

COUNCIL OF THE CITY OF PHILADELPHIA
SPECIAL INVESTIGATING COMMITTEE ON
DEMOLITION PRACTICES IN THE CITY OF PHILADELPHIA

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, June 19, 2013
11:09 a.m.

PRESENT:

COUNCILMAN CURTIS JONES, JR., CHAIR
COUNCILMAN JAMES KENNEY
COUNCILMAN BOBBY HENON
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILWOMAN JANNIE L. BLACKWELL

ALSO PRESENT:

COUNCILMAN DENNIS O'BRIEN
COUNCILWOMAN CINDY BASS
COUNCILWOMAN BLONDELL REYNOLDS-BROWN
COUNCILMAN KENYATTA JOHNSON

RESOLUTIONS: 130546

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2 COUNCILMAN JONES: Good morning. Can we
3 please have quiet in the chambers.

4 Good morning, everyone. We are about to
5 convene the first hearing of the Special
6 Investigation Community on Demolition Practices in
7 the City of Philadelphia. I am thankful for the
8 appointment of this committee by our President of
9 this body, Council President Clarke. Joining me
10 on this committee are to my left Councilwoman
11 Sanchez, Councilman Henon, to my right Councilman
12 Kenney. And we should be joined briefly in a few
13 minutes by Councilwoman Blackwell.

14 I am particularly, particularly -- oh, and
15 I have Councilman O'Brien who has joined us.

16 I am particularly pleased that the
17 composition of this committee. We have people who
18 have had long history in demolition and
19 development and construction and labor practices
20 in the City of Philadelphia as members of this
21 committee. We have Vice Chair Henon who is Vice
22 Chair of Public Safety. I have Councilman Kenney
23 who introduced Crane Legislation and helped to
24 improve safety for our high rise construction. I

1 am joined by Councilwoman and Chair of L&I
2 Councilwoman Sanchez, who has a strong passion for
3 keeping us safe.

4 So, we are looking forward to these public
5 hearings. And what we hope to do is to have a
6 thoughtful process to evaluate the current state
7 of demolition practices in the City of
8 Philadelphia. We hope to learn. Learn where we
9 are and then to in separate hearings look at "best
10 practices," and to see if indeed there is a
11 difference between our current process and where
12 we need to be professionally to keep citizens
13 safer in the City of Philadelphia.

14 Let me say what we will not do. We will
15 not point blame. We will take facts and we will
16 create good public policy. That may result in
17 legislation or appropriations where appropriate to
18 departments to help safeguard citizens in the City
19 of Philadelphia. To do that, we will have the
20 following:

21 We will have four -- approximately four
22 hearings. One today dealing with City
23 Administrations and Departments. We will have a
24 Best Practices Group. And if you are interested

1 in joining the expert witness list, you should
2 contact Stacey Graham in my office to add your
3 names. Also, we are going to have public comment
4 at the end of the hearing sessions. So there
5 won't be a lot of back and forth from the public
6 until such time as we've had an opportunity to
7 develop a record, public record, and then get the
8 best of the thinking of the public. And what we
9 hope to do over the course of the summer is
10 conclude with a document of recommended courses of
11 action.

12 We do this in cooperation with the
13 Administration. And I want to say that for the
14 record that we have met with them privately, and
15 they are willing and able to provide constructive
16 comment to this process. And we are looking for
17 the benefit of all, all Philadelphia stakeholders,
18 and in particular, their citizens.

19 There is the expectation, public safety
20 means different things to different people. I
21 have said that on a number of occasions. But it
22 also means that someone shopping should have the
23 expectation that they can safely do so without a
24 calamity that took seven lives from us. And our

1 prayers and our thoughts go out to both the
2 victims that perished and the survivors that need
3 to rehab.

4 So with that, I'd like the Clerk to read
5 the title of the Bill.

6 THE CLERK: Bill No. 130546, a Resolution
7 authorizing the creation of a "Special
8 Investigating Committee on Demolition Practices in
9 the City of Philadelphia," to investigate safety
10 problems and identify solutions related to the
11 oversight of demolition projects in the City and,
12 in furtherance of such investigation, establish
13 public policy.

14 COUNCILMAN JONES: Would any members like
15 to have an opening statement on the committee?

16 COUNCILMAN HENON: Sure.

17 COUNCILMAN JONES: Councilman. Chair
18 recognizes Councilman Henon.

19 COUNCILMAN HENON: Okay. Good morning,
20 everybody. Thank you, Chairman, Members of the
21 Committee.

22 You know, as you well know, I've been in
23 the construction industry, you know, throughout my
24 entire adult life. And probably the only person

1 on -- in this body who has actually worked on a
2 job site. You know, I know the tricks of the
3 trade, and I know how the industry works. And,
4 you know, today we're going to, you know,
5 including myself we are going to be asking a lot
6 of questions, you know, on the process. And I'm
7 not just saying that as a Councilperson as a
8 member of this committee, but as somebody who has
9 friends and family who has worked on these job
10 sites personally and how it affects me.

11 L&I is one of our core services here in the
12 City of Philadelphia. They are on the first line
13 of defense, I believe, when it comes to public
14 safety and ensuring that, you know, we are doing
15 what we can to make sure that our regulations and
16 the laws that we have in place and ordinances
17 reflect so.

18 So, I want to thank Council President
19 Clarke and the Chairman for commissioning this
20 committee so we can get down to the processes to
21 see what works and see what doesn't work and have
22 a better understanding about our first line,
23 again, of defense when it comes to public safety
24 and ensuring the public's best interest.

1 So, I look forward to this committee and
2 tangible results at the end of this because I
3 believe you have the interest of the entire City
4 as we want to have responsible development and
5 public safety first at hand.

6 So thank you, Mr. Chairman.

7 COUNCILMAN JONES: Thank you, Councilman.

8 Any other comments from Members of the
9 Committee?

10 Seeing none, will the Clerk please announce
11 the first witness group.

12 THE CLERK: Commissioner Carlton Williams,
13 Deputy Mayor Everett Gillison.

14 COUNCILMAN JONES: Thank you, gentlemen.
15 Good morning.

16 DEPUTY MAYOR GILLISON: Good morning.

17 COUNCILMAN JONES: Please state your names
18 for the record all those at the table. And please
19 begin your testimony.

20 DEPUTY MAYOR GILLISON: Thank you. And
21 good morning, Chairperson Jones also Members of
22 the Special Investigation Committee. My name is
23 Everett Gillison. I am the Chief of Staff to
24 Mayor Nutter as well as the Deputy Mayor for

1 Public Safety. With me is Carlton Williams,
2 Commissioner of License and Inspection. And also
3 to my right Andrew Ross from the Law Department.

4 We don't have any prepared testimony as we
5 have had a good opportunity, I believe. And I
6 will echo the commitment that was made earlier on.
7 We received the Notice from you, Chairman, last
8 Friday. And we immediately set about to provide
9 as much detail and much answers to particular
10 documents that you requested. The Mayor has asked
11 me to make sure that I spearhead this on behalf of
12 the Administration in my Chief of Staff role. And
13 so, we are here to answer questions.

14 I also was able to give you a letter from
15 the City Solicitor's Office that talked about the
16 parameters, which I think are -- are the same
17 things that we are trying to get done. We want to
18 make sure that we do things in a good way. That
19 we're responsive. And we look forward to the
20 product of this special committee's
21 recommendations.

22 As you know, the Mayor has -- and there are
23 other investigations that are going on. And all
24 of those are towards the eye of getting to the

1 best that we can for the citizens of Philadelphia.
2 And it's in that spirit that we not only appear,
3 but that we will be answering questions that you
4 may have.

5 If there are questions that we are not able
6 to because obviously we are at the beginning of
7 this, obviously, we will decline to answer just
8 given the fact that we are all in the middle of or
9 at the beginning of various investigations. And I
10 will handle that. But I assure you that we will
11 do this together and we will work towards the best
12 answers that we can.

13 So with that, the Committee has a question,
14 be glad to answer.

15 COUNCILMAN JONES: Are any other
16 witnesses -- would you like to say anything,
17 Commissioner?

18 COMMISSIONER WILLIAMS: I just want to echo
19 the comments of Chief of Staff Gillison that we
20 are looking forward to working with the Committee
21 to come up with best practices to try to prevent
22 tragedies like this from occurring in the future.

23 COUNCILMAN JONES: Thank you so much for
24 your cooperation. And we look forward to the end

1 product. SO with that, could you, for the record,
2 state how long you've been L&I Commissioner?

3 COMMISSIONER WILLIAMS: June 4, 2012. It's
4 been approximately one year, sir.

5 COUNCILMAN JONES: And prior to that where
6 were you?

7 COMMISSIONER WILLIAMS: I was the Deputy
8 Commissioner for the Streets Department for seven
9 years.

10 COUNCILMAN JONES: And if you would, for --
11 for those of us who are not, unlike my colleague,
12 necessarily in the demolition/construction
13 industry, could you describe first, I would think,
14 your department and the organization chart, who
15 reports to what and leading down to specific
16 people who are responsible for demolition just to
17 give us a sense of the structure in your
18 department.

19 COMMISSIONER WILLIAMS: Sure.

20 As the Commissioner, I oversee the
21 Department of License and Inspection. Our primary
22 responsibility is to enforce the building codes
23 that's been established by the International
24 Building Code and the City's Administrative Code.

1 Our responsibilities in terms of what we do for
2 the City of Philadelphia is to inspect buildings
3 to ensure public safety.

4 We have three divisions that report to me.
5 One is a Deputy Commissioner for Administration
6 who oversees the budget. The other two divisions
7 is the Deputy Commissioner of Development who
8 oversees Permit and Licensing Services and also
9 oversees the Construction and Inspection Process.
10 The final division is the Deputy Commissioner of
11 Operations who oversees property maintenance
12 issues related to private and personal properties.

13 COUNCILMAN JONES: Of that, how many of
14 those individuals are responsible for,
15 particularly, demolition?

16 And when I say "demolition," could you
17 define the various categories of demolition?

18 COMMISSIONER WILLIAMS: Sure. There are
19 two forms of demolition that we are directly
20 responsible for; public and private demolitions.

21 Private demolitions is, of course, when a
22 contractor initiates a building permit to either
23 demolish a building for restructure --
24 reconstruction project or future development

1 project or demolish a building for vacant lot for
2 future development use.

3 In addition to that, for public
4 demolitions, we directly oversee private dem --
5 public demolitions in regards to imminently
6 dangerous buildings. When we get calls from
7 residents or when we are out on our details, if
8 there is an imminently dangerous situation or
9 imminently dangerous property, then we are
10 authorized to take action. And we try to do that
11 through a, what we call, a Contractor Services
12 Unit who oversees the demolition process for
13 private contractors to perform City demolitions.

14 COUNCILMAN JONES: Who oversees public
15 demolition in your department?

16 COMMISSIONER WILLIAMS: Our Contractors
17 Services Unit.

18 COUNCILMAN JONES: And who is that
19 individual?

20 COMMISSIONER WILLIAMS: Deputy Commissioner
21 Michael Maenner assisted by Otis Haigler who is
22 the director of the program.

23 COUNCILMAN JONES: And who oversees private
24 demolition?

1 COMMISSIONER WILLIAMS: Deputy Commissioner
2 Michael Fink in regards to various districts
3 that -- throughout as you saw in that
4 organizational chart depending on where the
5 demolition is expected to occur.

6 Also, we have a Director of Permit Services
7 that issues the permit for any building --
8 building permit services project including
9 demolitions.

10 COUNCILMAN JONES: Is there a difference in
11 the -- what is your total number of personnel
12 within the department?

13 COMMISSIONER WILLIAMS: Is it -- are you
14 asking --

15 COUNCILMAN JONES: L&I.

16 COMMISSIONER WILLIAMS: Can you clarify for
17 this year's budget or for Fiscal Year 2014?

18 COUNCILMAN JONES: Let's go with both.
19 This year and what is requested for next year.

20 COMMISSIONER WILLIAMS: This year was 300
21 employees. And next year we had an increase of
22 320 -- to 320, which would require 20 additional
23 inspectors, as you know.

24 COUNCILMAN JONES: Is that up or down from

1 the previous year?

2 COMMISSIONER WILLIAMS: That is the 300
3 inspectors --

4 COUNCILMAN JONES: I understand next year's
5 is up.

6 COMMISSIONER WILLIAMS: Yes. Next year's
7 up.

8 COUNCILMAN JONES: This year's is lower.

9 COMMISSIONER WILLIAMS: Right.

10 COUNCILMAN JONES: What was it the year
11 before?

12 COMMISSIONER WILLIAMS: Could you give me a
13 second? I will be happy to get you that
14 information.

15 It's up -- it went from 290 to 300.

16 COUNCILMAN JONES: Okay. Say that again
17 for the record.

18 COMMISSIONER WILLIAMS: It went from 290 to
19 300.

20 COUNCILMAN JONES: So that's an increase.

21 COMMISSIONER WILLIAMS: Yes. Correct.

22 COUNCILMAN JONES: As it relates to public
23 demolition, what is the complement of employees
24 with the public demolition department?

1 COMMISSIONER WILLIAMS: We have 10 CSU
2 inspectors who are directly responsible --

3 COUNCILMAN JONES: Could you say what is
4 CSU?

5 COMMISSIONER WILLIAMS: Yeah. Contractor
6 Service Unit.

7 COUNCILMAN JONES: Okay.

8 COMMISSIONER WILLIAMS: Who oversees the
9 demolition of private contractors performing City
10 demolitions.

11 COUNCILMAN JONES: I think I asked how many
12 are in the public.

13 COMMISSIONER WILLIAMS: That's -- that's
14 for public.

15 COUNCILMAN JONES: Public. That's 10.

16 COMMISSIONER WILLIAMS: Yes.

17 COUNCILMAN JONES: How many are in the
18 private?

19 COMMISSIONER WILLIAMS: Again, it varies
20 because that is done in cooperation with other
21 building permits throughout the City not just for
22 demolition. So, it would be encompasses of all 43
23 building inspectors who do multiple inspections
24 not just for demolitions.

1 COUNCILMAN JONES: So, there is no clear
2 number as -- there is a clear number for public.
3 Why is there not a clear number for private?

4 COMMISSIONER WILLIAMS: Demolitions are
5 considered a part of the building permit process.
6 And it's inspected by our plan examiners and our
7 construction specialists that are assigned other
8 responsibilities as well in the building process.

9 COUNCILMAN JONES: Okay. Are there any
10 questions related to the organizational chart from
11 Members of the Committee? No?

12 Seeing none, can we go to the process
13 chart. Oh, I'm sorry.

14 Recognizing Councilwoman Brown who is in
15 the audience -- in the Chambers as well as
16 Councilwoman Blackwell who is on the committee has
17 joined us. And I see Councilwoman Bass is also
18 here.

19 COUNCILWOMAN REYNOLDS-BROWN: Thank you,
20 Mr. Chairman.

21 Good morning, gentleman. I want to step
22 back and do a little bit of context here. I have
23 two questions. One, having looked at other cities
24 across the country who do what this government

1 does, what cities do you believe have best
2 practices when it comes to the work of L&I?

3 COUNCILMAN JONES: Wait a minute.

4 Councilwoman, we have a -- we are going to ask
5 that in a different setting. We will put a pin in
6 that one and recognize that at the appropriate
7 time.

8 COUNCILWOMAN REYNOLDS-BROWN: No problem.

9 COUNCILMAN JONES: We are trying to have a
10 methodology --

11 COUNCILWOMAN REYNOLDS-BROWN: Okay.

12 COUNCILMAN JONES: -- to get through this
13 because there are so many questions. So, we kind
14 of broke it up, the committee did. We are going
15 to go into the process and then best practices.

16 COUNCILWOMAN REYNOLDS-BROWN: Okay. Very
17 well.

18 COUNCILMAN JONES: That is something we're
19 actually going to look at.

20 COUNCILWOMAN REYNOLDS-BROWN: Okay. Then
21 to this chart, how has this chart changed from
22 previous administration? Has there been a change
23 in the configuration, in the table of organization
24 of L&I?

1 COMMISSIONER WILLIAMS: I think the
2 structure has basically remained the same. There
3 is a fluctuations in the number of employees for
4 other exterior reasons. But the structure has
5 been -- remained pretty much intact over the
6 years.

7 COUNCILWOMAN REYNOLDS-BROWN: What does L&I
8 currently sit in the government? Who does L&I
9 report to?

10 COMMISSIONER WILLIAMS: We report to the
11 Deputy Mayor of Commerce Mr. Alan Greenberger.

12 COUNCILWOMAN REYNOLDS-BROWN: And where was
13 the L&I prior to that department reporting to
14 Deputy Mayor?

15 COMMISSIONER WILLIAMS: I believe that
16 there was a different structure from the previous
17 administration in which the Commissioner reported
18 to the Managing Director.

19 COUNCILWOMAN REYNOLDS-BROWN: And can
20 either one of you share with us the rationale or
21 thinking behind moving L&I from reporting to the
22 Managing Director's Office to reporting to the
23 Deputy Mayor for Commerce?

24 DEPUTY MAYOR GILLISON: I will take that

1 one because I want to make sure that everyone
2 understands. The Deputy Mayor structure that the
3 Nutter Administration came in, in essence, made --
4 took the Managing Director's powers and divided
5 them among the Deputy Mayors. In essence, what
6 you have is more supervision. Instead of
7 reporting to one person, we have five Deputy
8 Mayors. All of us have responsibility for
9 individual sections.

10 Deputy Mayor Alan Greenberger has and
11 picked up L&I. But I can tell you as Deputy Mayor
12 for Public Safety, I also had -- at different
13 times, I interact with L&I. But the reporting
14 structure is still to a Managing Director/Deputy
15 Mayor.

16 It's a title change and an increase in
17 supervision since the Mayor believed that having
18 additional people to help out with the structure
19 would be a better responsive way to get changing
20 government rather than leaving it to one
21 individual as -- known as the Managing Director.

22 COUNCILWOMAN REYNOLDS-BROWN: So in
23 essence, you are saying the reason was to have
24 multiple reporting lines versus one strict

1 straight reporting line to one professional in
2 government?

3 DEPUTY MAYOR GILLISON: We had --
4 instead of a -- we wanted to give more supervision
5 by having less oversight.

6 COUNCILWOMAN REYNOLDS-BROWN: Okay.

7 DEPUTY MAYOR GILLISON: Instead of one
8 person having oversight over 200 things.

9 COUNCILWOMAN REYNOLDS-BROWN: Okay.

10 DEPUTY MAYOR GILLISON: You have six
11 parties who take a different part. So each of us
12 have direct and more direct information and
13 reporting to one.

