

FW: Lateral Repairs, issues - Case File - 516 Parkhollow Lane, Phila 19111 (and 518 Parkhollow Lane)

Paul Fugazzotto

Sent: Monday, April 04, 2016 10:49 PM

To: WATERINFO

Attachments: IMG_0246.JPG (48 KB) ; IMG_0245.JPG (53 KB) ; IMG_0247.JPG (40 KB) ; IMG_0248.JPG (40 KB) ; IMG_0249.JPG (41 KB) ; IMG_0250.JPG (37 KB) ; cainloan.BMP (1 MB) ; cainloan1.BMP (1 MB) ; WATERRATEBOARD.docx (20 KB)

From: Michael Skiendzielewski

Sent: Sunday, April 03, 2016 11:00 PM

To: nbrockway@aol.com; MDChapman@chapmanautogroup.com; bernie.brunwasser@gmail.com; fola@sas.upenn.edu; spopowsky@gmail.com; huang@econsultsolutions.com; skiadvocat@aol.com; luvieski@gmail.com

Subject: Lateral Repairs, issues - Case File -

Re: Consumer Issues/Concerns - Michael and Maryann Skiendzielewski

To the members of the Water Rate Board, Water Department, City of Philadelphia:

Though I am aware that the Water Rate Board has no jurisdiction and/or authority in the matters described herein, I believe that the details and circumstances presented are very important in light of the current management and leadership of the Water Department of the City of Philadelphia. Since members of the Water Rate Board commit their time and services to provide support and guidance to the management of the Water Department, the elements of this case will be illustrative of the relationship of department management and the customers served.

Please see the attached pictures, copy of modified loan agreement (cainloan) and principal correspondence (waterrateboard.doc) for information relative to the issues, concerns, etc. between homeowner/consumer and Water Department, City of Philadelphia.

The primary objective and understanding in presenting and pursuing these matters is that this homeowner is simply and only asking for fair, equitable and reasonable treatment regarding the expenses involved in lateral replacements in relation to the processing of a similar request for reconsideration of lateral expenses at the adjoining property and neighbor of this homeowner. To this date, even though the Water Commissioner of the City of Philadelphia has stated in correspondence that the situation is different), she has not provided facts, evidence, documentation, etc. to support this claim and assertion, which statement is used to justify the different outcome in cases filed by these two adjacent homeowners.

I am still in the process of gathering more information and will supply additional information to the main document (waterrateboard.doc) when I finish my review of existing correspondence between this homeowner and the Commissioner of the Water Department.

I thank you for allowing me to share this important information and concerns with you.

Sincerely,

Michael Skiendzielewski
Philadelphia, PA 19111

FW: Follow up/Comment - Request to make presentation

Paul Fugazzotto

Sent: Monday, April 04, 2016 10:52 PM**To:** WATERINFO

From: Michael Skiendzielewski**Sent:** Friday, April 1, 2016 21:42**To:** nbrockway@aol.com;**Subject:** Follow up/Comment - Request to make presentation

Ms. Brockway:

As I mentioned in a previous email, I thank you for stating that you would make my correspondence part of the hearing record. Regardless, I was pleasantly surprised by that gesture. All I can say is that I can tell from your background that you are a person of integrity and outspokenness and I just wanted to let you know that I appreciate the fact that you represent someone who at least understands the stand/position I am taking.

Of course, this correspondence is shared in confidence and for whatever reason, Ms. McCarty does not, will not or chooses not to understand my perspective. If the issues facing this homeowner and my neighbor are/were different re lateral replacement, then show me the evidence. If you don't have it, then treat my fairly and equally and reduce my lateral bill by 55%. This is an easy one, don't you think?

Sure hope that reason, fairness and equity prevail in this advocacy. However, I don't really expect it, but I have been surprised in the past. You see, I've had to do a great deal of advocacy both personally and professionally in the disability field, due to the physical and psychiatric disabilities of our daughters over the years. This work of standing up and speaking out is second nature to this writer (I can tell from my review of the Internet that I am preaching to the choir, as it were).

