

Philadelphia Water Department Stormwater Special Rate Hearing  
November 14, 2016

CITY OF PHILADELPHIA  
PHILADELPHIA WATER DEPARTMENT  
STORMWATER SPECIAL RATE HEARING  
MONDAY, NOVEMBER 14, 2016  
10:35 A.M. - 10:50 A.M.  
MINUTES OF PUBLIC HEARING

- - -

LOCATION: Villas Del Caribe  
167 West Allegheny Avenue  
Philadelphia, Pennsylvania

REPORTED BY: SUSAN A. HURREY, RPR

- - -

HELD BEFORE:

NANCY BROCKWAY - HEARING OFFICER

BERNARD BRUNWASSER - CHAIR

SONNY POPOWSKY - BOARD MEMBER

- - -

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<p style="text-align: right;">Page 2</p> <p>1           - - - 2           PROCEEDINGS 3           - - - 4           MS. BROCKWAY: Good morning. My name 5 is Nancy Brockway. I'm the Hearing Officer 6 appointed by the Philadelphia Water Rate Board to 7 conduct hearings for them, including this public 8 hearing at Villas Del Caribe. And this hearing has 9 to do with the request by the Water Department to 10 change the stormwater rates for community gardens. 11           The Mayor, in June, signed an ordinance 12 passed by the Council that would allow the Board to 13 grant a discounted rate for stormwater management 14 services to these gardens and the Department filed 15 for a complete discount, a hundred percent 16 discount. Their technical requirement is to be a 17 community garden. And here we're taking public 18 comment about whether this is a good idea. 19           With me at the bench, I guess, are the 20 Chair of the Board, Bernie Brunwasser, and one of 21 the members of the Board, Sonny Popowsky. And what 22 we are going to do is we're going to let the Board 23 give you all a presentation, a little bit about 24 what their proposal is, and then we'll take public</p>	<p style="text-align: right;">Page 4</p> <p>1 customers and community garden benefits. 2           So the rates process. So it's great to 3 have the public participate in this process. I 4 don't know if everyone knows, back in 2012 voters 5 approved the creation of the Water, Sewer and Storm 6 Water Rate Board. So whenever we have a proposed 7 change in our rates, even something like a proposed 8 stormwater fee exemption, that goes before the rate 9 board who makes the final determination based on 10 the information that's provided to the rate board 11 and also based on public testimony. That's why 12 it's really important to have the people who are 13 engaged and come to give us an opinion and hear 14 what's going on. 15           The rate board consists of five members 16 appointed by the Mayor, approved by City Council. 17 They have their own Website, so if you're 18 interested, you can go to 19 <a href="http://phila.gov/water/rateboard">phila.gov/water/rateboard</a>. A lot of great 20 information about the previous rate change and also 21 about what is occurring regarding the stormwater 22 fee exemption. 23           Actions you can take. So we certainly 24 want citizens to be engaged. Citizens can send a</p>
<p style="text-align: right;">Page 3</p> <p>1 comment. And I hope if you wanted to comment 2 publicly that you check the little box on the 3 sign-in sheet, that would be very nice. But in any 4 event, I think we can manage this. Okay. 5           I also want to introduce Debra McCarty 6 who is the Commissioner of the Water Department. 7           Be my guest. 8           MS. DAHME: Good morning, everybody. 9 My name is Joanne Dahme. I'm the Public Affairs 10 Manager for the Water Department and we're doing a 11 very short presentation to give you an overview 12 about what the proposed discount on stormwater fees 13 is all about. I also want to mention, does anyone 14 need a Spanish interpreter? Because we do have an 15 interpreter available. Just raise your -- okay. 16           Just wanted to make sure. 17           So we're going to give you a general 18 overview of what this is all about. Very brief. 19 So we're going to talk about the rate process 20 itself, talk a little bit of background about where 21 the proposed sewer discount -- the origin of it, 22 what it entails. Community gardens criteria 23 information that support those gardens who would be 24 up for the exemption. The rates impact of the</p>	<p style="text-align: right;">Page 5</p> <p>1 letter to the rate board at the address that is 2 listed below, you can do what you're doing today, 3 attending a public presentation, you make formal 4 testimony, you provide testimony to the rate board 5 which becomes part of the public record. But, 6 again, we always encourage our ratepayers, citizens 7 to be involved as much as they can be. 8           So the background of the proposed 9 stormwater rates for community gardens. City 10 Council passed an ordinance this past summer which 11 established a special discounted stormwater charge 12 for urban gardens that meet the criteria. That 13 exemption or that discount can go up to a hundred 14 percent of the stormwater fee. The Mayor signed 15 that ordinance on June 28, 2016. In July we 16 received a letter from the garden representatives, 17 Pennsylvania Horticultural Society, Neighborhood 18 Gardens Trust to initiate this rate proceeding 19 because we wanted to see this move forward. The 20 ordinance states the exemption should become 21 effective on January 1, 2017, so it's sort of a 22 short process. So this is a part of that process. 23 This is the second public meeting out of four that 24 will be held.</p>

