



Brandon Hoover and Skip Wiener, both of the Urban Tree Connection, and local gardener Woodrow Fletcher pick some collard greens in the garden at 53rd and Wyalusing Sts. (Charles Fox / Staff)

Posted on Thu, Nov. 4, 2010

## Under new Pa. law, neighbors control abandoned lot

By Kia Gregory  
Inquirer Staff Writer

Standing before a judge in an ornate room of City Hall, Skip Wiener rocked from side to side, unsure of what the hearing would hold.

In certain barren parts of Philadelphia, Wiener, a slight man with wispy gray hair, is known as a guerrilla gardener. He spies long-abandoned, junk-filled lots and works with neighbors to turn the swaths into beds of fruits, vegetables, and herbs.

But Wiener, testing a new state law, found himself before a judge for the first time, asking for stewardship over a stretch of land in the Haddington section of West Philadelphia.

Wiener heads a nonprofit called Urban Tree Connection, which for two decades has worked with low-income communities to revitalize their neighborhoods by transforming abandoned lots into open green spaces. Their mantra: "We build community one vacant lot at a time."

To his surprise, Wiener would get his wish.

Urban Tree Connection would become one of the first community groups in Philadelphia to be granted conservatorship under the new law. In a city with an inventory of 40,000 vacant, blighted properties, officials believe the conservatorship act could have a significant effect, empowering community groups to take over such lots.

Under the Pennsylvania Abandoned and Blighted Property Conservatorship Act, which became law in February 2009, nonprofit groups such as Wiener's, senior lien holders, neighbors, and other frustrated individuals can petition the court to be named conservators of an abandoned

and blighted property. To meet the criteria, the property must also be considered a public nuisance, in need of substantial repair, a fire risk, and unfit for occupancy. As conservator, UTC can legally continue to plant and harvest on the land and follow through on its vision to create a community cooperative.

Census estimates from 2000 show that about 300,000 vacant properties litter neighborhoods across Pennsylvania, almost a third of them in Philadelphia and Pittsburgh, said Elizabeth Hersh, executive director of the Housing Alliance of Pennsylvania, a foundation that provided research for the law.

"This is what we intended in advocating for this law," Hersh said of Urban Tree's victory. "As a neighborhood, you're always trying to get someone else to do something. But with conservatorship, neighbors and community organizations have the ability to go to court and do something for themselves."

Fran Burns, the city's licenses and inspections commissioner, agreed. "It's still too early to tell," Burns said of the fledgling law's impact. "But I like the idea of a tool for the community to try to take ownership of blighted properties that are directly affecting them. It's another way to get the same result we're after - to get owners to maintain property."

Under the act, modeled after laws in Maryland, Ohio, and New Jersey, the recorded owner still owns the property. The conservator is appointed for the limited purpose of rehabbing the property. But if the owner never assumes responsibility of the property and its woes, the conservator may request a sale and transfer of ownership.

Burns noted that UTC could become "a trailblazer" for other communities. The organization's victory is celebrated as one of the first.

Before there were okra, tomatoes, and butter beans for Mr. Woody to pick, and crops for Grumpy Freddy to water, and pears for Nicole Speller to can, preserve, and dole out to her neighbors, the two-thirds-of-an-acre lot near their homes was a dumping ground.

For years, at the property behind a semicircle of 60 rowhouses at 53d and Wyalusing Streets, rusted barrels from the old Polselli construction business sprouted from the ground like mutated shrubs, neighbors say, while oil and unknown chemicals seeped into the dirt.

Within the tall jungle of vines and weeds, people dumped tires, trash, "you name it," said Speller, who has lived in the neighborhood 21 years, raising two daughters. "You might have found Jimmy Hoffa back there," she added with a chuckle.

Through three mayoral administrations - Goode, Rendell, and Street - a band of neighbors wrote to City Hall, Speller said, and gathered petitions for help.

"The city cleaned the lot up and removed some of the debris," Speller said, "but it didn't really help."

The lot was home to more stubborn problems: prostitutes; drug dealers; stolen, stripped cars; shootouts; and fires that took out the old garage and lashed at some of the homes.

According to public records, no one has paid the property taxes on the site in more than a decade, and the owner, Rudolph Polselli, has long since moved to Fort Lauderdale, Fla.

Polselli was served with the petition, said UTC's lawyer, Joel Tasca, but the 72-year-old never responded. Several voice-mail messages The Inquirer left for Polselli were not returned.

Speller grew up on a farm in North Carolina, so when Wiener came with his idea of a community garden, she, like many in the neighborhood, was overjoyed.

"I never thought it would come to pass," Speller said of the lot's elevation from menace to haven. "We kept getting ignored."