Finally, I was looking over some of the hearing meeting notes on the Internet. Many engineering, finance, management professionals involved with the Water Dept at those hearings.....I wonder how they would view, understand and/or judge the facts, circumstances and correspondence relative to my issues and concerns.

No matter what occurs, best of luck in your endeavors and I have to love a Bostonian (our youngest son went to the CIA and worked in fancy Beantown restaurants for a couple of years while living in Cambridge....neat place)

Mike Skiendzielewski

-----Original Message-----

From: Nancy Brockway <nbrockway@aol.com>To: skiadvocat <skiadvocat@aol.com>Cc: bernie.brunwasser <bernie.brunwasser@gmail.com>; frances.beckley <frances.beckley@phila.gov>;marie.mcneill <marie.mcneill@phila.gov>

Sent: Thu, Mar 31, 2016 10:52 am

Subject: Request to make presentation

Dear Mr. Skiendzielewski:

Your email to the Water Rate Board (copied below) has been referred to me. I am the Hearing Officer for the Rate Board in its pending consideration of the request of the Philadelphia Water, Sewer and Stormwater Department for a rate increase. I have copied the Chair of the Rate Board to ensure he is aware of your request.

The Water Rate Board does not resolve individual complaints. Rather, the Rate Board approves or disapproves the rates and charges proposed by the Department as applicable generally to classes of customers.

I take it from your email to Ms. McNeil that you believe you are not being treated equitably in comparison to the treatment of your neighbor regarding lateral expenses. The Rate Board cannot resolve this specific dispute. The Board does not have jurisdiction to decide individual customer complaints.

To the extent you believe that the overall classification of customers for the purposes of charges regarding such laterals is unfair for all customers similarly situated, however, I invite you to put these concerns in writing and submit them to the Rate Board for consideration in the pending rate case. If you wish the Rate Board to address the questions involved in the consideration of the pending request of the Department for a rate increase, you must send your comments in by April 18 at the latest. Under the Ordinance governing the Water Rate Board, this date is the last date for this rate increase proposal on which the Water Rate Board may take comment on the proposals.

Best regards,

Nancy Brockway
Hearing Officer
Philadelphia Water, Sewer and Stormwater Rate Board

Ms. McNeill:

Thank you very much for taking my phone call and listening to the issues and concerns relative to my residence at . I will once again emphasize that my main focus is fair, equitable and reasonable treatment of my lateral expenses in light of the similar situation, yet different financial outcome, for my neighbor at

Though my time is very limited due to ongoing family and medical care matters and concerns, I would like to make a presentation to the Water Rate Board at a future meeting sometime in the next few months. However, as I mentioned, I may begin to share the facts, documents, issues, concerns, and city records with Board members individually prior to a monthly meeting since such communication represents a much more effective use of my time and resources.

I thank you once again for your consideration and patience and look forward to your response/acknowledgement of receipt of this correspondence.

Sincerely,

**Michael Skiendzielewski
Philadelphia, PA 19111**

Though I am aware that the Water Rate Board has no jurisdiction and/or authority in the matters described herein, I believe that the details and circumstances presented are very important in light of the current management and leadership of the Water Department of the City of Philadelphia. Since members of the Water Rate Board commit their time and services to provide support and guidance to the management of the Water Department, the elements of this case will be illustrative of the relationship of department management and the customers served.

My name is Michael Skiendzielewski and my wife and I reside at 516 Parkhollow Lane in the Fox Chase section of the city. In the late 1990's, the Hidden Glen residential development was built with 27 single homes and several residences have experienced significant difficulties with their water/sewage service since the completion of the development. It is important to note that as a result of the Federal investigation in 2002, arrests and prosecutions of L and I Inspectors took place for accepting monies from plumbing contractors in lieu of inspection and approval of such residential developments as ours.