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<p style="text-align: right;">Page 6</p> <p>1           So community garden criteria 2 information. So there is criteria. Not every 3 vacant land that has something growing on it 4 qualifies for this exemption. An urban garden by 5 definition, the property's principal use has to be 6 for growing crops. That can be for edible and 7 nonedible. The community group or nonprofit needs 8 to operate the garden for the public benefit. So 9 it's not a profit-generating venture. But most 10 importantly from the view of the Water Department, 11 the stormwater on the site has to be sustainably 12 managed, meaning that 80 percent of that property 13 will be considered impervious, covered by soil, 14 covered by vegetation so that if it rains, rain 15 water can infiltrate through that soil. Doesn't 16 have buildings, concrete, that sort of thing. 17           Community garden criteria info. So we 18 estimate -- and this is based on information we 19 have received from our garden advocates that there 20 are approximately 300 potential urban gardens that 21 are out there. We are aware of 231 gardens that 22 are not owned by the City at this time. There are 23 55 gardens that we do know are on City-owned vacant 24 land. So they're already exempt from the fee</p>	<p style="text-align: right;">Page 8</p> <p>1           farmed provides a stormwater benefit. Gardens can 2 also provide an amenity to the community. They're 3 ensuring that blight does not occur. These public 4 spaces are being maintained so that the community 5 is not being impacted in an adverse way by 6 abandoned properties. 7           That's pretty much it. So it's a very 8 short presentation with a very short overview. 9 Turn it back to the rate board. 10           MS. BROCKWAY: Thank you. Thank you 11 very much. Before we get further, is there anybody 12 on the telephone? No. I don't have the sign-in 13 sheets. Maybe Becca could you -- so we'll just 14 take people in order. Thank you very much. And 15 there are exactly one person who says that he would 16 like to testify. So we'll hear from Justin Trezza. 17           JUSTIN TREZZA: Yes. 18           MS. BROCKWAY: Please let us know what 19 your thoughts are. 20           JUSTIN TREZZA: I'm going to just read 21 from my notes since I did not memorize them. Good 22 morning, Water Commissioner -- do you want me to 23 stand? 24           MS. BROCKWAY: You don't have to, but</p>
<p style="text-align: right;">Page 7</p> <p>1           because of that. The 231 parcels are the ones that 2 we are aware of that would be up for the new garden 3 exemption once they go through the application 4 process. This is only part of the information for 5 people's rates, impacts to other customers. The 6 lost revenue resulting from the urban garden 7 exemption for eligible community gardens, and this 8 is if it's at one hundred percent, for fiscal year 9 '17 approximately \$46,000 and approximately \$48,000 10 in fiscal year '18. These costs would not impact 11 or would not increase our current fiscal year 17/18 12 rates which were recently approved by the 13 stormwater -- the Water, Sewer and Stormwater Rate 14 Board if this exemption is granted. 15           The benefits of community gardens. So 16 there are many benefits from the Water Department's 17 perspective. This is where we see the merits in 18 the exemption for the stormwater fee for urban 19 gardens. Certainly the preservation of open space. 20 Gardens have the potential to reduce the amount of 21 stormwater which enters the sewer system, able to 22 take stormwater runoff from public right-of-ways 23 into those gardens, but also the fact that there 24 are open green spaces that are being tilled and</p>	<p style="text-align: right;">Page 9</p> <p>1           if you like to. The other thing -- Mr. Trezza, the 2 other thing that it would be nice if you would do 3 would be to Word or PDF that into the rate board 4 and they'll post it. 5           JUSTIN TREZZA: Okay. Yeah. Happy to 6 do so. 7           MS. MCCARTY: Maybe you want to spell 8 your name for the stenographer. 9           JUSTIN TREZZA: Yes. Justin Trezza, 10 T-r-e-z-z-a. 11           Good morning, Water Commissioner, 12 members of the Water Rate Board and public. Thank 13 you for affording me the opportunity to testify 14 before you all this morning in support of 15 stormwater fees being discounted one hundred 16 percent for community gardens. As explained, my 17 name is Justin Trezza, and for the last four years 18 I have been the Executive Director of the Norris 19 Square Neighborhood Project, a grassroots arts and 20 culture and gardening organization that for the 21 last 40 years has served residents, primarily youth 22 identifying as Latinx in the 19122, 19133 and 19140 23 zip codes. 24           Since the 1980s, Norris Square</p>

