

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

- - -

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

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

- - -

HELD BEFORE:

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

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

Philadelphia Water Department Rate Board Hearing
November 16, 2016

<p style="text-align: right;">Page 2</p> <p>1 - - -</p> <p>2 HEARING OFFICER BROCKWAY: Good morning.</p> <p>3 My name is Nancy Brockway. I was the Hearing</p> <p>4 Officer appointed by Philadelphia Water Rate</p> <p>5 Board to conduct hearings for it.</p> <p>6 This is Hearing of the Board concerning</p> <p>7 the request by the Department to exempt community</p> <p>8 gardens paying a monthly water charge as long as</p> <p>9 they meet certain criteria. There was an</p> <p>10 ordinance passed, as you know, and signed in late</p> <p>11 June. I think that the Department will have more</p> <p>12 information that they are going to provide in a</p> <p>13 presentation that they will shortly give.</p> <p>14 And then, this is a hearing for public</p> <p>15 comments. So once the Department has provided</p> <p>16 its own review, the Board will entertain</p> <p>17 questions and comments from you all. If you have</p> <p>18 a particular question about your particular</p> <p>19 situation, there are a number representatives of</p> <p>20 the Department here who can talk with you, I am</p> <p>21 sure, offline. I think that's all we have with</p> <p>22 preliminary.</p> <p>23 Without further ado, will turn it over</p> <p>24 to Joanne Dahme.</p>	<p style="text-align: right;">Page 4</p> <p>1 approved by City Council. They also have their</p> <p>2 website which is www.phila.gov/org/rateboard</p> <p>3 where you can see all the information on this</p> <p>4 rate and past rates.</p> <p>5 The Public's Role. It's very important</p> <p>6 for the public to be involved. We are always</p> <p>7 happy to see a lot of attendance at public</p> <p>8 meetings, provide testimony, get opportunities to</p> <p>9 send letters to the Rate Board. But the real</p> <p>10 goal is to make sure that the voices here are</p> <p>11 heard whenever making any kind of proposed change</p> <p>12 to our rates and charges. We appreciate you</p> <p>13 being here today.</p> <p>14 Background first on the stormwater rates</p> <p>15 for community garden. The ordinance exemption,</p> <p>16 the special discounted stormwater charge for</p> <p>17 eligible community gardens that can go up to a</p> <p>18 hundred percent. That would be an exemption of</p> <p>19 stormwater fee. This ordinance was passed by</p> <p>20 City Council this past summer. Mayor Kenney</p> <p>21 signed the ordinance in June. Community gardens</p> <p>22 representatives including PHS, Neighborhood</p> <p>23 Gardens Trust sent a letter to the Water</p> <p>24 Commissioner requesting that this rate proceeding</p>
<p style="text-align: right;">Page 3</p> <p>1 MS. DAHME: Good morning, everybody. I</p> <p>2 am Joanne Dahme, Public Affairs Manager for the</p> <p>3 Philadelphia Water Department.</p> <p>4 On behalf of the Water Department, I</p> <p>5 will be doing a very brief presentation on</p> <p>6 proposed stormwater fee exemption. The</p> <p>7 presentation is going to include a very brief</p> <p>8 overview on the rate process itself, background</p> <p>9 on the exemption, some information regarding</p> <p>10 community gardens, the criteria for those gardens</p> <p>11 that will apply and be eligible for the</p> <p>12 exemption, the rates impact to other customers</p> <p>13 and general benefits of community gardens.</p> <p>14 So, the rates process. I think everyone</p> <p>15 is aware that in 2012 voters approved a</p> <p>16 preparation of Water, Sewer and Stormwater Rate</p> <p>17 Board. This is an independent rate making body.</p> <p>18 When the Department proposes new rates and</p> <p>19 charges, that information is presented to the</p> <p>20 Rate Board to make a determination and a final</p> <p>21 decision. The proposed stormwater exemption</p> <p>22 falls under that category, so this information</p> <p>23 and the proposal has come before the Rate Board.</p> <p>24 Rate Board consists of five members and</p>	<p style="text-align: right;">Page 5</p> <p>1 take place so this exemption can be reviewed and</p> <p>2 approved. Ordinance states that the exemption</p> <p>3 would become effective January 1.</p> <p>4 The Community Garden Criterion</p> <p>5 information. This is really important for the</p> <p>6 public and gardeners to understand who would be</p> <p>7 eligible for this proposed exemption. The</p> <p>8 principal use for urban garden parcel is for</p> <p>9 growing crops that can be edible/nonedible crops.</p> <p>10 I think that component is important because</p> <p>11 people look at vacant parcels and see grass</p> <p>12 growing on it. That is not an urban garden. Has</p> <p>13 to be tilled and farmed.</p> <p>14 Community garden operates for the public</p> <p>15 benefit, so it's not a profit making venture.</p> <p>16 It's often composed of volunteers of the</p> <p>17 community, urban garden group. Could be a</p> <p>18 nonprofit. And also, stormwaters manage at least</p> <p>19 80 percent of the property. That means that 80</p> <p>20 percent of the property is covered by soil and</p> <p>21 vegetation. Doesn't have asphalt and concrete</p> <p>22 and buildings on the parcel.</p> <p>23 In addition, what we are aware of. The</p> <p>24 City, we know that there are a number of urban</p>