14 For example, in my deputate, I have the
15 Police Commissioner. I have the Prisons
16 Commissioner. I have the Fire Commissioner. And
17 I meet with them on a daily -- sometimes daily but
18 usually monthly basis. Instead of having one
19 person being responsible for 20 commissioners, you
20 have one person being responsible for 6
21 commissioners. So we get more information out of
22 the departments rather than less.

23 COUNCILWOMAN REYNOLDS-BROWN: And so the
24 commerce -- the Deputy Mayor for Commerce has how

1 many departments reporting to --

2 DEPUTY MAYOR GILLISON: Alan, how many do
3 you have?

4 He has four line agencies and six planning
5 agencies that come under his purview. And I can
6 give you the work chart. I can make sure that you
7 have that, and I can provide it to the chair if
8 you'd like it.

9 COUNCILWOMAN REYNOLDS-BROWN: Of those, how
10 many are operating departments however.

11 DEPUTY MAYOR GILLISON: Four of the main
12 operating are under -- under Deputy Mayor
13 Greenberger.

14 COUNCILWOMAN REYNOLDS-BROWN: Okay.

15 DEPUTY MAYOR GILLISON: Okay. I can give
16 you the work chart. And I will make sure you get
17 that before the end of the day.

18 COUNCILWOMAN REYNOLDS-BROWN: That would be
19 appreciated. The only -- it's not a concern, but
20 I wanted to get an understanding why from Managing
21 Director to Commerce, when Commerce has -- where
22 the mission statement or whatever is totally
23 different, deals with generating business activity
24 and the like for the City.

1 And that -- I am trying to help understand
2 why Commerce -- why L&I, which is an operating
3 department, has totally different set of functions
4 and responsibilities, would fit under --

5 DEPUTY MAYOR GILLISON: Because his --

6 COUNCILWOMAN REYNOLDS-BROWN: Under
7 Commerce.

8 DEPUTY MAYOR GILLISON: Because under his
9 title includes development.

10 COUNCILWOMAN REYNOLDS-BROWN: Okay.

11 DEPUTY MAYOR GILLISON: So development --
12 it's economic development, as well. So,
13 development is where L&I has a crucial role in
14 putting together a developmental responsibility.
15 That doesn't -- it doesn't do anything by way of
16 diminishing L&I's role as a safety matter.

17 COUNCILWOMAN REYNOLDS-BROWN: Okay.

18 DEPUTY MAYOR GILLISON: It is just
19 enhancing and making sure we have a central way to
20 go with development. But again, all of us as
21 Deputy Mayors are also basically, in essence,
22 managing directors of our -- of our offices. We
23 have line authority and line responsibility as the
24 Managing Director for Public Safety.

1 COUNCILWOMAN REYNOLDS-BROWN: Okay.

2 DEPUTY MAYOR GILLISON: As I've told
3 people, sometimes we get a little bit into the
4 title. But we -- it's the responsibility that
5 goes with our titles that really is important.

6 So, we have five Deputy Mayors or five, in
7 essence, Managing Directors to deal with the
8 responsibilities of a 21st Century government.
9 But I will give you that.

10 COUNCILWOMAN REYNOLDS-BROWN: Please. If
11 you will submit that to the Chair, it would be
12 helpful.

13 DEPUTY MAYOR GILLISON: Not a problem,
14 Councilwoman.

15 COUNCILWOMAN REYNOLDS-BROWN: Thank you.
16 Thank you, Mr. Chairman.

17 COUNCILMAN JONES: Thank you, Councilwoman.

18 So, we looked at the organizational chart.
19 We noted for the record that it is changed from
20 the prior administration. The Chief of Staff gave
21 us the rationale for that.

22 Can you now explain the building permit
23 process and help us through this labyrinth of
24 decisions here.

1 COMMISSIONER WILLIAMS: Well -- and I will
2 try to be as direct as possible.

3 COUNCILMAN JONES: Take your time.

4 COMMISSIONER WILLIAMS: Because a lot of it
5 is related to extensive construction projects.
6 There's a difference. But specifically regarding
7 demolition, many of the concepts you see up on the
8 graph don't apply to demolition permit
9 applications.

10 It start at its earliest form when someone
11 arrives to the Concourse to apply for a building
12 permit. The applicant determines if we have a
13 drop off procedure to do a plan review, which one
14 is not required under the old regulations for
15 demolition projects.

16 The intake staff gets the application
17 information and assigns them an application
18 number. If there are plans, which under the old
19 system was not required for the application --

20 COUNCILMAN JONES: If you could -- when we
21 are dealing with something that prior -- prior
22 regulations covered, slow down and tell us under
23 prior regulations this is how we did it. And now
24 with the adjustments to -- and tell us clearly,

1 this is how we used to this and this is how we are
2 going to.

3 COMMISSIONER WILLIAMS: You got it.

4 And I am speaking specifically under prior
5 regulations.

6 COUNCILMAN JONES: Okay.

7 COMMISSIONER WILLIAMS: We can talk about
8 current regulations once I'm concluded.

9 The application then is submitted to the
10 permit to see -- to the Permit Issuance Unit. The
11 permit is issued over the counter. Applicant is
12 advised on what information is required for their
13 permit process. They pay the appropriate building
14 permit fee, and the permit is then issued.

15 I am specifically speaking for
16 pre-regulation demolition permit.

17 The other items that you see in the middle
18 of the chart specifically relate to plan reviews
19 which are extensive to major construction projects
20 for the City of Philadelphia, both commercial and
21 residential building development projects. We do
22 extensive plan reviews with what is to be looked
23 at, reviewed and approved prior to issuing any
24 building permit.

1 There is an accelerated fee program in
2 which a building permit can be issued much faster
3 for timeliness of the contractor or the developer
4 who is applying for the specific permit. In a
5 nutshell, that is what the process entails.

6 COUNCILMAN JONES: Chair recognizes
7 Councilman Kenney.

8 COUNCILMAN KENNEY: Thank you,
9 Mr. Chairman. Thank you, Commissioner.

10 How does L&I know when a company presents
11 themselves to the counter for a demolition permit
12 across the counter that the company is a
13 legitimate company? That it's current in its
14 taxes? That it has payroll accounts for its
15 employees with the Department of Revenue? That
16 the company is a legitimate upstanding company
17 that does business in the City on a regular basis?

18 Or is it given across the desk just because
19 they have a business activity license?

20 COMMISSIONER WILLIAMS: The process
21 requires that they have a commercial activity
22 license, a contractor's license, they have tax
23 clearance through the Department of Revenue and
24 ultimately pay the fee for approval of the permit

1 process.

2 COUNCILMAN KENNEY: How do you determine
3 the tax clearance?

4 COMMISSIONER WILLIAMS: That is -- the
5 Department of Revenue provides a clearance form
6 for the department to accept during the
7 application.

8 COUNCILMAN KENNEY: Is that -- is that
9 document provided by the applicant or provided by
10 the Department of Revenue?

11 COMMISSIONER WILLIAMS: It's provided by
12 the Department of Revenue to the applicant who
13 submits it to us.

14 COUNCILMAN KENNEY: And every demolition
15 permit and building -- or building permit in every
16 single case, has that documentation been provided
17 in the last year or two years?

18 COMMISSIONER WILLIAMS: That information I
19 will have to get back to you for all demolition
20 projects. But the answer is, yes, it's supposed
21 to be. And I will make sure that we get that
22 information to you to clarify for all demolition
23 projects accompanying that.

24 But the answer is, yes, they are supposed

1 to have all the permits.

2 COUNCILMAN KENNEY: What happens when an
3 individual presents themselves as a representative
4 of a developer or demolition company that has
5 credentials or a license that enables them to
6 request a permit for demolition or construction
7 but is not exactly the individual that would be
8 doing the work, aka, an expediter?

9 COMMISSIONER WILLIAMS: I believe that you
10 are referring to the role of an expediter.

11 An expediter who is acting on behalf of a
12 general contractor must obtain an expediter's
13 license. They also must have the same information
14 that a contractor has.

15 They have to have a commercial activity
16 license. They have to have a City tax ID number.
17 They have to have proof of insurance, which I
18 failed to mention that a contractor also is
19 expected to have upon presentation or application
20 of a building permit, as well. And there is a
21 criminal search on the background for any
22 fraudulent activity that an expediter may have
23 been into.

24 COUNCILMAN KENNEY: Okay. How do we know

1 or keep track of a situation where an expediter
2 legally obtains a permit for demolition or
3 construction but then turns that permit over to a
4 company that we are not aware of what their
5 background or tax status or employee status is.

6 COMMISSIONER WILLIAMS: The expediter is
7 expected to provide the contractor's information
8 the same as if a contractor showed up in person to
9 apply for that permit with the same procedures
10 that I mentioned earlier.

11 COUNCILMAN KENNEY: Now, when an inspector
12 goes to the site of a demolition project or a
13 construction project that was -- a permit was
14 obtained by a third party, how do they determine
15 on site who is doing the work?

16 COMMISSIONER WILLIAMS: Through the posting
17 of the permit is expected to demonstrate who is
18 responsible, the responsible contractor for the
19 project in hand. So, that's the first thing an
20 inspector looks for during an initial inspection.

21 COUNCILMAN KENNEY: And does the inspector
22 at some point in time interact with the Revenue
23 Department to determine the existence, for
24 example, of payroll accounts, wage tax accounts

1 for the individuals who are actually working on
2 the site?

3 COMMISSIONER WILLIAMS: No, they do not.

4 COUNCILMAN KENNEY: So at some point in
5 time, even if we believe we are giving a permit to
6 a person who is qualified to obtain it, be it an
7 expediter or be it contractor, at some point in
8 time we don't have the ability to determine who is
9 actually on the site doing the work.

10 COMMISSIONER WILLIAMS: What is required
11 during the permit process also is that the
12 contractor has to list all of either their
13 employees or subs during the time of permit
14 issuance. And if they are claiming that they are
15 doing the work themselves, they send a notified
16 letter -- certified letter that is notarized to
17 the department saying that they are the sole
18 contractor for that site. That is how our Permit
19 Services Division determines --

20 COUNCILMAN KENNEY: What happens in the
21 event that an inspector arrives on a construction
22 or demolition site and cannot determine or
23 determines that the people who are on the site are
24 not the people on the permit application?

1 COMMISSIONER WILLIAMS: Under our previous
2 regulations, it was not something that an
3 inspector would take action. Under our current
4 regulations, that is something that we are
5 addressing.

6 COUNCILMAN KENNEY: Again, let me just say
7 from the outset, you been there a year or less
8 than a year. I think you are probably one of the
9 more responsive commissioners that I have had the
10 pleasure to deal with.

11 COMMISSIONER WILLIAMS: Thank you,
12 Councilman.

13 COUNCILMAN KENNEY: I can't say the same
14 about your predecessor. But I will tell you, you
15 are a person I can call on a Sunday morning and
16 get a response from.

17 So, I really would like you to answer the
18 questions based on our previous regulations, not
19 regulations relative to the Executive Order.
20 Because I think that is what we are trying to get
21 our arms around is what didn't happen or should
22 have happened or could have happened in the past.

23 We recognize and appreciate the Executive
24 Order. We hope that our process will enhance the

1 Executive Order and then codify the things in the
2 Executive Order, the things we discover here.

3 So I need you, if you can, talk about what
4 happened before as opposed to what is happening
5 since a week or so go.

6 COMMISSIONER WILLIAMS: Understood, sir.

7 COUNCILMAN KENNEY: I will relinquish my
8 questions right now for anyone else. I would like
9 to come back. Thank you.

10 DEPUTY MAYOR GILLISON: I want to make sure
11 that I am clear, as well, because obviously we
12 are -- we are all trying to make sure we
13 understand the processes as they were before. We
14 are going to be describing the processes that were
15 gone before. I want to be responsive to that.

16 Is that correct?

17 COUNCILMAN KENNEY: Yes.

18 DEPUTY MAYOR GILLISON: Thank you.

19 COUNCILMAN KENNEY: Mr. Chairman, thank
20 you.

21 COUNCILMAN JONES: Thank you, Councilman.
22 Chair recognizes Councilwoman Sanchez.

23 COUNCILWOMAN QUINONES-SANCHEZ: Thank you,
24 Mr. Chair.

1 I want to talk about the -- the demo permit
2 application process. And are -- were there any
3 departmental regulations or other written
4 standards that provided guidance as to when a
5 permit request was received, if there were any
6 need for supplemental documents, engineering
7 plans?

8 Was there a checkoff list when people came
9 in? Was there something written that the staff
10 had? Was there something written that was given
11 as an expectation to the person who is receiving
12 the permit?

13 COMMISSIONER WILLIAMS: Outside of the
14 building permit, no.

15 COUNCILWOMAN QUINONES-SANCHEZ: Was
16 there -- this is again before the regs.

17 Was there any difference in terms of the
18 method for -- the prescribed method for demolition
19 based on the size of the permit being requested?

20 COMMISSIONER WILLIAMS: Are you relating to
21 the fees, please? Could you please clarify?

22 COUNCILWOMAN QUINONES-SANCHEZ: More than
23 just fee structure. If I am asking for a
24 residential demo, was there a standard, an

1 expectation that was given to me with a permit?
2 Was that different then when a commercial, large
3 size demolition request was issued?

4 COMMISSIONER WILLIAMS: Based on the code,
5 no.

6 COUNCILWOMAN QUINONES-SANCHEZ: Was there
7 requirement of -- is part of the permit request
8 for a safety plan? A pedestrian plan? Who made
9 the determination to what supplemental documents
10 were requested?

11 COMMISSIONER WILLIAMS: Again, based on the
12 code, there was no documents required affecting
13 that.

14 COUNCILWOMAN QUINONES-SANCHEZ: There were
15 no specified procedures or protocols.

16 Were there any informal processes that
17 people generated with experience? You know, one
18 of the things I appreciate about our staff,
19 particularly the L&I staff is, after a while you
20 get into a rhythm.

21 Was there any practice that was established
22 when a review of a permit was done?

23 COMMISSIONER WILLIAMS: I think it's
24 difficult to answer, Councilwoman. I will say we

1 have some of the best trained inspectors in the
2 City of Philadelphia. They are trained to
3 identify hazards. But if you are asking
4 specifically was there any written procedure based
5 on the code, the answer is no.

6 COUNCILWOMAN QUINONES-SANCHEZ: In the
7 training required -- I do agree with you we have
8 very good professionals.

9 In the training required or provided to our
10 staff, were these items discussed? And in so, at
11 least in your term in your year that you have been
12 here, was the practices and procedures ever
13 discussed?

14 COMMISSIONER WILLIAMS: Our inspectors were
15 trained base according to what the code requires.

16 COUNCILWOMAN QUINONES-SANCHEZ: In the
17 trainings for staff, how were these situations
18 articulated or discussed as part of their
19 training?

20 COMMISSIONER WILLIAMS: Again, all of the
21 trainings are related to how the code is supposed
22 to be enforced.

23 COUNCILWOMAN QUINONES-SANCHEZ: Okay. Was
24 there any or is there -- was there any checkoff

1 list, onsite checkoff list? You have mentioned
2 when Councilman Kenney asked the people look for
3 the permit -- the posting of the permit that lists
4 the responsible party.

5 Was there a prescribed checklist on site
6 for inspectors?

7 COMMISSIONER WILLIAMS: There is a building
8 inspection report. But based on the code, again,
9 the answer is no. There is no prescribed checkoff
10 list.

11 COUNCILWOMAN QUINONES-SANCHEZ: Was there
12 any -- when people request a permit from us, do we
13 share the code with them at all? Is there any
14 document that's given to someone along with their
15 permit?

16 Many times when we issue stuff, on the back
17 there is information around expectations,
18 standards or anything. None of that is in our
19 documents.

20 COMMISSIONER WILLIAMS: Ultimately, it's
21 the contractor's responsibility that's applying
22 for the permit to understand what is required
23 based on Administrative Code and the building
24 codes that are established. There are general

1 information in regards to what is required. But
2 the answer is, it's ultimately up to the
3 contractor to understand what is -- what the
4 permit is ultimately applying for.

5 COUNCILWOMAN QUINONES-SANCHEZ: Okay. You
6 mentioned to Councilman Kenney that there is a
7 criminal check. Can you work flow that for me.
8 You said that there is a commercial activity check
9 off that is, a done tax clearance, insurance
10 coverage and a criminal check.

11 COMMISSIONER WILLIAMS: That is done just
12 for the expediter who is applying and it's done to
13 check for fraud.

14 COUNCILWOMAN QUINONES-SANCHEZ: And that is
15 updated how many times?

16 COMMISSIONER WILLIAMS: I don't have that
17 information, Councilwoman. I will have to provide
18 that back to you.

19 COUNCILWOMAN QUINONES-SANCHEZ: Is there
20 any procedure by which any of those checkoffs are
21 done with the general contractors?

22 COMMISSIONER WILLIAMS: No.

23 COUNCILWOMAN QUINONES-SANCHEZ: Okay. I
24 will cede my time.

1 COUNCILMAN JONES: Thank you, Councilwoman.
2 Chair recognizes Councilman Henon.

3 COUNCILMAN HENON: Thank you, Mr. Chairman.
4 Commissioner.

5 COMMISSIONER WILLIAMS: Sir.

6 COUNCILMAN HENON: I just want to echo what
7 Councilman Kenney has said, you know, in your
8 short period of time and in my short period of
9 time being in office, it has been a pleasure
10 working with you and your senior staff in some of
11 the same concerns and interest regarding the
12 public safety and codes and regulations with L&I.
13 So, I look forward to, you know, continuing that
14 as we go and move forward, you know, and go
15 through this process.

16 Want to follow up a little bit on what
17 Councilman Kenney had mentioned. So when it comes
18 to workers on a job site, I understand, you know,
19 an inspector comes out. You are supposed to have
20 postings of the general contractor and the
21 subcontractors by law should be posted.

22 What kind of workers should be on the job
23 site? Is it either a licensed contractor and/or
24 an employee of a licensed contractor; is that

1 correct?

2 COMMISSIONER WILLIAMS: Correct.

3 COUNCILMAN HENON: Are there any other
4 recognized workers that -- that should be on a job
5 site?

6 COMMISSIONER WILLIAMS: If there is a
7 subcontractor, he should be licensed as well for
8 the general contractor.

9 COUNCILMAN HENON: So everybody on the job
10 site should be either a licensed contractor or an
11 employee of the licensed contractor; is that
12 correct?

