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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON STREETS AND SERVICES

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Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, May 18, 2003
10:15 a.m.

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RESOLUTION 040105 - Resolution authorizing
City Council's Committee on Streets and
Services to hold public hearings to
investigate the mistreatment of animals by
the carriage industry within the City of
Philadelphia...

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14

PRESENT:

15

COUNCILMAN FRANK DICICCO, Chair
COUNCILMAN JUAN RAMOS, Vice Chair
COUNCILMAN DARRELL L. CLARKE
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN MICHAIL A. NUTTER
COUNCILMAN RIZZO

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2 COUNCILMAN DICICCO: Good morning,
3 everyone. Welcome to the Committee on Streets
4 and Services. We do a quorum. My name is
5 Frank DiCicco. I am the Chair of the
6 Committee on Streets and Services. In
7 attendance today are also Councilwoman Donna
8 Reed Miller to my right, Councilman Michael
9 Nutter, and Councilman Frank Rizzo to my left.

10 Before we begin, I just have a few
11 things I'd like to say. First, because of the
12 complexity of the City's budget hearings,
13 Council President has scheduled several
14 witnesses to testify this afternoon beginning
15 at 1 o'clock. We've all been reading in the
16 paper about the budget and tax reform bills,
17 and it really has taken a lot of our time
18 these days. So we're going to try to get
19 through this morning's hearing as quickly as
20 possible. So we have at least three hours. I
21 want to hear from as many people as possible
22 and to take as much time is necessary. That
23 being said, I'd like to get started. We do
24 have a quorum, as I said.

25 Second, it is possible that we do

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2 not have the time to hear from everyone,
3 although I do promise to do my best. The
4 situation is beyond my control. But if
5 necessary, I will recess this hearing and call
6 for another hearing at a later date because I
7 do want to hear from as many people as
8 possible. I hope that doesn't happen, so I
9 ask all the witnesses make your testimony
10 concise and straightforward. If you have
11 written testimony, please give a copy to Mr.
12 Brian Abernathy, my Legislative Assistant, the
13 young fellow sitting behind me, so that we can
14 distribute that testimony appropriately.

15 Finally, if you wish to testify but
16 have not yet scheduled time, please give Mr.
17 Abernathy your name so you can be placed on
18 the list.

19 We are here today to investigate the
20 mistreatment of animals by the carriage
21 industry in the City of Philadelphia as
22 authorized by City Council in Resolution No.
23 040105.

24 About four years ago, we began to
25 examine Philadelphia's horse carriage industry

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2 and the regulations that guide it. From those
3 initial hearings, several additions were made
4 to the City Code: Extra fees for sanitation,
5 specific travel routes, hours of operation,
6 temperature restrictions, et cetera. While I
7 recognize today and I recognized then for
8 those of you who were at that hearing that no
9 one was entirely pleased with that legislation
10 that was adopted. We attempted to find a
11 compromise that would not put undue
12 restrictions on the industry but at the same
13 time protected the animals. And I understand
14 that there are people who take exceptions to
15 that legislation. There are still people who
16 will call me from the industry saying "Could
17 we change the temperatures. It's 92 or
18 whatever the number we're at. Could you make
19 it an extra degree higher? Could you make it
20 an extra degree lower?" I said this four
21 years ago. I don't think there's a magic
22 number. But we did what we thought was in the
23 best interest of the animals and the industry
24 at the time and we're going to stick with
25 that.

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2 For the past few years, I thought
3 things were going relatively well. However,
4 after I saw the KYW news report in January, I
5 realized that something was still wrong out
6 there. The conditions portrayed were heinous:
7 Horses with no water or water that was frozen.
8 The animals were covered in their own
9 excrement. They had little or no bedding and
10 lived in very small stalls. Open sores
11 covered their bodies.

12 Shortly after that report aired, the
13 Health Department and the SPCA visited the
14 stable in question. From my understanding,
15 while the conditions they found were less than
16 ideal, the stable had not necessarily broken
17 any law. I find that hard to believe, but I
18 will not condemn the company without all the
19 facts.

20 I just want to interrupt my comments
21 to say that Councilmember Ramos is here as
22 well. He's a member of this Committee.

23 Nor will I condemn the industry on
24 the actions of one company. I know that many
25 of these companies strive to provide the best

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2 care possible for their animals.

3 Unfortunately, in this instance, I
4 believe there was a breakdown in our City
5 regulations mandating the care of the horses.
6 Perhaps there were no laws broken because our
7 laws and regulations are not strict enough.
8 Perhaps City agencies need to be more vigilant
9 in their enforcement of the current Code. And
10 perhaps City agencies may have been
11 hoodwinked. We're going to try to find that
12 out day. I don't know. But that's why we're
13 here, to uncover the truth.

14 We need to hear about what
15 conditions these horses live in on a
16 day-by-day basis. We must look at not only
17 the condition of the horses on the street, but
18 the conditions of their home. And we need to
19 examine the role of the City in maintaining
20 these conditions. If we need new regulations,
21 the Health Department will adopt new
22 regulations. If we need to enact new
23 legislation, we will introduce new
24 legislation. We will do what is necessary to
25 protect the well-being of the horses.

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2 While I said yesterday in my
3 comments on, u interview with KWK, this is a
4 business, it provides opportunities for people
5 to be employed, it provides a tax basis, and
6 it does provide an opportunity as an
7 entertainment venue, if you will, for tourists
8 who come to our City. So we're not here to
9 rid the City of the horse carriage industry.

10 Again, as I said in my earlier
11 statement, I thought four years ago we had
12 this matter resolved, but not for the KWK news
13 report of a few months ago, we wouldn't be
14 here today.

15 So I want to proceed with the
16 hearings and we will begin by calling Carmen
17 Paris, Deputy Commissioner of the Health
18 Department.

19 Councilman Darrell Clarke is also
20 present for these hearings.

21

22 MS. PARIS: Good morning, Councilman
23 and Committee Chairman DiCicco and members of
24 the Committee on Streets and Services. I am
25 Carmen Paris, Deputy Health Commissioner.

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2 Thank you for the opportunity to present
3 testimony on the status of the Department of
4 Public Health Carriage Horse Inspection
5 Program.

6 Early in 2004 health and safety
7 issues pertaining to the carriage horse
8 industry in Philadelphia came to the attention
9 of the Department of Public Health, the
10 primary regulatory agency of the carriage
11 horse industry in the City. At the time, Mr.
12 Chairman, you requested that the Department
13 examine the applicable regulations pursuant to
14 Sections 10-107 and 10-108 of The Philadelphia
15 Code, regulations governing commercial horse
16 stables and rental and carriage horses, and
17 proposed changes that will lead to more
18 effective enforcement. These regulations
19 govern health and safety aspects of commercial
20 and carriage horse stable maintenance in
21 operation and the operation and care of rental
22 and carriage horses and carriages. They also
23 provide for licensing of stables, carriages
24 and carriage operators.

25 The Department has performed a

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2 thorough reevaluation of the entire regulatory
3 process of the carriage horse operations. In
4 addition to the regulations themselves, the
5 evaluations included applicable department
6 policies and procedures relative to the
7 enforcement of these regulations. In order to
8 enhance its entire oversight of the industry,
9 the Department proposes revision of these
10 regulations and oversight policy. A breakdown
11 of the regulations to be revised and an
12 underlying reasoning is as follows:

13 To assure adequate owner supervision
14 of stables and increase the likelihood that
15 complete and unannounced inspections can be
16 made, increased stable staffing will be
17 required. A responsible party will have to be
18 available at the stable at all times and all
19 parts of the stable must be available for
20 inspection, including the physical structure,
21 veterinary records and log books. Also, the
22 stable will have to show proper ownership,
23 lease or legal easement of this area.

24 In order to accurately identify the
25 horses, permanent microchips will be provided

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2 and embedded by agents of the Department.

3 This microchip will enable the Department to
4 identify and track horses, especially with
5 those health or safety issues that should be
6 prohibited from working.

7 To better protect the safety of
8 carriage users, drivers and the public, horses
9 will be evaluated for undue reaction traffic,
10 loud noises, and other urban stress issues
11 before placing them into service. In
12 addition, carriage driver tests would include
13 an on-street evaluation.

14 To protect the health of horses, new
15 rules limiting their working with visible
16 sores, maintaining drinking water, and
17 maintaining the horse turnout areas are also
18 recommended.

19 In addition, recommendations are
20 being made to add a number of agencies whose
21 representatives will have the authority to
22 remove horses with health or safety issues
23 from work. The additional agencies include
24 the Police and Streets and the National Park
25 Service and the Philadelphia Parking

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2 Authority.

3 In addition to these proposed
4 regulation changes, several departmental
5 actions and policy changes has been instituted
6 since January 2004. This include the
7 following:

8 A large animal veterinarian has bee
9 retained by the Department to provide
10 examinations of carriage horses at least two
11 times per year in addition to the veterinary
12 examinations required stables operators. The
13 Department's veterinarian will also be
14 available to the Department on-call basis for
15 any horse issues or questions that the
16 Department's agents might have.

17 The Department is conducting stable
18 inspections on a quarterly basis or more
19 frequent if necessary. The Department has in
20 place an agreement with the Women's Humane
21 Society so that an agent of the society will
22 accompany the Department's agent in any case
23 where the animal cruelty is an issue or is
24 suspected for the purpose of determining if
25 the operation is in violation of the

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2 Pennsylvania Animal Cruelty Code.

3 These proposed revisions to the
4 regulations, coupled with the changes in
5 policy that have been instituted are intended
6 to improve the health and safety of the
7 carriage horses to drivers and the public. We
8 have met with and discussed these changes with
9 representatives of the Police and Streets
10 Departments, several units within the
11 Department of Public Health, the Philadelphia
12 Animal Care and Control Association, PACCA,
13 and the National Park Service. We have also
14 discussed these changes with you, Mr.
15 Chairman, and your staff and will take under
16 advisement any recommendation this Committee
17 might have in accordance with the required
18 procedure for initiating changes to City
19 regulations. A final draft of the changes
20 will be prepared for Law Department approval,
21 Board of Health presentation and approval and
22 submission to the Department of Records.

23 Thank you for the opportunity to
24 present testimony today. We will now answer
25 any questions you might have.

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2 COUNCILMAN DICICCO: Thank you, Ms.
3 Paris.

4 In your testimony, you advise us
5 that the Department will be conducting stable
6 inspections on a quarterly basis or more
7 frequently if necessary.

8 Prior to the KKY News report, how
9 often did the Department visit these stables?

10 MS. PARIS: Once a year. That was a
11 requirement, sir.

12 COUNCILMAN DICICCO: Had any
13 violations ever been cited? And could you
14 describe what you saw when you went out to
15 that particular stable after the KKY News
16 report.

17 MS. PARIS: If it's okay with you,
18 Mr. Chairman, I would like to ask one of the
19 inspectors that actually went out there
20 inspected the properties.

21 COUNCILMAN DICICCO: Thank you.

22 Please identify yourself for the
23 record.

24 MR. STEM: George Stem from
25 Philadelphia Animal Care and Control

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2 Association.

3 COUNCILMAN DICICCO: Spell your name
4 for the stenographer, please.

5 MR. STEM: S-T-E-M, George.

6 The beginning with this before what
7 we found there with the requirement that we
8 need to update to, the stable wasn't BEING
9 kept at the proper sanitation level, frozen
10 water, not enough food being kept around.

11 COUNCILMAN DICICCO: How much time
12 was it that passed from the time the news
13 report was aired before the inspection took
14 place?

15 MR. STEM: The next morning. We
16 seen it on TV.

17 COUNCILMAN DICICCO: So within 24
18 hours?

19 MR. STEM: Within 24 hours we
20 responded to the complaint.

21 COUNCILMAN DICICCO: Were there any
22 citations written at that time?

23 MR. STEM: At that time, yes.

24 COUNCILMAN DICICCO: What were the
25 required fines, do you know? Could you tell

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2 me a little bit about the citations, what were
3 they issued for and what were the fines?

4 MR. STEM: On our level because, of
5 the quality of the building, the way the
6 horses look, on our level we're permitted to
7 give a citation of \$25. Four of them were
8 issued.

9 Also, there was a request for a
10 cruelty officer to come in and take a look at
11 the animals. And with the assistance of the
12 Health Department, we were able to acquire
13 this doctor that needed to come in and do a
14 physical examination on these animals to
15 certify that these animals were okay.

16 COUNCILMAN DICICCO: Have you been
17 back since?

18 MR. STEM: Yes.

19 COUNCILMAN DICICCO: Have you found
20 any other violations since you've been back?

21 MR. STEM: In the very beginning
22 there was only one horse that had a foot
23 problem. Within the two to three weeks after
24 we had the horse removed from the street,
25 under veterinarian care, the horse was able to

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2 go back to work.

3 Right now we're monitoring every
4 month with any kind of problem that we're
5 hearing about or seeing ourself. If there's
6 anything medical, we will talk to the staff
7 down there, please to take that horse off the
8 street and get a medical report.

9 COUNCILMAN DICICCO: So is it safe
10 to say that since the report and since your
11 initial inspections that took place as a
12 result of the KKY news report that the
13 conditions there have improved and are now up
14 to Code?

15 MR. STEM: They're improving.
16 They're up to Code right now, and that's why
17 we want to continue with the type of
18 inspections that we're permitted to do.

19 COUNCILMAN DICICCO: Thank you.

20 Ms. Paris.

21 MS. PARIS: I just would like to add
22 that since the reporter came to the stables,
23 we instructed the staff to be out there at
24 least once a month, if not twice a month. And
25 the conditions have improved. But

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2 nevertheless, we have continued to provide
3 them with any technical support or clinical
4 support that they might need.

5 COUNCILMAN DICICCO: This question
6 is actually for both of you. You can decide
7 who wants to answer it.

8 In addition to this stable in
9 question that was in the KKY News report, have
10 the same inspections, follow-up inspections
11 occurring at the other stable or stables?

12 MS. PARIS: Yes.

13 COUNCILMAN DICICCO: No significant
14 problems in the other stables?

15 MS. PARIS: No, sir, there have been
16 no significant problems in other stables.

17 COUNCILMAN DICICCO: Very good.

18 Councilman Clarke.

19 COUNCILMAN CLARKE: Thank you, Mr.
20 Chairman.

21 Good morning.

22 MS. PARIS: Good morning.

23 COUNCILMAN CLARKE: How many stables
24 are currently operating in the City of
25 Philadelphia?

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2 MS. PARIS: We currently have two
3 stables operating.

4 COUNCILMAN CLARKE: Only two.

5 MS. PARIS: Two.

6 COUNCILMAN CLARKE: They're both
7 close to Center City?

8 MS. PARIS: Yes, sir.

9 COUNCILMAN CLARKE: With respect to
10 the penalty phase, are these penalties
11 comparable to other penalties associated with
12 animals?

13 I'm assuming we have penalties
14 associated with cruelty to dogs and other
15 types of animals in the City. Is it an
16 across-the-board penalty or are there specific
17 penalties for cruelty or other types of
18 health-related issues for animals that are
19 used for businesses versus animals that are
20 used as pets or things of that nature?

21 MR. STEM: With the cruelty there's
22 no separation with the condition of an animal,
23 whether it's used in a commercial or a private
24 pet. If we get a complaint that any type of
25 animal is in bad condition or there are

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2 medical problems, we go out for an inspection.
3 We require another veterinarian to also be
4 able to examine this animal. And if they back
5 everything up, that's when we take our
6 actions.

7 COUNCILMAN CLARKE: So the penalties
8 associated with the animals don't vary based
9 on commercial or pets?

10 MR. STEM: No.

11 COUNCILMAN CLARKE: Do you think,
12 particularly in this case because this is a
13 particular industry that, I'm assuming, makes
14 a profit, the likelihood that these animals
15 will be utilized obviously in a different way
16 than your pets would that you may want to look
17 at a different structure as it relates to
18 penalties associated with some of the issues.

19 MS. PARIS: That is certainly
20 something that we will take into
21 consideration. We see that -- I mean, there's
22 a difference between an animal that is at home
23 and it's not working every day. So we will
24 definitely take that into consideration, sir.

25 COUNCILMAN CLARKE: What's the

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2 current penalty?

3 MS. PARIS: Twenty-five dollar fine.

4 COUNCILMAN CLARKE: Twenty-five
5 dollars?

6 MS. PARIS: Yes, sir.

7 COUNCILMAN Clarke: So could it be
8 that in a lot of cases that sometimes people
9 think that the cost of doing business in this
10 particular case being \$25 is so nominal that
11 there's no real incentive to do anything about
12 the treatment of these animals, particularly
13 given the fact that it's a profit-making
14 entity. And if it's a pet, you get fined \$25,
15 you probably will respond to that particular
16 issue because it's \$25 out of your pocket that
17 you will not recapture. But if you're in a
18 business that, in fact, makes a profit,
19 sometimes people say that's just the cost of
20 doing business. So I would like to see if at
21 all possible some analysis of that and
22 possibly the need to increase the penalty.

23 MS. PARIS: We will certainly look
24 into it and get back to you, sir.

25 COUNCILMAN CLARKE: Are there any

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2 provisions in the current Code for
3 confiscation of animals if you find that the
4 conditions are such or warranted?

5 MR. STEM: With the seriousness of
6 the complaint or the condition of the animals,
7 yes, we will confiscate the animal through a
8 court action.

9 COUNCILMAN CLARKE: Is that based on
10 the number of violations or based on the
11 on-site analysis as it relates to the
12 condition? Is there a threshold where we
13 determine that this horse has been mistreated
14 so badly that the City of Philadelphia is
15 going confiscate that animal?

16 MR. STEM: There are two kind of
17 levels that we use. Severe, we don't wait, we
18 go right into for legal action to be taken for
19 confiscation. If we go there and the horse is
20 in a dirty place, is not very, very sick or
21 anything, that's when we have to give them the
22 order. They get about three days to
23 straighten it out and get a medical report.
24 After that, then we take our legal action in
25 the court.

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2 COUNCILMAN CLARKE: Have we ever had
3 to confiscate horses out of this particular
4 industry?

5 MR. STEM: Not yet. When they were
6 ordered off the street, had medical done,
7 their veterinarian would give medical reports,
8 forward them to us. They would not be
9 permitted in service on the street until they
10 had that clearance from a vet.

11 MS. PARIS: But we've had occasions,
12 sir, where we have been out there and we found
13 an animal that is not suitable work and we
14 have ordered the business owner to remove the
15 animal from the streets, and they have done
16 that.

