NEW YORK STATE BAR ASSOCIATION



Section Chair David Goldfarb, Esq. Goldfarb Abrandt Salzman & Kutzin LLP New York City

> Program Co-Chairs Britt N. Burner, Esq. Nancy Burner and Associates New York City

David I. Kronenberg, Esq. Goldfarb Abrandt Salzman & Kutzin LLP New York City

Elder Law and Special Needs Section Summer Meeting

The Logan Hotel

1 Logan Square, Philadelphia PA

July 21 - 23, 2016

The New York State Bar Association's Meetings Department has been certified by the NYS Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York. The summer meeting has been approved for up to **11.0 MCLE transitional credit hours including 6.0 in Professional Practice**, **3.0 in Skills and 2.0 in Ethics for all attorneys**, **including those newly admitted**.



SCHEDULE OF EVENTS

Thursday, July 21

9:00 a.m. – 5:40 p.m.	Registration and Exhibitors - Ballroom Foyer/Mount Vernon Room Favors sponsored by RDM Financial Group	
9:00 – 10:00 a.m.	Executive Officers' Meeting - Boardroom 327, Third Floor	
10:15 a.m. – 12:30 p.m.	Executive Committee Luncheon Meeting - Ballroom South	
1:45 – 5:40 p.m.	GENERAL SESSION - Ballroom North	
1:45 – 2:00 p.m.	Welcoming Remarks David Goldfarb, Esq. Elder Law and Special Needs Section Chair	
	Program Introduction David I. Kronenberg, Esq. Program Co-Chair	
2:00 – 2:50 p.m.	Elder Law Update: New Developments in Elder Law (1.0 credits in Prof. Practice) Medicaid Eligibility Rules, Federal & State Legislative Changes, Recent Cases and Decisions of Interest, Administrative Pronouncements	
Speaker:	Patricia Shevy, Esq., The Shevy Law Firm, LLC, Albany	
2:50 – 3:40 p.m.	Elder Law Update: Guardianship (1.0 credits in Prof. Practice) Reviews of significant guardianship cases from NY and other jurisdictions over the past year. Recent changes to Article 83 of the Mental Hygiene law and how that statute is being implemented by court personnel, particularly with regard to the registration of out of state orders.	
Speaker:	Ira Salzman, Esq., Goldfarb Abrandt Salzman & Kutzin LLP, New York City	
3:40 – 4:00 p.m.	Refreshment Break with Exhibitors Sponsored by LIFE, Inc. Pooled Trust Services	
4:00 – 4:50 p.m.	Advance Health Care Directives (1.0 credits in Skills) How to advise your client regarding the preparation of a health care proxy and living will. A Case Study: Is your health agent bound by the living will? Must he/she abide by it? Should living wills be governed by statute? What form of statute(s) currently exist in other states? What form of statute should exist?	
Speaker:	Richard D. Haley, Esq., Haley Weinblatt & Calcagni, LLP, Islandia	
4:50 – 5:40 p.m.	Utilizing Supplemental Needs Trusts in Special Education Hearings (1.0 credits in Prof. Practice) Under the Individuals with Disabilities Education Act (IDEA), a student may be entitled to compensatory relief if the impartial hearing officer finds that the student was deprived of a free and appropriate public education. Although monetary relief is not available under the IDEA, attorneys may be able to utilize special needs trusts to facilitate the funds for compensatory education relief. Learn about com- pensatory relief in special education hearings and how special needs trusts may be a helpful tool in securing relief in hearings.	
Speaker:	Kerry McGrath, Esq., Cuddy Law Firm, White Plains	
5:50 p.m.	OPTIONAL EVENT: Philadelphia Phillies vs the Miami Marlins \$65 per person, includes \$12 concession credit at the Ball Park. Limited Tickets Available. Preregistration required. Meet in Lobby for shuttle to stadium. Bus departs at 5:50 p.m. sharp! Transportation supplied by the law firm of Goldfarb Abrandt Salzman & Kutzin LLP	
6:30 – 8:00 p.m.	Cocktail Reception at the Hotel - Ballroom Foyer and Terrace	
8:00 p.m.	Dinner on your own this evening. See page 8 for restaurant suggestions.	

