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The Fairmount Water Works: Can This National Historic Landmark Be Restored with Help from a Municipally Supported Nonprofit Organization?

Elizabeth C. Harvey
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THE FAIRMOUNT WATER WORKS:

CAN THIS NATIONAL HISTORIC LANDMARK BE RESTORED WITH
HELP FROM A MUNICIPALLY SUPPORTED NONPROFIT ORGANIZATION?

Elizabeth C. Harvey

A THESIS

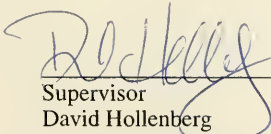
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Historic Preservation

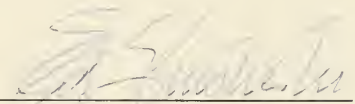
Presented to the Faculties of the University of Pennsylvania in
Partial Fulfillment of the Requirements for the Degree of

MASTER OF SCIENCE

1997



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Figure 2. Historical image of the Fairmount Water Works, 1829. The artist shows the Fairmount Dam directing the Schuylkill River to the Forebay and through the (Old) Mill House. Philadelphia Water Department Archives.

Figure 3. This 1994 photograph shows the deteriorating Fairmount Water Works in its prominent location below the Philadelphia Museum of Art. Office of the City Representative, City of Philadelphia.

1. Introduction

For the past four summers, volunteer tour guides have eagerly told the history of the Fairmount Water Works (FWW) to visitors. Although some come to the site because they have heard about the tours offered on weekend afternoons, most people become acquainted with the site by chance. Perhaps some catch a glimpse of the structures through the trees that line Aquarium Drive; others may have discovered it while strolling around the grounds of the Philadelphia Museum of Art. However the journey begins, there is a similarity in the enthusiasm captured by the listeners.

There are many lessons to be learned from this Philadelphia icon. And the corps of volunteers, with members of varied backgrounds and fields of knowledge, provide insights that will interest almost anyone who takes half an hour to listen. People with an interest in architecture, technology, and engineering discover that they are drawn to the FWW—but less obvious are those who come with an interest in environmental or public health issues or even the history of recreation.

What visitors witness when they tour the FWW is both fascinating and troubling. For example, there is the well-maintained esplanade, a popular haunt among local fishermen, adjacent to the building complex. Yet, graffiti, peeling paint, and rust, are prominent throughout the site. Worse yet, there are missing balusters that would otherwise overlook the swift-moving Schuylkill River at the Fairmount Dam; a structurally unsound deck above an abandoned, glass-filled swimming pool; and chunks of plaster falling from the interior walls and ceilings. These are some of the elements that are not so easily repaired, and begin to suggest that this is a site with some fundamental problems.

Perhaps one of the oddest characteristics of the FWW is how isolated it feels, especially when considering its proximity to Kelly Drive and the Benjamin Franklin Parkway. Although it sits in full view of the Schuylkill Expressway and West River Drive, where tens of thousands commuters see it every week, it really is tucked away. Perhaps this privacy will work to the benefit of the site in the future, but today the area possesses an element of danger.

Unwittingly, what visitors see at once are symptoms of the complex nature of preserving an historic site. The battle to preserve a privately owned historic landmark is difficult enough, partially because there is still a general misconception that rehabilitation is always more expensive than new development and that the product is less flexible. However, when the owner of an historic landmark is a public entity, which does not work towards a profit margin, is constrained by law, regulation, and/or public policy, and is generally unable to respond quickly and flexibly with innovative ideas to a changing environment, then inaction, frustration, and missed opportunities are sure to abound.

Such is the case with the FWW. Those public officials who are ultimately responsible for the Fairmount Water Works have tried with significant persistence to rehabilitate and reuse the site. Yet, the site serves as an example of a public resource that suffers because public money is not provided at an adequate level to preserve and maintain it.

To address this inadequate level of public funding, the Fairmount Park Commission (FPC), which serves as administrator of the city-owned FWW, has created a nonprofit organization called the Watering Committee to raise private money to contribute to the rehabilitation of the structures. This fundraising approach is not new to the public sector, nor is it unique. More importantly, this approach is not the foolproof solution to the preservation of a publicly owned property. An influx of private money may certainly be

a good foundation to help launch a project, but without vision, persistence, and a clear understanding of mutual expectations and responsibilities between the public and private sector leadership, there is little chance for its longevity.

Currently, two city agencies are interested in the rehabilitation and reuse of the FWW. The Fairmount Park Commission (FPC) is renovating the upper levels of one building so a private restaurateur may rent and outfit the space, and the Philadelphia Water Department (PWD) has plans to construct an interpretive center in sections of two buildings. Beyond these two ideas, approximately three quarters of the usable square footage of the site will remain vacant, with no plans for reuse at this time.

This thesis explores the role of private funding in the provision of public services. Nonprofit organizations, and the money they raise, have not only kept the FWW in the public eye, but have kept the site from uninterrupted physical neglect. However, the role of the nonprofit sector in the stewardship of the Fairmount Water Works has evolved since the 1970s.

In the past existing nonprofit organizations partnered with the FPC and the PWD to raise money and public awareness for the Fairmount Water Works restoration efforts. The nonprofit organization had its own staff and its own goals but dovetailed them with the work and expectations established by the city agencies. Today, the FPC has formed its own nonprofit organization specifically to raise money for the restoration of the FWW. The board itself has no staff, and instead relies on commissioners and staff members at the FPC to determine and further the park commission's goals for the site.

There is no formula to determine whether partnering with or creating a nonprofit organization will work more effectively to restore a public structure. The variables for

success are too numerous. However, throughout this thesis the reader will be led on a tour that explores a new facet of the site: whether a municipally supported nonprofit organization will be able to facilitate the restoration and reuse of a National Historic Landmark, the Fairmount Water Works.

2. Historical Significance of the FWW: 1815-1911

In 1812, the Watering Committee,¹ the entity charged with the provision of water to water service subscribers² in Philadelphia, purchased five acres of property along the east bank of the Schuylkill River. This, the site of the Fairmount Water Works (FWW) (Figure 1), was chosen for its proximity to the city, the purity of the Schuylkill River, and for its location at the foot of the highest hill, “Faire Mount,” in the area surrounding the city. The members of this committee could not anticipate the extent to which this parcel would become an innovative industrial complex and a popular tourist attraction, or that this parcel would become the keystone of the Fairmount Park system.

A new water pumping station was approved for Faire Mount, and construction of the first structure, now known as the Engine House, began in August 1812. When it opened in 1815, the Federal-style structure³ designed by Frederick Graff housed one steam engine that pumped water into a reservoir atop Faire Mount. A second steam engine was added in 1816. These engines, one a traditional low-pressure engine and the other a newly designed high-pressure engine, could pump 3.5 million gallons of water to the reservoir in twenty-four hours.⁴ That the steam engines could supply the city with water

¹ Public health and welfare were issues of concern to Philadelphians as early as 1787, and by 1798, the Watering Committee was founded to supply water to subscribers within the city of Philadelphia. Benjamin Latrobe, who was hired by the Watering Committee to design and construct a water delivery system, suggested that the city use one steam engine to pump water to a high point and allow the water to be distributed by gravity. By 1801, the city’s first water pumping station was complete and operating at Chestnut Street at the Schuylkill River. From this station, water was pumped by a low-pressure steam engine through a brick tunnel to Centre Square, the current location of City Hall. Water was pumped into wooden tanks at the domed top of the Centre Square building and then flowed by gravity through the pipe system. Frederick Graff, assistant to Latrobe, proposed to build a new pumping station after trying unsuccessfully to make the low-pressure steam engine work to its designed capacity. Graff’s proposed location was out of the city’s boundaries at Faire Mount.

² The Watering Committee charged a fee for the provision of water to its customers.

³ Frederick Graff designed the Engine House in a style that was quite popular during his era. We may assume that Graff intended to house the machinery in a style that mimicked the surrounding structures in the area.

⁴ Jane Mork Gibson. “Bulletin: Philadelphia Museum of Art, Fairmount Waterworks” (Philadelphia Museum of Art: Philadelphia, 1988) 12-15. By installing two engines, as opposed to the installation of only one engine at Centre Square, the FWWs’ predecessor, the Watering

was certainly beneficial in that the severity of fire and disease was reduced. However, the wood and coal used to fuel the engines were expensive, the engines broke down with some regularity, and the boilers were prone to dangerous explosions.⁵ Within seven years, the cost and danger outweighed the benefits of steam engine technology; therefore, the Watering Committee sought an alternative method to obtain power for its pumps.

As a replacement to the steam engines, a more traditional technology was chosen to provide power for the water supply system—waterwheels. Graff also designed the neoclassical (Old) Mill House to house eight waterwheels⁶ and eight pumps (Figure 2). Construction of the structure began in April 1819, and in July 1822⁷, the first waterwheel went into operation. By 1843, the full complement of eight, essentially noiseless, wheels was in place. From the outset, the public was invited into the (Old) Mill House to witness this spectacular view of the waterwheels in motion. Waterwheels generated the power necessary to pump water up to the reservoir until 1871.

This system was possible only because a plan had been developed as early as 1815 for the city of Philadelphia to purchase the rights to water power, build a dam⁸ across the Schuylkill River at Faire Mount, and construct a system of locks and canals for boat passage along the river. In addition, for such a system to work, the Forebay, essentially a wide a millrace, had to be blasted out of the solid bedrock that was embedded in the

Committee avoided much of the inefficiency caused by breakdowns. The traditional low-pressure engine was used more often than the high-pressure engine; however, when necessary, the engines could be used simultaneously. By 1817, 3,500 houses and businesses were served by the Watering Committee, and Graff estimated that it cost \$30,858 to raise a conservative 2.3 million gallons to the reservoir in 24 hours. The first reservoir had a capacity of 3 million gallons of water.

⁵ *Ibid.*, 15. In 1818 and 1821, a boiler exploded killing three men.

⁶ *Ibid.*, 18. These waterwheels were of the breastwheel variety as opposed to the undershot waterwheel. Breastwheels receive water in buckets higher than is customary on undershot wheels.

⁷ The Caretaker's House immediately north of the Engine House, and the Watering Committee Building, the northernmost structure, were built in 1822. Two sculptures, created by William Rush, were placed above two portals along the (Old) Mill House in the 1820s.

⁸ Gibson (*The Bulletin*, 1988), 18. "[The Watering Committee] realized...if a dam were to be constructed by another party at a different location, the opportunity would forever be lost for the city to harness the Schuylkill River's water power."

property to the east of the proposed site of the (Old) Mill House, so as to provide adequate access to and head for the wheels within the mill house.

As planned, the dam, locks and canal, and Forebay were constructed and in operation by 1822. The dam directed the river into the Forebay behind the (Old) Mill House. From there, the water flowed through the control gates along flumes and onto waterwheels before flowing back into the river below the dam. The wheels powered the pumps that then drew water from the flumes through water mains to the reservoir atop Faire Mount.

Once it was determined by city officials that the property surrounding the FWW could not be developed into an industrial complex⁹, Graff was charged with designing a landscape plan for the site. The awe-inspiring size and serenity of the waterwheels, the popular neoclassical architecture, and the beautifully landscaped grounds transformed the FWW into a tourist destination. By 1835, the site comprised twenty-four acres, the Engine House was converted to a saloon to provide refreshments to tourists, and a series of promenades led up to and around the reservoirs atop Faire Mount. Sculpture, benches, and gazebos further adorned this site. Water power proved profitable to the city of Philadelphia and to the FWW.¹⁰

Water power was inexpensive but the waterwheels did have two major drawbacks. First, the breastwheels could not operate twice a day during high tide.¹¹ Also, during late summer and fall, the water level was too low both to keep the wheels turning and to

⁹ Ibid., 23. There were legal difficulties regarding water rights that belonged to neighbors, and further blasting of rock would have been dangerous to the existing structures.

¹⁰ Ibid., 29. In 1844, 5.3 million gallons of water were provided to 28,082 water subscribers. The Water Department spent \$29,7143 but earned \$151,501. From 1830 to 1850, the FWW could supply the demand and provided a spectacular leisure spot for native Philadelphians and visitors alike. Tourism was so strong by 1835 that a portico was added to the converted Engine House "saloon."

¹¹ Similar to brake pressure exerted on the wheel of a car, the water at high tide caused enough pressure to stop the waterwheels from turning.

provide an adequate supply of water for lockage along the canal. Frederick Graff worked to provide power to the water supply system.

An experimental Jonval turbine¹² was installed at the FWW in 1851.¹³ A turbine room was constructed for this horizontal waterwheel that fitted into an existing flume between the Engine House and the (Old) Mill House. Because of the turbine's success, between 1859 and 1862, the Romanesque Revival New Mill House was constructed to the north of the Old Mill House to house three turbines.¹⁴ To accommodate the turbines, the Old Mill House was altered from 1868 to 1872.¹⁵ Three Jonval turbines and six pumps replaced the eight waterwheels in the Old Mill House.

The turbines were efficient but they could do nothing to protect water subscribers from the pollution of the river. Early on, city officials displayed a great deal of forethought in their attempts to curb pollution of the water supply. From the first five acres of land bought in 1811 to property acquired along the west bank of the Schuylkill River in 1866, there was an acknowledgment by city officials of the necessity for protecting the purity of the water by protecting the watershed itself. By steadily purchasing land along the Schuylkill River above Faire Mount, city officials prevented commercial and residential

¹² This was a French turbine. It was smaller than other turbines of the era. In addition, it worked submerged under water, and could work in a wide range of water pressures.

¹³ Gibson (The Bulletin, 1988), 33. This first turbine was used to increase the supply of water and to improve service. The pump for it was in an enclosed space under the Engine House terrace.

¹⁴ Ibid., 34. Reservoirs had been added atop Faire Mount as needed and a sixth reservoir was built at Corinthian Avenue when the 1851 turbine was installed. A standpipe was installed in 1852 at the FWW site because this new reservoir at Corinthian was at a higher level than those atop Faire Mount, thus requiring greater water pressure. In 1860, when construction of the New Mill House was complete and three more turbines were installed, a distribution arch was added on Faire Mount. This arch served as a link to the standpipe.

¹⁵ Ibid., 35. Alterations included the following: the deck of the Old Mill House was raised to accommodate the turbines; the Pavilion was added, based on a design by Graff, in 1820; and the North and South Entrance Houses were built on either side of the Pavilion with the Graff sculptures fixed upon them. The public could still see the machinery through the entrance houses although they could no longer see the water, as it was contained within the new machinery.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY

RESEARCH REPORT
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M. J. BROWN
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ABSTRACT
The reaction of ...
with ...
has been studied ...
The results show ...
that ...

INTRODUCTION
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The results show ...
that ...

growth adjacent to the water supply.¹⁶ By 1867, this city parkland was collectively known as “Fairmount Park.” Also by 1867, communities upstream, beyond the city limits, were beginning to flourish, and in so doing, were beginning to compromise the quality of Philadelphia’s drinking water.

Widespread use of the FWW as a water pumping station ended by February 1909,¹⁷ when it provided water to only one customer. However, its official closing did not occur until March 1911.¹⁸ There are several circumstances that rendered the FWW useless as a water pumping station. First, the latest technology¹⁹ and population²⁰ had outgrown the site’s capacity to produce a sufficient supply of water. Large sand filtration beds, required to protect public health, could not be built at Faire Mount²¹; the Jonval turbines, which were considered advanced technology at their installation from 1851 to 1872, had become outdated; and steam-powered stations, such as the Spring Garden Water Works that opened in 1844, could operate regardless of the water level at the dam.²² In addition,

¹⁶ The Philadelphia Water Department. Compilation of maps and data for Fairmount Park Commission administered property. On file at the Philadelphia Water Department, Public Affairs Division, Public Education Unit. The Fairmount Park Commission was created by an Act of Legislation on March 26, 1867, and was organized on June 3, 1867. Before passage of that Act, Fairmount Park was comprised of only the present East Park lying between Faire Mount and the Spring Garden Waterworks. The public demanded better care and management of the park, and wanted an extension of it along both banks of the Schuylkill River to the Wissahickon Creek. A supplement to the 1867 Act on April 14, 1868, directed the appropriation of lands bordering Wissahickon Creek from its mouth to Bell’s Mill Road.

¹⁷ Philadelphia Bureau of Water. *Annual Report*, 1909.

¹⁸ Philadelphia Bureau of Water. *Annual Report*, 1911.

¹⁹ Jane Mork Gibson. “Report, Part I: The Decommissioning of the Fairmount Water Works; Part II: The Aquarium Years, 1911-1962” (Prepared for the Philadelphia Water Department, 1987), 2. The turbines required 30 gallons of water to pump one gallon of water to the reservoir, whereas the steam-powered plants, such as the one at the one at Spring Garden, did not require 30 gallons to pump water to the reservoir.

²⁰ Russell F. Weigley. *Philadelphia: A 300-Year History*. (W.W. Norton: New York, 1982), 359-360. The consolidation of the City of Philadelphia occurred on March 11, 1854. The need for better police and fire protection, and a larger tax base for the provision of services, such as water, sewage, street paving, street cleaning, street lighting, and more, led to the city’s consolidation.

²¹ Gibson (Report: 1987), 2. A filtration bed was designed in the 1850s; however, no one acted upon its installation until the 1890s, when it was decided that there was not enough space to construct it.

²² *Ibid.* The FWW had to allow for a certain water level to provide lockage for the Schuylkill Navigation Canal. These new steam-powered plants, such as Spring Garden, lowered the water level at the dam by taking their water from upriver. Also, the FWW suffered from a low river level during the summer.

pollution, which had been a problem since at least 1834²³, was not controlled, despite attempts by the Commonwealth to protect water purity. Due to these insurmountable conditions, and the city's new, politically supported plans to use the site as an aquarium, administration of the FWW was transferred from the Bureau of Water²⁴ to the Department of the Mayor on March 16, 1911.