17 COUNCILMAN CLARKE: Okay. I know in
18 the instance -- it was not a particular
19 business, but over in 31st and Master we had a
20 number of stables, and I'm assuming the Health
21 Department went out there along with some City
22 relocation people and the conditions were such
23 that a number of those horses were, in fact,
24 confiscated.

25 MS. PARIS: That's correct, sir.

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2 COUNCILMAN CLARKE: Thank you, Mr.
3 Chairman.

4 COUNCILMAN DICICCO: For the purpose
5 of all the folks that are here. Especially
6 the Committee members who may not have been a
7 part of the hearings that took place four
8 years ago, during those hearings some of the
9 recommendations that were made and I know one
10 particular I put on the table was if a
11 company, horse carriage company, was
12 continually in violation of certain types of
13 violations that their business privilege more
14 or less would be suspended for a certain
15 amount of time and it would be a graduated
16 time of suspension similar to a driver's
17 license, you know, you get 3 points you get 15
18 day suspension, you get 6 and so forth. So
19 that was part of the original -- that was in
20 part of the original regulations or the
21 regulations that we enacted four years ago.
22 Am I correct?

23 MR. STEM: Yes.

24 COUNCILMAN DICICCO: Could you
25 explain that a little bit for the panel so

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2 they all understand it?

3 There are conditions related to the
4 horse carriage industry that do have a
5 distinction from other situations that would
6 occur with a household pet in addition to the
7 fact that it's commercial.

8 MR. STEM: If I may pull out the
9 packet. We do have a system that we have in
10 place that there are points assessed on
11 whatever condition that's presented. Whether
12 it's a driver without a license or the
13 operations aren't being presented right on the
14 streets, the conditions aren't safe at the
15 stables. For various reasons we can give them
16 a CVN and a writ with so many points. If they
17 accrue 25 points, they can have their
18 operations suspended for a hearing, and that's
19 a hearing sent out for a court decision to be
20 made.

21 COUNCILMAN DICICCO: Thank you.

22 Councilman Rizzo.

23 COUNCILMAN RIZZO: Thank you, Mr.

24 Chairman.

25 Good morning.

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2 MS. PARIS: Good morning.

3 COUNCILMAN RIZZO: I understand
4 we're focused primarily on the carriage horse
5 industry that's primarily in Center City
6 section of Philadelphia. But I want to hear
7 about -- you mentioned that there's only two
8 barns. I believe if you look at Fairmount
9 Park, you'll find other facilities that do
10 rent horses for pleasure. I'm hoping that we
11 have our eye on these other facilities that
12 may be in Pennypack or may be in the
13 Wissahickon that they are being viewed equally
14 by the regulator, meaning the Health
15 Department. So I would hope that that is not
16 being overlooked.

17 And I do want to make it clear that,
18 I'm going to use the word alleged because
19 there's many people that aren't familiar with
20 horses that when they see a horse that has
21 foaming at its mouth doesn't necessarily mean
22 that the horse is being abused. That's what a
23 horse does on occasion. And there are other
24 things that can be perceived as improper
25 treatment. The treatment that we saw the

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2 horses many months ago was obvious that that
3 was beyond what I'm talking about. But I
4 think we have to remember that a horse is a
5 horse, and if they're being mistreated or
6 abused, that's one thing. But if they're
7 working and doing what they've been raised to
8 do, that's a whole entirely different
9 situation. And a person that's not familiar
10 with that, they can perceive that as abuse
11 when it is not necessarily abuse. I hope
12 you'd agree with me.

13 MS. PARIS: I do. I do, sir, yes.

14 MR. STEM: I agree.

15 COUNCILMAN RIZZO: Thank you.

16 COUNCILMAN DICICCO: Any other
17 questions for these witnesses from the
18 Committee?

19 Councilman Ramos.

20 COUNCILMAN RAMOS: Is the answer to
21 the question of Councilman Rizzo that you do
22 monitor of the other stables in other parts of
23 the City?

24 MS. PARIS: Yes, we do.

25 COUNCILMAN RAMOS: In the same way

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2 that you monitor of the carriage companies?

3 MS. PARIS: That's correct sir.

4 COUNCILMAN RAMOS: Thank you.

5 COUNCILMAN DICICCO: Councilman
6 Clarke.

7 COUNCILMAN CLARKE: That response
8 required another question. So with respect to
9 other stables, you say you monitor the other
10 stables throughout the City similarly as you
11 monitor these particular?

12 MS. PARIS: Yes, that's correct.

13 COUNCILMAN CLARKE: What happened at
14 31st and Master? Have we ever monitored 31st
15 and Master?

16 MR. STEM: Yes, we did monitor them,
17 and people weren't --

18 COUNCILMAN CLARKE: Prior to the
19 City's involvement in the relocation efforts.

20 MR. STEM: It was being handled by
21 the Pennsylvania SPCA cruelty officers in
22 force. They would go down there and talk with
23 the owners of the horses down there and
24 monitor. And then it seemed like towards a
25 little bit before the City got involved, they

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2 weren't able to get access to the building and
3 that was brought to everyone's attention and
4 then when this process was started how we can
5 see how we can get easement for the horses.
6 The kennels were in terrible shape. We were
7 able to get in there. It was just a very bad,
8 unsanitary and unhealthy and unsafe condition
9 where these horses were being kept.

10 COUNCILMAN CLARKE: I know we're
11 here to talk about the carriage industry so I
12 don't want to get too far off on the other
13 issue, but I do need to talk to you about that
14 situation because from my understanding that
15 condition had been placed for a substantial
16 period of time and it was clear that there was
17 no monitoring or no enforcement.

18 You're saying now it was the
19 responsibility of the SPCA. I'm just
20 wondering how it got to the point it got to
21 where we finally went in there and we had to
22 essentially confiscate horses because the
23 conditions were so bad. I won't do that in
24 this particular hearing because we're focused
25 on a specific issue.

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2 Thank you, Mr. Chairman.

3 MS. PARIS: We will be glad to meet
4 with you, Councilman.

5 COUNCILMAN CLARKE: Thank you.

6 COUNCILMAN DICICCO: Thank you.

7 I'd ask that you stay for the rest
8 of the hearing in case there are other
9 questions for you, if you don't mind. Thank
10 you.

11 Basir Ahmed and Ed Sparks.

12 Good morning, gentlemen. Please
13 identify yourself for the record.

14 Do you have a prepared statement?

15 MR. GOLDSMITH: We have some
16 documents that Mr. Abernathy would come over
17 and pick up or I'll bring them to him.

18 My name its Edwin Goldsmith. I am
19 the attorney for Philadelphia Carriage
20 Company. Sitting to my right is Mr. Bashir
21 Amed.

22 COUNCILMAN DICICCO: Mr. Goldsmith,
23 before you get started, is Mr. Ed Sparks here
24 from the Old City Carriage?

25 Would you please approach the

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2 witness table sir.

3 Thank you, Mr. Goldsmith,

4 MR. GOLDSMITH: Mr. sparks is a
5 totally separate company, just for the record.

6 COUNCILMAN DICICCO: That's what I'm
7 getting at. So there actually are three horse
8 carriage companies as opposed to the two which
9 was testified by the Department of Health a
10 few minutes ago.

11 MR. GOLDSMITH: Right.

12 COUNCILMAN DICICCO: I thought there
13 was, but for some reason I thought maybe
14 somebody wasn't here today. There are three
15 companies, Philadelphia Carriage Company, Old
16 City Carriage, and Philadelphia Trolley Works
17 -- 76 Carriage, excuse me, which is owned by
18 the same company. All right, thank you.

19 Please proceed with your testimony.

20 MR. GOLDSMITH: Councilman DiCicco,
21 I've sat here and listened to the testimony
22 that was just given of the Health Department
23 and particularly Mr. George Stem. What I have
24 handed out here is the reports from the
25 Philadelphia Department of Public Health and

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2 the SPCA which surround the time of the KKY
3 News broadcast. I'd like to bring Council's
4 attention to the fact that there was an
5 inspection at the stable on January 29, which
6 I believe was several days before the KKY News
7 -- it should be the top document, Councilman
8 DiCicco. You will find in the package two
9 Health Department inspections and two SPCA
10 inspections.

11 COUNCILMAN DICICCO: It's the second
12 one.

13 MR. GOLDSMITH: The second one is
14 dated 2/2/04.

15 COUNCILMAN DICICCO: Actually, the
16 way they're stapled together, it's the
17 opposite. The first one is 2/2. It's the
18 second one. Nonetheless, we know which one
19 you're talking about.

20 MR. GOLDSMITH: Now, the one on
21 January 29th was on a Thursday. I believe
22 this inspection by the news station took place
23 over the weekend on a Sunday. And then there
24 was an inspection that followed by the
25 Department of Health on the 2nd, and then

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2 there was an inspection by the SPCA on the 2nd
3 and there was also an inspection by the SPCA
4 on the 19th.

5 I'd like to note for the record, Mr.
6 Ahmed, if you will speak into the microphone,
7 did you receive any fine as a result of those
8 inspections?

9 MR. AHMED: Since until this moment
10 I don't receive any fines. I don't have no
11 \$25 fine. I don't have anything, just
12 recommended to do some stuff there in stable.

13 MR. GOLDSMITH: That's it.

14 If you will look at the January 29th
15 inspection report, there is an indication --
16 first of all, those reports are designed by
17 the Health Department to show the specific
18 violations of Code. And if you'll note that
19 with the exception of No. 10, all of these are
20 comments which, as you will see, will be
21 corrected in the next report. For example,
22 No. 5 was a situation where Zak, which is the
23 name of the horse, his stall was near a
24 covered stairwell and it was recommended that
25 that stairwell be covered up so there wouldn't

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2 be any injury to the animal. This is a
3 situation apparently existed for quite some
4 time. And you see from the next report
5 there's no mention of it because it was
6 immediately addressed.

7 There was ice freezing over in some
8 of the water buckets. It was a very cold
9 night. That was addressed as well.

10 The other things are clean bits
11 stored -- the storing of clean bits and a note
12 that the Health Department was well aware of
13 Noah. Noah had been in an accident several
14 months before, and he was recovering, sores
15 were recovering and they suggested how he
16 should wear his muzzle. They asked also for
17 records to be presented.

18 And this inspection was done by a
19 Louis Zegius (ph), David -- the rest of his
20 name is not indicated here. I don't know
21 where George Zen got into this, but he
22 certainly doesn't appear on this inspection
23 report.

24 I then turn Council's attention to
25 inspection report dated 2/2/04, and the

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2 comments there are -- under 19, the only
3 comment in the numbered part is "Remove or
4 cushion holster and holders if kept in
5 storage," it looks like. And it talks about
6 bedding down in the comments part. Basically,
7 there's no violation or citation in this
8 report.

9 Then if you look at the SPCA
10 reports, the one on February 2nd indicates --
11 that report is set up to say -- this is a
12 group of categories, physical appearance of
13 animals, shelter available, physical condition
14 of shelters, cages and pens, size of shelters,
15 cages and pens, sanitation, water, tie out,
16 bedding, heat cooling system, and attendants
17 present. And it gives choices of three
18 categories, satisfactory, unsatisfactory, and
19 not applicable.

20 In these columns satisfactory is
21 checked in every single one except for bedding
22 which is not checked. And the indication in
23 the comments is "I ordered better bedding.
24 Not enough bedding in storage for all stalls.
25 I also advised on coils for the water buckets

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2 and to prevent freezing. I inspected the hoof
3 of the horse in question and found that it was
4 shaped for the shoe it was wearing and
5 approved it was not infected."

6 COUNCILMAN DICICCO: Mr. Goldsmith,
7 sorry to interrupt your testimony. We have a
8 copy. Could you get to the heart of what it
9 is you want to express to us today?

10 MR. GOLDSMITH: The heart of it is,
11 when you look at these reports, and that's why
12 I wanted to put them on the record, the
13 reports indicate, notwithstanding the
14 journalistic efforts of KKY and a camera man
15 who literally broke into this stable at
16 midnight on a Sunday without permission and
17 under false pretenses, notwithstanding that
18 activity, when the facts came out and when
19 these stables were inspected, they were found
20 -- there were some minor problems, but by and
21 large and very much by and large, the SPCA
22 found and the City inspectors found that there
23 were not serious problems here. So what my
24 client is concerned about is, is that he's
25 been subjected to a journalistic rampage here

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2 that is uncalled for given the facts.

3 I have a veterinarian present and he
4 will be prepared to testify to indicate that
5 the findings of the radio station unschooled
6 in horses and stables were just incorrect.

7 COUNCILMAN DICICCO: Well, I
8 appreciate your comments and I appreciate the
9 fine work you're doing in representing your
10 client.

11 So that you understand, it was
12 certainly my intention to have their hearings
13 based on my non-professionalism. I'm not a
14 veterinarian. I did see KKY, that news
15 report. And as a layperson, what I saw, in my
16 opinion, led me to believe that there were
17 some inadequacies and that the stable was not
18 up to satisfy code based on the hearings that
19 I conducted four years. We can argue whether
20 that's true or not. And you do have some
21 facts that would counter those accusations.
22 KKY decided for whatever reason -- I suspect
23 someone probably alerted them to the
24 conditions up there. I don't think a camera
25 person just decided to go out night and go

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2 into a stable. Someone had to make a call.
3 Someone had to alert KYW about conditions that
4 he or she believed at the time were not
5 conditions that were desirable for the health
6 and safety and the welfare of the animal or
7 animals. I don't know who that person was.
8 That person didn't call me. However, I do get
9 calls from time to time from concerned
10 citizens in my district about the condition
11 and the care or lack of care for the horses
12 that are part of the horse carriage industry.
13 And generally, what I will do is call up the
14 company, the manager of the company and report
15 it or I'll give it to the Health Department
16 and they go out and do their job to the best
17 of their ability.

18 I'm not here today to point a finger
19 at just Mr. Bashir. This is a hearing to talk
20 about the horse carriage industry as it
21 applies to the three companies that operate in
22 the City of Philadelphia. Mr. Bashir,
23 unfortunately, was the horse carriage company
24 where a news reporter, a news team went out to
25 investigate. And, again, probably based on a

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2 tip or a complaint. We're not judges up here.
3 We're going to do what we think is in the best
4 interest of the industry because we're all
5 saying that we want it to thrive. I know
6 there are a number of people out there and
7 there's a lady in the back with sunglasses who
8 I don't recall her name who walks her dog past
9 my house in South Philadelphia a couple times
10 a day, and she made sure she reminded me, it
11 was either Friday or Saturday of last week,
12 that she and a number of other people who work
13 in this industry live in my district. And I
14 understand and appreciate that. It employs
15 people. All we want to do is make sure that
16 these animals get the best possible care and
17 are treated humanely and that the business
18 code continue to operate in the City.

19 Again, I didn't pick up the phone
20 and call KKY and say, "Go out and look at this
21 stable." It just happened to be for whatever
22 reason. And if you have an issue with KKY, I
23 suggest you take it up with them. But we're
24 here to look at the regulations we did four
25 years ago and see what we can do today to

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2 tighten those regulations up so that we can
3 prevent these reoccurrences, if you will, of
4 the conditions that I saw and many thousands
5 of other people saw that night. And it could
6 have been only that one time, that one
7 incidence, it may have only been a weekend. I
8 don't know. I don't know. But we want to
9 prevent that from happening again. So we're
10 not prosecute your client.

11 MR. GOLDSMITH: Councilman, I
12 appreciate what you're saying and I
13 understand, having sat in your position in
14 suburban district. I understand that it is
15 important, that the paramount duty is to
16 protect the health, safety and welfare of the
17 inhabitants and the animals and everyone and
18 every beast who lives in the confines of the
19 City of Philadelphia. I understand that. I
20 understand the importance of this.

21 My only point was that I wanted to
22 dispel what I considered after reviewing the
23 documentation here to be the far flung and I'd
24 say journalistic license of KWT in doing what
25 they did here and pointing out this particular

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2 carriage company. We don't know who
3 instigated this, whether this was a neighbor,
4 it could have been a competitor, it could be
5 anybody. We don't know the answer to that.

6 COUNCILMAN DICICCO: It could have
7 been a former employee.

8 MR. GOLDSMITH: It could have been a
9 former employee who mistreated horses who got
10 fired. As we all know, we can take a camera
11 and go into a stable and zero in on some
12 manure that's on the floor. It doesn't
13 disappear instantaneously. That's the only
14 point we're trying to make here.

15 Certainly, we want to see that
16 horses are treated properly and treated well,
17 and Mr. Bashir would agree with that and Mr.
18 Bashir Ahmed would agree a hundred percent
19 with that.

20 Is that correct?

21 MR. AHMED: Yes, sir.

22 MR. GOLDSMITH: So from that
23 standpoint, we welcome inspections and
24 whatever you certainly will be glad to work
25 with Council in forming any additional

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2 regulations that are appropriate in that
3 regard. We want to see that all carriage
4 industry treats their animals properly. As an
5 animal lover myself, I would find it
6 absolutely abhorrent to injure any animal or
7 mistreat any animal.

8 COUNCILMAN DICICCO: And we
9 appreciate that. Also, just one more to
10 remind you we have an obligation here that the
11 folks who work for the Department of Health
12 are charged with monitoring these situations
13 and doing the best job that they can. There
14 are a whole host of things that the Health
15 Department deal with on a day-to-day basis
16 throughout this large City of ours. And I do
17 appreciate the work that they do as well.
18 And, again, this is just an opportunity, I
19 think, to put on the table some issues and
20 maybe some changes in the code or regulations
21 that will prevent us from having to have
22 another hearing again in the future, and life
23 can go on we can all live our lives and the
24 horses can do what they do and life goes on
25 for them as well in the best possible

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2 condition.

3 Mr. Sparks, do you wish to testify?

4 Please identify yourself for the record.

5 MR. SPARKS: My name is Ed Sparks
6 and I'm owner of Old City Carriage. I have my
7 wife here. We wanted to talk about some
8 issues about the regulations. Can she come
9 up?

10 COUNCILMAN DICICCO: Yes, she can.

11 Good morning. Please state your
12 name for the record.

13 MS. SPARKS: Marcella Sparks.

14 COUNCILMAN DICICCO: Please proceed
15 with your testimony, ma'am.

16 MS. SPARKS: I really think that
17 Councilman Rizzo did hit on an issue about
18 whether what we see could possibly look
19 different than what someone else sees in the
20 horse industry. I think that we need to
21 regulate exactly who is looking at the
22 condition of the horses. I think what the
23 Health Department did say was that they're
24 going to have a vet do more inspections, and I
25 think that that is the right way to go. I

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2 think that we've had some inspections quite
3 possibly done, we need more horse men, you
4 know, people that have been in the industry
5 for 30 years or longer and they know what
6 they're looking at. I think at some point,
7 like he said, we may look at some things, for
8 instance, a foamy horse or a horse that is
9 thin but may quite possibly be thin because of
10 age. If I look at it, it may look to seem
11 that it is not proper. If a vet or a horse
12 person looks to see, he may find that there's
13 a different cause. So I think that that's
14 very good way to go and that's one of the
15 things that I did want to say.

