

Philadelphia Water Department Rate Board Hearing  
October 25, 2016

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CITY OF PHILADELPHIA  
PHILADELPHIA WATER DEPARTMENT PRESENTATION  
RATE BOARD HEARING  
TUESDAY, OCTOBER 25, 2016  
6:00 p.m.

LOCATION:

Pennsylvania Horticulture Society  
100 North 20th Street  
Philadelphia, Pennsylvania 19103

REPORTED BY:

SHEILA KLOS, RPR

HELD BEFORE:

NANCY BROCKWAY, Hearing Officer  
SONNY POPOWSKY, Board Member  
BERNARD BRUNWASSER: Chairman

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1                    - - -  
2                    P R O C E E D I N G S  
3                    - - -  
4                    MS. BROCKWAY: My name is Nancy Brockway. I  
5 am a Hearing Officer appointed by the Philadelphia  
6 Water Sewer and Stormwater Rate Board to conduct  
7 hearings for them. And we have here on the dais,  
8 if you will, Gemela McClendon from the Law  
9 Department who is our legal counselor, the Chair of  
10 the board, Bernie Brunwasser and another member,  
11 Sonny Papowsky. We have a telephone hookup and  
12 have furnished a number. We may get some people to  
13 call in. I don't think anyone has so far.  
14                    So just to give you a little idea what's  
15 going to happen. I'm going to briefly introduce  
16 what is the business of the night and then we are  
17 going to have a presentation. I'm going to take  
18 care of one little housekeeping thing. Then we are  
19 going to have a presentation from the Water  
20 Department about what they are proposing. And  
21 after that, we'll open it to comments from the  
22 public.  
23                    I have one of the sign-in sheets, and  
24 people were very nice to notice that we asked them

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1                    to say if they did or did not want to speak. So  
2 that I will go down the sign-in sheets in order.  
3 And if you haven't managed to get on one of them, I  
4 think there is another one still out there. At the  
5 end of it you can let me know.  
6                    We are here this evening to consider a  
7 proposed change to rates for the stormwater rates  
8 applied to community gardens. Many of you probably  
9 know that late June, the Mayor signed an ordinance  
10 passed by council that allows the gardens a special  
11 discounted rate for Storm Water Management  
12 services. It only applies to that part. And there  
13 is addictions.  
14                    And we had a formal notice of a proposed  
15 change that kicks off these proceedings from the  
16 Department on October 12th. Under our regulations,  
17 we have to have four public -- excuse me. Back up.  
18 The request is to put it into effect January 1st.  
19 And if it's not controversial, this would seem to  
20 be possible. But it has forced us to have a very  
21 aggressive schedule of scheduling public hearings.  
22 We know we haven't been able to get places for all  
23 of the rest of them, but there will be three more  
24 public hearings.

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1                    And then once the hearings are done, I make  
2 a summary of what has come in with the e-mails and  
3 here. And the Board meets and it makes a decision  
4 about the request.  
5                    So my housekeeping. Neighborhood Gardens  
6 Trust has requested participant status. There is  
7 something called participant status in the rules of  
8 the Board. And basically that at least gets you  
9 notified of everything that's going on directly  
10 rather than having to go to the website. I don't  
11 know what further proceedings involving  
12 participants there will or will not be. But if  
13 there are, I approve this intervention and approve  
14 Neighborhood Gardens Trust being a participant in  
15 this proceeding.  
16                    Now, without further ado.  
17                    MR. DUFFY: Just a point of order on that.  
18 There are two other entities in that petition.  
19                    MS. BROCKWAY: So there are. So this will  
20 also include Village of Arts and Humanities and  
21 Norris Square Neighborhood Project. Thank you. I  
22 was only looking at the front.  
23                    MS. DAHME: This is a very brief  
24 presentation. I am Joanne Dame, Public Affairs

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1                    Manager on behalf of the Water Department  
2 presenting this very short presentation. I just  
3 really want to provide everyone with a general  
4 overview of why we are doing this. The background  
5 of ordinance and this proposed rates discount, some  
6 information on community gardens that we have on  
7 hand, the rate impacts to other customers and  
8 general community gardens benefits.  
9                    So a little background on the proposed  
10 stormwater rates for community gardens. The  
11 ordinance requires the establishment of a special  
12 discounted rate. That could be up to 100 percent  
13 of a stormwater fee exemption. A bill was passed  
14 this past spring. It was put together by  
15 Councilwoman Sanchez with support of City Council  
16 which provided for the exemption of the stormwater  
17 charges for community gardens.  
18                    On June 28th Mayor Kenney signed that bill.  
19 The ordinance was passed in City Council. In July,  
20 community gardens representatives asked the Water  
21 Department to begin this process, begin this rate  
22 proceeding where we host public meetings where  
23 cases are brought before the rate board. As Nancy  
24 said, the Rate Board then reviews and makes a

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<p style="text-align: right;">Page 6</p> <p>1 determination on the validity of this request. 2 The ordinance does state that the exemption 3 shall become effective in January. I think that's 4 the reason Nancy mentioned that it's somewhat a 5 compressed public meeting and schedule for this. 6 The community gardens criteria. This is 7 contained in the ordinance. And there is some 8 other elements in the ordinance, but we pulled out 9 the major ones. These are the criteria that would 10 apply to the gardens that will be eligible for this 11 exemption. 12 The property's special use for growing 13 plants. That could be edible and not edible. A 14 community group has to operate the gardens. And 15 you will see an overriding theme is for public 16 benefit. It's not a commercial enterprise. It 17 benefits the community. It benefits the people who 18 are using the garden. And it also benefits the 19 neighborhood because you are taking care of a lot 20 that was originally vacant and now there is a 21 beneficial use for that. 22 Most importantly, from the Water 23 Department's perspective, stormwater has to be 24 managing at least 80 percent of the site, which</p>	<p style="text-align: right;">Page 8</p> <p>1 put together. Our finance team did this. The lost 2 revenue resulting from the stormwater fee 3 exemption, if we are going to 100 percent, is 4 approximately \$46,000 in our fiscal year 17 which 5 is the current fiscal year we are in today, and 6 approximately \$48,000 in fiscal 18 which begins 7 July 1 of 2017. 8 Taking a look at that, we looked at our 9 existing rates and charges would not increase 10 during this rate period as a result of this 11 exemption being 100 percent. The amount was small 12 enough that we were able to recover that among 13 other existing rates. 14 So the benefits of community gardens, and 15 this is why the Water Department sees sort of the 16 merit in this proposed discount. There is 17 certainly a preservation of open green space. Open 18 green space is really important to an urban 19 environment to the City of Philadelphia. Gardens 20 do have the potential to provide stormwater 21 management benefits. They can, as we've mentioned, 22 if they are open space, they are green, allows for 23 stormwater infiltration. It can reduce flooding in 24 neighborhoods the more open green space you have.</p>
<p style="text-align: right;">Page 7</p> <p>1 means that 80 percent of this site is allowing the 2 infiltration of rain water. So it can't be covered 3 by, less than 80 percent can't be covered by 4 asphalt, buildings that type of thing. So it has 5 to be open space. 6 The information we have at hand working 7 with NGT, PHS and others, we are aware of about 231 8 community garden parcels that are not currently 9 city-owned. We know that the City owns about 300 10 of those city parcels in addition to those 231. 11 Currently, city-owned city parcels, vacant land 12 that is open space are exempt from the stormwater 13 fee. And we did that originally when we enacted 14 the current stormwater parcel base charge 15 recognizing that the City owned vacant land as a 16 means to take over distressed properties from 17 private property owners. So it made sense at that 18 time not to further burden the City with the cost 19 of a stormwater management fee for that. So that's 20 the reason why city-owned parcels were exempt. So 21 today we are talking about the potential exemption 22 of 231 additional parcels that we are aware of. 23 We did, of course, have to take a look at 24 the rates impacts to other customers when this was</p>	<p style="text-align: right;">Page 9</p> <p>1 We have to look at opportunities to also 2 manage stormwater on green space by taking public 3 runoff into a private space when we have that 4 opportunity. And above all, gardens also provide a 5 great amenity to the neighborhoods where they 6 exist. 7 That's the quick presentation. So it's 8 really fast. I used to do really long ones. Nancy 9 said, Make it faster. I am trying to make it 10 quick. 11 MS. BROCKWAY: Stay right there, Joanne. 12 Thank you very much. 13 Under our rules, we sometimes ask the 14 Department representatives to answer questions. 15 You may not have come prepared with questions. And 16 we will have another way for you to get information 17 if there is information that you think that you 18 want if you haven't, if you can't ask it tonight. 19 But does anybody have any questions for Ms. 20 Mr. Dahme? 21 MR. HARDENBERGH: Are there different 22 stormwater runoff rates or different things like 23 different businesses. For instance, Does Crown, 24 Cork and Seal pay X amount of dollars for the</p>

