

Philadelphia Water Department Rate Board Hearing
November 16, 2016

CITY OF PHILADELPHIA
PHILADELPHIA WATER DEPARTMENT PRESENTATION
RATE BOARD HEARING
Wednesday, November 16, 2016
MINUTES of FORMAL HEARING

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LOCATION: 1515 Arch Street, 18th Floor
Philadelphia, Pennsylvania

REPORTED BY: ANGELA M. KING, RPR
Registered Professional Reporter

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HELD BEFORE:

NANCY BROCKWAY - HEARING OFFICER
BERNARD BRUNWASSER - CHAIR
SONNY POPOWSKY, BOARD MEMBER

TIME HELD: 10:30 a.m. - 10:56 a.m.

1 MS. DAHME: Good morning, everybody. I
2 am Joanne Dahme, Public Affairs Manager for the
3 Philadelphia Water Department.

4 On behalf of the Water Department, I
5 will be doing a very brief presentation on
6 proposed stormwater fee exemption. The
7 presentation is going to include a very brief
8 overview on the rate process itself, background
9 on the exemption, some information regarding
10 community gardens, the criteria for those gardens
11 that will apply and be eligible for the
12 exemption, the rates impact to other customers
13 and general benefits of community gardens.

14 So, the rates process. I think everyone
15 is aware that in 2012 voters approved a
16 preparation of Water, Sewer and Stormwater Rate
17 Board. This is an independent rate making body.
18 When the Department proposes new rates and
19 charges, that information is presented to the
20 Rate Board to make a determination and a final
21 decision. The proposed stormwater exemption
22 falls under that category, so this information
23 and the proposal has come before the Rate Board.

24 Rate Board consists of five members and

1 approved by City Council. They also have their
2 website which is www.phila.gov/org/rateboard
3 where you can see all the information on this
4 rate and past rates.

5 The Public's Role. It's very important
6 for the public to be involved. We are always
7 happy to see a lot of attendance at public
8 meetings, provide testimony, get opportunities to
9 send letters to the Rate Board. But the real
10 goal is to make sure that the voices here are
11 heard whenever making any kind of proposed change
12 to our rates and charges. We appreciate you
13 being here today.

14 Background first on the stormwater rates
15 for community garden. The ordinance exemption,
16 the special discounted stormwater charge for
17 eligible community gardens that can go up to a
18 hundred percent. That would be an exemption of
19 stormwater fee. This ordinance was passed by
20 City Council this past summer. Mayor Kenney
21 signed the ordinance in June. Community gardens
22 representatives including PHS, Neighborhood
23 Gardens Trust sent a letter to the Water
24 Commissioner requesting that this rate proceeding

1 take place so this exemption can be reviewed and
2 approved. Ordinance states that the exemption
3 would become effective January 1.

4 The Community Garden Criterion
5 information. This is really important for the
6 public and gardeners to understand who would be
7 eligible for this proposed exemption. The
8 principal use for urban garden parcel is for
9 growing crops that can be edible/nonedible crops.
10 I think that component is important because
11 people look at vacant parcels and see grass
12 growing on it. That is not an urban garden. Has
13 to be tilled and farmed.

14 Community garden operates for the public
15 benefit, so it's not a profit making venture.
16 It's often composed of volunteers of the
17 community, urban garden group. Could be a
18 nonprofit. And also, stormwaters manage at least
19 80 percent of the property. That means that 80
20 percent of the property is covered by soil and
21 vegetation. Doesn't have asphalt and concrete
22 and buildings on the parcel.

23 In addition, what we are aware of. The
24 City, we know that there are a number of urban

1 gardens that are on city-owned parcels. About
2 300 of those that are already exempt of this fee.
3 This proposed exemption does not impact those
4 parcels. Those parcels are already covered by
5 The Philadelphia Code. We are aware of
6 approximately 231 community gardens parcels that
7 would be impacted by this proposed exemption.
8 Those are parcels that are not on City-owned
9 property.

