COUNCIL OF THE CITY OF PHILADELPHIA
JOINT COMMITTEE ON RULES and
PARKS, RECREATION and CULTURAL AFFAIRS

- - -

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, November 26, 2007, 2:40 p.m.

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BILLS 070955, 070956 - Re Fox Chase Cancer Center Expansion.

(Full text of all bills contained herein.)

COUNCILMEMBERS PRESENT:

Anna C. Verna, Chair, Rules
Darrell L. Clark, Vice Chair, Rules
Frank DiCicco
William K. Greenlee
Jack Kelly
James F. Kenney
Donna Reed-Miller
Brian J. O'Neill
Blondell Reynolds-Brown, Chair, Parks and Rec.
Marian B. Tasco

- - -

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11/26/07 RULES/PARKS, REC. CULTURAL AFFAIRS

(Bills 070955, 070956)

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COUNCIL PRESIDENT VERNA: This will be the joint Committee on Rules and also on Parks and Recreation. So whoever will be testifying will be testifying on both bills, so there's no necessity for someone to be testifying twice.

I would ask Mr. McPherson, then, to please read the title of Bill No. 070955 and 070956.

MR. McPHERSON: Bill No. 070955, an ordinance to amend the Philadelphia Zoning Maps by changing the zoning designation of certain areas of land located within an area bounded by Burholme Avenue, Napfle Avenue, Burholme Avenue, Hartel Avenue, Hasbrook Avenue, Central Avenue, Cottman Avenue, Filmore Avenue, and Shelmire Avenue.

Bill No. 070956, an ordinance authorizing the president of the Fairmount Park Commission, the Executive Director of Fairmount Park, and the Public Property Commissioner,

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on behalf of the City of Philadelphia, to enter into a lease with the Philadelphia Authority for Industrial Development to lease City-owned land south of Shelmire Avenue adjacent to the campus of the Fox Chase Cancer, Inc. to PAID, under which PAID will enter into a sublease with the Fairmount Park Conservancy, a Pennsylvania nonprofit corporation under which the conservancy will enter into a sublease and other agreements with Fox Chase, pursuant to which Fox Chase will construct, maintain, and operate cancer research and treatment facilities on the property; and authorizing the President of the Fairmount Park Commission, the Executive Director of Fairmount Park, the Public Property Commissioner, and the City Solicitor to enter into additional agreements and take all other actions necessary to complete the transaction contemplated by this

ordinance, all under certain terms and conditions.

COUNCIL PRESIDENT VERNA: Who's going to testify first? Mr. Kramer, are you testifying on these bills?

MR. KRAMER: Yes.

COUNCILMAN O'NEILL: Madam Chair?

COUNCIL PRESIDENT VERNA: Yes?

COUNCILMAN O'NEILL: I would like to make some introductory remarks.

COUNCIL PRESIDENT VERNA: Yes.

COUNCILMAN O'NEILL: Yes.

COUNCIL PRESIDENT VERNA: The Chair recognizes Councilman O'Neill.

COUNCILMAN O'NEILL: This process has been long, to say the least.

It is -- I am in full support of this legislation, these two bills. And I just want to say that I'm glad it finally all got worked out.

And many people have been frustrated who are involved either with the hospital directly or peripherally

with the economic development aspects of this, and with the overall expansion and possibilities involved with the expansion.

Let me make it very clear that this didn't take a day longer than it had to take. And through the efforts of some people who I brought into the process -- Mr. William Sasso, who I believe is here somewhere -- got into it just for a breakfast meeting and wound up spending hours and hours on it. And former City Department of Streets Traffic Engineer Chief Charlie Trainor, who retired a year-and-a-half ago after 36 years with the City, I don't think we'd be sitting here today.

But I want to stress that for all of those people I mentioned that Fox Chase is one of the more wonderful, loving institutions anywhere, but they are also a neighbor.

And if this was just being done as an economic development

project, it wouldn't have been done two years ago. It is not just an economic development issue; it is a neighborhood issue as well. And you will see some people are here today who don't want this at all under any circumstances.

I have two issues that I insisted upon from day one; that was that traffic be better, if possible, after this expansion but certainly no worse because I thought that the neighbors were entitled to no less. We are there now.

And also that while I believe most of the land from Burholme Park that's being taken for this project is not the park land that's used by residents of the area but is fenced in for a gulf concession that's been there for 50 years or so.

That it was incumbent to have either land acquired nearby for park land to replace this ground that is the subject of our hearings today; or, as

it turned out, we were unable to get land because it becomes a lot more expensive when people see that fat checkbook that they think is out there. So there's a significant trust being set up to accommodate purchases in the future of park land.

And this ended there. I respect those that are against this project. They have a totally different view of the world than I do, and -- but I respect it.

And for those who have agreed with me all along that this is a great project if we could make the traffic work, I just ask them to accept my explanation as to why it took so long.

Thank you.

COUNCIL PRESIDENT VERNA: The Chair recognizes Councilwoman Tasco.

COUNCILWOMAN TASCO: Thank you.

I'd like to publicly announce that I have to abstain from participating in this discussion

because I serve on the Minority Outreach Board for Fox Chase Cancer Center. I am not on the board of Fox Chase, I have not had any discussion about this with Fox Chase or any meeting with Fox Chase.

But to clear up -- but to create -- not to create any confusion, I want to make a public disclosure that I do serve on their Minority Outreach Program Advisory Board.

COUNCIL PRESIDENT VERNA: Thank you very much, Councilwoman.

COUNCILMAN O'NEILL: Madam President, may I just add 'cause it's something I meant to say at the previous meeting -- hearing on Holy Family, but it certainly applies even more to this one.

When people question our policy of District Council members controlling the fate of legislation in their own district, we have many, many examples but, we have two before us

today -- Holy Family University and Fox Chase Cancer Center -- that are win/win situations for the institutions and for the community because we respect the wishes of the people that live around the institutions through their district representative.

And if there's a need to deal with District Council prerogative or whatever you want to call it, then we should do it internally when a member may be abusing it -- but not when a member is representing the people who live in the area, who otherwise would have no one representing them.

Thank you.

COUNCIL PRESIDENT VERNA: Thank you very much.

Good afternoon. Please identify yourself for the record.

MR. FOCHT: Good afternoon, Council President Verna and Chairwoman Reynolds-Brown and committee members. I'm Mark A. Focht. I'm the Executive

Director of the Fairmount Park Commission, and I am pleased to appear before you today on behalf of the Fairmount Park Commission to support Council Bill 070956, authorizing the City of Philadelphia, through the Fairmount Park Commission, to enter into a lease with the Philadelphia Authority for Industrial Development (PAID) for a portion of the property located in Burholme Park, a park under the jurisdiction of Fairmount Park Commission, under which PAID will enter into a sublease with the Fairmount Park conservancy and subsequently under which the Fairmount Conservancy will enter into a sub sublease with the Fox Chase Cancer Center, pursuant to which the Cancer Center will expand its cancer research and treatment campus.

A paramount mission of Fairmount Park is the protection and preservation of open space for the citizens of Philadelphia and the

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protection of our watersheds. However, the Commission understands that sometimes itself essential to balance its mission with the City's crucial need for economic development. The Commission believes that this bill strikes that balance.

The Cancer Center approached the Fairmount Park Commission in 2004, requesting the Commission make available a portion of Burholme Park for the purpose of expansion of the campus center campus.

The Commission immediately formed the Burholme Committee to explore whether the Commission could agree to the expansion and, at the same time, provide suitable financial and land contributions for park purposes to balance the development proposed by the Cancer Center.

The bill before you today is a result of over three years of negotiation between the Cancer Center

and the Commission's Burholme Committee. Under the agreement, the bill would authorize the Cancer Center will be required to contribute $7.75 million over the term of the project to support both Burholme Park and the Fairmount system. This includes a base rent of $1.25 million paid to Fairmount Park upon the signing of the lease, half of which will be used exclusively for the maintenance, repairing and improvement of the playground, playing fields, wooded parcels, and the Ryers Museum in Burholme Park. The money would also be used to grant an endowment to support future maintenance and improvements of these facilities.

At the request of the Commission, the Cancer Center has reduced its original request for the use of park land by 22 percent, from 25 to 19.4 acres.

The Commission is particularly sensitive to the needs to provide

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increased recreational opportunities in the area closest to Burholme Park to serve the citizens of that district. And, as Councilman O'Neill has referenced, accordingly, the proposed agreement would require the Cancer Center use its best efforts to acquire land near Burholme Park lease within a year of signing the lease with the City to use as park land under the Commission's jurisdiction.

If the Cancer Center cannot acquire the property within the designated time, then the Cancer Center will be required to deposit a sum of money mutually agreeable to the City and the Cancer Center to the Fairmount Park Conservancy to be used for park land acquisition and improvements.

This funding would be used to acquire or improve park land, as directed by the Commission and approved by City Council, in areas of the City within the following order of

preference:

First, in the vicinity of Fox Chase's current campus; second, in the City north of Cottman Avenue; and third, in any other area of the City.

Fox Chase will also be required to deposit $500,000 into an escrow account, which the Commission will use to identify land to acquire for park use citywide, which may also be used to improve existing Fairmount Park land.

Equally important, I want to make a point clear on behalf of the Commission to all members today and the public: The Commission is committed to working with earnestly and diligently with concerned community groups and the Cancer Center to acquire suitable substitute park land to serve the citizens that live near Burholme and the Fox Chase area of the City as well as the war sheds in which the Fox Chase Cancer Center operation is located.

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The Cancer Center is also required, at its sole cost and expense, to either relocate mature trees or replace each tree removed in connection with the expansion project with at least two new trees in Burholme Park so that the new campus buildings are shielded and beautified by a canopy of trees.

The Commission takes its fiduciary responsibility over the protection and preservation of park land under its jurisdiction very seriously. On very few occasions over its 140-year history has the Commission considered encroaching on park land, yet the Commission believes that just as a park is an anchor for a thriving community, so is a world-class institution and major employer such as the Fox Chase Cancer Center.

The Cancer Center's $800 million expanse positions the City for the creation of permanent jobs and

the opportunity to generate millions in increased tax revenue for the City and the park.

The Cancer Center must expand its current facilities in order to maintain its high standards of service to cancer patients and to maintain its profile as one of the nation's leading cancer research and treatment centers.

Therefore, I appear before you today to pledge the support of the Fairmount Park Commission and staff for this legislation and respectively ask that City Council approve Bill No. 070956.

Thank you. And I'd be pleased to answer any questions.

COUNCIL PRESIDENT VERNA: Thank you very much.

I just have one question. I believe it was stated that jobs will be expanded from the current 2500 to 6300. During what phase of development will these jobs be created? noting that it

is projected that it will take 25 years to complete the project.

MS. NADOFF: I'm Stephanie Naidoff. I'm the Commerce Director.

Council President, I don't have the exact schedule on which the jobs will be created, but there are people from Fox Chase who will be testifying, and perhaps they can give you that information.

COUNCIL PRESIDENT VERNA: Thank you very much.

Councilman O'Neill?

COUNCILMAN O'NEILL: Yes. Mr. Focht, you were mentioning financial arrangements between the Park Commission and the hospital. I don't know if you're aware of it because you were not involved in the conversations I had, nor was I solved in yours.

But because we were not able to find local land at reasonable prices to add to the park, the hospital has agreed to set up a trust with

$4.5 million that I'm still working on the arrangements with them between now and final passage, so I don't expect a problem.

But I just want the record to reflect that the agreement that I reached is above and beyond the agreement that you have.

MR. FOCHT: Thank you, Councilman. I am aware of that.

COUNCILMAN O'NEILL: Yes.

MR. FOCHT: And, in essence, it is the same outcome, which --

COUNCILMAN O'NEILL: Right. Well, hopefully, it's even additional outcome, but that's -- at least we're not doing Cheltenham Township land anymore.

Thank you.

MR. FOCHT: Thank you.

COUNCIL PRESIDENT VERNA: Are there any other questions from members of the committee?

COUNCILMAN CLARKE: Yes.

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COUNCIL PRESIDENT VERNA: The Chair recognizes Councilman Clarke.

COUNCILMAN CLARKE: Thank you, Madam President.

Good afternoon.

Council recently passed and enacted legislation that called for the submission of an equal opportunity plan based on legislation that was required by Council. And if my memory serves me correctly based on those provisions, this particular bill should qualify.

MS. NADOFF: Yes.

COUNCILMAN CLARKE: Is there an equal opportunity plan.

MS. NADOFF: There is, and I will be mentioning that in my testimony.

COUNCILMAN CLARKE: There will be? Okay, I'll wait.

Thank you.

COUNCIL PRESIDENT VERNA: Any other questions?

COUNCILMAN O'NEILL: I neglected to thank the Chair of the

Parks and Recreation Committee, who took a half a day out of her summer of '06 to tour the facility with me and the area and the potential park land acquisition spots that never materialized, but I wanted her to get a real feel for the whole project and the scope of it and the neighborhood -- or the neighborhoods, and I expected it to be sooner than 18 months later, but here we are.

Thank you.

COUNCIL PRESIDENT VERNA: Thank you.

COUNCILWOMAN REYNOLDS-BROWN: Thank you, Brian.

COUNCIL PRESIDENT VERNA: Ms. Naidoff?

MS. NADOFF: Good afternoon, Council President Verna and Chair Reynolds-Brown and committee members.

My name is Stephanie W. Naidoff, and I am Director of Commerce for the City of Philadelphia.

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I'm pleased to appear before you today on behalf of the City of Philadelphia in support of Council Bills No. 070955 and 070956, which collectively will allow Fox Chase Cancer Center to lease a portion of Burholme Park and will rezone that lease site, allowing for expansion of its medical campus.

Philadelphia's competitive advantage as a business location for the life sciences has been described as including, quote, assets other regions can only aspire to develop. This is from a 2005 million Milken Institute study, the Greater Philadelphia Life Sciences Cluster.

In this study, Greater Philadelphia, behind only the San Francisco Bay area and Boston, had the third-most dynamic life sciences cluster in the country. Indeed, since 2001, employment in the City's life sciences sector has increased by 7.1

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percent, more than any other sector of the City's economy.

However, while Philadelphia clearly has a strong core of knowledge-based industries, we must continue to engage and support this sector of our economy to ensure future growth and dynamism.

Fox Chase was founded in 1904 and, in the last 100 years, has become the second-largest employer in northeast Philadelphia, with over 2400 employees.

Fox Chase has also become an internationally-recognized center for cancer treatment and prevention, attracting patients, doctors, researchers, skilled employees, and funding from around the world to Philadelphia.

Fox Chase researchers have been recognized for their work with numerous awards and honors, including Nobel Prizes for chemistry and

medicine, a Kyoto prize, the Albert Lasker Award for Clinical Medical Researches, General Motors Cancer Research Foundation prizes, and American Cancer Society Medals of Honor.

To address growing patient care and research needs, Fox Chase has launched a 25-year, $1 billion expansion program, with a fully executed, aggressive employment opportunity program that will double its clinical enterprise and significantly increase its research capabilities.

When the expansion is complete, Fox Chase will be one of the largest comprehensive cancer centers in the country. It will employ up to 6700 people, its annual budget will exceed $819, and it will occupy nearly 2.7 million square feet of space.

A February 2006 economic impact report on Fox Chase by Fairmount

Capital Advisors quantified the total economic impact on the City during Fox Chase's 25-year capital investment program as being almost $2 billion.

Over the course of this multi-phase development, the City will directly benefit from this investment by the creation of over 4,000 jobs, wage tax collection from Fox Chase employees of over $260 million; in fact, by 2031, when the expansion has been completed, the City of Philadelphia will receive approximately $15.4 million annually in wage tax-revenue from Fox Chase operations; also, wage tax receipts from construction-related jobs in excess of $25 million, and $8.2 million in City sales tax receipts from construction sources.

The expansion of the Fox Chase Cancer Center has and will increasingly cause significant positive economic and fiscal impacts in the City of

Philadelphia, providing the City with resources to grow and thrive on the international stage.

I urge you, therefore, to support these bills allowing for the expanding of Fox Chase.

Thank you. And I'll be glad to answer any questions.

COUNCIL PRESIDENT VERNA: Thank you very much.

Any questions from members of the committee?

The Chair recognizes Councilwoman Brown.

COUNCILWOMAN REYNOLDS-BROWN: Thank you, Madam President.

I, too, have the exact same question I have written down regarding an equal opportunity plan and the level of commitment for women and people of color at every phase of this, from construct to permanent jobs.

So did I miss it in your testimony?

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MS. NADOFF: No. I just was commenting on the fact that we hae aggressively negotiated an economic opportunity plan with Fox Chase.

COUNCILWOMAN REYNOLDS-BROWN: So the specifics: What are the details? What are the agreements? What are the numbers?

MS. NADOFF: With respect to contracts in professional services, the minority numbers are 10 to 20 percent; female-owned businesses, 5 to 10 percent; and disabled-owned businesses are encouraged.

These were all negotiated with Fox Chase, I might add, and reviewed by the MBEC office and approved by them.

Construction contract goals have been set for the combined project of 18 to 25 percent in minority-owned businesses, 15 to 20 percent in female-owned businesses, and 2 to 5 percent in disabled-owned businesses.

Do you want me to go on?

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COUNCILWOMAN REYNOLDS-BROWN: Is that going to be submitted in writing as part of your testimony?

MS. NADOFF: Yes. Well, I can certainly submit a report on the equal opportunity plan.

COUNCILWOMAN REYNOLDS-BROWN: We would certainly welcome that.

Additionally, what provisions are in the text of the equal opportunity plan that ensures that women and people of color, when they negotiate at one level, that there is an honoring of whatever is negotiated at the back end once the work is completed and performed adequately?

MS. NADOFF: Like all equal opportunity plans that we enter into, there are compliance functions spelled out, and why don't I give you the full report on the plan, with all of the goals as well as the compliance features.

COUNCILWOMAN REYNOLDS-BROWN:

We will welcome that and submit that to the Chair of Rules as well and this committee as well thank you.

COUNCIL PRESIDENT VERNA: Thank you, Commissioner.