At my residence, 516 Parkhollow as well as my neighbor at 518 Parkhollow, we had the occasion to sustain two separate occurrences of lateral replacement. In the first instances at both properties, the cost of the lateral replacement was borne by the insurance company of the builder of our homes. In the second instances, which were more expensive and involve the lateral replacement all the way out to the main sewer in the middle of our cul-de-sac, the cost of this work was borne by the homeowner.

After the second lateral replacement at my neighbor's at 518 Parkhollow, he accessed the appeal process through the Tax Review Board and at the second level of appeal, he was granted a modified agreement between the Water Department and the Office of the City Solicitor, which reduced his lateral expense by 55%. He stated that he presented the information relative to the L and I corruption probe and prosecution but no technical information and document relating to his lateral work.

In the summer of 2014, my second lateral work was done and the expense was in excess of \$11,500. However, when I accessed the appeal process, I was denied any reduction in my expenses, though I presented information relative to the L and I corruption probe. I

have been unable determine or locate any information, documents, details, evidence, facts, etc. that would distinguish my second lateral replacement from that of my neighbor's. As a matter of fact, even though Ms. Debra McCarty, Water Commissioner, has mentioned in emails that the 516 situation is different from the 518 situation, and despite the fact that I have asked her to provide specific information, details, facts, etc. that make my situation different from my neighbors relative to the lateral replacement, Ms. McCarty has failed to produce information, details, facts, etc. to substantiate this claim and assertion.

Important email attachments include digital photos illustrating the extent of the work and damage at my residence. Also attached is a copy of the modified agreement offered to my neighbor at 518 Parkhollow Lane, signed by the homeowner, Water Dept. representative and an attorney with the City Solicitor's Office.

One of the most significant matters revealed in the digital photos is the large and deep hole in the grassy footway between my sidewalk and the street. You will also notice that the area under the sidewalk blocks has been washed out and several of the sidewalk blocks are

tilted either up, down or show an uneven level. This washing out of the grass and dirt has been taking place to a smaller and larger degree in some fashion over several years. I have replaced the soil, stones and grass on more than one occasion and yet the washing out of the grassy footway continues.

On March 1, 2016, during my appeal before the Tax Review Board, I raised the issue of the washing out of the grassy footway with a Philadelphia Water Department employee who was testifying before the panel. When asked by this writer what the source of this problem was, he stated that this wash out represented a breach in the wall and this was the responsibility of the Philadelphia Water Department. I then added that this problem of depressions and holes in the footway were evident back in the summer of 2014 at the time the laterals were replaced by a PWD approved contractor.

A significant concern arises from the problem of the washing out of the grassy footway. If the problem has been evident for at least two years come this summer and even far beyond that, what action, if any, did the Philadelphia Water Department take in response to the knowledge and awareness of such a problem at the time the laterals were replaced in the summer of 2014? What

internal mechanisms, quality control, incident management protocol is in place in the PWD in order to ensure that the management and leadership responds in a timely manner when made aware (responsible to be aware when facing such a problem that has existed in the footway) that such an issue needs to be checked, evaluated, tested and resolved?

Debra McCarty, Water Commissioner, provided her response to this concern on April 1, 2016:

As for the recent investigation, based upon information you provided at the TRB hearing, we investigated the cause of a sinkhole in the grass area in front of your property. Through testing it was determined that the cause was due to a defective inlet lateral (the pipe which drains the inlet to the storm sewer) and not the inlet wall (as one of our employees suggested could be the cause when you questioned him about it). The Department will repair the defective inlet lateral. This problem is separate and distinct from the problem that occurred over 1 1/2 years ago w/ your laterals.