16 I also think that some of -- the
17 main purpose here is for the animals. The
18 second purpose here is for businesses of
19 Philadelphia, as what you have said. And I
20 think that we need to help the carriage
21 industry perform better but also not limit
22 them. I think that at some point you are
23 limiting them especially with time changes. I
24 know that we need to make sure that the time
25 for traffic coincides with the Streets

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2 Department, and I agree with that. But I do
3 feel that we need a little bit more time maybe
4 at the end of the evening. A person goes out
5 to dinner and has a dinner and a carriage
6 ride, it has to be done by 10:30 at night. I
7 think that maybe if we extended a little bit
8 of the time frames, we may be giving a little
9 more business to the carriage companies and
10 the City.

11 I think that there should be some
12 kind of Committee that we can accept people
13 who know what they're talking about as far as
14 the horse are concerned and that we can agree
15 upon rules and regulations.

16 In the past, I think I think some of
17 the rules and regulations were made but they
18 were just made and that was it.

19 COUNCILMAN DICICCO: I have to
20 disagree with that. There have been extensive
21 conversations that have taken place over the
22 last five, six years -- and I see Mr. Stem
23 shaking his head -- probably more hours that I
24 care to remember that I have spent on issue.
25 Not because I don't think it's important but

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2 that's the reason I did it, obviously, because
3 it is important. There have been numerous,
4 numerous meetings and discussions from people
5 in the industry, the Health Department, my
6 office, L&I, the animal rights activists to
7 try to come up with a set of rules that speak
8 to some of the issues that you just addressed,
9 the time, the routes, and things of that
10 nature. And I said back four years ago that
11 at the end of that hearing people were going
12 to walk away dissatisfied. It's an
13 impossibility for us to make everybody happy
14 as Councilpeople, no matter what we do,
15 whether it's the horse carriage industry or
16 anything else. There are always people who
17 will feel that it should have been done
18 differently.

19 So I made a decision four years ago
20 that what we put in place then would be in
21 place. We've had some issues that have come
22 about recently. Whether they are justified,
23 whether it just happened to be that one night
24 or one weekend that these conditions existed
25 at this one particular stable, I don't know.

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2 But I can tell you for as many people who have
3 written me in the last week to tell me how
4 wonderful Mr. Bashir's company Philadelphia
5 Carriage company is and how great the horses
6 are treated, I get just as many call from
7 people who say that they don't like the way
8 these horses are being treated while they're
9 out in the street. So I'm not going to spend
10 my entire life standing out there to try to
11 police it; it's impossible. So we leave it up
12 to the people who are in charge, the Health
13 Department, the Department of L&I, and the
14 industry to try to figure out how this thing
15 can work to the best ability for everyone,
16 notwithstanding that there are some people who
17 are going to want a little bit more, change
18 the time, make it later, make it earlier, move
19 the temperature up, move it down. There is no
20 -- I don't think there is a magic number --
21 and I said this same thing four years ago --
22 in any of these issues that will make
23 everybody happy. So we did what we thought
24 was best. We did a compromise, if you will,
25 because that's the best that we can do

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2 sometimes is to try to figure a compromise.

3 So when you talk about a committee,
4 there was a committee. It's not a bona fide
5 committee of sorts, but it is a Committee made
6 up of people from all the groups that I just
7 spoke of who have come together to talk about
8 this issue. And it's a continuum. You can
9 continue it. If you have issues, you should
10 get together with the other two companies,
11 call the Health Department, I'm the Chair of
12 this Committee, I will spend as much time as I
13 can to give to you to talk about these issues.
14 But at some point, we have to make a decision.
15 You may not be happy with it, but we will hear
16 you, listen to you and try to make adjustments
17 where we can. But at some point, again, you
18 may not be pleased with the final result. But
19 we have spent hours, hours upon hours upon
20 hours. The last meeting I had with the Health
21 Department and the Commissioner of the
22 Department of Health probably lasted at least
23 an hour and a half in a conference room on the
24 3rd floor in addition to the phone calls that
25 I have made, my legislative assistant has made

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2 and all the e-mails that go back and forth.

3 Countless hours are being spent on this.

4 So everybody has to pull together,
5 no pun intended, to make this work.

6 MS. SPARKS: I think you're
7 absolutely right. I think that we should as
8 the carriage companies we should be heard too.

9 COUNCILMAN DICICCO: If you have
10 recommendations, Mr. Slocum periodically sends
11 me a two, three-page letter explaining to me
12 his concerns about some of the things that you
13 raised and what he would like to see changed.

14 MS. SPARKS: I'll be your e-mail
15 buddy.

16 COUNCILMAN DICICCO: Thank you, I
17 think. But thank you for your testimony.

18 Any questions for these witnesses
19 from the Committee?

20 Councilman Ramos.

21 COUNCILMAN RAMOS: You made
22 reference to -- and correct me if I'm wrong,
23 but I believe you made reference to phoney
24 horses, is that so?

25 MS. SPARKS: Yes.

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2 COUNCILMAN RAMOS: What's a phoney
3 horse

4 MS. SPARKS: Well, sometimes when
5 they work they get some sort of foam.

6 COUNCILMAN RAMOS: Oh, foamy.

7 COUNCILMAN DICICCO: Foamy, F-O-A-M.

8 MS. SPARKS: Foam, F-O-A-M.

9 COUNCILMAN RAMOS: It sounded like
10 "phoney."

11 MS. SPARKS: Not phoney, I'm sorry,
12 no.

13 COUNCILMAN RAMOS: What's a foamy
14 horse?

15 MS. SPARKS: Foaming from the mouth
16 or quite possibly around where the bridle is
17 because they've been working. Same thing that
18 Councilman Rizzo had stated.

19 COUNCILMAN RAMOS: I thought I heard
20 "phoney," and I asked the Chairman, what's a
21 phoney horse.

22 MS. SPARKS: I don't what a phoney
23 horse is. I've never seen one.

24 COUNCILMAN RAMOS: Thank you for
25 clarifying.

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

4 Councilman Clarke.

5 COUNCILMAN CLARKE: Thank you, Mr.
6 Chairman.

7 I just wanted to reference one of
8 the reports, it's actually the January 29th
9 report. Two of the issues, inadequate
10 heating. The inspector showed it was
11 inadequate heating based on a bucket of water
12 being frozen. Was that due to the heating
13 system or what? Can you be more specific
14 about that? Or maybe you want to respond.

15 MR. GOLDSMITH: One of the buckets
16 was frozen over.

17 MR. AHMED: When they came to
18 stable, they found just -- it's very cold, you
19 know, January, it's very cold weather. In any
20 stable you get in that time, you can find
21 after 20 minutes the water in the bucket just
22 turn ice. And the horse if he want a drink,
23 he can go get inside the bucket and drink.
24 And usually what we do few times a day we make
25 sure the horse drink, take the ice, the very

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2 thin ice in the top of the bucket, remove it
3 from there, we put fresh water. And when they
4 said they have horse dirty water, most of
5 horses they like to pick up the hay, put
6 bucket to make it wet to eat it. Always the
7 bucket is dirty because the hay inside the
8 bucket, they like to make it wet. We change
9 all the time --

10 COUNCILMAN CLARKE: Is there a
11 minimum requirement in terms of the heat in a
12 stable.

13 MR. AHMED: What we can do also, we
14 can like heater, like stick put in there, the
15 coil and we can heat.

16 COUNCILMAN CLARKE: My question and
17 maybe concern, if the it's cold enough in the
18 stable that the bucket of water is going to
19 freeze, I'm assuming that it's cold throughout
20 the stable, not just in the bucket. My
21 question centers around whether or not it's
22 too cold for the horse to --

23 MR. AHMED: Naturally, the horse,
24 they love cold. Cold doesn't affect him at
25 all.

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2 COUNCILMAN CLARKE: Can I ask the
3 inspector from the Health Department to come
4 up also.

5 COUNCILMAN DICICCO: Mr. Stem.

6 COUNCILMAN CLARKE: I have no clue
7 about horses.

8 MS. SPARKS: I don't think there's
9 no minimum requirement for temperature.

10 MR. GOLDSMITH: I think want to
11 clarify something. It's just a thin layer of
12 ice.

13 COUNCILMAN DICICCO: I'm go to need
14 to ask since everyone keeps talking, please
15 identify yourself every time you speak so the
16 record is clear.

17 MR. GOLDSMITH: Attorney Goldsmith.
18 I just talked to my client. I think the
19 Sparks will agree. This is very, very thin
20 layer of ice. This is not a frozen solid
21 bucket. It's just ice that forms on the very
22 outer edge. And as I heard the testimony
23 here, the horse sticks his whole head into the
24 bucket. This is not the way we drink water,
25 this is the way a horse drinks water. The

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2 horse's head is not clean, the water gets
3 dirty, they have to change the bucket
4 constantly because of this.

5 COUNCILMAN DICICCO: I think the
6 question my colleague is -- maybe the Health
7 Department needs to address this. Is there a
8 temperature requirement that the stables need
9 to be kept at? Could someone from the Health
10 Department address that?

11 I know a little bit about this from
12 four years ago that some horses prefer colder
13 weather compared to others that's a different
14 species. It was even suggested four years ago
15 that some horses you would never put a blanket
16 on no matter how cold it may be if the horse
17 is working because it causes it to sweat. And
18 there are other horses that you may decide
19 that may need to put blanket on.

20 So we just need to know about the
21 stable area. Is there a requirement for a
22 temperature, high-low temperature,
23 what-have-you at a stable?

24 MR. FERRARO: William Ferraro,
25 vector control services for the Philadelphia

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2 Department of Public Health. There are no
3 regulations. We've searched nationwide for
4 temperatures of a stable. The reason is,
5 horses can pretty much tolerate it. If it's
6 cold, they use blankets and actually,
7 according to Penn State and their equine
8 school, they really don't think that they
9 should be heated.

10 However, the water condition has
11 been an issue. And this past winter being so
12 cold, our revision of the regs are going to
13 require some way to keep the water from
14 freezing over, whether mechanical coil or
15 something to prevent the water from freezing
16 because as what happened at 31st and Master,
17 that water there was frozen over when we found
18 that one.

19 COUNCILMAN CLARKE: All right. You
20 learn something new every day.

21 With respect to the sores on the
22 animal, one of the animal had sores. You said
23 it was due to an accident? Was the horse hit
24 by a car?

25 MR. AHMED: We have accident, it was

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2 a horse. The Health Department knows about
3 that. It was the summer in August.

4 COUNCILMAN CLARKE: What kind of
5 accident?

6 MR. AHMED: The car and carriage, it
7 is hit, it get hit.

8 COUNCILMAN CLARKE: Hit by a car?

9 MR. AHMED: Right. And the horse
10 got hurt. The Health Department come in and
11 they check the sore. They said don't work the
12 horse for a month. We don't work him for
13 three months. We don't need him. We have
14 more horses than what we need. Everything is
15 healed. Nothing wrong with that. When they
16 come in, they try to find anything there in my
17 place, so they mentioned about the horse sore.
18 They check that horse, the one got hurt in
19 August, they find him he's okay.

20 COUNCILMAN CLARKE: Is there a
21 requirement when a horse gets hit by a
22 vehicle, do you have to report it to the
23 Health Department?

24 MR. AHMED: Yes. They come in, they
25 check and they find sore there, yes. But

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2 everything is okay after that. He was fine.

3 COUNCILMAN CLARKE: Because there
4 was some concern about the capability of some
5 of the Health Department employees, is a
6 veterinarian called in?

7 MR. AHMED: Yeah. We have
8 technician over there and they come and check
9 and told me what to do. At the same time, I
10 called my vet. The horse is in good shape,
11 there's nothing wrong.

12 COUNCILMAN CLARKE: What role does
13 the Health Department play in that in the
14 event that there's an accident, a horse gets
15 hit? Do you simply leave the responsibility
16 to the stable owner?

17 MR. STEM: Not totally to the
18 responsibility of the owner. We respond to an
19 incident on the street if the horse is in an
20 accident or had fallen in any way, the animal
21 -- we go down and check. If the animal can
22 get up and move around okay, their horse is
23 returned to their stable. They have to get
24 their veterinarian to give a physical
25 inspection of the animal.

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2 COUNCILMAN CLARKE: The stable owner
3 gets the veterinarian?

4 MR. STEM: Yes. If they don't
5 provide it within -- and we've talked to this
6 with other ones. If they can't give us a
7 report to us within a certain time, within two
8 to three days, we bring our vet down.

9 COUNCILMAN CLARKE: So they're
10 required to submit a report?

11 MR. STEM: Yes.

12 COUNCILMAN DICICCO: And is there a
13 follow-up to the report.

14 MR. STEM: That's a follow-up for
15 the report that the animal has to stay out of
16 service for a week or two weeks or the animal
17 is okay.

18 COUNCILMAN DICICCO: Is there a
19 reexamination period where the vet will give
20 periodic reports on the condition of the horse
21 and its improvement?

22 MR. STEM: Yes. There's continuous
23 check by the doctors. Some of the horses I've
24 been working with, the stables right now, the
25 first inspection and the doctor will come back

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2 and give a re-certification that the animal
3 suitable for service, in writing.

4 COUNCILMAN CLARKE: Thank you, Mr.
5 Chairman.

6 COUNCILMAN DICICCO: Thank you.
7 Councilman Ramos.

8 COUNCILMAN RAMOS: Thank you, Mr.
9 Chairman.

10 America's most biggest athlete is a
11 guy named Smarty Jones. And I think that
12 what's good for Smarty Jones should be good
13 for Zak. Smarty Jones likes to eat hay, oats
14 and carrots.

15 Can you guys tell me what you feed
16 -- we know you give them water to drink. What
17 do you feed them?

18 MR. AHMED: We feed him hay and we
19 feed him oats and corn and butter all mixed
20 together. Carrots, we don't have to really,
21 just for treat. And apple, the same thing.

22 COUNCILMAN RAMOS: Is that because
23 it's too expensive? You say you don't have
24 to. My wife doesn't have to cook steak for
25 me, but sure would like a steak once in a

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2 while and probably more often what I should
3 consume.

4 MR. AHMED: The horses, they need
5 just really hay, that's it, that's what need
6 and water. Feed really is not required. It
7 just give him energy in the wintertime.

8 COUNCILMAN RAMOS: I hear. I just
9 have a concern about this required stuff. I
10 am required for me to stay alive to have some
11 proteins and vitamins in my system, but it is
12 good for me also to consume other type of
13 nutritional foods to be able to feel stronger,
14 to walk longer, run longer. I know what
15 you're saying. I respect of you're saying. I
16 have a problem with the way -- the emphasis on
17 you're meeting just requirements.

18 Will your horse be a healthier horse
19 if you fed him the diet that Smarty Jones has
20 of hay, oats, and carrots?

21 MR. AHMED: No. We give him hay.
22 That's good that's good enough for the horse.
23 Whatever we give, that's extra from us

24 COUNCILMAN RAMOS: Because one of
25 the complaints -- one of the things that I've

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2 heard and I saw on KKY that some of the horses
3 looked exhausted and tired and undernourished.
4 And I know that sometimes you need some
5 proteins in my body after being around with
6 Councilman DiCicco here in this City Council
7 and spending hours and hours in public
8 testimony that I need to get away and get some
9 proteins into my system. I don't want to -- I
10 live near a carriage house and I drive by
11 there a lot. And it was only after I took a
12 look at the KKY report that I stopped by to
13 take a close because when I drove I really
14 didn't see anything wrong from my view of my
15 car. But then I stopped, and I stop
16 occasionally and just look in there. I have
17 not gone into the stable. I've gotten out of
18 the car and gotten close to the fence because
19 I am concerned about this fine creature. So I
20 would want to make sure that these horses are
21 properly fed. Take a look at the Smarty Jones
22 diet if it helps. If it helped him become
23 America's biggest athlete, maybe we need to
24 have the same diet applied to your horses here
25 and our horses here in Philadelphia.

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2 But you know more about this
3 industry. But to see our horses do this great
4 job of taking our tourists all around this
5 great City and taking them to America's
6 historical sites is a job that is very noble.
7 And your company, through this great beast
8 called a horse, is doing for this City that we
9 owe it to them to feed them right, give them
10 what they need so they can continue to make us
11 proud.

12 MR. AHMED: My manager Keith.

13 MR. RODIMER: My name is Keith
14 Rodimer. I'm the manager of the Philadelphia
15 Carriage Company. In answer to about the
16 horses get fed, we do whatever our vet
17 recommends like how we feed them. They get
18 fed three times a day. Once a day they get
19 their feed, oats and grain. It's important
20 because if you over feed them with the grain
21 because the high protein just like us, like,
22 we can get sick with the high protein. When
23 you change the horses' diet or when they get
24 too much of something, they have a tendency to
25 get sick.

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2 Now, as far as the carriage and
3 things like that, all the drivers that work
4 for our company or the vast majority of them
5 on the way downtown there's like a fruit stand
6 on the way downtown and about half of our
7 drivers stop there every day to go get carrots
8 and they feed the carrots to them downtown,
9 they feed them at the barn. So does that kind
10 of answer?

11 COUNCILMAN RAMOS: Yes. You've
12 added more to the requirement response and
13 that your jocks actually stop by -- do they
14 eat anything else?

15 MR. RODIMER: The horse will just
16 about eat anything that you give him, which is
17 kind of -- that's it's hour responsibility to
18 make sure that they're not eating the flowers
19 downtown like Independence National Park,
20 things like that.

21 COUNCILMAN RAMOS: No nutrition
22 there, right?

23 MR. RODIMER: Probably. I mean,
24 flowers are good for any vegetarians.

25 COUNCILMAN DICICCO: Thank you to

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2 this panel. I appreciate it.

3 The next witnesses, Michael Slocum,
4 Philadelphia Trolley Works/76 Carriage
5 Company.

6 Good morning. Please identify
7 yourself for the record and proceed with your
8 testimony, Mr. Slocum.

9 MR. SLOCUM: Michael Slocum,
10 president of 76 Carriage Company. I'd like to
11 thank everybody here on behalf of the carriage
12 industry to have this opportunity to speak on
13 behalf of this industry. I hope that my
14 testimony today will include some insight as
15 to some of the problems that this industry has
16 experienced over the recent months.