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<p style="text-align: right;">Page 10</p> <p>1 Neighborhood Project has been collaborating with 2 community residents to advance the neighborhood 3 through the revitalization of vacant spaces and 4 their transformation to culturally-relevant 5 communal garden spaces. Beginning in 1983 and 6 thanks to the valiant efforts of the women of Grupo 7 Motivos, a collective of neighborhood women, NSNP 8 was able to establish its first urban Garden 9 Raices, which quickly grew into five additional 10 gardens over the years. 11 MS. BROCKWAY: Let's, for the 12 stenographer's benefit, make sure that we spell the 13 things that are not in English. So grupo is 14 g-r-u-p-o. 15 THE WITNESS: Yeah, g-r-u-p-o 16 m-o-t-i-v-o-s. Then Garden Raices, r-a-i-c-e-s. 17 And then Garden Las Parcelas, l-a-s 18 p-a-r-c-e-l-a-s. El Batey, e-l b-a-t-e-y. Jardin 19 de La Paz, j-a-r-d-i-n d-e l-a p-a-z. Butterfly 20 Garden and Villa Africana Colobo, v-i-l-l-a 21 a-f-r-i-c-a-n-a c-o-l-o-b-o. 22 Each of these gardens is fundamental to 23 the community, providing culturally relevant and 24 affordable produce to the community, sharing a</p>	<p style="text-align: right;">Page 12</p> <p>1 The other benefit is the non-profits 2 like Norris Square Neighborhood Project and the 3 hundreds of urban gardens throughout the City. 4 This action demonstrates Philadelphia's dedication 5 as a city to modelling sustainability. By 6 eliminating stormwater fees for gardens, you are 7 acknowledging their ecological and social benefits, 8 including increasing habitats for beneficial 9 insects and birds, reducing runoff and creating a 10 more just food system. And most importantly, 11 preserving the sustainability of sacred spaces such 12 as Las Parcelas. Thank you. 13 MS. BROCKWAY: Thank you. Really, I 14 have no one else who said that they -- who signed 15 up to say they would like to speak. But is there 16 anybody else who would like to speak? All right. 17 Lady in the green shirt. 18 SYLVIA METZLER: My name is Sylvia 19 Metzler, S-y-l-v-i-a M-e-t-z-l-e-r. I have been on 20 the board off and on for probably 20-some years of 21 Norris Square Neighborhood Project that Justin was 22 just speaking about. I also live in the community 23 and have been maintaining a garden in Las Parcelas 24 for about 20-some years and have worked with other</p>
<p style="text-align: right;">Page 11</p> <p>1 story and history of the neighborhood and most 2 importantly, preserving Boricua and Latinx 3 cultures. B-o-r-i-c-u-a. 4 NSNP strongly supports stormwater fees 5 being discounted by one hundred percent for 6 community gardens and farms here in Philadelphia. 7 The elimination of stormwater fees will not only 8 reduce the financial burden posed by stormwater 9 billing on gardens such as Las Parcelas, financial 10 burdens that cannot be easily covered by grant 11 applications or traditional funding sources, but 12 also benefit the Philadelphia community as a whole. 13 For example, further intensify stormwater 14 mitigation, beautification of neighborhoods and 15 access to organic produce. 16 In the case of NSNP, an organization 17 with a budget of half a million dollars and a staff 18 of eight, this bill will relieve us of several 19 thousands of dollars in stormwater fees. The sum 20 of money that can easily be reinvested in a program 21 like Raices de Cambio, a youth garden 22 apprenticeship program aimed to employ high school 23 youth while developing their leadership skills and 24 critical thinking.</p>	<p style="text-align: right;">Page 13</p> <p>1 gardeners in the neighborhood. Our neighborhood is 2 mostly Puerto Rican and African American. And so 3 the community is really important to support the 4 culture, the kind of crops that people bring from 5 Puerto Rico and plant in our gardens to educate 6 each other, support each other. And besides the 7 gardens, another of our projects is -- one of our 8 main projects is working with the youth in the 9 neighborhood. You can tell from the zip codes that 10 it's a neighborhood that challenges the youth, and 11 so we try to work with them to keep them in school, 12 keep them out of trouble and using the gardens and 13 the environment as a way to work with them. 14 Instead of concrete, they have a chance to get out 15 into the dirt and the greenery and some of the 16 young people are just amazed at how things grow 17 other than picking up a can in the grocery store. 18 Really didn't have a concept of how you plant a 19 seed and watch it grow and harvest it and care for 20 it during the process. So this program is very 21 important for our youth, very important for the 22 environment and as most non-profits, struggles 23 financially. So everything that we can do to 24 invest our money in our young people and our</p>