²³ Ibid., 1. In 1834 a bill was passed to protect the city's water supply. Little attention was given to the law, particularly by the industries upriver in East Falls, Manayunk, Conshohocken, and Norristown. Scientific committees that were formed from the 1840s through the 1890s did not help to keep pollution under control. Although their studies found that pollution was a problem in Philadelphia, they also concluded that this city was better off than other large urban areas, thereby lessening the impact of their findings.

²⁴ The equivalent of today's Philadelphia Water Department. The term "Bureau of Water" was used from 1887 to 1951.

3. History of the Fairmount Water Works: 1911-1973

Aquarium

1911-1919. The Fairmount Water Works (FWW) did not remain vacant for long. Construction of an aquarium, known as the Public Aquarium and Museum, was approved by a City Ordinance on March 11, 1911, and opened as a temporary facility with 27 species²⁵ in the Engine House on Thanksgiving Day, November 24, 1911. Under the control of the Department of the Mayor, the aquarium operated free of charge “for the pleasure of the People and instruction in the life history of aquatic animals.”²⁶

The rapid opening of the temporary aquarium can be attributed to two men, both of whom wielded of considerable political power in their day. The first, William E. Meehan, was Commissioner of Fisheries of the Commonwealth of Pennsylvania, and the second, John E. Reyburn, was the Mayor of Philadelphia until 1912.²⁷ Reyburn required that construction for the aquarium begin during his administration and he had enough influence over City Council to ensure that its construction moved forward. By City Ordinance, Reyburn and City Council appointed Meehan, an ichthyologist and pisciculturist, to organize site construction, collect the necessary species, and then open the aquarium.²⁸

At its opening, 19 tanks²⁹ of fresh water fish from the State Fish Hatchery in Torresdale were on display at the temporary facility. Construction of the permanent aquarium

²⁵ Rebecca Allen. “The History of an Aquarium Tank from Fairmount” (University of Pennsylvania, *American Civilization* 560, 1989), 4.

²⁶ William E. Meehan. “Fairmount Park Aquarium: Its History and Maintenance” (Fairmount Park Commission: Philadelphia, 1929), 3.

²⁷ Gibson believes that although a professional relationship had not yet begun between these men, they may very well have been friends—perhaps even fishing partners. (Phone conversation, 3/97.)

²⁸ Meehan accepted this position but received no salary, as required by City Ordinance.

²⁹ Allen, 4. The tanks themselves were provided from the State Legislature. They had been

began with the Sea Water House in the New Mill House in May 1912. When it opened on June 15, 1916, it was considered a state of the art facility. One unique feature included natural light from skylights,³⁰ which not only illuminated the descriptive semi-transparent signs above the tanks, but the fish living within the tanks as well. In 1913, Maine seals and San Franciscan sea lions were introduced to the Forebay. Unfortunately, this was a short-lived feature, as some escaped through the river gates and many died of tuberculosis. Construction of the Fresh Water House in the Old Mill House began in 1916, and opened November 24, 1921—exactly 10 years after the opening of the temporary aquarium.³¹ With the opening of the Fresh Water House exhibits, the Engine House served as a Lecture and Exhibition Hall.

Financing for the permanent aquarium came from the sale of all but one of the pumps and turbines for scrap. The remaining pump and turbine³² were used to pump water throughout the aquarium tanks.³³ Appropriations from the sale of the machinery³⁴ paid for all materials and other supplies at the permanent facility. However, further funds from that source were made unavailable on account of a decision by City Council that all funds from the sale of city property must be paid into the City Treasury; money could be withdrawn from the treasury only by a direct ordinance from City Council.

used in live fish exhibits at the Colombian Exhibition in 1893, and at the St. Louis World's Fair in 1904.

³⁰ The existing decks of the Old Mill House and New Mill House were altered to install these skylights.

³¹ Gibson (Report: 1987), 16. At this time, the aquarium, still free of charge, was renamed Fairmount Park Aquarium. Construction was delayed during World War I, but began again after its resolution.

³² These were the original Jonval turbine and pump that were installed in 1851.

³³ According to a brief report filed in the FPC archives, the turbine and pump were saved for "sentimental" reasons. "Fairmount Park Aquarium." November 12, 1959. Fairmount Park Archives. However, in the Ordinance of March 16, 1911, it was stated that one pump and turbine would be saved for use by the aquarium's use.

³⁴ Gibson (Report: 1987), 14. The machinery was sold for \$5,019.12 in January 1912. Although the money was set aside for construction costs, the ordinance did not say when the money would be distributed. Meehan asked for a \$1500 advance and later pleaded for a more sufficient amount. His request for funds was not granted until March 29, 1912.

For the construction and first-year maintenance of the permanent aquarium, City Council did make an appropriation to the Fairmount Park Commission (FPC) for the aquarium, by City Ordinance³⁵, of \$23,700³⁶ in 1912; however, this was the only appropriation ever made by the city for the permanent aquarium. The Pennsylvania State Fish and Game and Forestry Protective Association offered additional support by guaranteeing the cost of lumber. Services, such as the provision of gas, water, and electricity, were provided by other city agencies.

1920-1939. The 1920s were by far the most popular years at the aquarium. By 1929, the aquarium occupied the entire building complex. The facility included a lecture hall; a greenhouse for the hatching of wild fresh water fish, goldfish, and tropical aquarium fish; an office for the superintendent and assistants; a carpenter shop; a storage room; and rest and toilet rooms on the ground level for visitors. Also by this date, there were 132 exhibition tanks and 43 storage or hospital tanks for reserve and sick species. The aquarium used the most up-to-date water filtration technology for its 100,000 gallon system. It housed over 5,000 specimens, with an average of 3,000 specimens from all over the world on exhibit at all times, including fish, turtles, lizards, frogs, and alligators.³⁷

³⁵ Ibid., 14. According to Ms. Gibson, on March 29, 1912, Council passed another ordinance making the aquarium the responsibility of the Fairmount Park Commission; the balance of the aquarium cost was to come from the FPC's budget. This ensured slow progress, as the park already had other burdensome financial commitments. My understanding of the ordinance is different than Ms. Gibson's interpretation. According to the 1912 *Ordinances and Opinions of the City Solicitor*, on March 29, 1911, the Fairmount Reservoir was transferred from the Bureau of Water to the FPC; however, that the \$23,700 was appropriated to the aquarium indicates the transfer from the Department of the Mayor to the Fairmount Park Commission already occurred. No specific record was found of this transfer of the FWW structures to the FPC.

³⁶ City of Philadelphia. *Ordinances and Opinions of the City Solicitor*, (Dunlap: Philadelphia, 1913.), 27.

³⁷ The Bulletin, "City's fish thrive on impure water," February 7, 1927. The Urban Archives, Temple University. At this time, the aquarium "had the largest capacity in the world." There were 2,000 to 3,000 fish but only \$5,000 a year from City Council for maintenance of the aquarium. In comparison, New York City appropriated \$10,000 for the maintenance of its aquarium. Fish food at the Philadelphia aquarium cost approximately \$2,500 a year; collection and transportation of new specimens was approximately \$2,000 a year; and seawater cost between \$200 and \$300 a year. Repairs and upkeep of the building were provided by the FPC from its general fund.

Favorable reviews continued through the 1930s by visitors to the aquarium. One journalist reported:

“...Underground construction lent itself to naturalistic rockwork grottoes and tanks which considerably adds to the attractiveness of the exhibits....The descending steps and the shadowy lighting at once give the visitor the impression that he has gone below the surface of the water and the illusion is further heightened by the realistic backgrounds in the tanks.”³⁸

An article in “The WPA Guide to Philadelphia” further indicates that the aquarium was doing well in 1937. It stated:

“The annual visitation by nearly 75,000 pupils from schools all over the country, and teachers of science from Germany, England, and other countries of Europe indicates the institution’s educational value. Classified, the collection includes 389 species of fishes (1,866 specimens); 12 species of amphibians (130 specimens); and three species of invertebrates (155 specimens)...A laboratory is maintained for the study of maladies and parasites of which the finny tribe is subject and for checking the alkalinity or acidity of the water.”³⁹

1940-1949. The aquarium fell upon hard times in the 1940s. World War II occupied many of the ships that had been used for transport of various species, and the Merchants and Miners Line boats, which had started to transport seawater for free from the Gulf of Mexico to the aquarium before the war, were rerouted, never to return to Philadelphia harbors again.⁴⁰

The number of complaints about the appearance of the aquarium gradually increased from the public. Poor lighting was explained away by aquarium staff who said that too much light strained the muscles of the fishes’ eyes; glass, which had to be an inch and a half thick, was too expensive at \$300 a piece to replace; empty, grimy tanks were the

³⁸ Parks and Recreation. “The Philadelphia Aquarium” 20 (6):283, 1937.

³⁹ E. Digby Baltzell, Ed. *The WPA Guide to Philadelphia* (University of Pennsylvania Press: Philadelphia, 1937), 581.

⁴⁰ Wayne Robinson. The Bulletin, “War reaches the city’s fishes,” September 30, 1941. The Urban Archives, Temple University.

result of fish dying from old age; disfigured or missing signs were the result of moisture or vandalism; and moisture and corrosion of seawater caused the paint to peel.⁴¹

Not only did the FPC continue an admission-free policy to enter the aquarium, but City Council reduced its appropriation in 1947 from \$5,000 a year to only \$3,000 a year. The cost to feed the animals was approximately \$45 a week in 1947, leaving only \$660 for any other needs or acquisitions throughout the entire year.⁴² By the 1940s, city officials were unable to justify spending more tax dollars to support the operation and maintenance of the aquarium.

There was a catastrophic blow to the aquarium in 1949 when a large piece of plaster fell on and injured two visitors in the Sea Water House. In response to this disaster, the entire aquarium closed for ten weeks, but the Sea Water House never opened again. This reaction to disaster proved that the FPC was unable, and the city administration unwilling, to spend more on a facility that generated no self-supporting income.

1950-1962. There was little hope of reviving the Fairmount Park Aquarium in the 1950s. Fairmount Park Commissioners and other city officials discussed closing the aquarium, and although some attempts were made to resurrect the facility, they met with little success.

An article from 1950 listed the FWWs' liabilities: it deteriorated annually at a rate that nullified constant and expensive efforts to keep it in repair; it was prey to constant seepage; the metal work had rusted; screens were faded and filled with holes; and the signs were wrinkled and dirt-smearred. Ultimately, there was "...not enough money to do

⁴¹ The Bulletin, "Aquarium funds eaten by fish," May 4, 1947. The Urban Archives, Temple University.

⁴² Ibid.

the job right.”⁴³ Even Isaac D. Levy, a Fairmount Park Commissioner, called the FWW a “scar.”

The Fairmount Park Aquarium Society, a nonprofit organization⁴⁴ formed by a former Supreme Court Justice, Grover C. Ladner, Isaac Levy of the FPC, and Charles Vanda⁴⁵ of WCAU radio, took responsibility for the aquarium in 1953. The organization’s first goal was to rehabilitate the buildings; it would then secure a new and constant supply of fish to fill the tanks. The organization proposed four different kinds of memberships with donations ranging from \$5 for a year membership to \$5,000 for the status of benefactor. The long-term goal was to create an aquarium that would match the caliber of the one in Chicago and be better than that of New York.⁴⁶ The FPC appropriated \$40,000⁴⁷ for initial plans, which were in fact completed later in the year.⁴⁸ Unfortunately, information about the work of this nonprofit organization is limited.

Levy proposed to spend \$10,000 in 1953 for surveying what needed to be done to update the facility and to create an office for the Fairmount Park Aquarium Society; he met with opposition from Mayor Richardson Dilworth who questioned whether the money would be better used for expanding recreation facilities. The FPC President, Charles I.

⁴³ Henry L. Davis. *The Bulletin*, “Deteriorating plant may force city to shut down aquarium,” October 1, 1950. The Urban Archives, Temple University.

⁴⁴ It is not known how this nonprofit organization was structured, nor is it known how much authority it had over actions taken on behalf of the site.

⁴⁵ Earl Selby and Anne Selby. *The Bulletin*. “In our town.” October 1957. The Urban Archives, Temple University. Vanda openly criticized the aquarium after a visit to the site. When Levy heard of this, he suggested that Vanda be on the board of directors for the Fairmount Park Aquarium Society. Vanda accepted this invitation, and at a later date was elected president.

⁴⁶ Joe Panacost. *The Bulletin*, “New group will take over aquarium from park board,” March 13, 1953. The Urban Archives, Temple University.

⁴⁷ Morely Cassidy. *The Bulletin*, “Fish fall on evil days.” October 27, 1956. The Urban Archives, Temple University.

⁴⁸ *The Bulletin*, “Aquarium backers get setback in Council.” November 14, 1956. The Urban Archives, Temple University. The FPC was ready to implement the plans in 1957, but an expected \$450,000 to modernize the site, and \$290,000 to complete the project in 1958, were not appropriated by City Council. The City Planning Commission revised the appropriation for the 1958 fiscal year to \$300,000, down from \$740,000 expected in 1957.

Thompson, agreed with the Mayor and said that it may not have been wise to spend so much when so little had been raised from private sources. Thompson suggested that the city seek matching funds from private sources.⁴⁹

Meanwhile, the appearance of the aquarium certainly had not improved by 1956. One article stated,

“The handsome old Grecian building which once housed the Fairmount Waterworks is falling apart, and plans for a new one have run smack into Mayor Richardson Dilworth, the 1957 budget, and Fairmount Park Commissioners who can outstare any fish in the tank....This is not entirely new.”⁵⁰

Rehabilitation costs for the aquarium were set at \$750,000 in 1956, and annual upkeep was estimated at \$80,000.⁵¹ Eventually, in 1957, the FPC closed the aquarium on Mondays and Tuesdays to save over \$6,000 in overtime costs.⁵²

The public offered proposals for what to do with the site via letters to the editor in “The Bulletin.” One person suggested moving the aquarium to the zoo.⁵³ Another proposed charging admission. In October 1956,⁵⁴ there were plans to tear the FWW down but the public objected.⁵⁵

⁴⁹ The Bulletin, “Mayor, [John B.] Kelly get along fine discussing park aquarium,” April 10, 1953. The Urban Archives, Temple University. Kelly was the Vice President of the FPC in 1953.

⁵⁰ Cassidy, 1956. This lack of commitment was expressed in a 1957 article. (Earl Selby and Anne Selby. The Bulletin. “In our town.” October 1957. Fairmount Park Archives) After Mayor Dilworth put off providing funds for substantial renovations to the FWW, Vanda asked City Council and Dilworth to visit the site. No one would come. Dilworth admitted never having been to the site.

⁵¹ The Bulletin, “Aquarium closing urged on board.” October 12, 1956. The Urban Archives, Temple University. (Fairmount Park Archives. “City seeks new aquarium, builder with \$1,500,000.” 1957.) In 1957, the operation and maintenance costs were set at \$60,000.

⁵² The Bulletin, “Aquarium to close Mondays and Tuesdays to save funds.” December 10, 1957. The Urban Archives, Temple University.

⁵³ William Ernst. The Bulletin, “Letter to the Editor: Proposes incorporation of aquarium with zoo.” October 19, 1956. The Urban Archives, Temple University.

⁵⁴ Saul Kohler. The Bulletin, “City’s aquarium dying of neglect.” June 19, 1957. The Urban Archives, Temple University.

⁵⁵ Ibid. However, by 1957, plans to build an aquarium at a new location, “Disneyland at the Sea,” emerged with an emphasis on entertainment rather than education. The private company proposed to use the FWW for storage.

In 1955, a bond issue was floated to help the aquarium, but the \$740,000 raised was diverted to a city priority—as recommended by the City Planning Commission—express service on the Broad Street subway.⁵⁶ One Fairmount Park Aquarium Society board member said that he would not waste anymore time with the Society if he had no assurance that the city would not postpone construction of the aquarium indefinitely.⁵⁷

By December 14, 1959, the FPC was ready to close the aquarium. It cost \$55,000 to operate the facility, which still attracted 400,000 to 500,000 visitors a year,⁵⁸ but this was money the FPC did not want to spend to maintain a site that now had only 50 species.⁵⁹ However, Samuel S. Baxter, Water Commissioner at the Philadelphia Water Department (PWD), suggested that a study committee be appointed to assess whether closure of the FWW was too hasty a decision.

The aquarium struggled along until June 20, 1962, when the remaining salt water fish died.⁶⁰ The aquarium could not recover from this final disaster. The facility closed in December 1962 and the remaining fresh water fish went to the new, privately owned Aquarama Theater of the Sea⁶¹ on Broad Street near Pattison Avenue. It was estimated that closing the Fairmount Park Aquarium at the FWW would save the city \$50,000 a

⁵⁶ The Bulletin, “Hope is seen for aquarium.” November 11, 1956. The Urban Archives, Temple University. Mayor Dilworth promised that the money would be replaced in the 1958 budget; this promise was not fulfilled.

⁵⁷ Cassidy, 1956.

⁵⁸ The Bulletin, “Park board moves to close long-criticized aquarium.” December 14, 1959.

⁵⁹ The Bulletin, “Board eyes plan to shut old building.” December 15, 1959. The Urban Archives, Temple University. (The Bulletin, “City aquarium will stay open.” January 11, 1960. The Urban Archives, Temple University.) Kelly, FPC President, agreed that the aquarium should stay operating and “fixed up” until “somebody builds us another one.”