SCHEDULE OF EVENTS

Friday, July 22

7:30 a.m. – 12:40 p.m.	Registration and Exhibitors - Ballroom Foyer/Mount Vernon Room		
7:30 – 8:30 a.m.	Committee and District Delegate Breakfast Meetings - Stenton Room		
7:30 – 9:00 a.m.	Friends of Bill W. Meeting - Room 327, Third Floor		
8:00 – 9:30 a.m.	Continental Breakfast with Exhibitors Everyone, including spouses and guests, is invited to a continental breakfast with our exhibitors.		
8:30 a.m. – 12:30 p.m.	GENERAL SESSION - Ballroom North Wifi sponsored by Quontic Bank		
8:30 – 8:45 a.m.	Welcoming Remarks David Goldfarb, Esq. Elder Law and Special Needs Section Chair NYSBA Welcome Sharon Stern Gerstman, Esq. President-Elect, NYSBA	Program Introduction Britt N. Burner, Esq. Program Co-Chair	
8:45 – 10:25 a.m.	Hidden Traps and Pitfalls in Employing a Home Care Worker: Advising Your Client on Doing It the Right Way (2.0 credits in Skills) A review of the current status of Federal, NYS, and NYC employment laws, including a review of Internal Revenue Code, Fair Labor Standards Act, NYS Domestic Workers Bill of Rights and NYC Earned Sick Time Act. Managing the risks with knowledge and know-how; constructing employment contracts that protect you; penalties and lawsuits when you skip, skimp, and get stuck.		
Panelists:	Evan Gilder, Redlig Financial Services, White Plains Stephen E. Zweig, Esq., Ford & Harrison LLP, New York City		
10:25 – 10:40 a.m.	Refreshment Break with Exhibitors Sponsored by Premier Home Health Care Services, Inc.		
10:40 – 11:50 a.m.	Clear My Title (1.0 credits in Prof. Practice) Attorneys from three title companies across New York State will cover a range of topics related to real property transfers and the practice of elder law, special needs planning and estate administration. Differences between and the proper use of various types of deeds will be discussed. The effect of various recitals contained in deeds as well as the legal description will be reviewed. Tenancies created in deeds, including life estates will also be covered as will title issues related to Powers of Attorney with Gift Riders, revoking trusts, including using EPTL § 7-1.9, special powers of appointment, and avoiding "unmarketable" title.		
Moderator:	Neil T. Rimsky, Esq., Cudder Fedder LLP, White Plains		
Panelists:	Amy Kelly, Seaport Title Agency Ltd., Freepo Glen E. Keene, Esq., Benchmark Title Agence Nicolas M. Ihnatolya, Esq., Sneeringer Mona		
11:50 a.m. – 12:40 p.m.	Ethics: Issues in Representing Alleged Incapacitated Persons (1.0 credits in Ethics) Does Protective Action Ever Trump the Individual's Stated Position? This session focuses on the inter- play between Rules 1.14 and Rule 1.2 of the New York Rules of Professional Conduct, and the interplay between both of those ethics rules and Mental Hygiene Law Section 81.10, and Section 7.2 of the Rules of the Chief Judge ("Function of the Attorney for the Child"). The discussion will cover case law, ethics opinions, and other commentary, with respect to issues surrounding protective action in Article 81 guardianship proceedings and the role of counsel.		
Speaker:	Kenneth L. Gartner, Esq., Lynn, Gartner, Du	unne & Covello, LLP, Mineola	

SCHEDULE OF EVENTS

Friday, July 22 continued

Free Time to Explore Philly! Join us on any one of these optional activities:

1:15 or 2:15 p.m. Independence Hall National Park -Visitor Center at 6th & Market Streets Join us for a National Park Service guided tour of Independence Hall. Tours at 2 p.m. and 3 p.m. Registrants must arrive at the Visitor's Center least 45 minutes prior to the Tour to pick up tickets and go through security or the tickets will be released to public. Limited tickets available for each time slot. Preregistration required.