The Chair recognizes Councilwoman Miller.

COUNCILWOMAN MILLER: Thank you. Thank you, Madam Chair.

I'd like to know, what are the goals of percentages for workforce diversity? And do you have that information?

MS. NADOFF: Well, we have the operations and maintenance, the ongoing --

COUNCILWOMAN MILLER: Not the firms but the employees.

MS. NADOFF: You're talking about the ongoing numbers?

COUNCILWOMAN MILLER: Yes, the daily numbers. Construction -- with the construction trades, et cetera.

MS. NADOFF: Well, I just

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started with the construction contracts. And construction operations and maintenance ranges are 18 to 25 percent for minority; 10 to 12 percent for female; and 2 to 4 percent for disabled-owned businesses.

And the final list of figures that I have here are in the employment ranges; would you like those as well?

COUNCILWOMAN MILLER: Yes.

MS. NADOFF: Employment ranges are 10 to 20 percent for local residents; 18 to 25 for minorities; 4 to 6 percent on females; and 0 to 2 percent on disabled-owned businesses.

COUNCILWOMAN MILLER: I think my colleague asked for a written copy of the plan.

MS. NADOFF: Yes. We will provide that and provide you with all of the compliance information as well.

COUNCILWOMAN MILLER: And how will you modify the plan over the -- you said this is 25 years' worth of

implementation in terms of building? Will the plan be modified as needed, or -- I'm trying to understand, do you have a goal for each year in the 25 years, or is there just an overall goal?

MS. NADOFF: There are overall goals mostly focused on the construction period, but there will be a continuing compliance review process that goes on through the whole life of the project.

COUNCILWOMAN MILLER: Okay. And maybe this question is for someone from the hospital. But is there a goal for minority inclusion as it relates to the 4,000 jobs? Are they the permanent jobs, the 4,000, or --

MS. NADOFF: Again, I don't have that information with me, but I will provide that in a written report.

COUNCILWOMAN MILLER: Okay. All right. Thank you.

Thank you, Madam Chair.

COUNCIL PRESIDENT VERNA: Thank you.

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Are there any other questions?

COUNCILMAN CLARKE: Yes.

COUNCIL PRESIDENT VERNA: The Chair recognizes Councilman Clarke.

COUNCILMAN CLARKE: Thank you, Madam President.

Thank you for that information. Under the -- earlier you mentioned the provision, is that that EOP plan should be an attachment to the bill, and I'm assuming that between now and whenever, we can put it in written form.

I'm a little concerned that you -- that these ranges have been set from 18 to 25. And given the history in this particular city as it relates to our ability to have reasonable access to trades jobs, my concern is that it will tend to be in the lower range, the 18 percent.

My question is: If we said 25 percent, why don't we just say 25 percent? Why do you give people an

opportunity to go to 18 as opposed to simply saying 25 percent since it is, in fact, a goal. And, unfortunately, we're not required by law to require a set-aside.

So if you're talking about a goal, why wouldn't you just opt for the higher number?

MS. NADOFF: I think that's a good point, but I also think that in any document like this, we have to provide for flexibility, especially in a project that will go on for as many years as this one will.

COUNCILMAN CLARKE: Well, why don't we flex it upwards if that's the case?

The trends in this city tend to be an increasingly higher level of minorities, and I hate to keep using that term, but DBE WBE in the City of Philadelphia. So if you're going to talk about flexibility to address the changing demographics of the City, I

would think that you would give an opportunity to be flexible on the upside and not allow for the flexibility to downgrade the numbers.

I'm just -- I'm not traditionally used to feeling comfortable with these ranges, particularly when we're talking about goals.

MS. NADOFF: I understand your point, Councilman, but I also would say that, as you know, we have seen many EOPs in which people have exceeded their goals, so there is no ceiling. People do go above --

CHIEF CLERK: Well, that's also my point. Why would you put 18 percent and not just say 25 percent?

MS. NADOFF: I think that was the best guess of the people who had been working on this, including the Office of Minority Business Enterprise in terms of what was a reasonable number for this --

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COUNCILMAN CLARKE: I really -- I'm going to say it again, and I'm not going to belabor the point.

I really would like to see you set a number, and that number should be on the high side, given the fact that these are not set-asides, these are goals. And if you believe that there's some opportunity to increase the number or exceed the goal, I'm excited about that possibility, but I really don't think you should give people an opportunity to meet the low side, given the history of the City of Philadelphia.

Yes, sir?

MR. BEAUVAIS: Darwin Beauvais. I'm here representing Fox Chase. We actually have copies of the executed agreement that we can hand out to the committee.

COUNCILWOMAN REYNOLDS-BROWN: You have copies of the equal opportunity plan?

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MR. BEAUVAIS: Yes, the equal opportunity plan. It was executed on the 21st of this month with the City, the Executive Director, Carolyn Nichols, and the Vice President Fox Chase, Tom Garvey, who's actually here.

To answer your question, we were looking at the long-range goals, 25 years. This is a project that we realize that we couldn't do your typical 18-month construction, and so we tried to figure out with the ongoing years, with the different phases, with the ebb and flow that would probably on a bad year would try to be a low end; on a good year, we probably could exceed.

What we saw in the protections, in trying to protect the essence of the legislation, it's a project oversight committee. This committee, it's our understanding, will be formed and will actually involve the people with MBEC as well as with people

from City Council as well as the developer and contractor to hopefully, you know, revisit these numbers on an annual basis.

COUNCILMAN CLARKE: All right. Maybe I'm not making myself clear.

You have submitted language that talks about this range of goals, 18 to 25 percent, as an example.

MR. BEAUVAIS: Mm-hmm.

COUNCILMAN CLARKE: I don't understand, if your goal is 25 percent, all right, why don't you just say 25 percent? If you want to allow for flexibility upward, then why don't you say a minimum of 25 percent.

I don't understand why you have this 18 percent, a low threshold that gives people the opportunity to go to the low side. I don't understand that.

I mean, you know, we've always set goals in legislation that have come before this body but we've never given

flexibility like that. We always say "up to" -- or actually, we say "a minimum of ..." and that's the goal.

But you're allowing this 18 to 25. Why can't you just accommodate this particular Councilmember -- and I'm sure there other members of the committee and this body -- that would prefer you to just simply say whatever the higher side is in your projections or your goals, to simply state that number and give it the flexibility of moving up during the course of this 10-, 15-, 20-year process of construction.

MR. BEAUVAIS: And we did -- in our negotiations with the City, we did bring that. The executive director with MBEC did bring that up but, she also understood that --

COUNCILMAN CLARKE: Well, you're talking to the Council of Philadelphia right now, and I don't want to really address MBEC anymore. They're

an administrative branch of the government and this is the legislative branch of government.

You're now before the legislative branch seeking legislation that, based on the EOP laws, require the submission of such a plan, and the legislative branch is asking you to reflect the higher number as it relates to your projections and your goal.

MR. BEAUVAIS: We'll do that.

COUNCILMAN CLARKE: Are you speaking on behalf of your client?

MR. BEAUVAIS: And I'm letting the Council know that we're willing to look at it, but right now, what we did do was --

COUNCILMAN CLARKE: You're willing to look at it?

MR. BEAUVAIS: Yes.

COUNCILMAN CLARKE: What does that mean?

MR. BEAUVAIS: That we will.

COUNCILMAN CLARKE: Can you

pull that a little closer. You usually have a very strong and vigorous voice, Mr. Beauvais.

MR. BEAUVAIS: And put these goals in place. But right now, what we do have presented before the Council are the ranges that were executed --

COUNCILMAN CLARKE: So are you suggesting that we pass the legislation as presented and hope that you address our concerns at a later date, after the bill is passed?

MS. NADOFF: Why don't I suggest, Councilman, that we give you all a chance to look at the plan that's just been put before you, and then we'll meet with you before the Council session next week and get your comments and thoughts about it and see what we can work out in terms of reflecting your --

COUNCILMAN CLARKE: Well, in this whole process of brinkmanship, I have found that sometimes the public discussion tends to give you a better

opportunity to get to where you need to get 'cause once we start agreeing to have different discussions with different individuals, who knows where that somehow this whole issue kind of gets translated through different sources.

So I'm asking you in a very public way, because this is a public hearing --

MS. NADOFF: I understand that. And I think the problem is that we need to have a meeting with Fox Chase and MBEC and you to try to see what we can do to satisfy your request.

COUNCILMAN CLARKE: Well, not just me. I mean, this is about the City of Philadelphia.

MS. NADOFF: Right.

COUNCILMAN CLARKE: And fairness.

I see Councilwoman Tasco is --

COUNCILWOMAN TASCO: Could I piggyback on that, Madam President?

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It would seem to me, having worked on with Fox Chase, on this whole issue of minority inclusion Fox, Chase seems to be the one that would be open to more inclusion. They've work very hard in the last couple of years to -- because my district is right across the street from the hospital, and I've met the people and worked with the employees there as well as the president and administration, and they do care about inclusion. That's why they have the advisory board and also a community action advisory board.

It seems to me that -- and I don't know how you came to this, that this is the normal language that goes into these contracts so let's just put 'em in there.

And what we're saying is: Look, the City is probably 53 percent minority, and when we go past these job sites, we don't see that reflected in the job sites. It's not reflected in

this room of people holding up these signs. The diversity is not there.

And so the only way that we can get that diversity is that the institution demand that the contractors hiring the people require that we have a larger number of people to reflect what this city looks like.

And so I -- I would think that when you go back to Fox Chase, you have a serious discussion about what they would be willing to do. It seems to me that they would be willing to exceed and comply with what Councilman Clarke is talking about.

Because we -- I mean, that's the standard -- those are the standard numbers every contractor comes up in here with, 18 to 25 percent, and you probably get 10. So it can be more.

MS. NADOFF: If you will just give us a minute.

COUNCILWOMAN TASCO: And I think Fox Chase might be willing to do

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that, given my relationship with them and what I saw them do a couple of years ago in a 365-degree turn in outreaching to the to the minority community and particularly in my district, which abuts the -- Councilman O'Neill's district. And I find them to be quite cooperative.

COUNCILWOMAN REYNOLDS-BROWN: Further reaction or comments, please.

MR. BEAUVAIS: Yes. Members of the committee, I just conferred with my client, and they're willing to reflect the maximum numbers on the executed agreement.

(Applause.)

COUNCILMAN CLARKE: I want the maximum number.

MS. NADOFF: That's the goal.

MR. BEAUVAIS: Yes, the maximum number.

COUNCILMAN CLARKE: Okay, but I just want to be clear 'cause "a maximum number" means that's all I have to do. And when you talk about "the maximum

number," as referenced in the range, that should be the minimum number.

MR. BEAUVAIS: Yes, yes.

MS. NADOFF: The top number that we gave you before will be the stated goal. Is that what you're looking for? Where it says 18 to 25 --

COUNCILMAN CLARKE: Not necessarily. I mean, it could conceivably be a request for more, but I have a question before you, and I'm no going to try to stick you up, although that's what I'm here to do.

When I -- first I think I took issue of was having this range, 'cause, you know, I've just been around a long time and I understand the games that are played, you know, and people tell you this and tell you that, and it's hard enough to get to the minimum let alone the maximum.

So if we can establish a number and then operate from that point on in terms of what we can actually

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get, it would be very helpful to at least this member and, I'm assuming, other members of the committee and Council.

So when you submit whatever EOP plan that you submit, could you please just give us a set number so that we can function from that.

MS. NADOFF: We will revise this plan and submit it to you.

COUNCILMAN CLARKE: Thank you.

Thank you, Madam Chair.

COUNCILWOMAN REYNOLDS-BROWN: Councilwoman Tasco, anything additional?

COUNCILWOMAN TASCO: I'd like to editorialize a little bit and say that I would I hope that -- I know we're getting a new administration and I don't know who will be here and who won't be here, but it seems to me that we ought to be fighting for the people who live in Philadelphia to see that they get a fair shake.

The problems cited for the

increasing crime is because of the lack of employment opportunities in this city. And when we don't fight for those opportunities, you know, we shouldn't in Council have to ask you, what is the economic plan? You should come in and should have executed the best plan that you could get and push for it, and not just say, Oh, by the way, we got to do an economic plan, and here are the ranges, we'll take these.

There's got to be a stronger fight for the people in Philadelphia and particularly of the people of color, who are not taking part in the economic development of this city.

Thank you.

COUNCILWOMAN REYNOLDS-BROWN: Councilwoman Donna Reed-Miller.

COUNCILWOMAN MILLER: Thank you.

I'd also like to get information on who specifically will monitor the plan. I didn't get a

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chance to read the plan; I just got it and I see that it says MBEC, the Minority Business Enterprise Council so who on that council -- I mean who does that, will monitor the day-to-day goals?

And also, you know, we can all talk about the percentage of contractors, and that's great. But, again, the percentage of who is going to be on the job daily -- workforce diversity, as people have mentioned here today.

And I'd also like to know, when Fox Chase comes up, of the 2400 employees you have, what's the breakdown; how many are minorities and, et cetera, and is there some plan around inclusion for permanent employment? Those jobs, I think it was 6,000 or more specific jobs. I would like to get that kind of information.

MS. NADOFF: I'll leave the latter part to the Fox Chase people to

address, but I will tell you that the oversight committee is to be composed of persons selected by both Fox Chase and the District Councilperson.

COUNCILWOMAN MILLER: Okay. All right. Thank you.

COUNCILWOMAN REYNOLDS-BROWN: Thank you, Councilwoman Donna Reed-Miller.

Councilman Jim Kenney?

COUNCILMAN KENNEY: Thank you, Madam Chair.

I'm sitting here watching and looking in the audience, and I can see Joe Frick from IBC there; nice to see you, Joe.

One of the things I would suggest maybe you guys do is talk to them, 'cause I've served on the IBC Minority Contracting Committee for the past 16 years, and I can't think of another company in the City or this region that is more diverse, more inclusive and works hard and takes it

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seriously. So if you're looking for a model, the IBC model is a terrific model to look at.

And I'm sure, they'd be happy -- as they did when our 9-1-1 system failed, helped us with our call operators, our call-takers. They're very willing to help and they have a terrific program that really, really works.

So my suggestion is that you avail yourself of that resource.

MS. NADOFF: Thank you very much.

COUNCILWOMAN REYNOLDS-BROWN: Thank you very much, Councilman.

Any other members of this committee care to pose questions to this particular panel at this time?

(No further questions.)

MS. NADOFF: Mr. Kramer still has to testify.

MR. BEAUVAIS: If I can just add one thing. We would like to submit

this as an exhibit to show what we will -- in substantial form of what we're submitting later.

COUNCILWOMAN REYNOLDS-BROWN: I need to ask you to please repeat that and speak directly into the mic.

MR. BEAUVAIS: We would like to submit this as an exhibit in an effort to show what we will submit later.

MS. NADOFF: It will be revised.

MR. BEAUVAIS: With the new numbers. I just edited it.

COUNCILWOMAN REYNOLDS-BROWN: Now I don't understand what we're doing.

Currently, we have an equal opportunity plan that reflects the initial numbers given by the Commerce Director?

MR. BEAUVAIS: Yes. And based on the comments, I've just edited this plan. Under the legislation, I understand we have to submit it as an exhibit.

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COUNCILWOMAN REYNOLDS-BROWN: Yes.

MR. BEAUVAIS: And I would like to submit this as an exhibit.

COUNCILWOMAN REYNOLDS-BROWN: With the understanding that we will get a subsequent document which reflects the new numbers, as agreed upon during these proceedings.

MR. BEAUVAIS: Yes, exactly.

COUNCILWOMAN REYNOLDS-BROWN: Very well. Thank you very much.

With that said we will now ask our we.

MS. NADOFF: We still have Mr. Kramer.

COUNCILMAN CLARKE: One other question.

During the testimony, in terms of the -- and I know this is a multi-year proposal. In terms of the operations -- and I just don't -- thank God I don't know much about Fox Chase Cancer Center in one respect, but I'm

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glad that they're doing -- willing to build this wonderful facility.

In terms of participation and full-time opportunities, what's the current employee --

COUNCILWOMAN REYNOLDS-BROWN: I do believe that we're going to allow Fox Chase Cancer Center to --

(Indiscernible; parties talking over each other.)

MS. NADOFF: Councilwoman Miller asked that.

COUNCILMAN CLARKE: Thank you.

COUNCILWOMAN REYNOLDS-BROWN: Yes. Our planning commissioner, Mr. Bill Kramer. Thank you.

MR. KRAMER: Good afternoon, Madam Chairman and members of the joint committee, I am William Kramer, Acting Division Director of the Development Planning Division of the Philadelphia City Planning Commission.

I am here today to testify on Bill No. 070955, which was introduced

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by Councilmember O'Neill on November 1, 2007. Bill No. 070955 amends the zoning maps of the City of Philadelphia by changing the zoning designation of a 19-acre portion of land currently used as park land, adjacent to the Fox Chase Cancer Center from a destination of recreational to a destination of IDD, institutional development district.

The proposed rezoning would permit a much-needed expansion of the current Fox Chase Cancer Center. The Center is located in the block bounded by Napfle Avenue, Burholme Avenue, Hartel Avenue, Hasbrook Avenue, Central Avenue, and Shelmire Avenue, and encompasses 20.5 acres of land. The expansion includes an adjacent area between Shelmire and Cottman Avenue, raising the total area to 39.9 acres.

The expansion of the campus is expected to occur in five phases over a 25-year period, with employment to increase from its current level of 2500

jobs to approximately 6300 permanent jobs.

Bill No. 070955 not only changes the zoning of the property but also requires an amendment to the IDD Master Plan for the Fox Chase Cancer Center.

The amendment proposes a 15 new structures containing 1.9 million square feet of building area. The structures will contain the assorted uses associated with the cancer treatment facility that is involved in continuing research, including patient-care facilities, research facilities, offices and parking.

Currently the district provides 1993 parking spaces on the campus, and in full development of the plan, 37068 spaces will be provided.