Philadelphia Water Department Rate Board Hearing
November 16, 2016

<p style="text-align: right;">Page 6</p> <p>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 or reasons.</p>	<p style="text-align: right;">Page 8</p> <p>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</p>
<p style="text-align: right;">Page 7</p> <p>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</p>	<p style="text-align: right;">Page 9</p> <p>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.</p>

Philadelphia Water Department Rate Board Hearing
November 16, 2016

<p style="text-align: right;">Page 10</p> <p>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,</p>	<p style="text-align: right;">Page 12</p> <p>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</p>
<p style="text-align: right;">Page 11</p> <p>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.</p>	<p style="text-align: right;">Page 13</p> <p>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</p>

4 (Pages 10 to 13)

Philadelphia Water Department Rate Board Hearing
November 16, 2016

Page 14

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

Page 15

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?

Page 16

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

Page 17

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 compost sustained toilet.

5 (Pages 14 to 17)

Philadelphia Water Department Rate Board Hearing
November 16, 2016

<p style="text-align: right;">Page 18</p> <p>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.</p>	<p style="text-align: right;">Page 20</p> <p>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</p>
<p style="text-align: right;">Page 19</p> <p>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</p>	<p style="text-align: right;">Page 21</p> <p>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</p>

Philadelphia Water Department Rate Board Hearing
November 16, 2016

Page 22

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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CERTIFICATION

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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7 (Pages 22 to 23)