1:30 – 4:00 p.m. **The Barnes Collection - 320 North 20th Street/2025 Benjamin Franklin Parkway** Our vlsit begins with a 30 minute intro to the collection and Dr. Barne's unique perspective on displaying art;



then you may immerse yourself in one of the greatest private collection of post-impressionist and early-modern art in existence. With your audioguide, explore more than 3,000 masterpieces, including 181 Renoirs, 69 Cézannes, 59 Matisses, 46 Picassos, 16 Modiglianis, and 7 Van Goghs, plus textiles, metalwork, decorative objects, African sculpture, Native American ceramics and jewelry, and Pennsylvania German furniture. Enter on 20th St. to be escorted to the lower level coat/bag check and pick up your ticket and audio guide. Group must convene in the Auditorium at 2 p.m. for gallery talk. Museum is a five minute walk from The Logan, across from the Franklin Institute. **Preregistration required. Admission: \$30.**

- 2:00 5:00 p.m. The Franklin Institute Museum 222 North 20th Street/Benjamin Franklin Parkway A short walk from the hotel, Pennsyvania's most visited museum, the Franklin Institute has plenty to make Ben proud, including a 3D theater, indoor SkyBike, giant walk-through heart and four floors of interactive exhibits. Included in our ticket is entrance to the special exhibit: *The Science Behind Pixar* allowing visitors to experience the film making process with hands-on-activities inspired by Pixar's most unforgettable characters like Buzz Lightyear, Dory, Mike and Sulley. Preregistration required. Admission - Adults/Children 12 & Older: \$25; Children age 3 -11: \$17.
- 7:00 10:00 p.m. Cocktail Reception & Dinner MOSHULU, Penn's Landing, 401 South Columbus Blvd.

The Moshulu is the world's oldest and largest square rigged sailing vessel still afloat. She is the only restaurant venue in the world on a Tall Ship. Built in 1904 by William Hamilton & Co., Glasgow, Scotland, this "state-of-the art" sailing ship was the finest and latest of man's achievement in the world's shipbuilding industry for the construction of bulk or packaged cargo sailing ships. **Meet in Hotel Lobby at 6:10 p.m. for Bus to Restaurant. Preregistration required.** *Venue rental sponsored by NYSARC, Inc. Trust Services*

Saturday, July 23

7:30 – 8:30 a.m.
Friends of Bill W. Meeting - Room 227, Second Floor
8:00 – 11:30 a.m.
Registration and Exhibitors - Ballroom Foyer/Mount Vernon Room
8:00 – 9:30 a.m.
Continental Breakfast with Exhibitors Everyone, including spouses and guests, is invited to a continental breakfast with our exhibitors.
8:45 – 11:30 a.m.
GENERAL SESSION - Ballroom North Wifi sponsored by AMR Care Group
8:45 – 9:00 a.m.
Introductory Remarks David Goldfarb, Esq. Elder Law and Special Needs Section Chair

Saturday, July 23 continued

9:00 – 9:50 a.m.	Ethics of Social Media (1.0 credits in Ethics) Ethical implications pertaining to legal practitioner's use of email, the Internet and social media. In particular, applicable New York and other ethical premises that guide the usage of social media and connective technologies. Special ethical issues of connecting electronically with vulnerable clients and also how judicial decisions and business development practices have been impacted by new online technologies will be addressed. Case studies, lessons learned and guidance on law firm and lawyer policies pertaining to social media, internet sources and information and email usage.	
Speaker:	Prof. Jennifer Bergenfeld, New York University, Stern School of Business, New York City	
9:50 – 10:05 a.m.	Refreshment Break with Exhibitors	
10:05 – 10:55 a.m.	 Community Medicaid Update (1.0 credits in Prof. Practice) Update and tips on managed long term care (MLTC) now that it is mandatory statewide, including: How to access "Immediate need" personal care services through your local Medicaid program if facing a delay in MLTC enrollment; When and how can client be reimbursed for services paid for before and after Medicaid application is filed and while awaiting MLTC enrollment; The revised State regulations defining standards for 24-hour care. 	
Speaker:	Valerie J. Bogart, Esq., New York Legal Assistance Group, Evelyn Frank Legal Resources Program, New York City	
10:55 – 11:45 a.m.	Return of Gifts and Planning After the Weiss Decision (1.0 credits in Prof. Practice) How do we reduce the penalty period without ending up on the undue hardship line? A look at the decision in re: <i>Martha Weiss, etc., Petitioner v. Suffolk County Dept. of Social Services, Respondent</i> 2014 NY Slip Op 06594; decided on October 1, 2014 and its effect on Medicaid planning and Medicaid applications. We will review the current law and analyze the pros and cons of potential strategies for dealing with Institutional Medicaid applications that involve transfers of assets.	
Speaker:	Matthew J. Nolfo, Esq., Matthew J. Nolfo & Associates, New York City	
11:45 a.m.	Meeting Adjourns	