10 The rate impact to other customers, so
11 the lost revenue resulting from the fee exemption
12 from those non-owned City parcels, this is for
13 our Fiscal Year 17 and Fiscal Year 18 where the
14 rate process or the rate period is already in
15 place. That impact would be approximately
16 \$46,000 for Fiscal Year 17 and approximately
17 48,000 for Fiscal Year 18. Our existing rates
18 and charges, because this is a minimal amount,
19 would not be impacted. Our current rate payers
20 would not be impacted by this exemption for this
21 rate period for '17 and '18.

22 The Benefits of Community Garden. The
23 Philadelphia Water Department sees the merit for
24 proposing exemption for a number of reasons.

1 Certainly, urban gardens preserve open green
2 space in urban communities which is really
3 important. Gardens can also reduce the amount of
4 stormwater which enters our sewer system. We can
5 use some of those gardens where they make sense
6 to manage stormwater runoff from the public
7 right-of-way and take into the garden. Gardens
8 also provide benefits to the community. They
9 reduce blight. And cause vacant parcels to be
10 maintained and beautified to provide good benefit
11 to the community overall.

12 That is a very brief presentation. I
13 will hand this back to the Rate Board.

14 HEARING OFFICER BROCKWAY: Thank you,
15 Ms. Dahme. Couple of things. I want to
16 introduce the Chair of the Rate Board Bernard
17 Brunwasser and member of the Rate Board Sonny
18 Popowsky, who are here today to listen to your
19 comments and questions.

20 What we have done is we have asked
21 people as they come in to sign in so we can know
22 how many people are here. But also, to indicate
23 whether or not they want to speak. And Laurel
24 just gave me the sign-in sheets. We have

1 three -- four people who have indicated they want
2 to speak. I am going to take their names in the
3 order in which they show up on the sign-in
4 sheets. And then if you haven't had a chance to
5 sign in, you can go back and see Laurel. And she
6 has more sign-in sheets so we can do that.

7 But let's start with -- first one I have
8 is Audra Wolfe.

9 (Approaches microphone.)

10 HEARING OFFICER BROCKWAY: I'm not sure
11 that is on. If you can spell your name for the
12 court reporter, that would be great.

13 MS. WOLFE: My name is Audra Wolfe,
14 Audra Wolfe. I am currently Secretary of
15 Warrington Garden in West Philadelphia at 47th
16 and Warrington. Warrington is a longstanding
17 community garden. We have been around for 30
18 years. We have approximately 90 plots. The
19 gardens in this plot provide food and vegetables
20 for more than 60 families in West Philadelphia
21 who directly participate in the garden. We also
22 participate in the City Harvest Program.

23 For the past three years, we delivered
24 more than 600 pounds of produce to families in

1 West Philadelphia who experience food
2 insecurities. These are food -- this is food
3 that's grown in plots specifically dedicated to
4 City projects. Last year we had more than 1,000
5 pounds of produce to family that otherwise would
6 not have access to fresh vegetables.

7 Our garden is a watered garden. So
8 it -- the vast majority of services in the garden
9 were permeable. We are driven by volunteer
10 labor. And right now the only expenses that our
11 garden has are to pay for our electricity, pay
12 for the water that we use, and to maintain the
13 public areas that allow us to continue to serve
14 these families. These are families that directly
15 participate in our garden, are families that are
16 benefitting from the City Harvest Program.

17 If we were subject to extensive
18 stormwater charges, this would take up a
19 significant amount of the gardens' budget, create
20 more fees -- membership fees from our members,
21 possibly as much as 50 percent, which would
22 severely limit our ability to continue to
23 contribute vegetables to people in food and
24 insecure areas.

1 I thank you for your consideration.

2 HEARING OFFICER BROCKWAY: Thanks. Next
3 I have Jane Winkel.

4 (Approaches microphone.)

5 MS. WINKEL: His. My name is Jane
6 Winkel. I am here representing Moore Street
7 Community Garden. And we are a recently acquired
8 Neighborhood Gardens Trust Property. And we are
9 the benefit of a grant for a renovation.

10 The garden has existed in the
11 neighborhood for approximately five years.
12 Before that it was a fallow, abandoned land.
13 Some neighbors got together, and each neighbor
14 built their own bed. So now, we are sort of in
15 the middle of a renovation plan which I have here
16 for you.

