

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC PROPERTY AND
PUBLIC WORKS

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, February 15, 2017
10:10 a.m.

PRESENT:

COUNCILMAN BOBBY HENON, CHAIR
COUNCILMAN ALLAN DOMB
COUNCILMAN WILLIAM K. GREENLEE
COUNCILWOMAN HELEN GYM
COUNCILMAN DAVID OH
COUNCILMAN MARK SQUILLA

BILL 170089 - An ordinance authorizing the Commissioner of Public Property, on behalf of the City, to acquire fee simple title, or a less interest in real estate, in parcels of land along the Delaware River and the Kensington & Tacony Trail...

BILL 170106 - An ordinance authorizing the Commissioner of Public Property and the Director of Commerce, on behalf of the City, to acquire an approximately 136 acre property known as the Airport Business Center...

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COUNCILMAN HENON: Good morning, everybody. We will start the Committee of Public Property and Public Works. A quorum is present. To my left, Councilman Greenlee, Councilman Domb. To my right is Councilman Squilla.

With that, Clerk, would you please read the bills.

THE CLERK: Bill No. 170089, an ordinance authorizing the Commissioner of Public Property, on behalf of the City, to acquire fee simple title, or a lesser interest in real estate, in parcels of land along the Delaware River and the Kensington & Tacony Trail, under certain terms and conditions; and

Bill No. 170106, an ordinance authorizing the Commissioner of Public Property and the Director of Commerce, on behalf of the City, to acquire an approximately 136 acre property known as the Airport Business Center located in Tinicum Township, Delaware County, together with all improvements thereon,

1 2/15/17 - PUBLIC PROPERTY - BILL 170089, ETC.

2 all under certain terms and conditions.

3 COUNCILMAN HENON: Thank you.

4 Is there anyone from the
5 Administration that wishes to speak on
6 Bill No. 170089?

7 Please approach the bench.
8 State your name for the record and you
9 may proceed with your testimony.

10 (Witness approached witness
11 table.)

12 MR. ARMSTRONG: Sure. My name
13 is Robert Armstrong. I'm with
14 Philadelphia Parks and Recreation.

15 Good morning, Chairman Henon
16 and Committee members. My name is Robert
17 Armstrong. I'm the Preservation and
18 Capital Projects Manager with the
19 Department of Parks and Recreation. I
20 appear before you here today on behalf of
21 the Department concerning Council Bill
22 No. 170089.

23 This bill allows the City of
24 Philadelphia to acquire a right-of-way
25 along the former Kensington and Tacony

1 2/15/17 - PUBLIC PROPERTY - BILL 170089, ETC.

2 (K&T) Railroad and land along the
3 Delaware River to construct the K&T
4 Trail, Phase 2, which will be used for
5 recreation and transportation purposes.

6 Upon completion of the
7 construction, the trail will be operated
8 and maintained by Philadelphia Parks and
9 Recreation along with its non-profit
10 partner, the Delaware River City
11 Corporation. The trail is between Magee
12 Avenue and Princeton Street along the
13 Delaware River. The trail connects to
14 the K&T Trail, Phase 1, which is
15 presently in the final stages of
16 construction, and the Tacony Holmesburg
17 Trail, which is in design. The trail is
18 part of the larger, regional Circuit
19 Trail system and the national East Coast
20 Greenway.

21 Thank you. I would be glad to
22 answer any questions you may have.

23 COUNCILMAN HENON: Thank you
24 for your testimony. I have just a quick
25 question here. Do you know the status of

1 2/15/17 - PUBLIC PROPERTY - BILL 170089, ETC.

2 the negotiations in regard to the
3 Morrissey track and the Al's Auto Parts,
4 and if they haven't been acquired, why is
5 the condemnation process started ten
6 years ago as opposed to just over the
7 last couple years?

8 MR. ARMSTRONG: I mean, I would
9 prefer to have the Law Department here to
10 answer that question. I do believe that
11 the Morrissey is almost -- the deal is
12 almost closed, according to what the Law
13 Department told me last week. We did
14 need to get this legislation through in
15 order to have the final piece of the
16 puzzle together to get that property.
17 And I believe the Al's Auto has been
18 acquired.