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Discounts and Scholarships: New York State Bar Association members and non-members may apply for a discount or scholarship to attend this program, based on financial hardship. This discount applies to the educational portion of the program only. Under that policy, any member of our Association who has a genuine basis for his/her hardship, and if approved, an receive a discount or scholarship, depending on the circumstances. To apply for a discount or scholarship, please send your request in writing to Catheryn Teeeter at: New York State Bar Association, One Elk Street, Albany, New York, 12207 or e-mail at cteeter@nysba.org. **Special Discounts:** The Elder Law and Special Needs Section has approved a policy which allows for a 50% discount on the registration fees for all Elder Law and Special Needs Section members who practice in the public sector or as Court personnel. This discount is not automatic and must be requested in writing as stated above under Discounts and Scholarships. Where applicable, members of the Judiciary may also register as a guest and pay the reduced guest registration fee.

Accommodations for Persons with Disabilities: NYSBA welcomes participation by individuals with disabilities. NYSBA is committed to complying with all applicable laws that prohibit discrimination against individuals on the basis of disability in the full and equal enjoyment of its goods, services, programs, activities, facilities, privileges, advantages, or accommodations. To request auxiliary aids or services or if you have any questions regarding accessibility, please contact Catheryn Teeter at 518.487.5573 or cteeter@nysba.org.

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Goldfarb Abrandt Salzman & Kutzin LLP





NYSARC TRUST SERVICES

Administering Supplemental Needs Trusts Since 1972



LIFE, Inc. Pooled Trust Services



THANK YOU TO OUR EXHIBITORS

AETNA Better Health - New York MLTCP AMR Care Group Arthur B. Levine Company Brookdale Senior Living Solutions The Center for Special Needs Trust Administration, Inc. Hometeam KTS Pooled Trust LCG Community Trust LIFE, Inc. Pooled Trust Services Life's WORC Trust Services NYSARC, Inc. Trust Services Premier Home Health Care Services, Inc. Quontic Bank RDM Financial Group, Inc. SCS Pooled Trust

PLACES OF INTEREST

A Man Full of Trouble Tavern

The only tavern remaining from Colonial Philadelphia built about 1759 on banks of Little Dock Creek where mariners and dockhands hung out. English Delft china, pewter and Windsor chairs owned by first Chief Justice, John Jay, are on view. 125-127 Spruce Street.

Architectural Walking Tours of Philadelphia

The Preservation Alliance's guided walking tours interpret the past, present and future of the Philadelphia region as expressed through architecture, urban design and social history. Led by volunteers from a wide range of backgrounds who share their passion and knowledge of the region's built environment; www.preservationalliance. com, (215) 546-1146

Barnes Foundation Collection

Celebrated for its exceptional breadth, depth, and quality, the collection includes works by some of the greatest European and American masters of impressionism, post-impressionist, and early modern art, as well as African sculpture, Pennsylvania German decorative arts, Native American textiles, metalwork, and more. Works by Renoir, Matisse, Cezanne, Van Gogh, Picasso, Manet, Soutine, Courbet, Modigliani, Glackens, Prendergast and more amassed by the idiosyncratic Dr. A.C. Barnes, patron, secret philanthropist, and educator. *A Section group tour will be offered on Friday, July 22nd.* **Reservations must be made in advance on Meeting Registration form.** 2025 Benjamin Franklin Parkway; www.barnesfoundation. org, (215) 278-7000

Betsy Ross House

Betsy Ross made the first American flag here. Step into working class colonial-era life and bone up on American flag history. It was on the job as an apprentice flag-maker that the former Elizabeth (Betsy) Griscom, eighth of 17 children of a Quaker family, fell in love with another apprentice, John Ross, an Episcopal minister's son and they eloped. After John died in early 1776, Betsy had her fateful meeting with three patriots including George Washington, which led to sewing of famed flag. Her grave is located on Arch Street in the courtyard adjacent to the Betsy Ross House. 239 Arch St.; www.betsyrosshouse.org, (215) 627-5343

Carpenters' Hall

Built and owned by America's oldest trade guild, Carpenters' Hall hosted the First Continental Congress in 1774. In 1775, French and American spies gathered in Ben Franklin's second-floor library. 320 Chestnut Street; www.ushistory.org/carpentershall, (215) 925-0167

Clothespin

Pop artist Claes Oldenburg's 45-foot steel statue is sleek, ultramodern, whimsical. North15th Street & Market.