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<p style="text-align: right;">Page 10</p> <p>1 square footage of their roof as opposed to the 2 little store on the corner? 3 MS. DAHME: Nonresidential. All 4 nonresidential customers pay the same stormwater 5 rate. So our stormwater fees are broken down by, 6 there is an impervious area unit charge and there 7 is a gross area unit charge. So I think right now, 8 I think approximately our gross area unit charge is 9 50 cents, I think it's more 60 cents per 500 10 square foot. The impervious area charge is about 11 \$470 per 500 square foot. So every nonresidential 12 customer pays that same rate. 13 We look at a property, how big the property 14 is and how impervious the property is. And a 15 calculation is done using those two unit costs to 16 figure out the charge of that particular property. 17 MR. HARDENBERGH: There is no exceptions or 18 no variations on that? 19 MS. DAHME: No. Properties can apply for 20 credit. So if nonresident property is managing 21 stormwater so that they are doing some of the job 22 that we would be doing otherwise. They have to 23 capture that first one inch of stormwater, either 24 allow it to infiltrate or detain that during the</p>	<p style="text-align: right;">Page 12</p> <p>1 customers. The resident customers pay a flat fee, 2 about \$14 a month. And any kind of practice that 3 you would implement on a residential property would 4 be really expensive, but it would also not be able 5 to meet the criteria we have in place for capturing 6 that first one inch. 7 We do have a program called Rain Check 8 which is a cost-share program for resident property 9 where we help them improve their landscapes so they 10 can manage stormwater. So that was sort of the 11 trade off. We created Rain Check for residential 12 properties. 13 We certainly encourage if residential 14 properties want to team up with a nonresidential 15 property. That's a great thing. Are you a 16 Southwark? 17 MR. HARDENBERGH: Yes. 18 MS. DAHME: I remember talking about this 19 years ago and we talked about a rain garden on the 20 corner there. We'd love to bring up, that 21 discussion up again in the future, in the near 22 future. 23 MR. HARDENBERGH: It's a relevant point. 24 MS. DAHME: Very much.</p>
<p style="text-align: right;">Page 11</p> <p>1 period, during the height of the storm. And that's 2 managing the space. 3 So if it was a parking lot and they 4 installed and underground storage tank and that 5 storage tank bailed 80 percent of the impervious 6 area in that parking lot, they would get a credit 7 comparable to that. They get an 80 percent of the 8 credit for the portion that is being managed. So 9 there is an incentive. We have incentives for 10 customers to help us manage stormwater. 11 MR. HARDENBERGH: Can I follow that up with 12 another question? 13 MS. DAHME: Sure. 14 MR. HARDENBERGH: At one point our garden 15 wanted to connect up a number of the houses 16 surrounding it to manage their stormwater. And one 17 of our things we were going to tell the people as 18 an incentive was, We can get a discount for you. 19 And then we were told that because they were 20 residential, there would be not any kind of 21 discount or anything like that. So the whole thing 22 fell through. 23 MS. DAHME: Currently, we do not have a 24 discount or a credit program for residential</p>	<p style="text-align: right;">Page 13</p> <p>1 MS. BROCKWAY: Thank you. State your name 2 for the reporter. You don't have to, but it would 3 be very nice if you would. 4 MR. HARDENBERGH: Richard M. Nixon -- Thom 5 Hardenbergh, Southwark Queen Village Community 6 Garden. 7 MS. BROCKWAY: There was a gentleman -- 8 MR. NAVARRO Does your definition of 9 city-owned parcels include PHA parcels? 10 MS. DAHME: PHA parcels? No, they do not. 11 No. It's PDA or Philadelphia Redevelopment 12 Authority. I'm trying to think of the other one. 13 MS. GREENBERG: PHDC. 14 MS. DAHME: But it does not. 15 MR. NAVARRO: Is there a discount PHA gets? 16 MS. DAHME: You currently have like a five 17 percent discount on all of your water, sewer and 18 stormwater rates. And PHA could also apply for 19 credit. If PHA is managing stormwater on their 20 property, you certainly have the option to get the 21 credit. 22 MS. ZAIMIS: We are a part -- 23 MS. BROCKWAY: So people think we really 24 are going to make the decision as the Board, please</p>

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1 go through me.  
2 MS. ZAIMIS: Okay.  
3 MS. BROCKWAY: Seriously though, could that  
4 gentleman state your name?  
5 MR. NAVARRO Justina Navarro with the  
6 Spring Gardens.  
7 MS. BROCKWAY: Thank you, sir.  
8 MS. ZAIMIS: Linda Zaimis with Schuylkill  
9 River Park Community Garden. We are part of  
10 Fairmount Park. Is that considered city-owned?  
11 MS. DAHME: That is city-owned. But  
12 currently, I don't believe the city-owned parks are  
13 getting, they are not automatically getting the  
14 stormwater fee exemption. So when we talked about  
15 the automatic exemption that some urban gardens on  
16 vacant land owned by the City are, but currently  
17 the parks are not.  
18 MS. BROCKWAY: Again, while this is a quick  
19 proceeding, we do want to make it possible for  
20 people to make comments and get questions.  
21 MR. NAVARRO: I fail to understand the logic  
22 of that. Can you help me understand that,  
23 please?  
24 MS. DAHME: The logic of?

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1 MR. NAVARRO: That the parks and recreation  
2 parcels are not included in the city-owned property  
3 exemption?  
4 MS. DAHME: So the vacant lots that the City  
5 took over was because they are privately-owned  
6 vacant lots that were not being taken care of,  
7 they became sort of neighborhood blight. So the  
8 City, not because it wanted these vacant lands, the  
9 City took it over to ensure, to provide the benefit  
10 to the community. To take care of those lots to  
11 make sure that the trash is removed, that they were  
12 mowed, that sort of thing.  
13 So when we originally put the stormwater  
14 fee together, we didn't want to further burden the  
15 City who already took over the maintenance of these  
16 abandoned vacant lots by imposing the stormwater  
17 fee on top of that. So we thought that was sort of  
18 like a double indemnity for them.  
19 Fairmount Park properties were already,  
20 were being maintained, owned and managed by  
21 Fairmount Park as our city-owned properties.  
22 MR. NAVARRO: So our community garden,  
23 Spring Gardens was previously owned by PRA. We  
24 succeeded in working with counsel president to have

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1 that transferred to the Parks and Recreation  
2 Department. So you are saying that when it was  
3 under the PRA ownership, it was exempt. But now as  
4 a part of Parks and Recs, it's not exempt??  
5 MS. DAHME: It may have been. I'd have to  
6 take a look of the records of that. I don't know  
7 if we can answer for individuals, but certainly we  
8 will take that information down and look at the  
9 history to see that when it was originally PRA if  
10 we have caught that. We'll check that.  
11 MR. NAVARRO: I have all of the addresses.  
12 MS. BROCKWAY: Sir.  
13 MR. SEPAHI: Fee Sepahi from the Point  
14 Briefs Garden Community. The list of 231  
15 properties that you put up there, just so I'm clear  
16 because I'm brand new to this whole conversation,  
17 they can be potentially exempt from the rate, from  
18 the rates completely?  
19 MS. DAHME: Yes. That's what this meeting  
20 is about.  
21 MS. BROCKWAY: Stormwater rates only.  
22 MS. DAHME: That's probably all you are  
23 paying now unless you have a water service on the  
24 property; right?

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1 MR. SEPAHI: Right.  
2 MS. DAHME: That list we receive working  
3 with PHS and NGT. So that's a list of gardens that  
4 we have been working with over the years. So we  
5 certainly can make that list available, or if you  
6 want to work with NGT and PHS to get that list.  
7 MR. SEPAHI: Okay. Thank you.  
8 MS. BROCKWAY: I saw another hand.  
9 MR. DUFFY: Greg Duffy, NJT.  
10 Is the Water Department currently engaging  
11 in efforts and spending money to create green areas  
12 that can accept more stormwater? So is there  
13 already an active approach to this with the Water  
14 Department?  
15 MS. DAHME: Yes. So under, if you have  
16 heard of the Green Waters Program which is a part  
17 of our Clean Water Act combined sewer overflow  
18 long-term control plan requirement to do that, we  
19 have been working beginning five years going on a  
20 25-years plan to better manage stormwater so that  
21 we can get the stormwater out of our combined sewer  
22 systems. And we take that to, we are looking at  
23 Parks and Recreation sites, school sites,  
24 publicly-owned sites, streets where we can manage

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1 that using sort of like mother nature's practices.  
2 So we will look at a Parks and Recreation  
3 facility. We will see if we can put a rain garden  
4 there or tree trenches around the pavements.  
5 So yes, our goal is certainly to be able to  
6 better manage stormwater so that we are able to  
7 extend the life of our really good infrastructure  
8 that we have in place by capturing the rain water  
9 at the source and providing other amenities to the  
10 community in addition to also better manage  
11 stormwater.  
12 MS. BROCKWAY: Is there any other  
13 questions?  
14 MS. CAHN: Amy Laura Cahn with the Public  
15 Interest Lost Center and I represent Village and  
16 North Square.  
17 To follow up on Greg's question. Do you  
18 see this universe of gardens on privately-owned  
19 property as an enhancement to that? And do you see  
20 doing an analysis of where you can put in  
21 additional stormwater infrastructure?  
22 MS. DAHME: We'd love to take a look at of  
23 that with Urban Gardens. We have to be very  
24 mindful. You are doing going things. So what we