13 COMMISSIONER WILLIAMS: That's correct.

14 COUNCILMAN HENON: Okay. Great.

15 When it comes to permits, you know --
16 construction permits, demolition permits -- the
17 cost of a permit, they vary. I guess, for -- how
18 do they vary?

19 COMMISSIONER WILLIAMS: It's based on the
20 square footage of the job and the type of project
21 that they're engaging in for demolition
22 construction projects. It's \$10 every hundred
23 square foot up to a max of \$25,000.

24 COUNCILMAN HENON: Okay. So in the case of

1 a demolition permit, you know, based on that
2 formula that calculation, is that the total cost
3 of the job including workers on the job site and
4 material per hundred square foot?

5 COMMISSIONER WILLIAMS: It's -- I don't
6 know what --

7 COUNCILMAN HENON: If there is a value on
8 the permit, is that the total cost of the --

9 COMMISSIONER WILLIAMS: From my
10 understanding, it's just based on square footage.

11 COUNCILMAN HENON: So that's not square
12 footage -- does that include materials, labor,
13 safety precautions, additional permits, fencing or
14 anything like that?

15 COMMISSIONER WILLIAMS: It's just based on
16 square footage. The formula doesn't -- I don't
17 believe it takes those things into consideration.
18 It's based on the square footage of the job.

19 COUNCILMAN HENON: Okay. So we have in
20 the -- you have in the permit, you know, the chart
21 that you said on the process of the permits. You
22 have the Permit Control Construction Division.

23 What is the timeline between an applicant
24 applies for a permit and the department's

1 processes of cross checking, you know, whether
2 they are tax compliant? Whether they have bona
3 fide employees? Whether a licensed contractor and
4 so forth, you know, the checklist that you
5 internally do for the permit review?

6 COMMISSIONER WILLIAMS: If all of the
7 required documentation is provided, it's an
8 over-the-counter permit.

9 COUNCILMAN HENON: It's an over-the-counter
10 permit.

11 COMMISSIONER WILLIAMS: Yes.

12 COUNCILMAN HENON: So I come in, I get a
13 permit. I go to the MSB Building. I provide them
14 a contractor's license. Is there somebody
15 assigned from Revenue to L&I on a full-time basis
16 to check whether somebody is in tax compliance or
17 not?

18 COMMISSIONER WILLIAMS: I don't know that,
19 sir. We would have to talk to the Revenue
20 Department for that.

21 COUNCILMAN HENON: Okay. Does the
22 department, specifically the Department of L&I,
23 would there be anything on the permit that would
24 cause or raise red flags to further investigate

1 any kind of -- anything that you need to further
2 take a look at? So if you had a sole proprietor
3 who comes in and applies for a permit -- and this
4 is construction and demolition, you know, this is
5 general question.

6 You have a sole proprietor who comes in and
7 he applies for a permit over the counter. And
8 he's a frequent permit holder, you know, this
9 individual holds hundreds per year and he's a sole
10 proprietor.

11 Would that raise a red flag within the
12 department?

13 COMMISSIONER WILLIAMS: If there were
14 issues with tax compliance -- I don't know the
15 specific person, which is why I refer that comment
16 to Revenue that is responsible. But Revenue does
17 provide us with data information if someone isn't
18 tax compliant. And then we can take action based
19 on the information that we receive from the
20 Revenue Department, but I don't know who that
21 specific person was.

22 That would raise a reg flag. And for us to
23 take action with a person who is not compliant
24 with a permit application.

1 COUNCILMAN HENON: I think, you know,
2 throughout this process, we will have Revenue in,
3 you know, so we can ask further questions to them
4 in their responsibilities.

5 Does L&I audit contractors or licensees, or
6 is it the responsibility of Revenue?

7 COMMISSIONER WILLIAMS: Depending on the
8 area of audit, if it's a revenue or tax collection
9 issue, then obviously the Department of Revenue
10 would take those steps. If it's an issue
11 regarding their license whether it's up to date,
12 we would know that beforehand. Then we would take
13 those actions to audit the contract.

14 COUNCILMAN HENON: You perform audits on a
15 random basis, or is it complaint driven?

16 COMMISSIONER WILLIAMS: Both. We do both.
17 We get it from -- random from complaints, and we
18 also do it internally within our department.

19 COUNCILMAN HENON: Okay. I will come back
20 in the second round.

21 COUNCILMAN JONES: Thank you, Councilman.
22 Just real quick before we recognize Councilwoman
23 Blackwell, Councilman Kenney and then Bass.

24 How do you -- on public jobs, how do you

1 determine difficulty levels?

2 COMMISSIONER WILLIAMS: How do we
3 determine --

4 COUNCILMAN JONES: Who determines
5 difficulty factors in a demolition?

6 COMMISSIONER WILLIAMS: You're referring to
7 our Master Demolition Program.

8 COUNCILMAN JONES: So they go out and do
9 what?

10 COMMISSIONER WILLIAMS: Primarily, there is
11 a different process for the private demolition
12 project versus a public demolition project.
13 Because we, again, serve as the project manager of
14 our own demo projects. In order for someone to
15 get qualified to be on our list, there is a whole
16 set of requirements that they have to follow.

17 COUNCILMAN JONES: Why is there a
18 difference between public and private other than
19 the fact that you are the job holder? Why do you
20 hold yourself to that standard?

21 COMMISSIONER WILLIAMS: I think you just
22 echoed it, Councilman. We are the actual job
23 holder. The contractor is the job holder of a
24 private demolition site.

1 COUNCILMAN JONES: And so, describe for me
2 how you assess the difficulty factor in a
3 demolition? I know you did a old hotel for us on,
4 I think it was, Lansdowne Avenue. It was
5 imminently dangerous.

6 How does with one go out on a case like
7 that and say this is a difficulty factor of 1
8 versus this is a difficulty factor of 10? What
9 are those assessments?

10 COMMISSIONER WILLIAMS: Well, the master
11 demolition specifications require us to go through
12 an extensive process to hire qualified
13 contractors. And we expect them to be able to
14 provide the services based on the difficulty of
15 the job after going through that entire process.
16 That is reviewed by both our Procurement
17 Department of Law and our staff members, as well.

18 So, the people that we have on site through
19 the application process approve the number of
20 contractors that's on the demolition list. And
21 they are expected to be able to perform the duties
22 as such.

23 COUNCILMAN JONES: I guess what I'm asking,
24 do you, does your department take the

1 responsibility initially of saying this building
2 three stories high, has a difficulty factor of X
3 and this is what we expect? Does the contractor
4 or do you or your department employees determine
5 that?

6 COMMISSIONER WILLIAMS: Our Contractors
7 Services Unit does an assessment.

8 COUNCILMAN JONES: So your employee --

9 COMMISSIONER WILLIAMS: Correct.

10 COUNCILMAN JONES: -- goes out on curb side
11 or to the site and says this is how much we think
12 this should cost. This is how high -- how
13 difficult it is. It is first determined, I guess,
14 by your department and then you deal with
15 reputable folk.

16 COMMISSIONER WILLIAMS: It's done through
17 the lowest responsible bidder.

18 COUNCILMAN JONES: And "responsible" is the
19 key word.

20 COMMISSIONER WILLIAMS: Correct. We are on
21 site, they -- contractors bid on the job that we
22 need to address. And once that occurs, the lowest
23 responsible bidder is selected based on what they
24 submit to our department.

1 COUNCILMAN JONES: So in a case like for a
2 three-story, four-story hotel you tore down, did
3 you determine a difficulty factor was occupancy
4 next door? Is that a factor?

5 COMMISSIONER WILLIAMS: Yes. But again,
6 for clarity purpose, that's a factor that we
7 worked directly with the awarded contractor to
8 ensure those things are recognized.

9 COUNCILMAN JONES: Your staffer says this
10 is a structure that is going down. Let's say,
11 it's difficulty factor of 5. At what delineation
12 point do you say we need to vacate the folk next
13 door, or is that a consideration ever?

14 COMMISSIONER WILLIAMS: Those things are
15 discussed again at the -- with the awarded
16 contractor to determine what dangers exist and
17 what steps are we going to take to mitigate any
18 disasters from occurring.

19 COUNCILMAN JONES: So, at what level do you
20 say vacate next door?

21 COMMISSIONER WILLIAMS: It depends on,
22 again, the job.

23 COUNCILMAN JONES: Give me an example. How
24 do you make that call?

1 COMMISSIONER WILLIAMS: Well, again, we
2 determine and do an assessment of the site.

3 COUNCILMAN JONES: So, tell me what factors
4 at the site would warrant you saying we might want
5 to vacate this?

6 COMMISSIONER WILLIAMS: Once again, it's
7 very difficult to give you that answer. If an
8 imminently dangerous building is about to
9 collapse, then we notify the residents right away
10 to vacate the premises. We do it within a
11 three-hour emergency curbside bid to let people
12 know of an impending imminently dangerous
13 situation.

14 COUNCILMAN JONES: In a case where it is
15 not imminently dangerous but needs to come down
16 nonetheless, how do you determine when you
17 should -- just in your professional opinion, where
18 is the mark that you currently have or will have
19 in the future that says we want to require vacant
20 property next door when we take this down?

21 COMMISSIONER WILLIAMS: The contractor who
22 is trained makes that determination in our unit.

23 COUNCILMAN JONES: Is that a collaboration
24 with your department?

1 COMMISSIONER WILLIAMS: Yes.

2 COUNCILMAN JONES: And the contractor?

3 COMMISSIONER WILLIAMS: That's correct.

4 COUNCILMAN JONES: Okay. I will yield to
5 now Councilwoman Jannie Blackwell.

6 COUNCILWOMAN BLACKWELL: Thank you,
7 Mr. Chairman.

8 Did we during NTI when they were doing
9 activities in bulk, did they have training for L&I
10 operators? Any special training?

11 COMMISSIONER WILLIAMS: I can look into
12 that. I know that there was a training provided.
13 L&I's involvement, to the extent of the
14 involvement, I have to get back to you on that,
15 Councilwoman.

16 COUNCILWOMAN BLACKWELL: Thank you. That
17 was a suggestion maybe that we require that no
18 matter they were licensed or unlicensed. Maybe
19 that would be some -- one suggestion we can
20 consider.

21 COMMISSIONER WILLIAMS: Yes, ma'am.

22 COUNCILWOMAN BLACKWELL: And we appreciate
23 the job you do, Commissioner.

24 COMMISSIONER WILLIAMS: Thank you very

1 much.

2 COUNCILWOMAN BLACKWELL: Thank you.

3 COUNCILMAN JONES: Thank you, Councilwoman.

4 Chair recognizes Councilman Kenney and Bass. And
5 also, we have joining us Councilman Kenyatta
6 Johnson.

7 COUNCILMAN KENNEY: Thank you,
8 Mr. Chairman.

9 Commissioner, how many permit applications
10 were filed -- how many demolition applications
11 were filed for in 2012 and '13 combined?

12 COMMISSIONER WILLIAMS: If you give me one
13 second, I can get it. It's 2900 -- 2,905
14 applications that were filed.

15 COUNCILMAN KENNEY: Combined for the two
16 years? For this 2013 --

17 COMMISSIONER WILLIAMS: For '12 and '13,
18 let me get you that number.

19 COUNCILMAN KENNEY: Okay.

20 COMMISSIONER WILLIAMS: And that was over a
21 four year -- I am sorry, Councilman. I wanted to
22 give you that number of a four-year term.

23 Combined it was 751 in 2012; and in 2013,
24 to date, it was 385.

1 COUNCILMAN KENNEY: In the past, why
2 have -- why have private demolitions and public
3 demolition permits been considered differently?

4 COMMISSIONER WILLIAMS: Can you repeat the
5 question? I'm sorry.

6 COUNCILMAN KENNEY: In the past, in the
7 past practice, why are private demolitions and
8 public demolitions viewed differently? Why are
9 they treated differently?

10 COMMISSIONER WILLIAMS: I think the main
11 difference is that private demolitions are the
12 responsibility of a -- of the contractor for
13 whatever the required job is. And public
14 demolitions are acts that we initiated and we take
15 responsibility for based on that imminently
16 dangerous situation.

17 COUNCILMAN KENNEY: And in a public
18 demolition area, we take extra precaution relative
19 to public safety.

20 COMMISSIONER WILLIAMS: Absolutely.

21 COUNCILMAN KENNEY: Why wouldn't we apply
22 the same standard to a private demolition that's
23 being done in the public right away.

24 COMMISSIONER WILLIAMS: Again, we -- it's

1 the responsibility of the contractor.

2 COUNCILMAN KENNEY: I got that. But it's
3 our responsibility at some point when we issue a
4 permit to ensure that the private contractor doing
5 a private demolition is doing it safely.

6 COMMISSIONER WILLIAMS: Well, there are a
7 number of inspections that were done preliminary
8 to ensure that occurs. Again --

9 COUNCILMAN KENNEY: But to our -- to our
10 own admission here, we do treat whether it's NTI
11 or public demolitions currently, we treat those
12 demolitions with a higher standard -- apparently,
13 a higher standard of safety than we treat the
14 private demolitions.

15 DEPUTY MAYOR GILLISON: If I may,
16 Councilman, I -- I think that the question is
17 really we're responsible as project manager for
18 the ones that we do. And contractors that do this
19 privately are responsible to the same safety
20 standards, but they are responsible for operating
21 things along the way. Just because we give
22 someone a permit does not make us responsible.
23 They are the ones responsible for handling their
24 issue.

1 COUNCILMAN KENNEY: But do you believe in
2 some way the issuance of a permit is permission to
3 conduct work in the public -- in the public space,
4 or we wouldn't have to issue a permit at all?

5 DEPUTY MAYOR GILLISON: No. I agree. We
6 have to make sure that in the permitting process
7 allows us to regulate the -- the issuance of the
8 permit. But the issuance of the permit to the
9 private only says that you now have the right to
10 do this work. But the standards they have to
11 actually come up to on their own, they are the
12 same standards that we have to deal with on our
13 own.

14 We just don't dictate to them or what it
15 is. They still have to deal with the same
16 standard. It's just that we are not responsible
17 for them doing what they do.

18 COUNCILMAN KENNEY: But who ensure -- who
19 ensures that they live up to those standards since
20 we are the party issuing the permit?

21 DEPUTY MAYOR GILLISON: The insurance
22 aspect is actually part of the cost of their doing
23 business. The insurance aspect and the risk is
24 something that's built into their model. All of

1 that is part and parcel what happens in business
2 across the board. I mean, so --

3 COUNCILMAN KENNEY: But if the company --
4 if the company that we are issuing the permit to
5 has not complied with the basic financial
6 requirements of owning a company and conducting a
7 company's business, what makes us think that they
8 would comply with required insurance requirements?

9 DEPUTY MAYOR GILLISON: The question of
10 whether or not the -- how you evaluate the private
11 versus public I think that we have to stand on
12 the -- on the difference being one we own, the
13 other another owns. While the standards are the
14 same and the goals are the same to make sure that
15 the public is safe, who takes that responsibility
16 on in the private sector versus when we are the
17 project manager is just the way that we have
18 traditionally done things.

19 Now, obviously, we have now changed that
20 opinion as far as -- but it doesn't change the
21 risk nor the standard. They are still responsible
22 in the private for everything that happens on
23 private when they are doing this stuff. The
24 public does not have any liability nor any

1 responsibility for that other than trying to make
2 sure that they comply with what they are trying to
3 get done.

4 COUNCILMAN KENNEY: And again, not to go
5 anywhere near the -- that subject.

6 DEPUTY MAYOR GILLISON: That's right. And
7 I am not --

8 COUNCILMAN KENNEY: Liability issues will
9 be -- will be determined by another party other
10 than us.

11 DEPUTY MAYOR GILLISON: That's exactly
12 right. That is why I am not -- I am not -- you
13 know, I am just making clear the responsibility is
14 where the responsibility lies. It does not -- it
15 does not change because we issue whether it's \$100
16 permit or \$500 permit.

17 COUNCILMAN KENNEY: Right. Of the combined
18 demolition permit applications filed in both years
19 we were recently discussing, how many asbestos
20 inspection reports were attached to the demolition
21 permit applications?

22 COMMISSIONER WILLIAMS: I will have to get
23 that for you, Councilman. I will provide that to
24 the Committee.

1 COUNCILMAN KENNEY: In every case, asbestos
2 removal applications must be attached to the
3 permit or the permit is not issued?

4 COMMISSIONER WILLIAMS: I will certainly
5 confirm those numbers for you.

6 COUNCILMAN KENNEY: What I also need to
7 know is were there any demolition permits rejected
8 for failure to attach an asbestos inspection
9 report.

10 COMMISSIONER WILLIAMS: We will provide
11 that to the Chair, as well.

12 COUNCILMAN KENNEY: Or were there any
13 approved without an inspection report?

14 COMMISSIONER WILLIAMS: I will supply that
15 to the Chair.

16 COUNCILMAN KENNEY: Is an L&I employee who
17 approved the demolition permit application
18 required to read the asbestos inspection report
19 that is provided? Is there someone who reviews
20 the asbestos inspection report?

21 COMMISSIONER WILLIAMS: All of that is
22 required during the permit application process, so
23 the inspector will not review that. No.

24 COUNCILMAN KENNEY: Okay. Does the City

1 employ any licensed asbestos investigators?

2 COMMISSIONER WILLIAMS: Again, I don't
3 know. That is usually overseen by the Health
4 Department, so I will have to find out from
5 Health.

6 COUNCILMAN KENNEY: Does the Health
7 Department review demolition permits for the
8 existence and qualifications of asbestos
9 inspection report?

10 COMMISSIONER WILLIAMS: I don't know. I
11 will find that information out for you.

12 COUNCILMAN KENNEY: Okay.
13 Are the individuals who review demolition
14 permits generally knowledgeable of asbestos
15 inspection or asbestos removal?

16 COMMISSIONER WILLIAMS: They are aware of
17 the code that is required.

18 COUNCILMAN KENNEY: And they ensure that
19 the individual contractor who is asking for the
20 demolition permit is knowledgeable of asbestos
21 inspection?