Eastern State Penitentiary Historic Site

Constructed in the 1820s with intent to rehabilitate through solitary confinement, Eastern State's vaulted, sky-lit cells held some of our most notorious criminals – among them bank robber Willie Sutton and gangster Al Capone. Abandoned in 1971, tours include death row. 22nd Street and Fairmont Ave.; www.easternstate.org, (215) 236-3300

Edgar Allan Poe National Historic Site

Close to Independence Hall is the Edgar Allan Poe National Historic Site where Poe lived from 1843-1844 while publishing The Black Cat, The Gold Bug and The Tell-Tale Heart. Third and Chestnut Streets. (215) 597-8974

Franklin Institute Science Museum

Pennsylvania's most visited museum, the Franklin Institute has plenty to make Ben proud, including a 3D Theater, indoor SkyBike, a giant walk-through heart and four floors of interactive exhibits. *A Section group tour will be offered on Friday, July* 22nd. Reservations must be made in advance on Meeting Registration form. 20th Street and Ben Franklin Parkway; www2.fi.edu/, (215) 448-1200

Independence National Historic Park

At America's most historic square, arrivals can get in the spirit at the Visitor's Center with director John Huston's movie, *Independence*. Park rangers and guides can help plan a route through the park to include the Liberty Bell, Independence Hall, Congress Hall, Old City Hall (home of the U.S. Supreme Court between 1791 and 1800), the Second Bank of the United States and more. Tickets required for entrance into Independence Hall. Visit www.nps.gov/inde/index.htm for information. A Section group tour will be offered on Friday, July 22nd. Reservations must be made in advance on Meeting Registration form.

Jewelers' Row

One block from Independence Hall, established in 1851, is America's oldest diamond district. With 300 jewelers, it is also awash in emeralds, rubies, and sapphires at 30 to 50% below retail. Sansom Street between Seventh and Eighth Street and Eighth Street from Chestnut to Walnut Street, (215) 627-1834

National Museum of American Jewish History

Explore more than 350 years of Jewish life in America through evocative objects, telling moments, and state-of-the-art interactive media. 55 North Fifth Street; www.nmajh.org, (215) 923-3811

Philadelphia Museum of Art

Run up and down the steps at one of the largest museums in the country and see the *Rocky* sculpture. The collections and special exhibitions of the Museum span two millennia and six continents. 2600 Benjamin Franklin Parkway; www.philamuseum.org, (215) 763-8100

Reading Terminal Market

The nation's oldest continuously operating farmers' market. Stroll through the vast food bazaar and browse through everything from hand made imported crafts and American quilts to fresh produce, dairy products, exotic meats and seafood, freshly cut flowers, cookbooks. Expertly prepared foods from cannolis and soft pretzels to gourmet South Asian and organic vegetarian cuisine. **DiNic's Roast Pork & Beef** holds the honor of being named the Travel Channel's **"Best Sandwich in America."** 12th & Arch Streets; www.reading terminalmarket.org

South Street

75+ restaurants, 150 stores, theaters and nightclubs make South Street, illuminated by row upon row of white lights, a major entertainment hub. Front to 10th Streets, Lombard to Bainbridge Streets; www.southstreet.com

United States Mint

Self-guided audiovisual tours of the world's largest mint feature views of the coinage operation from a glass-enclosed gallery. Fifth and Arch Streets; www.usmint.gov/mint_tours, (215) 408-0112

University of PA Museum of Archeology & Anthropolgy

Founded in 1887, the Penn Museum has conducted more than 400 archaeological and anthropological expeditions around the world. Items from Egypt, Mesopotamia, Canaan and Israel, Mesoamerica, Asia and he ancient Mediterranean World. 3260 South Street, www.penn.museum, (215) 898-4000

DINING

Alma de Cuba

1623 Walnut St. (Bet. 16th and 17th) www.almadecubarestaurant.com Upscale modern Latin Cuisine. Dinner nightly. (215) 988-1729

Capogiro Gelato

117 South 20th Street, www.capogirogelato.com Artisinal gelato, sorbetta, granitas and other treats.. (215) 636-9250

DiBruno Bros.