19 COUNCILMAN HENON: And --

20 MR. ARMSTRONG: Again, I'm not
21 the Law Department.

22 COUNCILMAN HENON: Somebody
23 would also have the acquisition price?

24 MR. ARMSTRONG: Yes. There has
25 been appraisals that have been done for

1 2/15/17 - PUBLIC PROPERTY - BILL 170089, ETC.

2 the Law Department. I don't have them
3 with me today, but I'd be happy to
4 provide the status to you and your staff.

5 COUNCILMAN HENON: Do you have
6 the status of the trail?

7 MR. ARMSTRONG: The status of
8 the trail itself?

9 COUNCILMAN HENON: Of the trail
10 just in general.

11 MR. ARMSTRONG: Well, the K&T
12 1, we're going to do the ribbon cutting
13 in May. We're almost finished. The
14 bridge over the Wingohocking outfall is
15 complete, and all we have to do is
16 landscape and signage. And then this K&T
17 2, and we did receive a million dollars
18 in Transportation Alternatives Program,
19 TAP, FHWA funding for this project. So
20 we are doing this legislation and then
21 working with the Law Department to
22 finalize all the property acquisitions.
23 I'd be happy to provide that to you once
24 I talk to the Law Department.

25 COUNCILMAN HENON: That would

1 2/15/17 - PUBLIC PROPERTY - BILL 170089, ETC.

2 be great.

3 MR. ARMSTRONG: Sure.

4 COUNCILMAN HENON: And I think
5 that there's been a tremendous amount of
6 progress moving forward with the trails.

7 There's two trails. There's
8 the Northern Delaware River Trail and
9 there's the Southern Delaware River
10 Trail?

11 MR. ARMSTRONG: Yeah. The
12 southern piece is really being worked on
13 by Delaware River Waterfront Corporation,
14 not really PPR's projects.

15 COUNCILMAN HENON: That's a
16 leading question. So what I'm going to
17 ask you is, with this acquisition and the
18 ribbon cutting, does that put the
19 Northern Delaware River Trail ahead of
20 the Delaware River Trail, my competitive
21 colleague next to me on the waterfront
22 trail?

23 MR. ARMSTRONG: I don't know
24 what the status of DRWC's project is.

25 COUNCILMAN HENON: Okay. Plead

1 2/15/17 - PUBLIC PROPERTY - BILL 170089, ETC.

2 the Fifth, great.

3 Thank you for your testimony.

4 Is there anyone here on the

5 Committee that wishes to ask any

6 questions?

7 Councilman Domb.

8 COUNCILMAN DOMB: Thank you,

9 Mr. Chairman.

10 Thank you for your testimony.

11 Just a quick question. I'm trying to

12 understand, is there any -- is this

13 costing the City any money?

14 MR. ARMSTRONG: Well, there is,

15 I believe, some earmarked money in this.

16 There's also Federal Highway's money in

17 it.

18 COUNCILMAN DOMB: Let me just

19 ask you a question. Who are we acquiring

20 this from?

21 MR. ARMSTRONG: Private

22 individuals.

23 COUNCILMAN DOMB: And what are

24 we paying for that?

25 MR. ARMSTRONG: Well, there's

1 2/15/17 - PUBLIC PROPERTY - BILL 170089, ETC.

2 been several appraisals for several
3 different parcels. So, again, I could --
4 the same information that I provide to
5 Councilman Henon I can provide to you as
6 well. I don't have those numbers exactly
7 with me because our Law Department
8 counsel is not here.

9 COUNCILMAN DOMB: And who
10 determines if it's a fair value?

11 MR. ARMSTRONG: There's
12 appraisals that are done for fair market
13 value, that the Law Department engages
14 with an appraisal company and they do the
15 appraisals.

16 COUNCILMAN DOMB: I'd like to
17 see that information just so I can
18 understand it.

19 MR. ARMSTRONG: No problem.

20 COUNCILMAN HENON: For the
21 record, upon receiving those appraisals,
22 I will make sure that the Committee
23 receive that quickly and on time.

24 MR. ARMSTRONG: Sure.

25 COUNCILMAN HENON: Thank you.

1 2/15/17 - PUBLIC PROPERTY - BILL 170089, ETC.

