOSTINI: I'm going to
16 defer to Mr. Phillis to answer that
17 specifically.

18 MR. PHILLIS: Hello,
19 Councilmember Krajewski and members of
20 the Appropriations staff.

21 Councilman Rizzo, your question
22 was in regards to just the Wireless
23 portion?

24 COUNCILMAN RIZZO: Yes.

25 MR. PHILLIS: We have a project

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 manager who has been with us for some
3 time. Varinia Robinson is her name, and
4 it's the funds to support her as a
5 contract person.

6 COUNCILMAN RIZZO: Mr. Phillis,
7 when we rolled out Wireless Philadelphia,
8 it wasn't supposed to have any cost to
9 the City.

10 MR. PHILLIS: You're correct.

11 COUNCILMAN RIZZO: How much is
12 the transfer?

13 MR. PHILLIS: For her it's
14 \$200,000 a year.

15 COUNCILMAN RIZZO: We're paying
16 this individual 200,000 a year?

17 MR. PHILLIS: Yes, we are.

18 COUNCILMAN RIZZO: So how do we
19 do that when the deal was no cost to the
20 City?

21 MR. PHILLIS: I don't know how
22 to answer that, because I understand
23 there was supposed to be no cost to the
24 City, but because the City has
25 responsibilities in this project and

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 because we are looking for how we're
3 going to use this network for our
4 internal use for our government employees
5 to be more proactive out there in the
6 neighborhoods, to be able to do their
7 work online with the right kind of
8 technology, I needed a person to do that,
9 and that's who I retained to do that.

10 COUNCILMAN RIZZO: So the terms
11 of the original deal have changed?

12 MR. PHILLIS: No. The terms of
13 the original deal did not change, but the
14 ability to utilize that technology to
15 further our City initiatives is what I'm
16 using her for.

17 COUNCILMAN RIZZO: We'll talk
18 more about that.

19 MR. PHILLIS: Sure.

20 COUNCILMAN RIZZO: The next
21 question, what is the transfer for
22 \$413,000 to the Streets Department to
23 cover payments to Wireless Philadelphia
24 as required by contract to complete the
25 buildout of the infrastructure to provide

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 wireless Internet network throughout the
3 City of Philadelphia? Can you explain
4 that \$413,000 transaction?

5 MR. PHILLIS: No. I don't know
6 what that is.

7 COUNCILMAN RIZZO: Budget
8 Director?

9 MR. AGOSTINI: Councilman
10 Rizzo, I'll have to get back to you on
11 that. I don't have that in front of me.

12 COUNCILMAN RIZZO: It's in the
13 budget. Transfer of 413 to the Streets
14 Department to cover payments to Wireless
15 Philadelphia. That's pretty much a
16 quote.

17 Is the Streets Department here?

18 MR. PHILLIS: I need to verify
19 this for you, but it may be the cost of
20 the electricity that we get billed from
21 PECO that comes through the Streets
22 Department and is paid for by EarthLink.
23 I need to verify that, because I'm not
24 aware of the number.

25 MR. AGOSTINI: Councilmember, I

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.
2 have an answer to your question on the
3 413,000.

4 COUNCILMAN GOODE: Point of
5 information.

6 Essentially, Councilman Rizzo
7 is quoting exactly from your testimony.
8 It says an increase of \$413,162 in Class
9 200 Streets Department budget requested
10 to cover payments to Wireless
11 Philadelphia as required by contract to
12 complete the buildout of the
13 infrastructure to provide wireless
14 Internet network throughout the City of
15 Philadelphia. It's actually on Page 2 of
16 your testimony.

17 MR. AGOSTINI: It's a
18 pass-through of revenue from EarthLink to
19 us. So there are no net costs to us. It
20 is a pass-through of income from
21 EarthLink to us.

22 COUNCILMAN RIZZO: Where do you
23 show the money coming from EarthLink?

24 (Witness approached witness
25 table.)

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 MS. VANBELLE: Good morning.