22 COMMISSIONER WILLIAMS: Could you clarify?
23 I am sorry. Repeat the question.

24 COUNCILMAN KENNEY: Are the -- are -- do we

1 review qualifications of the contractor who is
2 requesting the permit, that they are in fact
3 knowledgeable of the hazards and needs to remove
4 asbestos in a safe manner?

5 COMMISSIONER WILLIAMS: They provide the
6 report, so no one reviews it.

7 COUNCILMAN KENNEY: And I would suspect
8 that you would agree that the demolition of a
9 building without the proper asbestos removal or
10 removal protection is a bad thing for us to allow
11 in the City?

12 COMMISSIONER WILLIAMS: That is correct.

13 COUNCILMAN KENNEY: Okay. All right.
14 Thank you.

15 COUNCILMAN JONES: Thank you, Councilman.
16 I'm going to recognize Councilwoman Bass.

17 COUNCILWOMAN BASS: Okay. Thank you,
18 Mr. Chairman. I just have a really brief
19 question. A couple of brief questions.

20 Good afternoon.

21 COMMISSIONER WILLIAMS: Good afternoon.

22 COUNCILWOMAN BASS: And really quick, I'm
23 just curious as to -- Commissioner, I know you
24 have not been the commissioner for a very long

1 time. How long have would you say you have been
2 Commissioner? How long have you been
3 Commissioner.

4 COMMISSIONER WILLIAMS: A year. It's a
5 year, Councilwoman.

6 COUNCILWOMAN BASS: One year?

7 COMMISSIONER WILLIAMS: Yes, ma'am.

8 COUNCILWOMAN BASS: And prior to that, the
9 Commissioner served for how long? Do you know the
10 term of the -- or how long the previous
11 Commissioner?

12 DEPUTY MAYOR GILLISON: She was there --
13 Commissioner Fran Burns was there for four years.

14 COUNCILWOMAN BASS: Okay. And do we expect
15 to hear from Former Commissioner Burns also or
16 from, I guess, any other former L&I commissioners?

17 DEPUTY MAYOR GILLISON: That's up to the
18 Chair, I guess.

19 COUNCILMAN JONES: Councilwoman, that's an
20 interesting question. And we will as a committee
21 deliberate and see if we can't --

22 COUNCILWOMAN BASS: Okay.

23 COUNCILMAN JONES: -- get some
24 juxtaposition and other ideas from other

1 sources --

2 COUNCILWOMAN BASS: Okay.

3 COUNCILMAN JONES: Including former
4 commissioners.

5 COUNCILWOMAN BASS: Right. I just think
6 it's important as we look over the history of L&I
7 that we, you know, talk to some folks particularly
8 those who have been there for a considerable
9 amount of time and former commissioners who -- you
10 know, particularly Fran -- Commissioner Burns and
11 her predecessor about some of these issues, as
12 well.

13 COUNCILMAN JONES: Yes.

14 COUNCILWOMAN BASS: Because of the history
15 of L&I. So I just wanted to --

16 COUNCILMAN JONES: Makes sense,
17 Councilwoman. We will look into it.

18 COUNCILWOMAN BASS: Thank you.

19 COUNCILMAN JONES: Chair recognizes
20 Councilman Henon.

21 COUNCILMAN HENON: Thank you, Chairman.

22 I know some of the questions may seem a
23 little repetitive. But again I am going to ask
24 because I was a little bit unclear.

1 The value on the permits, aside from the
2 calculation, they are given over the counter. Who
3 checks the actual -- who cross checks quality
4 control for the proper amount financially for the
5 permit given on the job?

6 If a permit comes in, if somebody puts down
7 their \$5,000 and indeed the job total is \$200,000,
8 whose responsibility would it be to check the
9 value of the permit to make sure that it's not
10 falsely reported?

11 DEPUTY MAYOR GILLISON: Right. I just want
12 to make sure that I am clear on the question.
13 Because as the Commissioner has indicated, this is
14 a simple square footage application that -- the
15 way the code has been written.

16 So a building would be reported at 5,000
17 square feet. And then there would be a
18 documentation of how much that would actually come
19 to. It's really not the value of the job that --
20 that's at issue here. At least not previously.
21 That is something that perhaps the Committee might
22 want to consider or we might be considering going
23 forward.

24 But as it is right now and by code, it

1 really is just a math issue. I think that someone
2 is probably just making sure the math is right.
3 It's a 5,000-square foot building. It's a
4 250-square foot building time the applicable
5 number for the value of the permit. That's all
6 the way it was per code for quite a long time.
7 And I think that goes back almost 50 or 60 years.

8 COUNCILMAN HENON: Okay. Well, I would be
9 interested -- again, this is more for clarity and,
10 you know. There is some unscrupulous contractors
11 and individuals out there who falsify permits and
12 other documentation on a regular basis. So I am
13 just trying to get clarity on my end so -- as we
14 move forward as a committee.

15 So, it's based -- on demolition, it's based
16 on square footage, which I understand. I read the
17 code. I understand. Is that the only dollar
18 value for a permit in demolition?

19 DEPUTY MAYOR GILLISON: I believe so.

20 COMMISSIONER WILLIAMS: Yes, I believe so.

21 COUNCILMAN HENON: Okay. And in
22 construction, you know, I have concerns in
23 construction as well about permits being pulled
24 with undervalued, you know, reporting on that. So

1 as we move forward and we go through this process
2 in general, I would like to continue on in that
3 question.

4 I have some other questions. I am sure,
5 Commissioner, that you would have to -- I am going
6 to ask that we can provide to the Chair moving
7 forward, you know, permits denied.

8 Can you provide to the Chair how many
9 permits were denied over the last two years and
10 for what reasons? How many were denied demolition
11 and in construction?

12 Two, how many audits were performed in --
13 you know, from the Department of L&I broken down
14 into categories whether it's demolition and
15 construction? And have there been any revocations
16 of any permits or licenses or suspensions? And
17 also, for what reasons the same as the other
18 questions before.

19 COMMISSIONER WILLIAMS: Just for clarity,
20 Councilman, it's all building permits or just
21 specific to demolitions?

22 COUNCILMAN HENON: Demolition and building
23 permits.

24 DEPUTY MAYOR GILLISON: We will provide

1 that to the Chair.

2 COUNCILMAN HENON: Thank you.

3 COUNCILMAN JONES: Thank you. Before I go
4 to Councilwoman Blackwell, under public jobs how
5 do you delineate what is done by crane or by hand
6 demolition?

7 COMMISSIONER WILLIAMS: For public jobs all
8 demolitions are done by hand.

9 COUNCILMAN JONES: So is there a re -- why
10 is it that you only use the hand demolition versus
11 crane in public jobs?

12 COMMISSIONER WILLIAMS: Most of our
13 demolitions are done in residential communities.
14 And it's the safest practice to employ in a
15 residential community when you have pedestrians
16 and citizens nearby.

17 COUNCILMAN JONES: And do you use
18 scaffolding to protect perimeter properties at
19 all?

20 COMMISSIONER WILLIAMS: Depends on the
21 assessments at the site that is required.

22 COUNCILMAN JONES: Have you used it in the
23 past?

24 COMMISSIONER WILLIAMS: Yes.

1 COUNCILMAN JONES: And under what occasions
2 to your recollection would you use scaffolding?

3 COMMISSIONER WILLIAMS: Again, based on the
4 assessment, that determines what methods would be
5 utilized.

6 COUNCILMAN JONES: I mean, generally. If
7 you were to do a hand demolition, under what
8 instances would you on occasion use scaffolding?
9 And to what degree? Or is it so unique that there
10 is not a standard? Is that what I am hearing?

11 COMMISSIONER WILLIAMS: Correct. Correct.

12 COUNCILMAN JONES: All right. So after
13 these questions, I am going to transition to say
14 what are lessens learned and what are we going to
15 do different under that Executive Order?

16 I will yield at this point to Councilman
17 Blackwell.

18 COUNCILWOMAN BLACKWELL: Thank you.

19 We wanted to know if there is a process if
20 someone has been cited on a construction site, and
21 how far down that goes between the worker, the
22 developer and the construction manager? Who gets
23 cited? And if there is a process for that?

24 And if we keep those records? If so, how

1 long?

2 COMMISSIONER WILLIAMS: Yes. If we issue
3 violations and if there is -- in terms of permit,
4 if they are not compliant with the permit, that we
5 do fail the inspection. And also, we -- if it's
6 to the point where it's issues that we need to
7 take further action, we do so.

8 COUNCILWOMAN BLACKWELL: And that would be
9 how far down to the worker on the site and how far
10 up?

11 COMMISSIONER WILLIAMS: It's usually the
12 person that is the responsible party for the
13 permit who is on the permit application.

14 COUNCILWOMAN BLACKWELL: Okay. Thank you.

15 COUNCILMAN JONES: Thank you.

16 Chair recognizes Councilman Kenney.

17 COUNCILMAN KENNEY: Thank you,
18 Mr. Chairman.

19 Commissioner, what are the requirements or
20 specifications or educational requirements to
21 become a building inspector in the City of
22 Philadelphia? What does Civil Service require to
23 be hired as an inspector?

24 COMMISSIONER WILLIAMS: Primarily, there is

1 number of trainings that they go through in order
2 to --

3 COUNCILMAN KENNEY: Is there any -- but
4 prior to hiring, is there any minimum requirements
5 of education, past experience and the like that
6 would make someone eligible to be a building
7 commissioner?

8 COMMISSIONER WILLIAMS: Just -- and I
9 wanted to clarify. All inspectors come in as
10 trainees. And through that process, they achieve
11 their credentials to perform certain inspections.

12 COUNCILMAN KENNEY: So, the testing process
13 to become an inspector involves just a basic civil
14 service test? So, there is no educational
15 background requirements or work experience
16 requirements or things of that nature?

17 COMMISSIONER WILLIAMS: Yeah. There are
18 just a basic civil service examination. Once they
19 are a trainee, then they are required to meet
20 certain training certifications and modules in
21 order to perform the task that we're asking.

22 COUNCILMAN KENNEY: Prospectively, do you
23 think that that's something that we need to
24 evaluate as far as who we are hiring to do this

1 work in the first place?

2 COMMISSIONER WILLIAMS: Absolutely not.

3 COUNCILMAN KENNEY: Absolutely not?

4 COMMISSIONER WILLIAMS: I think our guys
5 are trained adequately. I think they are very
6 well prepared to do their jobs. And I think that
7 we have an extensive program in house to determine
8 if someone is not qualified to do the job and they
9 are dismissed during a probationary period if they
10 can't meet the qualifications.

11 COUNCILMAN KENNEY: Do you believe there
12 would be any benefit, for example, as people
13 change careers as they do in many areas of work
14 life, that a person who has been in the
15 construction business, who has been in the
16 demolition business, who has done other types of
17 work for other government, state, federal, would
18 be kind of a person or people that you would want
19 to attract to --

20 COMMISSIONER WILLIAMS: I certainly think
21 we can look at it. But the inspectors that I
22 currently have working for me are very well
23 trained.

24 COUNCILMAN KENNEY: Prospectively,

1 retrospectively, I'm not criticizing.

2 COMMISSIONER WILLIAMS: I understand.

3 COUNCILMAN KENNEY: Prospectively, I'm
4 saying going forward if a person has worked for
5 20, 25 years in the construction industry and is
6 now retiring from that business, does that make
7 sense to maybe try to attract --

8 COMMISSIONER WILLIAMS: Yes.

9 COUNCILMAN KENNEY: For example, in the
10 Police Department, we often look to go to the
11 military because of discipline and training and
12 education. So, that is a person that is
13 attractive to us as a police officer.

14 Should we be looking to do that in the
15 future?

16 COMMISSIONER WILLIAMS: That is something
17 that we should consider, yes.

18 COUNCILMAN KENNEY: Okay. What do you
19 believe the role of the Philadelphia Fire
20 Department should be or could be in relation to
21 demolition projects or large construction
22 projects?

23 Should we have interface with -- I mean,
24 those are obviously the first people in a disaster

1 or in a tragedy. They are the people who need to
2 get in there or at times their own folks are
3 involved in a building collapse or tragedy that
4 they -- is there some interface with L&I and with
5 the Fire Department that makes sense going
6 forward?

7 Because I know in other cities -- Boston,
8 New York, Chicago -- there is a real active
9 participation in demolition permits with those
10 fire departments.

11 DEPUTY MAYOR GILLISON: Commis -- I'm
12 sorry. Councilman Kenney, one of the things that
13 I've been trying to make sure that we build out is
14 a -- is what I call my -- for, as you know with
15 police, I have spent a lot of time with
16 commissioner Ramsey building what's known as a
17 "real time crime center." I am trying to bring
18 that same issue and public safety across the board
19 by interfacing through GPS and through tablets to
20 be able to know what each of the public safety
21 departments are.

22 And I have an expanded view of public
23 safety. It's not just fire and police, as you
24 know. It's also with L&I and Streets and DHS,

1 quite frankly, trying to make sure we know exactly
2 where all of our folks are and literally what they
3 are running into.

4 And you know, we finally have the platform
5 with our -- in our GIS platform that we have built
6 over the last three years that has now gone
7 active. And we are now trying to flush out how do
8 we now integrate all of these not only permits but
9 also reviews so each department would have an
10 understanding of what is coming up, where it's
11 happening and do it in real time.

12 It takes -- it has taken a while to get the
13 platform built. But as I'm sure the Chair knows,
14 the place where we have put a lot of our assets is
15 opening up next week. You guys are -- will be
16 invited to come down to see what's happening in
17 Public Safety and always understand that the
18 integrated model of public safety is something
19 that we are doing.

20 So, I agree with you. I think that I have
21 taken lessons from other cities in order to come
22 up with this model. The investment as a result
23 of, you know, the financial matters that we have
24 had to deal with this in this City make it a

1 little slower than we all wanted.

2 But, yes. The answer is yes. We do want
3 to make sure that on an integrated business that
4 each of those departments have some not only
5 review but actually can bring their own expertise
6 and their own eye to various things. And that is
7 something that we've been trying to build for the
8 last three and a half years.

9 COUNCILMAN KENNEY: Would that also entail
10 the sharing of information say on a battalion
11 basis?

12 DEPUTY MAYOR GILLISON: Yes.

13 COUNCILMAN KENNEY: Battalion by battalion
14 as to what demolitions are going on?

15 DEPUTY MAYOR GILLISON: Yes.

16 COUNCILMAN KENNEY: Whether they are
17 residential or commercial, private or public, what
18 are going on in that particular battalion so that
19 a chief would have at least the advanced knowledge
20 of what potential problems there might be in that
21 battalion.

22 DEPUTY MAYOR GILLISON: The answer is yes.
23 As you know, we have divided and we have more
24 responsibility now on our battalion chiefs where

1 they are getting active information. And I want
2 to get even more to them. And I am hoping now
3 that this GIS environment that we built is active,
4 that they will begin to see the -- in real time
5 those kinds of things.

6 So the answer is, yes, Councilman.

7 COUNCILMAN KENNEY: And no specific
8 reference to 22nd and Market, but I will tell you
9 that the Sunday Inquirer piece and the video that
10 accompanied that at Philly.com relative to Heavy
11 Rescue One was extremely inspiring.

12 When I look at the capabilities and
13 dedication of the battalion chief that runs that
14 unit, the captain that left his -- left his home
15 on vacation to come in and to participate in the
16 help and the rescue and the folks that were on
17 that scene, firefighters who didn't wait for the
18 apparatus but ran from their station house on
19 Market Street down, it is inspiring to me to know
20 that those people actually work for us. That if I
21 am in trouble or any of us is in trouble, that is
22 the quality of people coming to save us.

23 Their involvement in this process is
24 critical. Thank you.

1 COUNCILMAN JONES: Thank you, Councilman
2 Kenney.

3 Chair recognizes Councilwoman Sanchez.

4 COUNCILWOMAN QUINONES-SANCHEZ: Thank you,
5 Mr. Chair.

6 Going back to the issue of training, as
7 we -- as this Committee moves forward, I think it
8 would be important that the Chair and the
9 Committee be provided with what are those basic
10 requirements for L&I inspectors? What are the
11 number of hours and the types of subject training
12 that they received? What are the ongoing
13 continuing training that we provide?

14 So that as we begin to look at best
15 practices and kind of requirements, I know we --
16 we recently got a visit in a review as part of our
17 international review for best practices and L&I.
18 And I think it's important that we document what
19 we do so as we compare it to other cities, we can
20 look at are we in line. Or we -- do we exceed
21 that. And I know the -- the review conducted by
22 some of the peer cities and their feedback to me
23 was that they were very impressed with our
24 operations and what we had been able to do. I

1 want to put that on the record because I think
2 it's important. But I think for the purposes of
3 this investigatory Committee, that we document
4 that and capture that.

5 I do want you to address the issue of -- we
6 have begun a process of cross training for our L&I
7 inspectors. We have moved away from some of the
8 specialized units to the geographic units.

9 Can you talk a little bit how we ensure
10 that people through that cross training, what kind
11 of interface that happened? We now have a
12 geographic model. You may want to kind of talk
13 about where we were and then kind of where we have
14 gone to around the cross training.

15 COMMISSIONER WILLIAMS: Sure.

16 In the past, we had different units
17 responsible for different aspects of licensing and
18 permitting and also in checking on property
19 maintenance conditions. It's mainly related to
20 our property maintenance inspectors where you
21 would have certain inspectors responsible for
22 inspecting just businesses, some responsible just
23 for inspecting residential units.

24 And then we have C&I inspectors that will

1 be responsible for larger, you know, buildings,
2 commercial buildings and industrial buildings
3 specifically.

4 We combine the units so that there will be
5 all inspectors will be multittrained in every
6 aspect. We think that there is greater
7 efficiencies and more responsibility where we
8 don't have to send three inspectors out to do an
9 inspection for different locations or specialized
10 inspection. One inspector has the capability now
11 of doing all three of the factors that relate to
12 us.

13 So, we thought that was a much more
14 efficient process for all of our inspectors to be
15 multittrained and be able to do multiple functions.

16 COUNCILWOMAN QUINONES-SANCHEZ: Can you
17 share to the Chair the amount of training that
18 went into this new business model as it relates to
19 the staffing what we had in place to make sure
20 that that could happen?

21 COMMISSIONER WILLIAMS: I can -- I can
22 provide that data for you, yes.

23 COUNCILWOMAN QUINONES-SANCHEZ: I think
24 that's important. One of the issues for us is,

1 you know, the OSHA regulations. Can you as part
2 of that, and then if you want to speak to it now,
3 speak to how many hours of OSHA training, how we
4 interface with OSHA training for our inspectors
5 and what the ongoing relationship.