⁶⁰ There is speculation about how the fish died. The first theory is that chlorine from the new swimming pool in the New Mill House seeped into the water supply. The second suggests sabotage by a supporter of a new aquarium to be built elsewhere in the city. (conversation with Gibson, 3/97)

⁶¹ Robert J. Salgado. The Bulletin, “Once-thriving city aquarium deserted.” December 19, 1969. The Urban Archives, Temple University. Aquarama was short-lived; it closed in 1969. (Fairmount Park Archives. “S. Phila. site for aquarium gets initial ok.”) February 1961. Aquarama Theater of the Sea was a \$2.7 million, privately operated facility.

year. Fortunately, at its closure, the FPC recognized the need to preserve the site for its historical significance.⁶²

Reusing the FWW as an aquarium stressed the following ideas: it kept alive the FWW which was famous for its innovative technology, neoclassical architecture, and contribution to leisure activity and the growth of Fairmount Park; it continued the water theme at the site and made use of the turbine technology; it made Philadelphia one of the few cities to have an aquarium, thus continuing the tradition of the FWW as a source of civic pride and a tourist destination; it educated the public about natural history; and it provided entertainment. However, although this use was cognizant of the water theme for which the site was known, it leaves a question about whether this reuse was well-suited for its environment—both at the site and in the political climate.

The Kelly Foundation Pool and The Aquarium Society

1961-1972. The John B. Kelly Foundation⁶³ sought approval from the FPC in 1961 to build a pool in the New Mill House.⁶⁴ The purpose of the pool was twofold: “(1) to give Delaware Valley’s top-flight competitive swimmers a place to train during the cold months and (2) to enable schools throughout the area to extend their swimming instructional programs.”⁶⁵ A 10-year lease was eventually approved by the City Planning Commission and the pool opened on December 14, 1961.⁶⁶ All profits made

⁶² The Bulletin, “Old aquarium shuts Tuesday.” December 27, 1962. The Urban Archives, Temple University.

⁶³ S. Damon Kletzien, Ed. *Directory of Pennsylvania Foundations, Edition 4*. (Triadvocates: Springfield, PA, 1990), 294. The John B. Kelly Foundation was created in 1961 to support local sports-related activities. In 1990, the foundation gave over \$28,000 to local organizations. (S. Damon Kletzien, Ed. *Directory of Pennsylvania Foundations, Edition 5* [Triadvocates: Springfield, PA, 1995], 264) However, by 1995, the John B. Kelly Foundation filed or gave other notice of intended liquidation.

⁶⁴ Fairmount Park Archives. “Aquarium swimming pool opens with a bang.” 1961. The pool was constructed for \$45,000.

⁶⁵ The Bulletin, “Fish.” December 10, 1961. The Urban Archives, Temple University.

⁶⁶ William A. Forsythe. The Bulletin, “Aquarium pool blocked by backer of marina.” June 7, 1961. The Urban Archives, Temple University. The City Planning Commission fought against the pool plan. It objected on the grounds that the pool was a part of a cluster of buildings and it was

by the pool were to be turned over to the city and the foundation built and maintained the pool at its own expense.⁶⁷

The pool closed in 1972 after Hurricane Agnes put eight feet of water in the New Mill House. The hurricane destroyed the heating and electrical equipment.⁶⁸

It is interesting to note that the City Planning Commission wanted a reuse plan that included development of the entire site, as opposed to a mere portion for the pool. Its request for a development plan from the FPC acknowledged that the potential of the FWW could not be maximized without an articulated vision for the future.

1972-1973. Another nonprofit organization,⁶⁹ The Aquarium Society, formed in 1972 with the intent to reinstall an aquarium at the FWW. John Cornell, founder of the organization, had a five-year plan to restore the site and remaining machinery⁷⁰—all of which he thought could be done for \$200,000.⁷¹ The FPC approved a 10-year agreement

against authorizing a use for one section until a plan for the use of all of them had been developed. It said that the FPC needed to formulate a development plan. The City Planning Commission finally agreed that the pool would be acceptable if no exterior changes were made to the structure.

⁶⁷ The Bulletin, "Swimming pool at aquarium approved by park board." May 9, 1961. The Urban Archives, Temple University.

⁶⁸ James Smart. The Bulletin, "Leo's at the helm of an aquarium without any fish." December 10, 1972. The Urban Archives, Temple University.

⁶⁹ As with the Fairmount Park Aquarium Society, little is known of this organization's structure, or how much control it had over the site. (Interview with Ernesta Ballard, May 22, 1997) Ernesta Ballard, a Fairmount Park Commissioner, on May 22, 1997, said that nothing ever came of this organization.

⁷⁰ The Aquarium Society Report. (Philadelphia Water Department Archives: Philadelphia, c. 1973). This plan estimated that the facility could handle over a million visitors a year, and public admissions could produce \$300,00 a year. A project mailing was done by the Society to determine support for the project; it expected funding from government, foundations, business and the community; it invited fundraisers to advise on a campaign strategy; it figured costs to make some repairs; it estimated the number of visitors expected; it clarified short- and long-term plans; it projected an actual exhibit experience; it planned on cooperative programs with the school district; and it wanted to use the site as an historic center.

⁷¹ Jim Smart. The Bulletin, "Fish may yet swim again at old Phila. aquarium." October 20, 1972. The Urban Archives, Temple University.

with the nonprofit organization.⁷² Little else is known of this work undertaken by this nonprofit organization.⁷³

The private initiatives from nonprofit organizations described above add another dimension to the restoration and reuse plans for the FWW. Such organizations become a fundamental component in the subsequent history of the FWW, and in ongoing efforts to successfully plan for the reuse of the site. Therefore, before the period from 1974 to the current situation is explained, it is important to define what the nonprofit sector is and why a municipality may choose to partner with or support this type of organization.

⁷² The Bulletin, "Park approves plan for flower show in 1976." September 13, 1973. The Urban Archives, Temple University.

⁷³ In "The Fairmount Waterworks, Philadelphia: A Feasibility Study," Henry Jonas Magaziner mentioned that The Aquarium Society was still trying to raise the funds for the reopening of the FWW as an aquarium. The Philadelphia Historic Commission.

4. Definition of 501(c)(3)

Nonprofit vs. Tax-exempt Status

Internal Revenue Code Section 501 establishes and defines what types of organizations are exempt from federal income taxation (Appendix A). Tax exempt organizations are not required to pay federal income tax on earnings that are realized through routine operations. Federal income tax exemption does not preclude the imposition of other federal taxes, such as federal unemployment taxes, employers' social security tax, or unrelated business income tax on exempt organizations.

It is important to clarify that nonprofit organizations are different from tax exempt organizations. Nonprofit organizations may or may not be exempt from federal income tax; the term merely implies that earnings are retained in the organization to further the organization's purpose rather than being distributed to investors and/or other entities that contributed capital with the intention of obtaining a return on the investment.

In short, all tax exempt organizations are nonprofit; however, nonprofit organizations are not all tax exempt.⁷⁴ For both types of organizations, there is an expectation to make earnings—a profit—in excess of the operational costs. Without a profit, these organizations become insolvent, just as a “for profit” organization.

⁷⁴ Robert N. Sughrue and Michelle L. Kopnski, *Qualifying as a Nonprofit Tax-Exempt Organization: A Guide for Attorneys, Accountants, and Executive Management* (Quorum: New York, 1991), 2.

Section 501(c)(3)⁷⁵

Section 501(c)(3)⁷⁶ is the broadest type of tax-exempt status. Organizations choose to acquire this status for the following reasons: the organization is created exclusively for at least one of the stated exempt purposes, such as education or charity; donations are tax deductible by the donor; no earnings are to benefit any private shareholder or individual; none of the activities undertaken by the organization consist substantially of attempting to influence legislation; and no substantial part of the organization's activities involve participation in the campaign process.

The governing body of a nonprofit organization is established and defined through a corporate⁷⁷ charter, articles of association, a trust indenture, or any other written "governing" instrument by which an organization is created.⁷⁸ The Internal Revenue Service requires that nonprofit organizations create a statement of purpose and a statement of powers as part of an organizational test. An organization will not satisfy this test if its governing instrument empowers it to devote more than a "substantial" part of its activities to attempting to influence legislation, or if the organization participates, directly or indirectly, in a political campaign.⁷⁹

⁷⁵ Section 501(c)(3) is featured in this thesis because the Watering Committee, the nonprofit organization supported by the Fairmount Park Commission for the restoration of the Fairmount Water Works, is declared this legal status.

⁷⁶ Ted Nichols, *The Complete Guide to Nonprofit Corporations: Step-by-Step Guidelines, Procedures and Forms to Maintain a Nonprofit Corporation* (Dearborn: Chicago, 1993), 222. Section 501 lists those organizations that are tax exempt. The language for Section 501(c)(3) states that the following are exempt: "Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes; or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation...and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office."

⁷⁷ *Ibid.*, 1. A corporation is "an association of people to which the authority of the state gives formal recognition as a legal entity (a creation endowed with the same kind of rights and powers associated with a person)."

⁷⁸ For the purpose of this paper, the reader may assume that the author is referring to a nonprofit corporation with a governing board of directors and Articles of Incorporation.

⁷⁹ Sughree and Kopnski, 18.

A nonprofit organization must look to a balancing test set by legal precedent and the Internal Revenue Service for guidelines that determine what is “substantial.” The factors for this test include the following considerations: the actual proportion of the exempt and business activities; the commercial viability of the activities; the existence of and the amount of profits from the activities; whether any actual profits are used for exempt purposes; and whether the profits inure to the private shareholders or individuals.⁸⁰

In addition to the organizational test there is an operational test. To satisfy the operational test, the organization must state that it operates exclusively for one or more of the exempt purposes. No part of its net earnings are permitted to inure to private shareholders or individuals.

Components of 501(c)(3) Status

Legal Status. Nonprofit organizations may choose a corporate charter, Articles of Incorporation, a trust indenture, or any other written instrument by which an organization is created. “A nonprofit corporation is a legal entity with a life of its own. Although someone or some group of people must create it, the corporation subsequently exists separately and apart from those people. In effect, the corporation is an artificial person.”⁸¹ The nonprofit corporation has the same rights as an individual as far as the law is concerned. Therefore, as an independent entity, it may do the following: operate within and outside of its incorporating state; enter into contracts; own real and personal property or borrow and secure its debts by mortgaging its property; hire and terminate employees; join an association or become a member of another corporation; sue and be sued in court.⁸²

⁸⁰ Ibid., 20.

⁸¹ Nichols, 8.

⁸² Ibid., 9.

Unless the board of directors has a majority vote to dissolve an incorporated nonprofit organization, it will live in perpetuity. Nonincorporated organizations do not have this assurance of longevity. The sense of permanence that a corporation provides may comfort funders because they know that their investment will be part of an organization that is less susceptible to dissolution.⁸³ In theory, incorporation also ensures that the purpose of the structure of the organization will be above the ego and agenda of an individual. This assurance comes from a legally imposed structure and procedure.

Corporate law of the state determines what form the corporation must adopt. Centralized management, by a board of directors with a fiduciary duty and a set of officers, minimizes the dangers of incompatibility among an organization's members. Corporate law also establishes certain procedures that a nonprofit corporation must follow, such as the election of a board of directors and operating officers. The law also requires the drafting and maintenance of documents, such as the Articles of Incorporation and bylaws, as the organization's operational framework.

Board of Directors. By federal and state statutes, a nonprofit organization must have a board of directors. The members on a board of directors serve as volunteers when they govern a nonprofit organization. Individuals may choose to serve on a board for a variety of reasons: an interest in the organization's programs, the prestige that is brought by serving on the board, a sense of civic duty, or the satisfaction that results from doing a good deed. David Hubbard, President of the Fuller Theological Seminary, defined the roles of the board of directors in the following manner to Peter Drucker, an expert in issues related to nonprofit organizations:

"Board members are governors. When they sit around the table and vote their 'I so move,' they govern the institution. Board members are

⁸³ Nichols., 10.

sponsors, and here we get to their role in giving money and raising money. They are ambassadors—interpreting the mission of the institution, defending it when it’s under pressure, representing it in their constituencies and communities. Finally they are consultants; almost every trustee will have some professional skill which would be expensive if you had to buy it....Governor, sponsor, ambassador, and consultant would be the four major roles.”⁸⁴

In addition, a board of directors provides an excellent source of judgment and leadership, serves as a connection with the community, and creates a partnership with the staff that can strengthen an organization and its services.⁸⁵ In short, the board of directors protects the community’s interests while advancing its organization’s mission.

The board of directors has two main functions: to formulate, review, and approve the organization’s programs and budgets; and to evaluate and assess the organization’s progress in meeting its goals.⁸⁶ Inherent in these responsibilities is the fiduciary duty for the organization’s finances, and the stewardship of the organization’s policies and operations.⁸⁷ To perform these functions, the board members must stay informed about the organization’s programs and overall purpose, financial status, governing structure, approaches for solicitation, and legal history.

Board members are chosen for what is often referred to as “the three W’s”: wealth, wisdom, and work. Usually, board members are expected to make a significant contribution because it indicates that the members have a true interest and believe in what the organization is trying to do.⁸⁸ Well-known names in the community lend credibility

⁸⁴ Peter F. Drucker, *Management of the Non-Profit Organization: Principals and Practices* (Harper Business: New York, 1990), 173.

⁸⁵ Peter C. Brinkerhoff, *Mission-Based Management: Leading Your Not-for-Profit Into the 21st Century* (Alpine Guild: Dillon, CO, 1994), 42.

⁸⁶ Better Business Bureau of Eastern Pennsylvania, “The Responsibilities of a Nonprofit Organization’s Volunteer Board” (Council of Better Business Bureaus, Inc.: Philadelphia, 1987). [Brinkerhoff, 49-50] Brinkerhoff states that the board of directors exists to preserve the integrity of the trust, set policy, and promote the organization.

⁸⁷ Better Business Bureau of Eastern Pennsylvania, 6.

⁸⁸ *Ibid.*, 3. [Brinkerhoff, 51] Not all board members are necessarily expected to make large

to the cause and convince donors that the organization they are supporting is not self serving or at risk of disappearing. Members may also be chosen for their ability to raise funds from significant business and personal contacts.

To be effective, the board of directors must develop, communicate, and provide the tools to work toward its established goals.⁸⁹ Brinkerhoff states that, “Too often boards either totally dominate an organization, thus blocking the staff’s ability to do their jobs, or are so subservient to staff ‘expertise’ that the staff in effect manipulate the board at will. Neither are effective uses of resources, and both are counterproductive.”⁹⁰

Brinkerhoff lists the following requirements for a successful and effective board: an understanding of the organization’s mission and a willingness to take action to implement that mission for the benefit of the organization’s constituency; an ability to serve as a policy setter and act as a check and balance with the staff; an ability to change the make-up of the board over time as changing needs require new members; an election of qualified officers and appointment of qualified committee chairs⁹¹; and a show of support for the organization in public.⁹²

The board is also responsible to fulfill all Internal Revenue Service reporting requirements, establish organizational goals, ensure that a fiscal policy is in place and adhered to, help develop and adopt a budget, review bylaws and amend them as necessary, ensure compliance to the funding sources policies and regulations, help recruit new board members, and oversee fundraising and/or raise funds.

contributions. In this situation, a committee may be appointed to raise funds.

⁸⁹ Ibid., 7.

⁹⁰ Brinkerhoff, 42.

⁹¹ Better Business Bureau of Eastern Pennsylvania, 10. Many boards create committees to be assigned a specific area of responsibility in order to eliminate the need to route every decision through the entire board. When fewer members are involved, committee members can meet more often, concern themselves with more details, and make decision more efficiently.

⁹² Brinkerhoff, 43-44.

Barriers to efficiency include the following circumstances according to Brinkerhoff: board members do not know the basic and latest information about the organization's mission, programs, and purposes; the board does not get accurate and timely information from the staff; the board frequently lacks a quorum, which then lacks the full range of discussion, ownership of decisions, and contributes to a board's liability; the board is not given anything meaningful to do; leadership is weak; the meetings have no agenda and are not well facilitated; the committee structure is not effective and every policy decision comes before the full board for a lengthy debate; and the staff lacks the skills to support the board or makes a significant effort to ignore the board or undermine its effectiveness.⁹³

Board members, or the entire board, can be held personally liable for their actions—or their inaction—if they fail to follow fundamental management principals⁹⁴ or operate in a manner that benefits them directly. For example, if a board does not develop plans or budgets, fails to read staff reports or does not heed warnings raised in reports, or does not demand a reasonable standard of reporting from the staff, the board, or a specific member of the board, may be held accountable.

To avoid liability litigation, the board of directors can establish a fiduciary policy to reassure donors and protect board members. For example, the board can adopt a policy of disclosure in which board members list family members and personal contacts that could benefit from their relation to the board member, or the board can enforce abstention from voting if a board member stands to gain from a policy or operation decision. Competitive bidding for services, comparative shopping for investment decisions or legal

⁹³ Ibid., 46-48.

⁹⁴ Better Business Bureau of Eastern Pennsylvania, 10. Nonmanagement encompasses laziness, ignorance, lack of commitment, or lack of time. Mismanagement encompasses members who allow personal interests to interfere with their duties.

counsel, or the establishment of review panels for advice on grant awards also help protect board members from liability litigation.⁹⁵

The board of directors and staff must work in tandem to successfully promote the mission of the organization. The staff must provide, and the board must demand receiving, the following: periodic financial and program reports to determine the organization's performance level (such as comparisons between the budgeted and actual income and expenses, or progress or goals outlined in the beginning of the year and/or staff performance); a process to educate all new board members and to orient board members on an ongoing basis; support for board committees and a means for providing them with the information and expertise that they need; and attendance to all meetings of the board, unless excused from doing so.⁹⁶ In addition, the board should approve the financial plans but delegate to staff the authority to administer the finances on a daily basis. This promotes a smooth accounting process with a diminished chance for making arbitrary decisions.⁹⁷

Solicitation of Funds. Nonprofit status grants organizations the right to solicit donations, gifts, bequests, and other contributions from the general public and private organizations. Contributors are permitted to deduct their gifts from their own personal or corporate income tax liability.

