

City of Philadelphia Streets & Services
February 10, 2015

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COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON STREETS AND SERVICES

Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, February 10, 2015
10:30 a.m.

PRESENT:

COUNCILMAN MARK SQUILLA, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN ED NEILSON
COUNCILMAN DENNIS O'BRIEN

BILLS 120057, 140902, 140903, 140907, 140971,
150003, 150053, and 150054

- - -

STREHLOW & ASSOCIATES, INC.
(215) 504-4622

1
2 COUNCILMAN SQUILLA: Good
3 morning, everyone. I'm Councilman Mark
4 Squilla, Chairman of the Committee on
5 Streets and Services. A quorum of the
6 Committee being present, we will now
7 begin the hearing. To my left,
8 Councilman O'Brien, Councilman Greenlee,
9 and to my right, Councilman Neilson.

10 I'm now going to ask
11 Mr. McMonagle to read the title of the
12 first bill.

13 THE CLERK: Bill No. 140902, an
14 ordinance authorizing the revision of
15 lines and grades on a portion of City
16 Plan Nos. 224 and 232 by striking from
17 the City Plan and vacating Cayuga Street
18 from Whitaker Avenue to its terminus
19 eastwardly therefrom and reserving and
20 placing on the City Plan a right-of-way
21 for sewer and drainage purposes within
22 the lines of Cayuga Street being stricken
23 and authorizing acceptance of the grant
24 to the City of Philadelphia of said
25 right-of-way, under certain terms and

1 2/10/15 - STREETS - BILL 140902, etc.
2 conditions.

3 (Witnesses approached witness
4 table.)

5 COUNCILMAN SQUILLA: Before you
6 start with your testimony, I just want to
7 note for the record that Bill No. 120057
8 and 140907 will be held at the call of
9 the sponsor.

10 Thank you. Please proceed.
11 State your name for the record and
12 proceed with your testimony.

13 MR. MORELLI: Good morning,
14 Chairman Squilla and members of the
15 Streets and Services Committee. My name
16 is Frank Morelli, Survey Bureau Manager
17 with the Department of Streets. The
18 Department of Streets would like to offer
19 the following testimony on Bill No.
20 140902.

21 This is not an Administration
22 ordinance, but an ordinance requested by
23 Sidney E. Gable.

24 The purpose of this ordinance
25 is to authorize the striking from the

1 2/10/15 - STREETS - BILL 140902, etc.
2 City Plan and vacating Cayuga Street from
3 Whitaker Avenue to its terminus
4 eastwardly therefrom. A right-of-way for
5 sewer and drainage purposes will be
6 reserved within the area being stricken.
7 This section of Cayuga Street is not
8 paved or open to public traffic, and the
9 City has no plans to construct or
10 maintain a street at this location. This
11 action has been requested by the abutting
12 owners in order to provide an opportunity
13 for business expansion and additional
14 area for parking.

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

19 MS. CHIU: Good morning,
20 Chairman Squilla and members of Streets
21 and Services Committee. I'm Sarah Chiu,
22 City Planner with the Philadelphia City
23 Planning Commission. I'm here to testify
24 on Bill No. 140902, which Councilmember
25 Sanchez introduced on November 13, 2014.

1 2/10/15 - STREETS - BILL 140902, etc.

2 Bill No. 140902 strikes and
3 vacates Cayuga Street from Whitaker
4 Avenue to its eastwardly terminus and
5 reserves a utility right-of-way. This
6 portion of Cayuga Street is neither
7 physically improved nor open to the
8 public traffic. This bill will enable
9 the land consolidation for the creation
10 of a parking area for the existing
11 adjoining business.

12 At its meeting of December 9,
13 2014, the City Planning Commission
14 recommended that Bill No. 140902 be
15 approved.

16 This concludes my testimony. I
17 appreciate the opportunity to testify
18 before you today and would be pleased to
19 answer any questions you may have.

20 COUNCILMAN SQUILLA: Does
21 anybody have any questions of this panel?

22 (No response.)

23 COUNCILMAN SQUILLA: Seeing
24 none, is there anyone else here to
25 testify on Bill No. 140902?

1 2/10/15 - STREETS - BILL 140902, etc.

2 (No response.)

3 COUNCILMAN SQUILLA: Seeing
4 none, Mr. McMonagle, please read the
5 title of the next bill.

6 THE CLERK: Bill No. 140971, an
7 ordinance authorizing the Children's
8 Hospital of Pennsylvania -- University of
9 Pennsylvania Hospital of Philadelphia to
10 construct, own and maintain various
11 right-of-way encroachments within the
12 public right-of-way -- I'm sorry.

13 Bill No. 140971, an ordinance
14 authorizing the Children's Hospital of
15 Philadelphia to construct, own and
16 maintain various right-of-way
17 encroachments within the public
18 right-of-way at 2716 South Street,
19 Philadelphia, PA, 19146, all under
20 certain terms and conditions.

