

COUNCIL OF THE CITY OF PHILADELPHIA  
SPECIAL INVESTIGATIVE COMMITTEE  
ON DEMOLITION PRACTICES

Room 400, City Hall  
Philadelphia, Pennsylvania  
Thursday, August 15, 2013  
1:15 p.m.

PRESENT:

COUNCILMAN CURTIS JONES, JR., CHAIR  
COUNCILWOMAN JANNIE BLACKWELL  
COUNCILMAN JAMES KENNEY  
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ  
COUNCILMAN MARK SQUILLA

RESOLUTION 130546 - Resolution authorizing the  
creation of a "Special Investigating Committee  
on Demolition Practices in the City of  
Philadelphia"...

- - -

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2

COUNCILMAN JONES: Good

3

afternoon. Today we are convening the

4

final hearing on the Special

5

Investigative Committee on Demolition.

6

And I say "final" because this is our

7

fifth hearing on the subject matter, and

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I want to take a moment to recognize once

9

again the members of the Committee that,

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in spite of scheduling during the summer,

11

have come and been a part of this

12

Committee.

13

I want to acknowledge

14

Councilwoman Blackwell, who, as many of

15

you know, is the Chair of Housing for

16

City Council and has done an incredible

17

job of dealing with all of the related

18

issues of construction, demolition, and

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community revitalization, and we have

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been honored to have her add her years of

21

experience to this Committee.

22

Also, Councilman Kenney, who

23

has, in the area of construction and

24

demolition, been a trailblazer in regards

25

to safety by way of construction

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2 platforms and his concern about the  
3 safety of what goes on in a day-to-day  
4 way in our great city.

5 Maria Quinones-Sanchez, who is  
6 the Chairperson of L&I, has been a valued  
7 member, and many of her suggestions have  
8 been incorporated into, A, the public  
9 record, but also into hopefully what will  
10 be a final recommended report, which  
11 we're working on.

12 Councilman Bobby Henon, by no  
13 means -- he may be a freshman by way of  
14 time in this Council, but has proven not  
15 to be a freshman in the area of labor and  
16 labor concerns, OSHA safety and the  
17 other.

18 So we put together a really  
19 good team of Councilpeople, but I would  
20 be remiss in this final hearing if I did  
21 not recognize all of our staff persons,  
22 who worked way harder. We have the  
23 titles, but they have the work. I'm  
24 going to say it again. We have the  
25 titles, but they put in the work. And

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2 one in particular stands out, which is my  
3 staff person and who has been a champion  
4 of demolition at this point and an  
5 expert, Stacy Graham, who has been  
6 working to pull together that document.  
7 I want to publicly on the record  
8 recognize all the staff people, but that  
9 one in particular is mine. So I wanted  
10 to say that.

11           Again, our prior hearings, the  
12 first one tried to codify what the  
13 practices were pre-Market Street in L&I,  
14 and we came up with some discoveries on  
15 the record that talked about the two  
16 standards of demolition, one level of  
17 safety standard that was established for  
18 public demolitions and then one that  
19 could only be described as an honor  
20 system that was for private demolition.  
21 And we put on the record how that was  
22 very different.

23           The second one focused on  
24 industry standards, what safety issues  
25 were in place. We found many discoveries

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2 by way of what risk managers, insurance  
3 companies call for by way of safety to  
4 safeguard their assets and safeguard  
5 their loss mitigation.

6 The third one focused on  
7 intergovernmental cooperation from the  
8 different departments, whether it was  
9 Streets Department or the Fire  
10 Department, whether it was L&I proper or  
11 Public Property, what kind of cooperation  
12 was going on within the departments.

13 The fourth one focused on best  
14 practices, and we heard from former L&I  
15 commissioners. We heard from other  
16 municipalities such as New York, who has,  
17 if you talk about the evolution of  
18 demolition, is way ahead of the curve  
19 over Philadelphia. And I think all of  
20 these things are timely for today,  
21 because at the end of the day, the public  
22 comment is the most important comment,  
23 because you pay the bills. You're the  
24 taxpayers. You're the boss. And if we  
25 don't hear from you, we haven't done our

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2 job by way of what we're supposed to do  
3 for this Committee.

4 So with that, I want to say  
5 thank you for your patience, and I want  
6 to ask the Clerk to -- well, before I do  
7 that, what we hope to do out of this is  
8 pull together a draft document from all  
9 of the things we've heard from both the  
10 public and private, to put together all  
11 of these ideas in a draft form and then  
12 begin to hash it out between now and the  
13 first day back to Council in September,  
14 codify that work, to the degree that we  
15 can, with the Administration, the Mayor,  
16 the Commissioner of L&I, because at the  
17 end of the day, this isn't for  
18 sensationalism. This is for safety. And  
19 we want to work with the Administration  
20 to talk about what the impact of these  
21 recommendations will be on them, animal,  
22 vegetable, and mineral. It's going to  
23 cost more. If we have to hire more L&I  
24 inspectors or increase the quality of  
25 training among the workforce, so be it,

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2 because at the end of the day, safety  
3 comes first.

4 And what we hope to do is work  
5 on regulations and possibly even  
6 legislation, and at the end of the day,  
7 we have to pay the piper by way of  
8 putting our money where our mouth is,  
9 putting our budget where the need is by  
10 way of departments.

11 So we hope to, on the first day  
12 back to Council, put forth a series of  
13 regulatory and legislative impacts from  
14 this Committee from the work we have  
15 done, both the members and the staff, and  
16 hopefully after the end of all of that,  
17 citizens will be safer because of it.  
18 And that's our goal and that's our  
19 objective.

20 And with that, will the Clerk  
21 please read the title of the resolution.

22 THE CLERK: Resolution 130546,  
23 authorizing the creation of a "Special  
24 Investigating Committee on Demolition  
25 Practices in the City of Philadelphia,"

1           8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2           to investigate safety problems and  
3           identify solutions related to the  
4           oversight of demolition projects in the  
5           City.

6                        COUNCILMAN JONES: With that,  
7           I'd like to ask my colleague Councilwoman  
8           Blackwell to speak to you today.

9                        COUNCILWOMAN BLACKWELL: Thank  
10          you very much.

11                       Let me say good afternoon to  
12          everyone, and we thank all of you who  
13          have come. Certainly we realize that  
14          Hanford Jones, who will be first, has  
15          come to all of our hearings, and the same  
16          for Mr. Vallery and Mr. Ali. They have  
17          come. And many of you who have been to  
18          all the hearings, we thank you all.  
19          Nothing could be more important, and it  
20          is invaluable what we have learned, we  
21          who are on the Committee and members of  
22          Council. We didn't realize things were  
23          the way they were when it comes to labor,  
24          when it comes to practices, all the  
25          issues when it comes to training and when



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2 it comes to all our City departments  
3 working together. We've learned a lot,  
4 and we are really saddened that we had a  
5 loss of life which has brought us to this  
6 point. But we thank God we're here, and  
7 we will move forward.

8 Again, we thank you and look  
9 forward to your testimony.

10 COUNCILMAN JONES: If anyone  
11 that has not signed up to testify wishes  
12 to sign up and testify, you should see  
13 Ms. Graham, and she can put you on the  
14 record. So far we have ten speakers.  
15 Now, I want to show you this. I'm not  
16 going to use it, but I'm not afraid to.  
17 So with only ten speakers, I think we can  
18 get by without this, but if you hear  
19 this, that means thank you, summarize  
20 your testimony. And we'll try not to use  
21 that to allow for the food for thought  
22 that you guys are going to provide.  
23 I want to recognize also  
24 Councilwoman Sanchez has joined us. And  
25 would you like to say a few words?

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2 COUNCILWOMAN SANCHEZ: No.

3 COUNCILMAN JONES: No? She  
4 wants to get started.

5 Will you please read the first  
6 witness to testify.

7 THE CLERK: Hanford Jones.

8 COUNCILMAN JONES: Thank you,  
9 Mr. Jones. Please come up to the table  
10 and state your name and title for the  
11 record.

12 (Witness approached witness  
13 table.)

14 MR. JONES: Good afternoon,  
15 members of the Investigative Committee on  
16 Demolition, Honorable Councilman Curtis  
17 Jones, and honorable members of the  
18 Committee. I've spent 17 years with the  
19 City Minority Business Enterprise Council  
20 and 12 years of the Trade Association  
21 Director in Maryland. Some of the more  
22 prominent demolition projects I've had a  
23 pleasure of participating in was the  
24 oversight of minority and female business  
25 utilization oversight of the JFK Stadium

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2 demolition, with Mouzaki from North  
3 Jersey, where I encouraged Fox and  
4 Cattleham from Baltimore to team up with  
5 a local firm, Charlie Hanna, and one of  
6 the more senior union black demolition  
7 contractors. Unfortunately, they came in  
8 sixth out of nine.

9 I also did review Vets Stadium  
10 with Brandenburg, who tried to create a  
11 woman business enterprise, but they were  
12 going to control the day-to-day  
13 operations and they couldn't get  
14 certified, and they were not allowed to  
15 bid the job.

16 Also, I was invited by the  
17 Maryland Stadium Authority to do the  
18 M/W/B reviews of 33rd Street stadium  
19 demolition to prepare for the new  
20 downtown Baltimore stadium. I was also  
21 on the selection committee of NTI.

22 The City has over 22,000  
23 residential, industrial, and commercial  
24 properties slated for demolition. We  
25 would hope that NTI round two could get

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2 moving fast so that nobody else dies on  
3 these projects already slated for  
4 demolition.

5 The L&I and the Mayor's Office  
6 have already created new demolition  
7 guidelines as of June, Bulletin B-1302,  
8 but, however, in the qualifications  
9 required to get a demolition license,  
10 there's no question asking about the  
11 diversity on the board of the companies,  
12 the employment diversity of the  
13 companies, nor the M/W/B utilization  
14 records of those companies. To me,  
15 inviting a company to qualify for  
16 demolition who has had best practices in  
17 terms of inclusion should not be allowed  
18 to do business in the City. It's one of  
19 the biggest problems I have with the  
20 project labor agreements that the City  
21 has with unions. Except for the  
22 laborer's union, every major union in the  
23 City since the Philadelphia Plan back in  
24 the '70s or '80s is not integrated on  
25 their board. I don't know why the City

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2 is working with groups that don't share  
3 the City's vision on inclusion and  
4 diversity and why we're allowed to, with  
5 the SRC and PHA, work with these unions.  
6 It's not right.

7 Finally, I would hope that we  
8 look at demolition as it relates to the  
9 stupid sneakers that are on electrical  
10 wires in the City. It's not proper. And  
11 even though it's not demolition as we  
12 know it to be, they need to be removed,  
13 as those abandoned cars in the City were  
14 removed during the NTI. It is a 100  
15 percent difference by everybody in this  
16 community and visitors as well not to see  
17 Beirut, Lebanon-looking cars sitting  
18 around abandoned and burned out. That  
19 was one of the most tremendous assets  
20 this city achieved in my return to the  
21 City back in the '90s.

22 And we would hope that  
23 backyards, alleys, and driveways would  
24 also be a next phase of the NTI process.  
25 Firemen and police can't do their jobs if

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2 they can't get to the backs of some of  
3 these houses, residences, and commercial  
4 and industrial projects. They can't do  
5 their jobs because they're not passable a  
6 lot of them.

7 Basically that's what I would  
8 like to see. This project next door to  
9 us here, Dilworth Plaza, has at least \$10  
10 million worth of demolition, but it had  
11 to be designed before it was  
12 demolished. The owner -- the City  
13 allowed the Center City District to be  
14 the owner instead of Public Property, and  
15 they allowed the local design firm not to  
16 have any black involvement or any  
17 minorities on their team and they still  
18 got selected, and this job had federal  
19 monies. It's not the kind of thing I  
20 would like to see future demolition  
21 projects that have design opportunities.  
22 I would hope that the City doesn't elect  
23 to choose a firm who doesn't have  
24 integration in their minority business  
25 utilization and still get the job. This

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2 is 2013, and we shouldn't be at this  
3 point.

4 The testimony is in writing and  
5 for brevity, I summed it up. Thank you  
6 for allowing me to testify.

7 COUNCILMAN JONES: Hanford  
8 Jones, thank you for your service to the  
9 City in the name of inclusion. We're  
10 dealing with public safety, but it  
11 doesn't mean we have to be exclusionary  
12 in the process, and what we are is  
13 sensitive to making sure first that the  
14 citizens are safe. Most people walking  
15 down the street have an expectation of  
16 safety, but we also as a municipality, as  
17 a government owner of jobs want to make  
18 sure that all citizens of the City of  
19 Philadelphia get a fair shot at this.

20 What I did particularly hear,  
21 what perked my ears up, among other  
22 things, is the alleys and driveways, and  
23 I do agree with you that they are --  
24 we've kind of abandoned them as private  
25 property. Your point about first

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2 responders having to go through alleyways  
3 and figure out addresses and navigate  
4 debris and obstructions is intolerable,  
5 and that's something that we have not  
6 abandoned and we are thinking about. So  
7 thank you for that comment.

8 Councilwoman Blackwell.  
9 COUNCILWOMAN BLACKWELL: Thank  
10 you.

11 I too would like to thank  
12 Mr. Jones for his comments and also ask  
13 that you might be available to advise  
14 this Committee given your past experience  
15 on what worked or didn't work then, from  
16 then 'til now. And also certainly I have  
17 two or three of the worst retaining walls  
18 that are falling, and as anybody on the  
19 Committee knows, unless you can come up  
20 with the money, they assess the  
21 homeowners, who are having, as we all  
22 are, trouble paying the bills. So it's  
23 very, very, very important.

24 But, again, given your more  
25 than 20 years experience to 30, we're



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2 asking if you would be available to help  
3 this Committee out of this. This is our  
4 last open hearing, but out of this, we  
5 have to review, talk with our staffs,  
6 with one another about where we should  
7 go, what legislation we should pass to  
8 make life better. So I would hope you  
9 would be available.

10 MR. JONES: Absolutely. Yes,  
11 ma'am.

12 COUNCILWOMAN BLACKWELL: Thank  
13 you. Thank you very much.

14 COUNCILMAN JONES: Thank you so  
15 much, Mr. Jones.

16 Will the Clerk please read the  
17 next person to testify.

18 THE CLERK: Jerry Vallery,  
19 Kaseen Ali.

20 (Witnesses approached witness  
21 table.)

22 COUNCILWOMAN BLACKWELL:  
23 Mr. Chairman, may I say a special thank  
24 you. They have been coming each time.  
25 We're sorry about the mixup, and we

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2 appreciate your commitment to this work,  
3 to this Committee, and certainly your  
4 commitment to trying to create a training  
5 program, Safety First.

6 COUNCILMAN JONES: Councilwoman  
7 Blackwell, some people believe that  
8 Mr. Vallery once worked for me, but  
9 everybody knows that I actually worked  
10 for him.

11 If you can state your name for  
12 the record, and good afternoon.

13 MR. ALI: Good afternoon,  
14 Councilpeople. My name is Kaseen Ali.  
15 I've been in construction for the last 33  
16 years, 16 years as a laborer, Local 332,  
17 eight years as an OSHA trainer. I went  
18 to West Virginia and got OSHA  
19 certification 501 in general industry. I  
20 went to Silver Spring, Maryland  
21 university --

22 COUNCILMAN JONES: Can you pull  
23 your mic a little closer too.

24 MR. ALI: That's better?

25 COUNCILMAN JONES: Yes.

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2 MR. ALI: I went to Silver  
3 Spring, Maryland to become an OSHA  
4 trainer in construction. I also went to  
5 American Red Cross to be a certified  
6 instructor to do medical service, first  
7 aid/CPR, first response, communication.  
8 I went to -- I have a certification in  
9 FEMA homeland security codes and  
10 communication. I was an NTI safety  
11 representative in the field, along with  
12 Mr. Jerry Vallery. I did OSHA -- I did  
13 inspection scaffolding, citation,  
14 violation, shut jobs down. I'm certified  
15 railroad safety in the State of New  
16 Jersey.

17 I took a demolition contractors  
18 course at Temple University to be  
19 certified as a contractor in demolition.  
20 I also have a history. My history is  
21 basically demolition. That's what I've  
22 been doing for the last 23 years. I  
23 started my own company, Safety First Inc.  
24 I worked in the Delaware Valley, from  
25 Jersey, Delaware, and Philadelphia.

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2 Recently, I was the Safety  
3 Director for Wilmington Job Corps. I did  
4 training with evacuation, fire drills,  
5 task stretch (ph). That's the security  
6 codes, code yellow, code orange, code  
7 red. I was an officer of the  
8 Philadelphia Job Corps. I was their  
9 safety officer. I did inspections,  
10 walk-through. My certification is OSHA.  
11 That's what I do. I'm an outreach  
12 trainer. I train people how to be safety  
13 monitors. Along with that, I asked  
14 Mr. Vallery to assist me to put some type  
15 of program together for the demolition  
16 contractors that's in Philadelphia,  
17 because I believe and also he believe  
18 that some of these contractors may not be  
19 qualified and weren't certified to be  
20 doing demolition.

21 So we are here because of the  
22 situation that happened. And I would  
23 bring Mr. Vallery on.

24 MR. VALLERY: My name is Jerry  
25 Vallery.

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2 COUNCILMAN JONES: Good  
3 afternoon, Mr. Vallery.

4 MR. VALLERY: I'm a business  
5 person in Philadelphia. My background is  
6 civil engineering. I retired from the  
7 U.S. Army Corps of Engineers as a  
8 lieutenant colonel, became the  
9 commissioner of public buildings for GSA  
10 for the mid-atlantic region. We  
11 constructed buildings and managed  
12 buildings and major repairs on buildings  
13 throughout the mid-atlantic region.

14 I'm an owner of an insurance  
15 agency and a bonding company out at the  
16 Science Center. We've been there for 21  
17 years. I left there. I went into  
18 business prior to serving as Vice  
19 President of Philadelphia Commercial  
20 Development Company and had the privilege  
21 of working with the Chairman here, and  
22 that was a delightful experience, sir.

23 COUNCILMAN JONES: It was for  
24 me, I know that.

25 MR. VALLERY: I'm happy to see

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2 you sitting there this afternoon.

3 My interest in things that are  
4 built on earth is as a result of my  
5 career, and I've always gravitated to  
6 whatever problem existed. In working  
7 with contractors in Philadelphia back 20,  
8 25 years ago, I realized that there was  
9 need for training. I went to Temple  
10 University in the School of Engineering  
11 and we created a construction management  
12 program there that is a program directed  
13 primarily to improve the performance of  
14 not only minority contractors but  
15 throughout this region now. And from  
16 that, we, along with others, have spent  
17 the past 20 or more years working in  
18 various capacities to improve the  
19 performance of contractors.

20 So I come here as a person who  
21 took the leadership of creating a program  
22 to train contractors for the Neighborhood  
23 Transformation program. I developed the  
24 training program in coordination with  
25 other business people in Philadelphia.

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2 It was funded by 21 banks. My  
3 responsibility included the development  
4 of the training program, the field  
5 operation, inspection of all demolition  
6 activities that existed in some 1,500  
7 houses that was demolished by that group  
8 of contractors.

9 The personnel involved was  
10 about 60 untrained, unemployed residents  
11 of Philadelphia. It included personnel  
12 who was recommended by all the different  
13 neighborhood groups throughout  
14 Philadelphia, Hispanic groups. We had  
15 seven or more candidates from the  
16 Hispanic Chamber of Commerce. We worked  
17 with the Korean Chamber of Commerce, the  
18 Asian Chamber of Commerce, and it was my  
19 responsibility to bring them in to a  
20 group we recruited and train 60  
21 contractors who was put in business.  
22 Most of them are in construction business  
23 in Philadelphia today and some are  
24 involved in the current demolition,  
25 master demolition program, that's

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2 conducted by the City.

3 Now, I'm displeased with what  
4 has happened, and I don't attribute it to  
5 many of the witnesses who have appeared  
6 here who come from the demolition  
7 experience. I look at what occurred as  
8 an organizational failure at two  
9 principal levels that existed - one, the  
10 City of Philadelphia and the L&I  
11 operation and, two, the conduct of the  
12 demolition program, of which I have  
13 followed for more than 20 years.

14 When I first became acquainted  
15 that Philadelphia had a demolition  
16 program, I made it my business to attend  
17 primarily to see the number of people who  
18 was involved. From that experience, I  
19 sought out contractors to train and get  
20 involved in demolition, because there  
21 were many opportunities involved. So  
22 when the Neighborhood Transformation  
23 program came, I decided that if  
24 Philadelphia is going to rebuild -- if  
25 the City of Philadelphia is going to



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2 rebuild the neighborhoods, then a  
3 majority of the people who reside in  
4 those neighborhoods should participate in  
5 the construction opportunity. And I went  
6 to Temple University again, and we  
7 developed the training program in  
8 connection with the African American  
9 Chamber of Commerce and the City of  
10 Philadelphia. We created a non-profit  
11 organization. We were given about 1,500  
12 houses by the City, and those untrained  
13 contractors went through about 16 weeks  
14 of training. We dealt with the  
15 administration activities involved in  
16 developing a company. Contractors were  
17 provided assistance in training and the  
18 development of business plans. They were  
19 required to undergo a full menu of  
20 technical subjects involving estimating,  
21 scheduling, and supervising field  
22 operation, not only those activities  
23 involved in hand demolition but for  
24 mechanical demolition involved.

25 We had a full staff and trained

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2 and developed a full staff of, first, of  
3 safety inspectors, as well as engineers  
4 from the NTI program, as well as some  
5 engineers we hired to ensure that any  
6 house that was undertaken for demolition,  
7 there was a plan developed, there was an  
8 inspection made of the house, and there  
9 was a plan that we developed that fitted  
10 the original residential row house  
11 construction in Philadelphia so that  
12 these contractors would have a fair  
13 understanding of the structures and the  
14 construction of those houses to  
15 facilitate the demolition process. As  
16 I've indicated, we were responsible of  
17 demolishing about 1,500 to 2,000 houses  
18 in that program.

19 So I come here to offer two  
20 observations. One is, there has to be a  
21 reorganization of the L&I program to  
22 ensure that contractors -- and this is  
23 something I don't understand, how you can  
24 treat construction any different from you  
25 treat deconstruction or demolition of

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2           houses. Particularly houses that are 50  
3           years or older, there's even a greater  
4           reason to require a different level of  
5           professionalism involved in the process.