17 I'll try to be brief. I want to
18 outline in my testimony here today what went
19 wrong, the current status of the carriage
20 industry, what I feel are necessary changes to
21 move forward. After that, I'd like to
22 introduce Linda Kramer who is to my right.
23 Linda Kramer is the director of operations for
24 76 Carriage. She's here to testify as well.
25 Then I will be happy to field questions from

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2 the Committee about my testimony or any other
3 presented here.

4 76 Carriage Company was founded in
5 1975 and was the leading provider of horse
6 drawn carriages in the City of Philadelphia.
7 Our reputation for the humane treatment of our
8 horses, sound business practices, operating
9 standards are nationally known throughout the
10 carriage industry. 76 carriage company has
11 always been a strong advocate of adopting
12 nationally accepted standards for horse
13 carriage proscribed by the Carriage Operators
14 of North America.

15 CONA's membership is committed to
16 promoting the humane welfare of carriage
17 animals, quantity care of service, and
18 customer service. Our stable facility, which
19 some of you have visited is a direct
20 reflection of our philosophies and standards.

21 Our Philadelphia-based operation
22 employs over 125 employees working in several
23 divisions, 76 Carriage Company, Philadelphia
24 Trolley Works, the leading provider of
25 sightseeing transportation and tourism in the

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2 City. The downtown Phlash loop and Connective
3 Tours which is a receptive operator offering a
4 wide variety of regional tours.

5 Approximately three years ago, I sat
6 before this Council testifying on the sweeping
7 regulations that were being proposed to rein
8 in the horse carriage industry in
9 Philadelphia. Then as today, the hearings
10 were a direct result highly publicized
11 mistreatment and abuse of some of Philadelphia
12 carriage horses and created, in my opinion,
13 some additional financial hardships.

14 In my testimony today, I hope to
15 address the regulations of 2001. I feel this
16 is necessary because they are extremely
17 relevant to the current situation. 76
18 Carriage Company certainly recognizes the need
19 for meaningful legislation which addressees
20 the real issue concerning the horse and
21 carriage industry. There are those issues
22 which have the greatest impact of the welfare
23 of the carriage horses. Effective legislation
24 would only be achieved by providing standards
25 for the care and treatment of the carriage

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2 horse and management of the stables in which
3 they live.

4 There are currently many existing
5 laws and regulations governing this industry
6 which impede our ability to operate yet
7 previously few that regulate the care of the
8 horses. Recently we have seen that existing
9 legislation is not only cumbersome, but does
10 not address the care of the horses and at
11 times is inadequately enforced for a variety
12 of reasons.

13 My hope today is that any future
14 regulations are geared toward the well-being
15 of carriage horses and together we can repeal
16 some of the sections of the 2001 regulations
17 which has made Philadelphia an unfriendly
18 carriage City in America.

19 I'd like to touch a little bit what
20 went wrong. It is my belief that this was a
21 combination of several factors, including the
22 misconception that over regulating the
23 activities of the carriage horse industry out
24 on the street would help correct these
25 problems, the welfare problems of the horses.

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2 The lack of concern for barn and living
3 conditions which address the overall welfare
4 and well-being of animals 7 days a week, 365 a
5 year, and selective enforcement by personnel
6 with little or no equine experience.

7 The 2001 regulations failed because
8 the City Council and Health Department sought
9 to regulate the carriage industry by
10 regulating our activities on the street where
11 the horses are visible to the public.
12 Regulations were adopted which were not
13 supported by scientific or quantitative
14 evidence to support them. And certain Council
15 decisions were swayed by external influences
16 from uneducated, ill-informed, or
17 agenda-motivated personnel. Stringent and
18 severe regulations were adopted which resulted
19 in the following changes to the carriage
20 operations.

21 We have extreme route restrictions,
22 a 40 percent reduction in operating hours,
23 most of which occurs during the busiest hours
24 of the day, elimination of carriage pickup and
25 drop-off points, and the reduction of

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2 temperature limits and imposition of a wind
3 child limit. These new temperature limits
4 coupled with in some cases overzealous
5 enforcement by anyone with the badge,
6 including not limited to Philadelphia Police,
7 Independence National Historical Park rangers,
8 Health Department staff, have resulted in many
9 days when horses were sent home needlessly.

10 Despite repeated requests, carriage
11 operators were given no guidance as to how the
12 official temperature is determined. Licensing
13 fees were drastically increased, yet licenses
14 are rarely received in a timely fashion if at
15 all. This often results in carriages being
16 sent home or ticketed on busy weekends when
17 PACCA is unreachable to verify valid
18 licensing.

19 The current Health Department
20 guidelines which interpreted City Council's
21 2001 regulations, also include provisions not
22 included in the regulations. These include
23 carriage lighting requirements, and the need
24 for a carriage driver to possess a
25 Pennsylvania motor vehicle license. These

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2 provisions are in direct conflict with PennDOT
3 regulations yet resulted in numerous federal
4 citations and carriages being sent home by
5 Independence National Historical Park rangers.

6 While every effort was made to
7 impede carriages from operating, few changes
8 were made to improve the care and treatment of
9 the carriage horse. The horse regulations
10 which were adopted have rarely been enforced
11 by PACCA. Some of the proposed items such as
12 leg banding and the banishment of head checks
13 not illustrate their enforcement and lack of
14 equine knowledge, but could danger and/or
15 cripple a carriage house.

16 How can this industry move forward?
17 The Philadelphia carriage industry can only
18 move forward in a positive direction if it
19 addresses certain over-regulation of these
20 issues and lack of adequate horse care
21 requirements through regular inspections by
22 equine educated personnel. I propose the
23 following ideas for Council's consideration:

24 Stable management program. All
25 commercial stables operating within the City

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2 of Philadelphia shall provide the City with a
3 comprehensive stable management program. This
4 program shall contain at least the following
5 elements: Feeding program. A detailed
6 feeding program and schedule which will
7 include the type and quantities of hay, grain,
8 supplements fed to each horse.

9 And I'd like to use this as an
10 example because a few minutes ago I heard
11 testimony about Smarty Jones and the diets of
12 these animals and these horses.

13 About two months ago, I guess, or
14 soon after the KKY story broke, I was at the
15 stable and the Health Commissioner approached
16 our stable. He asked for an inspection and he
17 wanted to walk through. And he asked me some
18 relatively simple questions: "What do you
19 feed these horses and how much do you feed
20 them?" I found myself rambling on for about
21 30 minutes as to what we feed and how we feed.
22 There really is no simple answer.

23 Education is a big part of this
24 determination. To be able to identify the
25 types of hay, the quality of hay, the use of

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2 supplements, the grains that we use, what
3 protein content, how many times you feed it.
4 There are many, many factors that are
5 involved. One basic factor would be the age
6 of the horse, the time of the year, what time
7 of year it is, how many hours working. It's
8 just like a person. There's no set prescribed
9 way to say that this is a hardcore feeding
10 program.

11 Councilman Ramos, you brought up
12 Smarty Jones. I've been in the carriage
13 industry for about 25 years and I grew up
14 around horses all my life. I would not
15 attempt to try to regulated Smarty Jones' diet
16 at this point. I don't know that type of
17 horse. I don't know exactly what his
18 nutritional requirements are. In time I could
19 figure because I would gauge the horse and his
20 physical stamina and whether or not he was
21 gaining weight or losing weight or
22 maintaining. But it's different from one
23 aspect of the horse industry to another.
24 Therefore, it is extremely important that any
25 owner, manager, and/or regulatory official be

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2 knowledgeable of the type of hay, the quality
3 of hay, the types of grains that are used and
4 what that feeding program is.

5 I just wanted to set that aside as
6 an example because that was brought up here.

7 I'd like to get back to some of the
8 details which should be included comprehensive
9 stable program which should be submitted prior
10 to anybody receiving a commercial stable
11 license.

12 Daily schedule of barn duties which
13 address the cleaning and proper bedding of
14 stalls, clean water buckets and water tubs.
15 Provide a routine farrier care for each horse,
16 ability to supply fresh water to each animal,
17 a program to provide routine veterinary care
18 for the horse. This would include evidence of
19 worming and dental programs.

20 Frequent inspection of stables to
21 include every aspect. Adequate stall size,
22 bedding, proper ventilation, by educated
23 enforcement officials familiar with the
24 carriage horse drawn industry. And adequate
25 turnout or exercise facility.

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2 Carriage company shall establish a
3 written training program for new horses. An
4 emergency evacuation program posted and on
5 file. All commercial stable operators must
6 allow City officials to inspect their stables
7 within 24 hours notification.

8 All commercial carriage operators
9 shall provide the City of Philadelphia with a
10 copy of their carriage driver training
11 program. This shall include the following:
12 Hands-on training under the guidance of a
13 knowledgeable supervisor or trainer which
14 includes training and demonstration of the
15 following skills: Proper grooming technics,
16 hoof care, the ability to harness a horse
17 properly, name all of the parts of the harness
18 and the functions. Carriage drivers shall
19 know how to clean and properly inspect harness
20 for wear, historical tour guide training,
21 safety training, customer service training,
22 dress codes, training verification. Horse
23 drawn operators shall proof that all licensed
24 carriage drivers have received the proper
25 training before they operate a horse-drawn

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2 carriage. This may be done by written or oral
3 examinations.

4 The imposition of the above
5 regulatory issues should be coupled with the
6 revision of the most erroneous of the current
7 regulations. I would suggest the following
8 compromised solutions:

9 Allowing carriages to operate Monday
10 through Friday between 3:30 and 6:00 p.m. on
11 restricted routes which do not allow travel to
12 or from stables on arterial streets.

13 Carriages may operate on legal
14 holidays with no route restrictions.

15 Carriages shall have no evening
16 restrictions or must return to the barn no
17 later than 12:30 a.m.

18 The temperature restrictions:

19 Carriages must return to the stable
20 when the temperature exceeds 93 degrees
21 Fahrenheit.

22 The official temperature broadcast
23 on KYW News Radio.

24 No cold water whether restrictions
25 or none lower than a limit of 20 degrees

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2 Fahrenheit.

3 Health Department Rules:

4 Carriage drivers must have a valid
5 photo identification.

6 Carriages must have rear flashing
7 lights when moving between sunset and sunrise.

8 76 Carriage Company has offered some
9 fair compromises to propose legislation and
10 existing legislation. Our proposals address
11 the current issues surrounding our industry
12 and will provide us an opportunity to operate
13 responsibly and successfully.

14 Carriages are certainly not only an
15 attraction for tourism in Philadelphia, they
16 play a large role in the local tourism
17 industry and in the current zeal to help new
18 operators to launch into Philadelphia's
19 tourism scene, the carriages have been asked
20 to compete with unfair restrictions.

21 For over 28 years, 76 Carriage
22 Company has been accessible, informative,
23 dependable, and have grown to become a part of
24 Philadelphia historical image.

25 My personal opinion, which is shared

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2 by many of our supporters, it would be a
3 tremendous loss to the City and its growing
4 tourism industry if in fact the carriage
5 industry could not survive due to excessive
6 regulations.

7 The proposed compromised solutions I
8 have offered to this Committee today are not
9 from point of which to negotiate but rather a
10 bare minimum that I feel necessary to operate
11 a quality horse-drawn carriage business such
12 as 76 Carriage Company.

13 Two other points I'd like to make in
14 summary. When it comes to abuse or
15 mistreatment of animals, number one, you
16 cannot hide that. When you look at an animal,
17 I don't care if it's a horse on the street, a
18 horse in someone's backyard, a dog or a cat in
19 their home, if the animal looks like it's
20 abused, if it looks like it's mistreated, most
21 of the time, that animal is mistreated. You
22 cannot hide those facts. It doesn't matter
23 what time of day or night or what time of year
24 it is.

25 I hope that Council values the

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2 testimony and the input of the industry. I
3 consider myself to be a well-respected
4 carriage operator, understanding all aspects
5 of safety, healthcare.

6 At this time I'd like to turn this
7 over to Linda Kramer who will testify in
8 regard to some of the regulations and also
9 some of the current issues that are out there,
10 and then we'll open it up for questions.

11 Thank you.

12 MS. KRAMER: Thank you for allowing
13 me to speak today on behalf of the carriage
14 industry in Philadelphia.

15 COUNCILMAN DICICCO: Excuse me.
16 Please identify yourself for the record.

17 MS. KRAMER: Linda Kramer,
18 K-R-A-M-E-R, director of the operation, 76
19 Carriage Company.

20 COUNCILMAN DICICCO: Thank you.

21 MS. KRAMER: I testify today in my
22 dual role as operations manager at 76 Carriage
23 Company and as the vice president of the
24 Carriage Operators of North American, CONA,
25 whose mission is to promote the welfare of

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2 carriage animals with an emphasis on
3 continuing education that focuses on safety,
4 animal health, and customer service.

5 In the three years since the
6 adoption of the 2001 carriage regulations, I
7 have witnessed the decline of the carriage
8 industry in Philadelphia during a period when
9 local tourism was on the increase, newly
10 established Philadelphia tour operators are
11 given carte blanche and the national interest
12 in horse-drawn carriages is at an all-time
13 high.

14 Adding to my mounting frustration is
15 the sense that no matter how diligently my
16 staff and I strive to operate one of the
17 largest carriage companies in North America,
18 the survival and economic future of 76
19 Carriage is largely determined by the actions
20 of other competitors in which we operate.

21 Together, Mr. Slocum and I have over
22 50 years of horse experience, and yet we
23 continue to educate ourselves in the latest
24 healthcare, dietary, and disease prevention
25 information available. We achieve this by

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2 attending continuing education programs and
3 national equine conventions, maintaining
4 membership in national equine and carriage
5 industry groups, such as CONA, the American
6 Horse Council, the Carriage Association of
7 Americal and the Animal Welfare Council.

8 As vice president of CONA, I serve
9 on both the education and safety committees as
10 well as our experts forum. Amongst my
11 industry peers, I am held in high regard as a
12 carriage industry expert and leader, whereas
13 in my own city I'm often treated as a pariah
14 who must try to stay one step ahead of the
15 regulators to remain in business. These last
16 three years have been the most frustrating in
17 my 31 years of horse ownership. According to
18 the 2002 Pennsylvania Equine Economic Impact
19 Study, Pennsylvania horses are a \$1.2 billion
20 industry and home to over 215,000, including
21 Smarty Jones and the nearly 1,000 horses that
22 live within the City of Philadelphia.
23 According to the Horse Power report, the
24 carriage companies add to Philadelphia's
25 heritage with horses driving through the City

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2 streets.

3 In 2004, the horse and carriage
4 industry in Philadelphia is at a crossroad.
5 The industry is crippled by stifling operating
6 regulations that are sporadically enforced
7 and, therefore, hinder only those who
8 voluntarily comply. Yet they have failed to
9 address the welfare of the very horses that
10 the regulations sought to protect.

11 The fate of the 76 Carriage Company
12 will depend on the actions that City Council
13 and the Health Department take in response to
14 the now infamous stable of shame report. I
15 believe that City Council has the unique
16 opportunity to correct the problem caused by
17 the 001 regulation and develop meaningful
18 guidelines for current and future carriage
19 companies. In order for any new legislation
20 to be successful, it must allow to reputable
21 carriage operators to compete fairly in the
22 tourism market and must address the welfare of
23 the horses.

24 According to the American
25 Veterinarian Medical Association, animal

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2 welfare is described as a human responsibility
3 that encompasses all animals' wellbeing
4 including proper housing, management,
5 nutrition, disease prevention and treatment,
6 responsible care, humane handling and when
7 necessary, humane euthanasia. This should be
8 the guidelines by which all future carriage
9 regulations are modeled.

10 Since the closure of Society Hill
11 Carriage Company, 76 Carriage Company has
12 tried unsuccessfully to improve the carriage
13 industry in Philadelphia. We even took the
14 unprecedented step of giving our main
15 competitor, Philadelphia Carriage Company, our
16 training manual in an effort to educate their
17 management and drivers. Unless required, it
18 is clear that not all carriage operators or
19 horse owners will place the wellbeing of the
20 horses above economic gain or other
21 non-welfare issue.

22 Before I begin to address the
23 regulatory issues and difficulty in complying
24 with the cumbersome and lengthy carriage
25 regulation, I would like to state that 76

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2 Carriage Company now finds itself in a
3 difficult position of having to offer
4 testimony which at times will not be positive
5 regarding the people who will enforce the
6 future carriage regulations. We would much
7 rather be a willing participant in approving
8 the industry rather than being placed in an
9 adversarial position of the regulator versus
10 the regulated.

11 During the last three years,
12 carriage regulations have been enforced in any
13 of three categories: Zealously, sporadically,
14 or not at all. It seems that everyone with a
15 badge is now a horse expert and feels the
16 empowered to impart their expertise and
17 enforcement capabilities upon the horse and
18 carriage. The Department of Public Health
19 guidelines enables any police officer, Health
20 Department officer or Independence National
21 Historic Park ranger to issue citations to
22 carriage operators. This leaves carriage
23 operators prey to a variety of interpretations
24 of each regulation. An example of this would
25 be the temperature regulation --

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2 COUNCILMAN DICICCO: Ms. Kramer.

3 Excuse me for interrupting. I don't like to
4 do that, but I was fast-forwarding in your
5 testimony, and apparently you're going to
6 elaborate on some of the comments that have
7 been made by Mr. Slocum in areas such as
8 operate hours, compromises, deviation of
9 routes; and I appreciate all of that. I don't
10 want to burden the record because of the time
11 constraints and have to go through that. I
12 think what we need to do is look at this, and
13 I'll make a decision at the end of this
14 hearing I think that we have to regroup, if
15 you will, and start talking about this,
16 similar to what we did in 2001.

17 But I do want to make mention of
18 what your testimony has to say and Mr.
19 Slocum's testimony, in particular your
20 comments you find yourself in an adverse
21 position, you believe that City Council has a
22 unique opportunity to correct the problems
23 caused by the 2001 regulations development
24 meaningful guidelines. That's what we tried
25 to do in 2001. I certainly don't think it was

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2 anyone's intention, be the industry, the
3 animal rights advocates or City Council to put
4 anyone in a position where we were doing
5 something that was improper, incorrect or
6 adverse to the industry. That may turn out --
7 in your opinion, that may have turned out to
8 be exactly what has occurred, but that was
9 never our intentions.

10 And I also want to comment, Mr.
11 Slocum's comments about 2001 because of highly
12 publicized conditions of stables and or the
13 treatment of horses causes us to have those
14 hearings and come up with regulations.