21 (Witness approached witness
22 table.)

23 COUNCILMAN SQUILLA: Please
24 state your name for the record and
25 proceed with your testimony.

1 2/10/15 - STREETS - BILL 140902, etc.

2 MR. TORRENCE: Good morning,
3 Chairman Squilla and members of the
4 Streets and Service Committee. My name
5 is St. Martin Torrence and I'm the
6 Director of Legislative Affairs for the
7 Department of Streets. I'm here to offer
8 testimony on Bill No. 140971.

9 This bill authorizes Children's
10 Hospital of Philadelphia to construct,
11 own and maintain various right-of-way
12 encroachments at 2716 South Street,
13 Philadelphia, PA 19146 as follows:

14 Encroachment description:
15 Structural Sidewalk and Vehicular
16 Bridge - South Street: For public access
17 to the building and a public pedestrian
18 plaza necessary to meet the existing
19 bridge deck and elevated roadway and
20 projecting over the right-of-way,
21 City-owned parcel and drainage easement
22 by variable distance in width from the
23 drainage of the South Street
24 Bridge/retaining wall for a distance of
25 approximately 300 feet in length. The

2/10/15 - STREETS - BILL 140902, etc.
encroachment also includes columns and
foundations in the drainage easement
necessary to support the structural
sidewalk and vehicular bridge for garage
access.

Stairways - South Street: For
public access to the building and a
public pedestrian plaza necessary to meet
the existing bridge deck and elevated
roadway and projecting onto the
right-of-way by a variable distance in
width to the southern face of the South
Street Bridge/retaining wall and
approximately 30 feet in length,
maintaining the existing sidewalk width
(variable width 14.6 feet to 18.1 feet)
on the bridge and retained section for
pedestrian traffic.

Planters on South Street: Four
separate planters shall be integrated
with the plaza construction that projects
into the right-of-way. Planters located
along the South Street site frontage at a
maximum dimension of approximately 60

2/10/15 - STREETS - BILL 140902, etc.
feet in length and projecting over the
right-of-way and drainage easement by
variable distance in width, maintaining
the existing sidewalk width (variable
width 9.6 feet to 18.1 feet) on the
bridge and retained section for
pedestrian traffic.

Building - South Street: The
proposed Phase 2 - Future Tower face
building face projecting over the
proposed structural sidewalk and drainage
easement a variable distance, providing a
minimum vertical clearance of 8.17 feet
above the structural plaza, planters, and
driveway for a distance of 30 feet.

Retaining Wall - South Street:
For screening a service driveway from the
adjacent neighborhood. This wall will be
approximately perpendicular to the South
Street retaining wall and allow for fill
placement and landscaping on the east
face of the wall. The wall will project
onto the right-of-way from the southern
right-of-way line to the southern face of

1 2/10/15 - STREETS - BILL 140902, etc.
2 the South Street retaining wall and will
3 be located approximately 200 feet from
4 the westerly right-of-way line of 27th
5 Street. This encroachment will not
6 impact pedestrian traffic on South Street
7 because it is outside the existing
8 sidewalk limits.

9 Stairway and Structural
10 Sidewalk - Bainbridge Avenue: For public
11 access to the upper level of the
12 pedestrian plaza and projecting onto the
13 Bainbridge right-of-way reserved for
14 drainage and utility purposes for a
15 distance of approximately 205 feet. This
16 encroachment occupies the entire width of
17 the right-of-way between Schuylkill
18 Avenue and the CSX right-of-way and
19 provides public access to the pedestrian
20 plaza on the property as well as to a
21 pedestrian bridge crossing CSX
22 right-of-way to provide access to the
23 Schuylkill River Trail. The proposed
24 staircase will provide a ramp system
25 meeting ADA accessibility requirements to

2/10/15 - STREETS - BILL 140902, etc.

the structural sidewalk plaza.

Planters - Bainbridge Avenue:

Fifteen separate planters will be integrated with the stairway and pedestrian plaza in Bainbridge right-of-way between Schuylkill Avenue and the Schuylkill River. The first will be located approximately 135 feet west of Schuylkill Avenue and the last will be located approximately 355 feet from Schuylkill Avenue and integrated into the stairway and structural sidewalk. The planters vary in shape and maintain a minimum of 4.5 feet of clearance for pedestrian traffic.

Bollards - Bainbridge Avenue:

Bollards are provided to provide a barrier between the access driveway and the stairway and structural sidewalk occupying the Bainbridge right-of-way reserved for drainage and utility purposes. A total of seven bollards are proposed within the right-of-way. The bollards are approximately 13 feet from

2/10/15 - STREETS - BILL 140902, etc.

the edge of the driveway and maintain a minimum 10 feet of clearance for pedestrian traffic.