6                         So we come here today to  
7           recommend that there be a further study  
8           made of how to structure and develop a  
9           professional standard for not only  
10          construction contractors who are licensed  
11          to do construction but for those  
12          particularly who are involved in  
13          demolition. We see the problem in two  
14          primary areas - increase the professional  
15          standards of those who are involved in  
16          issuing permits and approving contractors  
17          to do work, as well as the performance of  
18          these contractors.

19                        Now, I look at demolition  
20          as a -- the demolition we're performing  
21          today, it's unfortunate what has  
22          occurred, but we're also fortunate in  
23          that we haven't had more serious  
24          accidents. I think there has been a  
25          great drive to economize when it comes to

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2 demolition and these other activities  
3 that has resulted in, I say, understaff,  
4 because if you had looked at what we had  
5 in the NTI program out, there was an  
6 engineer to about every two houses that  
7 was engaged in demolition. And I must  
8 say, Hill International, the company that  
9 had the contract to supervise that  
10 program, did an outstanding job.

11 I have said I see the problem  
12 in two principal areas, organization both  
13 at the headquarters level as well as in  
14 the field level in both construction and  
15 demolition, and it has to be changed. It  
16 has to be changed without regard for what  
17 it costs, because the life of residents  
18 who are unsuspecting of the dangers  
19 exist, and we're charged with conducting  
20 a safe operation when we go out in these  
21 communities to ensure that people are not  
22 exposed to an unsafe environment.

23 I'm also recommending that  
24 there be a program established. There  
25 are many young unemployed citizens in

1           8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2           this community in every neighborhood. I  
3           attended a meeting last Sunday, about 45  
4           or 50 young people who is unemployed but  
5           seeking an opportunity, and demolition is  
6           a good way to get them started without a  
7           great cost, without a great cost to the  
8           City. Much of what we did during the NTI  
9           program, the 50 or more contractors we  
10          put in business employed four or five  
11          people in a work crew to take a house  
12          down, and with three families, at least  
13          three members of a family, you can see  
14          what great contribution can be offered at  
15          a very low cost. So we're also  
16          recommending to improve the performance  
17          of the whole demolition operation, I am  
18          suggesting there be a training of  
19          neighborhood young people in groups  
20          small, create companies, much of what we  
21          did in the NTI program, provide them with  
22          the skill to take on the demolition of  
23          much of what is being done today.

24                           Now, I say this because I  
25          license contractors -- I mean, I bond

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2 contractors. I refuse to bond a  
3 contractor who is not qualified to work  
4 in demolition, to participate in the  
5 master demolition program, and I think  
6 that we should, in the process of  
7 spending money, we should look to the  
8 economic side of it and do something  
9 about improving the employment of those  
10 who would seek an opportunity and can be  
11 trained to do that.

12 Now, I've spoken to Temple  
13 University and I provided them with the  
14 program, and we're ready to go, and I  
15 will take time from my business to assist  
16 with the development of it. And I assure  
17 you we will do two things. You're going  
18 to have safe contractors out working in  
19 the current program. And by the way, I  
20 interviewed a person who had been issued  
21 a permit to become a demolition  
22 contractor in the program. I refused to  
23 issue a bond because the person applying  
24 for the bond is the owner of the company,  
25 had a Master's degree in education and

1           8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2           was teaching. Now, I say this because  
3           much of what is happening is out of that  
4           kind of qualification. Had nothing to do  
5           with demolition or engineering. And  
6           we've got to do a better job.

7                        I thank you for the  
8           opportunity.

9                        COUNCILMAN JONES: Thank you  
10          for taking the time. In my limited  
11          experience -- and I don't know if it's  
12          true for my other members -- when  
13          somebody can speak that well without  
14          looking down once at a note, one of two  
15          things is going to happen. Either it's  
16          going to be rhetoric or it's going to be  
17          riveting, and I find it riveting to  
18          listen to you.

19                       I have a few questions. I  
20          think I know some of the answers, but I  
21          want to just put it on the record.

22                       So you do agree that there  
23          should be a minimum standard for every  
24          contractor performing demolition, whether  
25          it's private or public, in the City of

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2 Philadelphia?

3 MR. VALLERY: Absolutely.

4 COUNCILMAN JONES: You also  
5 agree -- do you -- I don't want to give  
6 an answer for you, but do you think that  
7 workforce, there should be a minimum  
8 amount of workforce for people on a  
9 demolition site, whether you use OSHA  
10 standards or an equivalent thereof?

11 MR. VALLERY: I believe that  
12 the best qualified group of people who  
13 engage in demolition should have a  
14 thorough understanding of OSHA standards.  
15 Now, if you have gone through the OSHA  
16 standards as I have back in the training  
17 of the group that I -- in the NTI  
18 program, there isn't a single operation  
19 that occurs in demolition that is not  
20 covered by the standards in the OSHA  
21 regulation dealing strictly with  
22 demolition. And if you're working  
23 without an understanding of what the  
24 process is, I don't know, it's just an  
25 opportunity for disaster.



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2 So there has to be some  
3 training given to even the workers. And  
4 no worker should be working on a job  
5 where such hazards exist and potential  
6 for even worse without some understanding  
7 of what he can and can't do. So it  
8 doesn't matter whether there is -- and it  
9 may be impractical to ensure that the  
10 average person who is working should be  
11 trained in the OSHA requirements; that  
12 is, the 10-hour course, but whoever is  
13 running the job, every supervisor on a  
14 demolition project should be required to  
15 have completed the 30-hour OSHA course.

16 COUNCILMAN JONES: So do I  
17 understand you to say OSHA-10 for  
18 workers, OSHA-30 for a supervisor or  
19 manager level?

20 MR. VALLERY: That's right.  
21 Absolutely.

22 MR. ALI: In the construction  
23 industry, Philadelphia doesn't -- only in  
24 the unions. Non-union contractors are  
25 not aware of OSHA compliances. They

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2 don't know what an engineer survey is.

3 All they know is the work. They don't

4 know how to properly put up a scaffold.

5 They don't know they can't work near

6 power lines. They don't know they

7 supposed to have fall protection. They

8 don't know the OSHA -- this is what we

9 saying, at least 10-hour OSHA, but in a

10 certain amount of job, you go on two,

11 three-story, you should have 30-hour

12 OSHA. This should be a requirement.

13 They don't even know how to communicate.

14 If there's heavy equipment and

15 the heavy equipment is on the other side,

16 they don't even have air horn. They're

17 human voices. You can't hear if I say,

18 Yo, Mr. Jones. You can't -- the

19 equipment don't have back-up lights.

20 There's not a safety monitor -- a safety

21 monitor that's with the company, he'll

22 let things go, because the boss pay his

23 check. An independent safety monitor, he

24 inspects the equipment. If it doesn't

25 have back-up lights, he can't operate.

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2 He can't get on the machine. That's  
3 OSHA.

4 If you get on a scaffold that's  
5 not set up right, even in our  
6 neighborhoods -- I have pictures that I  
7 took just recently. Our children get out  
8 of school. They put up caution tape.  
9 Little boys is going to run and look,  
10 just want to know what's construction,  
11 what's going on. They don't fence it  
12 off. That's OSHA. That's a compliance.  
13 If you don't get training, you don't  
14 know. When you know, we give you a  
15 violation.

16 The things that's going on,  
17 there's no regards to safety, public  
18 safety. They supposed to have debris  
19 control. If you tearing down a building  
20 in a neighborhood, there's going to be  
21 dust. They leave it in the street. Our  
22 children get out of school. There's  
23 nails, debris. There's no dust control.  
24 Dust control is a hose. Bring the dust  
25 down. Our children is breathing this.

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2 The situation with an engineer  
3 survey is, before the contractor is able  
4 to do the work, he has an engineer  
5 survey, a checklist. How come we didn't  
6 find asbestos? How did that get past us?  
7 You have a checklist. Utility, you call  
8 the PGW, make sure the gas turned off.  
9 You give the safety monitor a receipt the  
10 electric is turned off. He gets a  
11 receipt. Then he goes down to hazards -  
12 asbestos, lead, oil, toxins. We still  
13 have oil drums in some of these  
14 buildings. So who did the inspection?

15 Why now everybody is concerned  
16 about safety when we was trying to push  
17 it years ago?

18 COUNCILMAN JONES: No; 1,500  
19 houses, you did push it years ago.

20 What was your safety record?

21 MR. ALI: On my watch, no  
22 one -- that was my watch, no injuries.

23 COUNCILMAN JONES: No injuries.

24 MR. VALLERY: No major  
25 accidents.

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2 MR. ALI: A toe scrape.

3 Because if you wasn't right, I shut it  
4 down.

5 COUNCILMAN JONES: Let me  
6 follow this line of questioning, and I'm  
7 going to turn it over to my colleagues.  
8 Do you believe that there should be a  
9 safety plan for each building?

10 MR. VALLERY: Absolutely.

11 MR. ALI: Yes.

12 COUNCILMAN JONES: Do you  
13 believe there should be a demolition  
14 plan, which is different?

15 MR. VALLERY: There has to be  
16 both.

17 MR. ALI: Both.

18 COUNCILMAN JONES: So describe  
19 in your mind a safety plan versus a  
20 demolition plan.

21 MR. VALLERY: Well, the  
22 demolition plan describes in detail how  
23 the contractor -- what is his plan to  
24 take that building down, and it has to be  
25 approved by a supervisor before he ever

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2 gets started. You can translate that up  
3 to make it a part of the permitting of a  
4 permit to be awarded.

5           There has to be a survey done  
6 by an engineer or someone of equal  
7 qualification, but from that survey, that  
8 plan is developed, and we required --  
9 either one of our trainees could write up  
10 a safety -- could write up a demolition  
11 plan. Now, they all completed the  
12 10-hour OSHA safety program, so there  
13 wasn't any misunderstanding about how  
14 safety was to be included. Well, it  
15 could have included if you're working on  
16 a roof or process to ensure that they  
17 conform to the OSHA requirement when  
18 they're working at that level. And if  
19 equipment was used, there's always a guy  
20 on the ground directing the operator who  
21 is using the equipment.

22           So, yes, all of that is  
23 included in the demolition plan, but  
24 safety is an inherent part of that plan  
25 and it has to be approved. And when we

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2 went to a site and if something was  
3 happening that wasn't a part of the  
4 safety plan, things might have happened,  
5 but that safety plan has to be complied  
6 with.

7 COUNCILMAN JONES: So  
8 theoretically -- and I'll turn this  
9 over -- if I submit a safety plan and it  
10 calls for shoring of walls and that's  
11 what I submitted with an application and  
12 then inspectors come out to the site and  
13 there is no shoring, then there's a  
14 violation and then --

15 MR. ALI: It's not --

16 COUNCILMAN JONES: Go ahead.

17 MR. ALI: I don't mean to cut  
18 you off.

19 COUNCILMAN JONES: No; you're  
20 not.

21 MR. ALI: We'll give you three  
22 warnings, verbal, write it up, we give  
23 you a chance to correct it, and then you  
24 got to leave the site.

25 COUNCILMAN JONES: So you would

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2 compare the safety plan to the actual  
3 implementation?

4 MR. ALI: Yes.

5 COUNCILMAN JONES: If there is  
6 a degree of variance from that, it is  
7 cause to shut a job down?

8 MR. ALI: After we give you a  
9 verbal warning. I give you a day to  
10 correct it. I say, Mr. Jones, you got to  
11 correct --

12 COUNCILMAN JONES: Use another  
13 name, because I'm going to do the right  
14 thing. Sanchez Construction might.

15 MR. ALI: I will ask the person  
16 to correct it, verbally a correction. I  
17 will show him. First I take a picture  
18 and I'll show it to him. I'll take it  
19 while they're working. Then you talk to  
20 the foreman or the GC. You talk to the  
21 general contractor. You explain to them  
22 what's going on. You don't talk to the  
23 men, because the men is just doing they  
24 jobs. A lot of times it's production.  
25 They don't care about safety. It's



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2 production, production. I got to get it  
3 done, I got a deadline.

4 So we take pictures, we give  
5 you a verbal warning, and then I give you  
6 a day to correct it, then I write it up.  
7 The citation is I write you up. Then we  
8 got to take you off the site. That's the  
9 procedure.

10 COUNCILMAN JONES: The Chair  
11 recognizes Councilwoman Sanchez.

12 COUNCILWOMAN SANCHEZ: Thank  
13 you.

14 I also want to thank you for  
15 all of the suggestions, and for many of  
16 us, we've used the NTI as an example of a  
17 time when the City kind of invested in  
18 ensuring that there was a process and  
19 protocols in place. So it's definitely a  
20 model that we've used and it's one that  
21 we're going to visit as we come up with  
22 recommendations.

23 In the last hearings, there was  
24 a lot of discussion around this  
25 engineering piece, and one of the

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2 challenges -- public safety doesn't have  
3 a price. That's priceless. One of the  
4 challenges in the engineering piece is to  
5 what scale. I mean, some of us, what we  
6 do in a residential neighborhood versus  
7 what you do commercial or mixed are  
8 different.

9 In the NTI piece, you talked a  
10 little bit around the engineering piece.  
11 What would be your recommendation to this  
12 Committee in terms of when you need a  
13 stamped engineer -- because you talked  
14 about an engineer or someone qualified.  
15 So what's the absolute lines for you  
16 given what you saw in all of those  
17 demolitions that you participated in?

18 MR. VALLERY: I think the  
19 extent to which you establish the process  
20 will depend on the condition that is to  
21 be dealt with. For example, you may  
22 issue a permit, if there is a permitting  
23 process, that includes at least plan  
24 approval. Right now there's no approval  
25 of anything. That's strange too when you

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2           look at how we treat new construction or  
3           how we expand houses. You can't get a  
4           permit unless you have a plan. Well,  
5           that's one thing we had. We developed  
6           plans of historical houses that was built  
7           that we are taking down now 50 years  
8           later. We had plans for those trainees,  
9           and they were looking at a plan that  
10          replicated what he was going to deal  
11          with.

12                        I tell you, there may not be  
13          enough engineers to apply to hire them or  
14          you may not be -- you may not be able to  
15          afford it, but we're involved in a  
16          process. You may want to change the name  
17          from demolition and try to associate it  
18          with construction, because it is the  
19          reverse of construction, and you're on  
20          the end where the destruction has  
21          occurred. And there has to be some skill  
22          people involved, and I wouldn't take a  
23          chance because the situation is going to  
24          get worse. Every year the 30,000 that is  
25          vacant now is going to be increased.

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2 You're not going to be able to keep up  
3 with it unless you change the current  
4 policy.

5 COUNCILWOMAN SANCHEZ: I  
6 completely agree with you, and I think  
7 part of the discussion among the  
8 Committee is sort of like what do we do  
9 moving forward and what do we require for  
10 the stuff that's built, because I think  
11 part of what we want to do as part of  
12 this investigation is what are we doing  
13 as we allow new housing to go up. Do we  
14 need to add some additional requirements  
15 as houses are built in terms of the plans  
16 that are submitted, the files that L&I  
17 keeps on some of these structures so that  
18 we're not just dealing with the end at  
19 demolition, but it's sort of what are we  
20 allowing to get built and how and what  
21 documentation we keep. I'm just trying  
22 to figure out from those of you who have  
23 experience like what's the line, what is  
24 your absolute given your experience that  
25 we should be aware of.

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2 I think the technology piece is  
3 important. You talked about taking  
4 pictures, realtime pictures. And we have  
5 not incorporated technology in our  
6 process, and so any of those pieces that  
7 you can add to us that you think are  
8 absolutes, I'm trying to get what are  
9 people's absolute, because you're the  
10 experienced ones, not us.

11 MR. ALI: Well, I'd like to get  
12 back -- come back with an answer for that  
13 so I can do it correctly and put a  
14 procedure together so y'all can approve  
15 it.

16 COUNCILWOMAN SANCHEZ: We would  
17 love that for the Committee.

18 MR. ALI: We have demolition  
19 plans. We have a book that we study  
20 from, and I'd like to give you a correct  
21 answer instead of just coming from --

22 COUNCILWOMAN SANCHEZ: And  
23 prospectively as we build, because I  
24 really do believe that this is an  
25 opportunity for us to look at when we

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2 give permits for people to build, what  
3 should we be doing there.

4 MR. ALI: Can I give you an  
5 example?

6 COUNCILMAN JONES: You can if  
7 you pull the mic a little closer.

8 MR. ALI: I'm sorry.

9 I can get a permit to tear down  
10 maybe a store or a garage and get the  
11 same permit with slightly different  
12 procedures to tear down a building. That  
13 has to be changed. That has to be  
14 changed. A permit means you gave me  
15 permission to do demo, but what is the  
16 procedures? I don't know the procedures.  
17 I just grab some guys and we're going to  
18 work. A lot of times they get fined,  
19 they get citations because they don't  
20 know the procedures. But it starts with  
21 the permit. Who is issuing out these  
22 permits? Are you questioning these  
23 contractors? Are they qualified? Are  
24 they men skilled? Do they have any OSHA  
25 experience, you know?

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2 Each day a laborer or any  
3 person that work on a scaffold that's not  
4 set up right, that's a \$10,000 fine each  
5 day. And this is not my rules. We  
6 try -- we take people and employ them  
7 from the neighborhood, but the first  
8 thing they have to learn is the  
9 procedures and safety so that at the end  
10 of the day, everybody go home. Everybody  
11 should go home. It shouldn't be I'm  
12 working, I got a job.

13 What type work you do?

14 Construction.

15 There's two parts in  
16 construction. You either building or you  
17 demolition. Then you have selective  
18 demo. Take this wall down, but keep this  
19 wall. You still need a hard hat on. You  
20 still have to pull your pants up. And  
21 you still have to stay off the cell  
22 phones. That's OSHA. It's where I come  
23 in. This is what we do. Get you safety  
24 conscious. Now you're going up on the  
25 scaffold.

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2 There's a lot of procedures  
3 that it doesn't require for me to get a  
4 permit. I have a business privilege  
5 license. I want to tear this building  
6 down or I want to tear a garage down. So  
7 we can start from there, what is the  
8 difference, what type of permit are you  
9 getting.

10 MR. VALLERY: There's something  
11 about human nature that you can -- the  
12 standard -- there's a limit that you can  
13 go. There's a limit to all of this, but  
14 I want to assure you, you have to make an  
15 investment. You've got to have qualified  
16 people or you get out of the business.  
17 Maybe you can do it better by  
18 subcontracting some of the demolition and  
19 charging on the contractor, but be sure  
20 you write in the contract exactly what  
21 you need to maintain the standard.

22 You know, Hill International, I  
23 don't know what they charged the City to  
24 operate the NTI program, but they had  
25 engineers. They had engineers out in the



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2           field.  If there was an incident  
3           occurred, they either knew that it would  
4           happen soon or they were on it.  And I  
5           would assure you, we had -- you spoke to  
6           injuries.  We had one guy to use a saw  
7           improperly and cut off the end of his  
8           shoe, missed his toe.  But what we found,  
9           he didn't have steel-toed shoes, and all  
10          the laborers were required to wear  
11          steel-toed shoes for that reason, to  
12          avoid that.

13                         MR. ALI:  That's PPE.

14                         MR. VALLERY:  So there is no  
15          compensation that can pay for a person's  
16          life or an injury, serious injury, and we  
17          should not -- we've got to do something  
18          about contractor training, and it starts  
19          with the permit.

20                         I want to tell you, most of the  
21          contractors never get trained, because  
22          most of the contractors who are working  
23          in demolition are not members of unions.  
24          The union train their people.  They train  
25          supervisors.  You're not going to find a

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2 union worker without ten hours of safety  
3 training, and you won't find a supervisor  
4 out there supervising an operation unless  
5 he's completed the 30-hour training. And  
6 more than that, there's a cost to be paid  
7 for lost man hours, and that cost is  
8 assessed with an increased cost to do  
9 work. Most wages, most wages are paid  
10 and increases -- your workers comp  
11 insurance is based on wage cost. If you  
12 have a higher wage cost due to accidents,  
13 you can imagine how it affects some of  
14 these contractors that go around you.  
15 They buy insurance. They're not buying  
16 the best coverage. And you really need  
17 to look at this from more than one angle.

18 COUNCILMAN JONES: I'm going to  
19 let Councilwoman Blackwell, but a couple  
20 quick thoughts, because you said so many  
21 good things. We had a situation --  
22 hypothetically, because I'm not allowed  
23 to talk about actual. How do you make  
24 sure -- you're in bonding and insurance.  
25 How do you make sure because of the

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2 length of time a permit -- we have an  
3 open end of a permit, that you can get it  
4 on today and it's good for six months.  
5 How do I coincide that permit with  
6 insurance and making sure for every part  
7 of that job, it is active and covered and  
8 did not lapse?

9 MR. VALLERY: Well, when a  
10 certificate of insurance is issued to a  
11 contractor, he's got -- if it's a City  
12 contract, he has to bring that  
13 certificate -- you have to bring a  
14 certificate from his broker. The broker  
15 describes precisely what that certificate  
16 is to cover.

17 COUNCILMAN JONES: The period  
18 of time.

19 MR. VALLERY: The period of  
20 time. When that time expires, that  
21 certificate expires and it's no longer  
22 valid on the project. So one of the  
23 things they should be looking for is a  
24 certificate of insurance that's required,  
25 and it should be done at the operating

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2 level to make sure that it's being  
3 checked from time to time, and that's  
4 where you would do it.

5 COUNCILMAN JONES: So right on  
6 site.

7 MR. VALLERY: You had it as a  
8 requirement, because it's available and  
9 it's given at the time the contract is  
10 awarded.

11 COUNCILMAN JONES: The Chair  
12 recognizes Councilwoman Blackwell.

13 COUNCILWOMAN BLACKWELL: Thank  
14 you.

15 Do people on work sites or  
16 everyone on a work site or the leader on  
17 a work site take OSHA training and yours,  
18 and what's the difference? Do they have  
19 to take both, and what's the difference  
20 in your training and OSHA training?

21 MR. ALI: OSHA training is OSHA  
22 training. I'm just the instructor. I  
23 train from the book.

24 COUNCILWOMAN BLACKWELL: So  
25 that's OSHA training?

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2 MR. ALI: Yes, ma'am. They  
3 have to be aware, like I just said  
4 earlier, PPE, personal protective  
5 equipment. There have to be certain  
6 types of hard hats. You just can't put  
7 on a hard hat. There's certain numbers  
8 for certain time of demolition or type of  
9 work you're doing. You just can't put on  
10 goggles. OSHA express all that, explains  
11 everything that you're doing. So we are  
12 just enforcing it on the job site.