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1 would be looking to do is take in public runoff,  
2 street runoff into a garden site. So we want to  
3 make sure that we would not impact whatever was  
4 being grown.  
5 But certainly when we looked a Southwark  
6 years ago, we did take a look at the property and  
7 saw there was a nice corner at the low point. It  
8 worked for us topography-wise, but it also worked  
9 space-wise. If we were able to get runoff there by  
10 gravity and we can create a rain garden or some  
11 other feature where we can store and allow that to  
12 infiltrate, that is ideal for us. The process may  
13 be small. A lot of the garden parcels are small,  
14 so it may not look sense. But certainly we are  
15 looking at every open space, every parcel of land  
16 that we can find to help us better manage.  
17 MS. BROCKWAY: If there aren't more  
18 questions at this time, I want to thank -- well,  
19 actually are there questions from the Board?  
20 MR. POPOWSKY: I just had one question.  
21 The estimate of the lost revenues in fiscal year  
22 2017, that assumes that the rate was in effect for  
23 the whole fiscal year, but of course it won't be.  
24 It will only be about a half a year. So I assume

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1 the actual lost revenue would be about half of  
2 that?  
3 MS. DAHME: That's correct. Yes.  
4 MS. BROCKWAY: Thank you very much, Ms.  
5 Dahme and the Department.  
6 At this point, we are going to switch over  
7 to presentations from you all. I have many, many  
8 people who said they have signed up to speak.  
9 Maybe you were just going to ask that question and  
10 you don't want to do more. I'm going to go down  
11 the list as I have them in order. And I'll state  
12 your name. And it's your opportunity to talk to  
13 the Board about your pleasure in this or not if you  
14 choose to ask.  
15 So the first name I have is Jennifer Gold.  
16 MS. GOLD: I'm here with several other  
17 people from my garden. I'm possibly going to put  
18 Janet on the hook here in a second and see if she  
19 wants to speak. She has the longest history in our  
20 park, Liberty Lands in Philly.  
21 But I just want to say I think it's like a  
22 perfect win/win of the objectives and interests of  
23 the Water Department as well as the community  
24 itself. The Water Department gets assistance from

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1 these green spaces in absorbing and capturing rain  
2 water runoff that in our low-lying riverwards  
3 neighborhood is a big issue.  
4 And we would benefit from the exemption,  
5 100 percent exemption of the fee because we are a  
6 volunteer crowd who runs around and spends a lot of  
7 our own money making green space be happy and have  
8 plants that are thriving that absorb that runoff.  
9 So we really feel strongly that the 100 percent  
10 exemption would be win/win for both sets of  
11 interests.  
12 MS. BROCKWAY: Can I ask you a question?  
13 And maybe your colleague would answer it. I want  
14 to do a hypothetical, if you will. If it were not  
15 100 percent but it was something less than that  
16 because the ordinance allows the Board to grant up  
17 to 100 percent, what would be the consequence for  
18 your outfit?  
19 MS. GOLD: Well, a lot of the extra money  
20 that we raise, fund raise goes to things for  
21 planting and the park itself, to contributing to  
22 our participation in City Harvest. So we all just  
23 have a certain amount of money and we have to  
24 spread it across however many objectives we can.

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<p style="text-align: right;">Page 22</p> <p>1 MS. BROCKWAY: Let me be more precise about 2 my question. Presumably, you would have to fill 3 out some form to pay that, whatever it was. What 4 are the administrative, if 100 percent goes 5 through, does that relieve you of certain 6 administrative duties, your outfit that you have 7 now? And would it not relieve if you had a small 8 amount? 9 MS. GOLD: It would certainly have to be 10 extra effort if we had to deal with the process if 11 there were a fee. We happen to have a neighborhood 12 association that would administratively deal with 13 the paperwork if that were required. It would be 14 more the burden. We have a pretty large park that 15 absorbs a lot of water. And potentially, it could 16 have a big impact on our financials. I don't know 17 if Janet wants to add. 18 MR. BRUNWASSER: Can I ask a question? Are 19 you currently receiving a monthly stormwater only 20 bill? 21 MS. FINEGAR: We actually have a water 22 hookup. So we are currently receiving a combined 23 bill. 24 MR. BRUNWASSER: I understand.</p>	<p style="text-align: right;">Page 24</p> <p>1 barrels in at least five of our gardens with plans 2 for more and designing more structures for other 3 gardens too. Also we have acquired and installed 4 rain barrels in other community gardens as well as 5 for individual residents. 6 The point I'm trying to make is that our 7 gardens don't just represent 86,000 of square feet 8 of thirsty vegetation of water permeable land but 9 many gallons of captured rain which will never 10 reach a stormwater treatment facility. 11 Considering the efforts we have made to 12 conserve and use rain water, Urban Tree Connection 13 has always felt that it and all community gardens 14 are natural partners for the Philadelphia Water 15 Department. For example, UTC also participates in 16 the Water Department's Soak It Up adoption program 17 having monitored and reported on three of green 18 water infrastructure sites for the last three 19 years. 20 It's also worth noting especially that with 21 the rising cost of our food, our organization and 22 I'm sure many others here are asked several times a 23 season to help outside residents create community 24 gardens in their neighborhood proliferating the</p>
<p style="text-align: right;">Page 23</p> <p>1 MS. BROCKWAY: Can you give us your name? 2 MS. FINEGAR: My name is Janet Finegar. I'm 3 on your list. To be fair, I'm at the end. So 4 let's let everybody else go. I'll go last. 5 MS. GOLD: Thank you. 6 MS. BROCKWAY: I'm going to have to write 7 you in because I don't see you here. 8 My next victim is Misako Scott. 9 MS. SCOTT: That's me. Hi. I am the 10 Office Manager for Urban Tree Connection. And I 11 have one page here. Urban Tree Connection manages 12 ten garden sites in a five square block area of 13 Haddington. Those sites are comprised of 29 14 parcels which total 86,000 square feet of land. We 15 are gardens. Waters are our life blood and it 16 takes a lot of it to keep these gardens thriving. 17 As a small nonprofit which needs to 18 conserve its resources, water represents a 19 significance expense to us both in terms of 20 irrigation and stormwater fees. This is strongly 21 motivated as to harvest and pour in which rainwater 22 as we can in rain barrels and a water catchment 23 system we created for our farm which gathers rain 24 runoff from seven homes. We currently have rain</p>	<p style="text-align: right;">Page 25</p> <p>1 number of permeable spaces and water collection 2 efforts. We are some of the ground troops that 3 advanced that cause. 4 Giving community gardens 100 percent 5 discounted rate on stormwater fees will free up 6 badly-needed resources to be used for 7 infrastructures, seeds and soil amendments, 8 education and food distribution. And when you 9 think about it, overall community revitalization. 10 The forgiveness of past fees is hugely 11 important to UTC. Our stormwater bills have in the 12 past been sent to open spaces we own and manage 13 where there are no mail slots. And we never 14 actually receive them until they are way past due 15 and have accrued fees that are quite prohibitive. 16 Gardens collect groups of people, a 17 collection of people who work together create 18 social cohesion, and social cohesion makes 19 communities safer and evolves into citizens 20 planning for its future development. 21 This is the road to community 22 revitalization. Imagine that in a low income 23 neighborhood. When the City does what it can to 24 enable the creation of a garden, it gets so much</p>

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1 more in return.  
2 UTC thinks this ordinance is an  
3 extraordinary act of goodwill on the part of the  
4 Philadelphia Water Department and City Council and  
5 we thank you along with Councilwoman Maria  
6 Quinones-Sanchez for sponsoring it and Amy  
7 Laura-Khan for guiding it through its process and  
8 our fellow community garden organizations for  
9 representing here today to show their support.  
10 MS. BROCKWAY: Thank you very much.  
11 The next person is Veronica Wright.  
12 MR. JOBIN: She had to leave.  
13 MS. BROCKWAY: Bob Jobin.  
14 MR. JOBIN: Good evening, members of the  
15 Water Rate Board. My name is Bob Jobin. I'm a  
16 gardener at the Bouvier Community Garden in the  
17 Point Breeze section of South Philadelphia. Thank  
18 you for the opportunity to speak and for holding  
19 this hearing tonight.  
20 As a volunteer in our community garden, I  
21 see firsthand what an asset the garden is to our  
22 neighborhood at the 1300 block of South Bouvier  
23 Street and the intersection of 20th and Tasker.  
24 While much of the equity in our garden is our time

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1 and our labor, we do have a few fixed costs. And  
2 stormwater fees are one of these costs. And they  
3 impact the real investments we can make in our  
4 space.  
5 At the current rate, as much as 35 percent  
6 of our annual member dues are put towards  
7 stormwater management. The property is two blocks  
8 in South Philly at Bouvier and another two  
9 and-a-half, three lots of the park were formerly  
10 infill of row houses. And through tilling the  
11 soil, adding 22 raised vegetable beds and laying  
12 out community herb plots in the back, we have  
13 created a garden receptive and appreciative of any  
14 rain water we receive.  
15 As a community-managed and publicly enjoyed  
16 green space, we've taken land that by some  
17 estimates may have been fairly impermeable and  
18 turned it into a useful garden capable of providing  
19 possible stormwater management services.  
20 Lastly, I'd like to briefly comment on  
21 gardens as a social space where neighbors can meet  
22 fellow neighbors and where we can build connections  
23 to strengthen our community. By growing fresh and  
24 healthy food and creating a green hub in the dense