17 (Hands up plan.)

18 HEARING OFFICER BROCKWAY: I should
19 mention that on your behalf, the Department keeps
20 a public record of all the transcripts from these
21 hearings and anything in writing that is
22 submitted. If you would like, and we can have
23 that part of the record not necessarily -- but if
24 anybody else. Also, if you have a written copy,

1 we would be glad to take that and put that on the
2 record, as well. Gets posted on the web page.

3 MS. WINKEL: Currently, we have about a
4 dozen members. With this plan, we will be able
5 to increase our membership. Our yearly dues is
6 about \$30 a year. And each year we invest in
7 compost and mulch and perennials for the garden.
8 The proposed renovation will reinvest in the
9 property, but we would also like to use part of
10 our dues for additional features in the garden
11 including preparing trees which would benefit the
12 community, beehives which would also benefit the
13 community, and additional perennials that could
14 be on the outside of the fence.

15 So, we have not up to this point had a
16 water bill. We are not exactly sure how that
17 will influence our budgeting. But if possible,
18 we would appreciate relief from this stormwater
19 fee.

20 Thank you.

21 HEARING OFFICER BROCKWAY: Thank you
22 very much.

23 MR. POPOWSKY: I didn't hear the date of
24 the garden -- location.

1 MS. WINKEL: It's Moore Street Community
2 Garden at 5th and Moore Street in South
3 Philadelphia.

4 HEARING OFFICER BROCKWAY: There are
5 various members of the Department here who can
6 answer questions about what bill, if anything,
7 you are subject to now and how if at all that
8 would change. They were sitting back there.

9 MS. WINKEL: Okay. Thanks.

10 HEARING OFFICER BROCKWAY: Chris Van De
11 Velde? You can spell your name.

12 MR. VAN DE VELDE: Chris Van De Velde,
13 that's V-a-n D-e V-e-l-d-e. I am the General
14 Manager of Awbury, a 55-acre public garden in the
15 Germantown section of Philadelphia.

16 HEARING OFFICER BROCKWAY: Awbury?

17 MR. VAN DE VELDE: Awbury, A-w-b-u-r-y.
18 On the 55 acres that we own, about 16 acres is
19 used for gardens and farm operations, what we
20 call the Agricultural Village. We have tenants
21 and our own programs on that property. We have
22 Co-Op, that's a food program, vegetable truck
23 farm. It's about two acres.

24 We have community gardens there, about

1 60 plots of community gardens on that property.
2 We have Philadelphia Orchard Project, has a small
3 nursery there. There is stock for projects
4 putting up throughout the City, plus we have
5 Horticultural Orchard there.

6 The Beekeepers Guild of Philadelphia has
7 primary beehive center there. We have pollinated
8 gardens that are maintained primarily by the
9 Master Gardeners Program of Penn State. We have
10 a greenhouse that the Philadelphia and
11 Pennsylvania Horticultural Society grows most of
12 the seed stock for the public gardens support
13 system that they have throughout the City.

14 And we have our own educational garden.
15 It's about two acres, which we have two classroom
16 buildings and we do growing -- we have a Teenage
17 Leadership Program, we call it. We have
18 teenagers that are growing in that garden and
19 then using the stock that bring a lot to that
20 garden to create food goods that they sell at
21 markets to help support the program.

22 The arboretum as a whole, we have about
23 38 acres now that is not in this proposed
24 exemption. And for that, we are paying about

1 \$8,000 a year in stormwater fee. Obviously, none
2 of the operations on the 16 acres that we have is
3 in the garden. And the farm center has -- any
4 capacity, they are all nonprofit like some of the
5 community garden associations throughout the City
6 deal with very small dues for themselves and help
7 support whatever common costs they may have in
8 terms of water or materials that they use.

9 So, great sense of excitement when the
10 Council passed the opportunity to exempt these
11 properties. Obviously, we would like to see the
12 exemption go to the full bottom line, that is to
13 zero for all of the operations. There is not
14 more I can add to that.