13 COUNCILWOMAN BLACKWELL: So, in  
14 other words, if leaders on a job site  
15 take Safety First, then they have the  
16 OSHA training?

17 MR. ALI: Yes, ma'am.

18 COUNCILWOMAN BLACKWELL: And  
19 they're certified on demolition and  
20 construction sites; is that so?

21 MR. ALI: Yes. That's the  
22 same.

23 COUNCILWOMAN BLACKWELL: Thank  
24 you.

25 COUNCILMAN JONES: Just final

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2 point, unless there are others from the  
3 Committee --

4 MR. ALI: Excuse me.

5 COUNCILMAN JONES: One quick  
6 question. Can a training program of  
7 safety -- and you mentioned that it is  
8 often given as a matter of routine out of  
9 unions and union halls. Could there be  
10 one -- twofold -- one issued by the City  
11 for those people seeking OSHA-10? Could  
12 it be designed for the City and could it  
13 be designed for public schools?

14 MR. ALI: Yes.

15 COUNCILMAN JONES: So the  
16 answer is yes?

17 MR. ALI: Yeah. I do that. I  
18 was the Safety Director of the Job Corps.  
19 That was one of my curriculums. I call  
20 them safeguards, to help them be a better  
21 candidate for employment. If you're in  
22 Job Corps, you didn't make it in high  
23 school. So this is like your last hope.  
24 Either a judge send you or you're trying  
25 to better yourself.

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2 So I came here as a safety  
3 officer. I put a curriculum together,  
4 because the same reason they left high  
5 school is why they here. They didn't  
6 have the attention. Nobody could -- it  
7 wasn't academic. They didn't want  
8 academic. They wanted to work with their  
9 hands.

10 So I put a curriculum together  
11 and I asked Delaware Job Corps -- their  
12 headquarters in Utah -- I asked them to  
13 approve it. Right now as we speak,  
14 there's a curriculum, 10 to 30-hour OSHA,  
15 and I had -- well, it's 10, 30-hour OSHA.  
16 I teach first aid/CPR. I teach them  
17 safety awareness, consciousness. And  
18 there's two things in what I was  
19 teaching. Construction is 500. General  
20 industry is 501. So I gave them both.  
21 When construction is slow, they go to  
22 general industry. General industry is  
23 everything from the airport to  
24 McDonald's. OSHA is in every industry.  
25 So if you at the airport, they give you a

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2 checklist. Your checklist is make sure  
3 exit signs is working, alarm is working,  
4 fire extinguishers updated. So we can  
5 put them in school.

6 COUNCILMAN JONES: Does the  
7 Committee have any other questions for  
8 this group to testify?

9 (No response.)

10 COUNCILMAN JONES: I just want  
11 to echo thank you for your insight.  
12 Thank you for the 1,500 properties that  
13 were demolished where we didn't lose  
14 lives. Thank you for the 60 contractors  
15 that you put in business. And I predict  
16 your future contributions will be useful  
17 also in keeping us safe on construction  
18 and demolition sites. So thank you both  
19 very much.

20 MR. ALI: All right.

21 COUNCILMAN JONES: The next  
22 panel to testify.

23 COUNCILWOMAN BLACKWELL: Thank  
24 you very much.

25 THE CLERK: Jay McCalla and Jim



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2 Foster.

3 (Witnesses approached witness  
4 table.)

5 COUNCILMAN JONES: Thank you  
6 for your patience. Good afternoon.  
7 Mr. McCalla, you have been in that chair  
8 before, I believe.

9 MR. McCALLA: Once, twice at  
10 least. It's always been pleasant.

11 COUNCILMAN JONES: We'll try to  
12 keep that track record alive.

13 Thank you and good afternoon.  
14 State your name for the record and begin  
15 your testimony, please.

16 MR. McCALLA: Members of the --  
17 honorable members of the Special  
18 Investigative Committee, I am Jay  
19 McCalla, former Deputy Managing Director  
20 for Mayor Street's Neighborhood  
21 Transformation Initiative, which  
22 demolished what approaches about 6,000  
23 properties in the City of Philadelphia  
24 during a concentrated period of time,  
25 without a single compromise of public

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2 safety.

3 For NTI, along with Hill  
4 International, we developed a unique  
5 specification for demolition after  
6 carefully reviewing the standards used by  
7 the Redevelopment Authority, the Housing  
8 Authority, and Licenses and Inspection.  
9 We raised the standards.

10 At this point, it should be  
11 clear that the disaster at 22nd and  
12 Market was avoidable. Once the  
13 demolition of the third story was  
14 completed, leaving a two-story wall  
15 untouched, it was obvious that a collapse  
16 was possible. Once the demolition of the  
17 second story was completed, leaving a  
18 three-story wall untouched, it was  
19 obvious that a collapse was likely, and  
20 so on.

21 It is my view that there is  
22 distinct room for improvement on the part  
23 of Licenses and Inspection, which is a  
24 good department, but it is woefully  
25 understaffed. Certainly there must be

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2 far more effective -- there must be a far  
3 more effective way to connect citizen  
4 complaints to the appropriate department  
5 supervisors with genuine followup,  
6 analysis, and feedback on those  
7 complaints. Plainly, that current system  
8 does not exist now at L&I.

9 I urge the following reforms in  
10 two categories. With regard to  
11 procedures, demolition plan, the  
12 contractor must present a written  
13 demolition proposal which specifies the  
14 method of demolition, be it hand or  
15 machine, including provisions for public  
16 safety. That plan must be approved in  
17 writing at the Deputy Commissioner level.  
18 This will enhance accountability and  
19 diligence throughout the chain of  
20 command. A significant fine must be  
21 imposed for any material deviation from  
22 that plan that might impact worker or  
23 public safety.

24 Also, I will add, which is not  
25 part of my testimony, that there must be

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2 a daily toolbox conference. That's  
3 something that L&I had -- excuse me; NTI  
4 had on every demolition site, and we did  
5 maybe 6,000 properties, where there is  
6 someone on every demolition crew who is  
7 designated to be in charge of safety, and  
8 that person every morning gathers the  
9 crew around the toolbox -- it's a  
10 metaphor -- and discusses yesterday's  
11 safety incidences, safety incidents from  
12 the past and things that might not be  
13 resolved in terms of their safety  
14 procedures. But every demolition site  
15 has to be somebody whose job it is to  
16 address safety issues, someone other than  
17 the foreman.

18 The duration of the demolition  
19 permit: It's my view that L&I must set a  
20 specific near-term start date and  
21 completion date for demolition activity,  
22 with permits automatically expiring after  
23 30 days. Once the physical trauma of  
24 demolition commences, the integrity of  
25 the structure may change. Structural

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 integrity can also be negatively impacted  
3 by weather conditions such as heavy rain,  
4 excessive wind or weight of snow. Thus,  
5 public safety is best protected by an  
6 expeditious commencement and completion  
7 of the work.

8 Expiration after 30 days will  
9 sharply reduce the tendency of some  
10 contractors and property owners to drag  
11 their feet or abandon demolition once  
12 started. Some property owners, once  
13 ordered to demolish by L&I, will get a  
14 demo permit merely to placate the  
15 department, but without any serious  
16 intention of vigorously proceeding. The  
17 mere existence of a partially demolished  
18 property is a danger in a community. A  
19 significant fine should be attached to  
20 any renewal after the 30 days of a  
21 demolition permit, thus adding incentive  
22 to complete the work under the terms of  
23 the initial permit. And, again, I  
24 suggest that authorization for the  
25 renewal of the demolition permits should

1           8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2           be made in writing at the Deputy  
3           Commissioner level upon proper review.  
4           Again, tying the Deputy Commissioner into  
5           the demolition activities as a routine  
6           matter increases internal accountability  
7           so that you know that one hand is talking  
8           to the other.

9                         Demonstration of insurance and  
10           bonding: Both items serve to protect the  
11           City in terms of liability and guarantees  
12           against the contractor's failure to  
13           perform. A failure to perform may result  
14           in the extended presence of a dangerous  
15           property which may otherwise have to be  
16           abated at the expense of the City.

17                        Demonstration of arrangements  
18           for disposal of debris: It is reasonable  
19           to believe that much of the short dumping  
20           in our city is due to cut-rate demolition  
21           activity that did not provide for the  
22           proper disposal of debris in an approved  
23           landfill. I would wonder if the  
24           demolition contractor at 22nd and Market  
25           had an approved plan and a relationship

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2 with a landfill to haul away all of that  
3 debris given the price he was charging.

4 Environmental and worker  
5 protection: As federal law prohibits the  
6 free release of asbestos into the  
7 environment, it is desirable that a  
8 survey be conducted to determine the  
9 presence or absence of this known  
10 carcinogen in properties to be  
11 demolished. This is a recommendation,  
12 but it was a standard that was employed  
13 throughout NTI. No property was  
14 demolished unless we could verify through  
15 the certification of an inspection team  
16 that it was free of asbestos.

17 Site visits and accountability:  
18 There must be a commitment by Licenses  
19 and Inspection to visit each demolition  
20 site at least twice during the activity,  
21 issuing a written report on compliance  
22 with approved demolition method, public  
23 safety and worker safety to supervision;  
24 that is, their supervision at L&I, each  
25 time. Those visits should also include

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 direct contact with the highest  
3 operational representative of the  
4 demolition firm on the premises, also  
5 obtaining a signature that would verify  
6 the inspector's visit.

7 That's all about closing the  
8 loop so that there's no confusion as to  
9 whether or not an inspector was there.  
10 There would be no mistake about the  
11 status of what he found, and that you can  
12 prove his visit. And with that report  
13 being turned in to his supervision and  
14 the oversight of a Deputy Commissioner,  
15 you're really connecting the whole line  
16 of accountability about what goes on in  
17 demolition and who is accountable.

18 The final recommendation deals  
19 with staffing. It is impossible to  
20 imagine L&I successfully discharging its  
21 public safety responsibilities without  
22 increasing or supplementing its staff.  
23 The collapse of piers and buildings  
24 underscore the importance of this  
25 comparatively small department.



1 8/15/13 - SPECIAL COMMITTEE - RES. 130546

2 Understanding any reluctance to  
3 substantially increase the City's  
4 payroll, I would recommend private  
5 engineering firms and experienced L&I  
6 retirees on a contracted basis as a  
7 quick, reasonable, and cost-effective way  
8 to acquire the human capacity to  
9 implement these reforms, including a  
10 meaningful inspection regime that would  
11 far better protect the general public and  
12 the interests of the City.

13 That concludes my testimony.

14 COUNCILMAN JONES: Do we want  
15 to stop here or we want to let the --

16 COUNCILWOMAN BLACKWELL: I only  
17 have one short comment.

18 COUNCILMAN JONES: Councilwoman  
19 Blackwell.

20 COUNCILWOMAN BLACKWELL: Thank  
21 you.

22 Certainly we want to thank Jay  
23 McCalla, known him for many, many years.  
24 And you may or may not know that all  
25 through our hearings, people have

1           8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2           remarked about the excellent way it  
3           happened under L&I and that that plan  
4           apparently was just done away with and  
5           something new started under NTI, yes. So  
6           certainly we thank you as leading that  
7           effort under NTI, and certainly many of  
8           you know Marty Cabry, who is on my staff.  
9           In fact, he's worked himself up to my  
10          Chief of Staff, who is my Zoning Chair,  
11          and he's my Zoning Chair because he  
12          worked under Jay McCalla and understood  
13          all of this. So it gives you a heads-up  
14          when we have these kinds of issues in our  
15          districts, but --

16                       MR. McCALLA: Marty was  
17                       extremely valuable, extremely valuable,  
18                       Marty Cabry.

19                       COUNCILWOMAN BLACKWELL: Thank  
20                       you. Thank you for all you did under NTI  
21                       in this area.

22                       MR. McCALLA: My pleasure.

23                       COUNCILMAN JONES: Mr. Foster,  
24                       give me a second.

25                       A couple of quick, rapid-fire

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 questions, because we have a long list,  
3 but I do too remember when you were head  
4 of that and I took for granted the safety  
5 levels. I guess you take for granted  
6 things until they're not there anymore,  
7 and we took for granted NTI.

8 A couple of quick things. To  
9 what degree did you coordinate  
10 interdepartmentally? I mean, did you  
11 work with the Fire Department? Did you  
12 work with Public Property? Was there any  
13 interdepartmental cooperation during that  
14 time?

15 MR. McCALLA: It was ordered.  
16 Every Monday at 1 o'clock, maybe between  
17 1:00 and 3:00, we had an operations  
18 meeting where Hill International, the  
19 professional engineering firm, was  
20 present. We had a representative of the  
21 Law Department. We had Streets  
22 represented. We had the Mayor's Office  
23 of Community Services represented.  
24 Whoever we thought we needed to have to  
25 consult with was there, from -- I forget

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2 the name of the organization in the  
3 government that relocates people.

4 Because oftentimes we'd come upon a  
5 building that needed to be demolished  
6 that still had a family in it. So that  
7 was a matter that we had to finesse.

8 So the answer on how all of  
9 that went so very well is, we had  
10 everybody in the room. It was a  
11 unique -- unique in a government where I  
12 guess most governments have silos. We  
13 just had a big barn and brought everybody  
14 in, and every week every concern was  
15 heard, every concern was addressed. We  
16 were able to pinpoint -- if someone is in  
17 a house that has a breathing problem, we  
18 could coordinate through the Health  
19 Department. It was very, very good.

20 But one thing I want to bring  
21 up, if I may, and I think it's important  
22 in the public safety element of  
23 demolition. We found that when we  
24 brought down five or six houses in a row,  
25 in a string, oftentimes rats would scurry

1           8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2           through the neighborhood, lots of rats,  
3           and we needed only to experience or  
4           encounter that one, two or three times or  
5           get yelled at one, two or three times by  
6           neighbors who cared before we started to  
7           set traps a week in advance in the  
8           basements of those homes, properties that  
9           we were going to demolish. That  
10          eliminated the problem.

11                        There's a lot of needles to  
12          thread to make it safe, not just for the  
13          workmen and not just for the passersby,  
14          but for the people who live in the area  
15          who would be inconvenienced with a  
16          demolition that's partially done and  
17          remains dangerous therefor and a  
18          neighborhood where rats are scurrying  
19          when they don't really have to.

20                        COUNCILMAN JONES: That's an  
21          unintended consequence, something to  
22          think about.

23                        MR. McCALLA: And we planned  
24          for it. We did.

25                        COUNCILMAN JONES: A couple of

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 things real quick, and I see my colleague  
3 wants to ask a question as well. Closing  
4 the loop, you mentioned. On a permit,  
5 give me critical names that need to be  
6 affixed to that permit so that we can  
7 have greater accountability at the end of  
8 the day. And we pray that everybody has  
9 a safety record like NTI had, but in the  
10 case of keeping people's covenant with  
11 the City of Philadelphia, whose names  
12 need to be affixed to an L&I permit for  
13 demolition or construction?

14 MR. McCALLA: I think whoever  
15 it is who receives the first information.  
16 If you're asking for a certification that  
17 the house is now free of environmental  
18 hazards, if you're asking for  
19 certification that this contractor has a  
20 relationship with a landfill so that we  
21 know this stuff isn't going to get short  
22 dumped once it's moved from the site.  
23 Whoever that person is who gathers that  
24 probably ought to be the same person who  
25 is able to look at the proposed plan and

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 make a recommendation yay or nay. But  
3 because of the high sensitivity and the  
4 high fallout that can occur with a bad  
5 demolition, I would think that that  
6 person who prepares that package and  
7 examines the safety plan, again, if it's  
8 hand demolition or machine demolition,  
9 and approves the public safety element as  
10 to whether or not it's fenced in or  
11 what -- I mean, if you're demolishing the  
12 little house on the prairie, public  
13 safety is not that big a factor. If  
14 you're doing 22nd and Market, it's a darn  
15 big factor. But I don't know at what  
16 level that would be.

17 COUNCILMAN JONES: So on the  
18 City side, you mentioned, which was  
19 intriguing, Deputy Commissioner level on  
20 the person taking out. So I'm thinking  
21 the owner of the job, whoever owns the  
22 property, the construction GC in charge,  
23 and any subcontractors that are  
24 associated, along with whoever is signing  
25 off on the safety plan if we require one,

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546

2 at a minimum.

3 MR. McCALLA: Yeah, I think all  
4 those externals, the owners, the  
5 contractor, perhaps the name of the  
6 foreman on the outside, those people --  
7 their names should be on that final  
8 document that the City issues that says  
9 go. But internally whoever prepares it,  
10 the package of information that we  
11 require, that person's supervisor  
12 certainly or maybe it should be at a  
13 supervisory level where this work is, the  
14 permits are gathered. But certainly I  
15 strongly believe that a Deputy  
16 Commissioner should be signing off on all  
17 the demolitions. Deputy Commissioners  
18 are bureaucrats who want to do the best  
19 job they can and stay around long to do  
20 the best job they can, and putting them  
21 on the line I think enhances that there  
22 will be questions asked, that there'll be  
23 fewer rubber stamping of permits.

24 COUNCILMAN JONES: So we're  
25 probably going to wrestle with what level



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2 of jobs, like you said, little house on  
3 the prairie individual jobs versus larger  
4 permits, and we'll figure out a sliding  
5 scale of that, but you mentioned two  
6 visits by L&I. Give me the significance  
7 of those.

8 MR. McCALLA: Well, I said at  
9 least two, because in an ideal world, I  
10 think they should be there on day one,  
11 somewhere in the middle of the course of  
12 it, and then on the final day. A  
13 demolition that starts wrong is going to  
14 just continue to go wrong, and the old  
15 days people are very, very comfortable  
16 with. Again, my understanding, and I may  
17 be wrong, but the inspector for 22nd and  
18 Market had at least several hundred  
19 properties. So the average experience of  
20 a demolition contractor is, he may or may  
21 not see anybody ever from the City. So I  
22 think to get it off right, you have  
23 somebody there on day one to make sure  
24 you look around and eyeball, do you have  
25 the helmets, do you have -- who is your

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2 guy? Let me meet the guy who is your  
3 safety officer who will hold those  
4 morning toolbox conferences. And you  
5 just eyeball the crew. Do they seem  
6 sober? Those kinds of simple  
7 observations.

8 L&I has police power. They can  
9 stop any demolition activity, any  
10 construction or renovation activity, any  
11 time they want. They're a very powerful  
12 organization. In fact, when the Public  
13 Nuisance Task Force run by the District  
14 Attorney was trying to close nuisance  
15 bars, L&I was an important part of it,  
16 because when you couldn't get them on  
17 liquor violations, you can always get  
18 them on some violation from L&I, and we  
19 were always able to shut down a bar more  
20 frequently because L&I says you're out of  
21 code on this. They have police powers  
22 and can stop anything any time.

23 But those two -- excuse me; at  
24 least two visits, just make sure that  
25 nothing is going wrong, a verified visit

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 where, as I proposed, the inspector  
3 visits the site, has a conversation with  
4 the highest representative of that  
5 demolition company on site, and signs --  
6 a statement is signed verifying that I,  
7 the inspector, was there and here's the  
8 report to my supervisor would have  
9 virtually guaranteed that once --  
10 anywhere between the coming off of the  
11 third level at 22nd and Market or the  
12 second level coming off of 22nd and  
13 Market, it would have been obvious that  
14 you had at that stage either a two-story  
15 undemolished wall and unsupported wall or  
16 a three-story unsupported, undemolished  
17 wall. At neither level could you attach  
18 scaffolding. At that point, certainly  
19 when it gets to the ground level, there  
20 was no safe way on God's earth to  
21 demolish that wall. It was going to fall  
22 forward or it was going to fall back,  
23 just a matter of time. And that's  
24 something that could have been caught at  
25 any time during this process, and that's

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2 why I really strongly believe that L&I  
3 just has to show I say at least twice,  
4 assuming that some of these are going to  
5 be row houses that don't really require  
6 much of oversight, except that the  
7 neighboring houses are also in danger.

8           You're going to find when a  
9 house in the middle of a block comes  
10 down, it's likely that one of the two  
11 neighboring properties are going to have  
12 water problems. It's likely that their  
13 basements are going to be compromised.  
14 It's likely that at the ceiling where the  
15 houses were joined rain is going to get  
16 in. And so there has to be some  
17 contingency in the bidding that makes the  
18 contractor able to come back. If the  
19 contractor wants to run, he's going to  
20 run, unless he has some money set aside  
21 where it doesn't kill him to have to come  
22 back. But that's a large problem also.  
23 Once middle properties are demolished,  
24 the houses that adjoin them have  
25 rainwater in the basement or rain coming

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546

2 in the roof where they were adjoined.

3 COUNCILMAN JONES: Councilwoman  
4 Sanchez.

5 COUNCILWOMAN SANCHEZ: I'm  
6 going to try to get through this real  
7 quickly. When you talked about an  
8 environmental and worker protection plan  
9 as required under NTI, was that just a  
10 phase one or was it something different?

11 MR. McCALLA: It was a simple  
12 one. I believe it would be called a  
13 phase one. I can't recall exactly what  
14 level it was, but it was not the same  
15 kind of environmental inspection that we  
16 would perform if there was a closed gas  
17 station and you wanted to dig down to  
18 excavate the gas tanks and then excavate  
19 the soil below that.

20 COUNCILWOMAN SANCHEZ: It's a  
21 piece that we really haven't kind of  
22 fleshed out, so I'm glad you mentioned  
23 it, because I think it's something we  
24 need to look at.

25 You also brought up something

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 that was really important, which was the  
3 plan for disposal. We recently did a  
4 pilot and we put out a camera in the  
5 dumping that I had around 2nd and  
6 Bristol, and the three people that we  
7 caught were small contractors from out of  
8 town dumping construction debris. So you  
9 hit me in my heart, because I was like,  
10 yeah, this is crazy. So I can easily see  
11 us looking at particularly on the scales,  
12 as we talk about scales, some sort of  
13 requirement as part of demolition  
14 removal, because we hadn't really fleshed  
15 out removal and I think that's an  
16 important component.