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1 grid of South Philadelphia, we are providing a  
2 vision for the future of our blocks.  
3 I support the action, the full exemption of  
4 stormwater fees that leads towards the long-term  
5 viability of these garden spaces throughout the  
6 City and know the opportunity to reinvest our  
7 member dues in the garden will have a lasting  
8 impact on our projects. Thank you.  
9 MS. BROCKWAY: Tom Hardenbergh? Am I  
10 saying that right?  
11 MR. HARDENBERGH: Hardenbergh. I only was  
12 told about this meeting by my leadership last night  
13 and had moved a few things around so that I could  
14 be here to represent Southwark Queen Village  
15 Community Garden. However, I have been dealing  
16 with water issues at that garden on a very intimate  
17 basis for at least the last seven years. I have  
18 been a member of that garden for the last 20  
19 years. Ours is one of the oldest and probably  
20 considered a model garden. We have solar  
21 electricity which we produce and put back into the  
22 grid. We have a composting toilet. We are very  
23 active and share in the City Harvest Program and  
24 every year we donate well over 1000 pounds of fresh

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1 produce to people who are less fortunate than  
2 ourselves.  
3 Queen Village is an area that when the  
4 garden was formed in 1976, was just the beginning  
5 of the gentrification process. Today we are  
6 considered one of the richer gardens in the City.  
7 It doesn't make us any less needy of relief from  
8 these onerous charges. Right now we have an  
9 outstanding bill of over \$4000 alone in stormwater  
10 runoff charges. I have had numerous meetings with  
11 people at the Water Revenue Department as well as  
12 the Philadelphia Water Department. And as most of  
13 you know, those are two separate entities divided  
14 by City ordinance so that Peter doesn't know what  
15 Paul is doing.  
16 We have had questions back and forth and  
17 have been told things were going to happen. And  
18 finally, five years later, we are having the public  
19 hearing about this. I think that's wonderful. I  
20 commend all of you for being interested enough in  
21 our little lives to take some action on the things  
22 that we need.  
23 As some of these other people have said, we  
24 need our money for seeds, for programs. We have a

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<p style="text-align: right;">Page 30</p> <p>1 number of educational programs at our garden. We 2 reach out to other people in the neighborhood. We 3 help other people begin their own gardens plus we 4 have to maintain our own. We have a lot of things, 5 we have a beautiful garden. I invite any of you to 6 come over. I'll give you a tour. I invite anybody 7 here that if you have never been to the Southwark 8 Community Garden, it's quite a beautiful place. 9 I believe that 100 percent exemption for 10 someone for a place that grows food, that uses 11 water, we shouldn't have to be paying -- there is 12 nothing running off. We are collecting water from 13 our green roof and using that as irrigation in our 14 system. 15 We community gardeners have a great 16 opportunity to take what we learn and take it out 17 to the community. And that's where your people 18 should be getting money and helping us do that 19 rather than us giving you money for something that 20 we are doing anyhow. Thank you for your time. 21 MS. BROCKWAY: Thank you. 22 Sharon Hildebrand. 23 MS. HILDEBRAND: Hi. I'm from Brewerytown 24 Garden in North Philadelphia. We are one of the</p>	<p style="text-align: right;">Page 32</p> <p>1 food desert for many years and just recently got in 2 the grocery store. So the vegetables we provide to 3 our neighbors have become a very important part of 4 our mission and our purpose in the neighborhood. 5 Thank you. 6 MS. BROCKWAY: Thank you. 7 Rob Ballenger. 8 MR. BALLENGER: Thank you, Madam Hearing 9 Officer. 10 My name is Robert Ballenger. I'm an 11 attorney at Community Legal Services. 12 I'd like to start off by saying thank you 13 to all of the work you all do to make, to cultivate 14 abandoned land to make our City a more beautiful 15 place. 16 On a side note, I'm sure there are many 17 people in here who can help me figure out how to 18 keep the squirrels out of my tomatoes. So I have a 19 separate sign-up sheet for that in the back. 20 I have, I actually have a prepared written 21 statement. I won't take much of your time, but I'd 22 like to just deliver that to the Board and ask that 23 it be placed on the record. 24 I have had the privilege to serve as a</p>
<p style="text-align: right;">Page 31</p> <p>1 first gardens in Philadelphia Parks and Rec's Urban 2 Farm Program. We don't pay a stormwater fee. It 3 goes directly to Philadelphia Parks and 4 Recreation. So for me, personally in our garden, 5 there is not a big impact. 6 However, I just want to speak on behalf of 7 gardens and say that as part of our mission 8 statement, environmentally sustainable practices 9 are a very important value. And so we will 10 continue to do all that we can including using 11 water from our rain barrels. 12 We are very excited that as part of 13 athletic square, we'll be getting planters on one 14 side of our garden through the Green City Clean 15 Waters program. And we'll continue to do anything 16 else we can to improve stormwater runoff in the 17 future. 18 We have got basically about a half an acre, 19 and probably 80 percent of that is green space. So 20 I do know if we had to pay fees, it would impact 21 our community. We grow also with City Harvest and 22 we keep, many City Harvest gardens are donating the 23 produce into a larger program. We are allowed to 24 keep the vegetables in our neighborhood. We were a</p>	<p style="text-align: right;">Page 33</p> <p>1 public advocate representing approximately a half 2 million residential customers in the last two rate 3 proceedings to try make sure the customers who fund 4 the programs of the Water Department receive just 5 and reasonable rates. 6 And I'm here today in part to protest that 7 two members of the Board voted not to have a public 8 advocate in the proceeding. So there is no 9 designated representative in this proceeding for 10 the half million residential customers who could 11 benefit from the type of work we do and who 12 ultimately may have to pay a little bit more to 13 provide the exemption that you have come here to 14 support. I don't have a position on the merits of 15 that. 16 But what I have also done and prepared in 17 my testimony are a list of questions, the kinds of 18 things that I think the Board really needs to look 19 at to try to make sure there is an adequate record 20 to support the exemption that you have sought or to 21 support the determination that is at hand. 22 It's the first time in 25 years that a rate 23 proceeding has occurred in the City of Philadelphia 24 without a designated representative. What we</p>

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1 typically do is bring in our experience and experts  
2 in the field of utility regulations to represent  
3 the citizens of Philadelphia. And we won't be  
4 doing that in this case.  
5 MS. BROCKWAY: Thank you.  
6 All of the written material that we receive  
7 is posted to the Board's website which is under the  
8 Department's website. So this, you will all get a  
9 chance to read the full statement.  
10 Thank you, Mr. Ballenger.  
11 I cannot read the next name. Somebody from  
12 1523 North 13th Street.  
13 (No Response.)  
14 MS. BROCKWAY: Okay. We'll pass.  
15 The next one is Russ Troyar. Actually, I  
16 apologize. That person did not want to speak  
17 anyway. Russ Troyar.  
18 MR. TROYAR: Thank you. I'm with the Spring  
19 Gardens. I have, there should be four copies for  
20 your folks. And something that didn't get included  
21 is the satellite shot of our garden.  
22 So the Spring Gardens, I'm an original  
23 gardener. We started in 1995. We squatted on the  
24 land an entire city block in the Spring Garden

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1 neighborhood almost immediately after the last few  
2 abandon houses were bulldozed. And finally, this  
3 year, we achieved permanence by being incorporated  
4 into the Parks and Recreation inventory.  
5 So up until then, everybody was kind of  
6 worried that we'd have to be out standing in front  
7 of the bulldozers any day because it is quite a  
8 valuable piece of land and has a magnificent view  
9 of City Center and it's turned into a hub of our  
10 community.  
11 We are organized as a 501-C3, 100 percent  
12 volunteer. We have a 15 member steering committee,  
13 but we really govern from the bottom. We promote  
14 kind of a participatory inclusive governance of the  
15 garden.  
16 There is four things I want to touch on  
17 which other people also are talking about and were  
18 in the Water Department presentation. So consider  
19 this emphasis. Education, City Harvest, our role  
20 as a community hub and then environment  
21 stewardship.  
22 So the garden is very much an open  
23 classroom. The Waring School which is the K  
24 through 8 a block away has garden space and they

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1 use it for instructional purposes. Mi Casita which  
2 is Philadelphia's first Spanish immersion pre-k  
3 uses it extensively. Roberto Clemente playground  
4 uses it for instructional, environmental  
5 instruction for their camp and after-school  
6 programs. And Ben Franklin High School, Masterman  
7 School and Community College all use it for various  
8 forms of instruction.  
9 I'm sure you are all aware of City  
10 Harvest. That's a really big deal to us. And it  
11 actually entered the DNA of our garden. We produce  
12 about 1500 pounds of food a year. And that food  
13 goes to St. Paul's which is a food cupboard which  
14 is down the street on Wallace Street, St. John's  
15 shelter and 300 ministries.  
16 What we learned over time, it originally  
17 all went to St. Paul's. And we realized that it  
18 wasn't all getting utilized. So we looked around  
19 for ways to make sure that what we grew was  
20 actually going for its intended purpose.  
21 We really like giving to St. John's and 300  
22 because they have kitchens. They turn the stuff  
23 into great meals. And the kitchen staff there  
24 knows how to deal with everything we bring them.