15 In earlier testimony today by either
16 Mr. Goldsmith or Mr. Bashir, they were very
17 critical of the KWK News report of February
18 2001 of this year. It's kind of history
19 repeating itself. Had it not been for the
20 media bringing to the public's attention and
21 notwithstanding the good work that the SPCA
22 and animal activist do year in and year out,
23 we never have had the hearings in 2001, we
24 wouldn't have the hearings today. And my
25 belief is the condition of the stables would

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2 have been much worse. To condemn City Council
3 to that Health Department and KQY News people
4 putting those things on the air and bringing
5 it to the public's attention I don't think --
6 my hat is off to KQY and folks like that. I
7 don't go around checking stables. I have a
8 lot of other things to do. I think we what
9 need to do is look at the recommendations and
10 maybe regroup and put together a group of people to
11 start looking at some of these recommendations
12 that are coming from you, your company and the
13 other companies, and see -- I'm sure there is
14 room for improvement. I'm sure there are
15 things that may need to be adjusted. No one
16 is I'm suggesting that we're not going to do
17 that. What I am suggest is that rather than
18 go through each one today that in the interest
19 of time and in order to get a better
20 understanding -- many of my colleagues, as you
21 see, are not here. It's not because they
22 don't care. The Mayor is having briefings
23 today, one at 11:00 and one 5:00 for all City
24 Councilmembers concerning the fiscal state of
25 affairs and the budget. Obviously, I'm here

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2 because I called for this hearing. I'll be at
3 the 5:00. Some of them went to the 11:00
4 briefing. I don't want you to think that they
5 were not concerned enough about this to stick
6 out the entire hearing. Some of them will
7 return, I'm sure, before this hearing
8 concludes. So I just want to get that on the
9 record.

10 Again, we were here in 2001 because
11 of the media -- and I'm not always a favorite
12 fan of the media nor are they a favorite fan
13 of mine. But were it not for the media, most
14 of those things that occurred in 2001 would
15 still be going on today and there would have
16 been no regulations or no change in the
17 regulations. And the Health Department is
18 doing the best job that they can do based on
19 the limits of personnel.

20 And I understand you say everybody
21 has a badge is someone who all of a sudden is
22 an expert. Well, there are some changes we're
23 proposing today. We're going hire a large
24 animal veterinarian. The Department of Health
25 is bringing someone on to start pointing

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2 fingers as to where all the problems are. I
3 think you have to start with the industry
4 first. If we didn't those problems in 2001,
5 and I'm not saying it's your company, but we
6 did have serious problems in 2001, we wouldn't
7 need all these people here today.

8 So I would like to proceed. If you
9 could summarize your statement, I would
10 appreciate that and then we can go on with the
11 other witnesses.

12 MS. KRAMER: Sure. Actually, the
13 bulk of the remaining of my testimony, what it
14 summarizes is that the industry needs to
15 better educate itself and to stress the
16 welfare of the animals and that an often
17 overburdened PACCA just is unable to come
18 through and enforce and handle most of these
19 regulations, some of which is that in later
20 testimony of mine, you know, we offer to help
21 to educate them provide them with a necessary
22 materials. And all the information that we
23 use which is based upon national industry
24 standards because we do avail ourselves of
25 that. And it is my hope that through a

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2 cooperative effort of improved regulations,
3 enhanced education and practical enforcement,
4 the carriage horses and all horses living
5 within the City of Philadelphia will benefit
6 from these efforts.

7 We certainly do not have any problem
8 with the news reports or the regulations that
9 ensued after the last incidents with the
10 horses. You may remember that actually I took
11 care of one of those horses when no one else
12 was able to. So it's not that we don't
13 regulations, we just would hope that they
14 would be meaningful in how they address the
15 situation.

16 MS. KRAMER: I understand. And my
17 comments were not directed at you personally
18 or your company, I'm just speaking to the
19 industry as a whole.

20 And again, the media did play a
21 crucial role in at least getting us to some
22 point in 2001. And we obviously are here
23 today because some of those things we thought
24 would be more beneficial both to the industry
25 and the care of horses has not worked out the

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2 way we expected it to. So we're back again,
3 and we're going to try to work this through
4 over the next few months, work with the Health
5 Department and other folks, again, to see if
6 we can come up with a better solution so we
7 don't have to have KKY and some of other
8 people out there reporting on inhumane
9 conditions in stables and the care of horses.

10 Thank you.

11 Since there is no one else on my
12 panel, I will not have any further questions
13 for you two witnesses. Thank you for your
14 time.

15 The next witness is Hollis Provins
16 from the National Park Service -- I'm sorry,
17 Mr. Provins, Bill Hawkins is next and then
18 you.

19 Mr. Hawkins, the Animal Advisory
20 Committee; Valerie Philips, Animal Advisory
21 Committee; and Pennelle Hopkins, Pennsylvania
22 SPCA.

23 Good morning. My name is Mary Aull,
24 A-U-L-L, and I'm here as a member of the
25 Animal Advisory Committee instead of Ms.

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2 Philips. Thank you very much for the
3 opportunity to testify before you. I
4 personally have been a member of the Mayor's
5 Animal Advisory Committee for either 15 or 16
6 years. And in that time we spent a good 12
7 years talking about animal carriage
8 regulations. And it wasn't until three years
9 ago when you got involved, Councilman, that
10 things made progress with the help of Mr.
11 Hawkins and other folks, and we really
12 appreciate that.

13 I just want you to know that I am
14 also President of the Board of Pennsylvania
15 SPCA, Secretary of the Board of Pals for Live,
16 District 2 Legislative Representative for the
17 Humane Society of the United States, and
18 former Director of the Morris Animal Refuge.
19 I say all that for identification purposes
20 only.

21 I have been on the SPCA Board for
22 the past five years and was unsure when we
23 made the decision to turn animal control back
24 to the City of Philadelphia. I wasn't sure
25 the City could handle it. I was pleasantly

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2 surprised when the Philadelphia Animal Care
3 organization opened and was up and running so
4 well. However, once PACCA opened, I do feel
5 that in some ways the City dropped the ball.
6 And, yes, I do know that money is tight.
7 However, I think that there has not been
8 enough money allocated for animal control in
9 this City; there never has been. But when the
10 Pennsylvania SPCA did animal control, we had
11 the other resources of 137-year-old
12 organization from which to draw so that if
13 there wasn't enough money and there was a
14 situation like a bad carriage stable or
15 something, we could our other agents to go
16 out. PACCA doesn't have other resources. And
17 I'd be happy to come back to a budget hearing
18 and say that over again.

19 I did research for the Animal
20 Advisory Committee along with some other
21 people a number of years ago and found out
22 that Philadelphia gives animal control less
23 money than any comparable City in the United
24 States. As we've all said, recently was
25 reported on the news some carriage horse

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2 stables in Philadelphia went seriously
3 downhill. And I think that the lack of animal
4 control time and money is at least partially
5 responsible for this. I know that the Health
6 Department and PACCA are doing all they can to
7 rectify this, and I think that's great.

8 Carriage horse problems can very
9 quickly become human health and safety
10 problems. Therefore, I feel it is imperative
11 to ask for more funding for animal control. I
12 think in terms of these regulations they're
13 excellent. They can always use some fine
14 tuning. No, the penalties are no where near
15 the stiff enough. Twenty-five dollars is a
16 cost of doing business to a table owner.

17 We are so lucky to live in the
18 Commonwealth of Pennsylvania where actual
19 animal fighting is a felony. That isn't true
20 in a lot of other states. But all of our
21 other animal cruelty finds are such a slap on
22 the wrist that even the individuals involved
23 say, "Oh, well, whatever. If they catch up
24 with me I'll pay it." And that's not fair,
25 it's not fair to the citizens of this great

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2 City or the Commonwealth.

3 I thank you for your time. I don't
4 know if Bill or Pennelle wants to go next,
5 unless you have questions for me specifically.

6 COUNCILMAN DICICCO: Mr. Hawkins.

7 MR. HAWKINS: My background is I'm
8 Vice President of the Board of Pennsylvania
9 SPCA, advisor to the Mayor's Animal Advisory
10 Committee, and not least of all, a
11 representative of one of the two communities
12 in which the horse carriage trade is
13 conducted. We would like to ask your support
14 for improvements to the current regulations
15 governing commercial horse stables and rental
16 and carriage horses in the City of
17 Philadelphia.

18 The fact that we are here just two
19 years following the implementation of
20 regulations passed only a few years prior to
21 that emphasizes the continuing problems and
22 issue surrounding this particular business.
23 While some horses are well care for and some
24 stables are in reasonably good condition, the
25 sad fact is that others are not. Tourist

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2 don't question whether a horse is in good
3 condition, if the carriage well maintained or
4 if the driver is even competent. That's the
5 responsibility of the carriage company, the
6 stable owners, and the City of Philadelphia.

7 In a number of instances, we have
8 failed. We have failed to ensure proper care
9 of the horses and we have failed to enforce
10 proper mandated business practices. That's
11 not only put the horses at risk, but also
12 tourists and others.

13 Revisions to the current regulations
14 were implemented two years ago following three
15 years of data collection and countless
16 meetings and discussions. They addressed
17 compliance issues associated with business
18 management, traffic flow, humane treatment of
19 horses, and public and tourist safety. They
20 were completed after considerable time spent
21 by City agencies, representatives of the
22 community and humane organizations,
23 representatives and attorneys from the horse
24 carriage companies, as well as the primary
25 carriage horse expert in the United States.

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2 The regulations were produced under the
3 excellent leadership of the Health Department.
4 The regulations were reached after many
5 compromises, as you mentioned. All parties in
6 the process gave up certain demands.

7 Prior to these regulations,
8 Philadelphia humane regs were among the
9 weakest in the nation, and the stables regs
10 were very rudimentary. Serious abuses existed
11 at a number of the carriage companies. In
12 fact, one stable owner was convicted of
13 cruelty and is no longer in business. And
14 other stables were in such deplorable
15 condition that they were closed until
16 substantial improvements could be made. A
17 third company had to make a number of changes,
18 including adding a turnout areas for the
19 horses; something that you would think is very
20 basic, yet existed at only one of the carriage
21 company stables.

22 In the end, the result was a set of
23 rules that was supposed to bring us into the
24 21st Century. Sadly, that has not happen.
25 Today there are two primary carriage companies

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2 and one smaller one. Both the Philadelphia
3 Police Department and Health Department have
4 held meetings in the last couple of years with
5 carriage company owners to address some of
6 the problems. I attended a number of those
7 meetings.

8 Unfortunately, despite frequent
9 warnings and citations, one particular company
10 has violated regulations on a consistent basis
11 and yet continues to remain in business. And
12 other riding stables within the City of
13 Philadelphia also continue to abuse their
14 horses. We've learned that from the Ferral
15 stables which apparently were supposed to have
16 been monitored, but apparently were not.

17 Carriages go off routes. Drivers
18 pick up passengers illegally. Horses are made
19 to move at a fast trot so that the driver can
20 get back to the staging area, often passing
21 other carriages and thereby blocking two
22 traffic lanes. Some horses are in harness far
23 too long and way past the nine-hour
24 regulation. Some drivers deliberately stay
25 out way past the evening and night curfews and

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2 sometimes never go in. When challenged, they
3 either claim ignorance of the regs or state
4 that their management said it was okay to do
5 so.

6 I know of many instances when
7 drivers from one company actually told
8 enforcement officials that Councilman DiCicco
9 had approved exceptions to the regulations for
10 them, which of course is an absolute lie.

11 The point system which was referred
12 to earlier has not been enforced. If it is
13 one or two companies would not be in business
14 today. And frankly, the poor care of horses
15 is either very visible and obvious or it is
16 not. We've heard people try and explain away
17 why a horse looks a certain way. Either a
18 horse is, as Mike Slocum said, it's either
19 healthy or not.

20 Today, we not only ask for your
21 support for the latest updates of the
22 regulations, but also with the critical need
23 for stricter enforcement and the closing of
24 organizations that do not comply. The
25 additional changes we ask to be included are

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2 veterinary exams to be not less than twice a
3 year. This should help to prevent future
4 problems.

5 Enforcement must also include
6 checking reports at all stables in the City.
7 Inspections of stables must be more than twice
8 a year and be unannounced, not communicated in
9 advance.

10 We recommend that the Animal
11 Advisory Committee have access to data
12 detailing the status of stables and veterinary
13 inspections as well as reports of violations
14 and citations issued.

15 The Committee would like to work
16 more closely with the City agencies in the
17 monitoring process. This is a practical
18 request and can only help the City agencies
19 with their efforts.

20 Also, should not worked when the
21 temperature over 90 degrees. Most cities high
22 limits are 88 to 90, with only Philadelphia
23 and one or two others over 90 degrees. Even
24 the veterinarian for the largest carriage
25 company during our meetings a few years ago

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2 who was also the vet for the mounted police
3 unit supported a threshold lower than the
4 current 91. Our high humidity in the summer
5 also is a problem for the heavier muscled
6 horses. Plus, there is now no shade for the
7 horses in the staging area on Fifth Street
8 between Chestnut and Market. At the height of
9 the summer it will be unbearable. This will
10 be a major impact on horses and drivers.

11 The carriage horse waste management
12 plan must be submitted within 45 days, not 120
13 days. It's already been three years since the
14 regs were passed and two years since they were
15 finally introduced. Yet no plan has ever been
16 presented to the City for review. More time
17 means more delays, and the community is tired
18 of waiting. For many years, we have had to
19 endure the stench of horse urine and feces in
20 the summer which we as taxpayers continue to
21 pay to clean up, apparently. If that has
22 changed, then I'd like to be told.

23 We should reduce curfew hours to 10
24 p.m. throughout the weekdays and place a time
25 limit on when the last fair can be picked up.

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2 I see carriages out at 11 o'clock. I live at
3 Fifth and Sixth and Spruce, so I see the
4 carriage go up and down the streets all the
5 time.

6 The Second and South Street staging
7 area should be eliminated. It is an
8 ill-advised location for horses and carriages
9 too close to potential alcohol-related and
10 traffic problems on South Street.

11 We must also begin to place a cap on
12 the number of carriages in the City. A recent
13 headline story in the Philadelphia Business
14 Journal highlights just how serious the
15 staging situation is due to the recent
16 explosion of tourist transportation
17 operations. The 45 to 50 carriages now
18 compete with a variety of other vehicles.
19 Traffic problems in the Society Hill and Old
20 City communities have steadily grown worse
21 since the arrival of the ducks and the big bus
22 transportation options. To many residents,
23 it's beginning to look like Disney World out
24 there. That's why strict curfews, tighter
25 enforcement, elimination of those companies

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2 that will not abide by the regulations and a
3 sensible, practical cap on carriages and other
4 tourist company vehicles is important. It's
5 about quality of life. We must do a much
6 better job of balancing community needs with
7 business needs. Too often the community gets
8 the short end of the stick.

9 On March 2, 2001, the City, in
10 response to questions regarding the carriage
11 regulations from a City Transportation
12 Department expert stated that the City does
13 have the right to impose a limit on the number
14 of carriages allowed to operate in a
15 particular district without infringing on
16 individual Constitutional rights and that
17 there is no legal impediment to do so. I have
18 a copy of those communications. Without
19 strict enforcement, rules and regulations and
20 why we are here today become meaningless.

21 During the first few months
22 following the approval of the current
23 regulations by City Council and the Mayor,
24 enforcement was reasonably good. However, for
25 some time it has been inconsistent and in some

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2 instances nonexistent, although the City's
3 beginning to monitor more closely again. If
4 the City does not fully enforce, then the
5 result is constant violations, including
6 problems similar to those that we've discussed
7 today and covered in the media.

8 In one case, I had asked the City on
9 a couple of occasions weeks about the media
10 story broke to check allegations of poor
11 health of some of the horses at the particular
12 carriage company but sadly received no
13 response. With proper enforcement and
14 follow-up, the problem could have been
15 resolved and negative media coverage to the
16 City avoided.

17 There's also the issue with the
18 stables that were located at 31st and Master
19 Streets in North Philadelphia. Not only were
20 those stables condemned but also the horses
21 were removed, housed, fed, treated, apparently
22 at taxpayers' expense for 60 days. Plus, the
23 City is paying one half of the rent for the
24 first three months at the licensed stable that
25 the horse owner may select once those 60 days

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2 expires. That's what I heard from the media.
3 I don't know if that is accurate. If that is,
4 then we have a problem.

5 The purpose for mentioning these two
6 examples is that we need a consistent,
7 objective approach to enforcement. Why the
8 special treatment? Plus, they may be the tip
9 of the iceberg of horse abuse in Philadelphia.
10 Every time we hear of another abuse, "Oh, we
11 didn't know about that or we didn't know about
12 that." Well, how many other "we didn't know
13 about that" are out there?

14 The owners of those stables should
15 pay fines for their violations and reimburse
16 the City for all expenses incurred. These
17 costs must not be borne by taxpayers. It's
18 outrageous. Something is very, very wrong
19 here.

20 This also applies to the horse
21 carriage waste management program that has
22 languished for two years. It is mandated in
23 the already existing regulations but has
24 never, never been enforced. Why not?
25 Meanwhile, each of us in this room is

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2 subsidizing the City on behalf of the horse
3 carriage companies for streets cleanup
4 services. The last I heard it was in the
5 vicinity of \$30,000 a year.

6 We need clear tough and humane
7 regulations. Most of all, we need strict and
8 consistent enforcement by the City.

9 As background, I have with me a few
10 examples of the many communications regarding
11 countless violations and allied issues
12 associated with carriage companies within just
13 the recent three-year period. I also have a
14 large amount of data from 1995 onward. And
15 these data, although accurate, are only my and
16 those of a few others random observations.
17 Just think if we had a formal database of such
18 violations. The sheer volume would be huge.

19 Philadelphia took an important step
20 when the updated regs were introduced. Since
21 them, representatives from cities and
22 organizations throughout the country and even
23 outside of the US have been in touch with me
24 to find out more about what we do and the
25 improvements we have made. We have begun to

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2 develop a good reputation in this area. We
3 must not go back to the bad old days. It is
4 the hope of al those who support sound
5 business practices, sincere humane treatment
6 of horses, quality of life, and a clean
7 community that you will help ensure that the
8 regulations in the City of Philadelphia are
9 strengthened and strictly enforced.

10 Thank you very much for your time
11 today, Councilman.

12 COUNCILMAN DICICCO: Thank you, Mr.
13 Hawkins.

14 Before the next witness testifies,
15 refresh my memory; it's been a while. Who was
16 responsible for submitting the waste
17 management plan? Was that the industry?