17 On the insurance and the  
18 bonding, this has been an area -- I  
19 passed a seal bill with L&I, and we've  
20 been working through it, because part of  
21 the bill -- there's a bonding issue so  
22 that the City can collect as we seal some  
23 of these big buildings and so forth. How  
24 was that handled through NTI? Any  
25 lessons learned? You don't have to

1           8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2           answer now, but I want to know with your  
3           bond requirements, if you can make some  
4           recommendations to the Committee about  
5           how you make sure that it's easy -- one  
6           of the problems that we have,  
7           particularly with L&I, is the work that  
8           we do and remediate, we can't recover  
9           costs. So that piece becomes an  
10          important piece. So I'd be interested to  
11          get your feedback on how you guys managed  
12          that at NTI, because that's such a large  
13          scale.

14                       MR. McCALLA: Well, I can speak  
15          to it briefly, and that is to say, the  
16          bonding -- many of the primes -- every  
17          prime contractor that we employed had  
18          their own bonding. If you are a  
19          subcontractor and you were doing work  
20          under that contract with the prime  
21          contractor, say your job is to stucco the  
22          remaining party walls that exist from  
23          taking down a property in the middle of a  
24          block or if you are the environmental  
25          firm that does the inspection for the

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2 presence or absence of asbestos, you're

3 covered by the bonding of the general

4 contractor. And minority firms don't

5 have a high level of an ability to get

6 bonding, so that will be a question.

7 Though I know it's always been kicked

8 around about the City creating a pool of

9 money, a limited amount of money, that

10 gets recycled so as to provide bonds for

11 good-skilled firms that just can't get

12 bonding. That's an age-old question and

13 there's an age-old solution. It's just

14 that it never seems to get done.

15 COUNCILWOMAN SANCHEZ: Thank

16 you.

17 MR. McCALLA: Thank you.

18 COUNCILMAN JONES: Thank you,

19 Councilwoman. Thank you, Councilwoman.

20 And Councilwoman Blackwell.

21 COUNCILWOMAN BLACKWELL: Thank

22 you.

23 We just wanted to ask Jay if

24 you'd be available as we deliberate on

25 the outcomes of this Committee hearing



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2 and make recommendations, if we can call  
3 on you to tap into your knowledge and  
4 experience.

5 MR. McCALLA: It would be a  
6 pleasure.

7 COUNCILWOMAN BLACKWELL: Thank  
8 you. Thank you.

9 COUNCILMAN JONES: Thank you.

10 MR. McCALLA: Thank you.

11 COUNCILMAN JONES: Mr. Foster,  
12 thank you for your patience.

13 MR. FOSTER: Councilmembers, my  
14 name is Jim Foster, editor of the  
15 Northwest Independent and a lifetime City  
16 resident.

17 Council staff told me recently  
18 that today's hearing is the last  
19 regarding demolition and public safety.  
20 I found that -- I find that  
21 irresponsible. I have attended every one  
22 of these meetings. How can we possibly  
23 divorce the wall collapse issues from  
24 these hearings held by the Public Safety  
25 Committee, as they have provided so much

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2 eye-opening evidence that there has been  
3 culpable negligence by the City at many  
4 levels and over extended periods?

5 High-level officials close to  
6 the Mayor, summarizing the streamlining  
7 of L&I, use quotes like "we got more  
8 oversight with less supervision" and tell  
9 us that there was no longer a standard  
10 for demolition practices uniformly  
11 applied. But Commissioner Levin spelled  
12 out that there had been and how essential  
13 it was.

14 We listened to extensive  
15 testimony verifying that there are people  
16 who know how to tear down structures  
17 safely. Well, to put it in a  
18 neighborhood vernacular, who don't know  
19 that? We have been building and  
20 demolishing buildings with common laws in  
21 this city since the 1700's. There are  
22 lots of folks who know how to properly  
23 demolish buildings under those  
24 circumstances.

25 But to quote the most important

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2 statement from that day was from  
3 Mr. Macklin of the Minority Contractors  
4 Association who said, and I quote, "It's  
5 not that we don't know how to tear down a  
6 building properly, but do those in charge  
7 of the process care if it's done that  
8 way."

9 A review of how much L&I was  
10 changed from a public safety division to  
11 an arm of the Commerce Department can be  
12 found in the 2011 report the City  
13 prepared, paid for by the William Penn  
14 Foundation and widely circulated.

15 We learned that recently  
16 transferred L&I Commissioner from 2008 to  
17 2012, Fran Burns, had to be subpoenaed to  
18 attend, and she offered little  
19 reassurance that she had full  
20 understanding of the demolition process  
21 or that life safety standards were a  
22 priority under her watch. However, the  
23 testimony of former Commissioner Bennett  
24 Levin the same day set the room on fire.  
25 Speaking for dead people, Mr. Levin

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2 recounted his personal experience with a  
3 system rife with insider dealing and the  
4 side stepping of due process in code  
5 enforcement over the years, but telling  
6 the Committee, in essence, that most of  
7 the reforms he put in place from '92 to  
8 '95 were undone and it was business as  
9 usual, with politics and patronage  
10 trumping consistency and experience, in  
11 not only oversight of work done but in a  
12 previously existing pattern of proactive  
13 public safety measures done in  
14 anticipation of problems that had been  
15 completely disregarded. His summary  
16 quote on the deaths says it all. Quote,  
17 "The fact that people died in a building  
18 collapse under current City policies was  
19 as sure to happen as the fact we get a  
20 full moon every 28 days."

21 The Inquirer turns up some very  
22 telling e-mail exchanges with attorneys  
23 for both the collapsed building and the  
24 one the wall fell onto. Further, their  
25 concerns for safety are copied to the one

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2 man who could have shut it down instantly  
3 until resolved. Deputy Mayor Alan  
4 Greenberger of City Planning, also head  
5 of Commerce and, therefore, with  
6 authority over L&I, left the problem in  
7 the hands of the attorneys to work out.  
8 How does someone at that level walk away  
9 from what he had to know could go very  
10 wrong? We have yet to hear from those  
11 attorneys, the developer, the contractor,  
12 and those related to the actual project,  
13 while one worker is held as the only one  
14 negligent.

15 Sometimes I get aggravated when  
16 readers don't seem to respond to some of  
17 the explosive articles we print, but let  
18 me assure you that no issue has brought  
19 more citizen outrage back to me as an  
20 editor than this wall collapse and the  
21 accompanying deaths. Frankly, and  
22 speaking for the citizens of this city  
23 and those who read our print and online  
24 articles under the heading of Germantown  
25 Newspapers, this should not be the end

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2 but only the beginning of the process  
3 that tells the truth about how a city  
4 unraveled its codes, played politics with  
5 due diligence, let down the citizenry,  
6 and now we have seven dead and many  
7 maimed. The cavalier attitude of the  
8 Mayor and staff cannot be justified.

9 Yes, there is an ongoing secret  
10 grand jury investigation on this issue,  
11 but DA Seth Williams is on the record  
12 that he sees no reason why City Council  
13 cannot bring as much information to the  
14 public doing its work parallel as much as  
15 possible.

16 Packing all this up during the  
17 August vacation series is an old trick,  
18 when you want to minimize attendance and  
19 interest and walk away from an unpleasant  
20 subject. This body must schedule  
21 hearings indefinitely after Labor Day and  
22 take what it learns from those who have  
23 yet to be heard from and recommend  
24 serious legal remedies.

25 Thank you.

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2 COUNCILMAN JONES: First of  
3 all, I read your articles and I actually  
4 am a reader.

5 MR. FOSTER: Thank you.

6 COUNCILMAN JONES: So I really  
7 do want to thank you for bringing  
8 attention to this serious, serious  
9 undertaking.

10 We didn't design it to be  
11 August. The building fell and we kicked  
12 into gear. So if it were December, we  
13 would have done it, but it wasn't -- I  
14 just want to give -- it wasn't designed  
15 to be in the slow period. All of us  
16 members of the Committee decided,  
17 President in particular, decided we  
18 needed to do something to prepare us for  
19 the legislative season coming up. So we  
20 weren't going to wait until September.  
21 That's number one. Let me finish.

22 So number two, this isn't --  
23 you're right. This isn't the end. This  
24 is the beginning, because this Committee,  
25 this Special Committee that was designed,

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2           melds right into the Committee of the  
3           Whole, and what we begin to do in  
4           September is change laws, change  
5           practices, change budget levels, because  
6           all of the things we learned has kept,  
7           quite frankly, us up late at night,  
8           because as Chair of Public Safety,  
9           knowing how we've been operating, I don't  
10          feel real safe. And my grand babies  
11          should be able to walk around this city,  
12          and whether it's a union, non-union,  
13          minority, non-minority, brick, it should  
14          be secured in a safe manner. And we will  
15          never ever again, I can assure you that,  
16          ever again go back to the laissez-faire  
17          days of almost an honesty system that we  
18          gave the private sector a free pass on.  
19          We were derelict in our duties not to  
20          check on them. We were derelict in our  
21          duties not to go out and not on the honor  
22          system but on the verification system say  
23          what is your safety plan that you wrote,  
24          what is the standard by which you're  
25          going to hold your company to keep our



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2 citizens safe.

3 So I read your articles. I've  
4 listened to each one of the five hearings  
5 we've had, and I know members of us that  
6 have done site visits, we came back  
7 traumatized by what we should have known.  
8 But I can guarantee you we won't go back  
9 to the bad old days of not caring.

10 So you keep writing. You keep  
11 watching, and don't worry about what we  
12 say. You watch what we do.

13 MR. FOSTER: Well, that's  
14 reassuring, Chairman Jones. Thank you  
15 for those comments. I just would have to  
16 say that when I called to find out when  
17 the public was going to be permitted to  
18 speak, a staffer told me, Well, there's  
19 only going to be five meetings. The  
20 dates are certain. The public can only  
21 speak at the last one. And I asked her  
22 specifically, I said, Well, in view of  
23 what we're uncovering as we go through  
24 these meetings, how could you have known  
25 in advance how many meetings there would

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2 be before you reached the point where you  
3 would say, Okay, we've gotten all the  
4 essential information that's reasonable  
5 and then have -- but I was assured that  
6 they knew in advance there could only be  
7 that many. That wasn't reassuring. I  
8 will tell you jokingly I asked her if  
9 Carnac worked for City Council, but --  
10 COUNCILWOMAN SANCHEZ: No.  
11 Again, just to kind of reiterate what the  
12 Chairman said, we are trying to produce a  
13 report that gives the public an  
14 opportunity to look at a blueprint. We  
15 wanted to respond a little bit to the  
16 Mayor's Executive Order. We expect that  
17 there will be several legislative  
18 initiatives that will require more public  
19 input. And so we're dissecting this by  
20 areas. That's why we're asking  
21 pre-development, post-development, all of  
22 those things. All of those pieces of  
23 legislation will require more public  
24 input. All of those pieces of  
25 legislation as they get implemented will

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2 require reporting back kind of to the  
3 Committee.

4 So this is in fact -- you are  
5 correct, this is the beginning of a  
6 process. When you look at as we draft  
7 the report, there are different elements  
8 to this. There's clearly our renewed  
9 commitment, and as Chair of L&I, I say  
10 this -- this was a debate I had  
11 constantly -- is, we have to be more than  
12 just code enforcement. We have to be  
13 public safety, and I think that's come  
14 out in the hearings. This notion of, in  
15 particular with our new Commissioner,  
16 embracing that they're the public safety  
17 entity. As the previous witness  
18 testified to, this is an agency that  
19 wields much power. And so we absolutely  
20 are committed to using that authority and  
21 committed to the additional funding that  
22 is necessary.

23 So there is going to be  
24 continuous public input on this process,  
25 and one of the things that we've learned

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2 through this process is that we're not  
3 going to be able to deal with all of the  
4 budgetary issues in one year. So we  
5 really do have to come up with a  
6 multi-year process about what we want to  
7 do. I think one of the things you heard  
8 the Commissioner testify to, since you've  
9 been to all of these sessions, is, there  
10 is a significant commitment to invest in  
11 our IT systems. There is a real need for  
12 realtime ability, both on our inspectors  
13 on the ground, plus our offices  
14 internally, to be able to see visually  
15 what's going on. And so we want to  
16 institute these new laws that I think the  
17 public will be pleased. I mean, we've  
18 gotten incredible input. It's really  
19 been, for those of us who are on this  
20 side of the table, very refreshing to see  
21 the amount of expertise coming not only  
22 locally, regionally, nationally, through  
23 unions, through others to really share  
24 their experiences and provide us with  
25 best practices.

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2 So this is definitely an  
3 ongoing conversation. And if the public  
4 does not believe we're doing enough and  
5 obviously you from your pulpit at the  
6 paper, you got to challenge us. That's  
7 what we're here for, and we appreciate  
8 that.

9 MR. FOSTER: I would just like  
10 to say this. Our paper did not jump on  
11 this because of the sensational nature of  
12 the deaths. And also as we've been  
13 writing articles about L&I zoning  
14 variances about issues in the Northwest  
15 for the last five years, there's been a  
16 couple of them that were pretty  
17 substantially challenging. So this is a  
18 continuum, but since we were already  
19 focused on some of these situations -- by  
20 the way, some people claimed, some  
21 individual developers or contractors  
22 complained the other way, you're too  
23 aggressive. Not you. L&I is too  
24 aggressive. They are overcharging us for  
25 this. They are running the cash register

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2 on me.

3 So the challenges came from  
4 different directions to be true, but  
5 others were completely -- you know, where  
6 somebody was doing a project for six  
7 months and had not one permit, and then  
8 the Streets Department came and took away  
9 his refuse, his asbestos in a trash  
10 truck. So this kind of stuff is the  
11 things we've been following for a while  
12 and --

13 COUNCILMAN JONES: The reason I  
14 mentioned I read your stuff is to let you  
15 know this isn't something new. I've been  
16 following your interest in this. And two  
17 things, and then we're going to move on.  
18 Two things. One, why five? Because this  
19 is such a big issue, we segmented each  
20 part - best practices, what other  
21 municipalities do, what -- you know, so  
22 we cut it up into digestible portions,  
23 leaving the public comment part for last  
24 because this was a passionate issue as  
25 well.

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2 The other thing, the  
3 beneficiary of all of this other than the  
4 City at large is going to be the Chair of  
5 L&I. So once we come up -- we have the  
6 Chair of Housing, the Chair of Public  
7 Safety, the Chair of L&I. Once we  
8 decipher through all of this, she's going  
9 to be the point person from this body to  
10 make sure good public policy arises from  
11 it. So you're the other leg of the  
12 table. You're the public pulpit that if  
13 we don't get this right and we forgot  
14 something or we could have done something  
15 better, we look for that. And you know  
16 what I found out? Usually you come up  
17 with a good piece of public policy when  
18 everybody is a little bit mad at you, and  
19 we're okay with it.

20 MR. FOSTER: Well, thank you  
21 very much for the communication and sorry  
22 it had to be under these circumstances.

23 COUNCILMAN JONES: I'll  
24 continue to read.

25 MR. FOSTER: Thanks very much.

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2 COUNCILMAN JONES: Next

3 witness.

4 THE CLERK: Roland Hall, George

5 Dixon.

6 (Witnesses approached witness

7 table.)

8 COUNCILMAN JONES: Thank you

9 for your patience. We didn't use the

10 timer yet and we're doing okay, so we

11 hope we keep up with the good work. And

12 welcome back. Can you state your name

13 for the record and either of you can

14 begin your testimony.

15 MR. HALL: Good afternoon,

16 members of the Council Special

17 Investigative Committee on Demolition

18 Practices. Thank you for the opportunity

19 to offer some general comments regarding

20 the International Code development

21 process and the Pennsylvania Uniform

22 Construction Code.

23 My name is Roland Hall. I'm

24 the Senior Regional Manager of Government

25 Relations for the International Code



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2 Council. Some people may be aware that I  
3 also serve as Chair of the Philadelphia  
4 Fire Department's Board of Safety and  
5 Fire Prevention, and I want to be clear  
6 that that's not representing that  
7 capacity here today.

8 I'll also be glad to be sitting  
9 on the panel with Mr. Dixon, because I  
10 didn't know he was going to be here  
11 today. He and I are old acquaintances.

12 The International Code Council,  
13 abbreviated ICC, is a membership  
14 association dedicated to building safety  
15 and fire prevention. We developed the  
16 codes used to construct residential and  
17 commercial buildings. Most U.S. cities,  
18 counties, and states that adopt codes use  
19 the International Codes developed by our  
20 organization. It is the mission of the  
21 ICC to provide the highest quality code  
22 standards, procedures, products, and  
23 services for all concerned with the  
24 safety and performance of the built  
25 environment. The ICC was formed in 1995

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2           by three regional model code  
3           organizations in the country. The codes  
4           produced by one of those organizations,  
5           BOCA International, were previously  
6           adopted by the City of Philadelphia as  
7           their codes, and the International Codes  
8           today are the successors to those.

9                         The citizens and businesses of  
10          Philadelphia currently benefit from the  
11          building safety and efficiency  
12          requirements using the model codes  
13          developed by the ICC, the National Fire  
14          Protection Association, that is NFPA, and  
15          other standard writing organizations.  
16          These codes are developed by the nation's  
17          leading building scientists, fire and  
18          safety officials, home builders,  
19          contractors, architects, structural  
20          engineers, et cetera.

21                        First I want to briefly explain  
22          the code development process. We know  
23          that there is some misinformation about  
24          our process out there or  
25          misunderstandings, and we take every

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2 opportunity to provide information to  
3 public officials and answer questions so  
4 as to maintain a high level of confidence  
5 in the codes that you adopt.

6 The international governmental  
7 code consensus process is the framework  
8 that we use to develop the codes, which  
9 we publish every three years. Similar to  
10 the way laws are developed, we follow the  
11 governmental consensus process that  
12 includes open forums of debate and  
13 refinement. It is an open, inclusive,  
14 balanced consensus process with built-in  
15 safeguards designed to prevent domination  
16 by any single vested interest. The  
17 system ensures fairness in the process,  
18 controls against conflicts of interest,  
19 and prevents vested economic interest  
20 from determining the outcome of the  
21 changes that are submitted to our codes.

22 Our process meets the  
23 principles determined by the federal  
24 government for codes and standards in  
25 this country.

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2 In my written testimony, I have  
3 a list laid out of some of the principal  
4 features in the process. I'm not going  
5 to read over those. I basically just  
6 want to emphasize that it's open forum.  
7 All testimony is in open public hearings,  
8 and there's wide range of interest on the  
9 committees. The end product, however,  
10 after all the deliberations are made is  
11 determined by the eligible  
12 representatives of our governmental  
13 members; that is, representatives of  
14 city, states, and other jurisdictions,  
15 like Philadelphia, who will vote on the  
16 final outcome of a particular issue.  
17 These are people that don't have any  
18 vested interest in the outcome other than  
19 the protection of public safety.

20 We also put in place certain  
21 safeguards to be sure that the process is  
22 open. For instance, the representatives  
23 that go to our hearings from the  
24 municipal members are not allowed to  
25 receive any outside financial support to

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2 attend those meetings, and they must  
3 certify to that at the hearing -- at the  
4 meetings, that they didn't get any  
5 support other than from their actual  
6 government employer. Representatives  
7 from the City of Philadelphia have for a  
8 long time been active in our process and  
9 have served on committees and provided  
10 input and voted on our code change  
11 procedures.

12 The second issue that I have  
13 been asked to address was to give a brief  
14 overview of the Pennsylvania Uniform  
15 Construction Code. Prior to the  
16 enactment of the state code, Uniform  
17 Construction Code by Act -- was called  
18 Act 45 in 1999, the responsibility for  
19 enacting building codes rested with the  
20 state's over 2,500 municipalities. This  
21 created a situation where a multitude of  
22 differing codes were in effect in the  
23 state, and actually most municipalities  
24 in the state had no code at all. In  
25 addition to the primary focus of

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2 protecting the citizens in the buildings  
3 where they live, work, and play, the  
4 Uniform Construction Code also improved  
5 the situation for insurance and consumer  
6 protection issues in the state. The UCC  
7 brought uniformity to the codes in effect  
8 in the state, making it simpler for  
9 designers, builders, and product  
10 suppliers to do business here.

11 The actual code became  
12 effective in 2004 when the Department of  
13 Labor and Industry published the  
14 regulations to implement it. Some of the  
15 features in the Act at that time were  
16 that there were a few state laws that  
17 governed building construction, certainly  
18 not any kind of comprehensive codes,  
19 something called the Fire and Panic Act,  
20 which did not apply in Philadelphia,  
21 energy conservation codes, handicapped  
22 accessibility. Those state laws were all  
23 repealed and replaced by the Uniform  
24 Construction Code, which we have now. In  
25 addition, all local enacted building

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2 codes were repealed and were voided.

3           Municipalities were given the  
4 option of enforcing the code or having  
5 the state do it if they opted not to, and  
6 in actuality, over 90 percent, I believe,  
7 of the municipalities in the state do  
8 enforce the code. The law established a  
9 certification program for code officials,  
10 including continuing education  
11 requirements. So all code officials,  
12 building inspectors, plan examiners that  
13 enforce codes in Pennsylvania have to  
14 be -- have to hold state certifications  
15 in order to keep their job.

16           Municipalities are permitted to  
17 enact ordinances that are equal to or  
18 more restrictive than the state code.  
19 However, the law sets up an appeal  
20 procedure whereby any aggrieved party can  
21 appeal those local ordinances to the  
22 Department of Labor and Industry. The  
23 Department reviews the ordinance for  
24 compliance with the Act. If requested by  
25 the municipality, a hearing is held on

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2 any appeals where both sides present

3 their arguments, and in the end,

4 Secretary of Labor and Industry makes a

5 determination about whether or not the

6 ordinance can be upheld or voided.

7 The Act lays out some criteria.

8 Specifically -- and I'm just quoting --

9 paraphrasing -- there has to be clear and

10 convincing local climatic, geologic,

11 topographic or public health and safety

12 circumstances to justify the exception.

13 The exception has to be

14 adequate for the purpose intended and has

15 to be equal to or greater than that

16 provided by the Uniform Construction Code

17 of the state.

18 The exception cannot diminish

19 health, safety, and welfare, and it has

20 to be consistent with the legislative

21 findings and purposes of the Act.

22 I do have to caution that,

23 again, I do not in any way represent the

24 Department of Labor and Industry in

25 laying out this general information.



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2 It's my overview of the process. And  
3 obviously you would have to rely on your  
4 own legal counsel's interpretation of  
5 procedures to be followed on any  
6 amendments.