3 Peggy Vanbelle, Deputy Budget Director.

4 The million dollar payment
5 comes in as a locally generated non-tax
6 revenue credited to the Streets
7 Department.

8 COUNCILMAN RIZZO: And we see
9 that in the budget?

10 MS. VANBELLE: Yes. You would
11 see it in the revenue estimate in the
12 Streets Department in the FY08 budget. I
13 think the issue is, it's not one for one,
14 because the Streets Department had some
15 excess appropriation power, so it's not
16 the exact amount of the pass-through.
17 It's the amount of appropriation power
18 that the Streets Department needed.

19 COUNCILMAN RIZZO: And it's
20 definitely for the electricity? This is
21 paying PECO?

22 MS. VANBELLE: That I'm not
23 certain of.

24 COUNCILMAN RIZZO: Well, that's
25 what we were just told, maybe or

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.
2 possibility. I think we really need to
3 know what --

4 MR. PHILLIS: I'm just reading
5 this portion of it now. I may know what
6 this is. For the Streets Department, as
7 the wireless initiative was being built
8 out, there was a requirement to hire more
9 inspectors to be able to facilitate a
10 quicker buildout after the proof of
11 concept area. There was \$413,000 that
12 was a pass-through because it was being
13 paid for by EarthLink to hire additional
14 inspectors.

15 COUNCILMAN RIZZO: And that's
16 out of that million?

17 MR. PHILLIS: No. That's a
18 separate -- this is a totally separate
19 issue, had nothing to do with the million
20 dollars. The million dollars is a
21 pass-through of what EarthLink owes to
22 the City. One was at the completion of
23 the POC and the other one is one year
24 from that, which is May of this year, in
25 which case they owe another million

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.
2 dollars through the Streets Department
3 that ends up going to Wireless
4 Philadelphia, the non-profit agency.

5 COUNCILMAN RIZZO: Mr. Budget
6 Director, I think we're going to really
7 need to talk more about Wireless
8 Philadelphia and now it's starting to
9 cost with salaries and some things that
10 really aren't clear to me. The integrity
11 of that panel is important to me, it is,
12 the information I'm hearing, but I would
13 really like to eventually to the Chair
14 see exactly what we're paying here to
15 support Wireless Philadelphia, this
16 allegedly free transaction that was
17 supposed to occur here.

18 MR. AGOSTINI: I understand,
19 Councilman.

20 COUNCILMAN RIZZO: Okay. Thank
21 you.

22 COUNCILWOMAN KRAJEWSKI:
23 Councilwoman Miller.

24 COUNCILWOMAN MILLER: Thank
25 you.

3 MR. AGOSTINI: Good morning.

10 MR. PHILLIS: The current
11 status of Wireless Philadelphia is that
12 the buildout is approximately between 75
13 and 80 percent of the 135 square miles of
14 the City. That's where we're currently
15 sitting. The far Northeast and the far
16 Northwest have not been built out yet.
17 There are towers out there that have not
18 been -- the leases haven't been signed on
19 those and they do not have a scheduled
20 completion date at this time.

21 EarthLink, I think everyone is
22 aware of, is currently -- they've
23 announced that this wireless initiative
24 for the government is not part of their
25 strategic plans in the future, thus they

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 have put this and their other networks up
3 for sale. They are in the process of
4 looking for qualified buyers for this
5 network.

6 I can talk a lot more about
7 this if you have a specific question, but
8 that's kind of where we're at at the
9 moment.

10 COUNCILWOMAN MILLER: No. I
11 can wait until you come up when MOIS has
12 its budget hearing, but the reason I ask
13 the question, you answered. So it is not
14 in the Northwest. That's my part of the
15 City of Philadelphia.

16 MR. PHILLIS: I also would
17 offer to be -- I'd be glad to meet with
18 you and discuss in any detail that you'd
19 like, both you and Councilman Rizzo and
20 anyone else that has those questions.
21 I'd like to tell you everything that we
22 know about it.

23 COUNCILWOMAN MILLER: All
24 right. Thank you.

25 MR. PHILLIS: Okay.

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 COUNCILWOMAN KRAJEWSKI:

3 Councilman Jones.

4 COUNCILMAN JONES: Good
5 morning.

6 MR. PHILLIS: Good morning.

7 COUNCILMAN JONES: Madam
8 Chairman, I'd like to raise a couple of
9 issues, first starting with the Mural
10 Arts Program and the transfer of \$40,000
11 from Class 100 to 200.

