

Julio Guridy, President  
Ray O'Connell, Vice President  
Joseph Davis  
Jeanette Eichenwald  
Cynthia Y. Mota  
Michael Schlossberg  
Peter Schweyer



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**COUNCIL MEETING MINUTES**  
**September 5, 2012**  
**COUNCIL CHAMBERS**

**Council Meeting – 7:00 PM**

- 1. Invocation: Cynthia Mota**
- 2. Pledge to the Flag**
- 3. Roll Call:** Davis, Eichenwald, Mota, O'Connell, Schlossberg, Schweyer
- 4. Courtesy of the Floor**

Mr. Michael Donovan, 122 N West Street, representing the committee of Citizens for Common Sense, stated that he spoke last week that it is important that Council take steps to perform independent analysis on how to best confront the pension obligation of the city and to access the administration proposal to transfer our water and sewer assets to another party. The goal is to gain trust of the people you represent and the people affected by the proposal. We need to be assured that the best strategy is followed. Since that time a group of residents have discussed ways and the public does feel an appropriate analysis has been completed before a decision is made. To that end, they observed that pursuant to the Charter, Council has the options to establish investigations and studies that would assist decision making. We will not read that section now, but it is in Section 210. Council may do this formally through ordinance or assumes that it may be done without ordinance if Council members wish to expedite matters since creating an ordinance does take time. Tomorrow or Friday we plan, but they have over seventy signatures on a petition to put this question for you to discuss on the September 19<sup>th</sup> Council meeting. They will give it to Mr. Hanlon and give them a copy of the petition. They plan on doing in the next few days, but they rapidly exceeded the 35 requirement. They feel that this will allow Council to discuss the need to create an investigative committee through this ordinance process. The request will cite the charges authority and the need to create a committee composed of at least five people, three professionals with appropriate experience and credentials and two lay people who will represent both sides of the current issue facing the city mainly the administration's proposal is the best solution available. Of course Council could accelerate the process in your new business section in tonight's agenda and they do understand that since Mr. Guridy is out of town and he would be the individual to do that they will have to wait until the 19<sup>th</sup>. We suspect that the administration's proposal is the most significant choice facing this city in the last one hundred years and going forward one hundred years. You were discussing putting away someone else a major key asset of the city. Needless to say that the Allentown residents and taxpayers and all users throughout the valley of our water assets will take great interest in this challenge that we face and are much more likely to accept a final decision if a thorough cooperate objective and independent analysis is performed. With the 2013 budget process looming, we will want to see a preliminary report by October 31st. He thinks that they all can understand why that is important. Recognizes further research is probably necessary. He wants to close by saying something that is very important to him in public service for where he used to live and here in Allentown. If you bring the appropriate people together in constructive ways with good information they will create authentic visions and they will create sustainable responses to issues and opportunities within our community. Then and only then the community will buy in to whatever decision you make. He stated that they will like to submit the petition to Mr. Hanlon.

Mr. O'Connell asked if Mr. Donovan was going to present the petition to Mr. Hanlon.

Mr. Donovan stated that is the procedure as outlined in the Charter.

Mr. O'Connell asked if Mr. Donovan was familiar with Petition Rules Section 1010 – Citizens' Right to Place an Item on the City Council Agenda through the City Clerk. Mr. Hanlon and Ms. Fruhwirth do you have a comment on the procedure at this point forward. He asked Mr. Hanlon to explain the procedure from this point forward with the petition rule section 1010.

Mr. Hanlon stated that the Clerk's office received the petition and has two days to verify that the signers are registered voters of the City of Allentown and upon that certification we provide notices to the Council President and he places it on the agenda for discussion at the next Council meeting.

Mr. Donovan stated that is how they understand the procedures.

Mr. O'Connell stated that they have the petition and they will verify the signatures and Council President Mr. Guridy will put it on the agenda for September 19<sup>th</sup> for discussion.

Mr. Donovan stated that they do make a request that agenda item be as early as possible in the evening for discussion.

Mr. Lou Hershman, 405 N. Gilmore Street, stated the Council received many studies related to water and sewer plans. He stated that as they know he writes to the solicitor's office and they make him pay 25 cents per page and it gets costly. He thinks he has four or five there now. Since these studies were done and paid for by taxpayers money would Council share these studies and must we go through the Right to Know law to review those studies.

Mr. O'Connell asked Ms. Fruhwirth, the Solicitor.