7 As far as the codes that are in  
8 use, the first editions of the codes that  
9 were enacted were the 2003 editions of  
10 the code. They were updated at the 2006  
11 edition as required by the law at that  
12 time. The Legislature then passed an act  
13 creating something called the Uniform  
14 Construction Code Review and Advisory  
15 Council. This Council reviews and  
16 comments on proposed legislation to amend  
17 the state code and also was given the  
18 authority to review new editions of the  
19 code and recommend for deletion any  
20 provisions that they have found not  
21 appropriate for Pennsylvania. After  
22 review, the 2009 editions of the code  
23 were adopted without any provisions being  
24 deleted.

25 In 2011, an act revised that

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2           procedure, and the approval process now  
3           followed by the Review and Advisory  
4           Council requires a two-thirds majority to  
5           accept new provisions rather than reject.  
6           And in 2012, this Review Council actually  
7           rejected all of the 2012 codes without a  
8           review, leaving the 2009 editions in  
9           effect. So we have today the 2009  
10          editions in effect even though there are  
11          later editions from our organization and  
12          others. The next editions in 2015 will  
13          be reviewed for consideration for  
14          adoption.

15                         Again, I provided this  
16          information in order that members of the  
17          Committee have a level of confidence in  
18          the code you're using and to provide a  
19          little overview of the Pennsylvania  
20          Uniform Construction Code that again  
21          makes up the codes that the City uses.  
22          And I'll certainly be glad to answer any  
23          questions you may have either at this  
24          time or any time in the future.

25                         Thank you.

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2 COUNCILMAN JONES: Thank you so  
3 much. And I did hear you. We have  
4 speakers on in the other room I had to  
5 go, but I was listening to you, so don't  
6 think I didn't.

7 Thank you. Why don't you begin  
8 your testimony and we'll do questions  
9 with both. State your name for the  
10 record and begin your testimony. You've  
11 been here before.

12 MR. DIXON: My name is George  
13 Dixon. I'm a retired City code  
14 administrator, building inspector, zoning  
15 administrator, and the Licenses and  
16 Inspections service and operations  
17 coordinator prior to retirement. I spent  
18 32 years with the City of Philadelphia,  
19 and I'm going to go back.

20 The mission of the Department  
21 of Licenses and Inspections is to promote  
22 the general welfare and protect the life,  
23 liberty, and safety of the citizens of  
24 Philadelphia, as required by the City of  
25 Philadelphia Charter, to maintain the

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 City's building and housing stock through  
3 code enforcement, inspection, and  
4 abatement activities. The Department's  
5 provisions provide for the intake of  
6 complaints, information, and services as  
7 regards the issuance of licenses for  
8 buildings, dwellings, institutions,  
9 businesses, and commercial and industrial  
10 locations. The activities include  
11 coordination of the building, fire,  
12 electrical, zoning, planning, plumbing,  
13 housing, and fire and other safety codes  
14 such as the life safety code and the  
15 National Fire Protection Association  
16 information.

17 The enforcement activities are  
18 coordinated with the Law Department and  
19 the courts to provide for compliance to  
20 all applicable City codes. In order for  
21 the law to be effective, it must have due  
22 process.

23 The issuance of licenses and  
24 permits necessary to operate businesses  
25 and the uses of all natures prior to and

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 during the occupancy of any structure  
3 includes the signage related to and as  
4 regulated by the Department of Licenses  
5 and Inspections. Vendor and weights and  
6 measures activities includes the  
7 regulations and the inspection of vendor  
8 activities as required by local, state,  
9 and federal law.

10 The fire and building code  
11 standards related to safety are enforced  
12 and upgraded from time to time. The  
13 abatement of defective conditions and the  
14 cleaning and sealing of vacant properties  
15 and lots include emergency repairs for  
16 the occupants of properties and the  
17 demolishing of dangerous buildings. They  
18 are major activities for the Department  
19 of Licenses and Inspections.

20 The various License and  
21 Inspection administrative boards provide  
22 for the due process of enforcement, and  
23 the fees collected and the activities of  
24 the Department are vital in the  
25 production of revenue and critical to the

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2 operations of the City of Philadelphia.

3 Now, in 1952, the Home Rule  
4 Charter came in effect. In 1953, City  
5 Council passed the housing code to be  
6 effective February of 1954. That housing  
7 code provided for electric to be  
8 installed. There were many properties in  
9 the City of Philadelphia which did not  
10 have electric. They had gas. They had a  
11 gas hot water heater, and it had what  
12 they call a side arm, which had to be lit  
13 and then turned off every day. So places  
14 like Mantua, sections of South  
15 Philadelphia from 6th Street to the  
16 river, they said that if you were within  
17 500 yards of electric service lines, then  
18 you had to have it installed. Part of  
19 the jobs of the inspectors was to go out  
20 and issue this order.

21 Now, I was in the firehouse in  
22 the Mantua area one day and a fire broke  
23 out around the corner. Firemen executed  
24 what they always do. And it just  
25 happened to be a week before Christmas.

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2 And there was a fire escape on this  
3 building and there were three firemen on  
4 that fire escape with a hose, and the  
5 fire escape broke and the wall collapsed,  
6 and we lost the life of firemen.

7 Then there was the Fretz fire,  
8 Fretz Chemical Company, very large  
9 facility. We lost firemen in that fire  
10 in partial collapse.

11 We came along and then we had  
12 another bad fire along the railroad at  
13 9th and Diamond area, near Temple. A few  
14 years later we had a fire at 12th and  
15 Washington Avenue. The late Jessica  
16 Savage and the late Mayor Frank Rizzo and  
17 I were sitting and I said to him,  
18 Mr. Mayor, I looked at it, get your  
19 brother out of there, the Fire  
20 Commissioner.

21 And he said, Joe, come out of  
22 there. And he came out, but the wall  
23 went and we lost several firemen there.  
24 They were killed.

25 Then I was there with Frank

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 Rizzo when we had the Atlantic refining  
3 fire and there was fire everywhere. It  
4 was like a wave, like an ocean wave. And  
5 I said, Mr. Mayor, don't go over there,  
6 but he wanted to be close to see what was  
7 going on, and we had the explosions after  
8 explosions. And he turned to leave and  
9 he ran into his bodyguard, and that's  
10 when he broke his leg.

11 Now, we didn't have all of the  
12 facilities that we needed. The Fire  
13 Department knew who could help them. We  
14 needed wet water, and the only people  
15 that had any wet water were at the Navy  
16 Yard. So one of the fire chiefs knew  
17 somebody at the Navy Yard and he called,  
18 and they brought the wet water, the foam  
19 and the wet water, to put that fire out,  
20 and we had a great deal of concern about  
21 the rest of the refineries.

22 Now, here's a demolition  
23 problem of November the 14th, 1984 and --  
24 I'm sorry; July of 1984, South Street  
25 demolition as a result of the collapse of



1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 the building. We had a number of fires  
3 in that area over a period of time.

4 Now, when the Redevelopment  
5 Authority began to create changes in this  
6 city, we condemned 430 properties for the  
7 Redevelopment Authority so that they  
8 could build Yorktown, the Yorktown  
9 section in North Philadelphia. We  
10 proceeded to do that. The demolition  
11 contractors were adequate. They weren't  
12 big, but they were adequate, and they did  
13 it safely over a period of time.

14 You can't limit the length of  
15 time because you don't know what the  
16 construction is going to be. We had in  
17 Southwest Philadelphia buildings which  
18 were condemned, and they were constructed  
19 of steel, reinforced concrete, and you  
20 weren't going to take them down  
21 overnight. They do it today because they  
22 have explosions and take a building down  
23 like they did Sears.

24 But the point is, every  
25 generation brings a new technique, and

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 the safety factors are always present  
3 from the standpoint of the insurance  
4 company and from the standpoint of OSHA.  
5 OSHA comes after the fact. They're not  
6 on the site. If you get an engineering  
7 plan, you have an engineering plan,  
8 that's fine, but if there's nobody in the  
9 field who can supervise to make sure that  
10 that's followed up, you still got human  
11 nature to deal with, and that's where you  
12 have to be careful.

13 Now, our codes have not changed  
14 that much, but the Department may  
15 establish regulations to protect persons  
16 and property from hazardous conditions  
17 created by construction, maintenance, and  
18 removal of structures or excavations.

19 Before any construction is  
20 commenced, plans and specifications  
21 showing the design and materials and  
22 methods of temporary bracing, sidewalk  
23 shelters, platforms, truck runways,  
24 trestles, foot passages, guard fences and  
25 on and on shall be provided. No

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 construction shall be commenced until the  
3 Department approves the plans and  
4 specifications for temporary structure  
5 and for demolition work.

6 All public utilities had to be  
7 notified so that the gas and electric is  
8 off, made safe. We had a situation at  
9 Markoe and Linmore Street in West  
10 Philadelphia where a gas was leaking and  
11 we were out there and the Gas Works was  
12 there, and an explosion happened that  
13 blew the building down, and the lady who  
14 had six children she had worked hard to  
15 send to college went back in her house to  
16 get the diplomas off the wall, and then  
17 we had to dig for her, a frightful  
18 experience, and the family said,  
19 Mr. Inspector, can you please go to the  
20 morgue with us. That's an experience you  
21 don't need to have.

22 So this is a very serious  
23 situation when it comes to safety. I  
24 listened very intently to some of the  
25 folks who were here. And I was the

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 coordinator when we had the unfortunate  
3 situation in the Cobbs Creek area in  
4 1985, and the good Mayor did everything  
5 he could to help all of those people who  
6 had suffered under that circumstance.  
7 Judy Robinson was the Director of  
8 Housing, and she sent orders and  
9 requested information, and James Bright  
10 was the Managing Director, and each of  
11 the departments in the City of  
12 Philadelphia coordinated activity. The  
13 late Clayton Carter who sat in this room  
14 and Mrs. Anderson and myself, we spent  
15 weeks out there doing what we could to  
16 correct the situation and to cause no  
17 violations remain, and the City helped  
18 everyone.

19 So I think that every  
20 generation has problems. That rain on  
21 this past Tuesday, I think you're going  
22 to find that there will be many houses  
23 which will have structural problems as a  
24 result of that, and you have to be  
25 prepared for that, but you can't budget

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 it. Somebody has to take care of their  
3 own concerns. The City can't do  
4 everything for everybody. But at the  
5 same time, we can get the cooperation of  
6 community groups like we did in Model  
7 Cities when we went around with groups of  
8 people and spent a great deal of time,  
9 officers and social workers, so that we  
10 informed the public. That's the key. If  
11 people know what to do, they will help  
12 eliminate problems.

13 Today you have a problem in the  
14 community with the drugs. We didn't have  
15 that years ago. But if we create an  
16 attitude and concern for people and  
17 educate them, then we will be able to  
18 make this city safer, and that's  
19 basically what has to happen.

20 Thank you.

21 COUNCILMAN JONES: Thank you.

22 Are there any questions for  
23 this panel?

24 (No response.)

25 COUNCILMAN JONES: Seeing none,

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546

2 thank you.

3 COUNCILWOMAN BLACKWELL: We  
4 want to thank you. We worked with  
5 Mr. Dixon, Lucien Blackwell before me,  
6 and many of us worked with Mr. Dixon a  
7 long time. We thank you.

8 COUNCILMAN JONES: Thank you  
9 for your comments.

10 Will the Clerk please read the  
11 next panel to testify.

12 THE CLERK: Walt, and you know  
13 who you are; Mike McGraw; John Kane; and  
14 James McStravock.

15 COUNCILWOMAN BLACKWELL: Let me  
16 apologize for you having to wait so long,  
17 gentlemen. We know how valuable your  
18 time is.

19 (Witnesses approached witness  
20 table.)

21 COUNCILMAN JONES: I think  
22 that's Krzyzanowski, Walt?

23 MR. KANE: Krzyzanowski.

24 COUNCILMAN JONES: There you  
25 go. That wasn't too bad.

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2 MR. KANE: Try to spell it.

3 MR. KRZYZANOWSKI: This

4 testimony regarding Department of License

5 and Inspection's procedures submitted on

6 August 15th to the City Council

7 Committee. My name is Walt Krzyzanowski.

8 I'm a registered master plumber, No.

9 2749, in the City of Philadelphia. I'm

10 the President of Krzyzanowski Plumbing,

11 Inc., a Philadelphia-based plumbing

12 contractor. I'm the President of the

13 Plumbing Contractors and the Union

14 Affiliated Contractors of Philadelphia

15 and Vicinity. I'm also a member and a

16 trustee of Plumbers Local 690. I'm an

17 executive board member and past President

18 of the Pennsylvania Association of

19 Plumbing, Heating, Cooling Contractors.

20 I'm submitting testimony today

21 on behalf of the Plumbing Contractors and

22 the Union Affiliated Contractors of 690;

23 the Mechanical Contractors Association of

24 Eastern Pennsylvania; the Plumbers Union

25 Local 690 of Philadelphia and Vicinity;

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 the Philadelphia Brotherhood of Master  
3 Plumbers; Philadelphia Suburban  
4 Association of PHCC; the Master Plumbers  
5 Association of Philadelphia; the  
6 Pennsylvania Association of Plumbing,  
7 Heating, Cooling Contractors; South  
8 Philadelphia Master Plumbers Association;  
9 the International Association of Plumbing  
10 and Mechanical Officials; and the  
11 Pennsylvania Chapter of the American  
12 Society of Sanitary Engineering.

13 Good afternoon, Councilmembers.  
14 Thank you for allowing me to offer  
15 testimony on behalf of the organizations  
16 that I represent. I'm sure you're all  
17 wondering why the plumbing industry is  
18 offering testimony in this matter. I  
19 will do my best to explain why in the  
20 most brief and consolidated explanation  
21 possible.

22 Since early 2008, the plumbing  
23 industry, through its industry  
24 professionals representing various  
25 plumbing organizations, has warned the



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2 City of Philadelphia and the Department  
3 of Licenses and Inspections of  
4 deficiencies in inspection procedures,  
5 licensing of plumbers, and certification  
6 of inspectors. The City of Philadelphia  
7 and the Department of Licenses and  
8 Inspection have always maintained  
9 technical advisory boards to assist them  
10 in making sound decisions regarding  
11 codes, inspections, licensing procedures,  
12 installation methods, and product  
13 admittance, just to name a few. One of  
14 these boards that were very active in  
15 this process was the Plumbing Advisory  
16 Board. This board assisted the City for  
17 over 50 years.

18 After taking office in January  
19 2008, Mayor Nutter dissolved the Plumbing  
20 Advisory Board on March 14th of 2008.  
21 This is when the slogan in Philadelphia  
22 went from "A New Day, A New Way" to  
23 "Self-Certify." For those of you who do  
24 not know what the term "self-certify"  
25 stands for, here is a brief description.

1           8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2                    Pertaining to the plumbing  
3           trade, a plumber can do an installation  
4           of work, either commercial or  
5           residential, above ground or below  
6           ground, then stand back and inspect his  
7           or her own work. This was common  
8           practice after the City terminated the  
9           position of plumbing inspector and placed  
10          the burden of all inspections on the  
11          building inspectors. This, in many  
12          instances, placed the consumer at great  
13          health and economic risk.

14                    In my 40-year involvement in  
15          the plumbing industry, I have had the  
16          pleasure of meeting a great number of  
17          plumbers who possess the same level of  
18          integrity as I maintain. I will also be  
19          the first to acknowledge that in my  
20          craft, just as many others, there are  
21          people who do not share the same level of  
22          integrity and, knowing that there will be  
23          no inspections, will tend to take  
24          shortcuts.

25                    I have been actively engaged in

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 a Philadelphia-based plumbing company  
3 since the age of 10. I remember that  
4 there were always no less than 12  
5 plumbing inspectors in the City of  
6 Philadelphia, normally two, sometimes  
7 three per district office. Even with  
8 that number of inspectors dedicated to  
9 just doing plumbing, even then they were  
10 hard-pressed to meet all their daily  
11 inspection appointments. Now as our city  
12 continues to grow and there are more  
13 construction projects, both public and  
14 private, it is unimaginable how the task  
15 of all these inspections can be  
16 undertaken effectively, efficiently and,  
17 most important, safely by the building  
18 inspectors alone.

19 We can only wonder -- and  
20 unfortunately we will never know -- that  
21 if plumbing inspectors were still doing  
22 plumbing inspections and building  
23 inspectors were doing building  
24 inspections, compliance inspections, and  
25 demolition inspections, that the tragedy

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 of the building collapse may have been  
3 avoided.

4 The City, as explained to us by  
5 then Commissioner Burns and Deputy  
6 Commissioner Fink, terminated the  
7 position of plumbing inspector and  
8 certified the building inspectors to  
9 inspect plumbing in efforts to cut costs  
10 to the City. We ask at what cost to  
11 consumer protection and the protection of  
12 the health and safety of all  
13 Philadelphians in the general public.

14 Plumbing industry  
15 representatives had many meetings with  
16 then Commissioner Burns and Deputy  
17 Commissioner Fink regarding this issue.  
18 We pointed out that the City under state  
19 minimum requirements were certifying the  
20 building inspectors in the International  
21 Plumbing Code, which is the state code.  
22 As many may or may not know, when the  
23 state adopted this code, the City  
24 maintained an opt-out status due to the  
25 fact that Philadelphia has a stand-alone

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2 plumbing code, which is one of the very  
3 first model plumbing codes ever  
4 established over 100 years ago. Of  
5 course, the code has been updated,  
6 modified to comply with current standards  
7 through the years.

8 As long as the position of  
9 plumbing inspector existed in the City of  
10 Philadelphia, it has always been a  
11 requirement to hold this position you  
12 first had to be a registered master  
13 plumber in the City of Philadelphia to  
14 demonstrate knowledge and proficiency of  
15 the Philadelphia plumbing code. As  
16 discussed with the L&I administration,  
17 the current building inspectors do not  
18 possess this credential. The industry  
19 offered to the City of Philadelphia, at  
20 no expense, to train each of the building  
21 inspectors at a state-certified facility  
22 in the Philadelphia plumbing code. The  
23 industry also offered to bear the cost of  
24 each building inspector to take the  
25 Philadelphia master plumber examination.

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2 Then Commissioner Burns and Deputy  
3 Commissioner Fink declined these offers.

4 One of the many duties of the  
5 Plumbing Advisory Board was to develop  
6 the test for the Philadelphia and  
7 journeyman master plumber examinations.  
8 With no board in place, the City and the  
9 Department of Licenses and Inspection  
10 sought the involvement of the plumbing  
11 industry to assist in this task. The  
12 industry, of course, was very eager to  
13 assist. I was a member of that committee  
14 and was elected chairman by the other  
15 members. The committee worked with  
16 Deputy Commissioner Fink and the  
17 International Code Council to complete  
18 the task of establishing the test and  
19 procedures. The industry was promised  
20 that the existing procedures for  
21 acquiring a journeyman or master plumber  
22 license would be maintained. Procedures  
23 that have always existed, such as serving  
24 the proper amount of time as a registered  
25 apprentice or a registered journeyman

1           8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2           before being able to take the master  
3           plumber exam and be granted a license,  
4           was not maintained. Unfortunately,  
5           Deputy Commissioner Fink decided to  
6           change many of these requirements and  
7           procedures for licensing, thus, in the  
8           industry's opinion, allowing persons to  
9           be granted a master plumber license  
10          without the proper knowledge, experience  
11          or schooling.

12                        The Administration maintained  
13          this committee after the task of test  
14          development was completed to discuss ways  
15          to improve and modernize the plumbing  
16          code. The industry committee felt that  
17          these meetings and discussions were very  
18          positive and productive. The industry  
19          was grateful that the Administration was  
20          seeking the opinion of plumbing  
21          professionals with the proper credentials  
22          to assist them. Unfortunately, at great  
23          disappointment to the industry, Deputy  
24          Commissioner Fink suspended these  
25          meetings September 4th, 2009.

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2 In July 2009, members of the  
3 plumbing committee were advised that  
4 non-code compliant work was being  
5 installed at a work site on Southampton  
6 Road in Philadelphia. Members of the  
7 plumbing committee, including myself,  
8 brought this to the attention of then  
9 Commissioner Burns and Deputy  
10 Commissioner Fink. The industry provided  
11 evidence through the plumbing code that  
12 the work being performed was substandard  
13 and non-code compliant. Deputy  
14 Commissioner Fink informed industry  
15 representatives that his interpretation  
16 of the code was different than that which  
17 was the accepted practice for the last 40  
18 years that I or any member of the  
19 committee could remember. It appeared to  
20 the industry that special procedures were  
21 being permitted for a political front to  
22 the Administration.

23 The industry argued  
24 aggressively with the Administration over  
25 this work that was clearly in violation



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2 until October 2009 when the industry had  
3 no alternative than to file a lawsuit  
4 against Mayor Nutter, the City of  
5 Philadelphia, and the Department of  
6 Licenses and Inspections to attempt to  
7 force them to comply with the code, the  
8 established procedures, and perform  
9 proper inspections. In order to justify  
10 their actions, the Administration  
11 attempted to make a change to the  
12 Philadelphia plumbing code to allow the  
13 non-code compliant substandard work to  
14 remain. The industry challenged this  
15 method in which the Administration  
16 attempted to change the code with the  
17 city and the state. This issue remains  
18 unsettled.

19 Since 2008, the plumbing  
20 industry has brought information to the  
21 L&I administration regarding  
22 non-permitted, non-code compliant, and  
23 substandard work being performed around  
24 the City in a very orderly and  
25 professional manner. One such situation

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2 that continues to this day to put the  
3 public at great safety risk and also  
4 continues to concern and exasperate the  
5 plumbing industry is the Planet Fitness  
6 location at Aramingo Avenue and York  
7 Streets. On December 1st of 2010, I  
8 notified then Commissioner Burns in  
9 writing that many of the industry  
10 representatives, including myself,  
11 noticed the roof drains for this building  
12 were draining through the side wall of  
13 the building onto a pedestrian walkway  
14 and also into the parking lot of the  
15 building open to vehicle traffic. This  
16 is not only in direct violation of the  
17 Philadelphia plumbing code, but exposes  
18 the public to great personal safety. One  
19 risk in the winter months when the roof  
20 drains to the sidewalk, the stormwater  
21 could freeze, thus creating a hazardous  
22 condition for pedestrian traffic.  
23 Another risk is the stormwater could also  
24 freeze in the parking lot area, open to  
25 vehicle traffic, thus creating the

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 potential of vehicle accidents and/or  
3 again pedestrian versus vehicle accidents  
4 as well.