Bill No. 070955 was considered and approved by the Planning Commission at its meeting of November 20, 2007. At the same meeting, an amendment to

the Master Plan for the institution was also adopted.

At the request of the Law Department, we request the bill be amended to include some technical corrections, and further would like to replace the Master Plan provided with a more detailed version of the same. I have copies of the amendments and Master Plan that I had submitted to the Clerk prior to my testimony.

This concludes my testimony. I would be pleased to answer any questions you may have.

COUNCIL PRESIDENT VERNA: The Chair recognizes Councilwoman Brown.

COUNCILWOMAN REYNOLDS-BROWN: Thank you, Madam Chair.

Mr. Kramer, Councilman Brian O'Neill spoke to the half-day tour we took many, many months ago so that I could have a scope and big-picture view of this. And he was objective in sharing that there were many points of

view.

What type of steps did the Planning Commission take -- just speak briefly to the type of steps the Planning Commission took in its outreach to the community to hear those varying perspectives.

MR. KRAMER: At the Planning Commission meeting on the 20th, which was a public meeting, just as this is, we allow anyone to testify, and there were three individuals who did testify in opposition to the passage of this bill and adoption of the Master Plan.

We were understanding -- or we had been aware that the community meetings had occurred in the community, and this is something that has been going on for quite some time.

If I'm not mistaken, it was two or three years ago that the institution came in and gave us, as an informational item, the run-through of what their proposed Master Plan was,

again, three or four years ago, and it has been working through and meeting with the community and presenting it over time.

And our meetings are publicly notified, and there were people there in opposition, and the Commission decided to vote in support of this bill.

COUNCILWOMAN REYNOLDS-BROWN: Thank you very much. Thank you for your testimony.

COUNCIL PRESIDENT VERNA: Thank you.

Mr. Kramer, with the amendments that you are proposing, were copies given to members of the committee?

MR. KRAMER: Yes, ma'am.

COUNCIL PRESIDENT VERNA: Thank you.

Any questions of Mr. Kramer? Any comments?

Councilman O'Neill?

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COUNCILMAN O'NEILL: I'm just wondering why we don't have our visual here for everyone to be able to see the existing hospital, the expansion area, the park, and surrounding streets.

COUNCIL PRESIDENT VERNA: Are you setting that up now?

COUNCILMAN O'NEILL: Is that what's coming over? I just want to make sure -- I think it's a lot easier for everyone to understand, I think.

MR. PRIMAVERA: Just for the record, Carl Primavera.

I hope you're not distracted, but we have Ewing Cole in the process of setting up what we hope to be very informative presentation boards/we also have handouts that we will be giving when it's our turn to testify.

COUNCIL PRESIDENT VERNA: Thank you.

Mr. McPherson, is Mr. Denny our next witness?

MR. McPHERSON: Yes.

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COUNCIL PRESIDENT VERNA:

Mr. Denny?

MR. DENNY: Yes. Good afternoon, Madam Chair and members of the committee. Thank you for the opportunity to appear before you today. My name is Charles Denny and I am the Acting Chief Traffic Engineer for the Department of Streets, and I'm here to offer testimony on Bill No. 070956.

On August 20, 2007, the Traffic Engineering Unit of the Streets Department met were Mr. Thomas Garvey, Vice President of Community and Government Relations at Fox Chase Cancer Center in the presence of designated -- or neighborhood consultant, Mr. Charles Trainor III, the former, the former Chief Traffic Engineer with the Department of Streets.

The following points were discussed and agreed to regarding the Fox Chase expansion project into

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Burholme Park:

The expansion will spread over several phases and years. Under the initial phase, traffic impact will be comprehensively studied, and a full mitigation measure recommended in consultation with the community and the Streets Department. A few of these measures identified at the meeting are:

All signalization along Cottman Avenue between Oxford Avenue and Central will be fully upgraded with appropriate designs, will be developed by the Fox Chase consultants for the City's review and approval. This will assure a safe and efficient flow of traffic on this major material street.

The Streets Department and Fox Chase are in agreement to install new traffic signals at the intersection of Cottman Avenue and Park Drive and also at Central Avenue and Shelmire. The Fox Chase Cancer Center will be responsible for all of the costs

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pertaining to the design and construction of the signals.

Fox Chase Cancer Center will work with Joseph Scofield of the Jeanes Hospital to reroute their main driveway so as to share the main entrance at the intersection of Central Avenue and Shelmire. The new signal will be installed here.

Fox Chase Cancer Center agrees to bear all costs pertaining to the new driveway design, construction, and signalization.

Fox Chase Cancer Center will obtain written commitment from Jeanes Hospital pertaining to this subject matter.

Under Phase 2, the Fox Chase consultant will study Oxford Avenue and its impact on traffic circulation.

These are just some of the mitigation measures discussed and agreed upon as of now. The Streets Department or Fox Chase Cancer Center

reserves the right to identify other measures as this project moves forward.

The Streets Department will work with Cheltenham Township to ensure that the effects of the expansion are coordinated and mitigated, and will also work with PennDOT as well since Cottman Avenue is a state highway as well as Oxford Avenue.

Fox Chase Cancer Center will bear all of the costs pertaining to the design and construction of all mitigation measured agreed to now and in the future.

Thank you for the opportunity to appear before you today, and I welcome any questions.

COUNCILMAN O'NEILL: Madam Chair?

COUNCIL PRESIDENT VERNA: The Chair recognizes Councilman O'Neill.

COUNCILMAN O'NEILL: Mr. Denny, how are you?

MR. DENNY: Fine.

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COUNCILMAN O'NEILL: You mentioned initially the existing signals on Cottman Avenue between -- I don't know if you actually said the words "Five Points" but between Five Points and Central Avenue.

And my understanding, a little more specifically than you put on the record, was that the hospital, with the City's approval, will be replacing those signals with more modern technology and also installing fiber optics connecting those signals so we'd get maximum flexibility and traffic movement out of that.

Is that correct?

MR. DENNY: Most of the work will be with modern controllers and fiber optic cable.

COUNCILMAN O'NEILL: Okay. Thank you.

And when you say "most of the work," does that mean that some of the work won't?

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MR. DENNY: Most of the hardware is not that old there, the signal posts and the signals, so they may not need to be changed, but there may be a change here and there.

COUNCILMAN O'NEILL: To the extent necessary.

MR. DENNY: Yes.

COUNCILMAN O'NEILL: Fiber optics needs to be installed, number one.

MR. DENNY: Yes.

COUNCILMAN O'NEILL: And to the extent necessary, the signals will be replaced to be able to operate most efficiently with the fiber optic connections.

MR. DENNY: Fiber optics and new controllers.

COUNCILMAN O'NEILL: Okay. The last thing: You didn't mention it and it's something really from PennDOT. The Governor's Office actually got involved in this. Are you aware of PennDOT's

agreement to remove parking off of the south side of Cottman Avenue?

MR. DENNY: Yes, I heard that.

COUNCILMAN O'NEILL: Okay. Have you seep the letter from Deputy Secretary Rhina Cutler?

MR. DENNY: Not yet.

COUNCILMAN O'NEILL: Okay. Well, I'm going to make sure you see it right now, and I'm going to ask you to just read the second paragraph. I'm going to submit the whole letter but the second paragraph, I believe, is the key part, and if you could read that.

I don't think there's anybody here from PennDOT; otherwise, I'd give them the honor.

This was sort of the third leg of the traffic agreement. You mentioned the two new driveway signals and the wider driveways. You didn't mention the driveways specifically as being wider but I know they are. And having new traffic signals.

The second was what I just discussed with you about the fiber optics and improving the physical signals that are there now on Cottman Avenue.

And the last one was being able to put a turn lane in the center of Cottman Avenue between Park Lane and Central Avenue to facilitate better movement there and requiring taking parking off of the south side.

And could you read that second paragraph. I'll make sure everybody on the committee has a copy of it and will also submit it for the record.

But I don't know if the Chair wants the whole letter. This was little the last stumbling block in the negotiations with the hospital.

MR. DENNY: All right. The second paragraph of the letter from Rhina Cutler, Deputy Secretary for Administration for PennDOT to the Councilman Brian O'Neill.

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The initial phase of the buildout directly impacts operation of Cottman Avenue, Central Avenue intersection. PennDOT owns the right-of-way on Cottman Avenue and agrees to remove the current parking within the right-of-way. The stopping/parking prohibition is needed to accommodate the additional lane for current and projected eastbound traffic volumes.

Fox Chase Cancer Center will be responsible for the cost and implementation of stopping parking prohibitions and lane markings.

COUNCILMAN O'NEILL: Okay, thank you.

Are there any questions from the committee -- Jimmy, did you get a copy?

And I just want to say, is it your understanding, as it is mine and hopefully the record will reflect when future witnesses appear here, that all

traffic improvements will be in place as part of Phase 1 of this project, the ones we're talking about now, not something that may come up later, but things that we know about today.

MR. DENNY: The ones along Cottman Avenue and the two new signals, yes.

COUNCILMAN O'NEILL: All right. Thank you.

COUNCIL PRESIDENT VERNA: Thank you.

Any other questions or comments from members of the committee?

(No further questions.)

COUNCIL PRESIDENT VERNA: Thank you very much.

MR. PRIMAVERA: Madam Chair, if I may. Our partners from the Chamber have a timing problem. Can we have their panel called next? It would basically be Mark Schweiker, Joe Frick, Bill Sasso, and Miss Earley.

COUNCIL PRESIDENT VERNA: That

will be fine.

MR. PRIMAVERA: And Al Taubenberger.

Thank you very much.

(Witnesses come forward.)

COUNCIL PRESIDENT VERNA: Thank you so much for your patience. Please identify yourself for the record.

MR. SCHWEIKER: I'm Mark Schweiker. I'm President and CEO of the Greater Philadelphia Chamber of Commerce. And to my left is Al Taubenberger; you probably know who Al is.

MR. FRICK: Joe Frick, President and CEO of Independence Blue Cross, and current Chair of the Greater Philadelphia Chamber of Commerce.

COUNCIL PRESIDENT VERNA: Welcome.

MR. SASSO: Bill Sasso, former Chairman of the Greater Chamber of Commerce, and Chairman of Holy Redeemer Health System, a community hospital

located just north of Fox Chase.

COUNCIL PRESIDENT VERNA: Thank you.

MR. SCHWEIKER: Madam Chair, just for the sake of brevity -- and I know you've got other aspects of the presentation and plan to examine. I will mention for the record our comments are available to each of you and to each member of the Council.

Thank you so much for the opportunity to provide our feelings. I think the folks to my left and right perhaps will add some additional commentary, but just as an overview, I'll offer just a couple of broad thoughts.

We're happy that this day has arrived. I know I've had extensive conversations with Councilman O'Neill, and we're happy the day has arrived because of -- take a look at the docket. We probably go back to 2005, when we had discussions about what was

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best for Fox Chase and certainly for the residents, which should be underscored here.

So I -- I'm sure we can hold this up as an example of an exchange and an arrangement that was made possible because of the regular exchange of views and trying to find a common approach here.

So with that, let me just say that as a Chamber president, there are few institutions that bring renown and fame to a place, a city, a region like a medical institution generally and specifically Fox Chase.

As someone, like you, born and raised here, we've all heard our parents talk about how unique this place is. One doesn't have to go anywhere for the latest in medical compare. And Fox Chase -- if there were such a list of accomplished institutions, Fox Chase would be at the top of that list. And, no doubt, when

it comes to, you know, lifesaving cancer research and life-enhancing cancer methodologies, Fox Chase is quite a place, and it's an accomplished place.

So I'll not go on too much, but I know Joe Frick would probably add to that.

Secondly, for the sake of brevity, and not to review the numbers, but there are very few endeavors and projects that can present themselves in such a way that they can talk about going from 2400 jobs to well over 6,000 in a span of perhaps 20 to 25 years. No question it's a step in the right direction.

And also let it be said that these are jobs that regions covet. Any chamber president, any business leader, any entrepreneur, and, I would think, any government leader would say that these are wonderful, family-sustaining jobs.

And so, on behalf of the Greater Philadelphia Chamber of Commerce, we would ask you to you take a good, long, hard, and encouraging look at what those jobs represent -- not just to the Fox Chase area in northeast Philadelphia but to an entire region.

And finally, it's important to know that Fox Chase, I think, is holding to their word that they want to continue to provide their important care here. There are plenty of places that probably would do their best to romance Fox Chase and say, "Bring your operation here." You know, bring --

And if you remember an historical note. At one time, there was talk about 35 acres originally, then it dropped to 25, and now it's 19.4.

The point I'm making there is, I think all of us who care about having a healthy, attractive, and resurgent

economy know that certain institutions lead the way. Certainly, in our areas, as the Commerce Department Director had noted, when it comes to the life sciences realm, that particular cluster of Fox Chase is a unique place and home literally to trendsetters and remarkable people who earn Nobel Prizes in medicine. There are few institutions in the world that match what Fox Chase does.

So from my standpoint -- and I do represent a constituency with thousands of members both in the City and around the region -- we are delighted to be here and to offer our support for this endeavor and certainly to encourage passage of the two bills at play today here in this committee hearing.

Thank you.

COUNCIL PRESIDENT VERNA: Thank you very much.

MR. FRICK: Councilwoman Verna

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and members of the committee, I'm pleased to be here today in my dual capacity, representing both the Chamber of Commerce and Independence Blue Cross.

And I don't think it's any secret in this room that health care is the number-one issue both nationally and locally, the number-one polling issue in our country and in our region, 'cause folks are worried about the future of health care access, quality can, and affordability.

It's also no secret that health care is a huge economic driver nationally and for our region. Today, 16 percent of our gross domestic product in this country is spent on health care and health care-related services, two trillion dollars, and it is expected to rise to four trillion dollars, or 20 percent of our gross domestic product by 2015.

And we are fortunate that a big part of our regional economy is

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health care, and we are also fortunate that in Philadelphia and in this region to possess an abundance of world-renowned, high-quality health-care institutions in Southeastern Pennsylvania. These institutions not only provide much-needed high-quality care to our residents, but they also provide, as was mentioned before, progressive, meaningful, high-paying jobs in our region.

Fox Chase, 25 years ago, treated 740 new patients a year. By 2010, they expect to treat as many as 15,000 new people each year.

What you may also know is that 80 cents of every health-care dollar is spent on 20 percent of the people who are dealing with or managing chronic diseases. And as you're also aware, cancer is at the top of the list.

And cancer is Fox Chase's one and only business. And their focus on

innovative research, progressive treatment, the best in class technology ensures that our region and the City of Philadelphia continue to benefit on the fruits of their labor. And this institution will continue to be well-positioned now and into the future to help folks in our region and beyond who are battling this disease. And Fox Chase reflects well on both our city and our region.

And projects like this remind us all of the importance of having public and private partnerships not only to deal with this issue of addressing the future needs of health care in this region, but also to continue to build our regional economy so that we all can continue to grow and prosper.

So I'm here today to support passage of both of these bills so that health care can continue to be delivered in a most progressive

environment as it is today at Fox Chase for another hundred years.

Thank you very much happy for having me here today.

COUNCIL PRESIDENT VERNA: Thank you.

Mr. Sasso?

MR. SASSO: Thank you, Council President Verna and the chairpersons of the joints committees.

I always tell the young lawyers in my office that it's probably more important to know when to keep quiet than it is to know when to say something. And given the eloquence of those that have preceded me, I will be brief.

As I indicated, I am here in a number of different capacities, but I think probably the most important capacity is as Chairman of Holy Redeemer Health System, a neighboring health-care organization.

We at Holy Redeemer, being a

community hospital, know firsthand the importance of an organization like Fox Chase Cancer Treatment Center. It is absolutely in the vanguard of cancer treatment and in the vanguard of cancer research.

It is essential for them to accomplish their mission of caring and curing cancer patients, that they be permitted to go through this expansion program.

That is why I'm here that in addition to my capacity as former Chairman of the Chamber of Commerce, a businessman, and, I'd like to think, a lifelong supporter of projects that are important to the City of Philadelphia.

I think some very good questions have been put forward by the Councilmembers here today. I know you will get answers to your satisfaction, especially when it comes to the issues about diversity, not just in the construction projects that are going to

be happening at Fox Chase but also in their own workforce over which they have direct control.

They have one of the most innovative advance programs in place, and they have people helping them to achieve their objectives in increasing diversity, from the medical staff right on down to the nurses to the administrative people who present a face to the people that need their help and caring.

So I would strongly endorse these two bills and ask you to support them.

Thank you.

COUNCIL PRESIDENT VERNA: Thank you.

Al?

MR. TAUBENBERGER: Madam President and chairs of the committees and members of the committees, I am here today as a lifelong resident of the Burholme-Fox Chase area of the City of

Philadelphia and as president of the Greater Northeast Philadelphia Chamber of Commerce. Both I and the Chamber offer support for these two bills you have before you today.

Fox Chase is not only one of the top three employers of Northeast Philadelphia; they are also the only scientific and medical institution dedicated soley to advance cancer care, combined with world-class scientific research.

The importance of these types of jobs to our city and region cannot be overstated. The importance to the strength and stability of our local communities also cannot be emphasized enough.

While they are certain an important employer, they are also a long-standing member of our community. They have always demonstrated their interest and support for both businesses and neighborhood interests.

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As their planning process has moved forward over the past several years, they've held many, many public meetings to receive input and, they have, in fact, incorporated many good ideas as a result of these meetings. They have a long history of working with the community, with the park as a good neighbor.

I am pleased to encourage your support for these bills and hope that Fox Chase will soon be able to begin detailed planning for their patients and our community.

I would also like to add personally -- I would be remiss if I didn't -- that my neighbor, who lived across the street for many, many years, was diagnosed with bladder cancer. And he said, "Al, I am so glad that I only have to travel minutes for treatment as opposed to hours." It's very important to our community.

Thank you very much.

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COUNCIL PRESIDENT VERNA: Thank you. I thank all of you.

Councilman O'Neill, I see your light's on. Did you want to be recognized?

COUNCILMAN O'NEILL: No, thank you.

COUNCIL PRESIDENT VERNA: Are there any questions from members of the committee?