Postage. Another economic advantage for nonprofit organizations is that postage, a significant part of most operating budgets, is not charged at its full rate. A permit from the United States Postal Service is required to have this advantage, but the benefit of the

⁹⁵ Ibid., 14. The board of directors, or individual members, may purchase indemnity insurance, which finances the legal expenses when the board, or board member, is sued.

⁹⁶ Brinkerhoff, 51.

⁹⁷ Better Business Bureau of Eastern Pennsylvania, 7.

reduced rate is directly proportional to the volume of mail generated by the nonprofit organization.

Benefits and Unionization. Nonprofit organizations may create benefit packages, such as employee pensions or retirement income plans, for the board of directors, officers, and employees that are comparable to those of a for-profit corporation. Sick pay, vacation pay, and group life, accident, and health insurance coverage are also available for officers and employees. The nonprofit organization may require an employee contribution for these fringe benefits.⁹⁸

Collective Bargaining Exemption. The federal government allows nonprofit organizations to be exempt from the rules and requirements of collective bargaining on issues involving wages and benefits with its employees. In some states, nonprofit corporations are also exempt from payments that other employers are required to make, such as unemployment compensation funds. These possible savings in the operating budget can be significant.⁹⁹

Tort Liability. Finally, some states provide that a nonprofit charitable organization, not the agent or employee, is immune to tort liability, although most states have either abolished or reduced this provision. If a state provides for this immunity, insurance rates for the organization are reduced.

Fiscal Year Flexibility. Finally, any twelve consecutive months may make up a fiscal year for an incorporated nonprofit organization. “This fiscal year flexibility can be particularly advantageous to a corporation operated for-profit, as the extent of its tax

⁹⁸ Ibid., 11.

⁹⁹ Ibid., 7-8.

liability can be affected by the timing of its tax returns. While a tax-exempt nonprofit corporation may not be as vitally concerned with that burden, the freedom to determine its fiscal year can be advantageous. For example, a nonprofit corporation might be able to achieve some management efficiencies, with resulting savings in operating costs, by tying its financial reporting to a fiscal year that reflects the seasonal or other cyclical pattern of the corporation's income or operations."¹⁰⁰

Municipal Support of a 501(c)(3) Organization

Reasons for Municipal Support of a 501(c)(3) Organization

For the purposes of this thesis, the definition of a municipally supported 501(c)(3) organization is a nonprofit corporation formed through the initiative of a city official or agency to supplement or enhance the service provided by that municipal agency with private money. The board of directors, as required for nonprofit organizations by Internal Revenue Code, will have representatives from the city agency but the power of the board depends on the relationship of the board to the city agency.

The board of directors may be dependent on the municipal agency. In this situation, the board of directors would be used in an advisory capacity and for fundraising only. If the board of directors is independent of the municipal agency, the board would be empowered to have authority of and responsibility for the site, have its own staff, set its own goals, and decide on its own programming. Again, in each case, members of the supporting municipal agency would be on the board; however, the degree of power would be different.

¹⁰⁰ Ibid., 11

Municipalities support a 501(c)(3) organization for primarily three reasons: a changing economic environment, the need to provide enhanced or existing services¹⁰¹ more efficiently, and the need to implement creative solutions for complex problems. A bureaucratic local government is increasingly unable to respond by itself to the rapidly changing needs of a locality; however, if a municipally supported 501(c)(3) organization is created with a suitable structure for the given organization, it can often supplement the service provided by a municipal agency. It is essential to emphasize that this is a symbiotic relationship:

“...The public sector tends to be better...at policy management, regulation, ensuring equity, preventing discrimination or exploitation, ensuring continuity and stability of services, and ensuring social cohesion....[The nonprofit sector] tends to be best at performing tasks that generate little or no profit, demand compassion and commitment to individuals, require extensive trust on the part of the customers or clients, need hands-on personal attention..., and involve the enforcement of moral codes and individual responsibility.”¹⁰²

A municipality may try one of several options to ensure that it still has some control over the agenda of the nonprofit organization it supports. For example, the municipality can create a dependent board of directors that has an advisory role with no voting power, although this affords the nonprofit organization little control. As an alternative the municipal agency can support an independent board of directors that has voting powers, but ensure that some of the board consists of representatives from the municipal agency.¹⁰³

¹⁰¹ The author considers the preservation of our public structures a service. We, as the taxpayers and beneficiaries of the preservation of our cultural heritage, are the consumers.

¹⁰² David Osborne and Ted Gaebler. *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector* (Plume: New York, 1992), 47.

¹⁰³ Vincent Hemmer, *A Public-Private Partnership for the Fairmount Water Works Interpretive Center* (Report prepared for the Philadelphia Water Department, 1992).

There are several economic factors that can prevent government agencies from functioning well as service providers in this changing environment. First, there is less state and federal support for local government initiatives. In the last decade, the federal government has been reducing the funding and social service role it provides to state and local government and nonprofit organizations, an act called load-shedding.¹⁰⁴ The effect of federal load-shedding on local government requires public administrators to act as innovative entrepreneurs. Therefore, a growing number of municipal public administrators are promoting new policy that is characterized by fundraising, instead of relying solely on tax dollars, to finance public services.

Contrary to past practices, private sources, such as foundations and trusts, are increasingly willing to financially support this need for improved municipal services—but this support is often through giving to a municipally supported 501(c)(3) organization. In the past, private donors have not given directly to a municipality for fear that the money would go into the city's general fund. Also, donors want to see their investment being used wisely. The creation of a municipally supported 501(c)(3) organization helps to ensure that a specific service will be aided without the perception of potential mismanagement that may be associated with a municipal agency itself.

Second, the tax base continues to decline in many cities. People have been leaving the city for several reasons: lower taxes that provide for more and better services elsewhere, a shift from industry to information services that require the technological capacity found in new suburban building stock, a deteriorating public school system in the city, and a perceived lower cost of living in the suburbs.

¹⁰⁴ Minnesota Council on Foundations. "Grantmaking in the 'post-federal' era" (Minnesota Council for Foundations: Minneapolis, 1996), 1. Another name for this change is "devolution." This is a shift from the act of contracting services. In contracting there is the separation between money that is raised by the government and the service that is then delivered by private organizations.

As government officials are increasingly subject to tax more for services or not provide a service at all, nontraditional answers are often the only place to which they can turn, especially for services that may be perceived as “nonessential,” such as the preservation of historic structures. Public-private partnerships, public-public partnerships, and many other creations are made to bridge the economic gap that results from a weakening economic climate in the city.

Third, the cost of services continues to increase. One startling figure demands attention. In California, a company that helps governments determine their true costs found the following: “Only 4% of local governments know the direct cost of each service they provide; only 2% know the total cost of each service they provide; and only 10% can tell you what services they provide.”¹⁰⁵ Few people outside the revenue and finance departments are forced to consider the cost of service provision and have no incentive to cut costs; yet, as the cost of services increases and the quality decreases, taxpayers will not permit the government to raise taxes. Until municipal agencies know what the provision of a service costs, and are given incentive to cut costs, they will remain unable to meet the need required by citizens.

Fourth, there is a growing public demand for more and better services. Today, private money is sought to continue, improve, or supplement service delivery that the municipality cannot afford to do with tax dollars alone. In this information-intensive society, people have access to more information at a faster rate; however, government is unable or unwilling to work with this reality. “In government, the routine tendency is to protect turf, to resist change, to build empires, to enlarge one’s sphere of control, to protect projects and programs regardless of whether or not they are any longer

¹⁰⁵ Osborne and Gaebler, 217.

needed.”¹⁰⁶ This attitude prevents public administrators from providing services that better serve the public demand. Public administrators who acknowledge the increased role that information technology plays in society—but are unable to work within a bureaucratic framework to meet the need—often look to the creation of, or partnership with, a nonprofit organization to fill this gap.

Working within a government bureaucracy can be time constraining and inefficient. Provided that the board of directors for the municipal nonprofit organization is a cohesive unit with regularly scheduled and informative meetings, issues may be raised and settled in a timely manner.

A nonprofit organization can move more quickly than government because there are fewer regulations stipulating how and when an action may be taken. For example, “when a citizen’s task force found a dearth of affordable housing [in Visalia, CA], the city helped create a private, nonprofit organization, loaned it \$100,000, and sold it 13 acres of excess city land. Fifteen months later, 89 families—with incomes ranging from \$9,000 to \$18,000 a year—moved into their own single-family homes. The planning department officials assigned to work on the project gave up their summer vacations to bring it in on time.”¹⁰⁷

The Housing Authority of Louisville also created a nonprofit subsidiary which could do things the authority could not. For example, the nonprofit organization could spend money on an awards dinner for employees, run a scholarship for children living in public housing, and develop new housing. “We developed it just to get out of the Housing and Urban Development regulations, to be able to move a little faster.”¹⁰⁸

¹⁰⁶ Ibid., 18. From Indianapolis Mayor William Hudnut in a 1986 speech.

¹⁰⁷ Ibid., 5.

¹⁰⁸ Ibid., 108-109. Andrea Duncan, Executive Director of the Housing Authority of

The mission-based management style that is typical of nonprofit organizations is not yet pervasive in municipal bureaucracy. Inflexible regulations are still the norm in many municipal departments. A municipally supported 501(c)(3) organization provides for increased flexibility and creativity among the board of directors, the executive director, and the staff, thus enabling a municipal agency to assist in projects in which it would otherwise be unable to participate.

Once again, because a municipal government is spending public money raised through taxation, rather than private money raised through donations, there is less freedom to try creative solutions to solve problems. The government has more pressure to ensure that its policies result in a uniform effect; whereas a nonprofit organization does not have this binding obligation. The municipal nonprofit organization has the freedom to respond to a rapidly changing environment, thereby addressing the most pressing need without needing to worry that every citizen is provided for equally at all times.

Local government is in need of organizations that are flexible and adaptable—organizations that maximize the use of a dollar; are responsive to the needs of its customers (i.e., taxpayers); offer nonstandardized services; and are led by a mission rather than by command. Until government bureaucracies are empowered to change from within, or until more money is made available from the federal, state, and local governments, the municipal support of, or partnership with, a nonprofit organization is one method being used by local government to fulfill these demands.

Issues Raised by the Use of Municipally Supported Nonprofit Organizations

The municipal support of nonprofit organizations primarily presents the issue of who is accountable for actions taken. In addition, how does the public get and retain access to

the decision-making process? Through the implementation of new policy and legislation, the following issues will be challenged when defining the responsibilities of municipally supported nonprofit organizations. It is important to understand that the nonprofit sector will not substitute the public sector, but this new relationship between the sectors will create a gray area regarding authority, accountability, and responsibility.

- Can taxpayers complain if a public structure is made inaccessible to the public—whether the inaccessibility is caused by a physical barrier or a fee for service? For example, a restaurant proposed for a section of FWW will enclose a portion of the Engine House portico and is targeted for an upscale restaurant; an interpretive center, also at the site, is proposing to charge an admission fee. Are these proposals a violation of the public's rights if some of the members of the public cannot access this public property?
- To the extent that the initiatives of a municipally supported nonprofit organization are successful, is government relieved of its obligation or responsibility to fund certain activities of public benefit? Should public dollars pay for the preservation of public structures? Should the restoration of the FWW occur with public funding alone?
- Can donors influence policy decisions because of the money they contribute? If a large foundation donates a significant amount of money to a municipally supported nonprofit organization, can the foundation set the preservation or reuse agenda? If a large philanthropic foundation financed much of the restoration of the FWW, does it have the authority to approve new uses for the site?
- What will happen if the external support ends? If funding ends midway through a preservation project, how can the municipal agency fill the gap? If a large

philanthropic foundation pulled out of the FWW restoration efforts before the project was complete, how would the FPC fund the difference, or recoup the loss if additional funding could not be found?

- Do taxpayers expect the municipal agency to choose preservation of a public structure before a matter of immediate public health or safety? Is the preservation of the FWW as important as removing dead trees that border public roads; or is it as important as replacing defective laterals that allow human waste to flow directly into the rivers from where we obtain our drinking water?
- Who is accountable for actions taken, the municipally supported nonprofit organization or the municipal agency that supports it? Who can voters thank or blame? If a public preservation project, funded with public and private money, succeeds or fails, who is accountable? If the Old Mill House deck collapses, or the restaurant is a phenomenal success, is the FPC or the municipal nonprofit organization it supports held responsible?

5. Restoration with Help from the Nonprofit Sector: 1974-1994

The period from 1974 to 1988 directly influences the planning and activity at the Fairmount Water Works (FWW) today. Both the Fairmount Park Commission (FPC) and the Philadelphia Water Department (PWD) were intensely involved, in time and money, for developing a restoration and reuse plan at the site. This period is also significant for the role that private initiative and dollars from nonprofit organizations played in all efforts undertaken at the FWW.

Although the FPC is administrator for the FWW, the PWD was able to aid the FPC in its restoration objectives for the FWW from 1974 to 1989. This ability to share the site resulted largely from the cooperation and communication that existed between the water commissioner and the park commission's executive director. In addition, the Junior League of Philadelphia (JLP) kept the project on track with its steady infusion of private money and public awareness efforts.

1974-1989: A Time for Restoration and Brainstorming

In 1974, JLP¹⁰⁹ assumed a great deal of responsibility in its fundraising and awareness campaigns for the FWW. Susan Meyers, a volunteer with the JLP, formed the FWW Restoration Committee, which ultimately raised \$2.4 million in private funds for FWW rehabilitation and restoration projects that were done from 1974 to 1992.¹¹⁰

¹⁰⁹ Junior League of Philadelphia. "1988/89 Annual Report" (Philadelphia: PA, 1988), 2. "The Junior League of Philadelphia, Inc., is an organization of women committed to promoting voluntarism and to improving the community through effective action."

¹¹⁰ Vernon Loeb. "Waterworks: Restoring a symbol." *The Inquirer*. June 11, 1986. The Neighborhood Files, Free Library of Philadelphia. An additional \$1.1 million came from federal, state and local government. "Left to its own devices, many involved with the project say, city government never would have funded the restoration on its own."

With \$6,000 from its own treasury, and with the use of its own 501(c)(3) status, the JLP began a fundraising campaign¹¹¹ that eventually led to significant rehabilitation of the site. The first goal was to stabilize the exterior of the site and the remaining machinery; meanwhile, the process began to find a new use for the FWW. By 1977, the JLP was halfway to its goal of \$20,000 for preliminary work to begin on the rehabilitation of the Engine House.¹¹²

In 1978, the PWD proposed to build a \$5 million, 50,000 sq. ft. office building¹¹³ between the FWW and Boat House Row. Carmen F. Guarino, PWD Commissioner at the time, said this proposal would be part of a long-range plan that included rehabilitation of FWW and consolidation of PWD offices to one location. He asked City Council to fund this project in the next capital budget.¹¹⁴

¹¹¹ The Bulletin, "Preservation: Something worth saving." December 13, 1976. The Urban Archives, Temple University. The first JLP fundraising event in December 1975 raised \$2,600. The JLP also sought matching federal and state funds for the site. Also during 1975, the FPC received only \$2 million for all park restoration projects—none of which was allocated for the FWW. (The Bulletin, "Water Works repairs." October 12, 1978. The Urban Archives, Temple University.) The JLP had raised \$24,000 by this point. The \$19,985 that the PWD spent on contracting repairs for the roofs and gutters of seven structures, came from this fund. The FWW was listed on the National Register of Historic Places in 1975. Also, in 1976, the FWW was declared a National Historic Civil and Mechanical Engineering Landmark.

¹¹² Tom Masland. The Bulletin, "At the water works, a party and a cause." June 20, 1977. The Urban Archives, Temple University. (The Bulletin, "Building will be restored." March 1, 1977. The Urban Archives, Temple University.) Henry Jonas Magaziner, in a feasibility study for the Bicentennial Planning Group, figured it would cost \$2.25 million to restore the site and restore the buildings to an aquarium, a water museum, and a restaurant. This feasibility study looked primarily at rehabilitating the site for Bicentennial events in 1976, with the possibility of extending these uses thereafter.

¹¹³ J.D. McCaffrey. The Bulletin, "Water Department proposes offices by Schuylkill." March 1, 1978. The Urban Archives, Temple University. The project would have been funded through revenue bonds, according to John Mitkus, Executive Director, at the City Planning Commission. The PWD planned to apply for \$100,000 that was available through the Pennsylvania Museum and Historical Commission to renovate the Old Mill House, Pavilion, Engine House, and sea wall.

¹¹⁴ *Ibid.* Although the FWW was not deeded to the PWD, Guarino stated that the FPC turned it over to him when they realized the site was being "let go." Guarino's plan recognized that the site would continue to fall victim to vandalism if there was not a permanent presence there. The public objected to the new office so the plan never materialized.

Also in 1978, the JLP opened the Water Works Café in the Engine House.¹¹⁵ Linda Snyder and Sally Rock Killhour, both members of the JLP, used the café to raise money and public awareness for the rehabilitation efforts.¹¹⁶ The café, staffed by college students, was open seven days a week from 11:00 to 3:00, and could be rented for private parties. The FWW was a stop along the Fairmount Park trolley route, which helped bring visitors to the site.¹¹⁷ The restaurant did not raise much money, but it did keep vandals away during much of the summer and attention focused on the FWW as a site for restoration. Unfortunately, the café could not keep all vandals away; the Engine House was a victim of arson in 1981 and the interior of the building was destroyed.