5 Then Commissioner Burns did  
6 dispatch an inspector and in writing  
7 confirmed my observations and informed us  
8 that due to the fact the project was  
9 still under construction, that no final  
10 inspection would be granted until the  
11 non-code compliant and hazardous  
12 condition was in fact rectified. Much to  
13 the amazement of the plumbing industry,  
14 this facility was allowed by the City to  
15 open and operate without this condition  
16 being rectified. After numerous  
17 correspondence with then Commissioner  
18 Burns and other members of the  
19 Administration, one of the illegal storm  
20 pipes were connected in an illegal  
21 fashion to a point of connection in the  
22 parking lot. To this day, the other  
23 storm outlet continues to spill directly  
24 onto a pedestrian walkway. After two and  
25 a half years, the industry is still

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2 attempting to get the Administration to  
3 enforce the code.

4 The plumbing industry and its  
5 representatives have had countless  
6 meetings with the Mayor, members of City  
7 Council, former Commissioner Burns and  
8 Deputy Commissioner Fink pointing out the  
9 need for a plumbing advisory board. The  
10 industry agreed to end the lawsuit  
11 against the City of Philadelphia with the  
12 guarantee that talks would start between  
13 the City and the industry for the  
14 re-establishment of the Plumbing Advisory  
15 Board or some sort of advisory committee  
16 to assist the Administration. On  
17 February 23rd of 2012, the industry  
18 suspended the lawsuit against the City.  
19 Even though the Mayor has created 31 new  
20 boards and commissions in his five years  
21 in office, as of this date, the industry  
22 continues, after numerous attempts, to be  
23 ignored by the Mayor and the  
24 Administration.

25 The plumbing industry continues

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2 to be extremely concerned that the City  
3 and the Administration is lowering the  
4 standards of the code, licensing, and  
5 inspection procedures for plumbing work  
6 in the City of Philadelphia, which is  
7 placing the consumer at great health,  
8 safety, and economic risk.

9 If these problems and  
10 inconsistencies have been identified with  
11 L&I since 2008 from the plumbing  
12 industry, it has to be questioned whether  
13 or not there are problems with the  
14 building and demolition industry as well.  
15 For this reason, ladies and gentlemen, is  
16 why the plumbing industry is testifying  
17 in these proceedings.

18 Thank you.

19 COUNCILMAN JONES: Thirty-one  
20 new commissions?

21 MR. KRZYZANOWSKI: Thirty-one  
22 new boards and commissions, Councilman.

23 COUNCILMAN JONES: And where is  
24 the lawsuit and the discussions that were  
25 supposed to be part of this settlement --

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2 MR. KRZYZANOWSKI: When was  
3 the lawsuit ended?

4 COUNCILMAN JONES: No, no.  
5 Where are the discussions to  
6 re-establish --

7 MR. KRZYZANOWSKI: None.

8 COUNCILMAN JONES: There have  
9 been none?

10 MR. KRZYZANOWSKI: There have  
11 been none. We have contacted members of  
12 the Administration, then Commissioner  
13 Burns, Deputy Commissioner Fink, and the  
14 Mayor, and we continue to be ignored.

15 COUNCILMAN JONES: The Chair  
16 recognizes Councilman Kenney.

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

19 Up until the appointment of  
20 Commissioner Carlton Williams, what has  
21 been related here today is a commonplace  
22 occurrence in my office, where I get  
23 calls from people in the construction  
24 industry every day telling me about  
25 insanely illegal and dangerous situations

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2 that exist, from lack of sanitation for  
3 workers to badly installed windows to  
4 badly installed plumbing to electrical  
5 boxes that are being put in by people who  
6 aren't licensed and we don't know who  
7 they are. I mean, it's an ongoing -- and  
8 to Carlton Williams' credit, when I call  
9 him now, someone shows up and makes sure  
10 they take care of the problem.

11 But this has been an ongoing  
12 situation through the entire Commissioner  
13 Burns administration, where they felt  
14 that they had no reason to listen to us,  
15 to take direction, to take advice, and  
16 they just went on their merry way. And I  
17 think if you look at where L&I wound up  
18 in the governance scheme of this  
19 Administration, it got moved out of a  
20 public safety arena into a commerce  
21 arena. As Commissioner Levin testified  
22 at the last hearing, it is not a commerce  
23 department. It is a department dealing  
24 with issues relative to public safety,  
25 potable water, good electrical services,

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2 stuff that's installed correctly by  
3 people who are trained. And it's really  
4 a sad state of affairs that these folks  
5 who are willing to offer and have offered  
6 help for free to train our own workers  
7 and to make them master plumbers and have  
8 that rejected is just an arrogance that's  
9 beyond anything I've ever seen. And I  
10 thank them for all that they do in this  
11 community.

12 The project over 12th and Wood,  
13 was there a similar situation? What was  
14 your assessment of the plumbing situation  
15 in that particular project? Because that  
16 is one of the ones I get, we get, I get  
17 the most complaints about, about workers  
18 being unskilled, unlicensed, unpermitted,  
19 those kind of things. What's the  
20 plumbing situation there?

21 MR. KANE: My understanding  
22 is --

23 COUNCILWOMAN SANCHEZ: Identify  
24 yourself for the record.

25 MR. KANE: I'm sorry.



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2 COUNCILMAN JONES: We know who  
3 you are, but...

4 COUNCILWOMAN SANCHEZ: Identify  
5 yourself for the record.

6 MR. KANE: John Kane, Business  
7 Manager for Local 690.

8 COUNCILMAN KENNEY: Pull the  
9 microphone close to you, please.

10 MR. KANE: John Kane, Business  
11 Manager of Plumbers Local 690, City of  
12 Philadelphia. I represent roughly about  
13 2,000 members in the City.

14 My understanding over at 12th  
15 and Wood is that they have a contractor  
16 that pulled the permit there. He has  
17 supposedly illegal immigrants possibly  
18 doing the installations there. That I  
19 don't know 100 percent, but that's my  
20 understanding.

21 COUNCILMAN KENNEY: Well, as  
22 you know, I think everyone here knows my  
23 support for immigration in this country  
24 and in the City, but those folks are  
25 being taken advantage of also, because if

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2           they break an arm or break a leg on the  
3           site, there's no workmen's compensation  
4           for them. There's no unemployment  
5           compensation for them. There's no  
6           benefits for them, and they're just  
7           basically being used as kind of slaves,  
8           because they're in the position that  
9           they're in and they have no other choice.  
10          So the whole thing is just a mess, and  
11          I'm glad you added -- because part of our  
12          charge was the collapse, but part of, I  
13          think, what our charge is going to be in  
14          the end is what we do about the large  
15          construction projects in the City and how  
16          we keep people who are untrained,  
17          unqualified, and unsafe off those sites.  
18          So thanks for your input.

19                       MR. KANE: Thank you.

20                       COUNCILMAN JONES: The Chair  
21           recognizes Councilwoman Blackwell.

22                       COUNCILWOMAN BLACKWELL: Thank  
23           you very much.

24                       I'd like to ask you again for  
25           the Aramingo Avenue address and to also

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2 say that I believe, as has just been  
3 spoken by my colleague, that certainly  
4 the focus of this hearing should be  
5 expanded, because it's all interrelated,  
6 to deal with this issue to make sure that  
7 these gentlemen who do so much to service  
8 our city and who came here when they  
9 didn't have to, but who came here as not  
10 only union members and certainly private  
11 businessmen but people who care about our  
12 city, that we address their issue and get  
13 some -- if we do nothing else, we should  
14 be able to address their issue. They've  
15 come to us, and I think that is the  
16 responsibility of this Committee to have  
17 this issue addressed. And I thank you.  
18 God bless you.

19 COUNCILMAN JONES: The Chair  
20 recognizes Councilwoman Sanchez.

21 COUNCILWOMAN SANCHEZ: I too  
22 want to thank you. I have a question.  
23 What was their reasoning for not  
24 accepting the training? Was it  
25 anything -- did they mention the

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2 collective bargaining thing? I mean,  
3 what was -- I just can't imagine just a  
4 flat no, but I guess that's what it was?

5 MR. KANE: Walt will expand on  
6 it, but we offered this at the Plumbers  
7 Local 690 training facility, which is  
8 probably the best training facility in  
9 the State of Pennsylvania. We've offered  
10 it because we felt as though that a lot  
11 of the inspectors that were coming out to  
12 do the inspections on the plumbing system  
13 had no clue what they were looking at.  
14 So we felt as though at that point -- and  
15 this is my membership bringing it to me.  
16 The individuals that are out on the jobs,  
17 when the plumbing inspectors or so-called  
18 inspectors coming out to inspect the  
19 plumbing system had no clue and basically  
20 admitted the fact that he had no idea.  
21 So we felt at that point we would feel  
22 comfortable in the plumbing industry if  
23 we could train these individuals on the  
24 Philadelphia plumbing code and get them  
25 to pass the Philadelphia master plumbers

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2 test, we would feel comfortable that they  
3 knew what a plumbing system actually was.  
4 So that's on my part.

5 Walt, did you want to add  
6 anything?

7 MR. KRZYZANOWSKI: Well, yes.  
8 I mean, the Planet Fitness is a classic  
9 example. And, again, not to take  
10 anything away from the building  
11 inspectors. These men and women have so  
12 much on their plate. I heard testimony  
13 that their building inspectors have  
14 several hundred inspections on their  
15 plate. The one that we read about from  
16 the poor unfortunate gentleman who is not  
17 with us anymore, he had 700 open  
18 inspections on his plate. But the point  
19 remains, as John said, if these  
20 inspectors were trained in the  
21 Philadelphia plumbing code, this building  
22 inspector that went to the Planet Fitness  
23 location would have been able to identify  
24 very easily that the plumbing that was  
25 being installed was not code compliant.

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2 So this is why when we had discussions  
3 with then Commissioner Burns and Deputy  
4 Commissioner Fink we expressed as an  
5 industry a big concern with that, and we,  
6 as John said, we offered at free of  
7 charge to bear all the cost, the  
8 industry, not just the union, the entire  
9 industry, to train the building  
10 inspectors so that we would -- the  
11 consuming public would be protected in a  
12 much better fashion. Deputy Commissioner  
13 Fink said that it would be inappropriate  
14 to expect the inspectors to bear the cost  
15 to take the examination. So we in turn,  
16 as all the industry representatives in my  
17 testimony, we collectively got together  
18 and said that we would bear the cost of  
19 that. There would be absolutely no cost  
20 to the building inspector or to the City.

21 We had -- we were perplexed.  
22 We were completely -- we couldn't figure  
23 out why they wouldn't even take us up on  
24 the offer or even discuss taking us up on  
25 the offer.

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2 COUNCILMAN KENNEY: Join the  
3 club.

4 MR. KANE: And the offer still  
5 stands.

6 COUNCILWOMAN SANCHEZ: I don't  
7 want to sound like it's an all or  
8 nothing, because I can understand  
9 sometimes some fear with the folks with  
10 the testing.

11 How many hours -- so in light  
12 of the fact -- how many hours of your  
13 training do you think in light of the  
14 fact that we're cross-training building  
15 inspectors at minimum our inspectors  
16 should have on the plumbing piece? We're  
17 talking about OSHA-10, OSHA-30. Do you  
18 have to draw the line and say at minimum  
19 if in fact we're requiring building  
20 inspectors to cross-inspect, at minimum  
21 how many hours?

22 MR. KRZYZANOWSKI: Even though  
23 the four of us are educators in our  
24 field, Mr. McStravock does run a school,  
25 so we'll have him comment to that.

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2 MR. McSTRAVOCK: My name is Jim  
3 McStravock.

4 For the masters exam, I run a  
5 six-week course, two nights a week, two  
6 hours a week. So 24 hours I can pretty  
7 much get somebody up to speed on what to  
8 look for.

9 COUNCILWOMAN SANCHEZ: Okay.

10 COUNCILMAN JONES: Councilman.

11 COUNCILMAN KENNEY: What's the  
12 average age of your retirees? What's the  
13 average age they go out?

14 MR. KANE: Fifty-eight to 62.

15 COUNCILMAN KENNEY: And those  
16 are probably your most skilled people  
17 that you have.

18 MR. KANE: Correct.

19 COUNCILMAN KENNEY:  
20 Experience-wise, education-wise.

21 Would it make sense -- and I  
22 think I know the answer, but I want to  
23 ask it anyway. Would it make sense for  
24 us to delve into those pools of people in  
25 every particular industry that are



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2 retiring and may need another job, we  
3 don't have to train them, they know what  
4 they're looking for, and they have a  
5 level of integrity because of their pride  
6 in what they've done their whole life,  
7 they're not going to play around.  
8 They're going to make sure stuff is done  
9 right.

10 I would love to see some type  
11 of preference given in some way civil  
12 service-wise to those folks who would  
13 like to work for L&I, because obviously  
14 we need to hire more people, but we might  
15 as well hire the people that know what  
16 they're doing as opposed to people who  
17 are this cross-training thing. I don't  
18 understand that. I think that's good to  
19 get in shape, but I don't know if it's  
20 good to do anything inspecting a  
21 building.

22 So maybe we can talk about that  
23 in our report, perhaps trying to reach  
24 into those pools of people that are no  
25 longer active in their industry but have

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2 tons of experience and know what they're  
3 looking for. So that's my suggestion.

4 MR. KRZYZANOWSKI:

5 Realistically, I think you'll hear this  
6 from us, you'll hear this from every  
7 trade in the City of Philadelphia,  
8 whether it's carpenters, electricians or  
9 so on. We simply need more inspectors.  
10 I mean, we recognize and respected the  
11 fact that the Mayor and Commissioner  
12 Burns and Deputy Commissioner Fink  
13 explained to us the cost-cutting efforts  
14 to cross-train the inspectors. Well, we  
15 showed them that it wasn't correct. They  
16 were training them in a code jurisdiction  
17 that didn't apply to the City of  
18 Philadelphia.

19 But as I said in my testimony,  
20 when we had 12 to 16 just plumbing  
21 inspectors in the City, they were still  
22 hard-pressed to meet their inspection  
23 appointments. Now putting that burden on  
24 the building inspectors alone, it's  
25 unimaginable. I mean, unless you had a

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2 hundred building inspectors and trained  
3 them properly.

4 COUNCILMAN KENNEY: Well, the  
5 other issue is the issue of priorities.  
6 I mean, we spend money on things that are  
7 not as critical as what you're talking  
8 about now. I mean, I got a guy in charge  
9 of bicycle racks when I should have a guy  
10 in charge of inspecting plumbing. I  
11 mean, it's setting the priorities that  
12 matter, and I think that those priorities  
13 need to be set, and public safety comes  
14 first. And that's why when we talk about  
15 workers on the job site that are getting  
16 paid a certain hourly wage, they're  
17 getting paid a certain hourly wage  
18 because they're trained and they're safe.  
19 I mean, I can cut the cheap any day I  
20 want and put, again, the Three Stooges  
21 Construction Company to work and make a  
22 ton of money, but kill people in the  
23 meantime.

24 So I think it's really critical  
25 that we get back to the focus of public

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2 safety and not cost cutting.

3 MR. KRZYZANOWSKI: Councilman,  
4 the committee that was formed by Deputy  
5 Commissioner Fink to assist in the  
6 testing, we offered to the City that that  
7 committee would serve as the Plumbing  
8 Advisory Board on a non-compensatory  
9 basis. The previous Plumbing Advisory  
10 Board did get paid for their services.  
11 We offered our services free of charge,  
12 non-compensatory. And there is a need  
13 for that board. We've spoken to  
14 Councilwoman Sanchez and Councilman  
15 Clarke. The industry recognizes the need  
16 to make the plumbing code more palatable  
17 to more affordable building procedures,  
18 and that's possible, and still maintain  
19 the intent of the Philadelphia plumbing  
20 code, but you can't do that with  
21 administrators. You can't do that with  
22 people that have business degrees. You  
23 have to do that with stakeholders that  
24 have the proper credentials to do that.

25 COUNCILMAN KENNEY: I agree.

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2 Thank you.

3 COUNCILMAN JONES: Thank you,  
4 Councilman and Councilwoman.

5 One other question. Isn't  
6 there a -- and we were a part of a tour  
7 of one of the training facilities. Isn't  
8 there a safety committee among --

9 MR. KANE: The building trades,  
10 that's correct, yes.

11 COUNCILMAN JONES: Could you  
12 describe that? And selfishly, we'd like  
13 to exchange information. I was told  
14 about this committee. Could you put that  
15 on the record.

16 MR. KANE: I have a -- Raymond  
17 Boyd is our instructor, and Raymond Boyd  
18 attends, I think it's, a monthly meeting  
19 over at the Steamfitters Local 420's  
20 hall, and they basically just have, I  
21 guess, things that may have -- incidents  
22 that may have happened over the week or  
23 the month, and they bring that to light  
24 and they end up -- they discuss how it  
25 could have -- basically how they could

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2 have avoided an accident on that job  
3 site.

4 But we also teach -- and I know  
5 an individual came up earlier talking  
6 about OSHA-10, OSHA-30. We offer that to  
7 all of our apprentices. When they  
8 graduate their apprenticeship, they have  
9 actual OSHA-30 qualifications. So that's  
10 something that we offer to all our  
11 members free of charge.

12 MR. KRZYZANOWSKI:  
13 Mr. McStravock has some brief testimony.  
14 Would he be allowed to enter that in?

15 COUNCILMAN JONES: Absolutely.

16 MR. KRZYZANOWSKI: Thank you.

17 MR. McSTRAVOCK: Thank you. My  
18 name is James McStravock.

19 I'd first like to say we're not  
20 saying the inspectors on the street  
21 aren't doing their job, but with an  
22 inspector having 700 open jobs, he's  
23 doing the best he can. He's doing what  
24 he's told to do. With that being said,  
25 how many of these are plumbing permits?

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2 How many of these 700 are actual plumbing  
3 permits? If we have plumbing inspectors,  
4 that would free him up to do the building  
5 inspections and what he's trained to do.

6 We're businessmen. We  
7 understand budget cuts. We understand  
8 where the City is at, but not at the cost  
9 of the City residents, not for the safety  
10 of the City.

11 We offered our services. We  
12 did test development. We offered the  
13 training to the inspectors. We did some  
14 code development. We offered to police  
15 our industry. We offered to work for  
16 non-compliant work, jobs without a  
17 permit. We were told to call 3-1-1. We  
18 see how well 3-1-1 worked. The problem  
19 with if we call 3-1-1, by the time the  
20 inspector would get there, the contractor  
21 is gone and the work is completed.

22 And there's confusion in the  
23 industry, both in the plumbing,  
24 electrical, building. The Attorney  
25 General registration in the State of

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2 Pennsylvania, anybody can register and  
3 pay \$50 and they can call themselves a  
4 plumber. They can call themselves a  
5 contractor. No training, no inspection  
6 or no background check whatsoever. You  
7 put a policy number down. You give them  
8 a credit card. You can call yourself  
9 whatever you want. The City of  
10 Philadelphia doesn't recognize that as a  
11 license, but the other municipalities do.  
12 The consumer is not being protected with  
13 the Attorney General registration.

14 There's two instances I want to  
15 talk about that might have been able to  
16 be avoided. One is 428 Daly Street. We  
17 pay a \$25 fee for a plumbing -- or for a  
18 water heater on the jacket, an additional  
19 fixture, \$25 fee for a water heater. How  
20 can a plumbing inspection be done and not  
21 checked for hot water? If we're paying  
22 25 -- what is that \$25 for, if not to  
23 check to see if the water heater works?

24 Then the other job, 2020 West  
25 Boston, last Friday, a so-called plumber



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2 was working in the street, blew a hole in  
3 a gas main. Fifty houses had to be  
4 evacuated. I rode by on Saturday  
5 expecting to see a stop work order. Five  
6 men still working on site. No stop work  
7 order. I ride by on Tuesday. Still  
8 working. I check L&I's website. No  
9 permit on property. There's holes in the  
10 street. Whether he got a street opening,  
11 I can't see that from the website, but  
12 there's no plumbing permit on site.

13 We're here to help protect the  
14 citizens of Philadelphia and we've  
15 offered our services, and we still do.

16 COUNCILMAN JONES: Councilman  
17 Kenney.

18 COUNCILMAN KENNEY: Just one  
19 followup relative to the final inspection  
20 on the CO issuance. It's my  
21 understanding that a lot of problems come  
22 about as a result of the fact that they  
23 can't get an inspector on the job site to  
24 examine the plumbing, to examine the  
25 electrical work, and then the walls get

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2 sealed up and now they want a CO. So it  
3 would seem to me that in order for  
4 someone to visibly check the plumbing and  
5 its competence, they'd have to take the  
6 wall down. They have to take the  
7 Sheetrock off the wall in order to  
8 determine whether things have been  
9 plumbed the right way or whether things  
10 have been hooked up electrically the  
11 right way. But I understand they're  
12 giving CO's out based on not knowing  
13 what's behind the wall. I mean, have you  
14 run into that at all in this illegal  
15 construction stuff?

16 MR. KRZYZANOWSKI: Councilman,  
17 even with this Planet Fitness issue that  
18 we've discussed earlier, I mean, we in  
19 writing brought it to L&I's attention  
20 before the construction was even  
21 completed. We received assurances in  
22 writing from Commissioner Burns no final  
23 inspection would be done, and lo and  
24 behold, the citizens are still at risk.

25 I'm sorry, Mike.

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2 MR. MCGRAW: My name is Mike  
3 McGraw, the Executive Director for the  
4 Pennsylvania Association of Plumbing,  
5 Heating, Cooling Contractors.

6 In response to your inspections  
7 with the, we call it, rough plumbing, you  
8 have to have a rough plumbing inspection.  
9 So an inspector physically has to go out  
10 and see how everything is plumbed before  
11 you close those walls. Then they go out  
12 for the final inspection, knowing  
13 everything inside was properly installed  
14 and tested. Final inspection includes  
15 testing of the fixtures. So how can you  
16 go for final inspection and then say the  
17 water heater is not your responsibility  
18 and you charged me for that fixture?

19 COUNCILMAN KENNEY: But do you  
20 find because of the workload the rough  
21 plumbing inspections are not being done  
22 at all, then the walls are sealed up and  
23 they do final inspections, or you can't  
24 get a CO without a rough plumbing  
25 inspection?