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1 program in keeping the neighborhood green is  
2 really, really appreciated. So if we didn't have  
3 to pay that extra fee, it would be a big help to  
4 our program. And in turn, I think we are a very  
5 great help to the community and the City. Thank  
6 you.  
7 MS. BROCKWAY: Gentleman in the back  
8 there.  
9 PAUL HORNER: Hi. Good morning. I'm  
10 Paul Horner, H-o-r-n-e-r, and I have a community  
11 garden. I started a community garden in  
12 Germantown, Germantown and Pastorius, 19144 zip  
13 code. And we are two years in and it's just been  
14 an amazing experience seeing the community come  
15 together. We're modeled on how the Norris Square  
16 concept of having cultures with relevant crops,  
17 different heirlooms and different stuff from  
18 Mennonite and African American traditions. And I  
19 kind of had a question. I don't know if it's a  
20 question or a comment. I didn't know about this.  
21 I'm the Spanish interpreter. I didn't realize this  
22 was a -- I didn't realize --  
23 MS. DAHME: It worked out well.  
24 PAUL HORNER: It worked out well, yeah.

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1 Decided to bid for the job and hear about stuff  
2 that is going on in the City. I didn't realize  
3 this was an option. This is really exciting for  
4 community gardens all over the City.  
5 We have a -- it's partly paved, but  
6 it's not full blacktop. It's kind of an old -- an  
7 older parking lot. It's an old Mennonite trust and  
8 they lease the land to us for free. I was  
9 wondering if there are any depaving options, if it  
10 had to be 80 percent depaved to get the benefit.  
11 We have some kind of concrete, grass in there. Is  
12 there any kind of depaving options?  
13 MS. BROCKWAY: There are people here  
14 from the Department and if they wish, they could  
15 answer it right now or else talk with you privately  
16 afterwards. Anybody want to jump in?  
17 MS. MCCARTY: Can we get the exact  
18 address and your contact information?  
19 PAUL HORNER: Sure.  
20 MS. BROCKWAY: There may be some  
21 programs, but I'm not the person to explain what  
22 they are. Anybody else?  
23 JENNY GREENBERG: I just want to  
24 mention -- my name is Jenny Greenberg and I

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1 testified at the last meeting on behalf of  
2 Neighborhood Gardens. But I just want you to be  
3 aware that I submitted my testimony in writing  
4 after the hearing and it still isn't on the  
5 Website.  
6 MS. BROCKWAY: Okay. Well, we have our  
7 web guru here, so we'll make sure that that  
8 happens. Thank you.  
9 MR. BRUNWASSER: Do you have another  
10 copy with you?  
11 JENNY GREENBERG: No. I had left hard  
12 copies and then I sent it via e-mail to --  
13 MS. BROCKWAY: She's out today and she  
14 was really busy last week. So I apologize, but we  
15 will get on it.  
16 JENNY GREENBERG: Thanks.  
17 MR. POPOWSKY: I have a copy.  
18 MS. BROCKWAY: Oh, and we have a copy  
19 right here.  
20 Ma'am.  
21 MARIAN DALKE: Good morning. My name  
22 is Marian Dalke, M-a-r-i-a-n D-a-l-k-e. I'm the  
23 urban gardens Manager with Norris Square  
24 Neighborhood Project as well. I wanted to thank

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1 you all for your time and consideration of this  
2 important issue. I just have two questions based  
3 on the presentation.  
4 You had mentioned that it was open for  
5 community groups, but also with nonprofit status.  
6 I guess urban farming and gardens take a lot of  
7 different models throughout the City. Sometimes  
8 they are associated with nonprofits, sometimes it's  
9 just a group of neighbors who are self-organized  
10 but they don't have that protective status. I'm  
11 wondering if the nonprofit status is a requirement  
12 to benefit from this?  
13 MS. DAHME: No. No. It could be just  
14 an organized group of neighbors, residents who are  
15 farming the garden.  
16 MS. BROCKWAY: Joanne Dahme is  
17 answering that question.  
18 MARIAN DALKE: And then one other  
19 question. Is it available to market growers who  
20 are growing food in the City or does it have to be  
21 gardens that don't sell produce, that just  
22 distribute it throughout the neighborhood?  
23 MS. DAHME: It shouldn't be a  
24 profit-making venture. So when you say market, it