The Chair recognizes Councilwoman Brown.

COUNCILWOMAN REYNOLDS-BROWN: Thank you, Madam President.

Good afternoon, gentlemen. Let me first thank all of you for your testimony; and, in particular, Mr. Sasso, for the acknowledgment of concerns raised by Councilmembers here when it comes to the issues of equal employment opportunity from construction to permanent jobs. That needs to be acknowledged.

And let me commend the Chamber

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for this past summer, for the first time in seven years I've been in the City Council, for stepping up in a magnificent way and putting as a priority giving young people in this city work and actually bumping your numbers up to address this issue of crime and violence.

And with that said, I need to ask to our leader of the chamber here: When corporate civic giants like Fox Chase come to you, seeking support, where on the radar screen or the ladder do issues like diversity and equal opportunity for women and people of color fall? Where's that stack in terms of priority and importance?

MR. SCHWEIKER: At the top of the figurative list. It's -- you know, how can we help. You know, I can probably give a long response to our buildup efforts for last year's Working Solutions effort. You indirectly referenced Working Solutions, and I

couldn't adequately talk about its origin and its growth without acknowledging Joe Frick, the chairman, who certainly was earnest. And, as an aside, I heard Councilman Kenney appropriately so talk about what IBC has done as far as being really day-to-day advocate for this.

But most organizations, large or small, I think, in their own way wish to help and pull the proverbial wagon and help us find opportunities for young adults. So it's right at the top of the list, and it's not going to stop with one summer's effort.

COUNCILWOMAN REYNOLDS-BROWN: That's for certain.

MR. SCHWEIKER: I can tell you that we've had deep conversations as far as approach and mechanics with Mayor-elect Nutter about what can be done.

So I would -- and more to the matter at hand, Councilwoman, I know

how Fox Chase feels about their role not just as a cancer researcher or as a provider of clinicians. They know that they are a very significant corporate citizen, so they're going to -- my sense is, they're prepared to do plenty.

MR. FRICK: Councilwoman, thank you for both your question but also for your recognition of the meaningful effort that we collaborated on this summer -- 1,029 youth from economically-disadvantaged neighborhoods in our city worked in companies large and small around the region, and the feedback that I have received, and I've gotten involved personally, is that they did a great job and there's a tremendous amount of interest to take this initiative to the next level.

COUNCILWOMAN REYNOLDS-BROWN: Very good.

MR. FRICK: Let me just add a personal perspective.

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I've always believed that the best way to achieve meaningful and appropriate goals and objectives, as it relates to minority employment or minority contracting, is to make sure that the decision-makers of any given organization reflect the rich diversity of the region, because if we have diverse leaders, then it's going to be much easier to do good things as it relates to diversity.

And I'm very proud of the fact if you come to an executive committee meeting of the board of directors of the Chamber of Commerce, you won't see a more diverse group talented, capable leadership individuals working on behalf of the Chamber in this region as you will see today. And I'm very proud of that and it's something we've worked hard on.

And so, by having a very diverse leadership group in the Chamber, it also helps us to make sure

that diversity and inclusion and community involvement will continue to be a key tenet of the Chamber's work now and in the future.

COUNCILWOMAN REYNOLDS-BROWN: Excellent, excellent. And in your comments, you're saying, A, it's possible, once the leadership makes it a priority; and B, your organization has lead by example, as Councilman Jim Kenney has already indicated.

Thank you very much, gentlemen.

COUNCIL PRESIDENT VERNA: Thank you.

Are there any other commence or questions from members of the committee?

(No further questions.)

COUNCIL PRESIDENT VERNA: Gentlemen, thank you so much. You've been extremely patient.

MR. McPHERSON: Our next panel consists of Dr. Robert Young, Tom

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Garvey, and Tom Leedy.

(Witnesses come forward.)

MR. PRIMAVERA: As they're being seated, I'm going to ask my colleague, Darwin Beauvais, to make available a series of exhibits. One is the economic report that was testified to by prior witnesses; another is a reduced version of the exhibits, some of which are already mounted, showing the expansion plan. A third exhibit is what we call "park-friendly revisions" to our original plan, all of which were designed to make any expansion to be consistent with preserving and maintaining the park. So we'll have those passed to you as well.

I also would like to say that great minds think alike. We have already started our own recruitment effort for a Diversity Recruitment Officer at Fox Chase. So if we hadn't thought of it, we would have thought of it today. But I've been speaking with

the leadership at Fox Chase, and they're already working earnestly in anticipation of growth to have a diversity officer specifically assigned to this program. So we think that the time has come to redouble our efforts, and we're proud to be a part of that.

With that, I'd like to introduce Dr. Young, who many of you know from his prior participation, talking about the expansion effort.

DR. YOUNG: Honorable committee chairs members and of the committee, I'm Dr. Robert Young, Chancellor of Fox Chase Cancer Center.

In the three-and-a-half years since we began this effort, we've had over 80 meetings with representatives of the City, the Fairmount Park Commission, our City Councilman Brian O'Neill, our two homeowners association, the Commonwealth of Pennsylvania, PennDOT, and our neighbors. We have had two open houses

at Fox Chase, where neighbors come and see, hear, and comment on our expansion plans. And representatives of Fox Chase Cancer Center have attended every homeowners association meeting held in the past three years.

During this complex process, the representatives of each of these groups have sought to balance the interests of the various constituencies with the overall goal of the project. Through their hard work dedication, this has been accomplished.

The product of this three-and-a-half year effort is reflected in the bills proposed today. Their passage will result in a safer Burholme Park, funding for appropriate additional park land, traffic-improvement measures linked to the expansion, the creation of 4,000 new non-outsourcable jobs for the City, and the opportunity for Fox Chase Cancer Center to fulfill its mission of

scientific discovery, and the delivery of state-of-the-art cancer care to those who need it. We urge its passage.

Thanks again to the City, the Fairmount Park Commission, and the City Councilmembers for all of their help and guidance through this process.

Those are my prepared words.

On the basis of the questions that arose earlier, I would like to speak to several things.

I don't consider myself an authority on construction jobs. We have worked closely with the City of Philadelphia in drafting the document that you have before us. Certainly, we have no objection -- indeed, we have enthusiasm -- for trying to reach the optimum figures there to the extent that that's feasible.

I can certainly, however, speak to the issue of diversity and minority recruitment inside the

institution. This is not something we have come upon just lately; it's something that we have worked diligently on for decades.

Presently, about 54 to 56 percent of all of our employees are women. About 20 percent of our employees are minorities. And we have at multiple levels within the institution strategies for increasing the minority representation -- not just of hospital employees but scientists and physicians.

We have just in the last two years recruited five new minority cancer research physicians, which, as you probably can imagine, are nationally, if not internationally, sought after. So we're very pleased with those recruitment.

We've had in place for at least fifteen years two parallel systems of reaching out to young people -- young minority populations in two

different categories: One, people who are interested in careers administratively. We bring these people in the summer, work with them, they get a chance to see what the institution does and how it works. And, indeed, a number of our subsequent employees have been recruited out of that pool.

More challenging, but in a, in a scientific sense, more rewarding, are the group that we have put in place to recruit young people from minority groups who feel that they might have an interest in a career in science. And we bring those individuals in to get an opportunity to work in the laboratories to see how science is actually done. And these, too, have resulted in a number of employees on the technical side, and they've also resulted in a number of people who have made plans to go on in an academic careers for MD's and PhDs, which is an enormous sense of

pleasure for the institution.

We're deeply committed to addressing the need for more minority involvement in the practice of medicine. It impacts on the way patients see their care, it impacts on the way they feel about access. And it is certainly our goal to improve the participation of minorities in all aspects of our enterprise.

This is also important from the vantage point of the National Cancer Institute, who has five-year reviews of our program. And when they do that, they review minority participation in clinical trials to see that the number of patients being involved in research programs mirrors the population and mirrors the population that we see in the institution.

One of the things that we have done in the last five years or more is set up a very comprehensive program,

which Councilwoman Tasco mentioned earlier, addressing the various needs that we hope to be able to address through this multi-pronged strategy.

So I hope that clarifies some of the things that were raised earlier.

I think one of the other issues that was raised was how were these 4,000 jobs over 25 years likely to appear? The construction is being done in phases, as you know. The first phase is actually underway on property that we currently own, and that will bring about 400 new jobs into the institution.

Phase 2, or Phase 1 in the park, is the biggest initial phase. And that will probably bring in about 1500 new employees, so that the second phase is the biggest phase, and the rest will come in increments over Phases 3, 4, and 5.

COUNCIL PRESIDENT VERNA: Thank you. Thank you very much, Doctor.

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MR. PRIMAVERA: At this point, maybe it's best that what we do is very briefly show you the boards and have you go through the materials at hand.

Tom, do you want to just briefly talk about the concept. We'll have the architects from Ewing Cole point to the particular boards. We'll briefly go through what really is an expense of the IDD, which we currently have, and then talk about the different phases and then maybe show you some of the boards that really talk about the preservation of the park and what the park will look like even at the end of our expansion.

I think you'll be impressed that there's really more park that's going to be visible and maintained because the building that will be developed will be interior and surrounded by park. So I think you'll find I it very interesting.

Tom?

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MR. GARVEY: John, the first board, which is the zoning board, I think you can just acknowledge to the Councilmembers that this is the technical drawing associated with the IDD and the zoning requirements, and so it's rather flat and it gives an awful lot of detail. We can come back to that if there are questions.

The next board is a demonstration of the expansion. In the background, you can see the existing Fox Chase Cancer Center buildings. And then as you move into the foreground -- and John, perhaps you can show where Cottman Avenue is and Central. Cottman running west-east and thens Central running south to north.

And so in what I call "the Campbell Soup phase" is the expansion Dr. Young was just talking about, which is the first piece of expansion into the Burholme Park area.

And I want to come back to

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note -- John, if you could, could you just scum circumscribe the area that is now for the golf range and show how that -- essentially that square of space moves out over time and moves back into the other areas of the park.

COUNCILMAN O'NEILL: Talking in terms of general phase timetables would probably be helpful.

MR. GARVEY: Right. I'll do this without benefit of a note, Councilman O'Neill.

The first phase of the expansion of the park, demonstrated on the drawings of Phase 2, would begin somewhere in the neighborhood of 2011, 2013, not later than 2015, in that range. And, that's -- as you know, when we first put this out, we were looking at ranges of '08 and '09, but we've since moved from our first discussions in calendar year '04 until now. So I would say 2011, in that range, and maybe a little bit later.

And then each additional phase, 3, 4, and 5, we had always envisioned as being somewhere in the range of five to seven years, following completion of the next.

And so if you do that, altogether, you're looking at a 20- to a 25-year period. It depends certainly on -- it doesn't depend on demand; I think we've established that. I think it depends an awful lot on our ability to do the fundraising and to secure the kinds of funds we need.

But our plan is reasonable; it is not pie in the sky.

So I don't know if I've answered your question, Brian, or not.

COUNCILMAN O'NEILL: That's fine.

And just to reiterate, I will say that the traffic improvements that were discussed with Mr. Denny and placed on the record are all going to be a part of the Phase 1 of the project

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so they won't be waiting for later phases.

MR. GARVEY: And, I think, to respond to Councilman's O'Neill's question, what we tried to do is to do some immediate improvements today that affect safety, and then prior to opening the Phase 1 in the park, we would have completed a whole variety of new improvements having to do with removal of parking, working with PennDOT. So we're committed to doing some right now and the rest before it gets finished up.

COUNCILMAN O'NEILL: Thank you.

MR. PRIMAVERA: And, interestingly, we have our traffic engineer here, but some of the strategies that we've already been using and we hope to expand upon are maximizing car pools. We have three shifts, so we have shift dispersion. We also have the ability to have public transportation, with vans picking up.

So given the cost of public

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transportation, given the comparative benefit compared to using cars and gas, we think that a transit-oriented approach to our expanded employee population will be very helpful. And already been something that's been successful.

So with regard to not only engineering a solution and mitigating a problem or mitigating the problem less by having fewer cars and then also what we've been able to do is, we've put together a system where we're going to constantly monitor the process as we move forward that. And that way, as we experience the growth, which will be subtle but important, we're going to be able to arrive upon things that will make each step easier.

And you'll see in our report, and we've worked with the Councilman on this, that the planning happens first, unlike being reactionary in a lot of situations. So this will be a smooth

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transition with regard to both traffic and also parking.

One of things we're doing now on our own property is the new parking garage, which is something that everyone's has encouraged us to do.

And then also, Phase 1 includes a significant expansion of our hospital. We have people who have been literally waiting to be treated, standing in line in the halls; it's been a very difficult situation.

So with the expectation that we would be here and have the support of Council, we've already committed to a serious expansion effort on our own property. It's the last piece of property available that we own, so we did it with the expectation that all future expansion would be as part of this sublease.

Also, what I would like to do is just show you the nature of our current campus in photographs so you

will see the high level of design and then give you an idea of the type -- maybe the photographs show it better -- the kind of development that we do.

It's very clean, state-of-the-art. Ewing Cole has been doing work all over the world, and they basically have a tremendous expertise in health-care architecture and design. So we really are proud of what will be very attractive buildings.

We also, as I said, have this park-friendly criteria. We have design controls with the Fairmount Park Commission, we have landscape controls.

So basically, a lot of what's happening will really be invisible as you go by. And unlike turning the lights on and turning them off, this expansion will be years in the making, so it will be very subtle, and people won't see an immediate change in their life because that's obviously something that we're concerned about.

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Also, I did introduce Don Leedy, who's the COO, who's been instrumental in this process.

Don, I don't know if you have anything further to state.

MR. LEEDY: No, other than I think that this has been a very open process, that I think the participation and the input that we got back from the community allowed us to create a tighter design that has allowed us to bring this down the to a 19.4 acre, and that I think we're quite anxious to get on with the project.

MR. PRIMAVERA: Interestingly, it would have been easier to go higher, but people in Fox Chase and at Burholme have a certain sense that the water tower's kind of like the high point. So we tried to keep our height, you know, around that area, so we couldn't go as high as perhaps other people would like.

And other people said, Well, minimize the amount of park area. Most

of what we're taking is an area that's now a commercial golf driving range, so it's already -- even though it's recreational use, it's not open and available unless you want to pay for it.

So we think that the combination of keeping the height at a certain level is very helpful to keeping the communities feeling good. But also the ability to put the buildings in a dense package will minimize the intrusion into the park.

You will also see the surrounding ball fields. They are in use, they're going to continue to be in use. They're going to be upgraded through this process. So the things that people are actively using will be, in effect, maintained and approved. You will also see the buffer area on the other side, which is a real environmental area.

So, in effect, we have a

perfect placement of our development zone in a way that really is the least annoyance and the least inconvenience to anyone.

So we're excited that we've been able to engineer this and, through cooperate prodding by the Councilman and Fairmount Park Commission, minimize the impact in terms of the amount of land.

I have no further comments or questions with this panel, if the committee would like to either ask questions or move on to the next panel.

COUNCILMAN O'NEILL: Tom, just a follow-up on the -- this is actually Phase 2 because Phase 1 is going to become what we did back in June, the parking lot and the parking garage and the building.

But you mentioned that some of the traffic improvement won't wait for a Phase 2, and I'm using the old Phase 1 as Phase 2.

Could you mention a little bit about that, what you're doing prior to Phase 2?

MR. GARVEY: Absolutely. Yeah, prior to Phase 2 -- and I don't think -- do we have a plan up there John? I should introduce John Gerdner, President of Ewing Cole. Do we have the same view in plan or not? If you could just -- since it's easier over here.

In working with the traffic engineer retained by the community, there are on Central Avenue and Shelmire Drive, which is -- do you know where that is, John? Right.

There are three entrances there right now. One of them is a secondary entrance for Fox Chase Cancer Center. Immediately next to that is one for Jeanes Hospital. And immediately next to that is one of three for the Burholme Park.

It was recommended for line of site and safety that those three be

combined, that they handled with new signalization, which does not exist, and we're committed to doing that immediately. We want to begin to design that right now with the community engineer with Jeanes Hospital and with the design help of the individuals in the Fairmount Park system.

Also at Fox Chase Drive, if you will, as it comes down along and it comes to Central, a signalization there is needed also for safety and to, most importantly -- and, Brian, I think this is what you're getting at -- is to take the signalization that runs from Cottman Avenue all the way down through to Five Points and have that all recoordinated, and to work with PennDOT and Cheltenham to get a signal to be able to improve that flow. And we've made commitments to doing that.

COUNCILMAN O'NEILL: Some of those will be later than others?

MR. GARVEY: Yes, sir.

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COUNCILMAN O'NEILL: Yes.

MR. GARVEY: And then, as Carl was getting at -- and, again, we've had an awful lot of discussion about traffic. Our projections with Shore DePalma, the traffic engineering firm, looked out through to completion of Phase 2, or Phase 1 in the park, where the hospital building is, to mitigate all of that prior to that opening and then come back and take a look at that again, after that up is and in operation. And that would probably be 2017.

COUNCILMAN O'NEILL: Well, I want to state -- and I'm glad Dr. Young is here because he's got sort of the sweat equity in this, in a manner of speaking. Between the meetings you had with the community which caused you to change the design in many ways, listening to my heartfelt plea to put a parking garage on your own property -- prior to that, it wasn't in the original

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plan. And while things took long, much of it was figuring out what to do with traffic and also getting all of the governmental approvals.

But I want the record to reflect that I never heard "no." There was never a "no" to a request that would benefit the community that came from Dr. Young or anyone at Fox Chase. It was a matter of trying to figure out how to make this a win/win and get to where we are today.

And I just want to thank you and the entire institution for that.

DR. YOUNG: Thank you, Councilman.

We've been right there since about 1948, and our desire is to continue to be there and to serve the community and the rest of the country that requires more and more innovative cancer care and discoveries which will change the course of cancer. That's what we're all about.

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COUNCILMAN O'NEILL: Thank you.

COUNCIL PRESIDENT VERNA: Any other questions of this panel?

The Chair recognizes Councilman Greenlee.