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1 They are happy to see the Lebanese zucchini in the  
2 middle of the season, the five-pound sweet  
3 potatoes. It doesn't matter. They know how to  
4 deal with it.  
5 Now, a bit about as a hub of our  
6 community. This is also a very big deal to us. We  
7 have had all sorts of people move to Spring  
8 Gardens, the Spring Garden neighborhood because of  
9 the garden. We have had people move within the  
10 neighborhood to stay associated with the garden.  
11 They were looking for a bigger house or to be a  
12 first-time homeowner.  
13 We have parties for the gardeners, whole  
14 neighborhood parties, pumpkin painting, Easter egg  
15 hunts. This year for the first time we were, a  
16 group came to us and wanted to put on a play. So  
17 we had Mid Summers Night Dream in our cherry  
18 orchard. Weddings, corporate outings. You get the  
19 idea. It is, this is, this was our vision when we  
20 started it. And after 20 years, it's now really  
21 rooted in the community and a hub.  
22 MS. BROCKWAY: Could you clarify for the  
23 Board the significance of being a Parks and Recs?  
24 We have had some statements about it. One of them

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1 was that you are not subject to the stormwater fee.  
2 And the other one was, you have some relations with  
3 Parks and Recs which might include some  
4 compensation for that. Clear all of that up.  
5 MR. TROYAR: I actually have no idea about  
6 that. My interest in being in Parks and Recs means  
7 that we have permanence. We had been owned by a  
8 whole handful, various pieces of the property. We  
9 were owned in different inventories, city  
10 agencies. And the fear was that a developer that  
11 was salivating about this piece of land could twist  
12 some arms and we would wake up to bulldozers in our  
13 garden.  
14 MS. BROCKWAY: What would be the impact of  
15 this change for your organization?  
16 MR. TROYAR: Well, basically our certain  
17 income is just our dues. We are reliant on  
18 fundraising for anything extra. And right now, we  
19 are not, we don't have a permanent hookup to the  
20 City water. So we haven't been paying. We want to  
21 get a hookup. That's in our future plan. So we  
22 are interested, we are interested in --  
23 philosophically, I don't think City parks, City  
24 gardens should be paying a water bill.

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1 MS. BROCKWAY: You are not now; are you?  
2 MR. TROYAR: We are not now.  
3 MS. BROCKWAY: You are not paying the  
4 stormwater bill?  
5 MR. TROYAR: We are not paying the  
6 stormwater bill and we don't want to. The last  
7 thing we need is a head wind. We are a volunteer  
8 organization and we have a tiny budget. And we do  
9 a lot with it. Plus just on, we are 100 percent  
10 permeable. The entire garden is permeable and I  
11 can't imagine there is any runoff from it.  
12 MS. BROCKWAY: I'm struggling to figure out  
13 how what the department has proposed would affect  
14 you all.  
15 MR. TROYAR: That would be great.  
16 MS. BROCKWAY: Somebody said Parks and  
17 Recreation don't pay this anyway.  
18 MR. TROYAR: I didn't think that was a  
19 certainty.  
20 MS. DAHME: No. Most Parks and Rec  
21 properties do pay. They are paying through the  
22 general fund. So the partners may not see that.  
23 MS. BROCKWAY: I apologize. Did you have  
24 more you wanted to say?

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1 MR. TROYAR: No, that was it. We are  
2 obviously, we are urban gardeners so we are  
3 environmentally very conscious. And I think we are  
4 100 percent permeable and plan to stay that way.  
5 Paying a storm runoff fee, if that turns out to be  
6 in our future, makes no philosophical sense to us  
7 at all.  
8 MS. BROCKWAY: I'm going to keep on going  
9 down the list. If you aren't called, hold your  
10 thought and we'll come back to you.  
11 Jenny Greenberg.  
12 MS. GREENBERG: Yes. Hi. Good evening.  
13 My name is Jenny Greenberg. I serve as the  
14 Executive Director of the Neighborhood Gardens  
15 Trust. Thank you for the opportunity to speak  
16 today in support of the proposed change in  
17 stormwater rates for community gardens which would  
18 establish a special discounted stormwater charge in  
19 an amount up to and including 100 percent for  
20 approved community gardens.  
21 As you are all well aware, the Philadelphia  
22 Water Department has recommended proposed changes  
23 in the stormwater fees amounting to 100 percent  
24 discount or exemption from stormwater management

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1 service charges for community garden parcels. This  
2 100 percent discount is critical to the ongoing  
3 support and preservation of community gardens  
4 throughout the City of Philadelphia. NGT strongly  
5 supports PWD's proposal.  
6 By way of background, Neighborhood Gardens  
7 Trust is a nonprofit trust that acquires and  
8 preserves community gardens in order to enhance  
9 quality of life in Philadelphia's neighborhoods.  
10 We hold title or long-term leases today for 36  
11 community gardens and shared open spaces. And it's  
12 our organizational goal to bring that up to 55  
13 protected gardens by 2019.  
14 There are upwards of 500 community gardens  
15 across the City, many of which have transformed  
16 vacant trash-filled lots into beautiful and  
17 productive spaces. These gardens serve as  
18 community anchors providing safe green spaces for  
19 residents to come together. Community gardens  
20 provide many important benefits including access to  
21 healthy affordable food, positive impacts on  
22 physical and mental health and crime reduction.  
23 And particularly relevant to the discussion this  
24 evening, community gardens are a rich source of

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<p style="text-align: right;">Page 42</p> <p>1 pervious soils which manage stormwater. 2 Recognizing the many benefits of community 3 gardens, NGT and various other stakeholders 4 together with the support of City Council and Mayor 5 Kenney worked to sign in to law Bill Number 160523 6 which provides for an exemption from stormwater 7 changes. NGT has joined as a participant in this 8 special rate proceeding and appears at tonight's 9 hearing to ensure the full benefit of that bill are 10 provided to community gardens. NGT and other 11 community gardens owners and various gardeners will 12 be particularly burdened by anything less than 100 13 percent discount or exemption from stormwater 14 charges. 15 The Water Department analysis has already 16 concluded that the 100 percent discount or 17 exemption would not increase, would not result in 18 an increase in existing rates and charges. This is 19 consistent with the fact that PWD has for the past 20 several years advised NGT and other community 21 gardens landholders to place existing stormwater 22 charges in dispute rather than paying them in 23 anticipation of a fee exemption. 24 Accordingly, even if these stormwater</p>	<p style="text-align: right;">Page 44</p> <p>1 that community gardens brings to our City and to 2 enabling NGT and our partners to continue to 3 support these important growing spaces. Thank 4 you. 5 MS. BROCKWAY: Thank you. 6 I have a question for the Department. I'm 7 not sure who is the best to answer this. But it 8 came up because Ms. Greenberg mentioned the upwards 9 of 500 community gardens and Mr. Ballenger in his 10 statement asked us if we could sort out why the 11 PWD's figure is only 286, why there is such a big 12 difference between what folks are saying in these 13 hearings and to what parcels the exemption would 14 apply. 15 MS. DAHME: Our garden information comes 16 from NGT and PHS. 17 MS. CAHN: I'm actually the holder in 18 cooperation with the Neighborhood Garden's Trust. 19 So Amy Laura-Cahn, Public Interest City. And I am 20 part of a collaborative that has been doing data 21 collection on gardens since 2012. And we work with 22 the Neighborhood Gardens Trust, the Pennsylvania 23 Horticultural Society as well as University 24 Partners at Haverford and Villanova on a garden</p>
<p style="text-align: right;">Page 43</p> <p>1 charges were not a diminimous amount in comparison 2 to the overall PWD budget, these charges should 3 already be reflected in existing rates since the 4 existing rates contemplate unrecovered or 5 unrecoverable. 6 Moreover, the existence and continued 7 preservation of community gardens serves a net 8 benefit to PWD and its efforts to reduce 9 operational maintenance and repair costs with 10 respect to stormwater runoff and stormwater 11 management. Studies have shown that community 12 gardens decrease the amount of pollutants and 13 runoff entering the water ways and relieves the 14 strain on stormwater infrastructure. 15 The majority of gardeners which NGT serves 16 live in low and moderate income neighborhoods and 17 cannot afford to shoulder these fees, nor can NGT 18 take on these costs. This is a critical threat for 19 the future viability of our organization and 20 community gardens across the City. 21 In light of the foregoing, I encourage you 22 to support PWD's recommendation of 100 percent 23 discount or exemption in stormwater charges. This 24 action is vital to recognizing the many benefits</p>	<p style="text-align: right;">Page 45</p> <p>1 data collection project. 2 Our estimate is that there are about 500 3 gardens, possibly more, on around 600 parcels. 4 That doesn't mean -- and I haven't done extensive 5 analysis with respect to this exemption. But I 6 would kind of get at the discrepancy by saying that 7 that doesn't mean that 500 gardens are eligible for 8 the exemption and there are a couple of buckets of 9 gardens that wouldn't fit into the criteria that 10 the Water Department has described. 11 So for example, Guild House West is a 12 senior home facility that has a garden on its 13 property. By definition, because it's an accessory 14 used on the same property as a building, that 15 garden would not be eligible for the exemption. So 16 a garden on church land, a garden on school land, a 17 garden on a rec center probably wouldn't be 18 eligible for the exemption. 19 So there is a set of gardens in that 20 category. There is also a set of gardens that will 21 probably end up being, we hope being eligible. But 22 at the moment, they are off the radar because they 23 are operating basically extra-legally. It's with 24 the exceptions of the City of Philadelphia, that</p>