15 HEARING OFFICER BROCKWAY: Thank you. I
16 have a question actually.

17 Can you explain why only part of the
18 property is able to take advantage of this?

19 MR. VAN DE VELDE: No. I am as confused
20 to some degree as you are. And not quite sure
21 why. Public garden has been there for about 100
22 years dedicated to public purpose in 1916. I am
23 not sure. We have on the rest of the property 38
24 acres just tree, meadows, a small pond. We are

1 actually working with the Water Department on
2 potential restoration of that pond as a
3 stormwater detention facility to take some of the
4 runoff that's coming down Washington lane. It's
5 a low area of Washington Lane and Chew.

6 So, I'm not quite sure why the
7 legislation was so restricted to be just for the
8 gardens or the farm operators. Obviously, the
9 main part of the arboretum, we are not growing
10 produce. It's being used to be eaten; although,
11 maybe we can change that. Starting to have
12 foraging dinners on the landscape. We have
13 people coming to figure out how to eat the
14 landscape. Maybe we can meet the qualification
15 if we do enough of that.

16 HEARING OFFICER BROCKWAY: Thank you.
17 The Board is not in a position to answer
18 questions, like, what is or isn't under the new
19 ordinance; and certainly, not why did the Council
20 break it this way or that way. But it sounds
21 like you have been in touch with members of the
22 Department. And that would be the first place to
23 work through some of these issues.

24 Shanna Flanagan?

1 (Approaches microphone.)

2 MS. FLANAGAN: Good morning. My name is
3 Shanna Flanagan, S-h-a-n-n-a F-l-a-n-a-g-a-n.

4 I'm the current President of the
5 Southwark-Queen Village Community Garden that's
6 located on Christian Street between 3rd and 4th.
7 Our garden has been there since about 1976. At
8 the time, it was a vacant plot where a school
9 was, the Berk School. That's school is torn
10 down. And a lot of the members in the community
11 got together to build a community garden. They
12 worked really hard to transform that garden to
13 what it is today.

14 It's comprised of about 64 plots that
15 are independently run by members of the garden.
16 There is also a large area that's dedicated to
17 city harvest. We have orchards. We have fig
18 trees, raspberry bushes. It's just a beautiful
19 place, lots of -- good place for people in the
20 community to come.

21 We have members that were there at the
22 outset. We still have longstanding members that
23 are all retired now. We have a lot of people
24 that are on restricted incomes. We have kept

1 intentionally membership dues pretty flat for
2 that reason, so that they can continue to
3 participate. This year alone with their effort
4 and with the effort of others, we have donated
5 about 1200 pounds of food to City Harvest.

6 The great thing about City Harvest, too,
7 it's not only the plots that are dedicated to
8 City Harvest that gather the food, but garden
9 memberships also, they donate their foods. So
10 each week, we put flags in our plots to sort of
11 indicate which food can go. And that is able
12 to -- we are able to contribute that food to
13 senior living facilities and other areas where
14 they might not otherwise have access to that
15 food.

16 We are a great stormwater collection
17 area. I mean, almost the entire property is
18 dedicated to that purpose. It's -- we have one
19 small area. It's a patio. The rest of it really
20 is dedicated to stormwater runoff. We have
21 barrels everywhere. We have green roof that also
22 collects that water. In addition to that sort of
23 interesting asset in our garden, we have solar
24 panels. We have a compose sustained toilet.

1 A lot of these elements were added with
2 the efforts of people going out, getting grants
3 for that money. Again, because our membership
4 fees are really used to sort of keep up with the
5 trees year to year, make sure things are properly
6 tended, mulch, other sort of things that might
7 occur throughout the year. Kept for a rainy day
8 fund.

9 Another amazing element of our garden,
10 we have bees. We have five hives, and we also
11 have a pollinator garden. And a lot of effort
12 and love has really gone into development of that
13 piece of our garden. We would like to continue
14 that.

15 I think that, you know, this exemption
16 is really important and not just a partial
17 exemption but a full exemption. In fact, I think
18 that a lot of these gardens that really
19 contribute to the effort of stormwater should be
20 getting a credit.