In 1981, the PWD financed an extensive feasibility study produced by John Milner Associates to aid the city in defining and implementing its exterior restoration and reuse objectives for the FWW.¹¹⁸ In this two volume report, the project team completed an architectural survey and historical review for the site and fully examined twelve potential reuse plans.¹¹⁹ The Milner plan continues to influence restoration and reuse plans at the FWW today.

¹¹⁵ This was an historically compatible reuse plan because in 1835 there was a saloon (restaurant) in the Engine House that served visitors to the site.

¹¹⁶ Denise Breslin Kachin. *The Bulletin*, "Lunch by Schuylkill at Water Works Café." August 2, 1978. The Urban Archives, Temple University. The opening of this café proved somewhat frustrating. The Board of Health required that the women paint the Engine House, but the Philadelphia Historical Commission said they could not touch the paint because of the FWWs' landmark status. However, the Philadelphia Historic Commission has little jurisdiction over paint so it is questionable whether this was truly the point of issue. The article did not state how this issue was resolved.

¹¹⁷ *The Bulletin*, "Water Works Café." August 2, 1979. The Urban Archives, Temple University. The operation of the café changed hands to the managers of Once Upon a Porch restaurant of Head House Square. All profits from this venture went toward the restoration of the site. (*The Bulletin*, July 2, 1980. The Urban Archives, Temple University.) By 1980, there were new operators of the cafe, Dennis Murphy and Tom Reagan, of the Down Under restaurant. These operators also opened the Artist's Equity open air gallery at the site.

¹¹⁸ Although the PWD underwrote the cost of the Milner plan, it did not accept responsibility for acting on the plan. Actions to be taken were always within the purview of the FPC.

¹¹⁹ John Milner Associates. "Adaptive Reuse Feasibility Study for the Historic Fairmount Water Works" (Prepared for the Philadelphia Water Department: Philadelphia, PA, 1981).

Reuse options proposed in the Milner plan balanced the standards of rehabilitation established by the Department of the Interior with the practical and compatible considerations for reuse of the site. Although there were many creative reuse ideas, such as a public or private recreation facility, a meeting space for the Chapel of the Four Chaplains, or a City Reception Center, the ideas that received the most attention throughout the 1980s were a restaurant and a hydroelectric facility.

The Milner plan proposed that the city undertake capital improvements for the exterior restoration and development of the FWW, and leaseholders assume responsibility for interior leasehold improvements that were necessary to satisfy their specific requirements. The income generated by rent could be used to defray the costs of operating and maintaining the site.

The Milner plan permitted the FPC to proceed with the stabilization and exterior restorations for much of the FWW. Based on the last major building campaign at the site, the restoration date for the entire building complex was set at 1871. Interior restoration was recommended for the Engine House, Watering Committee Building, and Caretaker's House; however, the machinery areas of the Old Mill House and New Mill House were open to interpretation and use.

At this point in time, profit-making operators could benefit from a 25% tax credit available for the certified, substantial rehabilitation of historic buildings, provided that the operator owned the property or held a long-term lease. In addition, there was a 10% investment tax credit and an 11% tax credit for most hydroelectric equipment. However, the money could only be recaptured for the hydroelectric equipment if the city transferred the New Mill House to the private owner, and if it was proven that the owner truly had control of the site. Interest and operating expenses would have been deductible in

determining income tax liability. The tax credits available at this time helped make the hydroelectric facility a feasible reuse plan for the site.¹²⁰

In 1982, the PWD completed the restoration of the Watering Committee Building¹²¹ and announced its plans to allow the private investment envisioned in the Milner plan to use the FWW as the first hydroelectric facility in Philadelphia.¹²² “The Project [was] designed to redevelop a portion of the historic Fairmount Waterworks to a modern power generating facility. The project include[d] the installation of turbine generator units in an existing historic structure, re-opening an intake channel and forebay, construction of a tailrace channel and new fishway, and the installation of an underground transmission line connecting to existing Philadelphia Electric Company facilities.”¹²³

Commissioner Marrazzo and Alexander L. Hoskins, Executive Director of the FPC, solicited a Request for Qualifications¹²⁴ from hydroelectric developers and restaurant chains in 1984. Applicants had to be prepared to design, construct, start up, operate, and

¹²⁰ O'Brien & Gere Associates, Inc. “Fairmount Dam: Hydroelectric Development Schuylkill River, Report.” (Philadelphia, September 1982), 35.

¹²¹ Peter Odell, Management and Development Coordinator, FPC. Memorandum to the Watering Committee. November 22, 1993. The Watering Committee Building was restored for \$244,000. The money was provided through city and federal funding, as well as by the JLP fundraising efforts.

¹²² O'Brien & Gere Associates, Inc., “Fairmount Dam: Hydroelectric Development Schuylkill River, Executive Summary” (Philadelphia, September 1982), 1. In 1982, O'Brien & Gere Engineers, Inc., produced an executive summary, financed by the PWD, of its findings regarding hydroelectric development at the FWW. The corporation determined that it was technically and financially feasible to develop a hydroelectric generating station in the New Mill House at the FWW by taking advantage of tax credits that were then offered by the federal government. Projected revenue from the sale of electricity was insufficient by itself to provide enough return on the required investment for the city to undertake the development directly, even by the use of tax exempt revenue bond financing. Since the city, is not eligible for tax credits, a private developer who was in a position to benefit from them was the best choice for this project. This company further advised that the city “could enter into a long term lease with the selected developer, that would require the developer to finance the construction and installation of the equipment, and impose restrictions own his use of the facilities to assure compatibility with other uses and the historic character of the Waterworks.”

¹²³ United States of America Before the Federal Energy Regulatory Commission. Application for License: Fairmount Dam, Hydroelectric Power Project, FERC Project No. 3227. (City of Philadelphia, July 29, 1983), A-3.

¹²⁴ The Request of Qualifications was issued July 1, 1984.

maintain the New Mill House and the areas immediately surrounding that end of the facility.¹²⁵ However, by 1986, the tax credits available for the rehabilitation of an historic property and energy tax credits were either diminished or no longer available. Plans for the hydroelectric plant faded because it was no longer financially feasible.

The hydroelectric facility was a viable, compatible reuse plan for the FWW. The hydroelectric plant would have used turbine technology to harness water power captured at the Fairmount Dam. In addition, it, like the waterwheels of the past, would have satisfied a public need and produced a profit—money that could have been turned around to support the operation and maintenance of the facility.

In 1984, the Caretaker's House restoration¹²⁶ was complete and Commissioner Marrazzo was researching the creation of a municipally supported nonprofit organization¹²⁷ to assist in more restoration work needed at the FWW.¹²⁸ In a letter from Shelley J. Winkler, Deputy City Solicitor, to Commissioner Marrazzo in April 1984,¹²⁹ Ms. Winkler explained that the city could create a nonprofit organization to raise \$2.5

¹²⁵ Walter F. Naedele. "Restoring the glory of a landmark." *The Inquirer*. January 25, 1984. The Neighborhood Files, The Free Library of Philadelphia. According to this reporter, six hydroelectric developers and six restaurant chains showed a general interest in the site after responding to an FPC advertisement in some national publications.

¹²⁶ Odell. Memorandum to Watering Committee. November 22, 1993. The Caretaker's House was restored for \$295,000. City, state, and federal money paid for the restoration.

¹²⁷ Thomas Hine. "Water power can pay to rescue a landmark." *The Inquirer*. November 1, 1981. The Neighborhood Files, Free Library of Philadelphia. In 1981, PWD Commissioner William Marrazzo devised a new plan to create another nonprofit organization to raise money from the public and private sectors for restoration of the FWW. His plan envisioned that a foundation would invest \$2.5 million to replace the entire deck; a development company would invest \$10 million to build a hydroelectric plant within the New Mill House, using the power of the river to generate electricity which would then be sold to utilities; and a restaurant would invest \$2.5 million in restoring several of the buildings and operating a restaurant in two of them.

¹²⁸ The FPC and PWD partnered with the JLP to raise money for the restoration of the FWW. This relationship was an excellent temporary remedy for a targeted project, but the JLP never intended to serve in this capacity for as long as it did, let alone become a permanent solution. PWD Commissioner Marrazzo recognized, as others had before him, that the FPC and the PWD needed a permanent independent nonprofit organization with which it could partner to raise the funding needed for restoration.

¹²⁹ Letter from Shelley J. Winkler, Deputy City Solicitor, to William J. Marrazzo, PWD Commissioner, April 2, 1984.

million from private sources for the structural and redecking work of the Old Mill House and the Engine House. In creating a municipally supported nonprofit organization with an independent board, the city could enter into an agreement with the nonprofit corporation to permit the nonprofit corporation to enter city property and permit the necessary work.

With this arrangement, the city would not be required to comply with Minority and Female Owned Business requirements, nor would it have to comply with competitive bid requirements. The city would make no payment for the work performed because the nonprofit organization would be “donating the work” to the city from funds raised from private donors. Although the proposed five-member board of directors in this case would have had two city officials, the Director of the FPC and the PWD Commissioner, such officials would not have had a controlling vote on the board.

By 1985, the fundraising campaigns for the restoration work at the FWW were well underway, but without a nonprofit organization created by Commissioner Marrazzo. Instead, the JLP continued its fundraising efforts for the FWW, and another nonprofit organization, the Philadelphia Historic Preservation Corporation, Restoration Inc., (PHPCRI) was brought onto the project to serve as construction manager.

Phase I¹³⁰ of the project included the stabilization and restoration of the Old Mill House deck and the Pavilion. Funding was provided through the fundraising efforts of the JLP, but PHPCRI served as the project manager because it had experience with the restoration of historic sites. PHPCRI, acting as construction manager, supervised and coordinated

¹³⁰ The phases of restoration included: the Old Mill House reconstruction; sewer reconstruction; restoration of the Engine House; interpretive center design restoration of the North and South Entrance Houses; restoration of the Italian Fountain; excavation of Aquarium Drive; reconstruction of the South Garden Balustrade, and restoration of the New Mill House, mound dam, and the Gazebo.

the restoration work and administered the disbursements of funds as raised by the JLP. The city, as owner of the site, always maintained its right to review and approve all plans and specifications for the work—as well as the right to reject work found defective or not in accordance with plans and specifications.

Also in 1985, the PWD and Coastal Zone Management¹³¹ funded a plan for an interpretive center¹³² to be housed in the lower level of the Engine House and in a portion of the Old Mill House. Matheu Cebul Associates completed a design plan in 1986 that emphasized water, landscape, and machinery¹³³—themes that enabled the interpretive center to “celebrate water and help people understand what used to happen at the waterworks.”¹³⁴

Exhibit plans combined a display of historic material, such as the Jonval turbine, with new exhibit technology, such as fiber optics. There was a great deal of emphasis on an interactive learning experience. In addition, the Cebul plan recognized the importance of excavating the Forebay for accurate interpretation of the site.¹³⁵ Commissioner Marrazzo

¹³¹ The Coastal Zone Management Program is a part of the Bureau of Water Resources Management in the Commonwealth of Pennsylvania’s Department of Environmental resources. It encourages states to improve the protection and enhancement of the nation’s coastal resources. Included in the funding priorities is the preservation, restoration, and enhancement of historic sites and structures of significance which are located within the coastal zones.

¹³² The term “interpretive center” was chosen because part of its function was to interpret the history of the site. Except for the extant machinery, no artifacts would be on the site. This was never considered a museum, where valuable, irreplaceable artistic, historic, or scientific items would be cared for at the site.

¹³³ Matheu Cebul & Associates. “Design for an Interpretive Center at the Fairmount Waterworks: Final Report. Prepared for the Philadelphia Water Department, June 30, 1986.

¹³⁴ Thomas Hine. *The Inquirer*. “In celebration of water: Water Department plan calls for space under the waterworks to be a museum.” February 19, 1987. *The Neighborhood Files*, The Free Library of Philadelphia. Also in 1988, the PWD created the position of Fairmount Water Works Interpretive Center Director. This position, which still exists today, has allowed the PWD to provide educational programming to the public about the history of the site and about current water issues.

¹³⁵ Marianna Thomas Architects. “Fairmount Water Works Forebay Feasibility Study” (Philadelphia, PA, 1990). This was another project funded by the Coastal Zone Management Program and the PWD. The project team approach was to “[blend] a heavy emphasis on symbolic re-creation with accurate physical preservation of the existing retaining walls. Reintroduction of water into the Forebay is symbolically fundamental to the objective of contribution of the setting to interpretation of the unique engineering and architectural landmark, since the function of the Water Works in comprehensible only when the flow of the water through the mill house machinery can be

even suggested that the existing road, Aquarium Drive, be lowered and enough water be put in to give the same effect as the original Forebay.¹³⁶

By February 1987, the \$4.5 million restoration of the Old Mill House, funded by private and public money, was nearing completion. After the exterior work was completed in 1988, phase II, which involved interior restoration of the Engine House and the Old Mill House, was scheduled to begin for a restaurant and the interpretive center. Most of the interior restoration funding was expected to come from the tenants in return for a small rent.¹³⁷ In 1988, at the opening ceremony for the completion of the restoration of the exterior of the Old Mill House, it was estimated that all the completed work to date had cost between \$7 and \$8 million. The Engine House deck underwent reconstruction from 1989 to 1991.

1990-1994: The Watering Committee

Since the closing of the Water Works Café in 1981, there has been no permanent tenant at the FWW. The Chart House restaurant chain¹³⁸ showed some interest in the site in

visualized or imagined....If restoring water in the Forebay cannot be accomplished immediately, no work undertaken in the short range development of the site should preclude future possibility." (Campbell Thomas & Co. "Final Task II Summary Memorandum," March 1, 1996) Later, in 1996, Campbell Thomas & Co., the FPC Master Planning firm, looked at the structural importance of excavating the Forebay, stating that when water reaches the flood stage, it flows through the fill that is in the Forebay and penetrates the lower level through the east wall. "This is a potentially serious structural problem for the building...The Milner report indicates that the riverside walls would require significant reinforcing or modification if they are to resist the loads imposed by flood water."

¹³⁶ Hank Klibanoff. "A dream reborn on the river: Waterworks' mill house to be dedicated today." *The Inquirer*. October 25, 1988.

¹³⁷ Loeb (June 11, 1986). At this time the FPC and the PWD seemed to be working together. "Hoskins and Marrazzo have shepherded the Waterworks project through three city administrations over the last 11 years, talking about it now with the zeal of two small boys who have just built a tree house out in the back yard. It is for them [Hoskins and Marrazzo], tangible evidence that progress can be made in the gray world of city government where the future is uncertain and the past adds into a blur of budget cuts and committee hearings."

¹³⁸ Philadelphia Historic Commission, Architectural Committee Meeting minutes, March 29, 1990. Chart House proposed: "1) the restoration and adaptive reuse of the [Engine] House and the Old Mill House; 2) glass enclosure of the portico on the river side of the [Engine] House; 3) glass enclosure of the Pavilion to include cutting out a section of the floor and introducing a stair down to the river level; and 4) landscaping and parking in Forebay area." (Edmund Bacon, formerly the Director of the City Planning Commission, and Howard Kittell, of the Preservation Coalition) The Chart House proposal was controversial, but ultimately, Bacon and Kittell supported the reuse plan in

1991, but William Mifflin, the Executive Director of the FPC, said that “they [the Chart House] just couldn’t run the numbers.”¹³⁹ The PWD, however, has been a strong presence at the site, offering educational programs since 1991. The PWD has also offered free tours to the public on weekends during the summer for the past four years.

In 1990, Ed Brown, a developer, and Mark B. Thompson, an architect, stepped in with a new restoration plan for the FWW. The Brown Thompson Group, as this alliance was named, proposed the creation of a nonprofit organization called the Watering Committee.¹⁴⁰ By 1992, the FPC gave its approval to the Brown Thompson Group to restore and develop the site. In addition, the FPC assisted the Brown Thompson Group in preliminary fundraising activities for incorporation and project planning, and engaged the duo to continue planning and managing the project.¹⁴¹

The only bylaws that still guide the Watering Committee, as proposed by the Brown Thompson Group, state the following as the organization’s purpose:

letters to The Inquirer and the Philadelphia Historic Commission. Many people believed that the plans were too intense a use for a building complex of this size, and therefore, were not sensitive to the historic fabric.

¹³⁹ Loeb, 13. “Two visionaries push a grand plan to save the showpiece on the Schuylkill: The historic, picturesque, dilapidated waterworks.”

¹⁴⁰ The Brown Thompson Group produced the “Fairmount Water Works Watering Committee Initiative” in 1991. This 14-page document examined the history and significance of the FWW; explained the state of the site at that time and listed site considerations; gave an organizational structure for the Watering Committee; and looked at initial funding to restore and reuse the site. The Brown Thompson Group recommended that the FPC enter into a long-term lease with a 501(c)(3), namely the Watering Committee, to oversee the fundraising, restoration, and continual operations of the FWW. Within the Watering Committee, there would be “project management teams” to oversee master planning, facility and site planning, funding, communications, preservation, and construction management. According to this plan, the Watering Committee would oversee a restaurant, an interpretive center, the South Garden, the Forebay and Forebay Bridge area, and any other adaptive uses at the site. (Campbell Thomas & Co., Final Task II Summary Memorandum, March 1, 1996) The 1996 master planning firm seemed to agree with the Brown Thompson Group in that the site has to be approached holistically. “In order to prevent competition for funding among various Water Works tenants, it may be advantageous for the Watering Committee to structure a comprehensive approach to fundraising for Water Works-related needs.”