COUNCILMAN GREENLEE: Thank you, Madam President.

Mr. Primavera talked about how sometimes, in the present state, you get a little backed up in trying to take care of patients. Is there any estimate on, with this proposed expansion, either how many more people you can serve or in how quicker a fashion you can?

DR. YOUNG: Yeah. I mean, the whole impetus to doing this expansion was based on taking a look at the last decade of growth in patient population that we are taking care of at Fox Chase and a careful look at the demographics of the region that we serve.

And, indeed, the region that we serve is getting older. And as a

function of that, there is more cancer care required by that population.

We looked at expansion that would be somewhere in the range of 5 to 7 percent per year increase in new patient volume.

And if we just prorate, project that out, we're looking at something in the range of 12,000 new patients a year as compared to the 7,500 that we serve now.

And we realized back in -- this is now back in 2002, that we simply did not have either the hospital facilities or the outpatient facilities to deliver state-of-the-art care in that kind of volume.

And so this expansion will include a 200-bed hospital to replace the 100-bed hospital we have now. And the major part of the early expansion, the building that we're building right now, will be chiefly devoted to outpatient care.

In the present state of cancer care, about 85 percent of all of the cancer care is given on an outpatient basis. But in order to do that, you need a space so that people can sit down, and you need enough space so that you can hire enough employees so that they can rapidly respond to the needs of the patients that are trying to get care.

And that's what we're committed to with this expansion.

COUNCILMAN GREENLEE: So just so I'm clear on the real number, you said 12,000 new as opposed to now 7,000 --

DR. YOUNG: Yeah. We look at two figures basically. The number of new patients, we see each year we currently see about 7,000 new patients is year, and we anticipate seeing about 12,000 new patients a year. That translate now into 70,000 outpatient visits.

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So that we will probably be in 2012, 2015 taking care of 120,000 outpatient visits.

COUNCILMAN GREENLEE: That's a lot of people.

Thank you very much, Madam President. Madam Chair, thank you.

COUNCIL PRESIDENT VERNA: Thank you.

Any other comments or questions from members of the committee?

(No further questions.)

COUNCIL PRESIDENT VERNA: Gentlemen, thank you very much.

MR. McPHERSON: Our next panel consists of David Marshall and William Avery, Board of Directors of Fox Chase Cancer Center.

(Witnesses come forward.)

MR. PRIMAVERA: I know many of you know Mr. Avery and Mr. Marshall from many other civic, philanthropic, and opportunities and things that they have

done for our great city. I think I really want them not only to thank you for being here today and hearing these bills but also to tell you a little bit about the search that they did and why they were so excited about trying to maintain Fox Chase in Philadelphia.

So, with that, Mr. Avery and Mr. Marshall.

MR. AVERY: President Verna and Madam Chair --

COUNCIL PRESIDENT VERNA: Good afternoon.

MR. AVERY: -- good afternoon. My name is William Avery, and as you've been told, I'm the retired Chairman and CEO of Crown, Cork & Seal. I think I established at that time my love for the City by keeping one of the major corporations here in the City, with the help of Councilman O'Neill.

And I've been the chair now for a little over five years at Fox Chase. So during this period of time,

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I've been involved directly with what's going on. And as Councilman O'Neill said, if this had been just strictly a business function, it would have happened three years ago, two-and-a-half years ago, realizing that when you try to expand a park and you're also dealing with neighbors, it was going to be a problem.

And so many of the things that I had prepared have already been stated, so I'm just going to make a few comments.

As has also been stated, the major area that we're going to be using is a golf course. And when you stop and think of what we have going forward for all of our community here, at Fox Chase, one of the leading Cancer Center City centers in the world, with two Nobel Prize winners -- there's only one other of the 63 cancer centers in the country that have two Nobel Prize winners.

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I've been a patient at Fox Chase, I'm a cancer survivor, and so I know firsthand the kind of care that you can get at Fox Chase.

We have, in the last two-and-a-half years, three years, in anticipation of this project being approved, we have gone out and searched the country for the best surgeons, the best researchers, the best oncologists, and we have many of those on our staff.

But we've made promises to those individuals about additional building space, where they could have additional people and a research center, additional facilities, operating rooms, hospitals equipment.

And we're here today -- or I'm here today, and David going to give you his ideas and thoughts, but I'm here to ask you to move us forward. We are ready. The Board of Directors is behind us.

But I have to be honest and

say that after three years, it's getting hard to keep them together, that we're getting close, and to try to explain that when you're in a major city, there are things that you have to put together; it's not like being out in the country somewhere.

So we're delighted that we're here today, and we ask you for your approval of these two bills.

David?

MR. MARSHALL: Thank you very much, Bill. Councilwoman Verna and members of City Council, thank you very much for having us here today.

The benefit of going last is that everything else has been said already.

I'm a local businessperson having, having spent basically my entire business career in Philadelphia, and I've been very active in the community in a number of areas.

I'm most proud of my

affiliation with Fox Chase. I'm a member of the board, I'm a member of a number of their key committees, and it is the most satisfying board that I have ever been involved with.

A couple of questions were asked about the growth of Fox Chase, and I think that they were already covered, but just to reiterate, because it really is important: The number of new patients that Fox Chase saw in 1980 was 739. By '96, 1996, it was 3,736. By 2005, it was 6,644. It's already over 7,000.

The outpatients in the same periods of time were 29,000, 45,000, 70,000, and our anticipation by 2010 is 135,000. We're a victim of our own success, in effect.

And one of the problems that it's created with this success is the fact that we have to have people who are literally suffering from cancer waiting in the halls, waiting for

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employment, and this is intolerable and unacceptable as far as the board is concerned. Se we'd like to move this process along as quickly as possible

We have people in our cancer dermatology that are waiting for a month for an appointment. And in our breast cancer clinics, it's two to three weeks to get an appointment. And invariably, these create the backlogs where people that come in for treatment have to wait two to four hours. And, believe me, as members of the Board of Directors, we hear these complaints of "How come you can't treat us faster?"

We would love to do it. We are ready, willing and able to do it. So we're asking your indulgence to move this as quickly as possible.

And I thank you very much for your time.

COUNCIL PRESIDENT VERNA: We thank you for your involvement, and you've been extremely patient here

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today. And, again, I want to thank you for coming to testify; it's been very important.

And, I'll tell you, I never realized that the hospital would be handling so many patients. It's incredible. It's frightening. It's frightening.

Thank you again. Thank you.

MR. McPHERSON: Our next panel consists of Bernard Griggs and Michael Nakowski.

(Witnesses come forward.)

MR. PRIMAVERA: Mr. Griggs is here on behalf of Mr. Gillespie.

And Mr. Nakowski wears several hats, but I will say this: He's been with us every step of the way. We had many meetings in the Northeast. He lives in Fox Chase, and I don't think he missed a meeting of the Fairmount Park Commission in the Northeast. He's been one of the most loyal people we've had, and we appreciate him taking off

the day to come down here to testify.

Thank you.

COUNCIL PRESIDENT VERNA: Please identify yourself for the record.

MR. NAKOWSKI: My name is Mike Nakowski, a lifelong resident of Philadelphia, over a 20-year resident in the Fox Chase area.

I want to, first of all, thank Councilman O'Neill who put all these pieces together.

All right, as a person who raises his family in the Fox Chase area, whose sister is a cancer patient treated at Fox Chase Cancer Center; she's been cancer-free for quite a few years now. My kids sled and play organized sports on Burholme Field, so I know the area very well.

It's a grates place to live. And we're very blessed that we have such a good organization like Fox Chase Cancer Center in that neighborhood, okay, for quality care and what it does

to the neighborhood.

I could be redundant with everything that was said here. It is an economic engine, it's a great quality care. Look at the 120,000 patients. I mean, at the end of the day, okay, it's to cure cancer, in my opinion only. But at the end of the day, it's to get a cure for that horrible, horrible disease. Until your family's ever been affected by it, all right, then you'll understand. And I hope nobody's family ever gets affected by that horrible disease 'cause it doesn't look at race, color, creed, religion or anything else. All's it does is tear your family apart and watch a person -- it's just a horrible, horrible thing.

So I want to thank the Councilman. I strongly urge your committee to come out with a strong recommendation 'cause this is good for the -- it's a win/win, as the

Councilman said for the City. It's an economic engine.

And at the end of the day, as someone had said there's two Nobel Peace Prizes for guys who work at Fox Chase Cancer Center. I mean, to let something like this slip through our fingers, as a life long resident, I pray to God it doesn't happen.

Again, I want to thank you for your time, Fox Chase, Councilman, and everybody else.

Thank you.

COUNCIL PRESIDENT VERNA: Thank you.

Good afternoon.

MR. GRIGGS: Good afternoon. My name is Bernard Griggs, and I'm here to testify today on behalf of Pat Gillespie and the Philadelphia Building and Construction Trades Council.

The Building Trades Council is the umbrella organization that represents all of the building trade

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unions for the Philadelphia and five-county area.

As many of you know, I've testified in front of this committee before, that the Building Trades Council fully supports Fox Chase. We have in the past, we have in the future, and we continue to support them in all of their endeavors to, you know, complete the expansion of the Fox Chase Cancer Center.

And I got to tell you, you know, I've heard a lot of wonderful things here today, and we support them for all pf these reasons. You know, I heard things like, you know, particularly for the first-class cancer research and treatment that they have provided over the years and that they will continue to provide in the future, the fact that they've been a great neighbor in the community. And I know, with this expansion, they'll only be a better neighbor.

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But most importantly, for the Building Trades Council, we support this expansion for the many, many construction jobs that it will provide for our members. You know, anytime you talk about putting our members to work, that's a win/win for us, and we hope, you know, that you will really support this and can move forward with this probably.

Thank you.

COUNCIL PRESIDENT VERNA: Thank you very much.

The Chair recognizes Councilwoman Brown.

COUNCILWOMAN REYNOLDS-BROWN: Good afternoon, Mr. Griggs.

MR. GRIGGS: Good afternoon.

COUNCILWOMAN REYNOLDS-BROWN: At the risk of sounding like a broken record, I would be remiss again not to do what is always necessary in major efforts like this that come before us, and that's to seize the moment and put

on the record the commitment or not when it comes to equal opportunity across the board from construction -- in your case, through permanent opportunities for local citizens first, 'cause there are many times here when we've seen construction projects and there's been no commitment to Philadelphians, which is completely unacceptable.

So speak to, if you will, the building trades' commitment to ensuring that goals established and that have actually been tweaked and amended up at the request of Councilman Clarke, speak to your organization's commitment to ensuring that this project indeed meets those expectations.

MR. GRIGGS: You know, our commit was not only to meet the aspirations and goals that were once mentioned, but, you know, the numbers have risen, and we still plan to meet those numbers.

And I can tell you firsthand

that when it comes to any type of affirmative action program, I mean, I've been involved from the grassroots level. We've always, in my opinion, always either exceeded or met those goals, and we continue to do that with Fox Chase.

COUNCILWOMAN REYNOLDS-BROWN: Now, we know that there would be many, including some of is us in this body, who would respectfully disagree, with very tangible evidence and documentation that at times, your organization has not been able to meet those goals.

So assuming that what you're saying is true, what strategies or new efforts do you have in place that substantiate what you've just mentioned?

MR. GRIGGS: Just to continue to look at the community and just to do what we've always did in the past, and that is, meet those goals. We will meet the goals.

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COUNCILWOMAN REYNOLDS-BROWN: And in the past, you've done what with regards to recruitment and training and then ultimate employment opportunity in the trades?

MR. GRIGGS: Well, it comes down to, you know, when our apprenticeship programs open up, you know, many, many people from the community apply within, and they get into the program just like anybody else would.

But, you know, it always seems to be a particular amount of people from the community, and so that's how we're able to meet and exceed those goals.

COUNCILWOMAN REYNOLDS-BROWN: And you will be using that process for this project as well that folks in the immediate area of Fox Chase will have first chance at recruitment, training, et cetera?

MR. GRIGGS: Yes.

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COUNCIL PRESIDENT VERNA: Councilwoman Miller.

COUNCILWOMAN MILLER: What are the demographics of the -- what's the racial makeup of people -- I go to that area all the time. I use a cleaners up there, and my campaign posters are made right in that area, at Cheltenham Printing.

What would be the demographics of the zip codes that are in that immediate vicinity?

MR. GRIGGS: I'm not sure.

COUNCILWOMAN MILLER: Would you know that? I'm sorry, I don't even know who you are. I just came in from another meeting. You know, maybe I shouldn't be asking you that question.

But if you happen to know it, you can answer it anyway.

MR. GRIGGS: Okay. I don't have the breakdown with me.

COUNCILWOMAN MILLER: Okay. We'll find it out from someone else,

because the demographics of that area, as I see it, probably does not include a lot of minorities. I see some, but -- so I think what you're looking for you won't get if you're talking about diverse workforce. I'm not really sure.

COUNCILWOMAN REYNOLDS-BROWN: One of my issues is making sure that local residents from the community get the opportunity. So in that case, it's those who live in and around Fox Chase. That's part A of my angst. The second part is making sure that the workforce looks like Philadelphia.

MR. GRIGGS: Yes.

COUNCILWOMAN REYNOLDS-BROWN: Okay, then. Thank you.

COUNCIL PRESIDENT VERNA: Any other questions or comments from members of the committee?

(No further questions.)

COUNCIL PRESIDENT VERNA: Thank you very much.

MR. GRIGGS: Thank you for your

time.

MR. McPHERSON: Our next panel consists of Nancy Ostroff.

COUNCIL PRESIDENT VERNA: Mr. Primavera, do you have anybody else?

MR. PRIMAVERA: Yes. We have one other person who has asked to speak.

And while she's getting situated, there's one issue that we're not going to pursue; we're going to hold that for rebuttal. It was a panel of lawyers from Pepper Hamilton.

It hasn't been mentioned but I'm sure you may know that because part of the area in question was the result of a bequest by a Mr. Ryers, that we need Orphans Court approval in order to complete, and that's envisioned after, hopefully, City Council approval.

And the Orphans Court judge has said that the case will be ready for adjudication if, in fact, you were to authorize a lease. And we will be responding to some questions about the

process, but we wanted to let you know and to remind you that there will be Orphans Court approval necessary involved in this process, and we don't believe that that will be a problem, and it's just another step.

Thank you.

COUNCIL PRESIDENT VERNA: Thank you.

(Witness comes forward.)

COUNCIL PRESIDENT VERNA: Good afternoon. Please identify yourself for the record.

MS. CARASELLA: My name is Maria Carasella, and I am a patient at Fox Chase Cancer Center.

COUNCIL PRESIDENT VERNA: Welcome.

MS. CARASELLA: Thank you. I'm not as eloquent as some of the people who have been here, so I've written some things down.

COUNCIL PRESIDENT VERNA: Just be yourself.

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MS. CARASELLA: My name is Maria Carasella. I am a four-year, four-month metastatic-colon-cancer survivor and a patient at Fox Chase Cancer Center.

I came to Fox Chase as a patient in 2002. I was 37 years old, a wife and mother of two-year-old twins, and I had just learned that my cancer had spread to my lung. Fox Chase is close to my home, so my going to Fox Chase was obvious.

However, once there and in the hands of such wonderful and caring individuals, it became clear that I was the luckiest unluckiest person in the world. At the scariest point of my life, I felt so safe and cared for, all of this so close to home, making it possible for family and friends to join the Fox Chase team in nursing me back to health.

I could go on and on about the level of care that I received at Fox

Chase. There is an entire team who watched over me then and continues to watch over me today. I have a surgeon, an oncologist, a nurse practitioner, a social worker, a genetics doctor, and a genetics counselor, and I also have -- oh, I mentioned her, my most wonderful social worker.

In addition, there are other members of the Fox Chase family that have cared for me, people who put my port in and took my port out; members of diagnostic imaging, who have seen firsthand the internal damage done by my cancer.

All of these individuals who have taken care of me worked at Fox Chase's main campus. I can seamlessly and effortlessly go from one appointment to another. I cannot tell you how comforting it is for a cancer patient to be able to stay in one location and see all of your doctors in one day. Cancer is overwhelming enough

without needing to navigate multiple locations or multiple appointments on multiple days, especially when you're a mother.

I feel so fortunate to have such a wonderful institution so close to home.

I believe with all my heart that the Fox Chase family saved me. But more importantly, I believe that Fox Chase will save my children, who have an elevated risk of getting my cancer at an even earlier age.

Please give Fox Chase the space that they need to do the work and the research necessary to help save me in the future and to help save my children.

Thank you.

COUNCIL PRESIDENT VERNA: Thank you very much. We appreciate your testifying.

MS. CARASELLA: Thank you.

COUNCIL PRESIDENT VERNA: We

certainly all wish you the best of luck, hon.

MR. PRIMAVERA: And we have nothing to say, especially after those statements. Nothing more needs to be said. So thank you for your time.

COUNCIL PRESIDENT VERNA: You're welcome.

Mr. McPherson?

MR. McPHERSON: The next panel consists of Nancy Ostroff, Gerry Waln, Fred Maurer, Paul Canty.

COUNCIL PRESIDENT VERNA: Just a minute, Mr. McPherson.

Are any of the witnesses that have been called here? If you are, please approach the witness table.

(Witnesses come forward.)

COUNCIL PRESIDENT VERNA: Good afternoon. Please identify yourself for the record.

MR. MAURER: Let me start first so I can get some (indiscernible). Fred Maurer, and I have two testimonies

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because this was supposed to be testimony on law and testimony about parks. I came prepared for those committee hearings today.

Before I start, there was a man here who was scheduled to testify who had to leave at 3 o'clock. His name was Tim Kearney, and he left his testimony here with me.

COUNCIL PRESIDENT VERNA: Excuse me, sir, if you have his testimony --

MR. MAURER: Yes. And it's all copied for everybody.

COUNCIL PRESIDENT VERNA: Excuse me, please. We will provide that to the stenographer, and it will be transcribed in full.

Thank you.

MR. MAURER: Okay, thank you.

This is on Bill No. 070955. My name is Fred Maurer, and I'll give my copy to the clerk so that she will have a copy.