6 I know at different times in our history,
7 we have had a more aggressive relationship.

8 What's the relationship? How does that get
9 infused in our daily practices?

10 COMMISSIONER WILLIAMS: I certainly can
11 provide what relationships that existed. I know
12 we do communicate with OSHA if there is issues
13 regarding work site safety to the extent that it's
14 a formal program. I will certainly give you that
15 information.

16 COUNCILWOMAN QUINONES-SANCHEZ: Okay.
17 Thank you. Can you also provide to the Chair as
18 part of, again, our review the -- not only the
19 amount of hours that we provide for training but
20 the investment by employee that we have as it
21 relates to training?

22 DEPUTY MAYOR GILLISON: Can you describe
23 what do you mean by investment?

24 COUNCILWOMAN QUINONES-SANCHEZ: Well, if we

1 have specialized training, what are we investing
2 in our workforce for their training?

3 DEPUTY MAYOR GILLISON: Is this a dollar
4 figure that you're looking for?

5 COUNCILWOMAN QUINONES-SANCHEZ: Yes.

6 DEPUTY MAYOR GILLISON: Okay.

7 COMMISSIONER WILLIAMS: Okay.

8 COUNCILWOMAN QUINONES-SANCHEZ: Thank you,
9 Mr. Chair.

10 COUNCILMAN JONES: Thank you Councilwoman.
11 Chair recognizes Councilman Henon.

12 COUNCILMAN HENON: Thank you, Mr. Chair.

13 Commissioner, who is responsible for
14 notifying the properties on each side of a
15 demolition across the street and in the rear of
16 the subject site that's being demo'd?

17 COMMISSIONER WILLIAMS: That would be our
18 inspectors.

19 COUNCILMAN HENON: City's inspectors?

20 COMMISSIONER WILLIAMS: Yes, sir.

21 COUNCILMAN HENON: I want to ask a few
22 questions about 3-1-1. All right.

23 So, how are 311 complaints transmitted to
24 the inspector?

1 COMMISSIONER WILLIAMS: Normally, they
2 are -- when a complaint comes into 311, it
3 generates a work order that is transported to our
4 Hansen System. It's assigned to an inspector to
5 follow up given the service level requirement of
6 the priority of the request.

7 COUNCILMAN HENON: Okay. What is the time
8 frame? Is there a time frame in, you know, the
9 work order to --

10 COMMISSIONER WILLIAMS: Some vary.
11 Generally, 30 days response. Depending on the
12 severity of the request, emergencies require
13 immediate response.

14 COUNCILMAN HENON: How are the complaints
15 prioritized? Like a safety -- in safety priority
16 in the call number coming into L&I from 311?

17 COMMISSIONER WILLIAMS: I can get you the
18 priority order of which pushes something up the
19 chain earlier higher than another. But
20 specifically, I don't have the information right
21 now which prompts something to be. In general, I
22 can tell you that safety is always the highest
23 priority and the things that we address first.

24 DEPUTY MAYOR GILLISON: And, Commissioner,

1 I would just state that 311, you know, we have
2 done a lot of advertising. Advertising for 311 is
3 not for emergencies. So technically, the very
4 definition of something coming through 311, the
5 operators, if they believe that it should be
6 pressed and made into a 911 response, then
7 obviously they kind of push it over immediately.
8 But if they are just taking a complaint, a
9 complaint then goes through the normal process.

10 But 311 is not for emergencies. 911 is for
11 emergencies. That is the distinction that we
12 always tell the public. I will be glad to provide
13 and have 311 in the process and procedures. I can
14 give that to the Chair, if you'd like.

15 COUNCILMAN HENON: I would appreciate that.
16 You know, I am going to skip over my next
17 question, and I will get back to it because you
18 hit on something regarding emergencies.

19 How is -- is the qualifications or training
20 of a 311 operator, are they -- are they trained to
21 understand what is emergency and what is not
22 emergency?

23 DEPUTY MAYOR GILLISON: There is a --

24 COUNCILMAN HENON: With respect to

1 construction and demolition.

2 DEPUTY MAYOR GILLISON: I think that the --
3 an operator comes in with a certain level of
4 understanding about what their role is. And that
5 they are then "trained." And again, I will
6 provide the specifics of that to the Chair so that
7 you can review what that involves.

8 But, you know, the -- a lot of times when
9 you're talking about the difference between a
10 3-1-1 and a 9-1-1 call, that is going to be
11 subject to the experience of the person that is
12 there. I know that our operators on both systems
13 are trained. And there is a lot of handoff
14 automatically between one and the other as we go
15 forward. I will be glad to give you the specifics
16 in writing because we do have that in writing.

17 COUNCILMAN HENON: Being proactive.

18 DEPUTY MAYOR GILLISON: Yes. Being
19 proactive.

20 COUNCILMAN HENON: Moving forward and
21 having our operators trained in what is an
22 emergency or what could be a potential emergency
23 regarding property maintenance and any codes
24 regarding L&I and the safety of construction and

1 demolition I think is equally as important --

2 DEPUTY MAYOR GILLISON: Okay.

3 COUNCILMAN HENON: -- as we move forward --

4 DEPUTY MAYOR GILLISON: Okay.

5 COUNCILMAN HENON: -- when it comes to the
6 business.

7 COUNCILMAN JONES: Councilman, do I
8 understand you to say that there should be a
9 hotline number or website or --

10 COUNCILMAN HENON: I'm not sure. I am
11 concerned about the training, all right, and the
12 knowledge.

13 DEPUTY MAYOR GILLISON: I hear you.

14 COUNCILMAN HENON: -- of the operator in
15 the call center --

16 DEPUTY MAYOR GILLISON: Right.

17 COUNCILMAN HENON: -- regarding public
18 safety and the construction demolition business.

19 DEPUTY MAYOR GILLISON: And I think that --

20 COUNCILMAN HENON: And who is making that
21 decision whether it's an emergency or it's not an
22 emergency, I think is a valid question and
23 concern, you know, as we go through this process.

24 DEPUTY MAYOR GILLISON: I am sure that

1 there's probably standards that we can review, we
2 can look at. I am sure there is probably national
3 standards that we have a very good director of our
4 311, Rosetta Lu. She does great work. Rich
5 Negrin I'm sure would be interested in looking at
6 what the best practices are.

7 As we move forward, if there is something
8 that we need to do or in some way to make it
9 better, obviously, we are all committed to doing
10 that. I just -- you know, 311 is not supposed to
11 be for an emergencies. We just have to hot link
12 it over to 911 whenever that happens. And I think
13 we have done a great job in making sure we have
14 built out something that is sustainable.

15 COUNCILMAN HENON: And I appreciate that.
16 And one thing I do appreciate is the Commissioner
17 taking a practical approach and a real life
18 situation where you have somebody from the general
19 public who doesn't know who to call or what, just
20 that they see something that may be imminently
21 dangerous putting the public in harm's way for
22 whatever, you know, gut reaction or observation
23 that they be making with a non-professional or
24 non-trained eye, that somebody wherever they call

1 is also a little bit trained in how to field the
2 call.

3 So, that was my -- my last question
4 regarding 311, when a work order gets put out and
5 it comes down to the inspector and inspector goes
6 out to the site and sees that it's either
7 unfounded or there's been some action taken, do
8 they report back to 311?

9 COMMISSIONER WILLIAMS: Yes. They put it
10 in Hansen. And Hansen tells what action was
11 taken. Reports it. It connects back to 311 to
12 show what action was taken.

13 COUNCILMAN HENON: Okay. Thank you.

14 COUNCILMAN JONES: Thank you, Councilman
15 Henon. Councilman Kenney.

16 COUNCILMAN KENNEY: Thank you,
17 Mr. Chairman.

18 Is there a special permit or license and
19 requirement for people operating heavy equipment
20 either on a construction site or on a demolition
21 site?

22 COMMISSIONER WILLIAMS: Under the code
23 that's the -- under the code. I don't know.

24 COUNCILMAN KENNEY: What is your opinion

1 relative to having someone certified over a
2 certain level of -- certain size of equipment
3 whether it's again demolition or whether it's
4 construction, to be nationally certified in
5 some -- by some nationally qualifying organization
6 or having some -- something that we can look at to
7 make sure that people who are operating heavy
8 equipment are, in fact, qualified to do so?

9 DEPUTY MAYOR GILLISON: I think that is one
10 of the things that we are looking at going forward
11 to see whether or not there are those kinds of, A,
12 organizations; B, certifications; C, how is it put
13 into a regulatory environment. I think that those
14 area all great questions. That is something we
15 need to take a look at.

16 COUNCILMAN KENNEY: Okay. In other
17 jurisdictions and in some of the institutional
18 private sector, demolition or construction firms
19 are prequalified. So in order to even apply for
20 the -- or to bid on something, there needs to be a
21 prequalification process that firms go through.
22 And up front that can be a lengthy process. But
23 once it's completed, it seems to be a better base
24 of information on how we can monitor or keep track

1 of what companies are doing.

2 Is that something you would be willing to
3 look at or something you have thought about
4 already?

5 DEPUTY MAYOR GILLISON: I think it's
6 something we are willing to look at. I think that
7 the one thing that we have to -- and I am sure
8 this committee knows -- we are always looking to
9 balance.

10 We have to -- because if we ended up --
11 one of the things I would always have to -- you
12 would have to balance is if we make things so
13 high. And if it goes so high, are we becoming
14 antidevelopment which hurts our City in the
15 future?

16 But then we are always balancing. We are
17 always balancing what we are trying to do and what
18 we are addressing. And I think it's something we
19 are willing to look at. I think that this is
20 where our brother and sister cities across the
21 country -- some have had different roles. I mean,
22 I have made a couple of inquiries over the last
23 week myself to some couple other deputy mayors
24 that I know and talked about in detail.

1 This is -- you know, Philadelphia is a
2 pretty good stalworth right now as a national
3 model for what we do in this area. And I told
4 him, yeah, but we're going to get even better
5 after we have some thoughtful inquiries. And I
6 think that's something that we should do. I agree
7 with you.

8 COUNCILMAN KENNEY: I mean, I think a lot
9 of -- a lot of the problems that we face -- and
10 whether it's demolition, whether it's tragic
11 situations or whether it's the stuff that I call
12 Commissioner Williams about on a Sunday morning,
13 to get a permit -- if we do the advance work of
14 vetting a company appropriately from its financial
15 responsibilities, its legitimacy as a company, its
16 employees' qualification and credentials, if we do
17 that up front -- and I think the larger companies
18 that do work on this area regularly are used to
19 that process. It's not an onerous process for
20 them.

21 If we know going up front that when that
22 permit is handed across the desk, you are pretty
23 sure that that company is going to provide the
24 require requirements to do the job, safety and

1 economic responsibility. And I just would
2 recommend that we look at that. Again, you don't
3 want to set up an onerous process where
4 development is a problem. But in cities like New
5 York and other places that are doing well in
6 development, that doesn't seem to bother them or
7 don't bother the contractors.

8 But I think it's kind of the advance work
9 that is done that is necessary to keep someone
10 from sliding under the radar and getting a permit
11 that they shouldn't really have.

12 DEPUTY MAYOR GILLISON: And I -- and I
13 think that's something that we are looking at.
14 And I think also that we want to make sure that we
15 are able to engender in getting newer people into
16 the business, as well, because we want to be able
17 to ask questions.

18 I know that's some of the questions that
19 the Chair was going to get to about how we are now
20 requiring a little bit of the background -- more
21 background information so we can see what jobs
22 have you worked. What jobs -- that is going to be
23 part of the permitting process, so knowledge will
24 be power.

1 But we want to make sure that people much
2 like an apprentice program, you just don't jump
3 out -- you should at least tell us something about
4 what it is. I think that's one of the changes
5 that the Mayor issued in the Executive Order that
6 will go a long way to helping us define who this
7 is.

8 But I am always looking at making sure that
9 there are other opportunities for people who are
10 able to get involved and work on a job, use that
11 work experience to become entrepreneurs, to become
12 build -- big companies. And as they are building
13 through and getting their experience, they are
14 doing it safely. And I think there is a way to do
15 this in a balanced way as we go forward.

16 I wholeheartedly agree with your
17 recommendation. And I think we will do that.

18 COUNCILMAN KENNEY: Okay. Thank you,
19 Mr. Chair.

20 COUNCILMAN JONES: Thank you, Councilman.
21 And I echo your sentiments.

22 During the developmental phase of NTI, many
23 smaller companies were held to a high standard but
24 were able to enter a market place that theretofore

1 wasn't open to them. And we don't want to be a
2 closed city, per se, of new businesses. But all
3 businesses going forward will be held to a higher
4 standard. And I think that's safe to say.

5 After Councilwoman Sanchez is recognized, I
6 want to segue into what -- two questions.

7 One, what are lessons learned? What are we
8 doing differently that we did not do before? And
9 then also you mentioned that Philadelphia might
10 be, you know, recognized nationally as doing it
11 right. But who is held higher? Is there other
12 cities that we emulate? I don't mean municipal
13 envy, but who can we draw a lesson from that we
14 can add to our playbook to better enhance public
15 safety?

16 DEPUTY MAYOR GILLISON: And I just on that
17 second question because I am -- on the second
18 question, that is what I think our investigations
19 and our reviews are going to end up telling us.
20 Because, obviously, I'm not going to be able to
21 sit here now and say this is a city I've already
22 identified. I think that that is going to be what
23 this process and what a lot of the investigations
24 will show us.

1 Amy Kurland, obviously you know, is doing
2 an investigation to help us look at
3 recommendations about what -- part of what she
4 will do, I am sure knowing her and the
5 thoroughness of what she normally does, is that
6 her recommendations will be these are other things
7 that we need to get done. These are other areas
8 that we might be looking at.

9 So on the second question, I can't answer
10 it directly today. But I will be able to have an
11 answer, I am sure, well before this committee
12 finishes its work over the summer.

13 COUNCILMAN JONES: Okay. Chair recognizes
14 Councilwoman Sanchez and then Councilman Johnson.

15 COUNCILWOMAN QUINONES-SANCHEZ: Thank you.

16 Again, these are process questions.
17 Councilman Kenney alluded to the role of the Fire
18 Department. He asked some questions about
19 asbestos.

20 So can you describe to me the fact that the
21 Health Department has a role to play on these
22 sites as well as our Streets Department. How do
23 inspectors interface on a job site? How is the
24 communication? Is there protocols around that

1 communication? Since in many cases when -- we're
2 talking about demolition when there is a need to
3 close the street and other permitting.

4 What is the interface?

5 COMMISSIONER WILLIAMS: Councilwoman, as
6 you know earlier this year during budget testimony
7 we formed a construction site task force that will
8 be permanent effective July 1. And their role and
9 responsibility would be to audit job sites. Right
10 now we are doing it on a temporary basis because
11 we are using existing personnel. But with budget
12 authorization, we are going to hire a permanent
13 team to address those issues.

14 Our inspectors communicate with Streets
15 Department and other relevant departments
16 depending on what the issue is, especially when it
17 comes down to the public right of way. And so if
18 there is an issue of a contractor who has taken up
19 sidewalk space or part of the street, we ensure
20 that they have a right of way permit by
21 communicating through reporting it to the Streets
22 Department for follow up and then taking
23 appropriate action at that point.

24 So, we do have constant communication with

1 various departments depending on what the issue
2 is.

3 COUNCILWOMAN QUINONES-SANCHEZ: So part of
4 this new task force, will they be charged with
5 establishing those protocols so that they are --
6 again, we are going back to the checkoff list of,
7 you know -- one of the things that we hope we will
8 get into in this next phase is that we try to
9 close the loop on the level of discretion and
10 establishing standards.

11 Is that part of what this committee is
12 going to be charged with? Outlining protocols
13 around how do we ensure that the health piece of
14 this and the streets piece of this all lead to a
15 better and a safer work site?

16 COMMISSIONER WILLIAMS: I think that we
17 collectively establish what those protocols are
18 and give them the charge of enforcing them. That
19 is going to be their responsibility to ensure
20 whatever protocols that are established with
21 the -- within our department and with other
22 supporting agencies, that they are charged with
23 making sure they follow up and enforce the actions
24 that we require to ensure public safety. It's a

1 dedicated team again to address those issues.

2 COUNCILWOMAN QUINONES-SANCHEZ: Who will be
3 represented in this group? What departments?

4 COMMISSIONER WILLIAMS: The initial task
5 force of six members will be all L&I inspectors
6 with a supervisor of members from the Department
7 of Revenue and also working with the Department of
8 Streets will be a part of it, as well.

9 COUNCILWOMAN QUINONES-SANCHEZ: Okay.
10 Thank you. Thank you, Mr. Chair.

11 COUNCILMAN JONES: Thank you, Councilwoman.
12 Chair recognizes Councilman Johnson.

13 COUNCILMAN JOHNSON: Yes, thank you.

14 Mr. Gillison, I just wanted to just get an
15 idea, an overview of the Executive Order. And can
16 you give us an explanation on how you came up with
17 the recommendations, the content, some of the new
18 practices that will be required just moving
19 forward. I do recognize they are very detailed in
20 terms of checks and balances and making sure
21 proper things are followed moving forward.

22 I just want to get an idea as I was going
23 through the Executive Order going forward.

24 DEPUTY MAYOR GILLISON: And I can tell

1 you that -- thank you very much, Councilman.

2 The Mayor announced Executive Order after
3 talking with a lot of the folks that are not only
4 sitting right next to me but people that are
5 behind me and to the side of me. And quite
6 frankly, we had an extensive review about what
7 needed to be done both in the short term and long
8 term.

9 We announced that in two different and
10 critical areas, permit applications would be
11 different and then the procedures that had to be
12 followed for demolition inspections. And I'll
13 just go through it rather quickly.

14 COUNCILMAN JONES: When you do that, could
15 you codify it in a way that says this is what we
16 used to do, this is the new action taken.

17 DEPUTY MAYOR GILLISON: All right. I will
18 be able to tell you that.

19 COUNCILMAN JONES: Okay.

20 DEPUTY MAYOR GILLISON: Everything I am
21 about to state is the stuff that is -- that we
22 are -- this is new. This is the new stuff. As
23 the Commissioner did, he spent in answer to your
24 questions earlier what was. And these are the

1 things that we have now and the Mayor has
2 announced that we will be doing.

3 So in all new permit applications for
4 complete demolition, it now must include the
5 following documents any requirements prior to the
6 issuance of the permit.