12 Is anyone from the Mural Arts
13 Program or can speak for them here?

14 (Witness approached witness
15 table.)

16 MR. MASSAR: Good morning. I'm
17 Eli Massar from the Mural Arts Program.
18 I'm the Chief Operating Officer.

19 COUNCILMAN JONES: I understand
20 a lot of these things are performed by
21 young people and young adults. Is that
22 still a part of the process within this
23 budget?

24 MR. MASSAR: Yes. We serve
25 approximately two to three thousand

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 children a year here in Philadelphia.

3 COUNCILMAN JONES: And a part
4 of that is a program directed towards
5 at-risk youth?

6 MR. MASSAR: The majority of
7 those students are at-risk youth. Some
8 of them are in custody of the
9 correctional system as well as the
10 Department of Human Services.

11 COUNCILMAN JONES: I'd like a
12 little more information, quantitative
13 information, a breakdown of where these
14 young people come from.

15 MR. MASSAR: Do you mean which
16 neighborhoods they come from, what their
17 addresses are?

18 COUNCILMAN JONES: Absolutely.

19 MR. MASSAR: We can try to
20 provide that for you.

21 COUNCILMAN JONES: Okay.
22 Because I admire the program. I'm aware
23 of it. Councilwoman Quinones-Sanchez and
24 I were briefed by you guys and thought it
25 was a wonderful program. I just want to

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 make sure that that continues and to get
3 a better sense of where these young
4 people and what neighborhoods they come
5 from.

6 MR. MASSAR: I'm happy to
7 provide that information and also assure
8 you that it's very much a part of our
9 mission to continue to do that.

10 COUNCILMAN JONES: Okay. I
11 mean, sometimes we want to cite good
12 things that folk do, too. It's not all
13 about bad things.

14 MR. MASSAR: Thank you very
15 much, Councilman.

16 COUNCILMAN JONES: Could I also
17 ask the representatives from the
18 Sheriff's Department I see back there to
19 come up? I have a question.

20 COUNCILWOMAN KRAJEWSKI: Excuse
21 me a moment.

22 Would you make sure that you
23 send that to the Chair, the information?

24 MR. MASSAR: Yes.

25 COUNCILWOMAN KRAJEWSKI: Thank

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.
2 you.

3 COUNCILMAN JONES: Excuse me,
4 Madam Chair. Yes, ma'am.

5 (Witnesses approached witness
6 table.)

7 COUNCILMAN JONES: How are you
8 this morning?

9 MR. STEWART: Good morning.

10 COUNCILMAN JONES: As you're
11 aware, we had a hearing on the
12 possibility of a moratorium on sheriff's
13 sales. At that time, we asked for
14 certain documentation, information and
15 communications from the Sheriff, and
16 those things have not been forthcoming.
17 Is there a reason why?

18 MR. STEWART: Well, we do have
19 the information --

20 COUNCILWOMAN KRAJEWSKI: Excuse
21 me one moment. Would you please identify
22 yourself for the record?

23 MR. STEWART: I'm sorry. I'm
24 Darrell Stewart, Philadelphia Sheriff's,
25 Real Estate, Director of Foreclosure

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.
2 Preventions.

3 MR. BYNUM: Tyrone Bynum,
4 Finance Director, Philadelphia Sheriff's
5 Office.

6 COUNCILWOMAN KRAJEWSKI: Thank
7 you.

8 MR. STEWART: In answer to your
9 question, we're still gathering that
10 information. We did run into -- we had a
11 huge -- well, not a huge. We had a
12 mortgage foreclosure sale just yesterday
13 and our staff was limited, so we haven't
14 had an opportunity to forward that to
15 you, but we are definitely working on it.

16 COUNCILMAN JONES: How many
17 properties participated in that sheriff's
18 sale yesterday?

19 MR. STEWART: Stand by.

20 Properties that were currently
21 scheduled for that sale we totaled 459.
22 That does not include the properties that
23 were postponed from previous sales.

24 COUNCILMAN JONES: So 459
25 properties were sold yesterday or a

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.
2 percentage of them?

3 MR. STEWART: No. A percentage
4 of them were sold. Some of them -- we
5 experienced a lot of stays on properties
6 that were scheduled yesterday. Moreover,
7 there were a lot of postponements. I do
8 not have the exact number, because we're
9 still working on the post-sale
10 information at this time.