Philadelphia Water Department Rate Board Hearing
November 16, 2016

A	appreciate 4:12 11:18	bees 18:10	bushes 16:18	17:16	9:23 17:12	delivered 8:23	entertain 2:16
A-w-b-u-r-y 12:17	approaches 8:9 10:4	behalf 3:4	C	collects 17:22	18:19	Department 1:1 2:7,11	entire 17:17
a.m 1:16,16	16:1 19:1	believe 22:3	C 23:1,1	come 3:23	control 23:18	2:15,20 3:3	everybody 3:1
22:14	21:7	Bell 21:8,8	call 12:20	7:21 16:20	19:12	3:4,18 6:23	evidence 23:4
abandoned 10:12	approved 3:15 4:1 5:2	benefit 5:15	13:17 21:20	coming 15:4	copy 10:24	10:19 12:5	exactly 11:16
ability 9:22	approximat... 6:6,15,16	7:10 10:9	camp 20:1	15:13 22:12	correct 18:24	15:1,22	excitement 14:9
able 11:4	8:18 10:11	11:11,12	capacity 14:4	comments 2:15,17	23:8	19:7,15	exempt 2:7
14:18 17:11	arboretum 13:22 15:9	19:20	category 3:22	7:19	cost 19:23	22:4	6:2 14:10
17:12	Arch 1:6	benefits 3:13	cause 7:9	Commissio... 4:24	costs 14:7	Departmenten... 22:8	exemption 3:6,9,12,21
access 9:6	16:16 17:17	6:22 7:8	center 13:7	4:24	Council 4:1	22:8	4:15,18 5:1
17:14	17:19 20:18	20:3,23	14:3	common 14:7	4:20 14:10	detention 15:3	5:2,7 6:3,7
accurately 23:5	areas 9:13,24	benefitting 9:16	centers 20:1	communities 7:2	15:19	determinati... 3:20 22:11	6:11,20,24
acquired 10:7	17:13	Berk 16:9	certain 2:9	community 2:7 3:10,13	countless 20:2	development 18:12 20:16	13:24 14:12
acres 12:18	19:5,13,17	Bernard 1:13	22:9	4:15,17,21	Couple 7:15	dinner 15:12	18:15,17,17
12:18,23	20:16	7:16	certainly 7:1	5:4,14,17	court 8:12	direct 23:18	19:16 22:2
13:15,23	add 14:14	bill 11:16	15:19	6:6,22 7:8	23:12	directly 8:21	existed 10:10
14:2,24	added 18:1	12:6	certification 23:15	7:11 8:17	covered 5:20	9:14 20:7	existing 6:17
19:5,13,17	addition 5:23	blight 7:9	certify 23:3	10:7 11:12	6:4	discounted 4:16	expenses 9:10
20:16	17:22	Board 1:2,14	certifying 23:19	11:13 12:1	create 9:19	doing 3:5	experience 9:1
add 14:14	asset 17:23	2:5,6,16	Chair 1:13	12:24 13:1	13:20	donate 17:9	20:15
added 18:1	20:21	3:17,20,23	7:16	14:5 16:5	credit 18:20	donated 17:4	explain 14:17
addition 5:23	associations 14:5	3:24 4:9	chance 8:4	16:10,11,20	criteria 2:9	dozen 11:4	explosion 20:16
17:22	attendance 4:7	7:13,16,17	change 4:11	19:13 20:2	3:10	driven 9:9	extensive 9:17
additional 11:10,13	attention 22:13	15:17 19:3	charge 4:11	20:3,22	Criterion 5:4	dues 11:5,10	
adjacent 20:19	Audra 8:8,13	19:9,15	charges 3:19	component 5:10	crops 5:9,9	currently 8:14 11:3	
adjourned 22:14	8:14	21:23 22:9	4:12 6:18	compose 17:24	current 6:19	14:6 17:1	
ado 2:23	aware 3:15	22:10	9:18 19:16	composed 5:16	16:4	customers 3:12 6:10	F
advantage 14:18	5:23 6:5	body 3:17	Chew 15:5	compost 11:7	Criterion 5:4		F 23:1
Affairs 3:2	Awbury 12:14,16,17	bottom 14:12	children 19:20	comprised 16:14	crops 5:9,9	E 23:1	F-l-a-n-a-g-... 16:3
Agricultural 12:20	B	break 15:20	Chris 12:10	concerning 2:6	current 6:19	early 19:17	facilities 17:13
allow 9:13	B-e-l-l 21:9	brief 3:5,7	12:12	concrete 5:21	16:4	eat 15:13	facility 15:3
amazing 18:9	back 7:13 8:5	7:12	Christian 16:6	conduct 2:5	D-e 12:13	eaten 15:10	fact 18:17
amount 6:18	12:8	bring 13:19	city 1:1 4:1	confused 14:19	Dahme 2:24	edible/none... 5:9	21:11
7:3 9:19	background 3:8 4:14	Brockway 1:13 2:2,3	4:20 5:24	consider 21:23	3:1,2 7:15	educational 13:14	fallow 10:12
and/or 23:18	18:22 21:3	7:14 8:10	6:12 8:22	consideration 10:1 20:23	date 11:23	Edward 21:8	falls 3:22
ANGELA 1:7	21:18 22:7	10:2,18	9:4,16 13:4	consists 3:24	day 18:7	effective 5:3	families 8:20
23:11	barrels 17:21	11:21 12:4	13:13 14:5	contained 23:5	De 12:10,12	effort 17:3,4	8:24 9:14
annual 20:9	beautified 7:10	12:10,16	16:17 17:5	continue 9:13	12:12,17	18:11,19	9:14,15
answer 12:6	beautiful 16:18	14:15 15:16	17:6,8	9:22 17:2	14:19	efforts 18:2	19:22,23
15:17	bed 10:14	18:22 21:3	city-owned 6:1,8	18:13	deal 14:6	electricity 9:11	family 9:5
anybody 10:24 21:5	beehive 13:7	21:18 22:7	classroom 13:15 19:24	contribute 17:7,18,20	decades 20:15	element 18:9	farm 12:19
apply 3:11	beehives 11:12	Brunwasser 1:13 7:17	close 22:13	degree 14:20	December 21:24 22:11	elements 18:1	12:23 14:3
23:16	Beekeepers 13:6	budget 9:19	Co-Op 12:22		decision 3:21	eligible 3:11	15:8
appointed 2:4		budgeting 11:17	Code 6:5		20:24 22:1	4:17 5:7	farmed 5:13
		build 16:11	collection		dedicated 9:3	enters 7:4	features 11:10
		buildings 5:22 13:16			14:22 16:16		
		built 10:14			17:7,18,20		