Driveway, Footway, Pedestrian Lights and Stairs - Bainbridge Avenue: For public access to the upper level of the pedestrian plaza and for between building sites on the property, a private driveway and footway and projecting onto the full width of the Bainbridge right-of-way reserved for drainage and utility purposes. This area begins at the right-of-way line for Schuylkill Avenue and extends westward to the proposed stairway and structural sidewalk in Bainbridge Avenue. Four pedestrian lights are proposed within this area.

Vehicular Bridge - Schuylkill Avenue: The vehicular bridge allows a hydraulic connection between areas of the site and connects the access driveway to Schuylkill Avenue. The bridge extends a maximum of 2 feet 8 inches into the right-of-way for a width of 28 feet.

1 2/10/15 - STREETS - BILL 140902, etc.

2 Pedestrian Lighting -
3 Schuylkill Avenue: Approximately 15
4 private pedestrian lights are proposed in
5 the furnishing zone of Schuylkill Avenue
6 along the property frontage to provide
7 additional lighting on the footway. The
8 required complete streets walking zone
9 width of 6 feet will be maintained along
10 the Schuylkill Avenue sidewalk.

11 The Streets Department has no
12 objections to the proposed encroachment.

13 Thank you for your time. This
14 concludes my testimony.

15 COUNCILMAN SQUILLA: Thank you.
16 Sarah.

17 MS. CHIU: Good morning,
18 Chairman Squilla and members of Streets
19 and Services Committee. I'm Sarah Chiu,
20 City Planner with the Philadelphia City
21 Planning Commission. I'm here to testify
22 on Bill No. 140971, which Councilmember
23 Johnson introduced on December 4th, 2014.

24 Bill No. 140971 will allow the
25 construction of Children's Hospital of

1 2/10/15 - STREETS - BILL 140902, etc.
2 Philadelphia's development at 700
3 Schuylkill Avenue, the proposed plaza
4 (including steps, planters and ramps)
5 connecting to the proposed office
6 building to South Street Bridge sidewalk,
7 the building foundation along Schuylkill
8 Avenue, as well as steps, ramps, and
9 planters within Bainbridge Street. All
10 of the encroachment elements will leave
11 sufficient walking zone distance that
12 meet minimum complete streets
13 requirements.

14 The Planning Commission had
15 recommended for approval for Bill No.
16 140859 remapping the site on November
17 19th, 2014. Therefore, at its meeting on
18 January 20th, 2015, the Planning
19 Commission recommended Bill No. 140971
20 for approval as an item in accord with
21 previous policy.

22 This concludes my testimony. I
23 appreciate the opportunity to testify
24 before you today and would be pleased to
25 answer any questions you may have.

2/10/15 - STREETS - BILL 140902, etc.

COUNCILMAN SQUILLA: Thank you.

Let's finish the testimony. Just state
your name for the record.

MR. GROLLMAN: Good morning,
Chairman Squilla and members of the
Committee. I'm Peter Grollman, Vice
President for Government Affairs,
Community Relations, and Advocacy at the
Children's Hospital of Philadelphia.
Thank you for the opportunity to consider
this encroachment ordinance that you've
heard. It's an important piece of a
major project and expansion for the
Children's Hospital of Philadelphia on an
eight-acre site aligning the Schuylkill
River.

The facility represents over
600,000 square feet of redevelopment.
The first phase of the project will house
up to 1,000 jobs and consist of over two
million work hours of construction in the
City of Philadelphia. This is a project
that has generated considerable interest
and support in the community. We're

1 2/10/15 - STREETS - BILL 140902, etc.
2 grateful for support from the Streets and
3 Planning Commission and from Councilman
4 Johnson, who introduced the legislation.

5 I'm happy to take any questions
6 and appreciate your support.

7 COUNCILMAN SQUILLA: Thank you,
8 Peter, for your testimony.

9 Are there any questions here
10 from the panel?

11 (No response.)

12 COUNCILMAN SQUILLA: Seeing
13 none, is there anyone else here to
14 testify on Bill No. 140971?

15 (No response.)

16 COUNCILMAN SQUILLA: Seeing
17 none, thank you. Thank you for your
18 testimony.

19 Mr. McMonagle, please read the
20 title of the next bill.

21 THE CLERK: Bill No. 150003, an
22 ordinance authorizing the Trustees of the
23 University of Pennsylvania to construct,
24 own and maintain a temporary pedestrian
25 bridge right-of-way encroachment within

1 2/10/15 - STREETS - BILL 140902, etc.
2 the public right-of-way at 3400 Civic
3 Center Boulevard and 1 Convention Avenue,
4 Philadelphia, PA, 19104, under certain
5 terms and conditions.

6 COUNCILMAN SQUILLA: Before we
7 get started, I just want to acknowledge
8 for the record Councilwoman Cindy Bass in
9 attendance for the hearing. Thank you.

10 Please proceed.

11 MR. TORRENCE: Good morning,
12 Chairman Squilla and members of the
13 Streets and Services Committee. My name
14 is St. Martin Torrence. I'm the Director
15 of Legislative Affairs for the Department
16 of Streets. I'm here to offer testimony
17 on Bill No. 150003.