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2 MR. KRZYZANOWSKI: We are  
3 seeing that happen, because now that the  
4 same inspector is charged with the task  
5 of doing all inspections, we're often  
6 seeing now that -- myself, for instance,  
7 I call for a rough plumbing inspection.  
8 I don't see the building inspector and  
9 I've waited past my appointment time, and  
10 then he calls me on the phone and says, I  
11 can't get there yet, but you're okay,  
12 I'll look at it when I get there. I have  
13 no assurances that that work was  
14 inspected. I do have the assurances that  
15 it was done correctly because I or my  
16 staff have done it, but as I said in my  
17 testimony, us in our craft, we have  
18 people that don't maintain that level of  
19 integrity, and this is where the  
20 oversight of L&I has to step in and -- I  
21 hate to say in these terms, but do their  
22 job.

23 COUNCILMAN KENNEY: Do you find  
24 like I know in the electrical industry  
25 and -- electrical mostly, do you have

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2 these one-man operations that pull  
3 permits as a third-party permit puller  
4 and then turn it over to an unlicensed  
5 contractor? We don't know whether  
6 they're qualified or not. But the name  
7 on the permit is a master plumber that's  
8 registered with the City, but that person  
9 doesn't touch a pipe.

10 MR. KRZYZANOWSKI: Well, that  
11 is correct, but that is not supposed to  
12 take place.

13 COUNCILMAN KENNEY: Right.

14 MR. KRZYZANOWSKI: No one is  
15 supposed to be able to secure a trade  
16 permit that you need license and  
17 registration for, such as electrical,  
18 plumbing, fire protection, things of that  
19 nature. The person that's actually  
20 securing that permit is responsible for  
21 that work and is supposed to be doing the  
22 work or overseeing the work.

23 COUNCILMAN KENNEY: Well, on  
24 the electrical side, we have a guy -- I  
25 think he stopped. He's in his 80's. He

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2 was a one-man operation. He pulled 270  
3 some permits in a year and never touched  
4 any of the wire and just handed it over  
5 to ABC whoever.

6 MR. KRZYZANOWSKI: But as  
7 Mr. McStravock said, every time that we  
8 alert the Administration to a problem on  
9 a job site, we are simply told to call  
10 3-1-1. And we do. We call 3-1-1. We  
11 e-mail.

12 COUNCILMAN KENNEY: Who tells  
13 you that? Who told you that?

14 MR. KRZYZANOWSKI: The  
15 inspectors themselves tell us that.

16 COUNCILMAN KENNEY: To call  
17 3-1-1?

18 MR. KRZYZANOWSKI: Call 3-1-1.  
19 I was recently on a job site where I see  
20 non-code compliant work being done.  
21 We're right next door. The building  
22 inspector came in to inspect my rough  
23 plumbing, and I said, Hey, what about  
24 that guy next door?

25 He says, I was in there for a

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2 building inspection.

3 I said, What about the

4 plumbing?

5 He said, I didn't look at any

6 plumbing.

7 Well, does he have a permit?

8 I don't know. Call 3-1-1.

9 COUNCILMAN KENNEY: Do you guys  
10 inspect the fire suppression systems or  
11 is it the sprinkler fitters?

12 MR. McGRAW: Sprinklers.

13 COUNCILMAN KENNEY: Thank you.

14 COUNCILMAN JONES:

15 Councilwoman --

16 COUNCILWOMAN SANCHEZ: He  
17 wanted to add something.

18 COUNCILMAN JONES: Sure.

19 MR. McGRAW: Yes. Councilman  
20 Kenney, I just wanted to -- what you're  
21 asking about the permits, 3255 Cottman  
22 Avenue is a prime example of what  
23 actually was just on Fox TV several weeks  
24 ago. A master plumber licensed with the  
25 City of Philadelphia took a permit out

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2 for an unlicensed contractor to replace a  
3 sewer trap, and it was -- the hole was  
4 open on the sidewalk on Cottman Avenue  
5 for over 30 days. Pedestrians had to  
6 physically go into Cottman Avenue to get  
7 around the project.

8 COUNCILMAN KENNEY: Well,  
9 that's why when Commissioner Burns  
10 promised to put this online registration  
11 process, which has still not happened  
12 yet -- I understand it might be  
13 happening -- I mean, and they say, Well,  
14 we don't have the personnel to check all  
15 that.

16 I say, Well, you have people  
17 out there every day on job sites that can  
18 look on a computer screen and know that  
19 XYZ Plumbing Company is not there, but  
20 ABC is and they're supposed to be  
21 registered on the website. It's almost  
22 like a self-policing proposition, because  
23 before you go out in the morning, you'll  
24 check all those sites and check and see  
25 who is supposed to be the job site and



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2 call whoever you have to call to make  
3 sure they know about it.

4 I just think it's almost like  
5 an underground, wild west, crazy industry  
6 out there where people just come in --  
7 and the worst part is, in addition to --  
8 well, the worst part is the safety issue,  
9 but the other bad part is, they're not  
10 paying a dime of taxes. So when you make  
11 a comparison between a trained,  
12 qualified, certified work person,  
13 workman, workwoman, and these people who  
14 don't have any kind of certifications,  
15 sure, you're going to pay them less  
16 because you can get away with it. It's  
17 just -- it is crazy to think about the  
18 amount of wage taxes and business taxes  
19 and other things that are just flying out  
20 the door of the City and no one seems to  
21 really be all that excited about it.

22 MR. KRZYZANOWSKI: Councilman,  
23 that's exactly one of the things that we  
24 discussed with Commissioner Burns when,  
25 through the Public Information Act, we

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2 were able to obtain a copy of the  
3 plumbing permit for the Planet Fitness  
4 project. It was a gentleman from up in  
5 the Reading area, and we basically said  
6 all of the construction workers that are  
7 on that site are not paying City wage tax  
8 and the City is losing revenue. All the  
9 people sitting at this table, when our  
10 people -- us or our people are on a job  
11 site, this city is getting tax base for  
12 that.

13 COUNCILMAN KENNEY: Is that the  
14 site where it was alleged they were  
15 locking their workers in at night so they  
16 couldn't get out and they had to work all  
17 night long?

18 MR. KRZYZANOWSKI: No.

19 COUNCILMAN KENNEY: Another one  
20 they told me they had a large group of  
21 Mexican guys in there working and they  
22 would lock them in, they would like bolt  
23 the doors at night so that they couldn't  
24 leave and no one else could get in, but  
25 they'd have to work all night.

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2 MR. KRZYZANOWSKI: No. It  
3 wasn't that one, Councilman.

4 COUNCILMAN KENNEY: It wasn't  
5 that one? Okay. Thanks.

6 COUNCILMAN JONES: Councilwoman  
7 Sanchez.

8 COUNCILWOMAN SANCHEZ: I wanted  
9 to ask you that. In the work that you  
10 did either through the Advisory Council  
11 or in the last few years, have you guys  
12 monitored the number of plumbing permits  
13 that are pulled?

14 MR. KRZYZANOWSKI: Yes.

15 COUNCILWOMAN SANCHEZ: And what  
16 roughly would you say on an annual basis?

17 MR. KRZYZANOWSKI: We just did  
18 that.

19 MR. KANE: We did that through  
20 our negotiations. You guys ought to know  
21 it. You threw it in our face.

22 COUNCILWOMAN SANCHEZ: We will  
23 definitely, as part of this Committee,  
24 ask for some of that data around all the  
25 different trades, particularly in light

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2 of what you said earlier around a  
3 building inspector having to look at  
4 different things. So we'll pull that  
5 data together, because I think it's  
6 important and it will help us inform in  
7 our recommendations about the type of  
8 training that we should be looking at.

9 MR. KRZYZANOWSKI: Well, a  
10 couple years ago we did do that  
11 demographic study with then Commissioner  
12 Burns, and I believe it was in the  
13 neighborhood of 18 million that was  
14 produced by -- revenue by plumbing  
15 permits. So we basically said that's a  
16 self-sustaining department. Why can we  
17 not have plumbing inspectors designated  
18 just to do them inspections.

19 COUNCILWOMAN SANCHEZ: Clearly,  
20 one of the things we've learned through  
21 this process is that we have to -- the  
22 permit fees are supposed to be tied into  
23 the actual work that's being conducted,  
24 and this notion of it goes to the General  
25 Fund and no relationship between the

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2 staffing and some of the permitting is  
3 something that we have to look at. And  
4 what I will say to you is that we will  
5 attempt again to have a discussion with  
6 the Commissioner around the Advisory  
7 Board and some of the offers that you  
8 have made, because in my work with you,  
9 you've always been clear that this is  
10 about cost saving and public safety, and  
11 your willingness to work with the City  
12 and the Administration on that is one  
13 that I find admirable, because it's not  
14 about let's extend our work. This is  
15 about let's do it safely, let's do it  
16 efficiently, and I appreciate that,  
17 because I think --

18 MR. KRZYZANOWSKI: Thank you.

19 COUNCILWOMAN SANCHEZ: --  
20 there's a concern as we come up with  
21 recommendations that we don't want to be  
22 onerous in the type of responsibility and  
23 financial requirements to building, and I  
24 don't think it should be an either/or. I  
25 think we could do both things. So we

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2 appreciate that, and we'll attempt again  
3 to get at least a dialogue. And I think  
4 the data collection will bear out some of  
5 the concerns that you have, but thank  
6 you, gentlemen.

7 MR. KANE: Thank you.

8 MR. KRZYZANOWSKI: Thank you  
9 very much for the opportunity to speak  
10 today.

11 COUNCILMAN JONES: Again, thank  
12 you. Just for the record, although he's  
13 not on this Committee, Councilman Squilla  
14 has been paying attention to what's been  
15 going on, and I want to recognize that  
16 he's in Chambers today.

17 So thank you, gentlemen, for  
18 taking the time.

19 (Thank you.)

20 COUNCILMAN JONES: Will the  
21 Clerk please read the final panel.

22 THE CLERK: The final panel  
23 consists of Rachel Shapiro, Tracey  
24 Gordon, and Baseemah Muhammad Bey.

25 (Witnesses approached witness

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2 table.)

3 COUNCILMAN JONES: Please begin  
4 your testimony.

5 MS. SHAPIRO: My name is Rachel  
6 Shapiro and I am a homeowner in  
7 Philadelphia. I'm here to testify to the  
8 fact that there absolutely is illegal and  
9 unlicensed work going on in the City  
10 right under L&I's nose and they clearly  
11 turn a blind eye to it. And once it  
12 happens to a person like me, just a  
13 regular homeowner in Philadelphia, there  
14 is nothing, absolutely nothing, that I  
15 could do and there's no one to turn to.  
16 I'll get to the specifics of my  
17 situation.

18 In 2008, in August of 2008, I  
19 purchased a residential row house in the  
20 Italian Market of Philadelphia. I hired  
21 a contractor who had a business privilege  
22 license in the City of Philadelphia to do  
23 \$53,000 worth of renovation work. I  
24 asked this contractor several times if  
25 all of his subs were going to be licensed

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2 and insured, if he was going to carry the  
3 proper insurance for himself, and whether  
4 he's going to pull the requisite permits.  
5 I asked over and over and over again. He  
6 told me that there were no permits  
7 required.

8 He started work in August of  
9 2008. In October, on October 21st, 2008,  
10 John Dougherty from the Philadelphia L&I  
11 Department stopped by my house. I didn't  
12 live there at the time. It was a  
13 complete renovation. He left a card in  
14 the door, said that he was responding to  
15 a neighbor complaint that there was work  
16 going on that there was no permits pulled  
17 for. I picked that up and I gave it to  
18 the contractor, who appeared very  
19 sheepish to me, and he called John  
20 Dougherty. He went downtown -- this is  
21 two months after the work started -- and  
22 he got permits. And John Dougherty came  
23 around and he inspected, and during his  
24 inspection, he saw the contractor pulling  
25 wires. I have sworn testimony as to



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2 this. Pulling wires. He told him to get  
3 an electrical permit, he told him to  
4 upgrade the panel, and he told him to put  
5 in hardwired fire alarms. This  
6 contractor did not have an electrical  
7 license. The City requires a contractor  
8 to have an electrical license, and the  
9 stated purpose for it is to protect life,  
10 limb, and property in the City of  
11 Philadelphia. There is strict  
12 experiential requirements to have an  
13 electrical license, and this contractor  
14 had none of it.

15 Now, after I paid the \$53,000,  
16 I didn't withhold any upon completion.  
17 So after that money was paid, he left the  
18 job. He told me that the job wasn't for  
19 what it was written on the contract, but  
20 it was for \$50,000 for 16 weeks of work.  
21 And the work was half done. There were  
22 wires hanging everywhere, and it was  
23 uninhabitable. And I asked him, Where  
24 did the money go? Where did the time go?  
25 And he in an e-mail he sends me, We had

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2 to completely rewire your house to get it  
3 up to code. We had to install hardwire  
4 fire alarms. It was a safety hazard.

5 Under John Dougherty, this  
6 person was allowed, without a permit and  
7 without a license, to completely rewire  
8 my house to get it up to code.

9 He left the job, and I found  
10 out that a licensed electrician will not  
11 come down to your house and finish up a  
12 job if an unlicensed person without a  
13 permit has worked on it. It took me one  
14 year to call and get three separate  
15 licensed electricians, three separate,  
16 that would touch different pieces of this  
17 house to put this electrical Rubik's Cube  
18 back together. Nobody would touch all of  
19 it. One person corrected all the  
20 connections that were all wrong. The  
21 walls were already closed up, so whatever  
22 exists behind the walls, it's always  
23 going to exist. He didn't -- he pulled  
24 12-gauge wire into compartments -- I'm  
25 not sure exactly what you call them --

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2 that really were supposed to accommodate  
3 10-gauge wire. I have sockets that melt  
4 down all the time.

5 I called -- during this time,  
6 when I finally found people to do this, I  
7 called Terrence Reilly. I'm pretty sure  
8 that's his name. He's the electrical  
9 inspector for Philadelphia. He's at  
10 Spring Garden. And I had told him, I  
11 said, John Dougherty allowed this to  
12 happen. He never called in an electrical  
13 inspector. I don't know what I can do  
14 about it now, but I need your help, and  
15 also that there's a person running around  
16 town claiming to be qualified to do this  
17 work, and he's not.

18 Terrence Reilly told me -- this  
19 is exactly what he said -- It's buyer  
20 beware in this City, lady. What do you  
21 want me to do about it? We just took a 3  
22 percent pay cut. We are covering for the  
23 plumbing inspector who was laid off, and  
24 we are overworked.

25 And I called again, and I

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2 showed him the e-mail that this person  
3 sent me. He said that doesn't mean he's  
4 not licensed.

5 I said, But he's not and he's  
6 doing other jobs and I can point you to  
7 them.

8 And he said, This is not my  
9 problem, and he eventually told me to  
10 stop calling, and so I did.

11 The contractor sued me because  
12 he said that he worked longer and did  
13 more than he was supposed to work, and  
14 then I countersued. In the course of  
15 this lawsuit, I obtained documents. I  
16 asked him for documents indicating that  
17 he had done work of greater or equal  
18 magnitude than my contract. He handed me  
19 a stack of documents, which I have, for  
20 245 Pine Street. It's a mansion in  
21 Society Hill. A stack of documents that  
22 indicate all sorts of different work,  
23 including structural work, removing  
24 load-bearing walls, putting in skylights,  
25 taking down plaster. I look on the L&I

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2 website, 245 Pine Street, no permits  
3 pulled. The work was done in 2007, and I  
4 call 3-1-1 and I tell them about it. And  
5 I call 15 times over the course of a  
6 year. Everyone wanted to know why I had  
7 those documents. Is it your house? Is  
8 it your neighbor's house?

9 I said, No. I have them in the  
10 course of litigation and it could lead  
11 you to revenue.

12 It turns out -- I finally spoke  
13 to a supervisor who told me that no one  
14 understood what the word "litigation"  
15 meant and why I would have these  
16 documents.

17 I have the contracts that he  
18 did on this property, and finally in July  
19 of 2010, after a year of calling, seven  
20 violations were issued and the City was  
21 able to collect the revenue. They called  
22 him down. They made him give him the --  
23 pull the permits.

24 I then went to Al Butkovitz's  
25 office. I spoke to Michael McKee, who

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2 worked there at the time. I said, I can  
3 lead you to more revenue. This person, I  
4 didn't ask him for all his contracts that  
5 he's done in Philly. I just asked him  
6 for the greater or equal. If he gives  
7 you the contracts, you can match them up.  
8 Just subpoena them from him. Match him  
9 up, or I could do it. I will sit here  
10 and match them up. Go get your revenue.  
11 And then I handed him a deposition  
12 transcript of one of the subs that I  
13 deposed. I tried this case myself.  
14 Dumbest thing I ever done in my life.  
15 And the sub, I asked him, How much were  
16 you paid to work in my house?

17 He said, I did it as a favor  
18 for the contractor. I wasn't paid  
19 anything.

20 I was like, Isn't that nice? I  
21 don't know you. What are you doing  
22 working in my house for free?

23 I gave that transcript to  
24 Michael McKee and he said, I don't see  
25 the angle here.

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2 I said, The value of this work  
3 is taxable. This is two years ago.

4 He said, Oh, if he's doing  
5 contracts with the City, maybe we could  
6 go after him.

7 I said, This is revenue for  
8 you. It's free money. Nothing happened.

9 Fast forward. And I went to  
10 court. I went to trial. The case was  
11 supposed to settle. They were told to  
12 pay me money, just based on what they did  
13 to the electrical system in my house  
14 alone. I turned down the offer. They  
15 have a lawyer. Their contractor has a  
16 lawyer who used to work for the City. He  
17 knows the ins and outs of the City. I  
18 didn't think this could possibly happen,  
19 but we ended up going to trial before the  
20 Honorable James Murray Lynn, who had been  
21 a judge at that time for 20 years in this  
22 city. He ruled against me, and I asked  
23 him on appeal how you can maintain a  
24 contract for something that is illegal to  
25 perform.

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2 Two years later, after I went  
3 to the newspaper telling them that I was  
4 awaiting an opinion that was due 18  
5 months before, two months after trial, he  
6 finally wrote the opinion one week after  
7 I called the City Holla desk at the Daily  
8 News calling him out. The opinion, which  
9 I have here -- the judge sat on the bench  
10 for 20 years in the City, who used to  
11 work for the DA's Office, did not know  
12 there was an electrical code. He cited  
13 to a 1936 law about acquiescence and how  
14 business properties were split up from a  
15 will. He said if you decide to do  
16 business one way, you cannot turn around  
17 and complain about it later. He said I  
18 requested this contractor do this illegal  
19 work and it was my fault.

20 I then went to the City and I  
21 begged for help to go on appeal. I did  
22 hire a lawyer. And I said, If you can  
23 file an amicus with me, perhaps we can  
24 have a good chance of making some good  
25 law here, and I have documents that can



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2 lead you to money and could lead you to  
3 stop this person, because nobody stopped  
4 him. John Dougherty could have stopped  
5 him and he didn't. Terrence Reilly could  
6 have stopped him and he didn't. The  
7 judge could have stopped him and he  
8 didn't. And I went and I spoke to my  
9 Councilman, Councilman Squilla, and I  
10 asked for help, and he said he would try,  
11 and we got blown off. And then I  
12 called -- I went to Jim Kenney. I called  
13 his office three times, and I said, I  
14 have information about unsafe practices  
15 that's making this City a less safe  
16 place. I was told on the third call that  
17 if he wanted to meet with me, I would get  
18 a call. I never did. And then a year  
19 ago, I also called Michael Fink and I  
20 told him about all this and I asked how  
21 could it happen, and I have documents  
22 that could lead you to more places that  
23 this person is working in. I've  
24 already -- everything that I've seen so  
25 far, he hasn't pulled a license. And

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2 Michael Fink told me, it is a homeowner's  
3 responsibility in the City. It is not  
4 the contractor's nor is it L&I. And so I  
5 went up on appeal by myself -- well, with  
6 my lawyer, and I didn't think in a  
7 million years this could happen, but two  
8 weeks ago, while this committee was being  
9 put together and hearings were being put  
10 together, that the Superior Court of  
11 Pennsylvania issued an opinion that  
12 destroyed me and held for the contractor,  
13 saying unless you can prove that the work  
14 was -- I didn't prove that the work  
15 wasn't good.

16 I have three electricians'  
17 invoices that I have with me saying the  
18 work was a mess, wires were everywhere,  
19 the house was an electrical mess, there  
20 was no planning from the start to the  
21 finish, had to -- did not want to get  
22 behind the walls where there was a can of  
23 worms. I have it all right with me and  
24 I've dropped it off to you, Carlton  
25 Williams. I've dropped it off to Bob

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2 Henon and I've dropped it off to Jim  
3 Kenney and to Councilman Squilla's, a  
4 pile of documents.

5 And so now this is the only  
6 state that says -- every other state says  
7 if something is against the law, you  
8 cannot -- it is illegal to perform. You  
9 cannot maintain a contract action. In  
10 Pennsylvania now, this is the first  
11 time -- they had a chance to make this  
12 law. They have not opined on this since  
13 1950. That pre-dates all these safety  
14 codes where they said someone couldn't  
15 maintain a contract for something that  
16 was against antitrust. I have all this  
17 stuff. So now two days ago, I call  
18 Michael Fink and I left him a message and  
19 I said, I don't know if you remember me,  
20 but I spoke to you a year ago and I still  
21 have documents that could lead you, and  
22 he called me right back. I said I am  
23 testifying here today, and he called me  
24 right back. I said, I dropped off a  
25 stack of documents to Carlton Williams

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2 last week. He wasn't aware of it. He  
3 had to go looking for them. He called me  
4 back. He said, What do you got? He  
5 said, Yeah, I know what I said last -- he  
6 said, It is the contractor and the  
7 homeowner's responsibility.

8 I said, I never got cited, so  
9 how was I supposed to know? Even the  
10 judge doesn't know that there's a law, or  
11 he pretended not to when I came in front  
12 of him by myself. And he wanted all my  
13 documents. I sent them all to him  
14 yesterday. He called me twice asking for  
15 them. He sounded very nervous, I have to  
16 say. He's changed his tune and he -- but  
17 the contractor itself, I have testimony,  
18 did you ever completely rewire a house in  
19 the City of Philadelphia before?

20 No.

21 Do you know what code  
22 Philadelphia abides by?

23 No.

24 Do you own any code books?

25 No.

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2 Do you contend that you got my  
3 house up to code?