7 One, details on the experience and
8 qualifications of the contractor performing the
9 demolition including the demolition experience of
10 the owner, the company and its employees.

11 Two, a site safety plan detailing how the
12 contractor proposes to protect pedestrians in
13 adjacent properties.

14 Three, a schedule of the demolition work.
15 Contractor will show length of time for each stage
16 of the project.

17 Four, a professional engineer's report on
18 adjacent property protection for demolition of
19 commercial buildings above three stories.

20 Five, also want to make sure that there are
21 no active violations for contractors. And
22 currently, there was an order to review all
23 previous violations that were on record.

24 For demolition inspections the following

1 six things will be -- are being done now. At the
2 time of the initial inspection, require the
3 inspector to conduct a site safety review with the
4 contractor prior to the start of work. The goal
5 was to review the steps for protecting adjacent
6 properties and pedestrians. And the inspector
7 will review the schedule of work with the
8 contractor during each inspection to ensure
9 compliance.

10 If there is no contact from the contractor,
11 the required notification of the start of work is
12 not received from the contractor, the inspector
13 will visit the site every 15 business days from
14 the permit date's issuance. And after 45 days if
15 there is no evidence of legitimate work starting
16 at the permitted demolition site, then the permit
17 will be revoked.

18 Suppose the contractor does start the work
19 and he doesn't tell us, we will end up doing a
20 Stop Work order until a hearing is held regarding
21 the contractor's failure and the site safety
22 review is completed with the inspector and the
23 contractor and any complaints.

24 Obviously, we are now looking to respond

1 within a 24 to 48-hour period. And a detailed
2 report including the nature of the complaint, the
3 explanation of the findings, the termination of
4 compliance and a time, date stamp photo of all
5 site visits and inspections.

6 Also, L&I has a quality insurance plan that
7 they've already begun. But just relayed to the
8 Chair and to Councilwoman Quinones-Sanchez that as
9 of 7/1 with the budget being adopted hopefully --
10 that's all I can say about the budget -- hopefully
11 tomorrow, that that will then allow us to get that
12 done. And we will then start those individuals as
13 of July 1.

14 And last, the -- L&I is coordinating with
15 Revenue to make sure all demolition contractors
16 and/or subcontractors provide proof of the
17 following: Proper insurance, tax clearances,
18 payroll records for all employees before any
19 building permit is approved.

20 Those are the things that were new and part
21 of the Executive Order. Those are the details as
22 we are working them through. Obviously, that was
23 issued just a couple of weeks ago, but I know the
24 Commissioner is already completed a review. Has

1 already issued Stop Work Orders on at least six, I
2 believe, that were demos in progress. And we are
3 learning as we put these new things in, we are
4 continuing to learn and continuing to expand what
5 we are doing and how we are doing it to make sure
6 we're providing a safer environment for our
7 Philadelphians.

8 COUNCILMAN JONES: If I could, Councilman,
9 the work stoppages, can you highlight what those
10 reasons were?

11 COMMISSIONER WILLIAMS: The majority of
12 them were for lack of proper insurance coverage,
13 and so we stopped the jobs for that. And then
14 also there were one or two for an unsafe site
15 condition.

16 COUNCILMAN JONES: Just as a quick
17 addendum, do you -- are there hours of demolition
18 required? Is there a cutoff time to do demolition
19 in the City of Philadelphia? Is there a night
20 prohibition or anything like that?

21 COMMISSIONER WILLIAMS: The general time is
22 7 a.m. to 9 p.m. at night.

23 COUNCILMAN JONES: Is that by ordinance?

24 COMMISSIONER WILLIAMS: Yes. That's by

1 ordinance, yes.

2 COUNCILMAN JONES: And so, are there
3 instances where people sneak back and try to get
4 work done at night?

5 COMMISSIONER WILLIAMS: Yes, there are
6 instances when that occurs. And we certainly --

7 DEPUTY MAYOR GILLISON: And a lot of us get
8 calls when I am sometimes, as everyone knows, I am
9 around 24/7. I get a call saying -- from someone
10 saying, this is going on right now. If you can
11 just get someone out there, we'll do something. I
12 call the Commissioner. We try to be as responsive
13 as we can to stop it.

14 COUNCILMAN JONES: We have personnel to
15 address those situations?

16 COMMISSIONER WILLIAMS: Well, the
17 Construction Site Task Force will work odd hours,
18 during nontraditional hours.

19 COUNCILMAN JONES: Is that currently or --

20 DEPUTY MAYOR GILLISON: That will be as of
21 7/1.

22 COMMISSIONER WILLIAMS: As of July 1.

23 COUNCILMAN JONES: So that will cut down on
24 those pixies in the middle of the night.

1 COMMISSIONER WILLIAMS: We wanted to --
2 yes, absolutely. We want to maintain a balance to
3 address things that occur during the work day and
4 also that occur during after hours when -- when
5 we're not functioning during the business hours.

6 COUNCILMAN JONES: Are there instances when
7 we begin a demolition and we discover a hazardous
8 material and where we do a Cease Order? What are
9 some of those occasions?

10 COMMISSIONER WILLIAMS: Again, if there is
11 an unsafe condition, that would prompt a Stop Work
12 Order immediately from our department. If it's an
13 unpermitted site, that would prompt a Stop Work
14 Order, as well. And so those are the -- usually
15 the parameters for us to stop a job that are
16 creating hazards for the public.

17 DEPUTY MAYOR GILLISON: I can also add,
18 Councilman, that sometimes we have unexploded
19 ordinance that is found when demolition is
20 occurring. And I get information quite a lot on
21 having to respond with either fire and/or police
22 and/or bomb squad, so that happens, as well.

23 So this is something that the department
24 has had to deal with. And, you know, we have very

1 good and we have very professional folks doing
2 their job. And all -- it speaks to what
3 Councilman Kenney was talking about the
4 integration of the information. And that's why
5 it's important for everyone to know as quickly as
6 we can what we're doing and how we are doing it.

7 COUNCILMAN JONES: You know, knock on wood,
8 in a post 9-11 post Boston environment, this task
9 force has to be multidisciplined in order to
10 safeguard us in ways that we don't even know that
11 we need protection from. I think as we move
12 forward, we will learn as we go and evolve as we
13 go as well through these things.

14 But I am glad to hear that the hours are
15 extended now on this task force based on the
16 passage of the budget. That we will have that
17 task force operating almost 24/7.

18 COMMISSIONER WILLIAMS: They will be
19 accessible 24/7, but we will work a standard work
20 schedule, correct.

21 COUNCILMAN JONES: Okay. So describe for
22 us how we will deal with the quality assurance
23 plans for -- safety plans, quality assurance plans
24 for these. Who will review those?

1 COMMISSIONER WILLIAMS: We are changing
2 process. Just going back to earlier what
3 Councilman Kenney referenced, how does someone get
4 a building permit for demolition. We stated it
5 was over the counter. That process is no longer.

6 It will be treated like any plan that is
7 submitted where there will be a review of the
8 entire application from the experience of the
9 contractor to ensure that all of the contractors
10 and subcontractors are tax compliant to ensure
11 that there is a work site safety plan that is
12 submitted and reviewed by our department. And any
13 structure over three stories should be accompanied
14 by professional engineers report or competent
15 person so that we can ensure the safety of any
16 adjoining buildings in the community.

17 COUNCILMAN JONES: I care. But I care more
18 about safety. Let me preempt my remarks with
19 that. Is it going to add to the time of issuance
20 of permits and, therefore, the completion of
21 demolition?

22 COMMISSIONER WILLIAMS: Yes, it will.

23 COUNCILMAN JONES: In your professional
24 estimation, to what degree?

1 COMMISSIONER WILLIAMS: 15 to 20 days to
2 approve a building permit.

3 COUNCILMAN JONES: And so we need to learn
4 to be a little more patient when it comes to that
5 stuff. And being safe has a time cost.

6 COMMISSIONER WILLIAMS: That's correct.

7 COUNCILMAN JONES: All right. Chair
8 recognizes -- I don't know who was which --
9 Councilman Henon and then Councilwoman Sanchez.

10 I am sorry, Councilman, were you --

11 COUNCILMAN JOHNSON: I'm done.

12 COUNCILMAN JONES: Okay.

13 COUNCILMAN HENON: Thank you, Chairman.

14 What is required for a licensed contract --
15 licensed contractor for somebody to be allowed to
16 be permitted to have a license in the City of
17 Philadelphia?

18 COMMISSIONER WILLIAMS: First, they have to
19 have a commercial activity license. Then they
20 have to have a contractor renewable contractors
21 license. They have to have proof of liability
22 insurance, right now, which is at a limit of
23 \$500,000. And they must be tax compliant.

24 COUNCILMAN HENON: Okay. Which explains

1 why you have some Stop Work Orders.

2 COMMISSIONER WILLIAMS: Correct.

3 COUNCILMAN HENON: Because they didn't meet
4 the requirements.

5 COMMISSIONER WILLIAMS: That's correct.

6 COUNCILMAN HENON: What would happen -- so,
7 what happens regarding a revocation or suspension?
8 You know, you find somebody who is not in
9 compliance. You give them X amount of days or an
10 opportunity to come into compliance; is that
11 correct?

12 COMMISSIONER WILLIAMS: That's correct,
13 yes.

14 COUNCILMAN HENON: Okay. So if somebody is
15 habitual or willfully continues to break the law,
16 you have rem -- you have penalties and options
17 such as revocation and suspension?

18 COMMISSIONER WILLIAMS: That's correct.
19 They are entitled to appeal at an Administrative
20 Hearing. But we have the capabilities to enact
21 that with the understanding that they do have due
22 process to appeal.

23 COUNCILMAN HENON: All right. The
24 expeditors, there was a conversation earlier today

1 at this hearing regarding the expeditors license.

2 How often does an expeditors license -- how
3 often do they get reviewed? When is the review?

4 COMMISSIONER WILLIAMS: It's annual.

5 COUNCILMAN HENON: It's annual?

6 COMMISSIONER WILLIAMS: It's an annually.

7 COUNCILMAN HENON: So on a yearly basis
8 they are renewed?

9 COMMISSIONER WILLIAMS: Yes, that's
10 correct.

11 COUNCILMAN HENON: And it's through the
12 Department of L&I?

13 COMMISSIONER WILLIAMS: Correct.

14 COUNCILMAN HENON: Again, does Revenue
15 needs to cross reference or cross check any
16 issuances or renewals of licenses?

17 COMMISSIONER WILLIAMS: At the time of
18 issuance -- and this is something we have to look
19 into -- that does not occur during renewals. And
20 that is something that we are going to work with
21 Revenue to look at that change in policy.

22 COUNCILMAN HENON: Okay. The Executive
23 Order was mentioned several times. And in it, you
24 know, it states the Construction Site Task Force.

1 I think that's your -- product of your brain
2 child; is that correct?

3 COMMISSIONER WILLIAMS: Well, the level of
4 responsibility, obviously, will increase. But it
5 was -- it was a combination of the Mayor's
6 Administration, several concerned members like
7 yourself and the collective effort to form that
8 task force to address the problem of unpermitted,
9 unsafe work sites.

10 COUNCILMAN HENON: All right. Good.

11 And I look forward to being a part and
12 continuing working with yourself and the
13 administration and your senior staff on expanding
14 that construction site task force dealing with
15 multiple departments collaborating, you know,
16 giving an opportunity for the general public to
17 come in and, you know, follow their complaints,
18 you know, directly to them in some of our previous
19 conversations.

20 I look forward into doing that. I just
21 wanted to, you know, state that publicly. That,
22 you know, is something that you have brought to
23 the table here. And, you know, I look forward to
24 some of the ideas that we been discussing in

1 expanding that and having it open to the public
2 where we can bring in multiple departments, you
3 know, to ensure that the 15 and 20-day period of
4 turning over a permit and complaints that are out
5 there whether they go 311 or not, there is another
6 avenue to ensure safety compliance in the City.

7 COMMISSIONER WILLIAMS: Thank you,
8 Councilman. We look forward to it, as well.

9 COUNCILMAN JONES: Thank you, Councilman.
10 Councilwoman Sanchez.

11 COUNCILWOMAN QUINONES-SANCHEZ: Thank you.
12 I also appreciate the fact that the
13 Administration quickly responded and put in place
14 some procedures and some protocols. And the
15 Executive Order is quite detailed.

16 So can you talk to me a little bit about
17 its implementation? I know you mentioned July 1
18 because some of this stuff has budget details.

19 What is going to be happening over the
20 course of the next few weeks as we ramp up
21 implementation? And what's your time line?

22 COMMISSIONER WILLIAMS: Councilwoman, let
23 me clarify. The regulations and Executive Order
24 is in effect right now. We are -- have sent

1 letters out to all contractors, informing them of
2 the code, regulation change.

3 COUNCILWOMAN QUINONES-SANCHEZ: Can all of
4 those documents be shared with the Chair for the
5 Committee?

6 COMMISSIONER WILLIAMS: Absolutely. We
7 will forward it to you. We also trained -- in the
8 process of training all of our inspectors on new
9 regulations. And any application that has come in
10 prior or during that training phrase will be
11 personally reviewed by my executive staff to
12 ensure that they meet the qualifications and
13 intent of the new order.

14 COUNCILWOMAN QUINONES-SANCHEZ: What's the
15 time line for that?

16 COMMISSIONER WILLIAMS: That's immediate.

17 COUNCILWOMAN QUINONES-SANCHEZ: Immediate.

18 COMMISSIONER WILLIAMS: Yes.

19 COUNCILWOMAN QUINONES-SANCHEZ: So by 30
20 days, 60 days everyone will have gotten how many
21 hours of training?

22 COMMISSIONER WILLIAMS: Yes. The training
23 for regulations, it's an overview of what the new
24 process is. It's going to be an ongoing training,

1 as well, specific to demolitions. We have met
2 also with the National Demolition Association who
3 had the opportunity to review some of the changes
4 and have made some recommendations and have
5 graciously agreed to continue working with us.

6 One of the things that came out of that
7 meeting is that we all agree that our inspectors
8 need specific training regarding demolitions in
9 addition to other requirements that require a
10 specialized task of performing this type of
11 service. So, we are looking forward to working
12 with them as well to try to improve our number of
13 inspectors to make them even more competent and
14 knowledgeable in this specific area.

15 COUNCILWOMAN QUINONES-SANCHEZ: I will be
16 looking for at our next hearing for details in
17 terms of time line. I think it's really important
18 that we set some hard dates for ourselves in terms
19 of training because it is a pretty prescribed
20 Executive Order. I want to make sure that we are
21 saying in the next 60 days in the next 90 days we
22 will do A, B, C and D. And in the next 120 days
23 we will do A, B, C and D. I think that's
24 important.

1 COMMISSIONER WILLIAMS: Absolutely.

2 COUNCILWOMAN QUINONES-SANCHEZ: You met
3 with the national committee for demolition. Have
4 you identified other specific trainings that will
5 be incorporated to -- for the implementation of
6 this Executive Order? Are you looking at OSHA and
7 have you thought through?

8 COMMISSIONER WILLIAMS: We met -- we also
9 reached out to Risk Management within our own
10 division. I think the protocols in the past were
11 shared regarding these type of projects and
12 conditions. And so, that's another area that we
13 are looking to see if those trainings are still
14 relevant to what we need to do moving forward.

15 We are also looking at other cities right
16 now, as well. The Demolition Association had
17 recommended the city of Boston, New York and some
18 other areas that we should look at to see if that
19 could be modified for here in the City of
20 Philadelphia. That's some of the things that we
21 are looking at right now.

22 COUNCILWOMAN QUINONES-SANCHEZ: Okay. You
23 talked a little bit about the fact that this new
24 team would have regular hours, although they would

1 be available 24/7. Is there a reason why we are
2 not being very deliberate in saying we are going
3 to have people working at this time doing
4 proactive sites?

5 You said that they are going to be in a
6 traditional schedule. This is one of those times
7 where --

8 DEPUTY MAYOR GILLISON: Nontraditional
9 schedule.

10 COMMISSIONER WILLIAMS: Nontraditional
11 schedule.

12 COUNCILWOMAN QUINONES-SANCHEZ: Oh, non --

13 DEPUTY MAYOR GILLISON: A nontraditional
14 schedule.

15 COMMISSIONER WILLIAMS: A nontraditional
16 schedule. Yes. Yeah. They won't work the normal
17 business hours of our department. They would be
18 working off hours to catch some of the things that
19 was mentioned earlier by Councilman Kenney.

20 COUNCILMAN JONES: Now that will send shock
21 waves out to those individuals who have heretofore
22 had a comfort level with the fact that nine to
23 five is nine to five and they can go to work. So,
24 I am encouraged that we are going to do something

1 different in that regard.

2 DEPUTY MAYOR GILLISON: Oh, yes.

3 COUNCILWOMAN QUINONES-SANCHEZ: I think
4 that's very important. I think part of what we
5 want to do in this very public discussion is be
6 very laser focus in telling folks that the
7 paradigm has shifted and that we are paying
8 attention.

9 You know, I have no shame on a Sunday
10 taking a picture and sending it at whatever time
11 to all the folks. But knowing -- for folks to
12 know that, you know, this demolition that happens
13 on Sundays is going to be proactively reviewed is
14 very, very important particularly in residential
15 areas. One of the things that we've seen is a
16 spike in people calling our offices saying there
17 is a demolition going on next door, you know, I
18 don't want to be the next tragedy. So, I think
19 it's important that there is some quick response
20 to that.

21 As it relates to the implementation of
22 this, are there any additional resources that
23 the -- that the Administration is allocating right
24 now for the implementation of the Executive Order?

1 Or is it just what we have budgeted?

2 DEPUTY MAYOR GILLISON: As it is right now,
3 I can tell you that what we budgeted is what we
4 anticipate is our needs. However, as we have said
5 and as the Mayor has made clear, as we get into
6 this, if there are going to be the need for
7 additional resources, we will not only revisit it
8 but we will, you know, work to make sure that not
9 only you are informed but that what we are doing
10 and how we are going to make sure it happens.

11 It's clear that we are starting a new
12 thing, so we are kind of guessing what we are --
13 our needs are. But we are willing to be flexible
14 in that. And we will deal with it as it comes up.

15 COUNCILWOMAN QUINONES-SANCHEZ: Let me make
16 a suggestion that because this is a new Executive
17 Order, one of the things that is always
18 challenging to us is, you know, people get cited
19 and they try to come into compliance. And many
20 times we have to do some hand holding.