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This ordinance aims to dividing and placing an IDD zone in Burholme Park. It is an illegal act and its companion action to amend an existing IDD zone in Jeanes Hospital is also wrong.

Burholme Park is a dedicated and federal WPA project developed in 1939 as a landscaped, open-space public land -- park land and it is not fee simple for vacant land for non-park uses or abandoned and placed out for competitive bidding, which is a municipal mandate.

Both actions are sponsored by Councilman O'Neill to destroy Burholme Park and give its heartland to a private institution, Fox Chase Cancer Center, as his private motive.

Good public planning placed since Burholme Park inside of (indiscernible) since 1910 to isolate it from the land uses with a public street named Shelmire. There was no

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public claims to justify a missing or urgent need. This is an outrage demonstrated that was demonstrated in local newspaper of his betrayal after election.

The code for other buildings in rec zones are for recreation uses, and it does not include permitted-use certificates for hospitals or parking garages in the REC code. The Councilman's interests to use the IDD zoning as his means to override park zoning is a violation of the City Planning Commission mission for good planning, and it has many flaws.

The IDD code requires an approved Master Plan, but it has six limitations to satisfy -- gross floor area, percentage of land covered, setbacks, off-street parking, off-street loading, and signs. There is no report that all of these limitations were studied and approved.

The Planning Commission has

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not produced its environmental assessment and development division to report for a factual analysis. The City code for a storm-water plan was not addressed.

With 17 acres of land to be covered in an IDD zone by buildings and address, there is a one hundred percent volume increase to flow across the park land and to erode Burholme Creek.

The unique value of Burholme Park as the highest northeast place with a vista to the river and the skyline will be obscured by high institutional buildings. Our park vista is a valuable and protected right. The residential building height caps of buildings is the an art code for protection of good city planning, and this will be lost as tall IDD buildings interfere with the light and fresh air to sustain our quality of life.

Public policy to create an IDD

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zone for hospitals are supposed to be contained inside its own parcel, and no spill-overs.

Code 14-1103 regulations require that boundaries shall be designated to afford a reasonable line of division between the district and abutting non-institutional development area. The reasonable line of division is a public street where a park setback or a vacant right-of-way.

This ordinance does not conform to the City streets plan. The IDD plan to build over Shelmire Avenue violates the City street plan because Shelmire was not actually vacated, and it has existed as a public way and a legal easement, and it is a public fire street for both sides, and it has over 21 years of public uses to serve as a dead-end from Central Avenue. And it has heavy traffic, including cars, service vans, and trucks.

There wasn't a Streets

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Department or a certification, and PennDOT has not given approval to the proposals, and there was no community involvement in the City Code mandatory practices for an IDD zone over extended Shelmire.

I think the information of PennDOT is very misleading. We talked to PennDOT, and they told us much differently.

The state municipal code defines any zoning change as a subdivision. And no subdivision ordinance was made to divide or remove the park REC code.

Public planning for an IDD zone requires an approved Master Plan after a 45-day notice and community input and satisfactory certifications before presenting it to City Council for a first reading.

None of these IDD mandates was satisfied before the Planning Commission. They acted within one week

before the introduction, and it was not acted before the City Commission before City Council for the Commission made its public notice. This rush was not done for pure justice.

The advocates praise is not unique. The advocate here is all these people from the Chamber of Commerce and the Council.

The same statement can be said from several other cancer centers who have not asked to encroach on park lands.

We have no good reason to ordain bragging rights to one councilman's district. Burholme Park has bee there for over 100 years, and it is the single and main public amenity to enhance a desirable residential community that was planned on the City borders and is its namesake. This park was here long before any Cancer Center, because Fox Chase Cancer Center did not exist until

much later, when Jeanes Hospital -- after Jeanes Hospital sponsored treatments, and in 1929, as the American Oncologic Hospital.

Burholme Park began and is this vital, economical benefit with City taxpayers who pay high taxes and still need this public park. Councilman O'Neill has misused this park to fluster his private relations, and he wants to transfer our wealth of a public park into someone else's plan and their private wealth.

It is wrong to measure a public park with private economic schemes. The flimsy economics as justification show an arrogance and misquotation of truths -- boy, there was plenty of that here tonight.

Do we base public policy on temporary jobs and nonresident workers? How much do we gain when Fox Chase paid staff has two-thirds residency in the suburbs, and professional staff are not

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taxed, and they are not integrated into local commerce and part of the City population.

As a tax-free institution, why should we not tax Fox Chase for services that we provide, including streets and school taxes. Jonathan Saidel, the former City Controller, warned us that we subsidize institutions too much, and we lose our tax ratables. The so-called City economic benefits are false. All those tax abatements punish us by rewarding the wealthy and make residents pay too much.

Councilman made a statement that it's no longer practical to use all of as a public-service park; it's is his fantasy and an insane falsehood. His promise that Fox Chase will provide funds for the mansion and grounds deny the fact that Fox Chase Cancer Center has been here since 1949 and has not provided any benefits. The fiction

they gain -- they use the same fiction to gain a driveway across park land.

The $33,000 they donated to the city for six years on a 99-year lease to consume 1.4 acres of land was not for Burholme Park. Meanwhile, they violate the gate rules and misuse the policy on the driveway easement, and they place overflow parking on the park premises for free use. I think City Council needs to terminate this giveaway lease and get its true value of 99 years.

I think the Councilman's new statement of funding is an attempted bribe to mislead us. Councilman O'Neill's scare word that Fox Chase may locate new facilities outside the City is farcical. There is no need to go because Fox Chase Cancer Center has already insides its 48 acres plot with inside land managed by Temple University with vacant land available. Or just go 1,000 feet, and you will be

in Fox Chase in Cheltenham. Or go a bit --

COUNCIL PRESIDENT VERNA: Excuse me, Mr. Maurer, excuse me. Do you still have much?

MR. MAURER: I'm almost finished with this page, and I would also like to testify about the Fairmount Park ordinance.

COUNCIL PRESIDENT VERNA: If you have written testimony for the Fairmount Park issue, we will give that copy to the stenographer to be transcribed in full.

MR. MAURER: Well, I think you gave the advocates about two hours of speech.

COUNCIL PRESIDENT VERNA: I don't think it was quite that long.

MR. MAURER: Well, we started at --

COUNCIL PRESIDENT VERNA: We're not going to debate the issue. I suggest you complete the testimony that

you're giving now. And if you will abbreviate the one about the Fairmount Park, we'll be happy to listen to it. And if you don't want to do that, we'll give the testimony to the stenographer, and it will be transcribed in full.

MR. MAURER: Well, let me read a little bit more.

COUNCIL PRESIDENT VERNA: Well, finish what you were --

MR. MAURER: Let me transfer into the Fairmount Park.

COUNCIL PRESIDENT VERNA: Thank you.

MR. MAURER: And I will abbreviate. I will just give you a little summary.

COUNCIL PRESIDENT VERNA: That's great.

MR. MAURER: I attend the Fairmount Park Commission meetings. I follow their rules, and I know what happened at the Commission meetings.

Mr. Focht, who just testified

here today, misrepresented what happened. They do not have a committee. That committee terminated in -- two years ago. They have not made any decisions. So they have an agreement that is terminated because they cannot enforce it, and they know it.

Unfortunately, this is a public park. And as a public park, there are revisionary rights. If you're not going to use it as a public park, it's not land to give away; it goes back to other people, and it cannot be used for anyone else except back to the heirs, so we have a major problem. I think there's falsity of Fairmount Park.

I will submit my Fairmount Park testimony for the record so you will have my words there, and I will defer to the next speaker.

COUNCIL PRESIDENT VERNA: Thank you very much.

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Do we have any questions or comments?

The Chair recognizes Councilwoman Brown.

COUNCILWOMAN REYNOLDS-BROWN: Good day, Mr. Maurer. Are you a resident of the Burholme Park community?

MR. MAURER: I'm a member of the Ryers -- Friends of Ryers, which is the park. Burholme Park is a regional park, and I am a member of their organization, which, one time, had the name Friends of Burholme Park and Ryers.

COUNCIL PRESIDENT VERNA: I think the question was, Mr. Maurer, are you a resident of that area?

MR. MAURER: I'm a resident of the City.

COUNCIL PRESIDENT VERNA: Are you a resident of the area in question?

MR. MAURER: Well, that question was not asked of Mr. --

COUNCIL PRESIDENT VERNA: I think Councilwoman Brown just asked the

question. Is it yes or no?

MR. MAURER: I'm a resident of the City.

COUNCIL PRESIDENT VERNA: You said that. And you're not answering --

MR. MAURER: Well, no one else is a resident that testified. Why am I getting a residency question that no one else did?

COUNCILWOMAN REYNOLDS-BROWN: Typically, when we are considering measures of this scale, we are keenly interested in residents who are intimately involved and who will be ultimately --

MR. MAURER: I'm very intimately involved. I have what's called substantial interests.

COUNCILWOMAN REYNOLDS-BROWN: Very well.

MR. MAURER: I live closer to the park than Councilman does.

COUNCILWOMAN REYNOLDS-BROWN: Very well. You've answered the --

MR. MAURER: So I have a wide -- just like he has a wide district, I have a wide interest too.

COUNCILWOMAN REYNOLDS-BROWN: We thank you for the answer to the question, sir.

COUNCIL PRESIDENT VERNA: Mr. Maurer, I know you do come in to Council to testify quite frequently, and we're very grateful to you. Thank you very much, sir.

MR. WALN: I'm Gerald, and that's spelled W-A-L-N. And I have come today on behalf of the family of Robert Waln Ryerss, who, in the will of 1902, gave his dwelling house and 80-some acres to the people of Philadelphia; the house to be fitted out as a library, reading room, and museum, to be free for the community; the grounds to be used as a park and to be free for the use and enjoyment of the people of Philadelphia forever.

The park and library is

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steeped in my family history, my family heritage, from the name Burholme, which comes from our ancestorial home in Yorkshire, England, to all of the various activities that take place in the park.

For clarification on the relationship here, Robert Waln Ryers' paternal grandmother was a Waln, and his maternal grandfather was Congressman Waln, who served in the United States Congress.

I come here today on behalf of the family that live throughout Pennsylvania and throughout the country. For me and for the family, we have many happy memories there from family reunions to all kinds of family gatherings. But probably even more importantly is the place, the park, and the library have had for thousands of people living in Philadelphia.

I know on snowy, cold days, I've watched hundred of children and

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parents with happy faces sledding down the hills of Burholme Park. I've watched participants in many different activities participate in those activities provided for children there at the library.

By the way, our Victorian Christmas Bazaar is coming up on December 1st, and I'd like to invite each one of you to attend that and have a sample of the Wassail. It's an old family recipe; I think you'll like it --

I've listened to lots of people tell me how they've grown up in the park as, their parents, their grandparents and their great-grandparents. And just two years ago, I had the honor to cut the cake for the celebration of the 100th birthday of Burholme Park.

I sometimes joke with the family and some of my friends and say, "Why didn't Robert give the money to

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the family? Why didn't he give us the fortune?" Instead, he gave it to the people of Philadelphia.

Robert was an individual who was very much interested in community. He had a number of different things he did in the Philadelphia community -- providing shelters for animals, he worked for crippled children, and the list of activities could go on and on.

And he, in his will, provided that his fortune, instead of going to the family, would go to the people of Philadelphia so that they could enjoy it as a park and as a library forever.

Our concern as a family is: Can wills be broken, wishes disregarded when something better comes along? It's true that we are looking at a very lofty goal here, a very lofty thing that can be accomplished, but how about the wishes that were set forth in the will?

If wills can be broken, if

wishes disregarded, why would I or other members of the family or others in the community wish to leave things to the City for the betterment of the community?

I think it was the benevolence of Robert Waln Ryerss who helped to better our community here. I think this kind of benevolence that we have seen is what has made our community, our city, a great city.

So on behalf of the family president Verna and members of Council and the committee, it really is within your power today to save our park. And as we prepare to celebrate the 103rd anniversary or birthday of Burholme Park and the Robert Waln Ryerss Library and Museum, I would like to ask you, on behalf of the family, that you preserve it in its entirety for the good of the people of Philadelphia forever.

I want to thank you for this opportunity to speak to the Council.

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COUNCIL PRESIDENT VERNA: Thank you very much.

Do you mind coming over to the map -- I'm not familiar with this area -- and point out where the area of the museum is located, please. I think the map here would indicate exactly where it's located, the map. Can anybody indicate where it is on the map?

Okay. So the baseball field is being saved.

MR. BEAUVAIS: It remains.

COUNCIL PRESIDENT VERNA: Oh, it's going to remain; that's what I thought.

How about the library? Where's the library?

MR. BEAUVAIS: Right there (indicating).

COUNCIL PRESIDENT VERNA: Is that remaining?

MR. PRIMAVERA: President Verna, Tom Garvey can speak to it.

Part of the arrangement is not only to maintain the museum but to provide an endowment. Fox Chase has really treated it with a lot of dignity, and you will see from the document -- and, Tom, you should be pointing as I speak -- that we're really far off in the development from where the mansion is. And we look forward to the continued availability of the mansion for everyone.

The collection, the -- basically, the most important part of the bequest will remain intact and preserve, which is a wonderful thing.

So Tom, could you just describe that.

COUNCIL PRESIDENT VERNA: Excuse me, sir. Were you aware of that?

MR. WALN: I knew that the mansion was staying, yes.

COUNCIL PRESIDENT VERNA: Oh. So your concern is about the park as a whole?

MR. WALN: The park as a whole, but also the breaking of the will. Can wills be broken like that, which is disregarded.

COUNCILMAN KELLY: For the good of the people, they can be.

COUNCIL PRESIDENT VERNA: The Chair recognizes Councilman Kelly.

COUNCILMAN KELLY: Yes. Thank you, Madam Chair.

I just wanted to make it crystal-clear here that as far as the construction -- or the new construction of Fox Chase, it would have no bearing, then, on your museum or the library; is that true?

MR. WALN: Correct.

COUNCILMAN KELLY: The only thing you're saying is just the area in the -- that's currently being used, I believe, as a driving range for golf; is that true?

MR. WALN: Correct.

COUNCILMAN KELLY: Okay. So

you're saying it's more important to have somebody hit out a golf ball rather than expanding a tremendous and, I think, one of first-class institution that we have in this country.

MR. WALN: No, that's not really what I said.

COUNCILMAN KELLY: Well, I think that's the indication that I get. I just wanted to be crystal-clear that that's what you're arguing about.

Thank you.

Thank you, Madam President.

COUNCIL PRESIDENT VERNA: All right. Any other questions or comments from the committee?

(No further questions.)

COUNCIL PRESIDENT VERNA: Thank you very much, sir.

Please identify yourself for the record.

MR. CANTY: I'm Paul Canty. I live in Northeast Philadelphia. I live within three or four blocks of the park.

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I'm a Burholme resident. And I've gone up to the park as a kid and played over in the park, the sledding hill. I and my kids play baseball up there. My son uses the driving range; he belongs to the Cardinal Dougherty golf team, and the golf team uses the driving range at the park. And when my son was playing baseball, when he was a little bit younger, he was using the batting cages of the park.

But what I came up here for is, I'm a lifelong member of the city. And according to this last election, it seems like all of the deals are over; in other words, everything was going to be on the up and up. And it seems like everybody running for office has a green plan running for the City -- I mean, there's a green plan going with the City now; you know, more park area and everybody's going to plant a tree, which is happening right now. And the greening of Philadelphia, and they're

talking about the waterfront and all.

But now that everybody is back in office, it seems like the deal is on, and Burholme Park is going down the tubes, I mean, from being at this meeting for the last couple hours, and Fox Chase Cancer Center is going to get it, and they're going to put their industrial complex medical monstrosity right down the center of the park, 20 acres of park land. And the rest of the park will basically be their campus.

Let me see. Is this the right way to celebrate the 103rd anniversary of the park? And how could this happen in Northeast Philadelphia? This is Northeast Philadelphia's Belmont Plateau, RFD Park, and Rittenhouse Square. In other words, how could this be taking off of us.

During this last campaign, during which I got plenty of campaign literature from Mr. Kelly and

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Mr. O'Neill, who don't live anywhere near the park, they didn't mention that they were going to give any park land away.

COUNCILMAN KELLY: Excuse me, sir. I lived in Burholme for 27 years.

MR. CANTY: You live in Somerdale, don't you?

COUNCILMAN KELLY: Somerton, but I lived in Burholme for 27 years.

MR. CANTY: Well, good. I live there now. And the thing is, everybody that used to live in my neighborhood have moved out because of the way things are going with the City.

And the thing is, if you take the park away, I mean, that is it. The thing is that people that use the park are not just from Burholme; they're from all over the City -- from Olney, from all over Kensington. When we were going around in the park, having people sign petitions, people were from all over the City, checking out the park.

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COUNCIL PRESIDENT VERNA:

Excuse me. If this ordinance were approved, how much park land would remain?

MR. CANTY: How much park land? Well,let's say there's an average of, say, 60 acres to the park.

COUNCIL PRESIDENT VERNA: I'm sorry? 60?

MR. CANTY: Right. And these guys are going to take 20 right down the middle. They're going to divide the park, and basically the rest of the park is going to be their campus.

The thing is, the City right now has all of these brown fields all throughout the City -- in Kensington, North Philly, West Philly, along the river; everything doesn't have to be right on their -- doesn't have to go into the park.

When Dr. Young testified to the community, he was saying, "We don't want to build on our property too much

'cause it would mess up the esthetics," so he's worried about the esthetics on his own property but wants to take our park land, and he said it at a community meeting.

So the thing is, we don't want any of the park to be destroyed. In other words, the City has all kinds of property. I work in Center City, I take the el to work every day. And as I'm on the el in Center City, there's all these vacant fields and this, that, and every other thing. And you mean to tell me instead of --

I mean, the way the park is now and the way the traffic is so bad now, you ought to go there around 4, 5 o'clock, 6 o'clock, it's like a moving parking lot. The thing is -- and they're going to talk about all of these thousands of more employees and tens of thousands of patients. Where is everybody going to go?

