

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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2 P R O C E E D I N G S

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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

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 additions.

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.

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

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

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

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

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.

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

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

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 an 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

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.

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

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?

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

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?

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

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

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

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

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.

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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.

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?

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

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

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

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

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

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

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

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

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

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

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

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.

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

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,

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 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. 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.

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

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

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

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.

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

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

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

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.

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

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

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

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?

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?

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

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

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?

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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.)

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REPORTER'S CERTIFICATION

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.

Sheila J. Klos
Registered Professional Reporter
Commissioner of Deeds

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