18 This bill authorizes the
19 Trustees of the University of
20 Pennsylvania to construct, own and
21 maintain a temporary pedestrian bridge
22 right-of-way encroachment within the
23 public right-of-way at 3400 Civic Center
24 Boulevard and 1 Convention Avenue,
25 Philadelphia, PA 19104 as follows:

2/10/15 - STREETS - BILL 140902, etc.

Encroachment Description: A temporary pedestrian bridge extending at its longest point within the Convention Avenue right-of-way a maximum length, houseline to houseline, of 113 feet and with a centerline located over the northerly curblane of Convention Avenue approximately 58 feet east of the easterly curblane of 34th Street; over the southerly curblane of Convention Avenue approximately 96 feet east of the easterly curblane of 34th Street.

Said bridge, with a minimum of 20 feet of clearance and maximum height of 40 feet, with exceptions as may be required to meet the technical requirements and approval of the Department of Streets and Licenses and Inspections.

The Streets Department has no objections to the proposed encroachment.

Thank you for your time. This concludes my testimony.

MS. CHIU: Good morning,

1 2/10/15 - STREETS - BILL 140902, etc.
2 Chairman Squilla and members of Streets
3 and Services Committee. I'm Sarah Chiu,
4 City Planner with the Philadelphia City
5 Planning Commission. I'm here to testify
6 on Bill No. 150003, which Councilmember
7 Blackwell introduced on January 22nd,
8 2015.

9 Bill No. 150003 will allow the
10 construction of a temporary pedestrian
11 bridge within the Convention Avenue
12 right-of-way south of 34th Street for the
13 length of approximately 113 feet. The
14 proposed bridge will have a minimum
15 clearance of 20 feet and a maximum height
16 of 40 feet.

17 The proposed encroachment will
18 have no impact on the existing sidewalks.

19 The Planning Commission is
20 scheduled to consider this bill on
21 February 17th, 2015 with a staff
22 recommendation that Bill No. 150003 be
23 approved.

24 This concludes my testimony. I
25 appreciate the opportunity to testify

1 2/10/15 - STREETS - BILL 140902, etc.

2 before you today and would be pleased to
3 answer any questions you may have.

4 COUNCILMAN SQUILLA: Do we have
5 any questions on this bill?

6 (No response.)

7 COUNCILMAN SQUILLA: Seeing
8 none, I also note that Penn is also here,
9 if there are any questions.

10 Seeing none, is there anyone
11 else here to testify on Bill No. 150003?

12 (No response.)

13 COUNCILMAN SQUILLA: Thank you
14 for your testimony.

15 Mr. McMonagle, please read the
16 title of the next bill.

17 THE CLERK: Bill No. 150054, an
18 ordinance authorizing Thomas Jefferson
19 University to construct, own and maintain
20 lighted bollard right-of-way
21 encroachments within the public
22 right-of-way at 1008 Locust Street,
23 Philadelphia, PA 19107, under certain
24 terms and conditions.

25 COUNCILMAN SQUILLA: Hold on

1 2/10/15 - STREETS - BILL 140902, etc.
2 one second. I just want to note for the
3 record that Bill No. 150003 was being --
4 testimony was for the amended version?
5 It was adding the EOP into the plan. So
6 that would be your testimony in favor of?

7 MS. CHIU: Yes.

8 COUNCILMAN SQUILLA: Thank you
9 very much. I'm sorry for the confusion.
10 We can now proceed with -- Sean, you want
11 to read the bill over again before we
12 start.

13 THE CLERK: Sure. Bill No.
14 150054, an ordinance authorizing Thomas
15 Jefferson University to construct, own
16 and maintain lighted bollard right-of-way
17 encroachments within the public
18 right-of-way at 1008 Locust Street,
19 Philadelphia, PA 19107, under certain
20 terms and conditions.

21 COUNCILMAN SQUILLA: Please
22 proceed.

23 MR. TORRENCE: Good morning,
24 Chairman Squilla and members of Streets
25 and Services Committee. My name is St.

1 2/10/15 - STREETS - BILL 140902, etc.
2 Martin Torrence. I'm the Director of
3 Legislative Affairs for the Department of
4 Streets. I'm here to offer testimony on
5 Bill No. 150054.

6 This bill authorizes Thomas
7 Jefferson University to construct, own,
8 and maintain lighted bollard right-of-way
9 encroachments within the public
10 right-of-way at 1008 Locust Street,
11 Philadelphia, PA 19107 as follows:

12 Encroachment Description: Two
13 lighted bollards, approximately 18 inches
14 off of the southerly curb face of Locust
15 Street. Total height not to exceed 3
16 feet, with reinforced concrete
17 foundations not to exceed 2 feet in
18 diameter and not extending more than 3
19 feet below the final sidewalk elevation.
20 Bollards are to be located, respectively,
21 approximately 195 feet from the
22 southeasterly corner of 11th and Locust
23 Streets and the southwesterly corner of
24 10th and Locust Streets or adjusted in
25 proximity to said locations as may be

1 2/10/15 - STREETS - BILL 140902, etc.
2 necessary for field conditions. Conduit
3 for lighting power to remain excluded and
4 subject to the permitted use via the
5 applicant's Right-of-Way Use License.