11 COUNCILMAN JONES: Do you think
12 that your inability to provide this
13 Council with information that may well
14 have assisted some of those people in
15 that process yesterday, do you think that
16 brings them any comfort, any comfort
17 today that you're working on it?

18 MR. STEWART: I'm sorry. I
19 don't understand your question.

20 COUNCILMAN JONES: All right.
21 Let me repeat it again. How many
22 properties were actually sold yesterday?

23 MR. STEWART: That I don't
24 know. We're still working on it. I
25 mean, the sale started at 10:00 a.m. It

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 went until 3:00 p.m. yesterday afternoon.

3 COUNCILMAN JONES: So you guys
4 have been real busy.

5 MR. STEWART: Extremely.

6 COUNCILMAN JONES: Okay. Too
7 busy to get my information so that we
8 could help some of those people, is my
9 point. And the point I'm making is that
10 you originally told me we could cooperate
11 and we would try to do this together, but
12 there are at least 200 people roughly
13 yesterday that got their houses sold.

14 MR. STEWART: No. I can tell
15 you we did not sell 200 properties.

16 COUNCILMAN JONES: Then how
17 many?

18 MR. STEWART: As I said, we
19 experienced a large number of stays and a
20 large number of postponements yesterday.

21 COUNCILMAN JONES: Did 50
22 people get their houses sold yesterday?

23 MR. STEWART: I'm not quite
24 certain. I can't answer that.

25 COUNCILMAN JONES: Okay. If it

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 ain't measured, it ain't managed.

3 COUNCILWOMAN KRAJEWSKI: Excuse
4 me, Councilman. I think most of those
5 questions really should be at our budget
6 hearing.

7 COUNCILMAN JONES: All right.
8 Okay.

9 I defer to the Chairwoman. I'd
10 like my information so that we can help
11 those people, even if it was one, even if
12 it was one yesterday.

13 MR. STEWART: Okay.

14 COUNCILWOMAN KRAJEWSKI:
15 Because we will have our budget hearings
16 starting very shortly on the Operating.

17 COUNCILMAN JONES: Excuse me,
18 Madam Chair. I'm sorry.

19 COUNCILWOMAN KRAJEWSKI: No,
20 not at all. Thank you.

21 Councilman Clarke.

22 COUNCILMAN CLARKE: Thank you.
23 Thank you, Madam Chair.

24 MR. STEWART: Darrell Stewart.

25 COUNCILMAN CLARKE: You guys

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 are off the grill for now. I think the
3 Councilman will get you later on. I'm
4 okay with you. Thank you.

5 MR. STEWART: Okay.

6 COUNCILMAN CLARKE: I just had
7 a couple of quick questions about the
8 authorization for overtime in the
9 Prisons, and the reason I ask this
10 question -- and correct me if I'm
11 wrong -- I think in our earlier testimony
12 on the budget, I think that there was a
13 projection of stabilization on the
14 increase in the operations of the Prisons
15 in, I guess, maybe Fiscal '10 or '11, and
16 at that time I was wondering why we
17 thought we would stabilize in terms of
18 increases in our budget for the Prisons
19 at that time, but here we're actually
20 asking for overtime.

21 First, can you tell me what's
22 the purpose of the overtime request, if
23 this is a traditional request. And if
24 that's the case, why do we anticipate in
25 a couple of years it will stabilize in

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 terms of cost to the Prisons?

3 COMMISSIONER GIORLA: Good
4 morning, Councilman.

5 COUNCILMAN CLARKE: Good
6 morning.

7 COMMISSIONER GIORLA: Lou
8 Giorla, Acting Commissioner of Prisons.

9 The request is primarily to
10 cover overtime expenditures, because our
11 vacancy rate of correctional officers at
12 this point is below where we believed
13 we'd be, and our overall vacancy rate has
14 created --

15 COUNCILMAN CLARKE: Say that
16 again.

17 COMMISSIONER GIORLA: Our
18 vacancy rate of correctional officers,
19 the number of vacancies we have in the
20 department, has exceeded what we planned
21 for, and in order to operate the
22 facilities, we need to cover that with
23 overtime.