1730 Chestnut Street, www.dibruno.com Italian Import store with 2nd floor Cafe. Lunch Daily until 3 p.m. (215) 665-9220

Davio's

111 South 17th Street, www.davios.com Northern Italian Steakhouse. In Philadelphia's historic Provident Bank Building, Davio's is elegant but casually upscale with great food and ambience. Lunch weekdays & dinner nightly. (215) 563-4810

Friday Saturday Sunday

261 South 21st Street off Rittenhouse Sq., www.frisatsun.com Intimate romantic dining room and cool upstairs tank bar. Dinner only. (215) 546-4232

Gran Caffe L'Aquila

1716 Chestnut Street, www. grancaffelaquila.com A little slice of Italy in Philly. Dolci & Gelato, Aperitivos, Breakfast, Lunch & Dinner: 7 am - 10 pm daily. (215) 568-5600

Joe Coffee

1845 Walnut Street, www.joenewyork.com Named one of the "best U.S. coffee bars" by Food & Wine; now with a Philadelphia location. Daily until 8 pm. (215) 278-2454

Lacroix Restaurant at the Rittenhouse Hotel

www.lacroixrestaurant.com Progressive International Cuisine with Philly's most sophisticated contemporary cooking. Bon Appetit, Forbes 4 Star and AAA 5 Diamond. Lunch & dinner. (215) 790-2533

Matyson

37 South 19th Street, www.matyson.com Hyperseasonal New American Cuisine - weekly tasting menu featuring whatever is fresh and in-season. Lunch weekdays & dinner nightly. (215) 564-2925

Nook Bakery & Coffee Bar

15 South 19th Street, nookbakeryandcoffee.com Small batch baking and coffee. 7 am to 6:30 pm daily. (215) 496-9033

Osteria

640 North Broad Street, www.osteriaphilly.com Rustic Northern Italian menu featuring homemade pastas, thin crust pizzas and wood grilled meats and fish. Nominated *Best New Restaurant 2008* by James Beard Foundation. Lunch Thursday /Friday only & dinner. (215) 763-0920

The Oyster House

1516 Sansom Street, www.oysterhousephilly.com Seafood-centric dishes with a modern fresh taste at reasonable prices. Raw bar. Named one of the Top 10 restaurants in the city by *Philadelphia Magazine*. Lunch & dinner daily. (215) 567-7683

Parc Brasserie

227 South 18th Street, www.parc-restaurant.com Recalls the chic brasseries of Paris; traditional bistro fare in a charming, comfortable space. This stylish addition to Rittenhouse Square pays tribute to French café culture, serving breakfast, lunch & dinner seven days a week. (215) 545-2262

Reading Terminal Market

12th & Arch Streets, www.readingterminalmarket.org Pastry, coffee and ice cream shops, produce markets. A foodies delight. Monday - Saturday, 8 am to 6 pm. (215) 922-2317

Smith & Wollensky at the Rittenhouse Hotel

Steakhouse. Lunch & dinner daily. (215) 545-1700

Starbuck's

200 South Broad Street at Walnut Street (215) 772-3148

Talula's Garden

210 West Washington Square (7th bet. Walnut and Locust), www.talulasgarden.com Carefully-sourced ingredients with a light European touch, changes with the seasons. Dinner only (215) 592-7787

Tequila's

1602 Locust Street, www.tequilasphilly.com Upscale Traditional Mexican/Southwestern comfort food. Great atmosphere. Lunch weekdays & dinner. (215) 546-0181

Tria Cafe

123 South 18th Street and Sansom, www.triacafe.com Diverse, seasonal European-style cafe menu of gourmet light fare. Lunch to late night seven days a week. (215) 972-8742

Looking for a Philly Cheesesteak?

Pat's King of Steaks

9th Street & Passyunk Avenue, www.patskingofsteaks.com (215) 468-1546

Jim's Steaks

400 South St., www.jimssteaks.com/SouthStreet.html (215) 928-1911