Ms. Fruhwirth stated that the city may waive the provisions of the Right to Know law if they want to give it in a certain circumstance. There is certain criterion that needs to be met and that is certainly an option.

Mr. Hershman asked when he can find out if Council will waive that 25 cent a page.

Mr. O'Connell stated why we don't wait until Mr. Guridy comes back. He asked Mr. Hanlon to discuss with Mr. Hershman to see what we can do.

Mr. Hershman stated that he can sit in the Council's office and read them.

Mr. O'Connell stated that at this point, Council will take it under advisement. He does not think they will give an answer tonight.

Ms. Eichenwald asked Ms. Fruhwirth what is the process for waivers. Is it an established process, do we vote on it, does it have to meet certain legal requirements.

Ms. Fruhwirth stated that it should be an established process or policy for waiver of fees. The law stipulates that the city may charge 25 cents per page or for certain larger documents. Presently in the solicitor's office if they have a request that is less than \$2.50, we waive it.

Ms. Eichenwald stated that this seems to be a greater volume. What is the process to waive it? Do we waive it or does the solicitor's office do it.

Ms. Fruhwirth stated that she would suggest that it would be at the solicitor's discretion he may do it, but if Council wants to establish a certain policy in terms of page limits in terms of something that is onerous to the city to providing the documents that we are not required to and certainly we can have the prerogative of Council to state a policy that the solicitor's office would implement.

Ms. Eichenwald asked is it a precedent that the solicitor's office makes these decisions.

Ms. Fruhwirth stated generally yes. We try to accommodate the citizens with the documents that we do supply particular page numbers, but for the more onerous request, we do charge. It has been by a case by case basis.

Ms. Eichenwald stated that it is in the solicitor's hands.

Mr. Hershman asked could he put a request in for Council to review what he request from the solicitor's office.

Mr. O'Connell stated that he could obvious make a request to the Right to Know law and that would be a protocol.

Ms. Fruhwirth stated that under the Right to Know law there is an option for the requestor/citizen that they may either asked for copies and the solicitor's office will bill in advance, if there is a larger sum of \$2 or \$3 of copy fees, but also to review. Certainly, Mr. Hershman has done this before. She will be happy to answer anything Mr. Hershman is interested in seeing, but allowing an opportunity to review the documents and tag the pages he wants to copy. We can certainly do that by appointment and we have certainly done that before for Mr. Hershman to accommodate as best as we can for citizens request.

Mr. Hershman stated that the agreements are in Council's office, can he get them.

Ms. Fruhwirth stated that the most recent request was for both the water and sewer agreements. We did response to Mr. Hershman by way of telling him how many documents we have on the computer and how many pages there are and asked him whatever ones he would like to review and copy them for him or otherwise make them available. We are certainly willing to accommodate in any way we can.

Mr. Glenn Hunsicker, 844 S 11<sup>th</sup> Street, stated that last week he presented to the record about basically free cash flow and all those numbers. He stated that he wants them to basically get to the facts and the solutions. He stated that they want to have more information about these facts basically in the accrual valuation forms going back to 2005 right up to 2011 also the one you are going to be generating this month or are being generated now so there are some transparency in the numbers. Like Mr. Hershman said it is going to be costly to get a hold of. If they could make a good and honest effort in looking at these numbers. He does not know what the procedures will turn out to be, but those numbers are not reporting to everybody. He supports the committee and take it from here that everyone gets to know what the procedures are and the fact would be.

Mr. Schlossberg asked Fran Dougherty if it was fair working with Mike or the IT department that they can take all the studies that are public information and some are confidential and it would be that way to take the information that is public and uploading on the website and the can print it on their own dime. He asked Mr. Hanlon to arrange that.

Mr. Hunsicker asked how long that would take, weeks.

Ms. Fruhwirth stated that with the volumes of the documents she is not sure how IT would handle on the computer for people to view them. She will certainly talk to Mr. Leibert tomorrow morning and see what we can do.

Mr. Schlossberg stated that the city should create a separate webpage in the [allentownpa.gov](http://allentownpa.gov) website or something through the Council's website where all the studies could live and be in one centralized place where folks have access to.