If you wanted to do something

like this, it ought to be right off of 95, next to all of these abandoned buildings or just in straight-up open land that the City has, you know, right in the City north of the Tacony Palmyra Bridge or wherever you want to go. There's all kinds of land that the City has. I looked it up on the City website. There's about 30 acres in the City with 20 acres or more that the City can give to the cancer --

In other words, I have nothing against the Cancer Center, but they can build on their own property; I just don't want them expanding into the park, that's all.

The City has land they can give them; I have nothing against that. If they want to give them a ten-year abatement for building there, that's fine. We just don't want them taking our park land.

And let me see. Almost done. And, basically, all I have to say in

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conclusion is, I don't want this. In other words, I don't think it should be voted on at the last second of the Street Administration. In other words, I think Mayor Nutter should have more to say on this -- I mean, have more input so we can work something out so the Fox Chase Cancer Center can expand on property the City can give them. They can take their tax abatement, whatever.

I don't think there should be rush to judgment and to vote on this before the end of the year because I know that John Street's law firm represents the Cancer Center.

COUNCIL PRESIDENT VERNA: I'm sorry. I didn't hear.

MR. CANTY: John Street is associated with the Fox Chase Cancer Center. And if you pass this, he's going to sign this in two seconds flat.

And the thing is, all I'm saying is, the thing is let Mayor

Nutter have negotiations on this and take care of this.

MR. PRIMAVERA: As a point of order: The Mayor is not affiliated in any way with our law firm; I just want to put that on the record. I was reluctant to do that because by rebutting that one bold misinformed statement, I didn't want to suggest that I agreed with any of the other fallacious and irresponsible statements.

Thank you.

MR. CANTY: In conclusion, the people of City Council should do the right thing. Let Mayor Nutter discuss this with City Council in the next -- in '08.

COUNCIL PRESIDENT VERNA: Thank you. Just a moment, please.

The Chair recognizes Councilwoman Brown.

Just a moment, sir. Please --

COUNCILWOMAN REYNOLDS-BROWN: I would not want you to leave here with

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you believing we have not heard your concerns. You've raised a couple that are a trigger for me.

Did you have the opportunity to hear the testimony of our Fairmount Park Commissioner, wherein he spoke to the enormous amount of work that's been done over the past months, Mr. Focht? Did you have an opportunity to hear his testimony?

MR. CANTY: Okay.

COUNCILWOMAN REYNOLDS-BROWN: Okay.

MR. CANTY: No. Earlier today?

COUNCILWOMAN REYNOLDS-BROWN:

MR. CANTY: Yeah, I did. Wasn't he talking about giving 39 acres of the park away?

COUNCILWOMAN REYNOLDS-BROWN: I don't remember the details, but reviewing his testimony will clarify and clear up a number of concerns you've raised.

The second is Charles Denny,

who's our acting Chief Traffic Engineer, spoke around how a number of the traffic-related issues have been resolved, again, as a result of many weeks of work. Did you hear the testimony?

MR. CANTY: Yes, I did, but the things is, the people in Cheltenham who live right across the street Burholme Park on Cottman Avenue -- in other words, according to him, they're going to take away the parking, and the people in Cheltenham and the city commissioners in Cheltenham say no, that's not going away right now; they're all against it.

In other words, they want to make on the Philadelphia side just two lanes of traffic going west, but on the Cheltenham, it's only one lane of traffic going east, and they want to keep it the way it is. The city commissioners in Cheltenham don't want to change it.

COUNCILWOMAN REYNOLDS-BROWN:

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Does the park continue over across Cheltenham Avenue?

MR. CANTY: No. It's Cottman Avenue.

COUNCILWOMAN REYNOLDS-BROWN: So then that answers the question ultimately.

MR. CANTY: It's only going to be one lane going eastbound.

COUNCILWOMAN REYNOLDS-BROWN: I would encourage you, if you would, to please pick up the testimony of Mr. Denny because I believe it fairly addressed your issues raised around parking and traffic.

MR. CANTY: Well, if you went to the park, say, right about now, the thing is, you would be one moving parking lot going five miles an hour.

COUNCILWOMAN REYNOLDS-BROWN: Thank you for your testimony.

MR. CANTY: Okay, thank you.

COUNCIL PRESIDENT VERNA: Thank you very much.

Any other questions for this witness from members of the committee?

(No further questions.)

MR. McPHERSON: Our next panel consists of Mary Tracy, Doris Simon, Jean Gavin.

(Witnesses come forward.)

COUNCIL PRESIDENT VERNA: Ms. Tracy, I believe you were called first, so please identify yourself for the record and proceed with your testimony.

MS. TRACY: Good afternoon, President Verna and honorable members of City Council. My name is Mary Tracy, and I'm the Executive Director of SCRUB, the public's voice for public space.

And that's one reason why I'm here today, to testify, because as SCRUB, we have been involved with this community who are most concerned about losing their public space. And also, as President of the Fairmount Park Commission's Advisory Council, I was

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actively involved with this from the very beginning, having attended all of the hearings in Fox Chase and Burholme, and even when the commissioners came to the neighborhood to hear the voices of the people.

And I find -- I mean, I think it would be really wonderful if this committee could actually relocate up to Burholme to have these hearings, and you would have a, you know, I think a -- a better representation from the people who live there.

In fact, I'd ask your permission to hand up some testimony 'cause several people who were here all afternoon had to leave. And if you know the community of Burholme at all, many are retired and have jobs that they really can't be here during the day; they can't afford to lose that time.

So one neighbor -- and also, many of the people in Burholme Park

have become members of SCRUB as well, so I'm really here on their behalf as well.

But if I can hand up some of the letters and the testimony to go on the record, I'd be most grateful. Thank you.

I think we've heard a lot already about the will and the donated land and how lucky we are in Philadelphia to have civic-mined philanthropists leave their land and their assets of art and buildings and sculpture. It has enriched our city immeasurably and actually has enabled us to prosper as a cultural place for people to live and visit.

And I think that Robert Ryerss has been an especially generous donor in giving his farm and his mansion to the citizens of Philadelphia to be used forever. And I think in turning this land over for private use -- not for a public use, but private use --

Philadelphia is entering into a new realm and one that I think that will put them as a subject of great criticism on a national basis.

Because park land for over a hundred years in Pennsylvania, park land is protected. Once land is dedicated as public land, it belongs to the public. And you can't -- a municipality just can't give it away or even lease it is for use other than the public use.

Now, the -- there's been reference to the golf course. And, of course, no one could compare the importance of the work that Fox Chase does to a golf course. And yet, according to the law, a golf course is an allowable use because it is a public use, even if they have to pay, because it's -- it's a recreational use, and that's what parks are. You can fish, you can run, you can jog.

And I think in a lot of the

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descriptions, the focus in being on the mansion -- I mean, it's a wonderful mansion, and I really would encourage you all to go there; it has wonderful Asian artifacts there and is a very quirky kind of a museum and really lovely.

But a park is more than a ball field and more than a building, and this particular park is really a gem in Philadelphia. There are paths for walking, there are benches where church groups come in in the summer and have lunch and just picnic. Families come there, children play, and senior citizens just come to enjoy communing with nature. And that is the essence of a park.

And that will be destroyed forever if this Council allows the park to be turned over for private use.

And the courts have said that no matter what the benefits is -- I mean, there are institutions throughout

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this city that all do good work, and they all would look at this land and say, Wouldn't we love to put a building here? But the law is so clear on this. The law is saying that once dedicated to public space, it must remain part of the public realm.

And in addition to it being dedicated as a public space, you have the other huge piece, which is that Robert Ryerss donated it to the citizens of Philadelphia to be used forever.

So we have Judge Herron, who has already made one comment on this, when he -- when this whole idea was -- you know, when the Fairmount Park Commission first approved this and it went before Judge Herron, he said, We'll wait and see what City Council say, but know this: It doesn't matter what the Fairmount Park Commission, it doesn't matter what City Council does; what matters is this court. And this

is a will, and it's the job of our lawmakers and our judicial system to protect the wills of those who have died.

And by agreeing to this lease today, you are opening up the City to a very expensive round of legal battles. Just look at what happened -- and is still going on with the museum, but the museum could at least -- the Barnes Museum could at least say that it's still going to the public use.

The buildings that are going up on this acreage are privately held, owned, and used, no longer access to the public.

So I would ask you to strongly consider tabling this until you can look at it more thoroughly.

Thank you.

COUNCILWOMAN REYNOLDS-BROWN: We thank you for your testimony, Miss Mary Tracy, and members of this body would like to pose questions;

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first, my colleague Councilman Jim Kenney.

COUNCILMAN KENNEY: Thank you very much.

We had a lot discussion recently about wills. Should the Stephen Girard will have not been broken?

MS. TRACY: Well, I think with the Stephen Girard will, there was a special reason why that could be built, because there was really discrimination at the time of that will. There were children --

COUNCILMAN KENNEY: So wills in general are not as sacred as --

MS. TRACY: Well, there has to be very good reasons to break a will. And there's already a hundred years of court law saying that letting somebody build on it is not one of them. So I am just saying, you know, there's some flexibility there, but I'm not sure that this would make --

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COUNCILMAN KENNEY: Okay, but the Stephen Girard will should have been broken; do you agree?

MS. TRACY: The steven Girard will -- the will is there, he's still educating children; it's just that he's educating children of all colors.

COUNCILMAN KENNEY: I understand, but that's not what the will said. The will said "white boys."

MS. TRACY: But the will is still basically doing what he wanted to do, and that's educating. It's not changed, it's not a hospital now.

COUNCILMAN KENNEY: I understand, but it --

MS. TRACY: It's not an industrial park.

COUNCILMAN KENNEY: That's it's a will that's been --

MS. TRACY: It's a school --

COUNCILMAN KENNEY: But it's a will that was broken for the common good.

MS. TRACY: But there was a very narrow piece that they expanded.

COUNCILMAN KENNEY: I understand, but the will was broken for the common good.

MS. TRACY: The will was expanded to allow those who were being --

COUNCILMAN KENNEY: The will was broken, the will was changed for the common good.

Okay, thank you.

COUNCILWOMAN REYNOLDS-BROWN: And You said it was for a very narrow reason?

MS. TRACY: Well, it was narrow because it was still keeping, you know, the education of orphan children. And it just -- you know, what it just expanded that education to include, as it should, all children. At the time of the will, there was a different, I guess, mindset about who could be educated and who could not. And, you

know, this goes back to -- Stephen Girard goes back to the Revolutionary times.

COUNCILWOMAN REYNOLDS-BROWN: And so, again, to Councilman Jim Kenney's, the will was broken.

MS. TRACY: I don't know that we would say it was broken; I would say it was interpreted to include -- it was amended. I think the will was amended.

COUNCILWOMAN REYNOLDS-BROWN: Councilman Bill Greenlee and then Councilman Jack Kelly, please.

COUNCILMAN KELLY: I just want to follow up on the one thing you just said. Wasn't it the will that said males, and now you can have females or girls?

COUNCILWOMAN REYNOLDS-BROWN: People of color, more specifically.

MS. TRACY: People of color and I think --

COUNCILMAN KELLY: (Indiscernible.)

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MS. TRACY: And I think it's also been amended to include girls -- are there as well now?

COUNCILMAN KELLY: Yes.

COUNCILWOMAN REYNOLDS-BROWN: It is coed, yes.

COUNCILMAN KELLY: So they actually changed it from all males to now girls and boys.

Thank you.

So there are changes, and they have changed it.

Thank you.

COUNCILWOMAN REYNOLDS-BROWN: Thank you, Councilman Jack Kelly.

Councilman Bill Greenlee?

COUNCILMAN GREENLEE: Thank you, Madam Chair.

I was actually going to ask a question along the same lines, but just a couple other quick ones, if I could.

Miss Tracy, isn't it true -- you say destroy the park, but most of the park is still going to remain, is

it not?

MS. TRACY: No, not really. I would say half of the usable space is taken away.

COUNCILMAN GREENLEE: I -- that's not my understanding, and I have looked at this --

MS. TRACY: Well, I have looked at it pretty closely too, Councilman. You know, because 20 acres of it is going down the creek, it's covered with water, it's got trees. I mean, no one can really walk and recreate on that area.

So -- and the 20 acres are prime land that's now --

COUNCILMAN GREENLEE: That's used for the golf range now, right?

MS. TRACY: Well, some of it is; I don't know that all of it is. I'd have to look at the map though. I think --

COUNCILMAN GREENLEE: But on another line, you --

MS. TRACY: But the City also gets 200 to 250,000, or 150 to 200,000 dollars a year to lease that park -- that golf range. So the City actually does receive income from that concession.

COUNCILMAN O'NEILL: I think, historically, the numbers have been in the 20,000 range.

MS. TRACY: Well, that's not my understanding from the park staff, but perhaps you have better knowledge than me.

COUNCILMAN GREENLEE: But along the line of when you say "public use, private use," obviously Fox Chase Cancer Center is private, but doesn't it come into play that at some point what they do? We're talking about trying to cure cancer, we're talking about saving lives. It's not Wal-Mart, it's not Appleby's. I mean, doesn't reality come here somewhere?

I mean, I know the law of

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reality sometimes does the same thing, but when I hear the arguments against this bill, it doesn't seem -- and you did say it for a second there -- that there's a recognition of what this is.

This is a world-renowned cancer center. I mean, that one individual that came up here to testify -- I'm sure there could be thousands of those who could command testify. Doesn't that come into play somewhere, what it is, what we're doing here?

MS. TRACY: It's really an excellent question and I'm sure it's the one that everyone who's sitting before me is grappling, because no one can deny how proud we are, as Philadelphians, of this institution. And I think no one in this room that isn't grappling with cancer of a loved one, whether it's at Fox Chase or at Philadelphia -- Jefferson Hospital or Children's Hospital. I mean people are sick, and

we need to find ways to take care of them.

But there is nothing that says it has to be done on park land. And there are other acres and other land around. And even on Fox Chase's own property, there is land that they could build on. They could go higher, they could go deeper. They're now building a parking garage that's above ground. Wouldn't that have been smarter to put that below ground and then put the building on top of it?

So, I mean, we don't have to take away park land because, remember, Councilman, that park land is what keeps us all sane and healthy. And we're learning that municipalities --

COUNCILMAN GREENLEE: Excuse me, but if you treat cancer, you're getting healthier too, you know. So come on. I mean, really...

MS. TRACY: Well, we're not going to deny that, Councilman, that

you're going to get healthy, but having parks for future generations is something that we're -- but your basic was: If it's a good enough reason, do we not have to follow the law? If there are enough jobs that we can promise people, then we don't have to follow the law.

COUNCILMAN GREENLEE: Well, as a --

MS. TRACY: Listen to this: Under Pennsylvania law, the obligation to uphold the dedication is absolute, not discretionary. A political subdivision lacks the authority to assent to the use of public land for any purpose, even --

MR. PRIMAVERA: I have to interrupt.

MS. TRACY: If I could just finish --

(Indiscernible; parties talking over each other.)

MR. PRIMAVERA: I don't want to

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suggest that Miss Tracy is practicing law without a license, but I just want to state for the record that she's not a lawyer and she's quoting the law, and she shouldn't be practice the law without a license. We do have lawyers here from Pepper Hamilton who are experts in trusts and estates and City lawyers who say what we're doing is actually fine. The Orphans Court is routinely asked to improve these types of things, so I don't like to be lectured on the law by someone who's not a lawyer.

COUNCIL PRESIDENT VERNA: Excuse me, Mr. Primavera, Mr. Primavera, and Miss Tracy, I think that we're arguing a legal issue here that will be addressed in the courts.

COUNCILMAN O'NEILL: We have enough trouble with zoning issues let alone becoming Orphans Court and making --

COUNCIL PRESIDENT VERNA: And I

think that's where it belongs. So if you don't mind, Miss Tracy.

MS. TRACY: I don't mind at all.

COUNCILMAN GREENLEE: Madam president, that's what I was going to say. I mean, I think we have to do what we think is right here, and the courts will make the decision.

COUNCIL PRESIDENT VERNA: Exactly, exactly.

COUNCILMAN GREENLEE: But I just wanted to bring out that I think it has to be considered on the record what we're talking about here. We're talking about a cancer center and, I think, not just an institution, not just a health-care institution, but a cancer center that's world-renowned.

And I just -- I had to get that on the record.

Thank you, Madam Chair.

COUNCIL PRESIDENT VERNA: Thank you.

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MS. SIMON: My name is Doris Simon. I live one block east of Burholme Park and have been a resident there for over 30 years.

As has already been said, no one in this room disputes the importance of the Fox Chase Cancer Center to our community and the valuable work it performs.

Having said this, I oppose the expansion of the Fox Chase Cancer Center into Burholme Park for three primary reasons.

It is important to honor and preserve the will of Robert Ryerss, who bequeathed this land to the City of Philadelphia to be used as a public park for the use and enjoyment of the people forever.

Second, the loss of precious park land and green space used and enjoyed by so many in the nearby communities is a vital quality-of-life issue.

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Number three, this is essentially a residential area. There are no major thoroughfares in the vicinity. I know a traffic study has been done; however, the planned addition of some 4,000 employees would create major traffic problems and result in increased traffic flow through mostly residential streets. Traffic congestion during rush hour is already problematic today.

In my opinion, eliminating parking lanes and improving traffic signals will do little to alleviate this congestion.

Sometimes there can be a big difference between the right to do and doing the right thing. I urge City Council to do the right thing: Preserve the will. Don't replace green space with concrete.

Thank you.

COUNCIL PRESIDENT VERNA: Thank you very much.

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Are there any questions or comments from members of the committee?

(No further questions.)

COUNCIL PRESIDENT VERNA: Thank you.

MS. GAVIN: My name is Jean Gavin. I'm a resident of Fox Chase and a cancer survivor, and I was cured by Old Pennsylvania Hospital in '89.

There are two things that Councilman O'Neill said are important, and that's why he approved what is happening, or going to happen.