2 MR. ARMSTRONG: I will try to
3 get them to you today.

4 COUNCILMAN HENON: Any other
5 members wish to ask any questions?

6 (No response.)

7 COUNCILMAN HENON: Anyone else
8 here today that wishes to testify on
9 170089?

10 (No response.)

11 COUNCILMAN HENON: Thank you
12 for your testimony.

13 MR. ARMSTRONG: No problem.

14 COUNCILMAN HENON: With that,
15 before we get into our next bill, this
16 Committee will -- so with that, we're
17 going to go into our public meeting, and
18 the Chair recognizes Councilman Greenlee.

19 COUNCILMAN GREENLEE: Thank
20 you, Mr. Chairman. I move that Bill No.
21 170089 be reported out of this Committee
22 with a favorable recommendation and a
23 rules suspension to allow for first
24 reading at our next session of Council.

25 (Duly seconded.)

1 2/15/17 - PUBLIC PROPERTY - BILL 170089, ETC.

2 COUNCILMAN HENON: It's been
3 seconded.

4 All those in favor signify by
5 saying aye.

6 (Aye.)

7 COUNCILMAN HENON: Opposed?

8 (No response.)

9 COUNCILMAN HENON: The ayes
10 have it. Bill No. 170089 will be
11 reported out of Committee with a rules
12 suspension as to be heard at our next
13 Council session.

14 We will now go back into the
15 Committee of Public Property and Public
16 Works public hearing.

17 So we're now in the hearing,
18 and we are going to take a short recess
19 in our hearing for the Committee of
20 Public Property and Public Works. We
21 will be resuming shortly. Thank you for
22 your time.

23 (Short recess.)

24 COUNCILMAN HENON: Good
25 morning, everyone. We will resume the

1 2/15/17 - PUBLIC PROPERTY - BILL 170089, ETC.

2 Committee of Public Property and Public
3 Works.

4 Clerk, would you please read --

5 I want to recognize that a quorum again
6 is present. To my right, Councilwoman
7 Gym, Councilman Squilla, Councilman Oh.
8 To my left, Councilman Greenlee and
9 Councilman Domb.

10 Clerk, would you please read
11 the bill title of No. 170106.

12 THE CLERK: Bill No. 170106, an
13 ordinance authorizing the Commissioner of
14 Public Property and the Director of
15 Commerce, on behalf of the City, to
16 acquire an approximately 136 acre
17 property known as the Airport Business
18 Center located in Tinicum Township,
19 Delaware County, together with all
20 improvements thereon, all under certain
21 terms and conditions.

22 COUNCILMAN HENON: Thank you,
23 Clerk.

24 Is there anyone from the
25 Administration or the Airport here to

1 2/15/17 - PUBLIC PROPERTY - BILL 170089, ETC.

2 testify on Bill No. 170106?

3 (Witness approached witness
4 table.)

5 MR. MESSINA: Yes,
6 Mr. Chairman.

7 COUNCILMAN HENON: State your
8 name for the record, please, and begin
9 with your testimony.

10 MR. MESSINA: Joseph Messina.

11 Good morning, Mr. Chairman and
12 members of the Committee on Public
13 Property and Public Works. My name is
14 Joseph Messina and I am the Deputy
15 Director of Aviation for Regulatory
16 Affairs for the Philadelphia
17 International Airport. I am pleased to
18 appear before you today to testify in
19 support of Bill No. 170106.

20 This bill will authorize the
21 City of Philadelphia, through its
22 Department of Commerce, Division of
23 Aviation and the Department of Public
24 Property, to acquire a property in
25 Tinicum Township, Delaware County which

1 2/15/17 - PUBLIC PROPERTY - BILL 170089, ETC.

2 is needed for airport use. The property
3 is owned by the David C. Henderson
4 Testamentary Trust and other Henderson
5 entities.

6 The property, also known as the
7 Airport Business Center, is located next
8 to Tinicum Island Road and is adjacent to
9 airport facilities. The property
10 includes approximately 136 acres of land
11 and 130,000 square feet of office and
12 warehouse space. This acquisition will
13 be made by negotiation or condemnation.
14 The purchase price is to be determined by
15 an appraisal conducted by the airport or,
16 in the event of condemnation, by a Board
17 of View award of just compensation. The
18 purchase will be funded through the
19 Aviation Fund and will not impact the
20 General Fund.