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<p style="text-align: right;">Page 46</p> <p>1 gardens have operated on public land without 2 agreements and on privately-owned tax delinquent 3 land without agreements for decades. 4 The City of Philadelphia, specifically the 5 Department of Licensing and Inspections worked with 6 Pennsylvania Horticultural Society to start gardens 7 on privately-owned tax delinquent property on 8 abandon lots in the past. Those are gardens that 9 have not been eligible for a water because there is 10 no owner in the picture. 11 So what we are working towards is having an 12 owner in the picture and preserving those spaces 13 and then they become eligible for the exemption. 14 But there is a whole set of gardens that just 15 aren't in this moment. In addition to those would 16 be the gardens that are on vacant property, 17 "vacant", they are not vacant. But that are on 18 city-owned vacant property that is owned by four 19 different city agencies. PRA, PHDC, Department of 20 Public Property and the Philadelphia Land Bank. 21 So our estimation of the number of gardens 22 is larger than PWD's. But PWD, from what I 23 understand, has an accurate count of who would be 24 eligible in the moment for the exemption because</p>	<p style="text-align: right;">Page 48</p> <p>1 bill. So they would be -- 2 MS. BROCKWAY: 3 MS. DAHME: -- get the services. 4 MS. BROCKWAY: For my purposes, you all 5 have answered the question. Because I get an idea 6 of it. The other thing so I want to make sure the 7 court reporter knows that Mr. Hardenbergh speaking 8 and Joanne Dahme and Amy -- 9 MS. CAHN: Laura-Cahn. 10 MS. BROCKWAY: -- who is speaking. And you 11 know Joanne Dahme and Amy Laura. 12 Thank you. I want to push on. We have the 13 room until 8:00. With all the people who want to 14 speak, we are going to have to push to get 15 through. 16 Mr. Navarro. 17 MR. NAVARRO: I checked I wasn't going to 18 testify because a member of our group already 19 spoke. 20 MS. BROCKWAY: I better read that column. 21 Mr. Duffy. 22 MR. DUFFY: Thank you. Gregory Duffy. 23 I'm on the board of Neighborhood Gardens 24 Trust and also a real estate attorney. I'd like</p>
<p style="text-align: right;">Page 47</p> <p>1 those are the properties that actually have a water 2 account or are receiving stormwater bills. 3 MS. BROCKWAY: Thank you very much. 4 MR. HARDENBERGH: I think in conjunction 5 with that, and I'm not sure, Amy. But for meetings 6 that I have had with people at the Water 7 Department. If you have a water service with the 8 City, then you are considered part of the program. 9 And so if there may be 500 gardens but only 240 of 10 them are on the service which means they are being 11 billed but that means there is another 200 gardens 12 out there that are using water in one way or the 13 other. 14 MS. DAHME: I think only about 50, between 15 40 and 50 that have water services installed over 16 the years. The other gardens Amy is talking about 17 are getting stormwater fees are, they are on 18 city-owned property that are not. So there is a 19 large, there is variety of different types of 20 gardens out there. 21 MS. CAHN: There are a universe of spaces 22 that aren't getting the water bills, but they are 23 saying, for example, getting the permit to use the 24 hydrant. But they still get the stormwater fee</p>	<p style="text-align: right;">Page 49</p> <p>1 just to touch on the effect of the stormwater 2 charges and the administrative and substantive 3 burden that anything less than 100 percent discount 4 would entail. 5 By way of reference, I recall when City 6 Council enacted a piece of legislation which ended 7 the process by which nonprofits retain their real 8 estate tax exemption. As a practicing real estate 9 attorney, I fought to oppose that legislation 10 during City of Philadelphia hearings a slew of 11 nonprofits from across the City that came forward 12 to note that the process would create 13 administrative and financial burden on their 14 activities and result in a net loss of benefits 15 throughout the City. The City heard those 16 objections and responded by rescinding the new 17 process that they had created. 18 In this current proceeding, I hear echoes 19 of that same struggle. We have heard of all of the 20 benefits that community gardens provide whether by 21 reason of reclamation of blighted areas, donated 22 foods to low income individuals, soil remediation, 23 school programs, the list goes on and on. Each 24 program and benefit is a result of extremely hard</p>

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1 work using extremely limited resources.  
2 Given the benefits that community gardens  
3 provides the community and the City stormwater  
4 infrastructure itself and a net, the net savings  
5 that the Water Department achieves by reason  
6 thereof, these gardeners should not be burdened by  
7 this stormwater charge. Whether it's 5 percent  
8 charge or 95 percent charge or 100 percent charge,  
9 it should be a 0 percent charge because the mere  
10 act of having to deal with this each year creates  
11 the administrative burden and takes away the time  
12 and money that could be spent actually benefiting  
13 this City. Thank you.  
14 MS. BROCKWAY: Thank you very much.  
15 Fee Sepahi.  
16 MR. SEPAHI: My name is Fee Sepahi. I'm  
17 from the community gardens at Ralph Brooks Parks in  
18 Point Breeze which if you are not aware, is between  
19 19th and 20th, Dickerson and Tasker.  
20 Like Carson Wentz, I'm a rookie on the  
21 field here. So not only am I a rookie on the field  
22 of gardening as well as our garden itself is only  
23 about a year and-a-half, two years old at this  
24 stage. But in this short time, we have actually

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1 managed to do a lot of things to manage the  
2 stormwater runoff including about 200 gallons of  
3 water storage on our property as well as a rain  
4 garden put in across the street from us behind the  
5 basketball court so generously put up there.  
6 The nominal fees that we charge per bed for  
7 each of our community gardeners is not enough to  
8 even sustain any type of fee. Even though we have  
9 a water hookup, we have not paid for it yet because  
10 it's managed by someone else. We have been  
11 gracious to have people like Urban Roots as well as  
12 Neighborhood Garden Trust and others to come to our  
13 aid to get this garden up and running.  
14 So I would urge the loss that you showed on  
15 this paperwork to be taken out of all of the  
16 gentrified units going up in our neighborhood that  
17 certainly will be benefiting from a lot of water  
18 usage in their area.  
19 And lastly, it's just a garden that's  
20 really helping the neighborhood. Kids come  
21 through. Everybody, we had a bike ride come  
22 through and all wowed about what a great community  
23 gardens this thing is and the very young, youthful  
24 spot that it is.

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1 So my request is that we be part of that  
2 exemption list and that you not burden us with  
3 another added expense that we as a community are  
4 just trying to start up really. Thank you so  
5 much.  
6 MS. BROCKWAY: Thank you.  
7 Next I have Linda Zaimis.  
8 MS. ZAIMIS: No check mark.  
9 MS. BROCKWAY: I did it again.  
10 Ms. Cahn, do you wish to speak again?  
11 MS. CAHN: I was actually going to defer my  
12 time to Aviva Kapust from the Village of Arts and  
13 Humanities.  
14 MR. BROCKWAY: Can you spell that?  
15 MS. KAPUST: A-V-I-V-A K-A-P-U-S-T.  
16 MS. BROCKWAY: Thank you very much.  
17 MS. KAPUST: So thanks for having me, first  
18 of all. And I want to say that I don't think that  
19 I could add anything to everybody's description of  
20 the social and environmental and community  
21 revitalization impact of Urban Gardens. And I will  
22 talk about the Village. I would just like to talk  
23 about accountability, stewardship and precedent.  
24 So the Village has been in existence for 30

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1 years. And when it was started, a woman named  
2 Millie worked with, for and as a neighbor to the  
3 community to take the burden of having blighted  
4 properties off the hands of the City and off the  
5 eyes and the overall health and trauma of the  
6 neighborhood.  
7 So Joanne, you talked earlier about how the  
8 City took over many parks or many open spaces. And  
9 because they did that and they took the burden off  
10 of the community, they are exempt from having to  
11 pay the stormwater fees.  
12 So I think that that same courtesy should  
13 be given to the many, many groups in this room and  
14 to the Village who we now steward over 50 parcels  
15 that we own and many, many that even after 30 years  
16 we are still working out some of the ownership  
17 which gets us near 100 some of which is for the  
18 City that we take care of and that are beautiful  
19 parks and gardens that engage the community.  
20 The other thing is 100 percent versus a  
21 portion of that. And I think it's fortunate to  
22 look at the fact we are not going to be any less  
23 than 100 percent accountable for these spaces at  
24 any point. If you choose to make it 80 percent,

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1 I'm not going to be 80 percent less liable when  
2 somebody comes and falls or my property and trips  
3 on a needle and hurts themselves and/or any of the  
4 things that happen that we have 100 percent  
5 liability insurance for.

6 So I think that it's kind of a sort of a  
7 ridiculous thing to think about of whether it's 100  
8 or 80 or 90. And I think as a citizen of  
9 Philadelphia and somebody who does pay taxes, I  
10 think that we are all 100 percent responsible for  
11 100 percent of the City and humidity. And these  
12 areas that we all work in that we are recovering  
13 these spaces making them educational, useful,  
14 healthy and productive, that benefits everybody in  
15 the City whether people feel it or understand it or  
16 not, whether they visit these places or not. So  
17 that's a little on the 100 versus less than that.

18 And in terms of the burden. I didn't  
19 prepare something tonight because I, like many of  
20 these people, are really busy doing the work of our  
21 organizations. But I did glance across my office  
22 at a book shelf where the bottom three shelves are  
23 full of blue envelopes. So many of those actually  
24 have been categorized or in binders. A lot of them

1 MS. CAHN: And the estimate, this is Amy  
2 Laura again. For both North Square and the  
3 Village, we can get you the specific data about the  
4 financial impact. We have done the analysis. We  
5 failed to bring that with us today. We have done  
6 the analysis for NGT as well.

7 My understanding it's somewhere between one  
8 and three percent of the North Square budget and  
9 the Village's general operating. And I think it's  
10 upward of ten percent.