"Tomatoes, okra, peas," said Woody Fletcher, 71, standing in his back yard near his rose of Sharon bush, rattling off the list of crops he and his neighbors have harvested from the lot. "Southern food - we got all of that growing now."

After a massive cleanup, chemical tests, and a load of mushroom soil, about a third of the old lot has been dedicated to urban farming. As a result, neighbors harvest from 40 to 100 pounds of produce a week, Wiener said, for 15 families in the neighborhood.

"We think we can have triple that," he said, walking over the lot's wood chips one afternoon, a few weeks before the hearing, as butterflies fluttered around him. "The demand is going to exceed what we can produce."

Over the years, Urban Tree Connection has jump-started, guerrilla-style, six other community gardens within the Haddington community, working with neighbors as it did at the Polselli site. With the largesse of the Wyalusing lot, Wiener and neighbors envisioned a cooperative that residents invested in and own, one that created summer jobs for youth - which led to the petition to Common Pleas Court for conservatorship.

"When we started to think about creating a community business, seeded and rooted in the community," said Wiener, "one of the things that would give it muscle and power is that the neighbors controlled this piece of land.

"We're taking this to a different level," he continued, "so we need to be on strong footing. And we can't if we don't control the land on which the production is happening."

Wiener considered the petition a long shot. For one thing, the legislation refers to abandoned and blighted *structures*, not land. "That's the whole possibility of it being just rejected by the court," he said.

Yet from the depths of the blight lay hope. Because of the previous fires, Wiener noted, "it's just circumstance that the buildings aren't there anymore."

At the hearing last month, as a half-dozen Haddington residents looked on, Wiener steeled himself for a long day. Along with his lawyer, he brought hundreds of pages of petitions and affidavits to show the judge. He began his presentation with a short video on UTC's work. It served as a window into the possibilities for the Wyalusing lot and its surrounding community.

After commending UTC's efforts and the neighborhood's support, Judge William J. Manfredi did not hesitate in his decision.

"We'll turn it over," said Manfredi, granting UTC conservatorship of the parcel.

Wiener spun around and looked at the neighbors, who were also in a state of disbelief - but smiling.

In the hallway, they all hugged and congratulated one another, hopeful that the decision would bear fruit - and vegetables.

"People are very protective of this garden now," Speller said. "For the ones growing up now, this is what they're going to remember - the garden - and that's a good thing."

## Comments:

Posted 09:07 AM, 11/04/2010

**fishtowner**

Outstanding.

Posted 10:53 AM, 11/04/2010

**chham57**

You constantly hear of the lack of fresh produce and poor diets in blighted neighborhoods. Sounds like a great solution.

Posted 11:22 AM, 11/04/2010

**Irish148**

This is a step towards helping with the problem of nutritional food being unavailable to those in poverty. Not to mention the satisfaction of helping themselves and their neighbors. Great plan!

Posted 11:25 AM, 11/04/2010

**FishtownYo**

Good going!

Posted 11:25 AM, 11/04/2010

**philligr1**

Yes it does 57, a good way for neighbors to come together and grow veggies the whole neighborhood can benefit from.

Posted 11:36 AM, 11/04/2010

**Jim Becker**

I worked in the garden pictured in this article this summer and it is outstanding. A filmmaker came a shot a four minute video about it if you'd like to see, go to youtube and search "urban tree connection CSA" or click below:

<http://www.youtube.com/watch?v=Rp5jILLKFBU>

Posted 11:49 AM, 11/04/2010

**Tacklebury**

Fishtowner summed it up ... outstanding. Great work and vision by Mr. Wiener and his friends. Here's hoping this catches on and the city makes it easier for more of these projects. They can have convicts and community service 'volunteers' clear the land.

Posted 12:02 PM, 11/04/2010

**Citizen92**

As a fiscal conservative, its good to see some private iniatives rather than everyone looking for the government to do everything for them.

Posted 12:05 PM, 11/04/2010

**JHolmsey**

Wonderful! This is a great step, a long time coming. Way to go Skip!

Posted 12:09 PM, 11/04/2010

**juliusman3**

They should have farmers markets with all the produce grown in abandoned lots in the city. It would keep the kids from getting fat on Fritos and quarter waters.

Posted 03:15 PM, 11/04/2010

**MikeP**

It's great to see a government program making a difference in a community. This government program will encourage private initiatives. Without the government, this would not be possible. There some things that a government needs to do and can't be done in the private sector. This is one of them.

Read more:

[http://www.philly.com/inquirer/home\\_region/20101104\\_West\\_Philly\\_neighbors\\_awarded\\_control\\_of\\_vacant\\_lot.html?viewAll=y#ixzz14Ln5huQ2](http://www.philly.com/inquirer/home_region/20101104_West_Philly_neighbors_awarded_control_of_vacant_lot.html?viewAll=y#ixzz14Ln5huQ2)