21 Let me strongly suggest that you very
22 quickly prescribe what an ideal safety plan is.
23 That when folks come to us as we implement this
24 new procedures we can give them the expectations

1 so that, again, this is an area as identified by
2 the Chair, Chairman Jones, where there has been a
3 lot of work at creating an industry. There has
4 been a lot of work in supporting an industry that
5 should be open and accessible. And as we create
6 standards for high quality, that we do the best
7 job possible in assisting people come into
8 compliance.

9 DEPUTY MAYOR GILLISON: Okay.

10 COUNCILWOMAN QUINONES-SANCHEZ: So, I would
11 like to see us very quickly come up with what we
12 haven't done in the past, as we talked earlier of
13 that, people are not given something that this is
14 our expectation in terms of safety. This is our
15 expectation in terms of engineering or whatever.

16 That we quickly put together those sample
17 documents to say --

18 DEPUTY MAYOR GILLISON: Okay.

19 COUNCILWOMAN QUINONES-SANCHEZ: -- at
20 minimum this is what we are requiring. I think
21 that will help the industry not feel like we are
22 being overly burdensome, but that we want people
23 in compliance in meeting high standards. I think
24 that is an area given this industry make up --

1 DEPUTY MAYOR GILLISON: Okay.

2 COUNCILWOMAN QUINONES-SANCHEZ: -- in its
3 importance.

4 DEPUTY MAYOR GILLISON: I thank you,
5 Councilwoman. We will, obviously, be looking at
6 that. And that will be incorporated in all of the
7 things that we are going to be doing over the next
8 couple days, weeks and months ahead.

9 COUNCILWOMAN QUINONES-SANCHEZ: Thank you.
10 Thank you, Mr. Chair.

11 COUNCILMAN JONES: Thank you, Councilwoman.
12 Very quickly, and we will then be ready for
13 our next witness if there are no -- there are
14 questions. Real quick.

15 Are there any anticipated, as we go along,
16 fee increase requests that may be appropriate
17 based on the amount of new supervision regulation?

18 DEPUTY MAYOR GILLISON: I think that that's
19 going to be something that we'll have to continue
20 to evaluate. I know that there were a couple of
21 fees that were changed earlier on during our --
22 our problems. I think that that's something we
23 are going to take a look at. That may be
24 something we will be bring to Council in the fall.

1 Saying that these fees need to be associated with
2 the work, the additional work that's being done.

3 And as long as we can -- something that
4 Andrew and the Law Department say, as long as we
5 can look at what's -- what do we need to do and
6 how much it's costing us to do it and what is
7 the -- what's a -- what's a good fee that we can
8 charge that is not going to be too onerous on one
9 side and yet we can actually figure out how we can
10 move the dime forward, those are things that we
11 will be looking at over the next weeks. Again,
12 weeks and months.

13 COUNCILMAN JONES: So, we will be ready for
14 you. During these four hearings, we are going to
15 conduct looking at what other municipalities do.
16 What we need to do. And if it costs a little
17 more, takes a little longer to do but people are a
18 lot safer, that's a good tradeoff for me.

19 DEPUTY MAYOR GILLISON: I understand. I
20 thank you very much.

21 COUNCILMAN JONES: Councilman Kenney.

22 COUNCILMAN KENNEY: Thank you, Mr.
23 Chairman.

24 Going back to the inappropriate work that

1 is done off hours, evenings, many suburban
2 community -- unpermitted, unlicensed, many
3 suburban communities employ the practice of
4 confiscation or impoundment of equipment and
5 tools.

6 Have we looked at our special task force to
7 empower them the ability to take that kettle --
8 take that roofing kettle or to take that truck or
9 to take those tools? Because what happens and --
10 Commissioner, we have had this experience before
11 where we actually had to lock some people up who
12 pulled down the Stop Work Order and then went back
13 in the building.

14 COMMISSIONER WILLIAMS: Right.

15 COUNCILMAN KENNEY: Once you start getting
16 that serious and people start understanding that
17 you are not coming in here as an unlicensed
18 contractor without a permit to do work at two
19 o'clock in the morning putting a roof on, then I
20 think we may get really -- they will know we are
21 serious. I would appreciate if you can look into
22 the possibility of that impoundment of equipment
23 and tools in that circumstance.

24 On May 8 of 2013, the Mayor signed a bill

1 that was cosponsored by myself and Councilman
2 Henon relative to contractor reliability,
3 contractor responsibility. I read the first
4 section of that dealing with third party permits
5 that that practice is not permitted now.

6 What is your -- what is your current view
7 of a third party permit expediter pulling a permit
8 for a job that he or she has no relationship to at
9 all other than using their -- using their
10 credentials as a licensed contractor?

11 I will give you a specific example. There
12 is an electrical contractor who pulls permits all
13 the time that is a sole proprietor, has no
14 employees, is an elderly gentleman with a
15 contractor's license. He pulls permits and hands
16 it over to companies that may be licensed, may not
17 be licensed; may have qualified employees, may
18 not.

19 One specific job dealing with municipal
20 court that I became aware of -- and this is our
21 own court system doing it -- is that that
22 particular person pulled that permit, couple
23 permits, turned it over to companies from New York
24 State who are not licensed to do business in the

1 City, did not have payroll accounts that
2 registered with us. Did not pay local, state or
3 federal taxes. Did not pay unemployment
4 compensation or workers compensation. And
5 basically, lived in a motel on Route 73 in Cherry
6 Hill for three weeks while they did the job.

7 What is -- what is your current belief in
8 who can pull a permit, and what -- where that
9 permit goes after it's awarded to that individual
10 across the counter?

11 COMMISSIONER WILLIAMS: Councilman, I
12 certainly think that's something that we certainly
13 need to look at that there needs to be a level of
14 accountability for someone who comes into pull a
15 permit or apply for a permit on behalf of another
16 contractor. There has to be some relationship and
17 some responsibility of that person if the practice
18 is going to continue that there is a level of
19 accountability. That is just my opinion.

20 COUNCILMAN KENNEY: What do you believe the
21 situation is now based on the legislation that was
22 signed by the Mayor?

23 DEPUTY MAYOR GILLISON: I would -- I would
24 believe that that is no longer permitted. But I

1 am going to go back and take a look at that. And
2 if you can give me a little bit more offline
3 information on that one.

4 COUNCILMAN KENNEY: Sure.

5 DEPUTY MAYOR GILLISON: I would really
6 appreciate it.

7 COUNCILMAN KENNEY: That job is done.

8 DEPUTY MAYOR GILLISON: Sometimes
9 history -- sometimes you can learn from history.
10 And that's one of those I would like to see how we
11 can be a lot better about attacking that.

12 COUNCILMAN KENNEY: I think one of the
13 safety precautions is to have the person who is
14 pulling the permit be responsible for work they
15 are asking us for permission to do as opposed to
16 an engineer or architect and licensed contractor
17 pulling a permit. And then putting up -- when
18 something goes wrong, pulling up their hands and
19 saying I had nothing to do with that because all I
20 did was pull the permit and I handed it over to,
21 you know, Three Stooges Construction Company and
22 something bad happened.

23 DEPUTY MAYOR GILLISON: Okay.

24 COUNCILMAN KENNEY: I really would like to

1 know what you believe the -- what you believe
2 their responsibility is and whether or not we
3 should allow it at all.

4 DEPUTY MAYOR GILLISON: Right. Okay.

5 COUNCILMAN JONES: And on that, is it on
6 the application -- it would seem this is open
7 question -- the signature of the property owner,
8 the signature of the person pulling the permit and
9 then the signature of the possible subcontractor
10 doing the job so that we have a line of
11 responsibility? There might be something on that
12 we consider.

13 And when people are doing what Councilman
14 Kenney describes, is it not fraud?

15 DEPUTY MAYOR GILLISON: I would think it's
16 fraud.

17 COUNCILMAN KENNEY: Let me just -- let me
18 just follow up, if I may.

19 New Jersey -- this is something I would
20 like you guys to consider as far as the line of
21 responsibility goes.

22 In New Jersey, for example, if you are a
23 developer or a general contractor, it's generally
24 a developer who will make a financial decision

1 based on price and their ability to maximize their
2 profit. If they make a decision to hire a company
3 that employs people who are not documented who
4 employs -- again, let me state for the fact, no
5 one is more impassioned and supportive of
6 immigration than myself. But I do think many
7 people who are employed that are undocumented are
8 being taken advantage of. Because again, no
9 unemployment compensation, no workers
10 compensation. That individual gets hurt on the
11 job, they are out of luck in my ways.

12 I do recognize the need for a clear pathway
13 to citizenship in this country and support all of
14 our immigrants. However, the unscrupulous
15 contractor or developer who uses them and abuses
16 them I think needs more responsibility -- to take
17 more responsibility.

18 In New Jersey, for example, if the Revenue
19 Department or one of the agencies that are
20 responsible for monitoring construction finds that
21 the developer -- you know, finds that the job is
22 being done in an improper and illegal way and all
23 the back taxes that were beaten and all the stuff
24 that was avoided goes back onto the developer.

1 Because the developer is ultimately the person who
2 makes the decision based on price and competence
3 whether to hire someone or not.

4 What responsibility do you believe that the
5 developer has in a construction project that goes
6 awry or a demolition project that goes awry? Do
7 you believe that they should be held not just from
8 an insurance standpoint but a back taxes
9 standpoint personally responsibility?

10 DEPUTY MAYOR GILLISON: I think that's
11 something we need to look at. I think it's a very
12 good question. I think it's something that over
13 the next couple of months we will be looking at
14 and maybe come back with some -- obviously, that
15 would need ordinance changes and code changes and
16 everything else. But that's something we need to
17 look at.

18 COUNCILMAN KENNEY: Okay. Good. Thank
19 you.

20 COUNCILMAN JONES: Thank you, Councilman.
21 So those signatures on those documents that
22 we take in says that they attest to the quality of
23 the -- and truthfulness of that permit. And
24 something that we should look at by way of making

1 sure that all three of those entities, if they are
2 three, are on there. And again, then we hold them
3 liable in a meaningful way.

4 Councilman Henon.

5 COUNCILMAN HENON: Thank you, Mr. Chair.

6 And not to belabor and continue on, that
7 the subject of responsibility with permits and
8 third party permits. It is a law now as you well
9 know. And how we enforce the law is something
10 that we're going to have to continue to have a
11 dialogue over the course of the next coming months
12 in how we enforce it, you know.

13 We may want to, you know, take a look at,
14 you know, some suggestions as my fellow colleagues
15 have suggested. We are trying to change behavior.
16 If there is some unscrupulous contractors and
17 people who not only are fraudulently breaking the
18 law on misrepresenting themselves on an
19 application, they are certainly not paying taxes
20 to the City of Philadelphia.

21 It's just -- it's just, again, is another
22 indication on why we need somebody permanently
23 placed over in the Department of L&I from the
24 Revenue Department. You know, and have a more of

1 collaborative, you know, effort with the multiple
2 departments, you know, dealing with some of these
3 issues that arise out of the questioning here
4 today and the ongoing conversations, you know,
5 that we have had. You know, people who, you know,
6 there are just -- if they are bad guys, they are
7 bad guy. They are cheating in one area, they are
8 going to cheat in another.

9 Ultimately, you know, if they are cheating
10 and they are breaking the law, you know, people
11 are put in danger, you know, and public safety is
12 at risk. So, you know, again, you know, not to
13 generalize specific, but somebody needs to be
14 accountable, all right, for their behavior. If we
15 are going to change behavior, we need to change
16 behavior and send a message.

17 I don't care who it is. If it's a
18 speculator, if it's an owner or it's a contractor,
19 they have to -- they have to be responsible, all
20 right, for public safety reasons and for the
21 City's accountability. We have no idea, all
22 right, who is on these work sites, you know,
23 unless somebody complains about it.

24 So, you know, given the opportunity to

1 present, you know, public complaints on some of
2 these issues, you know, in moving forward, I
3 think, you know, we have some work cut out for us
4 over the summer.

5 DEPUTY MAYOR GILLISON: Thank you,
6 Councilman.

7 COMMISSIONER WILLIAMS: Thank you.

8 COUNCILMAN JONES: Thank you, Councilman
9 Henon.

10 Are there any other questions for this
11 panel? Seeing none. Thank you. And I would say
12 two things.

13 One, we will be having four other hearings
14 dealing with best practices and other issues. It
15 would be helpful if someone from your respective
16 department was available for some questions as
17 they arise. But also, you may find something that
18 intrigues your public policy curiosity that you
19 might want to follow up on. So, we appreciate
20 your cooperation and we move forward this summer
21 together to try to make people safer at the end of
22 the day.

23 So, thank you very much for your
24 attendance.

1 DEPUTY MAYOR GILLISON: Thank you very
2 much.

3 COMMISSIONER WILLIAMS: Thank you,
4 Councilman.

5 COUNCILMAN JONES: Will the Clerk please
6 read the name of the next person here testifying.

7 Is it the will of the group that we take a
8 five minute -- stenographer said she's okay.

9 Did you say that?

10 THE STENOGRAPHER: Yes.

11 COUNCILMAN JONES: So we're going to
12 soldier on.

13 Okay. Could you read the name.

14 THE CLERK: City Controller Alan Butkovitz.

15 COUNCILMAN JONES: Thank you. Good
16 afternoon.

17 CONTROLLER BUTKOVITZ: Good afternoon.

18 COUNCILMAN JONES: Please be seated and
19 state your name for the record and begin your
20 testimony.

21 CONTROLLER BUTKOVITZ: It's Alan Butkovitz,
22 City Controller.

23 COUNCILMAN JONES: Please begin.

24 CONTROLLER BUTKOVITZ: Good afternoon.

1 Thank you, Chairman Jones and the other Members of
2 the Special Investigating Committee on the
3 Demolition Practices. We already covered the next
4 sentence.

5 I am Alan Butkovitz, Philadelphia City
6 Controller. I'd like to first express sincere
7 sympathy to the families of the victims who lost
8 their lives and would also like to acknowledge the
9 courage of the police, firefighters, construction
10 workers and bystanders that did everything they
11 could to assist those injured and trapped.

12 Over the years, our office has looked at
13 the Department of Licenses and Inspections. We
14 have consistently found that L&I has had a
15 shortage of inspectors which has hindered its
16 ability to perform mandated functions under the
17 Home Rule Charter to protect public safety. As a
18 result, concerns about potential hazards involving
19 dangerous properties or buildings that are unfit
20 for habitation, we issued a report. Actually, we
21 did two back-to-back reports in 2006 which
22 assessed the timeliness with which L&I administers
23 and enforces Philadelphia's various code
24 requirements that affect public safety.

1 In that report and in subsequent years I
2 repeatedly called on City administrations that L&I
3 be provided a minimum of 57 additional inspectors,
4 which at -- in 2006 would have cost an additional
5 \$3 million a year. As a result of that audit, we
6 found that L&I failed to meet management standards
7 for responding to complaints and reports of
8 building code infractions.

9 What we did in those audits is we looked at
10 L&I's own standards for response. And under their
11 criteria, the most serious complaints received by
12 L&I are those of imminently -- buildings in
13 imminent danger of collapse, which under their
14 standards, required inspections within 24 hours.
15 70 percent of those complaints were not inspected
16 within the required 24-hour period. And in fact,
17 were taking at least anywhere from 30 days to 6
18 months at that time.

19 Additionally, found that L&I lagged behind
20 in its annual inspections of various residential
21 and commercial facilities that are required to be
22 compliant with Philadelphia's Fire Code. The 500
23 cases we sampled at that time from a back log of
24 inspection reports awaiting data entry, almost

1 half had not been followed up within the time
2 frame required of the violation notice. Site
3 visits made to properties weeks after inspectors
4 had issued violations to property owners disclosed
5 that numerous dangerous conditions still existed.

6 For instance, we visited three daycare
7 centers where we observed numerous fire and other
8 safety violations. Those centers had not been
9 visited by L&I inspectors in well over a year. At
10 that time, we testified, we asked for additional
11 money for L&I. We asked for the additional
12 inspectors. The Commissioner at that time, I
13 don't recall who it was in 2006, came in and said
14 he didn't need any more money. Didn't need any
15 more inspectors. They could cope with what was
16 budgeted.

17 We keep coming back at this problem in
18 different ways. So in October 2012, our staff
19 consisting of investors and an engineer visited
20 construction sites in North Philadelphia where we
21 found areas where the City's monitoring and
22 enforcement of contractors and development was
23 inadequate or nonexistent. Such lack of
24 enforcement included construction sites that did

1 not have required posted permits, lack of properly
2 maintained silt fences or compost filter tubes,
3 lack of proper storm water and lead protection,
4 air vacuum hoses not being used and power saws to
5 collect dust, missing dust screens and illegal
6 short dumping.

7 This lack of enforcement permits
8 contractors and developers to violate various
9 codes and safety standards. At that time, I
10 called on the City to take an aggressive approach
11 to enforcing the Building and Construction Code to
12 protect the quality of life for the City's
13 residence. We recommended that the City develop a
14 memorandum of understanding among the five
15 enforcement departments -- L&I, Health, Water,
16 Streets and Police -- as a means of providing
17 guidance for any inspector from any department
18 regarding building code violations so that they
19 could be immediately address.

20 In another report issued in October 2012,
21 we visited 23 active construction sites throughout
22 the City where we found 96 conditions that
23 violated public safety ordinances and tax laws.
24 At 19 of the construction sites, subcontractors

1 were not identified on various permits issued by
2 L&I making it difficult to determine if they were
3 appropriately licensed and ultimately qualified to
4 perform the work.

5 We also found at a majority of sites
6 hazardous work conditions in violations of the
7 U.S. Department of Labor Office of Safety and
8 Health Administration, OSHA standards. It's
9 important that this Committee get the answers it
10 needs to not only determine if all City codes and
11 procedures are followed but to determine if those
12 standards were adequate to prevent tragedy such as
13 the building collapse on June 5.

14 Recently, the Mayor and the Department of
15 License and Inspections announced new initiatives
16 for demolition sites and contractors, including
17 new standards for demolition permit issuance and
18 demolition site inspection to ensure the safety of
19 private demolition sites throughout the City.
20 While these new regulations are very stringent and
21 provide more public safety measures, it is
22 unfortunate that it took a tragedy of this
23 magnitude for this to come about especially when
24 the City has been forewarned that inspections of

1 construction sites throughout the City were being
2 delayed and ignored.