6 The Streets Department has no
7 objections to the proposed encroachment.

8 Thank you for your time. This
9 concludes my testimony.

10 MS. CHIU: Good morning,
11 Chairman Squilla and members of Streets
12 and Services Committee. I'm Sarah Chiu,
13 City Planner with the Philadelphia City
14 Planning Commission. I'm here to testify
15 on Bill No. 150054, which Councilmember
16 Squilla introduced on January 29th, 2015.

17 Bill No. 150054 will allow the
18 construction of two lighted bollards
19 approximately 18 inches off the south
20 curblane of Locust Street. The bollards
21 are not to exceed 3 feet in height, with
22 reinforced concrete foundations not to
23 exceed 2 feet in diameter and not
24 extending more than 3 feet below final
25 sidewalk elevation.

1 2/10/15 - STREETS - BILL 140902, etc.

2 The proposed encroachment will
3 leave sufficient walking zone for
4 pedestrians on Locust Street.

5 The Planning Commission is
6 scheduled to consider this bill on
7 February 17th, 2015 with a staff
8 recommendation that Bill No. 150054 be
9 approved.

10 This concludes my testimony. I
11 appreciate the opportunity to testify
12 before you today and would be pleased to
13 answer any questions you may have.

14 COUNCILMAN SQUILLA: Thank you.

15 Any questions?

16 (No response.)

17 COUNCILMAN SQUILLA: Seeing
18 none, anyone else here to testify on Bill
19 No. 150054?

20 (No response.)

21 COUNCILMAN SQUILLA: Thank you
22 for your testimony.

23 Mr. McMonagle, please read the
24 title of the next bill.

25 THE CLERK: Bill No. 150053, an

1 2/10/15 - STREETS - BILL 140902, etc.
2 ordinance legalizing an existing
3 retaining wall encroaching on the public
4 right-of-way at 1806 Emerson Street,
5 Philadelphia, PA 19152, all under certain
6 terms and conditions.

7 COUNCILMAN SQUILLA: Thank you.
8 Please proceed.

9 MR. TORRENCE: So I'll be
10 testifying on the amendment to this bill.

11 COUNCILMAN SQUILLA: Okay.
12 Thank you.

13 MR. TORRENCE: Good morning,
14 Chairman Squilla and members of Streets
15 and Services Committee. My name is St.
16 Martin Torrence and I'm the Director of
17 Legislative Affairs for the Department of
18 Streets. I'm here to offer testimony on
19 Bill No. 150053, as amended.

20 This bill legalizes an existing
21 retaining wall constructed by Ruben
22 Burgos encroaching on the public
23 right-of-way at 1806 Emerson Street,
24 Philadelphia, PA 19152 as follows:

25 Encroachment Description: An

2/10/15 - STREETS - BILL 140902, etc.
existing retaining wall running along the
property frontage of 1806 Emerson Street.
Said retaining wall encroaches 5 and 1/2
feet into the southerly footway of
Emerson Street, with 8 feet 6 inches
footway space remaining. The retaining
wall being 3 feet 7 inches high with four
decorative columns extending to 4 feet 10
inches high above the Emerson Street
sidewalk extends approximately 3 feet
below grade, as shown on plan titles
"Site Plan Wall Detail" as prepared by
Richard Brown, RA, and dated May 7th,
2014. Within this retaining wall were
also constructed five lateral retaining
walls and steps extending from the parcel
to the retaining wall and situated at
each of one property boundary, two sides
of the existing steps, one side of an
existing driveway, and one side of an
existing driveway and property boundary.

The Streets Department has no
objections to the proposed encroachment.

Thank you for your time. This

1 2/10/15 - STREETS - BILL 140902, etc.

2 concludes my testimony.

3 MS. CHIU: Good morning,
4 Chairman Squilla and members of Streets
5 and Services Committee. I'm Sarah Chiu,
6 City Planner with the Philadelphia City
7 Planning Commission. I'm here to testify
8 on Bill No. 150053, which Councilmember
9 O'Neill introduced on January 29th, 2015.

10 Bill No. 150053 will legalize
11 an existing retaining wall encroaching
12 onto the public right-of-way at 1806
13 Emerson Street. The Planning Commission
14 is scheduled to consider this bill on
15 February 17th, 2015 with a staff
16 recommendation that the Commission
17 requests additional 45 days to review
18 this Bill 150053.

19 And this concludes my
20 testimony. I appreciate the opportunity
21 to testify before you today and would be
22 pleased to answer any questions you may
23 have.