First of all, the problem existed at the time the PWD crew was on site at the time of the lateral replacement in the summer of 2014. What action was taken then? Also, the PWD sent out a crew in the early morning of March 1, the day of the appeal hearing, to inspect the property which I had been notifying the Commissioner about (the concerns re washing out). Even with their own inspection of the property, is Ms. McCarty saying that she took action only because I brought the issue up at

the appeal hearing? If I had not testified about the issue, would her employees, her department had taken any action on a concern with obviously warranted attention and investigation?

Ms. McCarty's assertion that "this problem is separate and distinct from the problem that occur over 1 ½ years ago w/ your laterals" is simply not supported by the facts in this case. The washing out was occurring before the lateral replacement and a review of the digital photos included with this packet of information will show an approx. 3 – 4 foot separation in the street between the lateral replacement repair repaving and the white marks recently placed by the PWD preparing to repair the defective inlet lateral referred to by Ms. McCarty. No one can say with any certainty that these two conditions are related or are not related. Certainly, such a small separation between these two elements (lateral replacement and inlet lateral failure) on the street is significant given the extended period of time we know the inlet lateral has been failing. Even her own employee acknowledged the existence of the holes and depressed areas in the footway when the work was being done in the summer of 2014 to replace the sewer laterals.

The following paragraph is excerpted from an email received from Ms. McCarty in August 2014 when she was Deputy Commissioner, Water Department:

It is not known to whom you are referring that had their loan reduced by 40% so I cannot speak to the specifics or reasoning. However, despite their commitment to pay their HELP loan, I am aware of some property owners who appeal to the Tax Review Board. My understanding is that technically TRB does not have jurisdiction but does hear some of these cases if there is a dispute regarding the loan process where it is alleged that the Water Department erred in some way. However, it should be noted that as per paragraph 17 of the loan documents, you waived the right to appeal to the TRB. It also does not appear that you are alleging that PWD erred in any way so an appeal to TRB would not be warranted.

These statements are confusing to this homeowner. I am unaware of this item in Paragraph 17 where I waived my right to appeal to the TRB. If this is in fact true, then why would the TRB process my request for an appeal and hearing? And, if the TRB appeal only applied to technical items in the loan process, what would have the TRB provide a 55% reduction in the lateral replacement expenses for the homeowner at 518 Parkhollow Lane?

In response to my inquiry in August 2014 wherein I posed questions regarding the lateral replacement project, Ms. McCarty responded:

Q: Does personnel from the Water Dept. approve the project beforehand as well as sign-off at the completion of the project, indicating that the project was completed satisfactorily and according to regulations?

A: The Plumbing Inspector is the person who develops the initial scope of work which the homeowner is provided w/ the anticipated cost of the HELP loan. This inspector oversees the work to insure compliance w/ all Regulations

Did the Plumbing Inspector who approved the lateral replacement and insured compliance with all regulations notify the department of the holes and depressed areas in the grassy footway? Rest assured, it is the truth that this area exhibited atypical washing out at that time and even before the summer of 2014. I can assure you that any number of people walking their dogs in this area have commented about this danger for quite some time and would certainly provide affidavits testifying to this fact.

-----Original Message-----

From: Michael Skiendzielewski <skiadvocat@aol.com>

To: Debra.McCarty <Debra.McCarty@phila.gov>; skiadvocat <skiadvocat@aol.com>

Sent: Fri, Jul 10, 2015 2:57 pm

Subject: Re: Inquiry from Homeowner - 516 Parkhollow Lane

Ms. McCarty:

From the enclosed information at the end of this email, you may recall the issues we spoke about in the Fall Of 2014. The situation related to the lateral repair has deteriorated to a significant degree in that there have been two holes that have opened up in the street area where the lateral replacement was done. The first time, the Streets Department came out to patch and repave and I have notified them several times recently about the new opening (not yet covered over). In addition,

that \$1000+ new curb that we debated back and forth is already cracked and the area underneath has sunken. I have notified the contractor about this problem and he has not told me what, if anything, can be done to correct this. Also, despite my repeated filling in of the grassy area on my property adjacent to the curb, this area, along with my pavement blocks, continue to sink and the underside of some of the pavement blocks are exposed. Also, in the area in the street where the laterals were replaced, there is a depressed region about two feet wide and 4-5 inches deep.