Mr. Kenneth Heffentrager, 733 N. 11<sup>th</sup> Street representing the Tenants Association of Allentown, asked if there is anybody doing anything about increasing penalties or stiffing laws against the ever increasing slumlords. Every week he is getting calls and every week there are orange tags being put up since the beginning of the year, the 300 block of N. 8<sup>th</sup> Street there were three condemned building in January and there are now nine. Just last week another family was evicted by another slumlord and if you saw the paperwork it was about as bogus as it can get. He is wondering if there is anything being done because the list is increasing all the time. With the arena coming in, people are driving through the city and all you see are orange tags everywhere.

Mr. Peter Schweyer thanked Mr. Heffentrager for all his comments. He stated here is what we got going on in two weeks there is an ordinance that is going to start getting at the issue of vacant properties that are bank owner vacant properties. He has been working with the folks with Building Standards and Safety to craft an ordinance that will establish a new list of foreclosed properties. They are not all homeowner properties. Many were brought during the real estate bubble that was used as a commercial rental property as well. It is really targeting the banks that caused all of these problems and going after them to create a vacant registry list that will also have a financial penalty on the banks that own these properties so that our Building Standards and Safety can have more enforcement officers out there to monitor these properties. In the next two weeks, he will be joining groups of nonprofit housing authorities along with the Department of Community and Economic Development and target the rehabs. When you are asking to stiffen penalties on landlords no, because they did that a couple years ago and talked that we could always revisit it because we just did it recently. We are going after these problem properties by these two methods and that is happening as we speak. We are not ignoring the problem and we talk this on a regular basis.

Mr. Heffentrager asked for Council to shortening the inspection cycle. Five years is far too long.

Mr. Schweyer stated that he understands, but right now he does not know what the city can do with the manpower that we have.

Ms. Eichenwald stated that this has to do with a combination of properties. She thinks when the decision was made by the administration to eliminate the position of Dr. Karen Beck-Pooley and the Redevelopment Authority you didn't even need a crystal ball to see this was going to happen. This is a very important issue that impacts all of our neighborhoods and our housing problems are escalating and we need to do something. She wants the Redevelopment Authority to be consulted and try to develop a better system.

Mr. Ernie Atiyeh, 451 W Chew Street and President of the Allentown President's Council, stated that the blighted properties have been a big issue over this past year. It is a cancer in our neighborhoods and it is really unjust for a person that is maintaining their property to have to live next to a property that is boarded up. It brings down the neighborhood and the value of the properties. He stated that he takes great pride when people are able to come to him to resolve issues and concerns that they have and recently someone brought up a particular situation to him and he spent about a week making phone calls trying to get this

problem resolved and he called Fran Dougherty and said Fran what can I do and told him the problem and the next day it was resolved. He thanked Fran Dougherty.

Mr. Richard Fegley, 1002 S. Bradford Street, stated that he wanted to speak about the pending water lease that is coming up. He wanted to highlight some points and follow up on some things said before. Water is not a commodity like natural gas, oil, electricity, energy; it is not something to be profited from. Water is a public resource and something that should be available to everybody and a profit should not be made off of everybody. He mentioned before that at Brew Works they convert water into beer and then they charge a profit for it. He learned when investigating this and hopes Council is also thinking about this being the biggest deal Allentown has had in the past one hundred years, the price of water if you look at it per 1,000 gallons we sell it to the LCA for less than .50 cents per gallon and we pay as citizens about \$3 per thousand gallons. Prices range from \$12 in parts of Pennsylvania for 1,000 gallons. There are other states that are now privatized and the private water companies are selling water to the fracking companies and the fracking companies will pay \$9 per 1,000 gallons. We have a resource here that the public owns and the public can make a profit off of this and the profits can go to build up our city and that's profits that they are looking at as a short-term \$100 – \$200 million loan. He feels the financial analysis of what's going to happen with lease is very important. He feels that it should be an investigative committee that's pulled together to come up with different scenarios and all the scenarios that the mayor has mentioned to work out projections for the future. If we are talking about more than 25 years we need to have projections to show where we are going to be in 25 years. Let's make sure we bring the appropriate people in to do these studies. If we understand the financial situation here we may find a diamond in the rough and realize there is something that can really help the city. Make sure we do our homework.