24 COUNCILMAN SQUILLA: Thank you.
25 Are there any questions on this

1 2/10/15 - STREETS - BILL 140902, etc.
2 bill?

3 (No response.)

4 COUNCILMAN SQUILLA: Seeing
5 none, anyone else here to testify on
6 150053?

7 (No response.)

8 COUNCILMAN SQUILLA: Seeing
9 none, thank you so much for your
10 testimony.

11 Mr. McMonagle, please read the
12 title of the next bill.

13 THE CLERK: Bill No. 140903, an
14 ordinance amending Title 10, entitled
15 "Regulation of Individual Conduct and
16 Activity," of The Philadelphia Code, by
17 adding rules regarding use of dumpsters;
18 all under certain terms and conditions.

19 COUNCILMAN SQUILLA: Anyone
20 here to testify on this bill, please
21 proceed to the desk.

22 (Witnesses approached witness
23 table.)

24 COUNCILMAN SQUILLA: When
25 you're ready, just state your name for

1 2/10/15 - STREETS - BILL 140902, etc.
2 the record and then proceed with your
3 testimony.

4 MR. BRESEE: Good morning.
5 Phil Bresee, Recycling Director,
6 Department of Streets.

7 Good morning, Chairman Squilla
8 and members of the Streets and Services
9 Committee. I'm Phil Bresee, the City's
10 Recycling Director in the Department of
11 Streets, and I'm here today to deliver
12 testimony on Bill No. 140903 introduced
13 by Councilman O'Brien and Councilwoman
14 Bass, which would amend Title 10 of The
15 Philadelphia Code to modify and clarify
16 rules regarding the use of dumpsters.

17 The Streets Department believes
18 that the bill presents a commonsense
19 approach to encourage growth in the
20 recycling and diversion of organics in
21 Philadelphia. Indeed, the Department
22 advocated this type of approach in
23 testimony to this Committee on November
24 12th during the hearing on organics
25 recycling.

2/10/15 - STREETS - BILL 140902, etc.

The Department believes that this bill contains two important benefits. First, the bill specifically identifies organics diversion as a form of recycling. This is important because dumpster medallion fees for recycling are one-half of what the fees are for trash and rubbish containers. Businesses that choose to manage their waste in this far more environmentally sound manner can now be further incentivized through lower dumpster medallion fees.

Second, this bill acknowledges that dumpster technology has evolved and will continue to do so. The current code relies on minimum collection frequencies for dumpsters in order to maintain sanitary conditions. This bill creates exceptions that permit authorized use of modern, proven technologies, including compactors which have gauges that indicate their fullness levels and can be emptied as needed, and aerated composting dumpsters which neutralize food waste

1 2/10/15 - STREETS - BILL 140902, etc.
2 odors.

3 We expect that many food
4 businesses will continue to rely on
5 garbage disposals to manage grindable
6 food waste. However, the restaurants
7 that choose to recycle and compost their
8 organics would face fewer hurdles under
9 this bill.

10 More importantly, the bill also
11 maintains safeguards in the existing
12 code, including requirements that
13 dumpsters remain tightly closed and
14 secured, that businesses and building
15 owners maintain the cleanliness of the
16 dumpster area, and that other City
17 agencies may order more frequent
18 collection where dumpsters are repeatedly
19 found to be overflowing.

20 In summary, the Department
21 views this legislation as positive for
22 businesses, residents, and the City. It
23 incentivizes organics recycling and opens
24 the door to more modern waste management
25 methods, while continuing to safeguard

1 2/10/15 - STREETS - BILL 140902, etc.
2 the general public against unsanitary
3 conditions, all without significantly
4 impacting the Streets Department's
5 enforcement programs.

6 Thank you for the opportunity
7 to testify this morning. This concludes
8 my testimony and I'd be happy to answer
9 questions.

10 COUNCILMAN SQUILLA: Thank you.
11 We have one question before we continue.

12 Councilman Neilson.

13 COUNCILMAN NEILSON: Phil, this
14 is an option for these businesses,
15 correct?

16 MR. BRESEE: Correct.

17 COUNCILMAN NEILSON: So when
18 you talk about food business and
19 incentivizing, the way they dispose of
20 their stuff now, they could do it cheaper
21 if they go this way. It's not a mandate
22 on any food restaurant or any food
23 business?

24 MR. BRESEE: It's possible. I
25 guess that really depends on --

1 2/10/15 - STREETS - BILL 140902, etc.

2 COUNCILMAN NEILSON: It's
3 possible a mandate?

4 MR. BRESEE: I'm sorry. It's
5 possible that they could achieve cost
6 savings through handling their food waste
7 in this method. I think all this bill
8 really is intended to do is to remove the
9 hurdles and allow for this to be an
10 option that maybe has more favor because
11 of the licensing fee differences.