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<p style="text-align: right;">Page 18</p> <p>1 sounds as if they're growing to sell to restaurants 2 or other venues. I don't think -- and I'm looking 3 at the -- how the ordinance is written. I don't 4 think it precludes selling locally, but I don't 5 think it would be a profit-making venture. 6 MS. BROCKWAY: That's a really 7 interesting legal question. I'm not a Philadelphia 8 lawyer. We have the lawyer for the department here 9 and our lawyer who is not here will see the 10 transcript. So I don't think we can give you a 11 hard and fast answer right now. 12 MR. POPOWSKY: The ordinance says that 13 it must be -- I'm sorry, Sonny Popowsky. It says 14 it's for a community or nonprofit organization or 15 group of individuals for purposes of operating the 16 garden for public benefit. It says for public 17 benefit. 18 MS. MCCARTY: You could conceivably 19 sell vegetables and that money goes back into the 20 garden. 21 MS. BROCKWAY: Yes. It goes back into 22 the garden. That's the usual way that nonprofits 23 are defined anyway. But, again, that's specific to 24 Philadelphia. So you might want to talk with Scott</p>	<p style="text-align: right;">Page 20</p> <p>1 the City and we had a big parcel of land that we 2 had to maintain. Just grass at the time. And we 3 were approached by this organization and we had a 4 demonstration project. We allowed them to farm on 5 half an acre on that parcel. And a young couple 6 who were interested in urban farming and were 7 interested in this methodology called SPIN farming, 8 I don't know if any of you are familiar with it. 9 They actually, in their third year, sold \$70,000 10 worth of vegetables from that garden, mainly to 11 restaurants and to some folks they would market it, 12 you know, one afternoon a week. And it was 13 possible, they showed it was possible inside the 14 City limits if you had something like half an acre 15 you could actually sustain yourself because, you 16 know, \$70,000 came out of that. I'm not sure about 17 all the expenses. I think that may have been a net 18 number actually. But they did that for several 19 years. So that was a different methodology and it 20 was a for-profit demonstration project. But the 21 department has been pretty open to these things, I 22 know, historically. 23 MS. BROCKWAY: Is there anyone else who 24 would like to speak this morning? No? Well then,</p>
<p style="text-align: right;">Page 19</p> <p>1 Schwartz -- I know people's first names -- 2 afterwards or get in touch with Gemela McClendon at 3 the law department. I've got your address here. 4 Perhaps I can get in touch with her and -- do you 5 have an e-mail? 6 MARIAN DALKE: Yes, it's just my name. 7 Mariandalke@gmail.com. 8 MS. BROCKWAY: Okay. I'll try to get 9 you -- I don't think that we are -- the Board is 10 not in a position to give legal advice and not just 11 because I'm not a Philadelphia lawyer. And it's up 12 to the Department whether or not they want to 13 provide advice. Probably the risk will be on you, 14 but you probably can get enough information that 15 you can tell what the issue is. 16 MS. DAHME: And just reading the 17 ordinance would be a good start and that is posted 18 on the Rate Board Website. 19 MR. BRUNWASSER: If I may, just to talk 20 a little bit more about urban farming. The Water 21 Department and another organization had a 22 demonstration project about urban farming up at our 23 -- up in the Northeast. The Somerton tanks, we had 24 two large water tanks in the Far Northeast part of</p>	<p style="text-align: right;">Page 21</p> <p>1 I thank you all very much for coming. We're going 2 to close the hearing. There will be a transcript 3 available. It will be posted on the Website. We 4 have a couple more public hearings and our final 5 meeting to approve or disapprove or amend what has 6 -- the proposal is December 21st. So if things go 7 smoothly, something will be in effect on January 8 1st. And so we'll close the meeting. Thank you. 9 (Hearing concluded 10:50 a.m.) 10 - - - 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>

6 (Pages 18 to 21)

CERTIFICATION

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

SUSAN A. HURREY, R.P.R.  
NOTARY PUBLIC

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or supervision of the certifying reporter.)

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<b>A</b>	18:11	<b>Beginning</b>	6:16	<b>come</b> 4:13	<b>creating</b> 12:9	<b>Departmen...</b>	5:6
<b>a-f-r-i-c-a-n...</b>	<b>answering</b>	10:5	<b>burden</b> 11:8	14:14	<b>creation</b> 4:5	7:16	<b>engaged</b> 4:13
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<b>accurately</b>	7:3	18:16,17	<b>c-o-l-o-b-o</b>	10:5	<b>culturally-r...</b>	<b>different</b>	<b>established</b>
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