Mr. John Housesky, 7892 ?, stated that after the meeting last week, the Morning Call reported 30 people came up to the podium and spoke and he does not know what the capacity it is of this Chamber, but he believes the majority of the people were opposed to outsourcing the Water Department. This is one formula he heard about in the past that one written letter represents ten thousand people. That's because you having to write it, stamp it and mail it. He thinks that ten thousand number will probably be greater when you consider people that came in here, sat in here and waited their turn to get up and speak. If 30 people and the numbers were 75 percent and 20 times 10,000 that is how much that was in here. He thinks the citizens and people that are affected by this water plant are really opposed to it and he really thinks that Council should take a good look at it, slow down and don't do it. Make your decision and don't let anyone make you rush in to it.

Ms. Solanlly Contreras, Editor/Founder and CEO of Atrevete Magazine, 107 N. 8<sup>th</sup> Street, stated that a friend of hers called her and stated bring your camera this will be a good story for you to write. Her writings are real life stories and if you want to call it tear jerking. When she got there she did not feel like writing. There were fifteen children running around with no shoes, no shirts and their houses had burnt three days prior to this. She started asking around and they stated that they have no family to go to; they have no money because most of them stored their money under their mattresses and their mattresses were gone. They had no renters insurance and they were stuck. She and her friend asked what should we do and he volunteered to take eighteen people into his home and mind you he has a family of three and she stated that she will take the other ten, but they are not sleeping on the streets. She stated that they started making phone calls and she called Julio Guridy and a couple other people up until midnight to handle this concern. She took two families home and Life Church showed up. Everyone was asking for help and they helped also that night. For the rest of the time, they were trying to think of solutions for the problem, but it is a lot on her shoulders, and she has a family of her own. She called everyone she could think of, you name it, any organization and she gets the same response and she gets the same response there are no funds, there is nothing we can do. There are still four families homeless. She stated that they were able to establish two of them. One is an older couple and they are here and thank God they had family to go to.

The rest were on the streets literally. Her concern here as a citizen, not as a writer, what can be done because this can happen to any of us. She stated that we can educate people and tell them to have renters insurance. Most people don't do it because they don't think it is going to happen to them. These are children and they started school and have no clothing to go to school with.

Mr. O'Connell thanked Ms. Solanly Contreras for what she did and said her and friend should be commended for what they did.

Ms. Mota stated that it is nice to see you again. We were together on Monday. She did speak to the Mayor and according to him he stated that he personally called many agencies like the Red Cross and a few others. She stated that she would like to address Mr. Dougherty and asked him to please read the letter.

Mr. Fran Dougherty stated that he will summarize and the mayor obviously is limited in what the administration can do to directly help the affected families and there is the transition fund with lump sum payments, but they have gone as far as we can in contacting and asking each of the Social Service Agencies out there to give as much as they can. He read the summary of what Nadine Bordner with from Life Church and the Council of Churches have summarized for the actions to date with working with the five families. In terms of housing, the Red Cross is issuing a check for \$500 towards a security deposit for the residents affected by the fire. This check will be issued to the landlord once this property has been secured. The families have not had to pay a "September rent" since they are currently displaced. According to the residents, the monies they would have used to pay their September rent is being put towards their new residence. Life Church has raised \$3,000 for the families. Each family that is currently displaced and on the Red Cross's official list will received \$750, paid directly to the resident's new landlord. The total donated to the families for rent and security is \$1,200. Two of the families have signed a lease in the past two days. Two of the families are currently looking for a new residence. The fifth family was not on the lease and is not being assisted by the Red Cross, but will receive a smaller donation from Life Church. Under the category of household items and clothing, a check was issued to each family for clothing and immediate needs by the Red Cross. The amount issued varied according to family size. St. Luke's Neighborhood Center is going to provide clothing and linens through their outreach. They will also provide an inventory list to Life Church for smaller household items that are donated. Life Church will assist in distributing these items. St. Luke's Neighborhood Center has also asked potential donors for gift card donations. The gift cards will be distributed to each family based upon need and the size of the family. Furniture is also being coordinated by Carlin at Life Church through referrals to agencies such as Outreach Depot. Cash donations will be distributed by the Lehigh County Conference of Churches. Nadine has established and distributed her own cell phone. This other email for the Mayor is from Nina Johnson from the Red Cross dated as an update on August 29<sup>th</sup>, for the families affected by the 8<sup>th</sup> Street fire on August 23, 2012, American Red Cross had provided six nights lodging (four nights with a two night extension), clothing, shoes if needed, food, and infant formula and supplies. Bulk supplies that were provided to the families the night of the fire were diapers, snacks, refreshments, socks, shoes, comfort kits, stuffed animals and coloring books for the children. Additionally, they were provided with extensive one on one casework and daily contact regarding their recovery plans. They were issued referrals to other community and support organizations for assistance. Also, depending on the need, on a case by case basis, assistance towards rent was discussed with each family.