¹⁴¹ Watering Committee meeting minutes, November 23, 1993. Brown and Thompson did not charge the FPC for their services.

To restore, preserve, and protect the buildings, machinery, and grounds of the FWW;

To develop, operate, and maintain an athletic training center at the site concentrating on rowing, cycling, and running;

To create, operate, and maintain an interpretive center which will educate the general public on the importance of the site to the industrial, architectural, engineering, and cultural history of the United States, and which will include similar programs relating to the Schuylkill River and its wildlife; and

To implement programs related to the foregoing, for youth, the economically disadvantaged, and the physically challenged.

However, once the Brown Thompson Group joined with the FPC, this vision began to change considerably. Originally, \$27 million was required to fulfill the Brown Thompson Group restoration and development vision.¹⁴² Soon, the budget dwindled to \$10 million to restore the exterior only, eliminating a \$5 million endowment that would have relieved some of the burden on the city to help maintain and secure the project. The revised plan also eliminated the \$5 million needed to fully excavate the Forebay and Forebay Bridge, which is located at the north end of the building complex, and deferred outfitting the buildings.¹⁴³

By 1993, the FPC steered for Watering Committee's path.¹⁴⁴ The FPC sent out letters of invitation to influential and wealthy members of local government and the business community who had an interest in joining the Watering Committee board of directors (Appendix B). According to Ernesta Ballard, author of these invitations and a Fairmount Park Commissioner, the Watering Committee was created to raise "the money required for restoration, interpretation, [and] adaptive reuse."¹⁴⁵

¹⁴² The Brown Thompson Group reuse plans for the site focused on people that were already visiting the area.

¹⁴³ Odell. Memorandum to Watering Committee. November 22, 1993.

¹⁴⁴ Watering Committee meeting minutes, January 4, 1995. Thompson is still involved with the FWW; however Brown officially left the project by January 1995.

¹⁴⁵ Ernesta D. Ballard. Letter to PWD Commissioner Kumar Kishinchand. November 2,

The structure and roles of the Watering Committee, as determined by the FPC, were explained in Watering Committee meeting minutes from November 23, 1993:

“The Watering Committee is a sub-committee of the FPC Development Committee. The initial purpose of the Watering Committee is to raise \$10 million to stabilize and restore the Water Works so that it may be adapted for new uses. An initial \$500,000 is needed to complete preconstruction activities....The Watering Committee will consider alternative uses for the buildings and site to determine the uses that will bring the greatest benefit to the City of Philadelphia. The Committee will recommend these uses to the FPC. To date, the only use that the FPC has endorsed is the Interpretive Center of the Philadelphia Water Department.”

A restaurant was also an approved reuse plan for the Engine House, with the FPC responsible for choosing a tenant.

The FPC believed that the Watering Committee was a means to aid in the restoration the FWW. since it had been unable to succeed in the restoration of the FWW with its limited budget in the past. In addition, the FPC believed that the cost of restoration was too great for a tenant at the site to manage and effectively compete with local business.

Peter Odell, Management and Development Administrator at the FPC, wrote the following in a memorandum to the Watering Committee:

“It has become clear from discussions with many would-be developers that the carrying costs associated with the rehabilitation of the Engine House, \$2 million, and of the New Mill House, \$4 million, are far in excess of the commercial return possible in this location with this square footage. Future development for a comparable park use hinges on finishing the restoration with contributions and then offering the space in exchange for future maintenance.”¹⁴⁶

William Mifflin, Executive Director of the FPC, reiterated this at a public hearing on February 17, 1994, (Figure 3) regarding the FWW restoration project when he stated, [In

1993. (Interview with Ernesta Ballard, May 22, 1997) In this interview, Commissioner Ballard said that the Watering Committee was created because donors do not want to give money to the city.

¹⁴⁶ Odell. Memorandum to Watering Committee. November 22, 1993.

FPC's experience], "public funds have never been available to complete the entire project, so the commission is now considering the private side."¹⁴⁷

In July 1994, the Watering Committee Chair and Fairmount Park Commissioner, Ernesta Ballard, assigned selected members of the Watering Committee to a fundraising subcommittee. The Watering Committee created a solicitation letter in October 1994 to seek \$500,000 in 1994 for construction planning and preliminary work on the Engine House. More money would be sought in 1995 for the stabilization of the New Mill House.

Reuse proposals for the unclaimed portion of the Old Mill House and the vacant New Mill House continued through 1994. As of September 13, 1994, an athletic center, a maze, a community center, a restaurant (including a proposal by "Circa," a popular Philadelphia restaurant and night club), and a boat dock were up for consideration. According to the FPC, and agreed upon by the Watering Committee, all reuse plans had to bring in enough money for the upkeep of restoration work.¹⁴⁸ The interpretive center was an exception to this; the PWD was expected to contribute \$2 million for restoration work, but responsibility for the maintenance of the site was not decided. In November 1994, the Academy of Natural Sciences expressed its interest in studying the feasibility for using the available space at the FWW as a river study center. The preliminary indications were that the Academy's budget would cover the cost for much of the remaining rehabilitation work required at the site.¹⁴⁹

¹⁴⁷ Watering Committee meeting minutes, March 22, 1994. By July 1994, the city appropriated \$200,000 to the restoration of the Engine House, with another \$1.8 million to be allocated in 1995. Also by July 1994, the Watering Committee secured \$2.5 million, largely due to Davis Greene, a Watering Committee board member, for capital improvements to the entire site.

¹⁴⁸ Watering Committee meeting minutes, September 13, 1994. William Marrazzo, no longer affiliated with the PWD but Vice Chair of the Watering Committee, suggested that the Watering Committee have a full-time staff person to run the project. It is unclear whether Mr. Marrazzo expected the FPC to fund and staff the position, or whether the Watering Committee would have funded and staffed the position.

¹⁴⁹ Update to the Watering Committee, November 17, 1994.

In January 1995, the FPC awarded Mark B. Thompson Associates a design contract for the Engine House. It was expected that it would take six months to complete the design phase; construction bids would be sought by July 1995; and the construction contract would be awarded in September 1995. The FPC expected construction to be complete by December 1996 so a restaurateur could open a restaurant in Spring 1997. The PWD, recognizing the value in using the same architect for the entire project, also awarded a contract to Mark B. Thompson Associates to design the interpretive center.

The FPC and Watering Committee still had not found a self-supporting use for the remainder of the site by 1995, and agreed that a master plan was needed to proceed with the restoration and development of the FWW. In October 1995, \$100,000 in Watering Committee funds were being used to match \$136,000 of city funds to develop a site Master Plan by Campbell Thomas & Co.¹⁵⁰ Initially, Campbell Thomas & Co. was expected to evaluate all the structures and assess site access, circulation, and determine what preservation requirements would impact the project. Campbell Thomas & Co. began in December 1995 with the inventory and data collection phase, and it had to complete five phases of work by June 1996.¹⁵¹

Campbell Thomas & Co. had three primary goals: (1) to determine existing conditions and the extent to which conditions have changed from the time the earlier studies were done; (2) to prepare a bibliography of information pertaining to the Water Works; and (3) to analyze the data to determine the issues that must be addressed in the alternate plans.¹⁵²

¹⁵⁰ Update to the Watering Committee, October 18, 1995.

¹⁵¹ Update to the Watering Committee, December 1, 1995.

¹⁵² Campbell Thomas and Co. Final Task II Summary Memorandum. March 1, 1996.

Private funds paid for phases I and II of the Master Plan, and public money was to pay for the remaining work. The remaining phases were scheduled for the capital budget but the city had not yet issued a contract by March 7, 1996. Campbell Thomas & Co. had to stop work on the Master Plan. Since that time, the FPC has discontinued the Campbell Thomas & Co. contract.¹⁵³

In June 1996, the FPC announced to the Watering Committee that it was searching for a park wide concessionaire “for the development, operation, and management of food, non-alcoholic beverage, merchandise and rental concessions and banquet facilities in Fairmount Park.”¹⁵⁴ The Master Concessionaire would provide the FPC “with a flexibility to adapt promptly to changing business circumstances and maintain a year round full menu table service restaurant [for the FWW]. In this way [the FPC] will overcome most of the site management problems [it] anticipated in having to deal directly with multiple tenants. [The FPC’s] concessionaire will become the prime tenant with rights to sublet to Park Commission approved vendors.”¹⁵⁵

¹⁵³ Stephanie Craighead, Deputy Director of Planning at the FPC, stated on May 29, 1997, that this contract stopped after Campbell Thomas & Co. looked at structural conditions and site assessment, approximately two chapters of a Master Plan as opposed to a normal six chapters. The FPC stopped the contract at examining the different types of tenants and reuses that could be appropriate for the FWW. The FPC believes that because much of the site is below grade, its potential for reuse is limited; therefore the FPC decided to stop the master planning process to save the city money. Ernesta Ballard, reiterated in an interview on May 22, 1997, that the FPC has already “exhausted” the site’s reuse possibilities and that no one except the PWD is interested in a structure that is below the 100-year flood plain.

¹⁵⁴ City of Philadelphia/FPC. Request for Proposals No. C-97. “Request for proposals and qualifications for the development, operation and management of food, non-alcoholic beverage, merchandise and rental concessions and banquet facilities in Fairmount Park.” Issued in 1996.

¹⁵⁵ Watering Committee meeting minutes, June 11, 1996. In the meeting minutes it is stated, “ Although development for adaptive reuse is constrained by environmental and cost limitations imposed by the river, a practical means to effective site management through the new Parkwide Concession Management arrangement has been established. We are taking action to implement the restoration and reuse option open to us in order to maximize the recreational utility of the site and to preserve its aesthetic qualities at a reasonable cost. We are pursuing a conservative plan for site preservation. Design objectives for each component of the site have been developed in accordance with those goals. By concentrating on adaptive use of the Engine House, Deck Houses, Plazas, and Forebay, we can expand the natural function of the site as a social recreation area for special events and parties supported by the restaurant concessionaire under the new Parkwide Concession Management arrangement.”

As of June 1996, the FPC also decided to not develop the river-level buildings, although it is permitting the PWD to continue at the site and expand its project if it desires to do so. Rather than completely excavate the Forebay, the FPC has decided that there will be a shallow excavation from the Forebay Bridge to the Engine House to reveal the edge of the Old Mill House deck. The New Mill House deck is to be stabilized or replaced, and the Old Mill House deck will be repaired as necessary. The Engine House plans are complete and have been reviewed by the Pennsylvania Historic and Museum Commission. Commissioner Ballard has met with a foundation “which is prepared to offer major support once the rehabilitation plans were complete.” The foundation support would be enough to move the FPC and the Watering Committee close to its \$10 million goal.¹⁵⁶

Restoration of the Engine House was set at \$3.6 million as of September 1996 (Appendix C), and three objectives for the site remain at this time: (1) rehabilitation of the Engine House to provide a restaurant in the park; (2) develop an interpretive center in the “basement” of the Engine House and Old Mill House interior, financed by the PWD; and (3) restoration of the exteriors to its 1872 period and “restoration of the forebay area for functional, aesthetic, and historical purposes.¹⁵⁷

The Watering Committee has not met since September 25, 1996. However, one letter was sent to the board of directors on July 9, 1997, to update the members about the status of the project. The most recent information from Commissioner Ballard came one day after a memorandum was issued from Edward G. Rendell, Mayor of Philadelphia, to William Mifflin, Executive Director of the FPC. The Mayor’s memorandum stated that the FPC should proceed with its plans to “renovate the Engine House...for use as a

¹⁵⁶ Watering Committee meeting minutes, June 11, 1996.

¹⁵⁷ William Mifflin. Letter to the Watering Committee. September 26, 1996.

restaurant,...[and to] move this project forward as soon as possible” because the appropriated state funding of \$2.5 million has to be spent by 1999. The memorandum continues, “Please note that this authorization applies only to the proposed restaurant; the Water Department component of this project (the interpretive center) is on hold until further notice.”¹⁵⁸

The update to the Watering Committee from Commissioner Ballard begins, “Some of you know, and others are probably wondering, what has been happening all these months. The purpose of this memo is to bring you up to date. We have good news.”¹⁵⁹ This update continues to inform the Watering Committee that the FPC will put out bids for construction, and that the Pew Charitable Trusts has approved the completed sections of the Campbell Thomas & Co. Master Plan.

In addition, the FPC issued a formal request to the Pew Charitable Trusts “for support of the work needed to produce restoration of the Old Mill House, renovation of the New Mill House deck and its supporting structures, repairs to the east side walls of the Mill Houses, repairs of the five smaller individual buildings on the Mill House decks, replacement of the deteriorated sections of the existing balustrade site work, including a new parking area and access drive, partial excavation of the forebay and forebay bridge, relocation of the utilities, new storm water drainage, signs, fencing, and landscaping. The rough estimate for completion of all the above is \$7 million.”¹⁶⁰

¹⁵⁸ Mayor Edward G. Rendell. Memorandum to William Mifflin, Executive Director, FPC. July 10, 1997.

¹⁵⁹ Ernesta Ballard. Update to the Watering Committee, July 9, 1997. Although it is certainly “good news” that the FPC can move ahead with the proposed restaurant, it is not good that there is one less presence planned for the site. This Watering Committee update announces that the FPC can move ahead with the Engine House plans but does not indicate that it is only moving ahead because the PWD has withdrawn its \$2 million capital commitment. Before the Mayor put the interpretive center on hold, he instructed that the FPC and PWD work out an agreement to coordinate their projects to save the city money; neither project could proceed without an agreement. By withdrawing this capital commitment, the interpretive center project cannot proceed and the FPC can move ahead.

¹⁶⁰ *Ibid.*

According to this update, the Pew Charitable Trusts has “indicated that if they were to give the Watering Committee a grant, it would fund only a portion of the project”; therefore, the Watering Committee would have to raise “\$3 to \$5 million to complete the restoration of the FWW and see a successful restaurant in the Engine House.”¹⁶¹ To raise this money, Commissioner Ballard stated that the Watering Committee must be “[organized] so that it consists of individuals who will make a commitment to raise this money. There are virtually no more decisions to make with regard to the purpose, use, or appearance of the complex.”¹⁶² Finally, the FPC is preparing a case statement and a plan for the Watering Committee to review in the Fall of 1997. There is no mention that the Watering Committee bylaws will be updated to reflect the most recent changes.

The period from 1974 to 1994 often looked promising for the complete exterior restoration of the FWW to its 1871 appearance. The FPC supports the Watering Committee, which has financed two chapters of a Master Plan for the FWW, and has helped secure several million dollars for the site. Two major feasibility studies were completed by the PWD, the first for the restoration of the entire site and the second for only the portion in which the interpretive center would be housed. Much of the work was made possible by an amicable relationship between the Executive Director at the FPC and the Commissioner at the PWD. Just as important was the contribution made by private initiative, particularly from the JLP. However, although these varied interests worked together, the FWW remains in an advanced state of deterioration. Before divulging the information provided by interviews with various stakeholders at the FWW, it is necessary to explore in more detail what the reuse plans are for the site.

¹⁶¹ Ibid. This update is interesting for what it does not say: that the PWD is no longer a part of this current restoration and reuse effort at this time.

¹⁶² Ibid.

6. Present Reuse Plans for the Site¹⁶³

Restaurant

The Fairmount Park Commission (FPC), administrator of the entire FWW facility since 1912, has proposed a 200-seat restaurant as a reuse plan, as designed by Mark B. Thompson Associates, for the Engine House. The main “saloon” dining room, which recalls the 1835 use of this space, is 1,600 sq. ft., with enclosed seating areas to be created on the porch of the Engine House and additional seating in adjoining buildings. The total restaurant facility, including all kitchen and service spaces, is approximately 7,700 sq. ft. Mark B. Thompson Associates has designed this most recent plan for the restaurant space.

To prepare the building for construction, as required under the Thompson plan, the first floor structure must be demolished in order to remove all of the masonry seawater holding tanks from the aquarium era in the lower level of the Engine House. Demolition of the first floor structure will allow for the provision of a floor structure that meets live-load requirements for assembly occupancy.

Once the necessary demolition is complete, construction can begin for interior stairs that provide access to the bathrooms in the lower level of the Engine House and a two-level kitchen. Interior repairs of plaster walls and ceilings, and wood window and door casings will be required. A complete exterior restoration of the complex will be undertaken, and the installation of a mechanical plant and new site utilities will have adequate capacity for the two current projects and for future development of the remaining facility.¹⁶⁴

¹⁶³ Interview with Claire Donato, Project Architect, Mark B. Thompson Associates, on May 28, 1997 for current restaurant and interpretive center plans.

¹⁶⁴ National Park Service. “Damaged and Threatened National Historic Landmarks, 1996

Proposed improvements to the Engine House include the following items: a partial glass and steel enclosure of the exterior porch facing the Schuylkill River; replacement of the previously demolished structure linking the Engine House to the Caretaker's House, which can be used for small parties or as a bar; and the addition of a new below grade structure behind the esplanade stairs for cold storage boxes and a prep kitchen delivery area. Construction and improvements are estimated at \$3.6 million and will be funded with public and private money.

In addition, the FPC will provide an elevator, which will be shared with the Philadelphia Water Department's (PWD) current interpretive center plan, to allow for handicap accessibility to bathrooms in the lower level and for the lower level exhibit areas of the interpretive center.