Philadelphia Water Department Rate Board Hearing
November 16, 2016

fee 3:6 4:19 6:2,11 11:19 14:1 fees 9:20,20 18:4 20:4,6 20:10 feet 21:12,14 fence 11:14 fig 16:17 figure 15:13 final 3:20 Finishes 21:2 first 4:14 8:7 15:22 Fiscal 6:13,13 6:16,17 five 3:24 10:11 18:10 flags 17:10 Flanagan 15:24 16:2 16:3 flat 17:1 Floor 1:6 food 8:19 9:1 9:2,2,23 12:22 13:20 17:5,8,11 17:12,15 19:22 foods 17:9 foraging 15:12 foregoing 23:7,15 FORMAL 1:3 four 8:1 fresh 9:6 Friday 21:23 front 19:9 full 14:12 18:17 19:16 fully 23:5 fund 18:8 further 2:23 <hr/> G garden 4:15 5:4,8,12,14 5:17 6:22 7:7 8:15,17 8:21 9:7,7,8 9:11,15	10:7,10 11:7,10,24 12:2,14 13:14,18,20 14:3,5,21 16:5,7,11 16:12,15 17:8,23 18:9,11,13 19:5,13 20:2,5,7,8 20:21 21:13 gardeners 5:6 13:9 20:12 gardens 2:8 3:10,10,13 4:17,21,23 6:1,6 7:1,3 7:5,7 8:19 10:8 12:19 12:24 13:1 13:8,12 15:8 18:18 19:4 20:2 20:14 gardens' 9:19 gather 17:8 general 3:13 12:13 Germantown 12:15 getting 18:2 18:20 give 2:13 21:21 glad 11:1 go 4:17 8:5 14:12 17:11 20:6,18 22:10 goal 4:10 going 2:12 3:7 8:2 18:2 good 2:2 3:1 7:10 16:2 16:19 goods 13:20 grant 10:9 19:15 grants 18:2 grass 5:11 great 8:12 14:9 17:6	17:16 green 7:1 17:21 19:21 greenhouse 13:10 group 5:17 grow 19:22 growing 5:9 5:12 13:16 13:18 15:9 grown 9:3 grows 13:11 Guild 13:6 <hr/> H hand 7:13 21:6,7 Hands 10:17 happy 4:7 hard 16:12 harvest 8:22 9:16 16:17 17:5,6,8 hear 11:23 heard 4:11 19:8 hearing 1:2,3 1:13 2:2,3,6 2:14 7:14 8:10 10:2 10:18 11:21 12:4,10,16 14:15 15:16 18:22 21:3 21:18,20,21 21:22 22:7 22:13,14 hearings 2:5 10:21 HELD 1:12 1:16 help 13:21 14:6 hives 18:10 hope 20:22 22:1 Horticultural 13:5,11 housing 20:15 hundred 4:18 20:6 <hr/> I	idea 21:14 impact 3:12 6:3,10,15 20:10 impacted 6:7 6:19,20 important 4:5 5:5,10 7:3 18:16 include 3:7 including 4:22 11:11 incomes 16:24 increase 11:5 independent 3:17 independen... 