24 COUNCILMAN CLARKE: So assuming
25 that we'll ultimately replace those

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 employees, there will be no need for
3 overtime in the relative future or is
4 there a strategy to replace those
5 employees? Because I know that there
6 are --

7 COMMISSIONER GIORLA: We have a
8 recruiting plan. We have people assigned
9 to the recruitment process. We've made
10 an informal request to the Mayor to
11 expand our recruiting similar to what the
12 Police Department has done, and we're
13 actively recruiting all the time. We've
14 been authorized to hire to fill the
15 vacancies, and whatever we can do to fill
16 them.

17 COUNCILMAN CLARKE: So is that
18 one of the departments that we're having
19 difficulty in soliciting applicants?

20 COMMISSIONER GIORLA: Yes, sir.
21 The number of overall applicants has
22 fallen, and I don't have those figures.
23 The number of qualified applicants once
24 they complete the background
25 investigation process has fallen. And I

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 don't know whether there's somewhat of a
3 general disinterest with young people in
4 law enforcement and associated
5 occupations or, you know, there are other
6 parts of the economy that are just so
7 good that people don't seek such
8 employment. But we're doing everything
9 we can to address those vacancies.

10 COUNCILMAN CLARKE: Is there a
11 cap on the hiring for correctional
12 officers --

13 COMMISSIONER GIORLA: No, sir.

14 COUNCILMAN CLARKE: --
15 age-wise?

16 COMMISSIONER GIORLA: The age
17 of appointment is 20 years old and --

18 COUNCILMAN CLARKE: What's the
19 upward threshold?

20 COMMISSIONER GIORLA: There is
21 no upward threshold. Provided an
22 applicant can qualify for the job -- that
23 means passing psychological testing,
24 physical testing, et cetera -- they can
25 take the job at any age.

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 COUNCILMAN CLARKE: Because you
3 just said that there may be some concerns
4 about young people not wanting to get
5 involved. Is the recruiting or the
6 recruitment, will it be only for young
7 people?

8 COMMISSIONER GIORLA: Oh, no.
9 I'm sorry.

10 COUNCILMAN CLARKE: I just know
11 that a lot of people out here --

12 COMMISSIONER GIORLA: No. We
13 extend our recruitment efforts to all
14 ages. We send people to the state
15 employment offices. We send people to
16 colleges and universities. We send them
17 to community events. We have a
18 Correctional Employee Week in May where
19 we distribute among employee families,
20 and we try and recruit from other
21 disciplines within our facility. From
22 the food service staff we've recruited
23 some folks. We've recruited some people
24 from our maintenance operations to
25 convert them to become correctional

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 officers. It's just --

3 COUNCILMAN CLARKE: Is the
4 problem more having the appropriate
5 number of applicants or is the problem
6 once we get the applicants, we start the
7 testing, the psychological, the drug
8 testing and all the physical aspects of
9 the job? Is that where the problem lies,
10 is getting people actually to a point
11 where they're qualified to be a
12 corrections officer?

13 COMMISSIONER GIORLA: I believe
14 it's a combination of both, although I
15 don't have solid figures here in front of
16 me. I do have some past experience in
17 background investigations.

18 One of the things we pursued
19 about a year ago was a continuous testing
20 through the Personnel Department, because
21 the civil service process takes quite a
22 length of time to hire someone, and not
23 only a young person but somebody who is
24 older and perhaps has a family to
25 support, they can't really afford to wait

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 six months, eight months or a year to get
3 a job, especially if they're unsure of
4 whether or not they'll pass all the
5 qualifying criteria. We've tried to
6 condense that process. With our next
7 eligible list, we're going to eliminate
8 the polygraph, because we faced some
9 concerns about whether or not that's
10 technically accurate. We're going to a
11 hair testing for drug use instead,
12 similar to what the Police Department
13 does. We're able to conduct that test
14 ourselves with the assistance of the
15 Employee Medical Unit. So anything we do
16 to condense the process in addition to
17 the recruiting, we're trying.

18 COUNCILMAN CLARKE: Okay.

19 Thank you.

20 COMMISSIONER GIORLA: You're
21 welcome.

22 COUNCILMAN CLARKE:

23 Mr. Agostini, I had a question for Fleet
24 Management.

25 COUNCILWOMAN SANCHEZ: I have a

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 question for -- can I ask him?