11 MS. KAPUST: Actually, I want to redo that  
12 with you guys because I don't think that it's  
13 accurate. And I'll ask Justin as well to put that  
14 against our overall operating budget. Because I  
15 can't take money for community economic development  
16 and spend it on stormwater bills.

17 MS. BROCKWAY: Our last public hearing is  
18 probably going to be in mid November. And up until  
19 then, please if you want to file any information in  
20 writing, you can do that. You can also e-mail us,  
21 look on the website and anything that is filed with  
22 us, unless you are explicit you don't want it to be  
23 posted on the web as public information.

24 I have only one more, Julianne Ortega.

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1 have been digitized as well. And when you are  
2 talking about the kinds of the number of properties  
3 that over time the Village has acquired and taken  
4 care of and restored, the administrative cost is  
5 astronomical.

6 The Village has been two people. It's been  
7 twenty people over all of these year. And I feel  
8 it is my responsibility now as the fourth executive  
9 director of the Village to make sure that nobody  
10 that comes after me has to deal with things like  
11 this. So that they can actually do the work of the  
12 organization to raise money and design programs  
13 that serve the community. And any fracture of this  
14 amount of money, it's not against our entire  
15 budget. We fundraise for programs. We fundraise  
16 for funds that only can be used for that.

17 So when you look at how we are going to  
18 actually pay for this, this is a percentage of our  
19 general operating, our unrestricted funds which as  
20 everybody knows here are incredibly hard to come  
21 by. And it would be a new fundraising effort to  
22 actually pay going forward and back for the  
23 stormwater management fees.

24 I hope that covers everything.

1 MS. ORTEGA: Hi, everyone. Thank you so  
2 much for joining us tonight. I'm Julianne Ortega.  
3 I'm Chief of Programs at the Pennsylvania  
4 Horticulture Society. It's great to see all of the  
5 gardeners out tonight. Thanks to the member of the  
6 Water Rate Board for having us all too.

7 So we at PHS are really pleased to be  
8 hosting tonight's hearing because of our deep and  
9 longstanding commitment to gardening in  
10 Philadelphia. Since a 1827, we have sought to  
11 improve Philadelphia through our commission of  
12 connecting people to horticulture and together  
13 creating beautiful, healthy and sustainable  
14 communities.

15 Our City Harvest program, thanks to all of  
16 you, currently partners with 150 gardening and  
17 growing sites across the City that commit to  
18 sharing their harvests with neighbors who need it.  
19 In this way, gardens really are key in helping to  
20 reduce food insecurity and contribute to healthy  
21 and sustainable diets for thousands of  
22 Philadelphians.

23 Gardens also provide lots of other benefits  
24 that everybody has spoken about tonight. Provide

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1 opportunities for exercise and physical activity  
2 for gardeners. They are green oases amidst the  
3 City's concrete. They raise the value of their  
4 surrounding properties. And most notably, they  
5 help control stormwater runoff by reserving  
6 pervious land and acting as bull work against  
7 additional and pervious development throughout the  
8 City.  
9 In many neighborhoods that have undergone  
10 significant new development, like our friends at  
11 Liberty Lands, community gardens are among the few  
12 remaining significant impervious surfaces. And we  
13 are working at PHS, we are working with  
14 Philadelphia Water to explore better ways to  
15 actively manage stormwater on some of the more than  
16 16 million square feet of vacant land managed by  
17 our Land Care program.  
18 So any stormwater fee would pose a  
19 significant burden on these crucial neighborhood  
20 anchors. For years, we at PHS have at the  
21 recommendation of Philadelphia Water, instructed  
22 gardeners to contest their stormwater fees. The  
23 addition of any new fees would represent new costs  
24 for gardeners and would, in turn, threaten the

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1 existence of many of the gardens.  
2 Among the 150 City Harvest gardens, nearly  
3 60 percent fall in the low to moderate income  
4 neighborhoods. These gardeners simply don't have  
5 the ability to pay additional fees in order to  
6 garden.  
7 For all of these reasons, we at PHS request  
8 the Water Rate Board approve 100 percent exemption  
9 for community gardens as was intended by the bill  
10 Number 160523 passed by City Council and signed by  
11 Mayor Kenny in June.  
12 We are proud to support and advocate for  
13 community gardens across the City and full  
14 exemption from these stormwater fees is necessary  
15 for so many gardens' survival. So thank you all  
16 and thanks everybody for coming out tonight.  
17 MR. POPOWSKY: There are other folks that  
18 signed up.  
19 MS. BROCKWAY: If there is anyone else who  
20 wants to speak.  
21 MS. FINEGAR: I do. It's Janet, J-A-N-E-T,  
22 Finegar F-I-N-E-G-A-R. And I'm representing  
23 tonight Liberty Lands in Northern Liberties  
24 Oriental Hill Park in Northern Liberties, Green

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1 Acres in Northern Liberties and Emerald Park in  
2 interesting East Kensington.  
3 These are all organizations that I'm a  
4 major part of because as many other people have  
5 said, gardens breed gardens. And parks like  
6 Liberty Lands have bread other gardens and made  
7 other gardens official.  
8 And I want to start by saying that I'm  
9 probably the biggest supporter of the Philadelphia  
10 Water Department who doesn't work for the Water  
11 Department. And that I specifically want to say  
12 that I think the stormwater fees imposed on the  
13 City of Philadelphia are forward looking excellent  
14 practice, that it's exactly what we needed to have  
15 impervious surfaces charged for putting their  
16 stormwater into our combined sewers. I'm a fan of  
17 combined sewers too. Most people aren't.  
18 But for them to work together, we need  
19 stormwater management and we need pervious surfaces  
20 where stormwater can go. And parks and community  
21 gardens like the ones represented here tonight are  
22 integral to making the system we have and the  
23 infrastructure we have and the stormwater fee  
24 system work.

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1 So not only are our parks and community  
2 gardens on 100 percent pervious surfaces so we are  
3 not putting any stormwater into the system, we are  
4 also water neutral surfaces. We don't have sinks.  
5 We don't have toilets. We don't have washing  
6 machines. We are not putting any water into the  
7 combined sewer system. And in many cases such as  
8 Liberty Lands which is lucky to have a rain garden  
9 through the Green City Clean Waters, we are  
10 actually taking water off 3rd Street. We are  
11 taking water that is headed for the stormwater  
12 system into our rain garden so it's held back from  
13 the sewer system.  
14 These are the kind of projects you are  
15 hearing community gardens are doing on their own  
16 when they have to. They are doing through the  
17 Water Department and PHS when they can and they are  
18 demonstrating systems that show to anyone else who  
19 is developing what they should be doing so that  
20 their development is also taking some stormwater  
21 out and not just dumping it all into our systems.  
22 Liberty Lands and the other community  
23 gardens in Northern Liberties have the dubious  
24 honor of having sparked massive gentrification in

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<p style="text-align: right;">Page 62</p> <p>1 our neighborhood. There has been tremendous 2 development in the last 15 years since most of 3 these places were developed. And most of those 4 developments are counting for their open space 5 requirement, things like roof decks, things like 6 parking areas which count towards zoning as open 7 space but do nothing towards stormwater. So we 8 need the open spaces that we have. 9 In Northern Liberties, we can see the 10 desperation. Everyone else who has built a garden, 11 they are coming for you. Sorry. You will need 12 them. We need to keep our green spaces. And one 13 of the ways we can keep our green spaces is by 14 making it affordable to do the work that we are. 15 So along with everyone else, I want to urge 16 you to put this exemption in effect for the places 17 that are helping to make the stormwater system 18 work. Please put it in effect at 100 percent 19 because first of all, any amount of money that 20 isn't going to watering our gardens, to doing our 21 work is money that we have lost as volunteers and 22 as neighbors. And because if it's 80 percent or 90 23 percent, we will lose further money in having to do 24 the paperwork of figuring that out and filing those</p>	<p style="text-align: right;">Page 64</p> <p>1 citizenship. So you are all to be commended. 2 MS. BROCKWAY: Gemela has an announcement to 3 make about the next hearing. 4 MS. McCLENDON: I just wanted to announce 5 that we are still working on the locations for the 6 final two hearings. But at this point, it looks 7 like all three will take place during the week of 8 November 14th. It will be November 14th, 16th and 9 18th. All will be at some point in the mornings. 10 The first one will be Monday, November 14th 11 beginning at 9:00 a.m. at HACE located at 167 West 12 Allegheny Avenue here in the city, 19140 if anybody 13 is putting it into their GPS. 14 MS. CAHN: Times? 15 MS. McCLENDON: We are working on locations 16 and finalizing times. Once we have that, we will 17 make sure the folks who signed up in here will be 18 notified. 19 MS. CAHN: Why are you doing three hearings 20 in the morning? 21 MS. McCLENDON: Unfortunately, given the 22 time constraints we are working under, that really 23 was the only time that worked for the department 24 and for everyone unfortunately.</p>
<p style="text-align: right;">Page 63</p> <p>1 things. I think that's everything I wanted to 2 say. So thank you very much. 3 MS. BROCKWAY: Thank you. 4 Is there anyone else who would like an 5 opportunity to speak? 6 (No Response.) 7 MS. BROCKWAY: On behalf of the Board, I 8 would like to thank all of you and also 9 particularly the Horticulture Association. 10 Did you want to say something, Mr. 11 Chairman? 12 MR. BRUNWASSER: What I'd like to say is 13 that I greatly appreciate the work that you have 14 all been doing. It's fantastic. And I think if 15 any of it becomes, if any of you become eligible to 16 become a charitable organization, an official 17 charitable organization, then there could be a 18 discount on water used in the Water Department. 19 MS. DAHME: We are doing that. 20 MR. BRUNWASSER: But it's wonderful work 21 regardless of the decision that the Board will 22 reach on this discount. And it's very helpful to 23 the City, especially helpful to the Water 24 Department and just a great act of good</p>	<p style="text-align: right;">Page 65</p> <p>1 MS. CAHN: I want to note that you have a 2 lot of people here tonight. The reason you have a 3 lot of people here is because you are having an 4 evening hearing. And we really appreciate that. 5 The majority of this work happens by volunteers. 6 So you will capture some additional people through 7 a morning hearing, but you will lose a lot of 8 voices by doing that. 9 MR. BRUNWASSER: Certainly everyone is free 10 to send in a statement if they like, one page or 11 ten pages, whatever they want. It will get posted 12 and the Board will get a copy to read in case they 13 can't make any of the three remaining hearings. 14 MS. BROCKWAY: In the rate case, we had a 15 couple of hundred of e-mails, most of them saying 16 don't raise the rates. But I acknowledged every 17 one of them and the Board has a summary of them. 18 So depending how many, they might get each 19 and every one of them. But they'll at least get a 20 sense of how people are feeling as they get in 21 touch with the Board. 22 MS. McCLENDON: Just so that you understand, 23 we do realize that. But because there are filing 24 deadlines in order for to us comply with the City</p>