12 COUNCILMAN NEILSON: So it's
13 encouragement, right?

14 MR. BRESEE: Yes.

15 COUNCILMAN NEILSON: Thank you.

16 No further questions,
17 Mr. Chairman.

18 COUNCILMAN SQUILLA: Thank you.

19 Please state your name for the
20 record and proceed with your testimony.

21 MR. SAMPSON: Good morning,
22 Chairman Squilla, members of the
23 Committee on Streets and Services. My
24 name is Maurice Sampson. I am the
25 President of Niche Waste Reduction and

1 2/10/15 - STREETS - BILL 140902, etc.
2 Recycling Systems and appointee to the
3 Solid Waste Recycling and Advisory
4 Committee. Thank you for this
5 opportunity to comment on Bill 140903
6 regarding rules of dumpsters.

7 I want to begin by
8 acknowledging members O'Brien and Bass
9 for their leadership on this issue and
10 offer my background prior to offering my
11 recommendations.

12 As a recycling and waste
13 management consultant, I have been
14 performing work for commercial clients
15 for some ten years, serving mostly
16 private existing businesses and
17 institutions, in addition to designing
18 sustainable waste management systems for
19 new construction projects. The work has
20 given me the opportunity to have an
21 intimate understanding of the issues
22 addressed by this Committee and to work
23 with representatives from the waste
24 industry, public officials from the
25 Streets Department, License and

1 2/10/15 - STREETS - BILL 140902, etc.

2 Inspections, and the Health Department.

3 I support this bill. Old-time
4 waste collectors will tell you never
5 collect rubbish and garbage together
6 because it is unsanitary. This intent
7 was long reflected in the code and has
8 been lost over the last 20 years with the
9 disappearance of citywide collection of
10 food waste by farmers for their pigs. It
11 is appropriate that this bill brings back
12 that wisdom. Not only will this bill
13 maintain the safeguards that protect the
14 health of our citizens and the
15 cleanliness of our neighborhoods, it will
16 also support the growth of composting
17 services among food-related businesses.

18 I also recognize this bill will
19 simplify this section of the code. I
20 applaud that effort as well, and I want
21 to offer two supporting recommendations
22 having to do with language.

23 I believe that it's time for us
24 to strike in the bill all those
25 references to "grindable" and

1 2/10/15 - STREETS - BILL 140902, etc.
2 "non-grindable." As an explanation, I
3 want you to consider the definitions for
4 "grindable garbage," "garbage," and
5 "garbage disposal unit" in Chapter 9-604
6 of The Philadelphia Code. Garbage
7 disposal unit is defined as any
8 mechanical or power device used to reduce
9 food waste other than grease so it can be
10 discharged into the sewer system of the
11 City or into cesspools and septic tanks.

12 Grindable garbage is garbage
13 that can normally be disposed of by the
14 use of our garbage disposal unit.

15 Garbage is defined as organic
16 residue of both animals and vegetable
17 matter, which results from the
18 preparation and consumption of food and
19 including small dead animals.

20 These definitions make the
21 following clear: Small dead animals are
22 the only item that qualifies as
23 non-grindable waste. The Health
24 Department in The Philadelphia Code calls
25 for the disposal of dead animals by the

1 2/10/15 - STREETS - BILL 140902, etc.

2 Streets Department or by the Animal Care
3 and Control Teams, not garbage disposers.

4 Today's commercial-rated
5 garbage disposers are capable of grinding
6 all restaurant-generated waste, including
7 bones and oyster shells.

8 The terms "grindable" and
9 "non-grindable" are archaic terms that
10 have been regurgitated in amended
11 legislation for more than 30 years as the
12 technology for garbage disposers has
13 changed constantly. The use of garbage
14 to describe dead animals has been
15 completely obscured.

16 For these reasons, the terms
17 "grindable" and "non-grindable" garbage
18 are not relevant in this ordinance and
19 really should be eliminated from this
20 bill.

21 There are also today a range of
22 on-site appliances that meet the
23 definition of "garbage disposal unit"
24 such that we really need to look at them
25 and make additional clarifications by

1 2/10/15 - STREETS - BILL 140902, etc.
2 regulation.

3 I also feel that in that
4 consideration Provision (4)(d),
5 Garbage -- and this is the provision that
6 would allow for the mixing of
7 non-grindable garbage and rubbish -- also
8 needs to be struck. And if you talk
9 about that, the mixing of garbage and
10 rubbish in the container should never be
11 permitted. There are no bags or sealable
12 containers that have been found to be
13 puncture proof, and it really undermines
14 the very conditions this legislation is
15 seeking to avoid.

16 In summary, these
17 recommendations would effectively create
18 an ordinance which will call for the
19 complete separation and storage of
20 garbage or food waste from rubbish or
21 trash prior to the collection or disposal
22 by a waste hauler or a garbage disposal,
23 composting or the feeding of animals. At
24 no time would garbage be mixed with
25 rubbish. This is a bill that supports

1 2/10/15 - STREETS - BILL 140902, etc.