18 MR. HAWKINS: It was the industry.
19 And the last I heard, it was not factored into
20 any of the costs of doing business. If that
21 has happened subsequently, I certainly haven't
22 been informed and I've been trying to stay on
23 top of this for the last couple of years.

24 COUNCILMAN DICICCO: I know you
25 have. Thank you.

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2 Yes, ma'am, do you wish to testify?

3 MS. HOPKINS: My name is Pennelle
4 Hopkins. I'm a humane police officer for
5 Pennsylvania SPCA, and I specialize in equine
6 investigations.

7 Most of the things that I had at
8 issue have been covered, so I'm not going to
9 take time on that. I just want to reinforce a
10 couple things. Inspection is useless if
11 there's going to be a warning given.

12 COUNCILMAN DICICCO: I agree.

13 MS. HOPKINS: Turnout is essential,
14 and I've seen very little facilities for
15 turnout when I've been to any of the stables.

16 COUNCILMAN DICICCO: Turnout?

17 MS. HOPKINS: Turnout for exercise
18 for the horses, as mandated in the Health
19 Department's regulations.

20 There's been no mention about
21 cooling the horses when they are in the street
22 and hot weather, whether it's 90 degrees or
23 not, the heavier draft horses are extremely
24 susceptible to heat prostration. And I work
25 in Lancaster County. I see deaths in the

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2 spring constantly, so I would say that maybe
3 some water spray, something carried would be a
4 necessity to keep these horses from
5 overheating.

6 We heard testimony about horses
7 dumping their heads into freezing cold water
8 get a drink, which they're pretty desperate
9 for water to have to do that. It's very
10 simple to get water heaters and much healthier
11 for the horses. Horses do not like to drink
12 freezing water and won't drink enough and they
13 are much more at risk for health issues,
14 including colic which is often times deadly.

15 I believe that covers the high
16 points of what I wanted to say.

17 You can legalize attitude and,
18 therefore, you have to rely upon enforcement,
19 enforcement, enforcement.

20 COUNCILMAN DICICCO: I agree.

21 Ms. Hopkins, in your role with the
22 SPCA, if you had to grade Philadelphia's horse
23 carriage industry 1 being poor, 10 being
24 excellent, where would you grade it in terms
25 of the overall, the condition of stables,

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2 treatment of horses, et cetera?

3 MS. HOPKINS: I have never been to
4 the 76 --

5 COUNCILMAN DICICCO: I'm not asking
6 about an individual company, just generally.

7 MS. HOPKINS: The stables that I
8 have been to have abysmal. I would grade them
9 maybe a 1 or 2. The horses, I would say on
10 the average, have been below average with some
11 very poor exceptions.

12 COUNCILMAN DICICCO: Horses meaning
13 the condition of the horses?

14 MS. HOPKINS: The condition of the
15 horses and the housing of the horses.

16 The carriage industry, I have not
17 delved deeply into that in a consistent basis.
18 I received a complaint only Saturday from one
19 of the people that was here, a nationally
20 known horse person teaching the disaster
21 rescue and planning for horses as well as
22 bioterrorist and some other issues at-large
23 concerning an underweight carriage horse and
24 one with very overgrown hoofs.

25 COUNCILMAN DICICCO: Are you

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2 familiar with any other municipalities where
3 there's a horse carriage industry?

4 MS. HOPKINS: In Lancaster County
5 there are horse carriage industries.

6 COUNCILMAN DICICCO: And how do you
7 compare Philadelphia to theirs?

8 MS. HOPKINS: Well, their housing is
9 better in Lancaster generally because it's not
10 in a city situation. They are monitored
11 pretty closely in Lancaster County.

12 You're really putting me on the spot
13 here.

14 COUNCILMAN DICICCO: Are they being
15 monitored more regularly than we do in
16 Philadelphia, generally speaking.

17 MS. HOPKINS: From my experience,
18 yes.

19 COUNCILMAN DICICCO: You're familiar
20 with the fines and the cost of doing business
21 for the industry here?

22 MS. HOPKINS: The fines are
23 ridiculous. They're of no effect.

24 COUNCILMAN DICICCO: Do you know
25 what they may be in Lancaster County

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2 comparing, again, to Philadelphia?

3 MS. HOPKINS: The carriage industry
4 is regulated only by the cruelty law,
5 Pennsylvania State Cruelty Law. In Lancaster
6 County, a minimum fine is \$50. Most district
7 justices will impose more than that.

8 COUNCILMAN DICICCO: Thank you.

9 I want to thank the three of you for
10 the time that you spend trying to help this
11 industry and especially for the care of the
12 horses. I know Bill and I go back and forth
13 often on e-mails. There's no compensation for
14 some of you for what you do. I appreciate the
15 volunteerism and your concern.

16 I think what we're going to have to
17 do, as I said earlier, probably go to the
18 drawing table again and just try to figure
19 this out in hopes that we come up with a
20 better product than we had from 2001.

21 MR. HAWKINS: I want to thank you
22 very much. I would hate to have to think that
23 we're go to go reinvent what we went through
24 before because literally it was countless
25 hours by a lot of people, a lot of experts.

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2 Regardless of what you hear to the contrary,
3 it was a lot of expert testimony provided that
4 came in from other cities as well and we had
5 experts from outside the cities, including the
6 lead equine expert for the horse carriage
7 industry here. In fact, she helped to develop
8 some of the stables regulations.

9 I do agree that where there are
10 regulations that are unnecessary, that even
11 maybe part of what we currently have that we
12 should re-look at those. But conversely, we
13 also need to look at what we need to do to
14 make them more strict, perhaps, in the areas
15 of fines and in certain other humane areas
16 that Mike Slocum mentioned earlier.

17 COUNCILMAN DICICCO: I'm not
18 suggesting that we throw out everything we've
19 done and start from scratch, by no means.
20 Some of these things I think that you brought
21 up and others have brought up are already
22 addressed in the Health Department's
23 recommendations. To conduct a minimum of
24 quarterly inspections and more frequently
25 would address concern that they need to be

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2 frequently. I think there was someone that
3 suggested that examinations be provided at
4 least two times a year. You had suggested
5 that. So those things we're already going to
6 go agree to anyway, but there are some other
7 areas I think that -- in terms of the fines
8 and the other issues that we feel are
9 important enough, again, notwithstanding that
10 we did make some accomplishments in 2001.
11 We're not going to invent the wheel.

12 MR. HAWKINS: If I could add just
13 one point. The point I made earlier about the
14 Animal Advisory Committee playing more active
15 role with the City agencies, I think we played
16 a certain role up till now, but I don't know
17 that we've been as active as we probably
18 should be and need to be and I think we can do
19 a great service to the City by working closely
20 with the Health Department. If we can help
21 with some of those reporting and act as almost
22 an intermediary, I think that's going to help
23 the City. And we're volunteers; we don't get
24 paid for what we do so we're going to be very
25 objective on each of the issues that we

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2 handle.

3 COUNCILMAN DICICCO: And I think
4 that's probably the way we need to go. When
5 you meet, when the Advisory Committee meets,
6 is it normally among yourselves, I mean,
7 there's no one from the industry that's there
8 generally? What happens at those meetings?

9 MS. AULL: We spent a lot of time
10 meeting before your committee got involved
11 with members from the industry, and primarily
12 only from --

13 COUNCILMAN DICICCO: Before you got
14 involved with this hearing?

15 MS. AULL: Before you got involved
16 in 2001. Primarily, the carriage company 76
17 was represented. They were really good about
18 coming to the meetings. And there were people
19 on our Committee who are extreme animal rights
20 people who don't believe that animals should
21 be used in entertainment. So we had lots of
22 differing points of view, to say the least.

23 We can have anybody we want at our
24 meetings. We always have people from the
25 Health Department, from L&I, and from the Law

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2 Department there. They're assigned to our
3 Committee. But we would be happy to have
4 people from the industry come because if they
5 have concerns that we may not be aware of,
6 we'd like to include those.

7 COUNCILMAN DICICCO: And I think
8 that's probably one of the reasons why we're
9 here today is that there's not a complete
10 group of people who are discussing this issue
11 at the same time. And I don't know how I
12 could -- I know Mr. Slocum was very helpful
13 back in 2001. But I that's a continue that we
14 need to look to go forward is to make certain
15 -- and I don't know how we can do that
16 legislatively, but maybe we make that part of
17 the regulations that require a representative
18 from each of the existing companies to attend
19 these meetings, so that those issues are out
20 there early on and maybe we can attack them
21 before they become greater than they are,
22 greater issues going forward.

23 MR. HAWKINS: If we do that, then I
24 would suggest a subcommittee then because this
25 is such a hot item that a subcommittee because

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2 the Animal Advisory Committee covers all
3 animal issues in the City.

4 COUNCILMAN DICICCO: I have no
5 problem with that, but I think that's the way
6 we should go. That may become a requirement
7 that a representative from each company attend
8 those meetings.

9 How often do you meet, quarterly?

10 MR. HAWKINS: Yes.

11 MS. AULL: We can meet more often.

12 COUNCILMAN DICICCO: But reasonably
13 quarterly or something like that I think is
14 reasonable unless there's a hot issue that you
15 have to talk about. You can always call a
16 special meeting. I think that line of
17 communication is helpful. People get to know
18 each other.

19 See, I don't like this adversarial
20 kind of thing. I think we've been down that
21 road for too long, you know, our side versus
22 the other side. How do we bring the two sides
23 together to talk about it? And as I said
24 earlier, at the end of the day, there's always
25 going to be somebody who walks away from the

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2 table not entirely happy with the results, but
3 at least there's a line of communication that
4 will allow for people to express their
5 concerns and address them as best as possible.

6 So again, I want to thank you for
7 your time you spent on this. Thank you.

8 The next witness is Lou Peluso.

9 And I want to remind everyone, it is
10 now 12:15. There is a budget hearing that
11 will resume sometime around 1 o'clock. So
12 while I appreciate your testimony that all of
13 you want to give, I would ask you to be as
14 concise as possible, make your points. And if
15 need be, we'll just continue this hearing for
16 another date.

17 MR. POLUSO: All I need is five
18 minutes, Councilman.

19 COUNCILMAN DICICCO: You got it.

20 MR. POLUSO: Thank you for having me
21 today. I hope we don't leave as adversaries
22 like we did the last time.

23 My name is Lou Peluso, P-E-L-U-S-O.

24 My concern for the City's carriage horses
25 spans 20 years. Having testified in 1986

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2 before former Councilman Ed Schwartz, in 1994
3 before Councilwoman Marian Tasco, and having
4 testified in 2001 before your first hearing on
5 these carriage horses, Councilman DiCicco, it
6 is great frustration and anger that I sit
7 before today knowing that nothing has changed
8 for these horse concerning the Philadelphia
9 Carriage Company, and most likely nothing has
10 changed for any of the overworked, neglected,
11 misplaced and out-of-sight horses throughout
12 the City.

13 Why is it that the taxes used to
14 fund the City agencies responsible for
15 inspecting and enforcing the meager
16 regulations concerning this cruel trade, never
17 find the problems?

18 Why is it that employees of this
19 cruel trade are the ones that bring the City's
20 attention to the neglect and abuse?

21 Who is not doing their job on the
22 tax payroll? And why aren't they exposing the
23 neglect and abuse?

24 Why are characters, the likes of
25 Ellis Ferrel able to operate an illegal stable

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2 in a condemned building in Strawberry Mansion
3 with horses suffering from open wounds, aye
4 infections and overall inhumane conditions?

5 How many more of these illegal and
6 cruel operations are there in the City?

7 And where are City agencies, CLIP
8 PACCA, the police, the SPCA and Health
9 Department?

10 I can understand hiding one horse
11 from such agencies, but an entire stable full
12 in a condemned building, that speaks volumes
13 that this City's lack of compassion and
14 understanding and exposes Mr. Ellis Farrel as
15 a callously greed-driven person to place
16 working horses in such inhumane and dangerous
17 conditions. How many more horses are
18 suffering at this moment because someone isn't
19 doing their job? Or is this a continuation of
20 what was going on when the Animal Advisory
21 Board back in the 1980s would replace the head
22 of the Board every few months, never allowing
23 the Board to progress with any of the
24 recommendations found to better the lives of
25 these horses.

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2 Since the death of Bishop, a horse
3 that was literally worked to death,
4 Philadelphians were led to believe changes
5 were taking place and that these horses were
6 being treated humanely. We find that nothing
7 has changed with regard to the Philadelphia
8 Carriage Company. Now, rather than working
9 their sick horses as they did Bishop, the
10 Philadelphia Carriage Company tortures them in
11 stalls with empty water pails, manure-filled
12 stables and stables with leaking roofs, all
13 code violations of Section 2B, Subsections 2
14 and 3 of the regulations on commercial horse
15 stables and rental carriage horses.

16 Philadelphia still has the highest
17 cutoff temperature of any large City for these
18 horses to work in in summer heat.
19 Philadelphia still doesn't have a heat index
20 factored in as New York City, Chicago and New
21 Orleans. All other major cities have the 90
22 degrees as a cutoff and lower temperatures of
23 the heat index makes it feel above 90 degrees.

24 Why is the City Council so reluctant
25 to drop the temperature limit one more degree?

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2 Why is City Council so reluctant to
3 add a heat index to the equation?

4 Stop putting your personal agendas
5 before the welfare of these four-legged
6 ambassadors. When Philadelphians want to call
7 during the summer months to make sure these
8 horses are taken off the street in high
9 temperatures, they are unaware of what agency
10 to call. And if it's a weekend, it's
11 literally impossible to contact the enforcing
12 agency. This needs to change. It's too bad
13 those empowered to do something to better the
14 working and living conditions for these horses
15 don't seem to care. If they did care, then as
16 I stated in 2001, we wouldn't be here today.
17 If this City Administration is serious about
18 changes things for the City's horses, then I
19 suggest you put the right people in these
20 inspection enforcement positions, not those
21 who view these horses as just animals or just
22 a paycheck. The only time these horses get
23 the City's attention is when they give City
24 Council a black eye. These horses need to be
25 checked regularly, not once a year as has been

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2 the policy. To say four or five times a year
3 is meaningless. These horses need to be
4 thoroughly checked on an unannounced, monthly
5 schedule.

6 How many more abuses need to occur
7 before real action is taken on behalf of the
8 welfare of these horses?

9 Why should Philadelphians who care
10 about these horses believe anything is going
11 to change when we live in a City that could
12 not find the funding to upgrade heating system
13 of the zoo's primate house until a fire killed
14 all of the primates?

15 Why should Philadelphians believe
16 this Administration is going change things for
17 these horses when we've seen you allow bullets
18 to be fired in our parks to manage deer when
19 non-lethal methods were available?

20 Why should Philadelphia believe this
21 Administration is going to change anything for
22 these horses when you would not find the funds
23 to help a beleaguered Pennsylvania SPCA but
24 found tens of millions of dollars to construct
25 and operate the largest dog and cat slaughter

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2 house tri-state area that goes under the
3 dubious name of Philadelphia Animal Care and
4 Control Agency?

5 Why should Philadelphians believe
6 this administration when you allowed all the
7 squirrels of Rittenhouse and Washington Square
8 as in the Parkway poisoned in your quest to
9 kill rats when other safer methods were
10 available?

11 What do these actions send our
12 children? That it's okay to kill your problem
13 if it's quick and cheap?

14 If you are truly serious about
15 changing things for these horses, you would
16 put the Philadelphia Carriage Company out of
17 business. That would send a clear message to
18 the rest of the carriage horse owners to
19 straighten up their act or they too will have
20 to go out and find real jobs. It's time to do
21 the right thing and place the welfare of these
22 horses above politics and self-interest. It's
23 time you do your jobs as elected
24 representatives of the people and not
25 representatives of institutionalized cruelty.

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2 On behalf of my friends, the
3 carriage horses, thank you for giving me the
4 opportunity to speak for them, Councilman.
5 And time will tell if you have the courage to
6 do what is right for these horses. I hope you
7 do, Councilman.

8 COUNCILMAN DICICCO: Thank you.
9 Thank you for your testimony, Mr. Peluso.

10 Mr. Nick Cooney, a representative of
11 PETA.

12 MR. COONEY: Councilman, I'd just
13 like to clarify. I'm not a representative
14 PETA. I have no affiliation with PETA. I'm a
15 member of an animal rights organization in
16 Philadelphia called Hugs For Puppies. We have
17 approximately 100 members.

18 COUNCILMAN DICICCO: I'm sorry about
19 that.

20 MR. COONEY: That's okay.

21 Good afternoon. My name is Nick
22 Cooney. I'm here to testify on behalf of our
23 organization about the situation with
24 Philadelphia Carriage Company and about the
25 presence of carriage horses in Philadelphia in

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2 general.

3 As you've heard already, an
4 investigation into the stables of the
5 Philadelphia Carriage Company we've got a list
6 of unhealthy and inhumane conditions, absent
7 or frozen water, inadequate bedding, open
8 sores on animals, excrement covering animals,
9 and cramped conditions.

10 I've been told that action has been
11 taken to correct these problems, and I commend
12 you, Councilman, on your work to address this
13 problem. While conditions have hopefully
14 approved for the horses, it's not because of
15 any concern or responsibility on the part of
16 the Philadelphia Carriage Horse Company. The
17 changes came only after a televised
18 investigation and government action. The
19 Philadelphia Carriage Company has certainly
20 shown that it has no interest in caring for
21 the animals off of whose backs they make their
22 profit.

23 In our organization's opinion, the
24 Philadelphia Carriage Company has forfeited
25 its right to maintain a fleet of carriage

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2 horses. Its permit to operate on the streets
3 of Philadelphia should be taken away and its
4 horses should be taken away as well.

5 Unfortunately, the deplorable stable
6 conditions for the horses are only part of the
7 cruel treatment that these animals are forced
8 to endure everyday. Carriage horses are
9 exposed to bitter cold and to scorching heat.
10 As you well know, summers in Philadelphia are
11 pretty brutal with temperatures reaching up
12 into the 90s on a regular basis. In a study
13 by Cornell University showed that the actual
14 asphalt temperature of the City streets can be
15 up to 50 degrees greater than the recorded
16 Weather Bureau temperature. So horses are
17 forced to pull heavy loads in this heat all
18 day long and often without adequate water.

19 This past Sunday, I was walking down
20 Fifth Street and there were about 20 carriage
21 horses lined up on that road. And out of all
22 of these 20 horses, only 2 had buckets of
23 water sitting there for them to drink. This
24 was the middle of the afternoon at about 2
25 o'clock. The temperature was about 85 degrees

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2 in the air and who knows how much hotter on
3 the street.