Mr. O'Connell asked Ms. Solanly Contreras is she aware of some of the items that were discussed.

Ms. Solanly Contreras stated some of them. Her question is if the fire happened on a Thursday, the family had Friday during the day to see if any belonging were left and Saturday and Sunday it was unrealistic for them to do anything on a Saturday and Sunday. On Monday, that's when they told them they only had to the next day to leave and that's what the family was complaining about. They did not feel they had enough

time to get back on their feet relatively speaking. Over the weekend, there is not much you can do. Landlords and facilities are not open. They felt they did not have the time. For someone who lost everything to get back on their feet in five days is unrealistic.

Mr. O'Connell stated that is understandable, but there are procedures under way from this point on and hence forth to make it right for the individual that lost their homes.

Ms. Solanly Contreras stated that is good, but today they told us about that. She was not aware.

Ms. Eichenwald thanked Ms. Solanly Contreras for coming in and talking to Council about this and kudos to Life Church. Perhaps the one thing that we could do is to publicize some direct address to Life Church to send our contributions. Perhaps that could be a Press Release through the city. As citizens, it is often difficult to know to whom to turn to and whom to offer assistance. It appears to her, it should be Life Church. She asked that City Council should send a letter to Life Church to praise them on their efforts that they stepped up and represented the best the faith community has.

Mr. O'Connell asked Mr. Hanlon to get something to Life Church from City Council.

Mr. Schweyer stated that in his 5 ½ years on Council he and Ms. Eichenwald were elected at the same time and he knows she shares the sentiment with him that they have seen fires, one major gas explosion and another explosion on the south side of Allentown and he can't speak for any other member on Council, but could not imagine him being the only one that has visited the Red Cross sites after these catastrophes. Nothing is more earthshattering then watching this. First and foremost, to the folks in the immediate community that stepped up, thank you. One of the things that he preaches about with this great city that we live in, you know you put all the other stuff aside we are really a town that comes together for our neighbors, our friends, our loved ones in this awful critical juncture. Thank you for the folks that did that, very sincerely. He stated to Ms. Mota that he understands that she played a very pivotal role for some of these folks as well. You are not one to run around and tell people about it, but he does appreciate it. You demonstrated a tremendous amount of leadership and he appreciates that more than she knows. His question is one in a specific matter, Mr. Dougherty when we had the sinkholes in the street and a gas explosion; we had a specific point of contact. If we are able to offer in addition with a cash donation is there a person to whom we should speak to or is it someone with Life Church. He stated that he just want a point of contact.

Mr. Dougherty stated that with the city's administration he will be the point of contact. He asked if Mr. Dougherty had the contact information for these folks if need be.

Ms. Mota thanked Ms. Solanly Contreras and her friend for putting everything together and helping the families. She was able to get together with everyone on Monday and believe it or not we live in a great city. She asked for a lot of donations and went to different restaurants because they needed to meet on Monday and believe it or not friends, family members, and people in the community they said yes. They were there present. We had a great time on Monday, did a great prayer and they were all fed. Thank you to the community. We live in a great community that in tragic situations people do help.

Mr. Ingram, 928 N. Cedar Crest Boulevard, stated that he was not able to make last week's public hearing because he was out of town. He has been reading about everything and heard feedback from a number of people. You have very difficult decisions to make over the next few months both in terms of this water and sewer idea along with the pension problem. In his opinion the city really needs to tackle both no matter what your decision is on the water and sewer lease. In regards to both, the water and sewer he would like to say that he would be glad to offer his professional services free of charge in terms of analyzing the

situation for both City Council and the Mayor's office. He has actually analyzed thousands of leases over the last twenty-six years, mostly commercial real estate. The methodologies, the principles, the assumptions that go into cash flow analysis which could be very aggressive sometimes and very timid at other times can have a major impact on the results of those kinds of cash flow analysis. He stated that he is talking about projections on revenues, projections on expenses, and the assumptions on what's going to be done on both sides of that, along with the discounting of those analyses. When you go out 30, 40 or 50 years those future dollars are worthless more or less because the present value of the future of the first ten years or so. A private entity taking over the operation is going to result and obviously they are going to be looking at ways to cut on expenses and to increase revenues. This is just an extreme, but if you take \$100 a month for a water bill and you compound that 15 percent per year for ten years, well in year ten it becomes \$405 a month. He is saying that is going to happen a quadrupling of that monthly bill. There are a lot of things that need to go through this analysis and he would gladly volunteer his services, both investigative committee and to City Council along with the Mayor's office and he has mentioned this to the Mayor one on one that service to go between the Mayor's office and City Council.