3 COUNCILMAN CLARKE: Absolutely.

4 COUNCILWOMAN SANCHEZ: Would
5 you, please?

6 COUNCILMAN CLARKE: Absolutely.

7 COUNCILWOMAN SANCHEZ: Thank
8 you.

9 Two weeks ago we approved
10 appropriations related to our reentry
11 programs that were moved from our MORE
12 Office over to the Prisons. There were
13 some providers that were listed in that
14 appropriations. My understanding was
15 that as of last week they still had not
16 gotten official notice or contracting,
17 and I'm talking specifically about Centro
18 Pedro Claver. Is there any updates on
19 that that you can provide?

20 COMMISSIONER GIORLA: I wasn't
21 aware of that and I don't have any
22 updates at this time. I do know that the
23 funding for some of those programs came
24 from MORE, the Mayor's Office of Reentry
25 Services. Some were supplied by the

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 Mayor's Office of Community Services,
3 along with the Prisons.

4 COUNCILWOMAN SANCHEZ: They
5 were moved from MORE oversight over to
6 the Prisons and they were supposed to get
7 contracted directly from the Prisons.
8 They haven't heard -- this is the only
9 program I have in the Latino community.
10 We cut their budget 50 percent, and we're
11 eight months into a fiscal year and they
12 still don't have a contract or
13 notification of what their allocation is
14 going to be. So can you address that?

15 COMMISSIONER GIORLA: I will
16 check that out and I will get back to
17 you.

18 COUNCILWOMAN SANCHEZ: Thank
19 you very much.

20 COUNCILWOMAN KRAJEWSKI:
21 Councilman Rizzo.

22 COUNCILMAN RIZZO: Good
23 morning.

24 COMMISSIONER GIORLA: Good
25 morning.

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 COUNCILMAN RIZZO:

3 Commissioner, the last time you were here
4 I expressed my interest in following up
5 on the folks that are in that program for
6 work release that have opportunities to
7 go to work in Fairmount Park and be paid.

8 COMMISSIONER GIORLA: Yes, sir.

9 COUNCILMAN RIZZO: I'd
10 appreciate it if today you have any
11 information on where we are with that, or
12 we could schedule a meeting, because the
13 funding was there and for some other
14 reasons, the program never moved forward,
15 because Fairmount Park was ready to
16 accept the first six almost six, eight
17 months ago to come work, but, again,
18 there was some reasons that that didn't
19 happen.

20 I'd like to try in this new
21 Administration to get that back on track,
22 because, again, there are many
23 individuals at the prison that have been
24 programmed for work release that have no
25 jobs, and with the Fairmount Park

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 interested in employing these individuals
3 and not doing that is, in my opinion, not
4 a good thing.

5 So I'd like to try to get
6 whatever the obstacles are dealt with and
7 back on track. So if we could schedule a
8 meeting or you have something to tell us
9 today for the record, I'd appreciate it.

10 COMMISSIONER GIORLA: I can
11 tell you, sir, that after your previous
12 inquiry, that I asked about the history
13 of the project at the Prisons. My
14 understanding, that some of the labor
15 unions had significant objections to that
16 project, that the Prisons at the time was
17 exploring another project in conjunction
18 with the Recreation Department to employ
19 part-time work release inmates during the
20 summer to complete certain maintenance
21 projects.

22 I certainly will schedule a
23 meeting and notify your office, and
24 appreciate any help you can give us with
25 that.

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2 COUNCILMAN RIZZO: I think it's
3 so important, because, again, I've
4 learned from you and others that many of
5 your inmates come back because when they
6 leave the jail, they have no money in
7 their account. And there are employment
8 opportunities that we had available,
9 because we were going to teach some of
10 these men and women trades, so when they
11 left incarceration, that they could have
12 a job. And I remember as clear as a bell
13 when one of your executives said to me,
14 An inmate that leaves here and finds a
15 job rarely comes back, and that stuck
16 with me.

17 So I appreciate your interest
18 in getting this to work.

19 COMMISSIONER GIORLA: Yes, sir.

20 COUNCILMAN RIZZO: Thank you,
21 sir.

22 Thank you, Madam Chair.

23 COUNCILWOMAN KRAJEWSKI:

24 Councilman Jones.

25 COUNCILMAN JONES: Just to

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 reiterate the -- you have several
3 contracts that go out to providers that
4 actually provide training?