4 Besides the temperature, the horses
5 are constantly exposed to smoke and to exhaust
6 fumes. A study of carriage horses by
7 veterinarian Jeffrey Rasal (ph) found out, and
8 I'm quoting, "Tracheal washes and samples from
9 the respiratory sections of these horses
10 showed enormous lung damage, the same kind of
11 damage you would expect from a heavy smoker.
12 Carriages live a nose-to-tailpipe existence
13 and it's certainly not a pleasant one.

14 It should also be noted that most
15 carriage horses are breakdowns from racing
16 tracks or farming communities and enter the
17 carriage horse industry with a history
18 injuries and disabilities that only get worse.
19 And when horses cannot pull heavy carriages,
20 they are often sold to rendering plants or dog
21 food companies. That's not the kind of
22 retirement plan I would want, but it's what
23 these horses have to look forward to after
24 their years of work is over.

25 A growing number of cities such as

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2 Palm Beach, Florida; Santa Fe, New Mexico; Las
3 Vegas, Nevada; London, Paris, and Toronto have
4 listened to the concerns of residents and
5 banned carriage horses from their streets.
6 It's time that Philadelphia to prevent the
7 ongoing and future suffering of these
8 creatures. Philadelphia's two or three
9 carriage horse companies may claim they're
10 bringing tourist revenue to the City, but the
11 reality is that there are a few, if any,
12 tourists who would stop coming to Philadelphia
13 simply because carriage horses were no longer
14 on the streets. Our City has a huge number of
15 attractions and money not spent on a cruel
16 carriage ride would simply be money spent
17 elsewhere.

18 Thank you for your time and your
19 concern on this issue. Please take it
20 seriously, as it is very serious issue not
21 only to the horses in question, but to many
22 residents of the City as well.

23 And just by way of closing, I'd like
24 to make two final remarks. The first is that
25 in your opening statements, Councilman, you

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2 expressed two different desires. One is the
3 desires that horses get the best treatment
4 possible and that they be treated humanely.
5 The other desire expressed is that the
6 carriage horse industry continue to operate in
7 Philadelphia. Unfortunately, these two
8 desires are not reconcilable based on the very
9 fundamental nature of the carriage horse
10 industry.

11 The second final remark I'd like to
12 make is that I'm a little bit taken aback by
13 the fact that some of the carriage horse
14 company representatives have come up here
15 today during a hearing that was called because
16 of the ill treatment of horses and instead of
17 addressing that problem, they've used this
18 microphone as a platform to rale on how they
19 need to be work their horses harder to have
20 longer hours, to be able to treat them more
21 cruelly. I think that pretty much shows
22 myself, shows yourself, shows anyone in this
23 audience that they are not concerned with the
24 treatment of the horses, that they're
25 concerned only with the profit that they're

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2 making off of those horses. Thank you.

3 COUNCILMAN DICICCO: I appreciate
4 your testimony, and I agree on many of your
5 comments. Thank you.

6 C'Anne Anderson, Callowhill
7 Neighbors Association.

8 She just stepped out?

9 All right. Fred Ottazanio. Is Fred
10 Ottazanio here?

11 Valerie Trevigno. Annette Schwartz.
12 Brian Cane.

13 When C'Anne comes in, just point her
14 out to me and I'll let her come up to the
15 witness table.

16 Good afternoon, Mr. Cane. Please
17 identify yourself for the record and proceed
18 with your testimony.

19 MR. CANE: My name is Brian Cane.
20 I'm the general manager of the Philadelphia
21 Carriage Company.

22 COUNCILMAN DICICCO: You need speak
23 a little bit louder into the microphone.

24 MR. CANE: My name is Brian Cane.
25 I'm the general manager for the Philadelphia

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2 Carriage Company. Thank you for your time and
3 thank you for this opportunity to speak before
4 you.

5 I've heard a lot of good and a lot
6 of bad being said today about the carriage
7 industry. I don't think we would be here
8 without the media attention, without people
9 being genuinely concerned about what happens
10 within the carriage industry, and I am glad
11 personally that people do keep an eye out for
12 the horses because I look out for them as
13 well.

14 I'm very serious about training our
15 drivers and staying on the backs of the
16 drivers about the proper treatment, the proper
17 care of our horses. It seems to me that this
18 did come about, this hearing came about from
19 surreptitious means, through bribery. And I'm
20 not afraid to say that. It is irresponsible
21 reporting. Middle-of-the-night type of
22 operation that came into the stable when our
23 stable is open for inspection. So there was
24 no reason why those cameras could not come in
25 during the daytime.

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2 COUNCILMAN DICICCO: Would the
3 conditions be different in the afternoon than
4 they were at night?

5 MR. CANE: I would have to be tell
6 you they would be in certain cases, yes, sir.

7 COUNCILMAN DICICCO: I'm talking
8 about the specific report that KKY did in the
9 night, regardless of how they got there, are
10 you suggesting that the condition of the
11 stable or stables and the condition of the
12 horse or horses that was reported would have
13 been any different had they come in the
14 afternoon? That horse got into that condition
15 in less than 12 hours and the stable came to
16 the condition that it was reported in less
17 six, seven hours?

18 MR. CANE: What I am trying to tell
19 you, sir, that there is a process each day
20 that is followed each day for the proper care
21 of the stalls. If you come during the day
22 after they're cleaned and into the afternoon,
23 you're not going to find as much feces and
24 manure as you would in the middle of the
25 night. No carriage company, no stable comes

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2 in with their people in the middle of the
3 night shoveling the manure out. Any horse is
4 going to appear to have feces on him, sir.

5 COUNCILMAN DICICCO: What's the
6 latest time of the day that the stables are
7 cleaned, generally?

8 MR. CANE: About 3 in the afternoon,
9 I would say, roughly, sir.

10 COUNCILMAN DICICCO: Do you know
11 what time that report took place?

12 MR. CANE: I know that the reporters
13 came in around 10 in the evening, sir.

14 COUNCILMAN DICICCO: So six hours,
15 seven hours later?

16 MR. CANE: That's correct. That six
17 to seven matters in the appearance of a horse
18 yes, sir, it does.

19 COUNCILMAN DICICCO: To the degree
20 that that horse looked? In seven hours --

21 MR. CANE: They can look that much
22 dirtier. That's why it really upset me that
23 anybody would do an diagnosis over a videotape
24 rather than getting on site to actually
25 inspect the horses.

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2 COUNCILMAN DICICCO: And the lack of
3 bedding all occurred within seven hours? The
4 frozen water, the condition of the water, the
5 bucket?

6 MR. CANE: Temperatures change, sir.
7 I'm not here to make excuses.

8 COUNCILMAN DICICCO: It sounds like
9 you are. It sounds to me as though you're
10 criticizing the reporting and suggesting that
11 there was nothing wrong at the stable.

12 MR. CANE: No, I didn't say; you
13 said that.

14 COUNCILMAN DICICCO: That's what it
15 sounds like to me.

16 MR. CANE: What I'm saying is that
17 things are being misrepresented and put in a
18 bad light. Now, if they were being taken in
19 their proper context, then it would have been
20 a different story. But that doesn't appear to
21 be the way things are wanting to go.

22 Now, I don't want to be on an
23 adversarial position with you or the City
24 Council or any of the other people. In fact,
25 I am actually recommending that a

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2 representative from each of the carriage
3 companies be included on the Mayor's Animal
4 Action Committee, not as just there to be
5 innocent bystanders, but actually to be there
6 when there are decisions made about our
7 industry. We do have too many people that are
8 being given the authority to tell us what to
9 do when they do not have experience in horses
10 at all.

11 I thought it was quite ridiculous
12 that Councilman Ramos would say anything about
13 Smarty Jones and a carriage horse.

14 COUNCILMAN DICICCO: I don't think
15 that was ridiculous. I think he was trying
16 to --

17 MR. CANE: They're two different
18 breeds, they have nothing to do with each
19 other.

20 COUNCILMAN DICICCO: Sir, I'm
21 running this hearing. I think what he was
22 pointing out is, A, he was trying to educate
23 himself as to the types of food that horses
24 eat, wondering if these horses are getting the
25 same type of nourishment. He said, quite

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2 frankly, "I don't anything about horses." He
3 was asking a question. Now, some people may
4 find some humor in the fact that he used
5 Smarty Jones as an example, but he is a horse
6 and he was questioning whether or not there
7 are certain regulations or certain types of
8 feed that these horses are required to be fed.
9 I think that's the intent of question. I,
10 quite frankly, think it was a proper question.

11 MR. CANE: I think the contrary.
12 Our business is being oppressed right now,
13 sir. This is not time for levity. He should
14 have educated himself before as anybody else
15 that wants to deal with this situation should
16 educate themselves about horses and maybe --

17 COUNCILMAN DICICCO: We think
18 members of this City Council have nothing else
19 to do but read up on horses and the condition
20 of horses? Do you think that's all we have to
21 do?

22 MR. CANE: No, sir, but when you
23 want to regulate them, you should educate
24 yourself.

25 COUNCILMAN DICICCO: Don't you think

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2 there's a responsibility of the part of the
3 industry to make sure that these horses are
4 properly cared for?

5 MR. CANE: Absolutely.

6 COUNCILMAN DICICCO: And you're
7 going to come in here and suggest that the
8 condition of the horse that was reported on
9 KWY, all that occurred with a period of seven
10 hours?

11 MR. CANE: I'm talking about the
12 manure, sir, not the condition of the sore.
13 The sore was explained.

14 COUNCILMAN DICICCO: The sore was
15 explained.

16 MR. CANE: That's correct, by a
17 veterinarian's report.

18 COUNCILMAN DICICCO: What happened
19 to the horse after the report was put on KWY?
20 What happened to the horse after that?

21 MR. CANE: What do you mean what
22 happened to him?

23 COUNCILMAN DICICCO: What was done
24 with the horse?

25 MR. CANE: The horse was under the

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2 veterinarian's care, sire, and that's on
3 paper.

4 COUNCILMAN DICICCO: After the news
5 report by KKY, what, if anything, occurred
6 with the horse? Was there additional
7 medication, doctoring, if you will, for the
8 horse?

9 MR. CANE: I repeat, sir, he was
10 under a veterinarian's care. What needed to
11 be done was being done by the vet and directed
12 by the vet to our stable people.

13 COUNCILMAN DICICCO: And you're
14 going to tell me the condition of the stable
15 was adequate?

16 MR. CANE: I didn't say, sir; that
17 you did.

18 COUNCILMAN DICICCO: No, you said to
19 me earlier, had they come earlier in the day,
20 the condition would have been different.

21 I'm asking you at the time --

22 MR. CANE: That is correct. It's,
23 again, what they're taking about, about the
24 appearances of the horses. To an educated eye
25 -- an educated eye would know the good

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2 condition of a horse. A person just walking
3 down the street would not know the good
4 condition of a horse. They just know what
5 they suspect that they would see. A horse
6 covered with manure may appear to be not being
7 taken care of, when in fact a horse will lay
8 his head on a warm pile of manure to rest on,
9 sir. If you stick around a stable once an in
10 a while like I have, you would see this
11 happen, and it's not irregular.

12 COUNCILMAN DICICCO: I could see the
13 headlines now, "Councilman's out riding a
14 horse while City of Philadelphia is going up
15 in flames."

16 MR. CANE: That's why I think it's
17 quite ridiculous.

18 COUNCILMAN DICICCO: I don't think
19 it's ridiculous. I think that there's a
20 serious issue here.

21 MR. CANE: There is. I agree with
22 that.

23 COUNCILMAN DICICCO: Then it's not
24 ridiculous. We agree it's not ridiculous. I
25 don't think you mean to use the word

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2      "ridiculous."
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3 MR. CANE: What I think is
4 ridiculous, sir, is that people are being put
5 in charge of this industry who do not have the
6 education to make valid regulations for the
7 industry.

8 COUNCILMAN DICICCO: We're going to
9 see about that. Maybe we're going to get
10 people who are experts, and then there will be
11 no excuses.

12 MR. CANE: I would volunteer to be
13 on the Mayor's Animal Action Committee or
14 their subcommittee and work with them to
15 better conditions for our City.

16 COUNCILMAN DICICCO: We'll take that
17 under consideration thank. You for your
18 testimony.

19 MR. CANE: Thank you.

20 COUNCILMAN DICICCO: C'Anne
21 Anderson, Callowhill Neighbors Association.

22 COUNCILMAN DICICCO: Did you get my
23 e-mail? Did you get my response yesterday?

24 MS. ANDERSON: My response was, I
25 understand your concern, appreciate your

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2 comments, look forward to seeing at the
3 hearing tomorrow, which is today, and that we
4 were hopefully get to the heart of whether
5 these allegations are true or false or
6 whatever.

7 MS. ANDERSON: I hope so too.

8 My name is C'Anne Anderson, I'm from
9 the Callowhill Neighborhood Association and I
10 live next door to Philadelphia Carriage
11 Company.

12 I am concerned that an awful light
13 of scrutiny is being paid to an operation that
14 I think runs rather well. I do not claim to
15 be an expert on horses. I grew up with them.
16 I've been around stables. I know that you can
17 come at one time and the stables look less
18 clean than they do at another. You can't muck
19 a stable 24 hours a day. I don't think that
20 that news cast was fair and that it got in at
21 the right time. I have to say I never even
22 saw the news cast. But it does feel like
23 there's been a lot of scrutiny paid to an
24 operation and a lot of accusations made, and I
25 don't see any evidence that the horses are

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2 mistreated.

3 I see the stables mucked daily. I
4 am there a lot, and I see the horses walked up
5 and down the street to cool them and I see
6 then taking rather nice care of and they are
7 talked to and they are loved.

8 This doesn't feel right to me. And
9 on a larger scale, what worries me with all
10 the regulations that we're talking about is
11 that we will drive another really wonderful
12 piece of Philadelphia out. We no longer have
13 the street cars. The last of that operation
14 was a volunteer operation down on the
15 riverfront. And we regulated and urban
16 removed them completely. The street cars were
17 wonderful. We sold most of our collection, a
18 lot of it to San Francisco. Why did we do
19 that? I don't want to see the same thing
20 happen to the horse carriages.

21 COUNCILMAN DICICCO: Understand that
22 we -- when you say "we" I think you're
23 speaking of the City of Philadelphia. We
24 didn't do that. That's SEPTA. And I fully
25 agree that I would rather see the trolleys

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2 back in service, and I've been fighting a long
3 time get that back in service. But that's not
4 why we're here. I just want to clear the
5 record that we are not selling those things,
6 that's SEPTA.

7 MS. ANDERSON: We are not SEPTA, but
8 the City has a lot of say on things like that.

9 COUNCILMAN DICICCO: Unfortunately,
10 we have very little say. It's run by -- the
11 suburban counties have the majority of the
12 votes on the SEPTA Board. Actually, I have a
13 son who sits on the SEPTA Board, so I think he
14 would like to make his father happy and put
15 the trolleys back, but they are just not able
16 to do that.

17 MS. ANDERSON: Without going too far
18 down this path, what happened to the ones that
19 were the volunteer organization down there? I
20 mean, that was City regulations. We do have
21 some power. But whether or not -- that case
22 aside, that was one thing I saw disappear, and
23 I don't want to see this disappear. And I'm
24 afraid that over-regulation will do that.

25 And I think that most important

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2 point made here today was that there's a lot
3 of non-expertise floating around and that what
4 a horse looks like to people who don't know
5 and people who do is a completely different
6 thing. And I'd hate to see a little bit of
7 misinformation turned into something that
8 basically over-regulates an industry out that
9 I think is a good thing for Philadelphia.

10 COUNCILMAN DICICCO: That's
11 certainly not my intention. I don't know if
12 you were here earlier this morning when I made
13 my opening remarks. I don't intend to do
14 that. We'll all decide whether it's too much
15 regulations or not enough. People will always
16 have a difference of opinion. But as for the
17 news reporting -- and it sounds like I'm on
18 KWY's payroll right now -- we only got here
19 because of that news coverage and we got here
20 in 2001 because of the same problems.

21 This is not singling out one
22 individual. KWY went to that one particular
23 stable. This is an industry. It's always
24 been an industry issue for me.

25 MS. ANDERSON: I would hope that it

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2 would be kept an industry issue.

3 COUNCILMAN DICICCO: So that you
4 know, because I understand there were some
5 suggestion out there in your neighborhood in
6 particular that I may be doing this because I
7 have a special place in my heart for Michael
8 Slocum and his operation and there may be some
9 political considerations that I'm trying to
10 address.

11 I can tell you, nothing can be
12 further from the truth. Had it not been for
13 that KWT News report and enormous amount of
14 e-mails and calls that I received as a result
15 of that, we probably wouldn't be here today.
16 We did legislation in 2001. There's an
17 advisory committee, there's the SPCA, there's
18 the Health Department, there's a lot of
19 agencies out there who helped to put that
20 together. I, for the most part, thought that
21 the majority of those issues were being
22 addressed. But for that news coverage, I
23 would still today think that those issues had
24 been addressed adequately except from time to
25 time there's always an issue that may pop up.

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2 I'll get an e-mail from Bill Hawkins telling
3 me that they were still out there after -- and
4 I'm not putting Bill on the spot, but I get
5 those periodic complaints or concerns.

6 But this was something that was too
7 obvious and too much in my face and everybody
8 else's face to totally ignore. This is not
9 about putting Philadelphia Carriage Works out
10 of business or any of the three companies. It
11 is about addressing those concerns. And there
12 are a whole host of concerns that we have to
13 look at.

14 MS. ANDERSON: But it does seem that
15 today's hearings have been pointedly at
16 Philadelphia Carriage Company, and I haven't
17 heard a lot of support or a lot of testimony
18 that proves that proves that in fact the
19 horses were being abused. And I do not see
20 that. As someone who sees that operation on a
21 daily basis, I just don't see that happening.

22 COUNCILMAN DICICCO: I understand
23 that. Because of these hearings, I would hope
24 that we have stepped up enforcement and
25 inspection so that we do not have to do this

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2 in another six months or a year. Although I
3 will ask, and I said this earlier, I will ask
4 that the interested parties, including the
5 industry, join with the Animal Advisory
6 Committee to sit down on a regular basis,
7 maybe quarterly, to talk about the issues as
8 it relates to the industry so that maybe we
9 can prevent some of these things from
10 reoccurring. And there are some issues that
11 are out there that the industry has asked for
12 a relaxation or changes in the temperatures,
13 the high, the low, in the hours of operation,
14 and routes. Those are things that we have to
15 sit down and collectively discuss and see if
16 there is any room for negotiations or
17 reconsiderations.