4 Yes.

5 But you don't know which code?

6 No. And then he answers, By  
7 code, I meant left it in a safer  
8 condition.

9 What qualifies you for this?

10 Are you qualified under the law?

11 No. I'm a qualified person.

12 And the judge said in your  
13 favor. If my house burned down tomorrow,  
14 would there be an investigation? I was  
15 told by Fink, yes, there would be. I was  
16 told by Bill Brown last week in the  
17 Controller's Office, yes, there would be.

18 My house did catch on fire in  
19 February of 2011. Not one fire alarm  
20 went off. The Fire Department responded  
21 and they gave me donated fire alarms,  
22 which are now in my house. There is no  
23 way to tie these ones that this  
24 contractor put in into the electrical  
25 system. I mean, not that I can figure

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2 out, not that any electrician could  
3 figure out.

4 So I'm asking you, if my house  
5 burned down tomorrow, would these  
6 documents mean anything to anybody?  
7 Should this contractor be stopped?

8 I did a Right to Know with the  
9 City of Philadelphia L&I a year ago. He  
10 stopped pulling permits. After he got  
11 caught, he pulled the permits on my  
12 house, he pulled them on the 245 Pine  
13 Street, and he pulled them for six more  
14 months on random houses that I don't  
15 know, and then he stopped. He has not  
16 pulled a permit since, I believe it's,  
17 December of 2010. He still has a house.  
18 He's still in business. I don't know if  
19 he works in Philadelphia. I think he  
20 probably does.

21 COUNCILMAN JONES: That's  
22 scary. I mean, if we have -- Jim talked  
23 about it -- a situation where, A, we have  
24 an honor system; B, that isn't being  
25 honored by some dishonorable people and

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2 inspectors don't feel it's their duty to  
3 inspect and judges don't know that there  
4 is even a BOCA code or an electric code  
5 that holds --

6 MS. SHAPIRO: He knew. He  
7 knew.

8 COUNCILMAN JONES: It's just  
9 incredible to me.

10 MS. SHAPIRO: He knew. I told  
11 him. He knew. Judges do what they want  
12 to do.

13 COUNCILMAN JONES: Do you want  
14 to give us the name of --

15 MS. SHAPIRO: Judge James  
16 Murray Lynn. He has been --

17 COUNCILMAN JONES: The  
18 contractor.

19 MS. SHAPIRO: Oh, the  
20 contractor. Koenig, K-O-E-N-I-G. I've  
21 dropped documents and testimony in all of  
22 your offices.

23 COUNCILMAN JONES: All right.

24 MS. SHAPIRO: But you can't  
25 just call up the City and have them --

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2 someone should sit next to me or any  
3 female as they try to do this. Good luck  
4 having anyone in the City pay attention  
5 to you. I've been waiting for five years  
6 for this moment, and I'm honored to be  
7 able to do it.

8 COUNCILMAN JONES: Well, I'll  
9 tell you this, I have the Chair of L&I  
10 sitting next to me. You don't have to  
11 wait five years. She'll follow up with  
12 that and get us an answer. And more than  
13 an answer, a response that this kind of  
14 stuff cannot be allowed to go on.

15 I think one of the things that  
16 we noted, when things shifted from public  
17 safety to commerce, it spoke volumes.  
18 Commerce means the execution of  
19 contracts, the expedient nature of making  
20 us business friendly as opposed to making  
21 us city safe. They are two different  
22 things, and they don't have to be in  
23 conflict with each other, but they are  
24 two different things.

25 So do you have any other



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2 questions?

3 COUNCILWOMAN SANCHEZ: I just  
4 want to congratulate you. You've become  
5 a paralegal in five years. You've picked  
6 up the terminology. I'm married to an  
7 attorney, so I'm listening to all your --

8 MS. SHAPIRO: I have a law  
9 degree in California. Don't give me too  
10 much credit. I thought that it was like  
11 that here, that you put the law before  
12 the judges and they actually analyze it.  
13 But you don't go into court alone without  
14 an attorney in Philadelphia. That was an  
15 enormous mistake.

16 COUNCILWOMAN SANCHEZ: Well, we  
17 apologize for it, and I think that's why  
18 it is important for us to have these  
19 public discussions. They're very  
20 uncomfortable. They're uncomfortable for  
21 us as elected officials. I hope they're  
22 uncomfortable for the leadership at L&I  
23 and that they see to it that there be  
24 some sort of response to you in terms of  
25 this work.

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2 I know that in terms of moving  
3 forward, what I can tell you is that some  
4 of the things that this Committee and  
5 other colleagues have worked on is a  
6 better integration of data around  
7 revenue, contracting, contractors. I  
8 think if you've heard the other four  
9 hearings, that was a common theme, that  
10 our inability to do the type of discovery  
11 work that's necessary. I know my  
12 colleague Councilman Henon and Kenney are  
13 extremely frustrated. They know the  
14 industry better. And so these are all  
15 areas that we really believe, given  
16 today's technology, we should be at a  
17 better place. And I know that this new  
18 Commissioner of License and Inspection is  
19 working really diligent on our  
20 infrastructure, our database  
21 infrastructure, and it will definitely be  
22 part of what we prescribe in our report,  
23 and ultimately the legislation is the  
24 better transparency and the availability.

25 I think you heard earlier there

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2 was some testimony around signage, around  
3 requiring contractors to have better  
4 signage, what we ask people when they  
5 submit permitting. We want to create a  
6 better accountability system. And I  
7 think ultimately we have to do a better  
8 job of educating the public around  
9 contractors.

10 The ideal situation for us --  
11 and I think you'll see it in our  
12 report -- if you're looking at a  
13 contractor or reviewing contractors, you  
14 should be able to go on our website and  
15 look at their information and see if  
16 they're filing their business taxes and  
17 even see what their track record has been  
18 around pulling permits and stuff, and  
19 that's what we're working towards,  
20 because I think had you had that  
21 available to you, this situation would  
22 have been different.

23 MS. SHAPIRO: It would have  
24 been different.

25 There's one thing I want to ask

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 you, though, because I do have the sworn  
3 testimony of him saying that he has wired  
4 other places and that a licensed  
5 electrician does the final tie-in. I'm  
6 not sure if he was telling the truth.  
7 I'm sure he wasn't, actually, but if he  
8 was, which licensed electrician is tying  
9 in after an unlicensed guy's work who  
10 doesn't even know the name of the  
11 Philadelphia code? I mean, don't you  
12 want to ask him where he's tied in, where  
13 he's done this work? Just ask him. Call  
14 him in. Ask him. Whose houses did you  
15 do this? You swore that it happened.

16 COUNCILWOMAN SANCHEZ:  
17 Unfortunately, as we learned in our first  
18 hearing, we can't police everybody, and  
19 ultimately there are unscrupulous  
20 contractors and unscrupulous people.  
21 Irregardless of how many recommendations  
22 come up today, there are still some of  
23 these folks that will be out there. Our  
24 job has to be at better informing the  
25 public of what we know with the people

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 that we issue these permits to, and to  
3 the extent that we can control the  
4 information that we request, that we  
5 gather, that we maintain, and that we  
6 share publicly will hopefully get us to a  
7 better place. But it's been the hardest  
8 lesson to learn through all this process,  
9 is ultimately there are bad people.  
10 There are bad actors.

11 MS. SHAPIRO: Right. Just one  
12 more thing I have to say. It may seem  
13 like this is about me. For me this is  
14 over. The money that I lost, I don't  
15 care.

16 COUNCILWOMAN SANCHEZ: There's  
17 tons of people like you all over the  
18 City.

19 MS. SHAPIRO: I have been  
20 bleeding all over this city for four  
21 years trying to get someone to listen to  
22 me about what this person is doing to  
23 other people, and I sat in Councilman  
24 Squilla's office last year and I said I  
25 don't think until a building comes down

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 in the City, nobody cares, and he agreed  
3 with me. And here I am after a building  
4 came down. And I said that to him, it  
5 was after a building -- two firemen died  
6 in, I believe it was, the Northeast, and  
7 I said that to him. I said, Well, here's  
8 a guy, ask him where he's wired these  
9 places. Ask him. Just call him in, ask  
10 him. Inform the homeowners.

11 COUNCILMAN JONES: Thank you.  
12 And, again, I realize you're not doing  
13 this for you. You're doing this for the  
14 other people --

15 MS. SHAPIRO: I am.

16 COUNCILMAN JONES: -- that  
17 might wind up in a fire or a building  
18 collapse, because this guy is going  
19 around --

20 MS. SHAPIRO: Every time --  
21 when this building collapsed, I want to  
22 slam my head against the wall for what I  
23 tried to tell the City. I tried and  
24 tried and got blown off so many times.  
25 And I read about it and I just want to

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 slam my head against the wall.

3 COUNCILMAN JONES: We don't  
4 want you to do that, but we want to take  
5 what you've learned the hard way and  
6 apply it to this Committee so that other  
7 people will benefit from it. All right?

8 MS. SHAPIRO: Thanks.

9 COUNCILMAN JONES: Thank you.  
10 You are our last person. We  
11 saved the best for last. Thank you for  
12 your patience, and please state your name  
13 for the record and begin your testimony.

14 MS. BEY: Yes. Thank you. My  
15 name is Baseemah Muhammad Bey, and I  
16 speak to you today -- first, I would like  
17 to thank you all for hearing me. But I  
18 speak to you today as a homeowner and a  
19 representative for the block captains of  
20 the 3200 block of Berks Street. I am  
21 crucially concerned about what's  
22 happening in my community right now.  
23 When we talking about construction, we  
24 talking about demolition going on. We  
25 talk about lack of communication and

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 community awareness. I'm here on those  
3 concerns.

4 I'm here because our block over  
5 the last almost ten years has been  
6 completely torn down. You have four  
7 blocks sitting on the west side of Berks  
8 Street. You have a million dollar church  
9 sitting on the other side of the street.  
10 Right behind my home -- in the process of  
11 the church being built, our homes went  
12 through great damage of structure, to the  
13 point of so we were woken up out of our  
14 bed many days with my bed shaking and  
15 coming downstairs and finding the China  
16 in my closet is trembling. By the third  
17 day, I went over to the church and spoke  
18 with the constructor there and told him  
19 the vibrations and the trembling that was  
20 going on in this other side of the  
21 street. He reassured me at that time  
22 that because the ground wasn't laid down  
23 correctly, that they was just trying to  
24 restructure the ground in order for them  
25 to build the church.



1 8/15/13 - SPECIAL COMMITTEE - RES. 130546

2 By day five, I couldn't take  
3 anymore. I began to call 3-1-1, and as  
4 you heard many testify today, it is a  
5 fraud. It doesn't -- I can't say no  
6 justice, but it does not certainly meet  
7 the requirements of our community.

8 I then came down to City Hall  
9 to find out who do I speak to. I went  
10 from one place to the other. I wind up  
11 in Air Control Management or Air  
12 Management where they deal with noise  
13 vibrations, debris, things of this  
14 nature. I thought I was going in there  
15 for some help to be able to lead me in  
16 the direction to help us safeguard our  
17 homes.

18 Our homes are almost 100 years  
19 old. With this new construction going  
20 around, these four properties that sit  
21 two in one space and about eight houses  
22 vacant between and two on the other side,  
23 my concern is at this time they are  
24 unsafe because of the construction that  
25 has been going on. I'm more concerned

1           8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2           because in the last past four months, the  
3           properties behind me -- everyone has been  
4           moved out of those properties. The block  
5           behind me on Monument Street is now  
6           vacant. It's a forest back there. Our  
7           community is left with rodents and rats  
8           from the buildings that had been torn  
9           down on the corner there at 32nd and  
10          Berks. It was abandoned for well over 25  
11          years. License and Inspection was out  
12          there. There was no one putting anything  
13          out there for the rodents that was  
14          running rampantly through our homes.

15                         After we was hit suddenly with  
16          such high contamination of rodents, I  
17          then went to investigate in the  
18          community, because sometimes you take it  
19          personally, like where did these things  
20          come from all the sudden. But, of  
21          course, you go out to the community to  
22          ask are they having the same problems,  
23          and, yes, they were.

24                         On the second day of that  
25          building being torn down at 32nd and

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 Berks on the corner there, I came outside  
3 to the gentleman that was tearing it down  
4 and explained to him what we were faced  
5 with. He said to me, Ma'am, the  
6 homeowners have to deal with that. And  
7 before I went into attack to him, a  
8 person of License and Inspection was  
9 across the street and came and gave me  
10 about three bags of pesticide for rats,  
11 which kind of like stirred me down a  
12 little bit, but my neighbors were still  
13 having a problem.

14 The lack of concern around  
15 License and Inspection in the City and  
16 what's going on in the community in  
17 Strawberry Mansion, I'm really concerned.  
18 And, again, just going back to the new  
19 development that's getting ready to start  
20 right behind me, I'm hearing trucks at 7  
21 o'clock in the morning just rolling  
22 through the back part of my home, the  
23 block behind me, which is right behind my  
24 yard. I'm feeling vibrations already of  
25 those trucks. I'm unaware of the work

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 that they're doing, unaware of what's  
3 getting ready to happen on that block,  
4 but, of course, it stirs up the things  
5 that's underground as well.

6 So I'm here today, I wanted to  
7 pre-worn or prepare myself in terms of  
8 the structure of my home and my  
9 neighbors' home in the community that's  
10 around us, particularly the four blocks  
11 that sit there on Berks Street, which I  
12 was told by our Council representative,  
13 Darrell Clarke, that those homes on the  
14 other side of Monument Street, which is  
15 four that sits there, there's no money  
16 for anything for those homes at this  
17 point. So I'm concerned in terms of  
18 block grants, what can we do, what is  
19 available for us, is there a community  
20 package that will be able to help us  
21 better prepare to save our homes and not  
22 be subjected to our homes falling down.

23 There's a wall that has had  
24 major problems from the time that they  
25 were tearing down the houses and after

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 they tore down the homes on our block,  
3 where I constantly get water. My walls  
4 are constantly wet. My roof is dripping  
5 from the outside of the house where they  
6 tore down. And it's not just my side.  
7 It's the outside of the other houses who  
8 have no adjoining property to them as  
9 well.

10 So I don't know what to do at  
11 this point, where to go. I ran down some  
12 of the developers that was walking  
13 through the neighborhood ready to  
14 develop, and I was shocked. A young man  
15 gave me his contact information. I have  
16 not contacted him yet because I was  
17 almost unprepared what to say to him or  
18 what he can say to me. He's coming there  
19 to develop, and I'm concerned about my  
20 home. So to me it was a conflict of  
21 interest.

22 So the opportunity today  
23 brought me here to the question around  
24 safety of our homes. And as I heard  
25 Mr. Kaseen Ali speak, I said, wow,

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 because there was no checklist. There  
3 was no one that came around to us. There  
4 was no one that talked about the debris  
5 that we just breathing. There's no one  
6 that's talking about how long do we have  
7 to walk over clay dirt and stuff and  
8 travel into our homes. And there was no  
9 one talking about the high level of  
10 contents of lead that's in our community.  
11 There's no one talking about the high  
12 level of cancer rate that has now gone up  
13 in our community with our residents in  
14 the last ten years as I've taken  
15 observations.

16 So those things are a major  
17 concern to me, and I don't know if they  
18 can get an answer today, but certainly I  
19 would look for someone in the very near  
20 future to help us in the Strawberry  
21 Mansion community, particularly in the  
22 3200 block of Berks Street, and where do  
23 we go in making sure that our homes don't  
24 be subjected to falling down.

25 COUNCILMAN JONES: This is the

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 fifth hearing. In between hearings, we  
3 did site visits to find out through a lot  
4 of the background work so that we would  
5 be at least prepared. You guys take for  
6 granted -- you got a lifetime of the  
7 industry. We had to learn it in a short  
8 amount of time, and thank you for opening  
9 up your facilities to teach us what we  
10 don't know.

11 One of the things we found out  
12 was all of the things that happen when a  
13 demo happens to neighborhoods. It's not  
14 just the people on site. We cited that  
15 when Market Street thing happened, our  
16 first responders were exposed to all  
17 kinds of carcinogens and contamination.  
18 But on a day-to-day basis when we tear  
19 these properties down, what happens to  
20 the neighborhood, what happens to the  
21 people next door.

22 I found out in the worst way  
23 that concrete over a certain age was  
24 meshed with asbestos. It's what bound  
25 the -- it's illegal now, but that's what

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 bound the concrete together. So when  
3 people are popping off with a jackhammer  
4 and a plume of smoke goes up, we have to  
5 be very concerned about the person who  
6 eats right, takes care of their body,  
7 they're out jogging, and all the sudden  
8 they get hit with this plume and they  
9 wonder why. They did everything right.  
10 They ate at Whole Foods and places like  
11 that and spent extra money going to the  
12 gyms and taking care of themselves and then  
13 all of the sudden, how did I come down  
14 with this.

15 MS. BEY: And I don't mean to  
16 cut you off, but you made me think of  
17 something that I really need to share  
18 with you in terms of the safety hazard.  
19 When they were tearing the whole block  
20 down on our block, I was out of town at  
21 that time, and when I came home, I never  
22 seen nothing like this. I was born and  
23 raised in South Philadelphia, so there's  
24 certain things happen in areas that don't  
25 happen in certain areas. I've never seen



1           8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2           nothing like that in my life. When I  
3           came home, there was debris sitting in  
4           the block as tall as this building and it  
5           had been there for almost a week. And  
6           after my second day at home, I called the  
7           City and asked them what was they going  
8           to do. They put me through to the  
9           inspectors and around, around, around.  
10          So I had to put the activist action out.  
11          If you do not come and remove this  
12          debris, what was said -- and it's sad  
13          that we have to battle like this only for  
14          the right things to be done, but  
15          sometimes you have to take that extra  
16          measurement.

17                         Since then, Evelyn Saltrez  
18          (ph), who was working along with the  
19          homeless, along with myself, we were  
20          determined at that point when she seen  
21          the condition -- I shared with her my  
22          block -- if they did not come and get the  
23          demolition trucks and remove that debris  
24          that sat as high as this building here,  
25          this room here, that we were prepared to

1           8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2           shut down 33rd Street and there would be  
3           no traffic coming down 33rd Street but  
4           demolition trucks, and we were prepared  
5           to lay our bodies in the street for that.  
6           And so before 12 o'clock, those  
7           demolition trucks was in the City moving  
8           up our way.

9                         But we shouldn't have to go to  
10          that extreme to be safe in our community,  
11          where the City is profiting. At this  
12          point, PHA owns all of that property on  
13          my block. The grass, we have to pay \$20  
14          to get the lawnmower through our block  
15          every week or every three weeks when it's  
16          affordable. I must say that. So that we  
17          can keep the rodents down that's running  
18          around. The raccoons is running around,  
19          and families is growing up in all of this  
20          grass. So these issues need to be  
21          addressed. And I thank you for letting  
22          me add that as well.

23                        COUNCILMAN JONES: Well, we  
24          appreciate your comments, and a part of  
25          listening to the public, we get the

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 unexpected examples of what goes right  
3 and what goes wrong, but it helps us to  
4 formulate better public policy, because  
5 at the end of the day, you're the end  
6 user and if you're dissatisfied as a  
7 customer, we're not satisfied with what  
8 we're doing as a city.

9 In your individual case, we  
10 have a gentleman over there from the  
11 Councilman's office that whatever  
12 particular concerns -- we're going to  
13 take it that your block, 3200 block of  
14 Berks, is a lot of blocks like that in  
15 the City of Philadelphia. So from your  
16 individual cases, to try to codify that  
17 in a way that helps a greater number of  
18 people.

19 MR. BEY: You pointed him out  
20 to me for which reason?

21 COUNCILMAN JONES: Because  
22 whatever on your block by way of PHA, by  
23 way of what they're doing, by way of  
24 future construction, by way of future  
25 vibrations, that he can be a liaison for

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 you by way of not having to lay your body  
3 out at 32nd and Berks. We're going to  
4 lay his body out at 32nd and --

5 MR. BEY: Well, I truly  
6 appreciate that, because the runaround  
7 that I've gotten through City Council's  
8 office has been a disgrace. And so I  
9 would generally like to introduce myself  
10 to him and exchange contact numbers so  
11 that I know that I have someone that I  
12 can rely on and not phone-chase anybody.

13 COUNCILMAN JONES: Yeah, that's  
14 frustrating.

15 MR. BEY: So I thank you again.

16 COUNCILMAN JONES: Well, we  
17 thank you for taking the time and being  
18 patient to put this on the record so that  
19 we can take this back and try to sift  
20 through these things and take common  
21 issues to make better public policy. And  
22 we thank you.

23 MR. BEY: Thank you again.

24 COUNCILMAN JONES: With that,  
25 are there any other people to testify?

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546

2 (No response.)

3 COUNCILMAN JONES: Seeing none,  
4 as we close out today's hearing, I have  
5 to say on the record that we've heard  
6 from a great many people, not just the  
7 big experts, the big companies, unions,  
8 but little people that pay the bills,  
9 that pay the bills, and we pay as much  
10 attention to large corporations as we do  
11 individual taxpayers. And we have some  
12 excellent ideas that we've gotten from  
13 them. We're going to look at cost  
14 benefit, the impact of some of this on  
15 our budget. We hope that that translates  
16 into good public policy, good  
17 legislation, and better implementation.

18 I want to thank my Committee  
19 members that took the time, Councilwoman  
20 Blackwell, Councilwoman Sanchez,  
21 Councilman Henon, Councilman Kenney, who  
22 put their time and even some of their  
23 summer vacations on hold in order to have  
24 the five hearings that we had today.

25 Are there any closing comments

1 8/15/13 - SPECIAL COMMITTEE - RES. 130546  
2 from any of the members?

3 COUNCILWOMAN BLACKWELL: We  
4 want to thank the Chairman and all the  
5 members, his staff and our staffs, for  
6 all the work they have done, and we look  
7 forward to coming out with a report to  
8 show that we are serious about making  
9 life better in Philadelphia.

10 COUNCILMAN JONES: So our  
11 hearing on the Special Committee for  
12 Public Safety -- PennFuture has submitted  
13 written testimony. They could not stay  
14 today, and we thank them for it.

15 This Committee is officially  
16 adjourned.

17 (Special Investigating  
18 Committee on Demolition Practices  
19 adjourned at 4:40 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the proceedings, evidence and objections are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter, and that this is a true and correct transcript of same.

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MICHELE L. MURPHY  
RPR-Notary Public

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