Mr. Rafael Rodriguez, 858 8<sup>th</sup> Street, stated that he is one of the residents of the fire. The Red Cross helped us a little, but not enough. We are a family of eight and they gave us \$1,075 for a family of eight. We have about six children that were in that house and we were left in the streets with nowhere to go and our kids asking us where we are going to sleep tonight, we are we going to go. There are so much funds around here, but no one wants to help. We tried to bring it upon ourselves to help ourselves. He tried himself to see if he could get a place for the 15 children that were on the streets. He stated that if he was by himself with no children, he would not care, but it is 15 children in the street. It could be your kid. How would you feel to see your son or daughter come up to you daddy, where are we sleeping today or daddy what are we going to eat.

Mr. O'Connell stated that Council feels his pain. He understands exactly what you are saying. Tragedy hits many of us over a term of our lifetime and we do feel sorry for your pain. The administration read the report and there are steps moving toward to do things to help you.

Mr. Rodriguez asked how long that take will. We have children that are in school.

Mr. O'Connell stated that it has kicked in already.

Mr. Fran Ramundo, 719 Maryland Street - Whitehall, stated that through this tragedy, yes assistance has come very slowly. Certain organizations have stepped up once they found out that we were coming here to speak to you. The response was extremely slow to help the families. They received immediate assistance from the Red Cross for that evening and that weekend. They had two days to get everything settled. Life Church did help. They were there from the first night. Before this he did not know any of them. He drove by and they were asking for donations and he stated that he does not carry cash on him, but will be back. What we have done is started a nonprofit organization to help the citizens of Allentown and the Lehigh Valley where they have fire, floods, or whatever it is where the Red Cross funding runs out and the city's assistance runs out we can be there to fill in that gap. Right now a lady donated a six apartment building so we can start our foundation. We have to fix it and we are asking for time and materials to fix it up so we can have those apartments ready for when a fire happens and they are kicked out of their hotels we can take them and taken them through the rest of the process of getting them back on their feet and getting back to being productive citizens of Allentown. That will be our mission to help families and that gap in between. The families are workers, they have jobs.

Mr. O'Connell stated that is very good idea and if the city can help facilitate that and be onto its way, they will look into that.

Mr. Tommy Horn, 2016 E Highland Street, stated that two things came to mind. By the time the next meeting occurs if they could have the breakdown of the loss of free cash flow which amounts to \$1 million included in that breakdown could tell us what is going to happen ten or fifteen years from now. In regards to the blighted homes, some were involved. They has a house on Club Avenue that was a log cabin that turned into a disaster and the Redevelopment Authority condemned it, took it over and gave us a single home dwelling where a brother and sister lived into an apartment and there was nothing that the neighborhood association could do about it because it was a deal made with the Redevelopment Authority.

Mr. Schlossberg stated that he needs to correct what he said at the last full Council meeting that PFM was retained by City Council to be on City Council's payroll for financial advice. PFM has been retained by the administration and not by Council. City Council is in the promise of retaining a firm the Council is paying for separate from PFM to get a full financial analysis for the short-term and long-term impact of potential water and sewer debt. One of the numbers we have requested and he certainly won't be here for the final vote, but one of the numbers that they requested was the long term effect on the city's cash flow that would potential be lost by a potential lease of water and sewer agreement.

Mr. O'Connell stated that Mr. Horn had a very good question, but Council is not there yet. We have some of the numbers, but we are getting the rest of the numbers.

Mr. Horn stated that they try to answer the neighbors' questions, but it is hard for us because we don't have the facts.

Mr. Schlossberg stated that's why no votes have been taken and no vote will be taken until we have the facts to that information.

Ms. Eichenwald stated that without knowing the exact facts, she thinks it is difficult to be out there without being compensated without reducing the MMO. We don't even know that. All of that is still in abeyance until the facts and figures are in front of us.

Ms. Paulette Hunter asked the person that was hired to do the water agreement, how long have they been in business. She was told less than five years. Is that correct?