One was the traffic report by Charlie Trainor. We have never seen that, and when I called PennDOT to get a copy of this new traffic report, there is no new traffic report.

And when I was reading the Inquirer at the beginning of September, on a Sunday morning, the most dangerous bridge in southeastern Pennsylvania is on Cottman Avenue, right at the Pathmark's store -- the CSX bridge,

which the CSX railroad goes under that bridge. It is exactly the same kind of bridge built at the same time as the Rhawn Street bridge that we had replaced about five years ago, and it was necessary to do that.

Everything was -- and when that was done, the traffic was so horrendous. Everyone remembers what that was.

Now, when this Cottman Street Bridge goes, that's the way it's going to be on Rhawn Street, and we can't get a left arrow at the end of Rhawn on Oxford Avenue. So, I'll tell you, having a traffic report, we never had it.

And the next thing is the park. He's going to purchase park land: There is nothing available, nothing. So why would you get rid of something you have nothing to replace it with.

And the only thing -- the only

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idea I've heard from Councilman O'Neill is that he would buy little pieces of land and we would have dog parks in Northeast Philadelphia. Give me a break.

Now, let me tell you, how I found out about this meeting was -- and what was happening on our park, that there was going to be three- and four-lane highways all around the park, was by reading the Northeast Times on November the 8th, and Tom Waring wrote about how Councilman O'Neill is finally satisfied with the Fox Chase Cancer Center expansion because it can handle the additional traffic.

I'd like to see that traffic report. I am at that park almost every day with my dog, and we walk, and the traffic there is horrendous. We can never go out on the Cottman side 'cause I'd be sitting there all evening, trying to get home. So I go through the park and you'd be surprised what a

time I have to get out onto the side road to get into the park because the traffic is using that 333 Cottman Avenue address as a thoroughfare.

Now, when that was opened for the Cancer Center years ago, they signed an agreement, and in that agreement, they said -- one of the things they said was that they would close gates. Now, those gates are -- half of them are there now, and they have never been closed that I can see, and they were supposed to be closed every night at 6 p.m. They have never been closed.

If the Cancer Center can't follow agreements that they've made before with the Park Commission, what makes the Park Commission and the City think that they're going to follow any agreements that they sign today? Because they won't. They pick and choose what they want.

And what they're taking out of

the park is not just 19 acres; it's the guts of the park. What we're going to have is a horse shoe, and that horse shoe, to get from one side of the park to another, when they build their beautiful buildings in the middle, that horse shoe is going to be the sidewalk down on Cottman Avenue to get to the other side.

And this map up here that we were trying to figure out what it is, I have yet to figure it out. And I sent for it. And here it is, this is the size of it. I can only read numbers; I don't know where Cottman Avenue is. I've used my best magnifying glass.

Could I get up there and show you where these things are?

COUNCIL PRESIDENT VERNA: Please do.

MS. GAVIN: 'Cause I'd like to find 'em.

Now, where is Cottman here? This is Cottman Avenue and this is

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(inaudible - off mic).

COUNCIL PRESIDENT VERNA: If you don't mind, I think someone who's very familiar with the map can show you.

COUNCILMAN O'NEILL: Mr. Garvey here.

COUNCIL PRESIDENT VERNA: Mr. Garvey can show you exactly what it is you would like to see.

(Mr. Garvey approaches map on display.)

MS. GAVIN: This here presently is park land and this is the woods and this is a little stream, and I walk my little dog right here every day and around the mansion every other day. But we walk through that park; that will not be open to us.

I suppose we'll have another dog park somewhere in Northeast Philadelphia.

Where is the golf course today? Here is the golf course. And there's a road that goes across here

that the Cancer Center uses regularly as a parking lot.

And over here is a playground, and they say they're going to keep that (inaudible). They wanted to put it down on Cottman Avenue because the air was so much better, they died. I'll bet that will change here.

This is high land. This part of this park is the highest park in Philadelphia, and it goes down to a stream. So you know the height -- the change in height is tremendous. It's a marvelous place to walk because you can really make your legs work and your lungs.

This is a very healthy place as it is, but when you have all of this concrete, it's not healthy. Right now, they're building around this water tower. I don't know why that water tower is standing 'cause they're digging in where they took -- there's a protection fence around the water

tower. They had moved that from the side of their building.

And they get away with that from the -- this city is letting this group work like they're God and they do nothing wrong. They're taking everything that we have.

THE WITNESS: And you can't find park land. This is not a safe area. And when you have four lanes here and four lanes here and three lanes here and three lanes here, and this is our park? That's the plan. And it was written about and in the Northeast Times, and nobody wrote a letter and said it was wrong.

COUNCIL PRESIDENT VERNA: Thank you very much.

Any questions or comments from members of the committee?

(No questions.)

COUNCIL PRESIDENT VERNA: Thank you all very much for coming in to testify.

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Our next witnesses?

MR. McPHERSON: Kate Friend, Fred Gauss, Dr. Katherine Canty.

(Witnesses come forward.)

COUNCIL PRESIDENT VERNA: Please identify yourself for the record and proceed with your testimony.

MS. FRIEND: Good afternoon. My name is Kate Friend. I'm a resident of Fox Chase for the past 22 years, and I've been a resident of Philadelphia my entire life.

I have been a user of the park, my children have been a user. We have used the playground. I.

Was active in campaigning for a better facility at the playground approximately 13 years ago. At that time, we met with Fox Chase Cancer Center to ask for assistance, and we were basically told at the meeting that they would look into it. And then I received a phone call a few days later from Mr. Garvey, telling me that, you

know, they had other ideas for the use of that area. And at the time, I really was very naive and didn't think any more about it.

But three years ago, when I, you know, learned of the news that they already had this, you know, plan developed and they were going to present it to the community, I had this flashback. And I felt that the community should have been involved, you know, prior to three years ago, because it's obvious they've been very busy, making all of their connections, okay, for at least the past dozen years.

So the community was left in the dark up until three years ago. And at that community meeting, it was basically a presentation by Fox Chase Cancer. And the community responded, and we asked -- we said, you know, could you just, you know, take a few steps backwards. We made some

excellent, excellent suggestions.

We said, could you, instead of a 20-year plan, maybe come up with a 10-year plan? Could you, you know, think of different ways that you could maybe build up on your existing property?

So what Fox Chase Cancer did was, they went back to the community, they did take some acreage off, they did, you know, revamp their plan slightly, but it was always from the perspective that this development was going to take place, and the community was powerless to stop it.

I can tell you, to try to visualize what's going to happen to the park, all I can say to you is: Picture a rectangle divided into three sections.

The left-most section is the wooded area, it's a natural area. The middle section is this driving range, this golf course and a wooded picnic

roof; that's the section they're going to develop. The right-most section are the ball fields. And then sitting at the top of the ball fields is the Ryerss Museum.

Now, where they're going to put their buildings, okay, is going to be the central focus of the park. And you can see they're several stories high. I mean, they look like they're maybe five, six stories high, so they will be visible from every area in the park. This is going to eliminate the feeling of open space.

Now, my children have flown kites at that park, they've sledded on the hill. I mean, that hill is going to stay, and they're still going to be able to fly their kites, but they're not going to be doing it with a feeling of open space; they're going to be doing it with a feeling of being in the shadow, okay, of a development.

As far as the natural part of

the park, that is basically cut off from the community because the highway that's going to come in from Cottman Avenue, that's going to take you to the facility, is going to divide that -- the natural part of the park, and you're not going to be able to cross the street, you're not going be able to use it; you're going to have to come in from a different angle.

It's going to change the way people in this community have used this park for at least the last 50 years. I mean, that's going through my lifetime.

And, you know, like everybody pooh-poohs this golf driving range, but if you live in that area, you know that there is nothing else like it around; it cannot be duplicated, okay?

And I'm a cancer -- I am currently a cancer patient, and I can tell that you my treatment, okay, in the world of medicine is going to offer me no guarantees of my survival. And I

can also tell you that the treatment that you have to go through is so barbaric that you have to question, what are they doing? And you know this with your own families. I mean, the options that are available to us are not acceptable.

And, you know, I'm going in mid-life, but I can't bear the thought that a five-year-old child has to go through what I actually have to go through.

And, you know, I certainly appreciate and I applaud Fox Chase Cancer on their work as far as the research goes, but there's another side to the cure for cancer, and that is in our environment, that is in how we live our life.

There is, you know, a proven connection between diet, exercise, stress, and toxins in our environment. Now, there's a movement within this city to plant trees, there's a movement

within this city to green it up. The resurgence and interest in people that are coming back to areas of this city that are being revitalized, those people want a walkable city, they want green areas.

In Fox Chase, we already have that, and now we're being asked to give that up. What is that going to do to our property values? What does that do to the psyche of a community where you have people who invest countless areas of volunteer time and effort? And we're basically put in a position where we have very little say about what's going to take place in our community.

As far as hearings on this went, they've never been publicized. As far as the Planning Commission hearing, I never knew about it. This hearing I found out through the Northeast Times. There's been no effort to have a true hearing and to have true input from the citizens of

Northeast Philadelphia on this issue.

Now, I can certainly appreciate your perspective, okay. Sitting at your place, you certainly want Fox Chase Cancer to stay, okay, and we all know they've threatened to leave to go to Bucks County if they don't get their way, all right? I think that's a bullying tactic, and I can tell you right now that I think they need us more than we need them. They've put a tremendous amount of finances into that site; they're not going anywhere.

The other thing is on the long term, okay, the long term is when you want people to stay, okay. You want families. You may have these sections of the City where are coming in and are not married yet, they don't have kids; they're going to want to settle in a good, solid community. And that's what Fox Chase offers people, okay. If anything, it detracts from that

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feeling, and it really has to be scrutinized, because you need to balance the health of your community. Okay?

Sure, you want some business, okay? But once that gets out of balance, okay, and once you have people that are unhappy, you're also going to have people who are not going to want to stay. Okay, you have people looking at this situation, saying -- you know, and Fox Chase Cancer, we know that the facility is going to go in, we know it's a done deal.

But I just want to tell you when it's done and people see that sitting there, okay, they're not going to be happy all right?

A lot of people, you know, couldn't come today because they work, all right? I had to take a half a day off, okay? I come down and then I don't even know what time it is. I've been here since 1 o'clock, okay?

So I'm discouraged because I saw everyone go before us and all the park people were left to the very end, and that's the way it's been through the whole process.

So my request is that -- and I've also heard that this is going to get pushed through next week at City Council. My request is that if you really want to be fair about this, come to the community. Take a field trip, look at the park, see what's going on there. Come to a community meeting, listen to what people have to say, okay? Because that's really what the new Philadelphia is about, okay?

This deal that's been proposed, that's the old Philadelphia, okay? People don't want any parts of that, okay? You have a new administration, you have a new opportunity. I urge you to take full advantage of it.

Thank you.

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COUNCIL PRESIDENT VERNA: Thank you very much.

I guess I ought to say "good evening." Thank you for your patience. Please identify yourself for the record.

MR. GAUSS: Council President Verna, thank you very much. My name is Fred Gauss, and I live with my family -- or I have lived with my family for over 40 years in Fox Chase, and I live directly across the street from the park.

I'm also a member of the Friends of the Ryerss Museum, the Fox Chase and Burholme Civic Association, and the Friends of Fox Chase Farm. So I'm active in the community and I know there was mention about people liking to hear people that are kind of involved.

My dad passed away two years ago from pancreatic cancer. And one of the things that I must thank him for is

my appreciation for nature. I've traveled around the country and the world, and one of things that always draws me is natural settings. I want to thank him for that.

It's difficult to listen to testimonies regarding cancer 'cause I've been through it myself with my dad.

During the past 25 years, Councilman O'Neill and I, we know each other. We've been at opposite ends of the park, and I think I can honestly say that I have probably have been in contact with him more than any other individual in this room when it comes to the Burholme Park.

And I think there have been very few situations where, I guess, we've been on the same page because I dislike some of the things that have gone on there, and I've voiced opinion. I'm, I guess, very, very nature-related when it comes to that.

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As crazy as it was, or as it is, I was out in the park at 5:30 today, walking through the rain, because I knew the issue of usable land was going to be coming up, and I paced it today again, and I don't buy the fact that there's going to be a better or more usable space.

I paced off the bottom part of the park as well as the upper portion in the rain, so you know I must be a little nuts.

Councilman Kelly mentions about the golf range. I don't like that golf range there, either, especially if it's going to be used as the reason for giving it to the Cancer Center. That thing should have never happened 50 years ago, when they put it in, but somewhere along the line, it just keeps continuing, and everybody just keeps putting the stamp of approval on it. I testified against that years ago at the Fairmount Park

Commission, but money ruled.

I think that's one of the things that's happening now is that the money will rule when it comes to the jobs. I heard about MBEC, union labor, et cetera, et cetera, et cetera.

I don't like the idea that my rights are going to be trampled on to use the park. Whose right is greater; is it Fox Chase's or is it mine, or is it the people of Philadelphia? I guess that will be decided in the courts.

I personally don't like the idea of giving the land to Fox Chase Cancer; not that I -- trust me, I love the Cancer Center. Do I think that's what's being offered here -- hey, that's great. I still don't understand why there's a Jeanes Hospital when I think, eventually, the Cancer Center will probably get that as well. So they're going to have an enormous campus there.

Will it happen tomorrow? No.

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Will it eventually? I think it will. When maternity wards get thrown out of the City, sometimes you start thinking about what's going on in the community.

Traffic problems. I've been in that mess for the last number of years. I can show you on there, at the top of that map, where it goes to Rhawn and Oxford and then comes all the way down to the entrance of Jeanes Hospital. I've been in that traffic jam, and that's along Central Avenue and Hasbrook and Oxford.

We've been talking about Cottman. Go along Oxford Avenue and the Huntington Pike. Fox Chase Cancer Center can tell you the difficulties on Huntington Pike or 232, because they have a facility that is right there, about directly on the boundary line. It is horrendous.

And I don't think that all this new engineering is going to make the difference. I would appreciate

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being able to call some people on Council as I'm sitting there, waiting for the traffic to subside. It's really bad.

I guess last, but not least, is the idea of "forever." You could take down that fence around the golf range in a day. And, trust me, I know that the picnickers will go in there, I know that the NEO will go in there and use it for park purposes.

When you put up 20 acres worth of buildings, that's not -- you can't take that down. It's over, it's gone.

There is nothing in the area. I've used Pennypack. I can recall when there were options where there was talk about turning the Fox Chase farm into condominiums back in the '80s. I remember stopping by Councilman O'Neill's office, law office, at that time, identifying my opposition to that. I'm grateful that the City was smart enough to get the land and to

turn it into something that's great for the community.

There's only one parcel of land available in that area. I don't know how much it would cost to get, but I don't think it's the for sale. The only other one was the (indiscernible) site that's currently owned by -- or being developed by Holy Redeemer, the gentleman that was here today. That was a phenomenal piece of property that was now developed, senior citizen housing, 55 and older. Is it a good thing or a bad thing? Again, from my perspective, looking at it from nature's point of view, it's hard to take when you drive by there now, when you realize how close it is to Pennypack. And really, Pennypack is the only thing there that could satisfy individuals.

I thank you for your time. I hope I've given you a little bit of the perspective of an individual who lives

across the street and loves the park.

I think I've probably been in the area longer than most people around here. And, Councilmen, all of you, I hope you make the right decision. This is not a simple decision, trust me, 'cause you have a lot of things to balance. You're getting paid, you were elected to do the right job.

I, however, wish to thank the Waln family for their past generosity in giving the park to us, to all of us. However, I regret, and hopefully will not regret, it being taken away.

Thank you.

COUNCIL PRESIDENT VERNA: Thank you very much.

MR. McPHERSON: The last two witnesses that I have are Mary Wytesol and Tim Kearney.

COUNCIL PRESIDENT VERNA: I believe Tim Kearney's testimony was given to the stenographer.

MR. McPHERSON: I have no other

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names.

COUNCIL PRESIDENT VERNA: What was the other name?

MR. McPHERSON: Mary Wytesol.

COUNCIL PRESIDENT VERNA: Is she here?

MR. MAURER: She left. She had to leave.

COUNCIL PRESIDENT VERNA: Okay. Very well. Do we have anyone else to testify?

MR. BEAUVAIS: Yes, Madam President, Madam Chair.

At the request of Councilman Clarke, we are looking to not amend the two ordinances with adding the exhibits, but we're going to take a moment to reexecute a fully and completely new EOP. And, hopefully, we can actually request that the rules be suspended at the time that the reports for committee happen this Thursday in order to allow for the amendments; i.e., the exhibits to be attached at

that moment.

COUNCIL PRESIDENT VERNA: Are these the exhibits that we were told were given to the Chief Clerk's Office?

MR. BEAUVAIS: These are the exhibits for the equal opportunity plan.

COUNCIL PRESIDENT VERNA: Oh, very well, very well.

MR. BEAUVAIS: But with that, we will also request that the rules be suspended for these two bills here today in order to allow for first reading this Thursday.

COUNCIL PRESIDENT VERNA: Thank you.

MR. BEAUVAIS: Thank you.

COUNCIL PRESIDENT VERNA: Do we have anyone else to testify on the two bills that have just been heard?

(No response.)

COUNCIL PRESIDENT VERNA: And, Councilman O'Neill, I can see that you really had quite a job on your hands.

COUNCILMAN O'NEILL: I would

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just like to hand up to the clerk and the stenographer both the letter that was partially read into the record from Rhina Cutler, Deputy-Secretary for Administration for PennDOT, and also copies of the parking -- the resident -- the student prohibition of parking in residential areas around Holy Family University, which affects both my district and Joan Krajewski's.

COUNCIL PRESIDENT VERNA: Sure.

(Proceedings end at 5:30 p.m)

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C E R T I F I C A T E

I HEREBY CERTIFY that the proceedings of the City of Philadelphia Council Committee on Joint Committees on Rules and Parks, Recreation & Cultural Affairs are contained fully and accurately in the stenographic notes taken by me on Monday, November 26, 2007, and that this is a true and correct statement of same.

_____

JOSEPHINE CARDILLO
Registered Professional Reporter

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