18 I don't have the answer today. But
19 I'm here. I'm going to recess this Committee
20 to the call of the Chair so it doesn't end to
21 keep everybody on notice that there is a
22 problem out there. There are some issues out
23 there that need to be addressed and we're
24 going to work to address those problems.

25 MS. ANDERSON: I certainly would

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2 like to say that I like the idea that more of
3 the carriage people themselves would be
4 involved. And I also heard a suggestion that
5 people from outside who run stables outside
6 the City maybe be called in as members of
7 whatever advisory thing so that you really
8 have horse people doing this.

9 COUNCILMAN DICICCO: Absolutely.

10 MS. ANDERSON: That seemed the most
11 to me, because I feel a lot of what's going on
12 here didn't have to do with --

13 COUNCILMAN DICICCO: I can also say
14 to you, going back again to 2000 and 2001,
15 because of the media coverage as it relates to
16 a prior owner of one of the carriage
17 companies, that person was put out of business
18 because it was proven beyond a doubt that that
19 owner did not act responsible. Horses were
20 not being properly cared for, they were
21 diseased horses. Many of them had to be taken
22 away and put out to a farm somewhere out in
23 Pennsylvania to recuperate.

24 So there is some need for these
25 kinds of oversights and reviews. And again, I

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2 think that what we need to do is continue to
3 do keep the pressure on, if you will, to the
4 degree that we don't have the similar
5 situation that occurred back in 2001. No one
6 wants to see that. That's not the result that
7 we're looking for.

8 Is there anyone else here who did
9 not testimony and wishes to testify?

10 Please come forward.

11 I would ask, again, in the interest
12 of time, we do have a copy of your
13 testimony --

14 MR. RODIMER: I was actually going
15 to skip that.

16 COUNCILMAN DICICCO: We'll give it
17 to stenographer and it will be made part of
18 the public record.

19 MR. RODIMER: My name is Keith
20 Rodimer. I'm the manager of the Philadelphia
21 Carriage Company. I guess the most important
22 thing was what brought us here day, the KKY
23 news report.

24 COUNCILMAN DICICCO: Well, someone
25 agrees with me finally.

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2 MR. RODIMER: It's important to be
3 noted just like a general operation of our
4 stables AN most of carriage or any horse
5 stables anywhere.

6 In the morning around 7:00 a.m., the
7 stable hands, maybe two or three or of them
8 THAT work at our stable will start to remove
9 some of the horses -- I'm sorry, that happens
10 later. At 7:00 a.m., they'll get fresh water,
11 they empty out all buckets. In each stall at
12 our stable, there's two water buckets just to
13 make sure that they have enough water through
14 the night. Every horse will get lots of hay.
15 And around 8:30, 9:00, the carriage drivers
16 start to come in.

17 COUNCILMAN DICICCO: Let me get that
18 straight. At 7:00 or so someone comes in and
19 starts --

20 MR. RODIMER: The horses start to
21 get fed and re-watered.

22 COUNCILMAN DICICCO: Fed and
23 re-watered. Bedding and all that is taken of?

24 MR. RODIMER: Not at that time
25 because they're going to be leaving.

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2 COUNCILMAN DICICCO: The cleaning
3 the stall starts around that time?

4 MR. RODIMER: The cleaning of the
5 stall happens when the horses that are going
6 out of that day leave, because it's easier.

7 COUNCILMAN DICICCO: And that's 7:00
8 or sometime shortly after?

9 MR. RODIMER: Around, I would say,
10 9:30 and 11:30.

11 COUNCILMAN DICICCO: So the horses
12 are still primarily in the stall between 7:00
13 a.m. from the time they leave?

14 MR. RODIMER: Correct.

15 COUNCILMAN DICICCO: Thank you.

16 MR. RODIMER: Now, during that time
17 between like 9:30 and 11:30, that's when the
18 stalls get cleaned. Every horse gets taken
19 out. They'll be taken out to the little like
20 alleyway where our carriage groom their horse
21 every day.

22 Now, when the carriage drivers take
23 them out, it's their job to clean and groom
24 the house to make sure they're basically clean
25 of all the debris, all the excrement so

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2 they're basically nice on the street. Nobody
3 wants to ride in a carriage with a dirty
4 horse.

5 Now, when they come in like
6 approximately 3:30, 4:00, at that time they
7 have fresh bedding, fresh water, and they have
8 fresh hay. That's when they eat. They're at
9 that period from like maybe 4:00 to 6:00 p.m.

10 COUNCILMAN DICICCO: 4:00 to 6:00 is
11 when they return?

12 MR. RODIMER: They leave for the
13 second time.

14 COUNCILMAN DICICCO: When they leave
15 the second time?

16 MR. RODIMER: No, when they come in
17 from being on the street, they come in, they
18 take the tack off the horse, they wash him
19 down, the groom him and then put him back into
20 the stall where they have fresh hay, fresh
21 water and fresh bedding there.

22 COUNCILMAN DICICCO: So that's about
23 the approximate time that Mr. Crane said that
24 the last time that the stall is cleaned out.

25 MR. RODIMER: Correct. Every

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2 morning, each stall in the barn is cleaned.

3 So you've got to understand, during that whole
4 time, especially if the horse didn't work that
5 day, he's had from approximately, I'd say,
6 like noontime until when KYW came into our
7 barn at 10 o'clock to just basically sit
8 around and eat and poop, basically.

9 So when the horse at nighttime, a
10 lot of horses like to lay down. We have some
11 horses that will poop in the corner and lay
12 down on the side; they don't lay in their own
13 excrement. Some horses, they don't care, they
14 like to get dirty. Some horses stand up
15 because they don't like to lay down.

16 When the cameras came in that day at
17 10 o'clock, approximately, I don't care what
18 stable you go to worldwide, you're going to
19 find some horses laying in their own in
20 excrement.

21 When I saw the footage of KKY, I was
22 sick; it made me sick. But because I know and
23 like the people that work in our industry know
24 that that's what horses do, we were even -- I
25 myself was even more angry because of the way

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2 that report showed the way we treat our
3 horses.

4 Now, in response to some of the
5 things that was represented in that story, KWW
6 said that some of the horse stalls had no
7 buckets of water. They failed to actually
8 show any of those stalls; they didn't go into
9 the stall with a camera and show the buckets
10 without water. Four of our horses were out on
11 turnout, they were in a farm. We don't give
12 the horses water if they're not there,
13 basically.

14 As far as the dirty water,
15 especially around that time, the horses have
16 had time to eat, the hay sticks to their face,
17 to their tongues, the sawdust gets, you know,
18 matted to their lips, they put their head in
19 the water, the water gets dirty.

20 As far as the water being frozen, I
21 understand like that was during a cold spell.
22 We were told that we got to fix that problem.
23 And during the night when that happens
24 previously in and even up until that point,
25 the stablehand that's over there overnight

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2 will go around and make sure they poke a screw
3 driver or something like that to make sure
4 there's surface ice on the water.

5 Another thing that KYW said, one of
6 our horses had no bedding and that they were
7 sleeping on concrete floor. Every stall in
8 our barn is made of wood. It's in the Health
9 Department regulation that the floor boards
10 has to be made wood to allow for absorption
11 and drainage of the horses excrement and
12 things.

13 Now, the type of sawdust that we use
14 is very absorbant, so when the horse excretes
15 its fluids it will, of course, shrink. And
16 one of the things that we got written up for
17 that day was there was inadequate bedding, not
18 no bedding. It was inadequate and that's
19 because it goes from 6 inches to about 3.

20 The Health Department, when they do
21 come to our stable, they're always
22 unannounced; all the time. They come at
23 different times during the day, always to make
24 sure that there's somebody here. They never
25 really come at night because they don't work

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2 at night, they work during the day. And the
3 Health Department has never said, "Well,
4 you're not using enough bedding."

5 Another thing that was said that
6 there was one horse that had difficulty
7 breathing. And in one section of the KKY's
8 report, you see the camera going up to one of
9 our horses Captain Timmy, and the horse like
10 blows out AND backs up. And especially the
11 people who work in the carriage industry, they
12 can see that the horse was frightened. It's
13 10:00 at night, he was just eating, he was
14 probably sleeping and he wakes up to a bright
15 light and a camera in his face and he backs
16 up.

17 Another horse has been working for
18 us for over 15 years and never had any health
19 problems.

20 You have to understand that this
21 carriage company, in 25 years doing business,
22 has never had any fines whatsoever. Just
23 seeing the way this report was geared towards
24 us particularly was extremely upsetting. And,
25 like all of our drivers that can testify if

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2 you ask them, that when they work with a
3 horse, that's their pet. If anything, if they
4 see anything going wrong with the horse, the
5 first thing that they'll do is go to the owner
6 to make sure, like how come this horse isn't
7 getting enough fed or whatever like that. Not
8 that that happens, but I'm just saying that's
9 how much they care for the horse.

10 What I feel the most upsetting is
11 the reason why we're here today was -- I don't
12 want to say false pretense. Because the
13 report of KWT did not tell the whole story.
14 They did not show the four tons of hay above
15 all the horses. They didn't show the horses
16 being re-watered every day. They didn't show
17 the horses being groomed every day.

18 I sincerely wish that anybody that
19 thinks that we are abusing the horses to come
20 by any time.

21 COUNCILMAN DICICCO: No, you just
22 can't send somebody. The testimony today is
23 we need more professional people, and that's
24 what we're going to do. We're going to figure
25 out a way in getting more professional people

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2 out there, not just somebody; not me, not
3 anybody else, but somebody who knows about
4 these issues. Not just your stable, by the
5 way, it's to the other two stables as well.

6 MR. RODIMER: Now, is that just
7 because of the KKY report?

8 COUNCILMAN DICICCO: It's because of
9 the report and it's because we're here today
10 because of the report. And if there's nothing
11 going wrong at the stable and all these things
12 that you're telling me are as great as they
13 sound, then nobody has anything to worry
14 about. I've said that before.

15 MR. RODIMER: But the effect of that
16 report and of these hearings here has
17 detrimental effects on our business, on our
18 drivers' well-being because they're going
19 around driving downtown being called horse
20 abusers when these are the animals that they
21 love and they take care of.

22 COUNCILMAN DICICCO: Understand when
23 we go back to 2000 again, had it not been for
24 the news coverage that was basically a result
25 of employees who worked for that particular

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2 operator telling us about those conditions,
3 those conditions might still be existing
4 today. So sometimes it actually works out to
5 everybody's advantage. And I think at the end
6 of the day, not today but whenever the day
7 comes when we have some of the other issues
8 wrapped up, the industry should be a better
9 industry for all of us, including the horses.

10 But I do have one question for you,
11 because I have three other witnesses and we're
12 about to get started with the 1:00 hearing.
13 Based on your testimony, Mr. Crane's
14 testimony, it's somewhere around 3:00 p.m.,
15 4:00 p.m. in the afternoon is when the stalls
16 are cleaned out, excrement is removed, hay is
17 provided, new water.

18 MR. RODIMER: The stalls are cleaned
19 between 9:30 and 11:30.

20 COUNCILMAN DICICCO: And then again?

21 MR. RODIMER: Not again.

22 COUNCILMAN DICICCO: 9:30 a.m.

23 MR. RODIMER: Let me explain it this
24 way.

25 COUNCILMAN DICICCO: Let me finish

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2 what I'm saying. The report was done
3 somewhere 10, 11 o'clock at night, the KWW
4 report.

5 MR. RODIMER: Yes.

6 COUNCILMAN DICICCO: So whatever
7 time during the early part of the day, whether
8 it was 9:30 a.m. or 3:30 p.m. whatever, until
9 the next morning, the stalls are not cleaned,
10 which is in excess of 12 hours. Do you think
11 in that opinion that that's appropriate? I
12 don't know. I'm not in the business. You're
13 talking a minimum of 12 hours before any
14 cleaning, replenishing of hay taking care of
15 the water is done for at least 12 hours.

16 MR. RODIMER: Well, the hay and the
17 water, they get fresh hay and fresh water, at,
18 I'll say, 7:00 a.m., 3:00 p.m. and 10:00 p.m.
19 or 9:00 p.m. So when KWW was there --

20 COUNCILMAN DICICCO: According to
21 Mr. Krane's testimony, nobody's there after
22 3:30 or so, that's it, and that's why the
23 condition of the stable was what it was
24 because it was 10 o'clock at night or 11
25 o'clock at night.

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2 MR. CANE: No, I did not.

3 COUNCILMAN DICICCO: You had your
4 time. If you want to speak, I'll recognize
5 you in a few minutes, Mr. Crane. Thank you

6 MR. RODIMER: We have a 24-hour
7 stablehand at the site. And it's his
8 responsibility to approximately like 9:00 or
9 10:00 to give the horses fresh water and fresh
10 hay.

11 COUNCILMAN DICICCO: So I go back to
12 my point, that based on the coverage of KWT
13 and the condition of the stable which had the
14 water had hay it in, straw, and I understand
15 your explanation, limited amount of straw,
16 hay, whatever was in there, that all happened
17 in one hour, it all disappeared in one hour?
18 If you're telling me the stablehand is there
19 10:00 p.m. and the news coverage was at 11:00,
20 those conditions all happened in now hour?
21 Before it was seven hours.

22 MR. RODIMER: The stalls were not
23 cleaned at the time. The stalls only they
24 clean in the morning.

25 COUNCILMAN DICICCO: That's my

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2 point. So it's 12 hours minimum before the
3 stalls are cleaned again. I'm asking is that
4 appropriate? Is that something that meets
5 standards? I don't know.

6 MR. RODIMER: As far -- I mean, in
7 all honesty, you'd have to ask the horse.

8 COUNCILMAN DICICCO: The last horse
9 I know who spoke was Mr. Ed. And before that
10 when I was a very young boy, it was a donkey
11 named Francis, but outside of that, I don't
12 know of any horse that will give me an answer.
13 I need to ask people. I'm not going to ask
14 the horse. That gets ridiculous, although I
15 don't like to use that word. I'm asking
16 people who tell me that they're doing
17 everything they need to do to provide
18 sanitary, healthy environments for the horses.

19 MR. RODIMER: One the reasons for
20 cleaning the stalls is to prevent mold and
21 sores on the horse. In over the 25 years that
22 we've been in business caring for the horses,
23 we have never had any sores or any type of
24 ailments or sickness occur because of only
25 cleaning the stalls once a day.

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2 COUNCILMAN DICICCO: I don't mean to
3 cut off your testimony. There are three other
4 witnesses. Do you have anything to -- and I
5 don't mean to be disrespectful, but the
6 Council President is here. The other hearing
7 is about to resume. Do you have anything to
8 add to this testimony that has not already
9 been discussed of any significance?

10 Could you come forward be as brief
11 as possible. I'd appreciate that.

12 Please identify yourself for the
13 record.

14 MS. MCQUILLAN: My name is Casey
15 McQuillan, M-C-Q-U-I-L-L-A-N. I own and
16 operate the Kind Cafe located at 724 North
17 Third. I am on the homebound route of the 76
18 Carriage Horses and watch them return them
19 every day.

20 Friday, May 7, during a brief storm
21 at about 4 o'clock, a trash can blew into the
22 street and spooked one of the horses which
23 wildly galloped off the street, down the
24 sidewalk, taking out a tree and missing a
25 group of 2-year-olds, about 20 of them, who

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2 stood on the corner of Second and Third on
3 their way to the park right down the street.

4 So I'm here to say that I think we
5 all agree that the horses should be treated
6 well. But I'm also here to say that I don't
7 think the drivers of these horses have any
8 control over them. And that fact was actually
9 stated to me by Ms. Kramer after I reported
10 the incident to the police. She came to me
11 and said that though they train horses as well
12 as they can and they train the drivers as
13 well, a horse is a horse and it's a very large
14 animal that cannot, in fact, be controlled
15 under all circumstances by a human. And as
16 someone who grew up with horses, I am all too
17 aware of their awesome strength and power and
18 free will. And if a horse wants to take off,
19 it will take off. And I witnessed that
20 outside of my cafe the other day. And I worry
21 for the safety of the children in my
22 neighborhood. I worry for the safety of my
23 elderly clients who could not get out of the
24 way if they tried. And I also wonder if this
25 may not be an antiquated business where

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2 perhaps these large farm animals do not belong
3 in service on a crowded street in the City of
4 Philadelphia.

5 COUNCILMAN DICICCO: Thank you.

6 Thank you for your testimony. I appreciate
7 your patience in waiting to testify.

8 Please identify yourself for the
9 record.

10 MS. BOFINGER: My name Jennifer
11 Bofinger, B-O-F-I-N-G-E-R. As a former
12 employee of People For the Ethical Treatment
13 of Animals, and I will tell you that I am
14 imposed to carriage horses in general.
15 However, I know that's not the issue here
16 today and I'm just going skip to one thing,
17 and that's the discussion of fines.

18 In 2000, Mr. Slocum reported or was
19 quoted in the Philadelphia Business Journal as
20 saying --

21 COUNCILMAN DICICCO: Excuse me.

22 If you have to do private
23 conversation, please do it outside. This
24 witness is try to go testify. It's very
25 difficult for the stenographer to hear the

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2 testimony. Thank you

3 Mr. Slocum stated in the
4 Philadelphia Business Journal in 2000, which
5 is four years ago, that his business was going
6 to yield \$2 million in revenue. Now, I don't
7 know what it's yielding now, but a \$25 fine
8 for animal cruelty is nothing, as we've just
9 heard to. And animal cruelty laws, as was
10 stated earlier, are not strict in this stat
11 and many states because animals are regarded
12 as property.

13 So if we get anything out of this, I
14 would hope that the fines would be raised so
15 that it would be an economic disadvantage to
16 treat an animal cruelly. Thank you.

17 COUNCILMAN DICICCO: I appreciate
18 your testimony. I think you're pretty much on
19 target with that as well.

20 COUNCILMAN DICICCO: This concludes
21 the hearing on the Committee of Streets and
22 Services. I'm going to recess this hearing to
23 the call of the Chair. That means at some
24 later point when all of these discussions and
25 these meetings take place, we may have some

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2 new regulations, some new information to put
3 out there. So rather than advertise for a new
4 hearing, we'll just recess to the call of the
5 Chair. It probably won't happen until the
6 fall, but if we have to do it sooner, we will.

7 Thank all of you for your time in
8 attending today's hearing. Thank you.

9 (Council adjourned at 1:05 p.m.)

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

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Tuesday, May 18, 2004, were
reported fully and accurately by me, and that
this is a correct transcript of the same.

RE: COMMITTEE ON STREETS AND SERVICES

Lisa C. Bradley, RPR