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1 Council ordinance, this has to be finalized and  
2 filed in the Department of Records by December  
3 22nd. And there is times for, there is, as a  
4 participant, you guys will be submitting responses  
5 and things of that nature. Because of the time  
6 frames, we have to get the meetings in when there  
7 is availability.  
8 And we went through a calendar of dates.  
9 And unfortunately, those were the only dates and  
10 times that would work where we could be sure that  
11 we could have Water Department representatives  
12 present to answer questions that the members of the  
13 public will be able to ask.  
14 MS. BROCKWAY: Frankly, the alternative was  
15 not getting anything in effect on January 1st.  
16 MS. McCLENDON: We understand the concern.  
17 Unfortunately, if we had more time to do this in,  
18 we could space things out a little bit better.  
19 MS. CAHN: I hate to push the point but I'm  
20 going to push the point. There is no one from the  
21 Water Department that could be available to answer  
22 questions on another evening between now and  
23 then?  
24 MS. McCARTY: It is not just the Water

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1 Department. There were a number of dates  
2 considered. We provided availability to the Board.  
3 And people have very busy schedules. And as their  
4 attorney just said, we have to fit this in a very  
5 tight time frame. For example, today's, the  
6 presentation to the Rate Board as well as a public  
7 hearing, there were literally three days that it  
8 could be done to meet the time constraints that are  
9 set forth with the filing and etcetera. So three  
10 days. And this one actually was not one of the  
11 ones that was originally offered and people moved  
12 things around to make today work.  
13 So we are all, the Board, the Hearing  
14 Officer, their attorney and the Water Department  
15 are working very hard to meet the deadline, January  
16 1st, set forth by the ordinance and trying to get  
17 as much input from the public as possible. So it's  
18 not just -- it's many people. It's not just the  
19 Water Department.  
20 MS. CAHN: I was just responding to what was  
21 said. I appreciate the context.  
22 MS. BROCKWAY: One at a time, please.  
23 Do you have a question?  
24 MR. CHERISHER: Paul Cherisher from Liberty

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1 Lands. I came in late, so I might have missed  
2 this. But was there an estimate of the revenue  
3 lost if all of these gardens got 100 percent?  
4 MR. BRUNWASSER: Yes.  
5 MR. CHERISHER: \$47,000.  
6 MR. BRUNWASSER: Approximately for the  
7 fiscal year.  
8 MR. DUFFY: I have a question regarding the  
9 process for the additional hearings. At those  
10 additional hearings, will other members of the  
11 Water Rate Board be present?  
12 MS. BROCKWAY: If they can. There will  
13 certainly be a forum. But we have so many  
14 different people whose schedules have to be  
15 accommodated. I think these two gentlemen will  
16 probably be here because they have been here for  
17 every single hearing we had. As to the other  
18 three, I am not sure. I don't know at this time.  
19 MS. KAPUST: I apologize also. I came in a  
20 little late. If not already, at the next meeting,  
21 can there be some sort of breakdown or can someone  
22 elaborate on the impact of the loss of \$47,000 on  
23 the Water Department's operations, the City in  
24 general?

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1 MS. BROCKWAY: There was testimony about  
2 that. This transcript will be available. But I  
3 suspect that the Water Department has something  
4 written up that they could share with you.  
5 MS. DAHME: There is information on the Rate  
6 Board website if you want to take a look at that.  
7 MS. McCLENDON: The formal rate filing has  
8 information regarding that.  
9 MS. KAPUST: How that relates to the  
10 overall budget?  
11 MS. McCLENDON: Right.  
12 MR. HARDENBERGH: For the last three years  
13 at least, NGT has been telling all of their  
14 gardeners not to pay water runoff fees but to  
15 dispute it. As I said earlier in my statement, our  
16 garden has an outstanding bill of about \$3500 or  
17 \$3600 which puts it at about almost ten percent of  
18 the lost revenue.  
19 My question is if the exemption is passed,  
20 will the past fees which have been in dispute also  
21 be forgiven? And if this exemption is past but  
22 it's only 80 or 75 percent or 50 percent or  
23 whatever, will the past fees in dispute be chased  
24 after at that percentage?

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<p style="text-align: right;">Page 70</p> <p>1 MS. BROCKWAY: The Board does not have 2 authority over -- we have someone from the 3 Department who has an answer to this. 4 MS. CROSBY: Susan Crosby, divisional 5 department to counsel to the Water Revenue Bureau. 6 The current rate filings is a 7 forward-looking process. So it's only for the 8 stormwater rates going forward. There have been 9 promises and gentlemen agreements regarding the 10 prior bills. And the Water Department and the 11 Water Revenue Department will abide by those 12 agreements regarding those prior bills. But the 13 Rate Board is only concerned with the bills going 14 forward. 15 MR. BRUNWASSER: It sounds like some of 16 these disputes go back prior to the actual creation 17 of the Rate Board. 18 MR. HARDENBERGH: I know they go back a 19 number of years. 20 MR. BRUNWASSER: The rate board has only 21 been in effect I guess officially since 2015 or 22 late 2014. 23 MR. POPOWSKY: I assume part of the 24 gentlemen's agreement is you are not going to come</p>	<p style="text-align: right;">Page 72</p> <p>1 understood what you said. 2 MS. LABUDA: It means some of the gardens, 3 some gardens have been paying their bill on a 4 regular basis. 5 MR. HARDENBERGH: Paying their water bill or 6 their stormwater bill? 7 MS. LABUDA: Stormwater. Some gardens pay 8 their bill on an irregular basis. I can't tell you 9 the exact pattern, if it's quarterly, if it's 10 monthly and some gardens unfortunately are not able 11 to make payments. And so the lost revenue 12 projections that were presented as part of my 13 testimony of \$47,000 of lost revenue capture the 14 lost revenue from those gardens that have made some 15 form of payment historically. 16 MS. BROCKWAY: The total lost revenues for 17 the Department in the rate case, did they reflect 18 what you would have billed those who are not paying 19 anything? 20 MS. LABUDA: All collection factors that 21 were offered as part of the last rate proceeding 22 contemplate the nuisance of the difference between 23 billings and collections. So yes. 24 MS. BROCKWAY: Anything else?</p>
<p style="text-align: right;">Page 71</p> <p>1 and try to charge that money to other customers in 2 the future? 3 MS. CROSBY: All of the cost of those bills 4 not being paid was presented, I believe, in the 5 previous -- 6 MS. LABUDA: My name is Melissa Labuda, the 7 Deputy Commissioner of the Finance Division of the 8 Water Department. 9 So I believe our Deputy City Solicitor is 10 referring to the cost of service filing and the 11 mathematical calculation of how we formulate rates 12 and charges. Some of the gardens have paid their 13 bills. Some of the gardens pay their bills on an 14 interim basis and some gardens have not paid their 15 bills. So in our cost of service analysis when we 16 try and separate charges, we capture those 17 nuisances with your billing patterns. 18 So the revenue lost that we are projecting 19 is for those gardens that have paid on a regular 20 basis and for the lost revenue from those gardens 21 that have paid on an intermittent basis. Those 22 gardens that have not been able to pay would have 23 been factored into the prior financial analysis. 24 MS. BROCKWAY: Actually, I'm not sure I</p>	<p style="text-align: right;">Page 73</p> <p>1 I want to thank you all. This has been a 2 very informative and thank you for sitting through 3 this all. The hearing is now closed. Thank to the 4 PHS for having us. 5 (Whereupon, the hearing was adjourned at 6 7:40 p.m.) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>

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1 REPORTER'S CERTIFICATION

2  
3  
4 I hereby certify that the witness was duly  
sworn by me and that the deposition is a true  
record of the testimony given by the witness.

5  
6  
7 \_\_\_\_\_  
Sheila J. Klos  
Registered Professional Reporter  
8 Commissioner of Deeds  
9

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11 control and/or supervision of the certifying  
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