16:15 indicate 7:22 17:11 indicated 8:1 influence 11:17 information 2:12 3:9,19 3:22 4:3 5:5 insecure 9:24 insecurities 9:2 intentionally 17:1 interesting 17:23 introduce 7:16 invaluable 19:18 invest 11:6 involved 4:6 issues 15:23 <hr/> J Jane 10:3,5 January 5:3 22:3 Joanne 2:24 3:2 June 2:11 4:21 <hr/> K keep 18:4 keeps 10:19	Kenney 4:20 kept 16:24 18:7 kind 4:11 KING 1:7 23:11 know 2:10 5:24 7:21 18:15 <hr/> L labor 9:10 20:8,9 land 10:12 21:14 Lands 20:17 landscape 15:12,14 lane 15:4,5 large 16:16 late 2:10 Laurel 7:23 8:5 Leadership 13:17 legislation 15:7 let's 8:7 letter 4:23 19:6,10 21:2 letters 4:9 Liberties 20:13 Liberty 19:13 20:17 limit 9:22 line 14:12 listen 7:18 little 21:4,21 living 17:13 located 16:6 location 1:6 11:24 long 2:8 20:18 longstanding 8:16 16:22 look 5:11 lost 6:11 lot 4:7 13:19 16:10,23 18:1,11,18 lots 16:19	20:14 love 18:12 low 15:5 19:23 <hr/> M M 1:7 23:11 M-c-C-a-r-... 19:3 main 15:9 maintain 9:12 maintained 7:10 13:8 majority 9:8 making 3:17 4:11 5:15 20:23 manage 5:18 7:6 Manager 3:2 12:14 Margaret 18:23 markets 13:21 Master 13:9 materials 14:8 matter 23:7 Mayor 4:20 MCCARTY 22:6 McCarvill 18:23 meadows 14:24 mean 17:17 means 5:19 23:17 meet 2:9 15:14 meeting 21:24 meetings 4:8 member 1:14 7:17 members 3:24 9:20 11:4 12:5 15:21 16:10 16:15,21,22 20:3 membership	9:20 11:5 17:1 18:3 memberships 17:9 mention 10:19 merit 6:23 microphone 8:9 10:4 16:1 19:1 21:7 middle 10:15 minimal 6:18 MINUTES 1:3 modest 20:5 money 18:3 monthly 2:8 Moore 10:6 12:1,2 morning 2:2 3:1 16:2 mulch 11:7 18:6 <hr/> N N 23:1 name 2:3 8:11,13 10:5 12:11 16:2 18:24 19:2,11 21:8 names 8:2 Nancy 1:13 2:3 nearby 19:24 necessarily 10:23 neighbor 10:13 neighborho... 4:22 10:8 10:11 19:4 19:19 neighbors 10:13 new 3:18 15:18 non-genera... 20:3 non-owned 6:12 nonpermea...	21:13 nonprofit 5:18 14:4 Northern 19:13 20:13 Notary 23:12 noted 23:4 notes 23:6 November 1:2 number 2:19 5:24 6:24 nursery 13:3 nutritious 19:22 <hr/> O O 23:1 Obviously 14:1,11 15:8 occur 18:7 Officer 1:13 2:2,4 7:14 8:10 10:2 10:18 11:21 12:4,10,16 14:15 15:16 18:22 21:3 21:18 22:7 offline 2:21 Okay 12:9 once 2:15 open 7:1 21:24 operates 5:14 operating 20:4 operations 12:19 14:2 14:13 operators 15:8 opportunities 4:8 opportunity 14:10 19:9 20:20 Orchard 13:2 13:5 orchards 16:17 order 8:3 ordinance
--	---	---	--	---	---	---	--