The construction work completed for the FPC is intended to allow a restaurateur or concessionaire¹⁶⁵ to move into and fit-out the building with interior finishes, decorative lighting, and kitchen equipment.¹⁶⁶

Report" (National Park Service: Washington, DC, 1997), 7. Because the FPC has made its plans known, the National Park Service has recently removed the FWW from Priority 1 to Priority 2 on its report of damaged and threatened national historic landmarks. Priority 1 properties are those that are "seriously damaged or imminently threatened with such damage. The Landmarks; integrity has been found to be seriously damaged, or serious damage is likely to occur within two years. Further, it must be show that no or inadequate protection strategies are being utilized to preserve the Landmark's integrity." Priority 2 are those properties "which exhibit potentially serious damage or which in the future may be seriously threatened, but the endangerment itself is not sufficiently critical at the present time to warrant Priority 1 status."

¹⁶⁵ Interview with Stephanie Craighead. The FPC is looking currently for an "upscale" restaurateur who can provide lunch and dinner at the Engine House.

¹⁶⁶ City of Philadelphia/FPC. (Request for Proposals: No. C-97, 1996), 21. In 1996, the FPC issued a Request for Proposals for the "development, operation and management of food, nonalcoholic beverage, merchandise and rental concessions and banquet facilities in Fairmount Park." It is envisioned by the FPC that the city will enter into a long-term development and management agreement with an entity who will act as a master concessionaire and developer of park-wide concessions. In this request, the FWW is considered a "future concession." The FPC states: [It] is interested in a full service restaurant and some retail and merchandising concessions" with an expected completion date by Spring 1998. "If the FPC and Master Concessionaire have not agreed on a final use plan for the site including, but not limited to, an agreement with an operator (or the commitment from the Master Concessionaire to operate) by June 30, 1997, then this site will be

Interpretive Center

The Fairmount Water Works Interpretive Center (FWWIC) is a project to be undertaken by the PWD. The idea of an interpretive center emerged in 1986 as part of the Matheu Cebul plan and has evolved into its present form under the direction of Ed Grusheski, Director, FWWIC, and the designs of Mark B. Thompson Associates.

The mission of the FWWIC is threefold: (1) to educate the public about Philadelphia's water and wastewater systems; (2) to promote stewardship of water resources by teaching people how to make wise decisions about their use; and (3) to inform the public of the role that the FWW played in the early development of Philadelphia.¹⁶⁷

The FWWIC, located in a portion of the FWW,¹⁶⁸ has already become the primary public education forum of the PWD, with nearly 10,000 visitors in 1996. The PWD's proposed plans include a \$2.2 million capital restoration, to be raised from sources outside of the PWD, of a 7,200 square foot portion of the FWW facility. In addition, \$2 million, also to be raised from sources outside the PWD, will be used for the installation of interpretive exhibits and the restoration and reconstruction of historic water power equipment.¹⁶⁹

deleted from the Future Concessions. The FPC will then be free to pursue, by Request for Proposals, or otherwise, other alternatives such as leases, development or management agreements with other entities to develop and operate the Waterworks concessions." (Ron Avery. The Philadelphia Daily News. "Water Works a drain on taxes?" June 2, 1997.) As of June 2, 1997, an agreement seemed to have been reached with Nilon Brothers, which was once the concessionaire for Veterans Stadium, and Culinary Concepts, a local catering firm.

¹⁶⁷ The FWWIC is an opportunity for the PWD to communicate with water ratepayers about what the department does for them. In the past, much of the interaction the PWD has had with its customers has been on the defensive, occurring only when there is a problem. The FWWIC would allow the PWD to explain water issues in a nonconfrontational manner.

¹⁶⁸ The boundaries of the Thompson plan are identical to those of the Cebul plan. The FWWIC will be housed in a portion of the lower level of the Engine House and in a portion of the Old Mill House.

¹⁶⁹ The FWWIC intends to reconstruct a breastwheel and restore the existing 1851 Jonval turbine.

Items included in the capital budget for the FWWIC construction are the following: rehabilitation and repair of the lower level of the Engine House and a portion of the Old Mill House; construction of new public bathrooms; the furnishing of new mechanical, plumbing, electrical, and HVAC systems; and the adjustment of some interior floor levels and the addition of ramps to comply with the Americans with Disabilities Act.

The FWWIC project is an expansion plan within the PWD's Public Affairs Division that has evolved from the tremendous success of the education programs sponsored by the FWWIC during the past six years. In addition, by expanding its programs at this high-profile site, the FWWIC staff will use this landmark on behalf of the PWD to respond to the Environmental Protection Agency's public education mandates that have been issued regarding stormwater runoff, combined sewer overflows¹⁷⁰, and drinking water purity. The FWWIC, in a rehabilitated FWW, will educate the public about Philadelphia's water and wastewater systems; aid the PWD in encouraging the wise use of water resources; and inform visitors about the role that the FWW played in the development of this city.

These projects are bound by functional aspects, such as the maintenance and security needs for the site; the projects are also bound physically by an elevator, one set of bathrooms, and share mechanical and electrical equipment. However, the Rendell administration has instructed the FPC to move ahead with the proposed restaurant, whereas the FWWIC has been indefinitely delayed.

Had these projects moved ahead simultaneously, the city would have saved money in the construction phase. In addition, because these projects are not being undertaken at the

¹⁷⁰ In a combined sewer overflow system, there is one system of laterals and mains that channel wastewater and stormwater to three sewage treatment plants in the city. When there are heavy rainstorms, the combined sewer system overflows directly into the river. In the newer system, a sanitary sewer overflow system, there are two channels: one for wastewater and one for storm water. This new system saves money because only the wastewater is treated at the sewage treatment plant; the stormwater flows directly back into the river.

same time, the prospect of a tenant moving in later is unlikely. If one project opens for business, there is little hope of stopping that business for the time and inconvenience it would require to allow another organization to outfit an adjoining space.

Vacant Space

The unclaimed portions of the Old Mill House and the New Mill House will remain vacant. The FPC has determined that the reuse capacity for these sections is exhausted and the Watering Committee is not held responsible for seeking a tenant at this time.

7. The Interviews

Ten interviews were conducted with three members of the Fairmount Park Commission (FPC); four members of the Philadelphia Water Department (PWD); and two members of Mark B. Thompson Associates, the restoration architecture firm. One conversation was held with a consultant to foundations in the Philadelphia area (Appendix D). The purpose of performing these interviews was to gain an understanding of why the stakeholders at the Fairmount Water Works (FWW) believe this is a hard site to restore and reuse. Also, it is essential to understand what role the Watering Committee has and will have in the restoration and reuse of the FWW.

The information that was given provides a great deal of insight into why the FWW is in its current condition. The responses may also indicate that a municipally supported nonprofit organization is not necessarily the answer, in and of itself, to preserve this historic resource.

Five of the ten individuals interviewed requested that at least a part of their interview not be on the record. When possible, I will refer to the speaker directly; however, in some instances it is only possible to refer to the organization of which the individual is a member. Some issues were too sensitive altogether; therefore, although the issue may be raised in this section, no indication will be made as to who raised it. That confidentiality is required is an important fact that underlies the difficulties in the preservation of the FWW—a difficulty that goes well beyond financial constraints.

* * *

The interviewees offered a wide selection of reasons for why the FWW has been difficult to restore and reuse. Financial constraints were often cited. The PWD commissioner believes that the rehabilitation project is too expensive to rely on tax dollars for support; two people mentioned that park resources, including money and staffing, were inadequate. Another person from the PWD said that the upfront capital needed to restore the FWW is hard to obtain.

There are many competing interests at the FWW; therefore it is hard, according to one member at the PWD, to reach an agreement about how to restore and reuse this site. According to another source, the restoration and reuse of the FWW is not being approached holistically: there is the FPC restaurant and the PWD interpretive center. A strong enough case has not been made by either party, or by anyone else, that working together to restore and reuse the FWW will ultimately better serve the whole. However, all members of the PWD believe that having more tenants at the site will best ensure the success of both projects and further reduce the financial burden on the city.

There are physical constraints in finding a reuse for the FWW. All members of the FPC mentioned that flooding is a problem for most of the site. The Engine House main floor, Caretaker's House, and Watering Committee Buildings are the only parts of the building complex that are not below the 100 year flood plain.¹⁷¹ The other people interviewed do not believe that flooding is an insurmountable problem for future site development.

¹⁷¹ According to the Campbell Thomas & Co. report, "The elevation of the 100-year flood has been established by the City Planning Commission at 19'-8" (26'-5"). This indicates that during the 100 year flood the lower level would be inundated to within 2'-9" of the ceiling of the Engine House and within 8" of the deck of the Old Mill House. Insurance requirements mandate the establishment of the 100 year elevations. The elevations of more frequent flooding intervals (10, 20, and 50-year intervals) are not mandated, despite their usefulness. In order to evaluate potential uses for the lower level of the buildings, the elevations of these floods were established by interpolation of the flood frequency curve for the site (included in the Milner report)...The highest flood of record occurred in June 1972, when water reached a height of 14'-7" (20'-4") as a result of hurricane Agnes. During this storm the lower level of the Old Mill House experienced approximately 9' of inundation. The flood curve indicates that this level of flooding should occur approximately every 40 years.

Non-FPC members agree that the entire site has to be fully used if the restaurant and the interpretive center are to maximized their potential. Another physical constraint mentioned by one member of the FPC is the large size of the FWW.

The FPC is responsible for the maintenance and security of the FWW. Both the FPC and the PWD invested millions of dollars in past restoration work at the FWW, but the site has not been maintained, nor has it been secured. Today, the FPC plans to have a restaurant in the Engine House, but the PWD will not commit to having the interpretive center at the FWW.

In a Memorandum of Agreement (MOA), the PWD offered to contribute a proportionate share of total annual operating and maintenance expenses for the exterior of the buildings and grounds of the site. The PWD expected to be an active participant in the decision making process for historic preservation issues and public interpretation. Special events held at the site by either the FPC or the PWD would not unreasonably interfere with the operations of either tenant. The PWD agreed to work cooperatively with the FPC in operating the interpretive center, although the specific operations were to be directed by the PWD at its sole discretion. The PWD stated that it would not be precluded from setting up a 501(c)(3) entity or other organization acceptable to the Mayor's Office for the purpose of funding the interpretive center. The PWD requested the right to restore its dedicated spaces for the purpose of interpretation. Every effort was expected to be made to coordinate the construction of the projects in order to capture joint savings from a combined capital project, estimated to be \$200,00 for each party. The PWD expected the FPC to restore the drainage system in coordination with the construction of the interpretive center, and requested that the FPC not cover the skylights in the Engine

House deck.¹⁷² The FPC never responded to this MOA, thus furthering the PWD's wariness about investing in the site.

Not all individuals at the PWD are convinced that the interpretive center is a responsible way to spend water ratepayers' money. There is no guarantee for maintenance and security; there is no guarantee that the public will come to an interpretive center. If the interpretive center cannot become a self-sustaining entity, the PWD will remain reluctant to fund it. The PWD has openly admitted its reluctance since 1993.¹⁷³

The FPC offered use of the Watering Committee to the PWD for the interpretive center's fundraising purposes, but the PWD has not yet accepted this offer. The PWD Commissioner is reluctant to proceed with the project without a commitment from the FPC regarding maintenance and security of the FWW. Everyone interviewed agrees that, ideally, the Watering Committee should be used by both departments, but only two interviewees, the FPC and PWD commissioners, agree that that must be the only fundraising entity. Furthermore, the commissioners agree that donors will be more comfortable if they see that the departments are cooperating and working toward a common goal—that is, the preservation of the FWW. If the two organizations were to share the Watering Committee, both commissioners agree that a separate committee

¹⁷² The MOA was written by members of the PWD and submitted to the FPC in 1996. The MOA defined what the PWD deems an acceptable agreement for the term, structure, and operation of the site. Also discussed is the description, development, and condition of the space to be occupied by the interpretive center. Maintenance and security were addressed in the MOA. In this agreement, the PWD committed its \$2 million for the "renovation of its dedicated spaces," with the option to contribute additional funds to satisfy unanticipated expenditures. In exchange, the PWD wanted a 20-year lease from the opening date of the interpretive center, and renewals of the lease would be no less agreeable than for other tenants at the site. The PWD said that mutually agreeable maintenance objectives would be defined with a reasonable timetable, which does not adversely affect the operations of the site tenants. Security of the site was to be the sole responsibility of the FPC, requiring that 24-hour electronic surveillance or an overnight physical presence be at the site.

¹⁷³ In the Watering Committee meeting minutes from November 23, 1993, the PWD Commissioner was in general support of the rehabilitation efforts but he needed "to know the full scope of the intended project, including building and site uses, funding sources, security and maintenance responsibilities, and the timeline of the project before he [could] commit any PWD funds to complete the Interpretive Center."

must be established for the interpretive center. The PWD Commissioner joined the Watering Committee to coordinate its fundraising for the interpretive center with FPC.

The focus of the Watering Committee is on exterior restoration of the FWW. Two of the people interviewed believe that the city should not have a nonprofit organization in control of the project. One member from the FPC believes that public money should pay for the preservation of public structures and the other, a member of the PWD, believes that an independent organization should be in control of the interpretive center programming and receive a lease from the city for \$1 year.

The PWD has consistently expressed its concern about the security and maintenance of the FWW. One person suggested that the Watering Committee be the mechanism by which the Watering Committee resolve the security and maintenance issues. However, if a Master Concessionaire agreement is established for the FWW, the current expectation is that the Master Concessionaire will secure and maintain the site. One member of the FPC believes that maintenance and security are too much of a burden for the Master Concessionaire to compete with other restaurants; therefore, the Master Concessionaire should only be responsible for operating the site.

One person mentioned that the Watering Committee board members are no longer believers in the project. Another source believes that the board has no interest in the site. A third interviewee stated that the Watering Committee should be shared by the FPC and PWD only if it can be proven that is more effective that way; otherwise, the PWD should secure its own 501(c)(3) organization to outfit, operate, and maintain the interpretive center.

One individual defended the Watering Committee stating that it has not had a chance yet to show what it can do. However, this same individual mentioned that the restaurant was supposed to be that impetus—it would show off the site so the Watering Committee could then raise more money to do the remaining work.

* * *

There is clearly a lack of trust and communication between the FPC and the PWD. This situation precludes the organizations not only from forwarding the projects already proposed for the FWW, but keep them from giving the Watering Committee the tools it needs, and the confidence, to promote the site. The issues raised in the interviews make it clear that the FPC and Watering Committee may raise the \$10 million required to restore the site, but that there is little chance for the development and maintenance of the FWW thereafter.

8. Conclusion

The Fairmount Water Works (FWW) was an innovative industrial complex that has since become a Philadelphia icon. Few visitors to the site today know of its original purpose as a water pumping station and its role in the creation of Fairmount Park, although some can recall visiting the aquarium or the pool. But despite the fact that the FWW sits in advanced stages of deterioration, it is still widely recognized by Philadelphia natives and visitors alike as an important part of Philadelphia's identity.

We are fortunate to have this building complex stand as a testament to the innovative technology that fulfilled a basic public need in the 19th century. The FWW also represents a time when city officials demonstrated a great deal of strategic planning to best serve the public need. But at the same time, the building complex reminds us that finding a new use for an historic building is not always a simple project.

At one point in time, it was enough to expect that the public sector could solely bear the responsibility of preserving and maintaining its historic structures. Yet, as early as 1940, it can be seen that the Fairmount Park Commission (FPC) had difficulty in maintaining a site that offered no self-supporting income. By 1953, it is known that private initiative tried to alleviate some the city's burden in maintaining the aquarium. This effort failed, but it was only the first in a series of attempts to find an alternative way to work toward the restoration, reuse, and maintenance of this complex historic site.

By the 1970s, it was essential to have private initiative lead the way to a restored FWW. Without the Junior League of Philadelphia (JLP) raising money and keeping the site in the public eye, there is no telling how much worse the FWW would be today. It is not

inconceivable to imagine that the entire site would be just a memory today had the JLP not offered its support.

There is little question today that the FWW is an example of a public historic building that requires the strengths of both the public and nonprofit sectors. The FPC, with a limited budget to maintain its assets, needs to manage and regulate its preservation policy while allowing the Watering Committee to lend its commitment and personal attention to the ongoing needs of the site. The roles and responsibilities of each sector need to be matched and balanced to effectively serve the public interest.

The Watering Committee board of directors has the potential to raise private funds for the exterior restoration and site development, find acceptable and compatible new uses for the vacant portions of the site, and promote awareness of the FWW. The board is replete with leaders from local government and the business community; however, using the board to only raise money is underutilizing the pool of skills it can offer. Among the members there is a wide knowledge base that should make this project a success. But the board has lost faith in the project. In addition, both departments blame the other for the lack of progress at the site. The FPC was required to wait for the Philadelphia Water Department (PWD) to provide the \$2 million it said it would; meanwhile, the PWD does not believe that any investment it made would have been protected. The argument continued in circles. More accurately, there was no more arguing; there was no discussion. Of course, now the issue of “progress” has been at least temporarily settled; the FPC will move ahead with the restaurant, whereas the PWD has withdrawn its \$2 million for the capital construction of the interpretive center. At this point in time, the PWD will allow the interpretive center director to seek funding outside the PWD.

Although the Watering Committee has raised almost half of the money required for the exterior restoration of the site, the board of directors is not active in setting goals for itself or for promoting the site. In fact, there have been no board meetings since September 1996. Allowing the FPC staff to undertake this project alone is not the most effective means to ensure that the projects at the site will move forward. Problems pervasive in the FPC, such as lack of funding and staffing, affect the future of this project. The Watering Committee, used in its current capacity, merely acts as a means for a city agency to acquire private money; it does not ensure that the money raised will be managed and allocated wisely.