2 the collection aspects of a sanitation
3 ordinance.

4 There is more work to be done,
5 perhaps in future legislation. Archaic
6 language should be updated in other parts
7 of the code. Law or regulation does not
8 cover changes in waste disposal
9 technology available to individual
10 commercial businesses. Some of these
11 technologies are not permitted under the
12 regulations, under present regulations,
13 and would benefit the City at a lower
14 cost to the businesses. Others are being
15 installed with the potential to undermine
16 citywide systems currently in place to
17 manage water waste by the Water
18 Department.

19 One for instance I can give you
20 is a unit that's known as a waste
21 disposal unit. It's a unit that acts
22 like a stomach that takes food waste and
23 turns it to water. It allows -- it calls
24 on the user to actually add an enzyme
25 that is considered proprietary. That

1 2/10/15 - STREETS - BILL 140902, etc.
2 enzyme in some municipalities is
3 completely banned because there's no
4 knowledge of what that enzyme does once
5 it gets into the sewer system. Other
6 places actually encourage it because
7 there's a theory that it does benefit.
8 We don't know what it does. In this city
9 we are encouraging food disposers because
10 we have a technology that allows us to
11 turn that food waste into energy, which
12 is saving the City money. An enzyme that
13 destroys food waste would undermine that
14 system. Is this good? Is this bad? We
15 don't really know, but it's something
16 that we need to consider and look at.
17 And that's only one example of one
18 technology that under our law is
19 considered a garbage disposal unit.

20 I would further recommend the
21 Committee on Streets consider future
22 legislation and revisions to Section
23 9-604, Refuse Collection, definitions for
24 "garbage," "garbage disposal unit," and
25 "grindable garbage" and issues with

1 2/10/15 - STREETS - BILL 140902, etc.
2 related regulations given the development
3 of composting and food disposal
4 technology.

5 In conclusion, while there is
6 more work to be done, this ordinance is a
7 step in the right direction at the right
8 time.

9 Thank you for making it happen.
10 COUNCILMAN SQUILLA: Thank you.
11 Are there any questions of this
12 panel?

13 Councilwoman Bass.

14 COUNCILWOMAN BASS: Thank you.

15 I just wanted to thank you both
16 for your testimony today and also for
17 Maurice specifically, since we've done so
18 much work on these issues over so many
19 years, that I'd like to really talk to
20 you offline, along with Councilman
21 O'Brien, and maybe we could figure out
22 how to incorporate some of the
23 adjustments that you seek. So I'd like
24 to have that conversation offline and to
25 further explore what the possibilities

1 2/10/15 - STREETS - BILL 140902, etc.

2 are with this language.

3 MR. SAMPSON: Certainly.

4 COUNCILWOMAN BASS: Thank you.

5 COUNCILMAN SQUILLA: Thank you.

6 Any other questions?

7 (No response.)

8 COUNCILMAN SQUILLA: Seeing
9 none, anyone else here to testify on Bill
10 No. 140903?

11 (No response.)

12 COUNCILMAN SQUILLA: For the
13 record, I'd just like to say that the
14 Pennsylvania Department Association
15 submitted testimony in support of the
16 amendment of Bill No. 140903.

17 That concludes the hearing on
18 the Committee of Streets and Services.
19 We will now go into a public meeting.

20 The Chair recognizes Councilman
21 Greenlee.

22 COUNCILMAN GREENLEE: Thank
23 you, Mr. Chairman. I move the adoption
24 of the amendments as previously presented
25 to the following three bills: Bills No.

1 2/10/15 - STREETS - BILL 140902, etc.

2 150003, 150053, and 140903.

3 (Duly seconded.)

4 COUNCILMAN SQUILLA: All in
5 favor?

6 (Aye.)

7 COUNCILMAN SQUILLA: Any
8 opposed?

9 (No response.)

10 COUNCILMAN SQUILLA: The ayes
11 have it. Amendments to those bills have
12 been approved.

13 The Chair recognizes Councilman
14 Greenlee.

15 COUNCILMAN GREENLEE: Thank
16 you, Mr. Chairman. I move that the
17 following bills be reported out of this
18 Committee with a favorable
19 recommendation, that the rules of Council
20 be suspended to allow for first reading
21 at our next session of Council: Bills
22 No. 140902, 140971, 150003 as amended,
23 150054, 150053 as amended, and 140903 as
24 amended.

25 (Duly seconded.)

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1 2/10/15 - STREETS - BILL 140902, etc.

2 COUNCILMAN SQUILLA: All in
3 favor?

4 (Aye.)

5 COUNCILMAN SQUILLA: Any
6 opposed?

7 (No response.)

8 COUNCILMAN SQUILLA: Seeing
9 none, the ayes have it. All bills have
10 passed the Committee.

11 Thank you for your time and
12 consideration. Have a great day.

13 (Committee on Streets and
14 Services concluded at 11:05 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

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