

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

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HELD BEFORE:

NANCY BROCKWAY - HEARING OFFICER

BERNARD BRUNWASSER - CHAIR

SONNY POPOWSKY - BOARD MEMBER

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

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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

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

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 phila.gov/water/rateboard. 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

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.

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

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

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

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

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

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.

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

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

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.

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

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

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

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

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

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,

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.)

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

2
3 I hereby certify that the
4 proceedings, evidence and objections noted, are
5 contained fully and accurately in the notes taken
6 by me on the hearing of this matter, and that this
7 copy is a correct transcript of the same.

8
9
10
11 _____
12 SUSAN A. HURREY, R.P.R.
13 NOTARY PUBLIC

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Philadelphia Water Department Stormwater Special Rate Hearing
November 14, 2016

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