Does the case of the FWW suggest that a municipally supported nonprofit organization cannot be effectively used to preserve an historic structure? Absolutely not. A municipal agency's partnership with, or the formation of, a nonprofit organization can be extremely effective for the municipal agency that wants to protect its historic resources. However, goals must be clearly defined and cooperation and communication must exist between all public and private parties.

The FWW could undergo a successful restoration and reuse campaign if the Watering Committee exerted more interest and influence over the future of the site. Its role today is not clearly defined, and not only does the FPC not demand enough of the board, but the board does not expect enough from the FPC commissioners and staff. In addition, the FPC and the PWD need to get beyond their differences and think in the best interest of the site. Both departments need to remember that they share a history with the site in addition to sharing in the future of it.

Restoration and reuse of the site will not move ahead without the political support of the Mayor and City Council who decide whether to appropriate money to a given project.

Nor will the project move ahead if donors sense reluctance or feuding among the involved parties at the site. The FWW needs to be approached as a unified entity, with unified stakeholders, if the projects at the site are to succeed.

A restaurant or an interpretive center alone at the site will not succeed. Therefore, the case needs to be made that not only should the two proposed projects move ahead at the same time, but that the Watering Committee needs to actively look for new tenants to fill the vacant portion of the site. The FPC is not budgeted enough money by the city to maintain the entire site, and neither the restaurant or the interpretive center will generate enough revenue to maintain the entire site. It is doubtful that funders will continue to fund what amounts to the maintenance of a pretty building that is essentially empty.

Ideally, public money would be enough for the preservation of this historic structure. However, the reality is quite different. The FWW is a complicated site to work with but there is no reason for its restoration and reuse plans to not succeed if the FPC, PWD, and Watering Committee would find a way to coordinate their objectives and approach the restoration and reuse of the site in a holistic manner. Without a shared goal, cooperation, and a clearly defined mission from all parties involved with the FWW, this is a journey that will continue to go nowhere fast.

Appendices

Appendix A

Categories of Tax Exempt Organizations

- 501(c)(1): Corporations organized under act of Congress
- 501(c)(2): Title holding corporation for exempt organization
- 501(c)(3): Religious, educational, charitable, scientific, literary, testing for public safety, or prevention of cruelty to children or animals organizations
- 501(c)(4): Civic leagues, social welfare organizations and local associations of employees
- 501(c)(5): Labor, agricultural, and horticultural organizations
- 501(c)(6): Business leagues, chambers of commerce, real estate boards, etc.
- 501(c)(7): Social and recreation clubs
- 501(c)(8): Fraternal beneficiary societies and associations
- 501(c)(9): Voluntary employees' beneficiary associations
- 501(c)(10): Domestic fraternal societies and associations
- 501(c)(11): Teachers' retirement fund association
- 501(c)(12): Benevolent life insurance associations, mutual ditch or irrigation companies, mutual or cooperative telephone companies, etc.
- 501(c)(13): Cemetery companies
- 501(c)(14): State chartered credit unions, mutual reserve funds
- 501(c)(15): Mutual insurance companies and associations
- 501(c)(16): Cooperative organizations to finance crop operations
- 501(c)(17): Supplemental unemployment benefit trusts
- 501(c)(18): Employee funded pension trust
- 501(c)(19): Post or organization of war veterans

- 501(c)(20): Group legal services plan organizations
- 501(c)(21): Black lung benefit trusts
- 501(d): Religious and apostolic association
- 501(e): Cooperative hospital service organizations
- 501(f): Cooperative service organizations of operating educational organizations
- 521(a): Farmers' cooperative associations

Source: James E. Ruckle. *Distinctive Qualities of Third Sector Organizations* (Garland: New York, 1993), 10-11.

Appendix B

The Watering Committee:

A Fairmount Park Commission Supported Nonprofit Organization

NAME	TITLE	ORGANIZATION
Leonard Abramson	President/CEO	US Healthcare
<i>Williams J. Agate</i>	<i>Senior VP & Principal</i>	<i>Seneca Roach</i>
Cody Anderson	General Manager	WHAT Broadcasting Station
<i>Ruth Arnao</i>	<i>Administrative Assistant</i>	<i>1st Senatorial District of PA</i>
Ernesta Ballard	Commissioner	Fairmount Park Commission
<i>Francis Ballard</i>	<i>Esq.</i>	
James M. Ballengee	Esq.	Morgan, Lewis & Bocilus
<i>J. James Barr</i>	<i>VP, CFO, & Treasurer</i>	<i>American Water Works Co., Inc.</i>
Carol Brooks	Economic Dev. Program Monitor	City Rep. & Dir. of Commerce
<i>Patrick R. Cairo</i>	<i>VP, Environmental Services</i>	<i>General Waterworks Company</i>
Muriel Patricia Clifford	Public Relations Manager	PA Convention Center Author.
<i>Randall E. Copeland</i>		
Walter D' Alessio	President & CEO	Legg Mason/Latimer & Buck
<i>Diane Dalto</i>	<i>Deputy City Rep.</i>	<i>Office of the City Representative</i>
Nicholas DeBenedictis	President	Phila Suburban Corporation
<i>Michael DiBerardinis</i>	<i>Commissioner</i>	<i>Phila Recreation Department</i>
F. Eugene Dixon	President	Fairmount Park Commission
<i>Happy Fernandez</i>	<i>Councilwoman-at-large</i>	<i>1st Senatorial District</i>
Graham S. Finney	President	The Conservation Company
<i>Vincent Finno</i>	<i>Senator, PA</i>	<i>1st Senatorial District</i>
Beatrice B. Garvan	Curator Emeritus	Philadelphia Museum of Art
<i>Gerald A. Gleeson</i>	<i>Senior VP</i>	<i>Greater Phila Chamber of Com.</i>
William H. Gray, III	President & CEO	United Negro College Fund
<i>Ed Grusheski</i>	<i>FWWIC</i>	<i>Philadelphia Water Department</i>
Diane P. Hovencamp	Executive Director	Philadelphia Sports Congress
<i>Kumar Kishinchand</i>	<i>Commissioner</i>	<i>Philadelphia Water Department</i>
Marilyn W. Lewis	Chairman	American Water Works Co. Inc.
<i>Charisse R. Lillie</i>		<i>Ballard, Spahr, Andrews, et al</i>
Paul Maloney	Member	Pres. Coalition of FWW Restor.
<i>William J. Marrazzo</i>	<i>President & CEO</i>	<i>Roy F. Weston, Inc</i>
Peter Mattoon, Esq.	Chairman	Ballard, Spahr, Andrews, et al
<i>Tom Muldoon</i>	<i>President</i>	<i>Convention & Visitors Bureau</i>
Stephen Mullin	City Rep. & Dir. of Comm.	City of Philadelphia
<i>Susan C. Myers</i>	<i>Chair</i>	<i>Pres. Coalition of FWW Restor.</i>
Robert N.C. Nix, III	Treasurer	Fairmount Park Commission
<i>Dennis Oakes</i>	<i>VP</i>	<i>US Healthcare</i>
Roseanne Pauciello	Commissioner	Fairmount Park Commission
<i>Charles Pizzi</i>	<i>President</i>	<i>Greater Phila Chamber of Com.</i>
Linda Waters Richardson	President	Black United Fund
<i>Phil Senechal</i>		<i>WHAT Charities</i>
Isadore A. Shrager, Esq.	VP	Fairmount Park Commission
<i>Joan Spector</i>	<i>Councilwoman</i>	<i>City of Philadelphia</i>
R.C. Stabb	VP of Communications	Phila Convention & Visitors B.
<i>Joseph R. Szymick</i>	<i>Chief Engineer & Surveyor</i>	<i>Phila Streets Department</i>
Ann G. Waiters	Regional Superintendent	School District of Philadelphia

Chair: Ernesta Ballard

Vice Chairs: Jim Ballengee and Bill Marrazzo

Source: Files of Ed Grusheski, Watering Committee Board Member and Director, Fairmount Water Works Interpretive Center.

Appendix C

Watering Committee Meetings and Updates*

November 2, 1993: Letter to Commissioner Kishinchand to join the Watering Committee
November 22, 1993: Memorandum regarding history of money spent rehabilitating the site
November 23, 1993: Meeting
November 29, 1993: Update
December 28, 1993: Update
January 11, 1994: Meeting
January 28, 1994: Letter to Ed Grusheski to join the Watering Committee
March 22, 1994: Meeting
April 19, 1994: Meeting
July 25, 1994: Update
August 11, 1994: Meeting
September 13, 1994: Meeting
November 17, 1994: Update
January 4, 1995: Meeting
January 5, 1995: Update
January 31, 1995: Meeting
April 17, 1995: Update
October 18, 1995: Update
December 1, 1995: Update
December 12, 1995: Meeting
February 20, 1996: Meeting
March 7, 1996: Update
June 11, 1996: Meeting
September 26, 1996: Meeting
July 9, 1997: Update

* Commissioner Ballard issued letters updating the Watering Committee of where the Fairmount Park Commission was in the restoration process for the Fairmount Water Works.

Appendix D

<u>Interviews</u>	<u>Date</u>
James Pickman <i>Consultant</i>	May 21, 1997
Ernesta Ballard <i>Commissioner</i> Fairmount Park Commission	May 22, 1997
Kumar Kishinchand <i>Commissioner</i> Philadelphia Water Department	May 23, 1997
Michael Nadol <i>Deputy Commissioner of Budgeting</i> Philadelphia Water Department	May 23, 1997
C. Drew Brown <i>Manager, Public Education</i> Philadelphia Water Department	May 27, 1997
Claire Donato <i>Project Architect</i> Mark B. Thompson Associates	May 28, 1997
Stephanie Craighead <i>Deputy Director for Planning</i> Fairmount Park Commission	May 29, 1997
Peter Odell <i>Management and Development Administrator</i> Fairmount Park Commission	June 3, 1997
Mark B. Thompson <i>Architect</i> Mark B. Thompson Associates	June 9, 1997
Ed Grusheski <i>Director, Fairmount Water Works Interpretive Center</i> Philadelphia Water Department	June 12, 1997

Figures

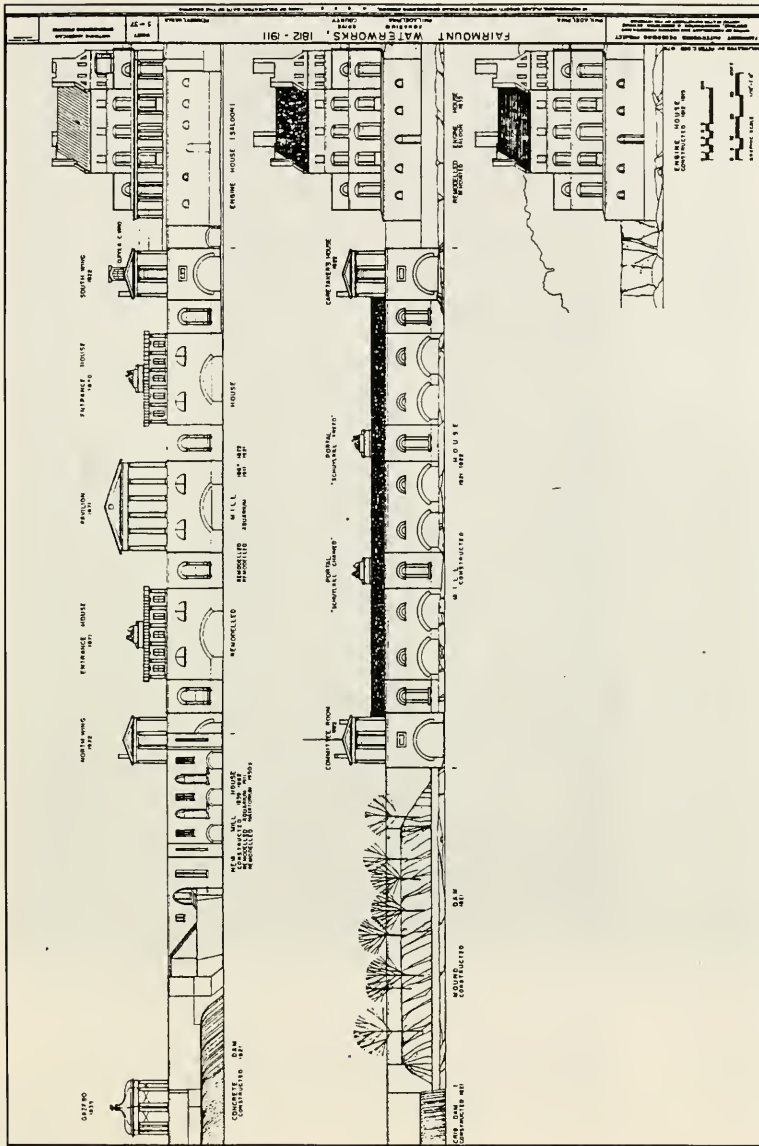
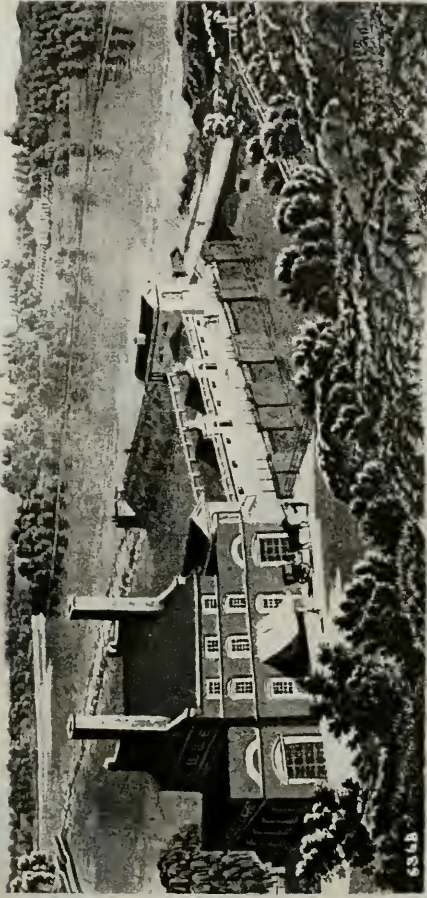


Figure 1. Evolution of the Fairmount Water Works. Historic American Engineering Record, Washington, D.C., 1978.



Philad. Publ. by C. & G. Childs, No. 11, N. 2nd St. 1829.

FAIRMOUNT WATERWORKS

Wm. B. Wood

Figure 2. Historical image of the Fairmount Water Works, 1829. This view shows the Fairmount Dam directing the Schuylkill River to the Forebay and through the (Old) Mill House. Philadelphia Water Department Archives.

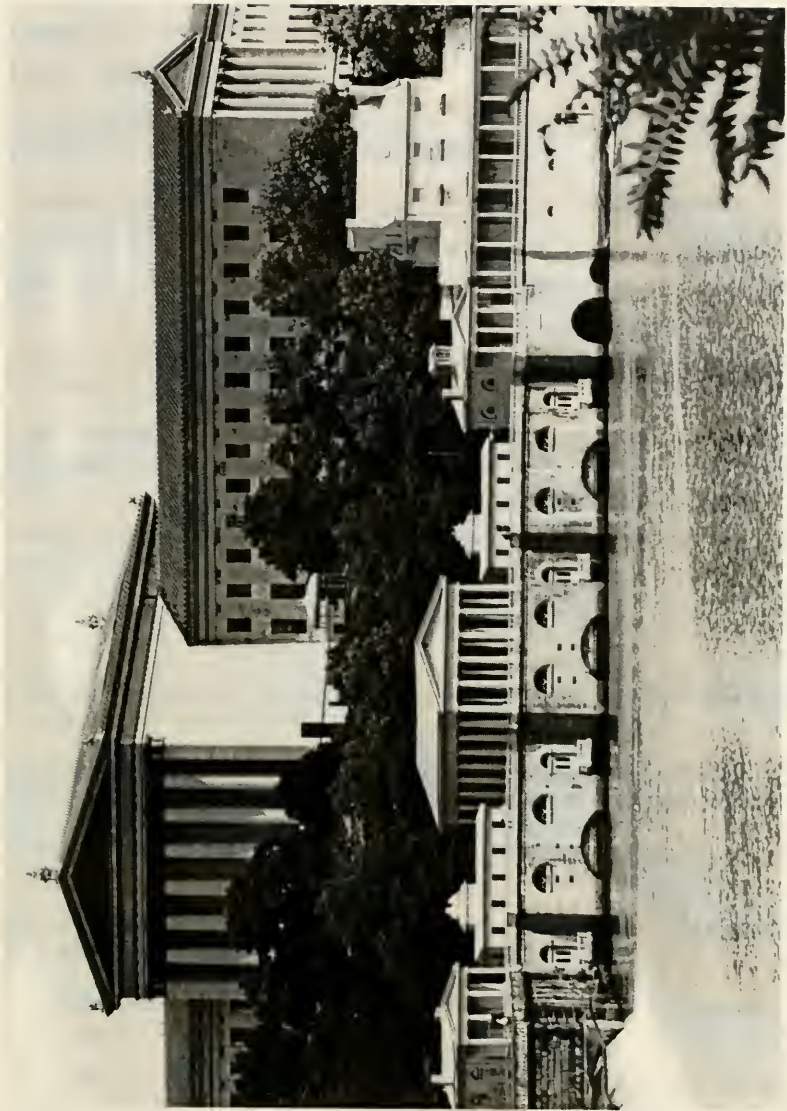


Figure 3. This 1994 image shows the deteriorating Fairmount Water Works in its prominent location below the Philadelphia Museum of Art. Office of the City Representative, City of Philadelphia.

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