Philadelphia Water Department Rate Board Hearing
November 16, 2016

2:10 4:15 4:19,21 5:2 15:19 22:6 22:8 outdoor 19:24 outset 16:22 outside 11:14 overall 7:11 overview 3:8	3:3 6:5,23 8:15,20 9:1 12:3,15 13:2,6,10 19:15 PHS 4:22 piece 18:13 place 5:1 6:15 15:22 16:19 16:19 22:3 plan 10:15,17 11:4 plot 8:19 16:8 plots 8:18 9:3 13:1 16:14 17:7,10 plus 13:4 point 11:15 pollinated 13:7 pollinator 18:11 pond 14:24 15:2 Popowsky 1:14 7:18 11:23 position 15:17 possible 11:17 possibly 9:21 posted 11:2 potential 15:2 pounds 8:24 9:5 17:5 preliminary 2:22 preparation 3:16 preparing 11:11 presentation 1:1 2:13 3:5 3:7 7:12 presented 3:19 preserve 7:1 preserved 19:21 President 16:4 19:3 pretty 17:1	primarily 13:8 primary 13:7 principal 5:8 probably 22:11 procedures 22:9 proceeding 4:24 proceedings 23:4 process 3:8 3:14 6:14 produce 8:24 9:5 15:10 Professional 1:8 profit 5:15 program 8:22 9:16 12:22 13:9,17,21 programs 12:21 prohibitive 20:11 Project 13:2 projects 9:4 13:3 pronouncing 18:23 properly 18:5 properties 14:11 property 5:19 5:20 6:9 10:8 11:9 12:21 13:1 14:18,23 17:17 proposal 3:23 proposed 3:6 3:21 4:11 5:7 6:3,7 11:8 13:23 proposes 3:18 proposing 6:24 proved 19:18 provide 2:12 4:8 7:8,10 8:19 20:2 provided	2:15 public 2:14 3:2 4:6,7 5:6,14 7:6 9:13 10:20 12:14 13:12 14:21,22 21:20,21,22 23:12 Public's 4:5 published 21:24 punctuate 21:10 purpose 14:22 17:18 put 11:1 17:10 22:3 putting 13:4	Q qualification 15:14 question 2:18 14:16 questions 2:17 7:19 12:6 15:18 quite 14:20 15:6	R R 23:1 rain 20:18 rainy 18:7 raise 21:6 raised 21:7 raspberry 16:18 rate 1:2 2:4 3:8,16,17 3:20,23,24 4:4,9,24 6:10,14,14 6:19,21 7:13,16,17 19:15 rates 3:12,14 3:18 4:4,12 4:14 6:17 read 19:6 reading 19:10 21:2 real 4:9	really 5:5 7:2 16:12 17:19 18:4,12,16 18:18 reason 17:2 reasons 6:24 record 10:20 10:23 11:2 recreation 19:24 reduce 7:3,9 reducing 20:18 regarding 3:9 Registered 1:8 regularly 20:1 reinvest 11:8 relief 11:18 renovation 10:9,15 11:8 REPORTED 1:7 reporter 1:8 8:12 23:12 23:19 representat... 2:19 4:22 representing 10:6 reproduction 23:17 request 2:7 22:8 requesting 4:24 resource 19:18 rest 14:23 17:19 restoration 15:2 restricted 15:7 16:24 resulting 6:11 retired 16:23 revenue 6:11 review 2:16 reviewed 5:1 right 9:10 21:18	right-of-way 7:7 Role 4:5 roof 17:21 RPR 1:7 23:11 run 16:15 runoff 7:6 15:4 17:20 20:19 21:15	S S-h-a-n-n-a 16:3 schedule 21:22 school 16:8,9 16:9 schools 19:24 Secretary 8:14 section 12:15 see 4:3,7 5:11 8:5 14:11 seed 13:12 sees 6:23 sell 13:20 send 4:9 senior 17:13 sense 7:5 14:9 21:16 sent 4:23 19:6 serve 9:13 serves 19:23 services 9:8 severely 9:22 sewer 3:16 7:4 sewers 20:19 Shady 19:5 19:12,17 20:16 Shanna 15:24 16:3 21:10 sheets 7:24 8:4,6 shortly 2:13 show 8:3 19:14 sign 7:21 8:5 sign-in 7:24 8:3,6 signed 2:10 4:21	significant 9:19 significantly 20:10 sitting 12:8 situation 2:19 small 13:2 14:6,24 17:19 Society 13:11 soil 5:20 solar 17:23 Sonny 1:14 7:17 sort 10:14 17:10,22 18:4,6 sounds 15:20 South 12:2 Southwark... 16:5 21:9 space 7:2 19:21,21 speak 7:23 8:2 19:9 21:5,20 special 4:16 specifically 9:3 spell 8:11 12:11 18:24 square 21:12 21:14 start 8:7 22:3 Starting 15:11 State 13:9 states 5:2 stay 20:12 stenographic 23:6 stock 13:3,12 13:19 stormwater 3:6,16,21 4:14,16,19 7:4,6 9:18 11:18 14:1 15:3 17:16 17:20 18:19 19:16 20:10 21:15 stormwaters	5:18 Street 1:6 10:6 12:1,2 16:6 subject 9:17 12:7 submitted 10:22 summer 4:20 20:1 supervision 23:19 support 13:12,21 14:7 19:14 21:1 supported 20:8 supposed 22:4 sure 2:21 4:10 8:10 11:16 14:20 14:23 15:6 18:5 surface 20:18 Susan 19:11 sustained 17:24 system 7:4 13:13	T T 23:1,1 take 5:1 7:7 8:2 9:18 11:1 14:18 15:3 20:22 taken 23:6 talk 2:20 20:20 taxing 21:15 Teenage 13:16 teenagers 13:18 tenants 12:20 tended 18:6 terms 14:8 testified 21:11 testimony 4:8 thank 7:14 10:1 11:20
--	---	--	--	---	--	---	---	--	--	---	--