----- Original message -----

**From: Michael Skiendzielewski
Date: 07/13/2015 12:34 PM (GMT-05:00)
To: skiadvocat@aol.com, Debra McCarty
Subject: CURREN Inquiry from Homeowner - 516 Parkhollow Lane**

Ms. McCarty:

What recourse, if any, does this homeowner have regarding the lateral installation that was completed less than a year ago with a significant depression in the street, two holes opened in the street next to the new curb installed, a crack in the new curb installed which the contractor deemed necessary, etc. and significant erosion on the grassy areas and pavement areas on my property despite continued filling in of the grassy areas against the contractor for the workmanship that I paid nearly \$11,000 for?

The contractor was notified by this homeowner of the problem and was to have inspected this site for problems connected to the installation.

Please respond as soon as possible since the one year date of completion of this project is near.

Michael Skiendzielewski

-----Original Message-----

From: Debra McCarty <Debra.McCarty@phila.gov>

To: Michael Skiendzielewski <skiadvocat@aol.com>

Sent: Mon, Jul 13, 2015 10:25 pm

Subject: RE: CURREN Inquiry from Homeowner - 516 Parkhollow Lane

Mr. Skiendzielewski,

I will have these issues investigated and get back to you w/ the findings.

Debra McCarty

Deputy Commissioner/Director of Operations

Philadelphia Water Department

1101 Market Street

Philadelphia, PA 19107

215-685-6102

***INCOMPLETE.....SUBMITTED TO WATER RATE BOARD, APRIL
3,2016***

AMENDMENT AGREEMENT

This AMENDMENT AGREEMENT is made this ___ day of _____, 2010 by and between Arthur F. Cain, Jr. ("Property Owner"), who owns and resides at 518 Parkhollow Lane, Philadelphia, PA, and the City of Philadelphia, acting through the Water Department ("City" or "PWD").

Background

WHEREAS, the City provides qualified PWD customers with loans ("**HELP Loan**") to finance the repair of certain private plumbing by third-party plumbers; and

WHEREAS, the City and Property Owner entered into a HELP Loan Agreement (Case ID No. 3019154) for storm and sanitary sewer line repair on March 28, 2008 ("Agreement"); and

WHEREAS, the loan amount under the Agreement is \$9734.00; and

WHEREAS, the Property Owner disputed his liability under the Agreement in an appeal to the Tax Review Board (Docket No. 28PIMERZZ9676) ("**Appeal**"); and

WHEREAS, the City and the Property Owner wish to resolve the dispute amicably by adjusting the loan amount due from the Property Owner to the City under the Agreement.

In consideration of the mutual obligations set forth herein, and each intending to be legally bound, the City and Property Owner covenant and agree as follows:

Amendment

With the exception of the following provisions set forth in this Amendment Agreement, the terms and conditions of the Agreement shall be and remain in full force and effect:

I. Amount of Loan

The total amount owed by the Property Owner to the City shall be adjusted to \$4370.00.

II. Loan Repayment Schedule

The Property Owner shall repay the City in equal installments over sixty (60) months as of the date of this Amendment Agreement.

III. Appeal Withdrawal

The Property Owner shall withdraw the Appeal from the Tax Review Board within ten (10) days of the date of this Amendment Agreement.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, and intending to be legally bound hereby, the parties hereto have caused this Amendment Agreement to be duly executed the day and year first above written.

APPROVED AS TO FORM

City of Philadelphia

Sarah E. Stevenson
Assistant City Solicitor

By: _____
Derrick Segers
PWD, Plumbing Repair Programs Manager

Arthur F. Cain, Jr.
518 Parkhollow Lane
Philadelphia, PA 19111

By: _____