21 Thank you for your time.

22 HEARING OFFICER BROCKWAY: Thank you.

23 Margaret McCarvill? Am I pronouncing
24 that correct? At least spell your last name.

1 (Approaches microphone.)

2 Ms. Wolfe: Last name is
3 M-c-C-a-r-v-i-l-l. I am Board President of the
4 Neighborhood Gardens Trust. And I'm actually
5 here on behalf of Shady Acres Garden today to
6 read the letter that they have already sent to
7 the Water Department. They could not be here
8 today, but they wanted their voice heard in this
9 opportunity to speak in front of the Board.

10 (Reading from letter.)

11 My name is Susan White. And for many
12 years, I have been the coordinator of Shady
13 Acres, the community garden in Northern Liberty.
14 I'm writing to you to show support for the
15 Philadelphia Water Department Rate Board to grant
16 full exemption from stormwater charges.

17 Since the early 1980s, Shady Acres has
18 proved to be an invaluable resource to this
19 neighborhood. Over 35 people, many of them
20 children and many more benefit from having this
21 preserved green space. Not only is it a space
22 where families grow nutritious food for their
23 families at low cost, but it also serves as an
24 outdoor classroom to nearby schools, recreation

1 centers and summer camps that regularly use this
2 garden. Community gardens provide countless
3 benefits to community members for non-generating
4 operating fees.

5 Our garden dues are very modest, \$35 per
6 year. And a hundred percent of those fees go
7 directly into the upkeep of the garden. All
8 labor and upkeep of the garden is supported by
9 annual dues and volunteer labor. Paying
10 stormwater fees would significantly impact our
11 yearly dues and make it prohibitive for many of
12 our gardeners to stay with us.

13 Northern Liberties, which used to have
14 many vacant lots, gardens and yards, has in the
15 last few decades experienced a housing
16 development explosion. Shady Acres along with
17 Liberty Lands and others with their permeable
18 surface area go a long way towards reducing rain
19 runoff into adjacent sewers.

20 Thank you for the opportunity to talk to
21 you about their garden and what an asset it is to
22 this community. I hope that you will take the
23 benefits into consideration when making your
24 decision. Thank you very much for your time and

1 your support.

2 (Finishes reading letter.)

3 HEARING OFFICER BROCKWAY: Thank you.

4 We do have a little more time, so if
5 there is anybody else who would like to speak,
6 raise your hand?

7 (Hand raised and approaches microphone.)

8 MR. BELL: My name is Edward Bell,
9 B-e-l-l. I'm with the Southwark-Queen Village.
10 I just wanted to punctuate one thing that Shanna
11 has already testified about. That is the fact
12 you have got about 70,000 square feet in our
13 garden. 400 of that is nonpermeable with over
14 69,000 square feet permeable land. The idea of
15 taxing us for stormwater runoff doesn't make any
16 sense.

17 Thank you.

18 HEARING OFFICER BROCKWAY: All right.

19 There being nobody else who would like
20 to speak at this public hearing, we will call the
21 public hearing -- I will just give you a little
22 schedule. We have one more public hearing on
23 Friday, and then the Board will consider this at
24 their December 21 open meeting which is published

1 on its website. The hope is to have a decision
2 one way or another so that if the exemption is
3 put in place, it would start January 1, I believe
4 is what it is supposed to -- when the Department
5 is asked that it be --

6 MS. MCCARTY: The ordinance.

7 HEARING OFFICER BROCKWAY: The
8 ordinance, but also the Department's request.
9 The Board has certain procedures that it has to
10 go through. So, the Board will make a
11 determination on December 21, probably.

12 And I thank you all for coming and for
13 your attention. We will close the hearing.

14 (Hearing adjourned at 10:56 a.m.)

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

I, hereby certify that the proceedings and evidence noted are contained fully and accurately in the stenographic notes taken by me in the foregoing matter, and that this is a correct transcript of the same.

ANGELA M. KING, RPR
Court Reporter - Notary Public

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Philadelphia Water Department Rate Board Hearing
November 16, 2016

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