5 COMMISSIONER GIORLA: Yes, sir.

6 COUNCILMAN JONES: You're going
7 to provide us with and the Chair with
8 statistics on how well they do and what
9 areas they provide for skills and also
10 the types of vocations that they are
11 steered or trained towards. Do you
12 remember the question that --

13 COMMISSIONER GIORLA: I just
14 forwarded a response to your earlier
15 question yesterday, a written response to
16 the Council President, and that was
17 regarding the minority participation in
18 our vending contracts.

19 COUNCILMAN JONES: Sure.

20 COMMISSIONER GIORLA: If you
21 would request additional information on
22 the programming and the participation by
23 inmates, I can supply that, sir.

24 COUNCILMAN JONES: Thank you.

25 COUNCILWOMAN KRAJEWSKI: Are

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 there any other questions from members of
3 the Committee?

4 (No response.)

5 COUNCILWOMAN KRAJEWSKI: Is
6 there anyone else here to testify for or
7 against these bills?

8 (No response.)

9 COUNCILWOMAN KRAJEWSKI: Thank
10 you, gentlemen.

11 COMMISSIONER GIORLA: Thank
12 you.

13 MR. AGOSTINI: Thank you.

14 COUNCILWOMAN KRAJEWSKI: That
15 ends our public hearing on
16 Appropriations. Now we will go into our
17 public meeting.

18 The Chair recognizes Councilman
19 Goode on Bill 080150.

20 COUNCILMAN GOODE: Thank you,
21 Madam Chair. I move that Bill 080150 be
22 reported out of Committee with a
23 favorable recommendation.

24 (Duly seconded.)

25 COUNCILWOMAN KRAJEWSKI: All

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 those in favor?

3 (Aye.)

4 COUNCILWOMAN KRAJEWSKI:

5 Therefore, Bill 080150 will be reported
6 out of this Committee with a favorable
7 recommendation.

8 The Chair recognizes
9 Councilwoman Sanchez for Bill 080151.

10 COUNCILWOMAN SANCHEZ: Thank
11 you, Madam Chair. I move that Bill
12 080151 be moved out of Committee with a
13 favorable recommendation.

14 (Duly seconded.)

15 COUNCILWOMAN KRAJEWSKI: All
16 those in favor?

17 (Aye.)

18 COUNCILWOMAN KRAJEWSKI:

19 Opposed?

20 (No response.)

21 COUNCILWOMAN KRAJEWSKI:

22 Therefore, Bill 080151 will be reported
23 out of this Committee with a favorable
24 recommendation.

25 The Chair recognizes Councilman

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 Kelly on Bill 080152.

3 COUNCILMAN KELLY: Madam Chair,
4 I move that Bill No. 080152 be reported
5 out of this Committee with a favorable
6 recommendation.

7 COUNCILWOMAN KRAJEWSKI: Do I
8 hear a second?

9 (Duly seconded.)

10 COUNCILWOMAN KRAJEWSKI: All
11 those in favor?

12 (Aye.)

13 COUNCILWOMAN KRAJEWSKI:
14 Opposed?

15 (No response.)

16 COUNCILWOMAN KRAJEWSKI:
17 Therefore, Bill 080152 will be reported
18 out of this Committee with a favorable
19 recommendation.

20 The Chair recognizes
21 Councilwoman Miller on Bill 080153.

22 COUNCILWOMAN MILLER: Madam
23 Chair, I move that Bill No. 080153 be
24 reported out of this Committee with a
25 favorable recommendation.

1 3/5/08 - APPROPRIATIONS - BILL 080150, etc.

2 (Duly seconded.)

3 COUNCILWOMAN KRAJEWSKI: All

4 those in favor?

5 (Aye.)

6 COUNCILWOMAN KRAJEWSKI:

7 Opposed?

8 (No response.)

9 COUNCILWOMAN KRAJEWSKI:

10 Therefore, Bill 080153 will be reported

11 out of this Committee with a favorable

12 recommendation.

13 Thank you very much.

14 (Committee on Appropriations

15 adjourned at 11:15 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 on March 5, 2008, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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