Philadelphia Water Department Rate Board Hearing
November 16, 2016

15:16 18:21	V-e-l-d-e	week 17:10	1976 16:7			
18:22 20:20	12:13	West 8:15,20	1980s 19:17			
20:24 21:3	vacant 5:11	9:1	<hr/>			
21:17 22:12	7:9 16:8	White 19:11	2			
Thanks 10:2	20:14	Winkel 10:3	<hr/>			
12:9	Van 12:10,12	10:5,6 11:3	2012 3:15			
thing 17:6	12:12,17	12:1,9	2016 1:2			
21:10	14:19	Wolfe 8:8,13	21 21:24			
things 7:15	various 12:5	8:13,14	22:11			
18:5,6	vast 9:8	19:2	231 6:6			
think 2:11,21	vegetable	work 15:23	<hr/>			
3:14 5:10	12:22	worked 16:12	3			
18:15,17	vegetables	working 15:1	<hr/>			
three 8:1,23	8:19 9:6,23	writing 10:21	30 8:17 11:6			
tilled 5:13	vegetation	19:14	300 6:2			
time 1:16	5:21	written 10:24	35 19:19 20:5			
16:8 18:21	Velde 12:11	www.phila....	38 13:23			
20:24 21:4	12:12,12,17	4:2	14:23			
today 4:13	14:19	<hr/>	3rd 16:6			
7:18 16:13	venture 5:15	X	<hr/>			
19:5,8	Village 12:20	<hr/>	400 21:13			
toilet 17:24	16:5 21:9	Y	46,000 6:16			
torn 16:9	voice 19:8	<hr/>	47th 8:15			
touch 15:21	voices 4:10	yards 20:14	48,000 6:17			
transcript	volunteer 9:9	year 6:13,13	4th 16:6			
23:8,16	20:9	6:16,17 9:4	<hr/>			
transcripts	volunteers	11:6,6 14:1	5			
10:20	5:16	17:3 18:5,5	<hr/>			
transform	voters 3:15	18:7 20:6	50 9:21			
16:12	<hr/>	yearly 11:5	55 12:18			
tree 14:24	W	20:11	55-acre 12:14			
trees 11:11	want 7:15,23	years 8:18,23	5th 12:2			
16:18 18:5	8:1	10:11 14:22	<hr/>			
truck 12:22	wanted 19:8	19:12	6			
Trust 4:23	21:10	<hr/>	60 8:20 13:1			
10:8 19:4	Warrington	Z	600 8:24			
turn 2:23	8:15,16,16	<hr/>	64 16:14			
two 12:23	Washington	zero 14:13	69,000 21:14			
13:15,15	15:4,5	<hr/>	<hr/>			
<hr/>	water 1:1 2:4	0	7			
U	2:8 3:3,4,16	<hr/>	<hr/>			
understand	4:23 6:23	1	8			
5:6	9:12 11:16	1 5:3 22:3	<hr/>			
upkeep 20:7	14:8 15:1	1,000 9:4	8,000 14:1			
20:8	17:22 19:7	10:30 1:16	80 5:19,19			
urban 5:8,12	19:15	10:56 1:16	<hr/>			
5:17,24 7:1	watered 9:7	22:14	9			
7:2	way 15:20,20	100 14:21	<hr/>			
use 5:8 7:5	20:18 22:2	1200 17:5	90 8:18			
9:12 11:9	web 11:2	1515 1:6				
14:8 20:1	website 4:2	16 1:2 12:18				
<hr/>	22:1	14:2				
V	Wednesday	17 6:13,16,21				
V-a-n 12:13	1:2	18 6:13,17,21				
		18th 1:6				
		1916 14:22				