21 I greatly appreciate the
22 opportunity to speak with you today in
23 support of Bill No. 170106 and I'm happy
24 to answer any questions that you may
25 have.

1 2/15/17 - PUBLIC PROPERTY - BILL 170089, ETC.

2 COUNCILMAN HENON: Thank you
3 for your testimony.

4 Are there any members of the
5 Committee that wish to ask any questions?

6 (No response.)

7 COUNCILMAN HENON: May I ask
8 somebody, a representative from the
9 Henderson group or team that are here
10 present, can you please come forward.

11 If you could stay there, Joe,
12 I'd appreciate it.

13 MR. MESSINA: Sure.

14 COUNCILMAN HENON: Thank you.

15 (Witness approached witness
16 table.)

17 COUNCILMAN HENON: If you could
18 state your name for the record.

19 MR. SKLAROFF: My name is
20 Michael Sklaroff. I'm here as attorney
21 for ownership.

22 COUNCILMAN HENON: Thank you,
23 and I appreciate you guys being here.

24 So in its simplistic and
25 easiest layman terms of this legislation

1 2/15/17 - PUBLIC PROPERTY - BILL 170089, ETC.

2 getting out of Committee today, if the
3 members choose so and ultimately pass in
4 Council, if other members choose so in
5 addition, what does this bill do and how
6 does this authorization help moving
7 forward with the process of negotiations?

8 MR. MESSINA: Is that directed
9 to me?

10 COUNCILMAN HENON: We'll start
11 with you and then we'll go to Sklaroff on
12 behalf of Henderson.

13 MR. MESSINA: Pursuant to the
14 Home Rule Charter, any City operating
15 agency requires the approval of City
16 Council to acquire real property. The
17 airport desires to acquire this property
18 either through amicable negotiation or in
19 the event that amicable negotiation
20 fails, then through the condemnation
21 proceeding.

22 Since the property is located
23 in Delaware County, there will be an
24 additional step. We will be required to
25 ask the consent of Tinicum Township and

1 2/15/17 - PUBLIC PROPERTY - BILL 170089, ETC.

2 Delaware County.

3 COUNCILMAN HENON: That's fine.

4 But from the City's perspective, this is
5 a simple authorization to enter into an
6 agreement and/or continue negotiations
7 and agreement; is that correct?

8 MR. MESSINA: Absolutely,
9 Councilman.

10 COUNCILMAN HENON: May I hear
11 from Mr. Sklaroff, the owner's rep.

12 MR. SKLAROFF: Well, I will say
13 that we are pleased that the bill is
14 going forward. We hope that it will
15 continue a process of negotiation, and we
16 hope that it will help us reach common
17 ground.

18 COUNCILMAN HENON: Great.

19 Is there anyone else here that
20 wishes to testify on Bill No. 170106?

21 (No response.)

22 COUNCILMAN HENON: Thank you
23 for your time. Thank you for your
24 testimony.

25 MR. SKLAROFF: Thank you.

1 2/15/17 - PUBLIC PROPERTY - BILL 170089, ETC.

2 COUNCILMAN HENON: We will now
3 go into our public meeting.

4 The Chair recognizes Councilman
5 Greenlee.

6 COUNCILMAN GREENLEE: Thank
7 you, Mr. Chairman. I move that Bill No.
8 170106 be reported out of this Committee
9 with a favorable recommendation.

10 (Duly seconded.)

11 COUNCILMAN HENON: It has been
12 moved and seconded.

13 All those in favor signify by
14 saying aye.

15 (Aye.)

16 COUNCILMAN HENON: The ayes
17 have it. Bill No. 170106 will be
18 reported out of the Committee of Public
19 Works and Public Property with a
20 favorable recommendation.

21 Thank you.

22 The meeting is adjourned.

23 (Committee on Public Property
24 and Public Works concluded at 11:15 a.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.

MICHELE L. MURPHY
RPR-Notary Public

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

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