3 Thank you.

4 COUNCILMAN JONES: Thank you,
5 Mr. Controller. We have a copy of his -- couple
6 of things that jumped out of your report.

7 One, is that this was the general safety
8 condition for a lot of disciplines within
9 construction within the City of Philadelphia; is
10 that correct? You looked at a number of
11 different --

12 CONTROLLER BUTKOVITZ: Yes.

13 COUNCILMAN JONES: -- vulnerable points; is
14 that right?

15 CONTROLLER BUTKOVITZ: Yes.

16 COUNCILMAN JONES: Okay. A couple of them
17 that I've heard Members of the Committee talk
18 about and one that intrigues me, the memorandum of
19 understanding between interdepartmental folks --
20 Water Department, Streets and others -- can you
21 elaborate on that a bit.

22 CONTROLLER BUTKOVITZ: I mean, the City has
23 for a number of years been relentlessly cutting
24 back on personnel. So, there is an issue that we

1 have a number of different eyes and ears on the
2 ground that ought to be made use of.
3 Specifically, there were cases where in our audit
4 L&I would not follow up on an enforcement action
5 because it was really a Health Code Violation, for
6 example, or it was a Fire Code Violation.

7 And what we were recommending was that
8 if -- if there was an L&I inspector at the site
9 and he noted something that was a health code
10 violation, that there be a database and the
11 technology so that could be forwarded to the
12 Health Department and they could come out and do
13 the appropriate enforcement action. Or if there
14 was a police officer at the site or if a
15 sanitation worker happened to notice a dangerous
16 condition, that he be able to enter it into a
17 computer. And it would be transmitted to the
18 appropriate department.

19 Because there has been relentless budget
20 cutting. There's been relentless reductions in
21 force. Therefore, we need to find other ways of
22 getting notice from the eyes and ears on the
23 ground to the people who can do something about
24 it.

1 COUNCILMAN JONES: So, I mean, I think that
2 is something that we will take a look at and give
3 recommendation, too. Because I think I heard in
4 different parts of my colleagues' testimony was
5 what is the role of the Fire Department and what
6 is the role of Streets Department or what is the
7 role of the Health Department? And it just makes
8 sense that many eyes on the same problem can
9 prevent some of the more serious cases of
10 violation and then, therefore, catastrophe.

11 So in that memorandum of understanding, I
12 would obviously think that there would be a need
13 for cross training of key personnel.
14 Particularly, the Fire Department and others that
15 are out there boots on the ground, as you said, in
16 the community that could be very helpful.

17 And then describe for me, is there existing
18 technology that can go to the same database that
19 cross checks, well, we came out there today. This
20 is a health violation. What is the lag time
21 between that initial discovery and someone
22 following up?

23 I mean, I guess how would you --

24 CONTROLLER BUTKOVITZ: I think probably the

1 kind of technology the City already uses in 311.
2 They have to sort complaints, figure out which
3 department it should go to, provide some kind of
4 follow up. But, you know, I can't sit here right
5 now and tell you what program --

6 COUNCILMAN JONES: I didn't expect you to
7 be able to solve the problem right here. But it
8 begs the question, handheld computers that are
9 able to be linked to a database that gets us
10 instance response so if I am out there in my
11 passing, and I look, was there active permit on
12 this.

13 The other follow up to that is
14 subcontractors. You talked about almost a musical
15 chairs, who is on first, subcontracting situation.

16 Can you elaborate on that?

17 CONTROLLER BUTKOVITZ: Well, I mean, the
18 work is performed under the name of the contractor
19 that applies for the permit. And then it --
20 responsibility is delegated to other people who it
21 is not easy to determine whether they are
22 employees of the contractor, whether they are
23 independent contractors. And that leads to a
24 number of problems.

1 It leads to difficulty enforcing safety
2 regulations. It leads to problems enforcing
3 Revenue rules. I mean, this is an issue that I
4 know I have heard Councilman Kenney talk about
5 endlessly.

6 COUNCILMAN JONES: So, Mr. Controller, did
7 you --

8 CONTROLLER BUTKOVITZ: And Councilman Henon
9 for that matter.

10 COUNCILMAN JONES: Did you have a chance to
11 look at the Mayor's Executive Order post the
12 collapse of the building?

13 CONTROLLER BUTKOVITZ: I saw the news
14 reports that summarized the order.

15 COUNCILMAN JONES: Do you think they go far
16 enough to address some of the needs to keep us
17 safe?

18 CONTROLLER BUTKOVITZ: I think that they
19 are very comprehensive. And I do. The issue is
20 going to be not what those regulations say on
21 paper, but what but is able to accomplished by the
22 number of people that are committed to that task
23 and whether there is adequate budget and adequate
24 number of people.

1 COUNCILMAN JONES: Thank you so much. Are
2 there -- oh.

3 Councilman Henon.

4 COUNCILMAN HENON: Thank you, Chairman.

5 Mr. Controller, thank you for stopping by
6 and presenting your testimony. I have had the
7 firsthand experience and having many conversations
8 over several years prior to being elected to City
9 Council dealing with unscrupulous contractors and
10 how to basically have people play by the rules and
11 abide by the law, which means, you know, you're
12 a -- either a licensed contractor or a bona fide
13 employee of a licensed contractor and run into
14 brick walls the entire time.

15 CONTROLLER BUTKOVITZ: Right.

16 COUNCILMAN HENON: Is -- is -- so fast
17 forward to -- from six, seven years ago to now
18 present. Have you seen some positive change and
19 moving in a direction where, you know, we are
20 trying to come up with a process and systems where
21 all people are accountable for?

22 CONTROLLER BUTKOVITZ: No. I think,
23 unfortunately, it's moved backwards. I mean, we
24 have had -- I think there were about \$7 million in

1 budget cuts in L&I in the past decade, so at a
2 time -- we already saw that they didn't have the
3 resources to accomplish their mission in 2006 and
4 there were major cut backs in 2008. So, it's
5 largely a self-policing system. It's a
6 self-policing system or you wait for something to
7 happen.

8 COUNCILMAN HENON: Oh, I think and I hope
9 that through this process and collaboration with
10 your office we, you know -- we are proactive in
11 having processes and procedures in place. And I
12 think that is the intent. I mean, I think the --
13 you know, the new L&I Commissioner Carlton
14 Williams has done a fabulous job.

15 CONTROLLER BUTKOVITZ: I will second that.
16 I would say that Commissioner Williams has been
17 extremely responsive. And has been within his
18 personal power of being able to effect things, he
19 does get on these issues right away. He responds
20 to problems the same day.

21 I think he has been constrained by
22 resources.

23 COUNCILMAN HENON: What's your frustration
24 with -- two-fold question.

1 I am sure there is some frustration with
2 trying to -- when asked, you know, certain
3 information from the Department of Revenue and
4 their collaboration with the Department of L&I,
5 has any of that changed, or does that continue to
6 be, you know, somewhat of an issue trying to, you
7 know -- when a tip or some information is brought
8 to you, how does that hurt any of the audits that
9 you perform?

10 CONTROLLER BUTKOVITZ: I don't think it
11 really has changed but for what I just commented
12 on. We've had a -- we had the ability to deal
13 with L&I in the past year and get them where there
14 is a serious issue to get right out there and do
15 an inspection. But in terms of the regular
16 sharing of information, I don't think there is a
17 system in place to expedite that.

18 COUNCILMAN OH: So, we don't share. It's
19 a -- I think a desperate need and a critical part
20 of trying to stop behavior, you know, with the
21 people who aren't paying taxes to the City and not
22 being able to track any kind of unscrupulous
23 either contractor owner or developer, you know, or
24 worker that's on the job site.

1 CONTROLLER BUTKOVITZ: Correct.

2 COUNCILMAN HENON: Is that a correct
3 assumption?

4 CONTROLLER BUTKOVITZ: And I've always
5 thought that these would be revenue generators. I
6 mean, there are so many violations that the cost
7 of the additional inspectors and enforcement could
8 pay for itself. But there's, I think also, a
9 philosophy that almost -- like at the federal
10 level. That deregulation is better.

11 If these shackles are removed from business
12 being able to self police and do what they want,
13 that there will be a lot more economic activity.
14 And I think what was brought home, you know, very
15 tragically here is that what lies in the balance
16 are human lives. This is not an abstract problem.

17 Actually, my wife said if L&I inspectors
18 were called something else, if they were called
19 construction or housing police, people would get
20 the point. I mean, you need police to proactively
21 patrol to control crime, to control violence. And
22 the role that these people play is equally
23 important.

24 COUNCILMAN HENON: They are truly first

1 responders, you know, being on site first and
2 protecting the public in the construction and
3 demolition, you know, public safety concerns.

4 The -- you did a report and your report was
5 very well written and the investigations and
6 findings that you had working with --

7 CONTROLLER BUTKOVITZ: You're referring to
8 last year?

9 COUNCILMAN HENON: Last years.

10 CONTROLLER BUTKOVITZ: And even there, the
11 frustration is -- we have talked about this. If
12 people had badges indicating who were employees
13 and who is subcontractor, would make it easy.
14 Because a lot of our -- we don't have direct
15 enforcement power. We have to partner with L&I to
16 try to do observation of enforcement action. So
17 we do observation. We do audits.

18 COUNCILMAN HENON: So, you can't -- you
19 don't have the authority.

20 CONTROLLER BUTKOVITZ: We can't issue a
21 citation.

22 COUNCILMAN HENON: You don't have the
23 authority, Controller, to audit or investigate a
24 particular job site or industry?

1 CONTROLLER BUTKOVITZ: We can audit the
2 City agencies that are responsible for
3 enforcement. But for example, we can't show up at
4 a work site and demand to be admitted to make an
5 inspection. L&I can. They have the power to
6 enforce the codes. So, a lot of the work had to
7 be performed on the basis of observation.

8 You can see that people weren't wearing
9 helmets or weren't using safety equipment. You
10 can see certain notorious open area violations
11 such as failure to control dust and the failure to
12 wet down the buildings and the closing off of
13 streets without permits. But anything that would
14 require close inspection, we would be -- we would
15 have been hampered at.

16 COUNCILMAN HENON: But your report, you
17 talked about, you know, was the same time as the
18 piece of legislation that Councilman Kenney and
19 myself and, you know, 17 members of this body, you
20 know, voted on. We -- you talked about the
21 underground economy and you had a small sampling,
22 just a small sampling, that you investigated in
23 certain, you know, parts of the City.

24 Do you think that it's a much larger

1 underground economy that's out there than you just
2 reported?

3 CONTROLLER BUTKOVITZ: Sure.

4 COUNCILMAN HENON: In my opinion, I believe
5 you only touched on the surface. That there is a
6 larger scale and a lot more people who aren't
7 paying taxes and who are not being accountable
8 for, you know, here in the City that has performed
9 the work.

10 CONTROLLER BUTKOVITZ: The way the system
11 works now there is a tremendous burden on the
12 regulating agencies. I mean, you are talking
13 about some workers that are getting paid under the
14 table. There are always questions about --
15 allegations have been made that some of the
16 workers are not citizens.

17 There -- it's not easy to determine that
18 facially. Can't stop these people and say, can I
19 see your driver's license? Can I see your
20 identification? Can I see your pay stub? That's
21 why we've been arguing for more and more obvious
22 indicia of who these personnel are so that the
23 enforcement agencies can be helped in tracking it.

24 There is an awful lot of it wasn't me. It

1 wasn't the contractor. It was somebody else.
2 It's an independent contractor. Who are they?
3 Which is the independent contractor on that day.

4 I know your legislation has required the
5 filing of additional information centrally. We
6 think on these sites it would help if people had
7 kind of a name tag or a badge, something that
8 indicated what their connection was to the person
9 with the permit. What their connection is to the
10 person with the license.

11 COUNCILMAN HENON: I don't disagree with
12 you. That's all I have.

13 COUNCILMAN JONES: Thank you, Councilman.
14 Chair recognizes Councilwoman Sanchez.

15 COUNCILWOMAN QUINONES-SANCHEZ: I just
16 wanted more of a comment. I wanted to thank the
17 Controller for publicly saying sometimes in our
18 quest to reduce the size of government for
19 efficiency sake, we make compromises and we make
20 choices.

21 As Chair of L&I, I've always been extremely
22 concerned about our ability to be more than just a
23 code enforcement agency but a public safety
24 agency. Like you, you know, I'm more confident in

1 the leadership of our Commissioner Williams to get
2 both of those things and to do both of those
3 things. I appreciate the fact that you say that.
4 I think if one thing the public has to hear in
5 this very public discussion is that if we want to
6 be more proactive and more preventive, we have to
7 put the resources behind that, so I appreciate
8 that.

9 I did want to ask you one thing. If you've
10 seen the Executive Order -- having done all these
11 reports and seeing the Executive Order of the
12 Mayor, is there anything that sticks out at you
13 that is not included in that?

14 And moving forward, will you be working
15 with us to come up with some additional kind of
16 steps, lessons learned through this process?

17 CONTROLLER BUTKOVITZ: Well, I think -- I
18 think the Order does rely pretty heavily on
19 requiring the contractor to provide certain kinds
20 of reports. Of course, then the backup issue is
21 to what extent are those reports being monitored?

22 So, there was commentary on the 22nd Street
23 incident that the permit was filled in as being a
24 job that was costing \$10,000. And now there's an

1 allegation that it was actually, I think, \$122,000
2 although it should have been \$250,000. That
3 immediately raises a red flag about did anybody
4 notice that a project of this magnitude was being
5 cited as costing only \$10,000? And whether there
6 was an attempt to evade fee, graduated fee
7 requirements or other Revenue requirements?

8 So, the Order does put a lot of
9 responsibility on the owners and the contractors
10 to get engineering reports and other -- which will
11 be a way of creating additional liability and
12 responsibility if the owner doesn't do that, and
13 it should prohibit the issuance of the permit.
14 But the real test is going to be whether anybody
15 reads all of those documents, whether you have
16 enough people to, in fact, read all the documents
17 that are being filed every day, or whether it's
18 something that just gets filed on the shelf and is
19 referred to when there is a tragedy.

20 I would also like to commend Councilwoman
21 Sanchez about being very outspoken on this for a
22 very long time about the need for policing the
23 collapse of infrastructure in the City. But if
24 you recall, there was a tragic incident only a

1 couple of years ago where a fire escape landing
2 fell off a building in Center City and killed
3 somebody.

4 And at the time, promises were made that
5 L&I was going to inspect every single private
6 apartment building at least in Center City.
7 Which -- I mean, which had no basis in reality.
8 They can't even get out to respond to complaints.
9 They can't even get out to respond on a schedule
10 that involved imminently dangerous -- what is the
11 possibility that there is going -- that there was.
12 There has never been any indication that those
13 inspections occurred.

14 So, you can not have a reliance on the odds
15 or statistics and say this only happens once every
16 600 days. I mean, government's responsibility is
17 more proactive than that. We have a
18 responsibility to protect people not just --
19 cannot just depend on being lucky.

20 COUNCILWOMAN QUINONES-SANCHEZ: Duly noted.
21 I appreciate those comments because I think you
22 are right. I think one of the things that we want
23 to be able to come out of this Committee is with
24 what are the benchmarks? Who monitors the

1 benchmarks? Who polices the police to the best of
2 our ability?

3 And, you know, I do appreciate the Council
4 President's leadership in saying this is -- we are
5 going to do -- pull a report very quickly. Work
6 with the Administration in ensuring that those
7 resources are there. But ultimately, the test
8 will be in your audit in terms of ensuring that we
9 are putting in those protocols. That is why I
10 welcome your input in this process as we delineate
11 how prescriptive we want to be in all of this
12 stuff. And then ultimately, how do we monitor the
13 accountability lines.

14 So, we appreciate your input in this.
15 Thank you.

16 COUNCILMAN JONES: Thank you.
17 Councilwoman.

18 Councilwoman Blackwell.

19 COUNCILWOMAN BLACKWELL: Thank you. I
20 would like to thank the Controller, as well.
21 There are so many areas that are of concern. I
22 know I've been a constant critic of the brownouts
23 with the Fire Department. And we -- when we have
24 people who are renting those properties that

1 caught on fire, we had one -- in my area near
2 Cedar Avenue where a young person died. And when
3 the person who is running it was low income, the
4 building sits.

5 So, there are so many areas that we can
6 focus on and talk about where we can try to make
7 sure that people are protected. I see Tracy
8 Gordon back there. She had a fire recently next
9 door to her. That is a whole big issue in and of
10 itself. I believe it's Councilman Kenney who has
11 been talking about the input of the Fire
12 Department.

13 There are many areas that we can work in to
14 try to protect our City and its residents. Thank
15 you again, Mr. Controller.

16 COUNCILMAN JONES: Thank you, Councilwoman.

17 Are any other questions for our witness?

18 Seeing none, thank you so much,
19 Mr. Controller for taking the time out. Okay.

20 So, there are no other witnesses to testify
21 today?

22 THE CLERK: No.

23 COUNCILMAN JONES: Seeing none, hearing
24 none, I want to thank all those who testified but

1 particularly the Members of this Committee:
2 Councilwoman Sanchez, Councilman Henon, Councilman
3 Kenney and Councilwoman Blackwell, for their
4 dedication to this issue.

5 My only closing remarks will be that this
6 is the first leg in a four-part relay. And this
7 is to establish for the record where we are by way
8 of L&I demolition. I would only say that New York
9 at the turn of the last century had to go through
10 a whole codification of fire codes and building
11 codes when massive populations moved into urban
12 areas. In order to alleviate ghettos, squalor and
13 fire hazard, they had to really codify their
14 codes.

15 When we had the pier collapse in early part
16 of the last, we had to look at, you know, the
17 popularity of our piers and whether they could be
18 maintained for entertainment. It took us a while
19 to catch up to those kinds of codes.

20 And I think as Philadelphia makes a
21 resurgence economically, we got to remember that
22 some of these properties built in the '30s and
23 '40s were only meant to last 30, 40 years. And we
24 are coming to the end of that period. We need to

1 be a lot more diligent about how we develop, how
2 we demolish and how we keep people safe.

3 So having said that, we are going to recess
4 this Special Committee on Demolition to the call
5 of the Chair until June 27, 2013 at 10:00 a.m. in
6 these Chambers.

7 Thank you all very much.

8 - - -

9 (Special Investigative Committee on
10 Demolition Practices recessed at 1:50 p.m.)

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

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

Court Reporter - Notary Public

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