Mr. O'Connell stated that they are not even there yet. There was an RFQ process and there were nine and if we go the next step the administration is looking at seven.

Ms. Paulette Hunter stated that she remembers last budget or the budget before if you were a senior citizen you did not have to pay your water bill or sewer bill.

Mr. O'Connell stated that was in reference to the garbage fee.

Mr. Schweyer stated that there is a waiving of the garbage fees for extremely low income senior citizens. He believes that level was. The increase that was booked this year is a one year abatement. Unless you are under that \$14,999 threshold everybody is going to pay that increased rate.

Mr. O'Connell stated that it was \$14,999 because we went to the \$15,000 threshold.

Ms. Eichenwald stated that it is \$21,999.

Ms. Hunter asked when they do your analysis of stuff if that is taken away what it would be and if we do lease it to somebody will that still be there.

Mr. Schweyer stated that was just the garbage fees, not water and sewer.

## **5. Approval of Minutes: August 1, 2012 and August 15, 2012**

Minutes approved by Common Consent.

## **6. Old Business**

Ms. Eichenwald stated that at the last Council meeting she asked for an accounting and her complement goes to Mr. Fran Dougherty and Ms. Koval who helped with these figures. She asked for an accounting of expenses that were incurred by the administration leading up to the administration's proposal that we private the water and sewer. She is talking about legal consultants, consultants who analyzed the worth of the property and financial consultants. The figures that she was given by courtesy of Ms. Koval and Mr. Dougherty are that there is \$237,000 have been spent by the administration so far on legal consultants and a consultant AUS who evaluated the water and sewer property. This figure of a quarter of a million dollars does not yet include PFM which by all believes might be even more than \$237,000. The administration has spent close to, up to and may be even more of a half of million dollars on consultant fees about the privatization. What concerns her is that no authorization has yet been given to City Council to do this. She knows that shortly we will spend many of evenings trying to work on our budget, watching every single penny to reduce expenses. We sat here for hours and talked about \$5,000, \$10,000 and \$15,000 and here a half of million dollars has been spent. That's easily five policemen or ten blue collar union workers who make this city run and she is really concerned and outraged that so much of her money, of our citizens' money has been spent in consultant fees for something that the citizens have not yet given their permission to do. The county is looking at priority based budgeting and perhaps we need to do that to. She does not quite understand how the administration has a checkbook to write these large sums of money whether it came from the water and sewer fund or the general fund without authorization. It is in Council's hand to vote, yes or no on the budget on each line item.

## **7. Communications**

Mr. O'Connell stated that City Council held an executive session on August 29, 2012 at 5:00 PM and the subject matter was the sale/leasing of city assets.

## **8. REPORTS FROM COMMITTEES:**

Budget and Finance: Chairperson Schlossberg

The committee has not met since the last council meeting; the next meeting has not yet been scheduled.

Public Safety: Chairperson Eichenwald

The committee has not met since the last council meeting; the next meeting has not yet been scheduled.

Community and Economic Development: Chairperson Schweyer

The Committee has not met since the last Council meeting; a future meeting has not yet been scheduled.

Parks and Recreation: Chairperson Mota

The Committee has not met since the last Council meeting; the next meeting has not yet been scheduled.

Public Works: Chairperson O'Connell

The Committee has not met since the last Council meeting; a future meeting has not yet been scheduled.

Human Resources, Administration and Appointments: Chairperson Davis

The Committee has not met since the last council meeting; a future meeting has not yet been scheduled.

Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson Guridy

The Committee has not met since the last Council meeting; a future meeting has not yet been scheduled.

## **OTHER COMMITTEE REPORTS**

### **Controller's Report**

Ms. Mary Ellen Koval thanked Mr. Mike Schlossberg for all the assistance that he has been given to her and the budget and finance committee that he chaired. We are going to miss him in that capacity because he was an excellent chair of that committee and really took the time to go over reports to see that things on the budget and finance committee were being done properly.

### **Managing Director's Report**

Mr. Fran Dougherty stated that he held his first snow meeting. We will be ready for the first snowfall. The team is ready and has bolstered the equipment and has put more Braun Trucks on service and gotten new dump trucks and plows. The team is ready and Craig, Rich and the team are ready to go. The education of Councilwoman Mota continues this Friday. She is joining us on an extensive park tour along with senior staff from Parks and Recreation and we look forward to that meeting. He wished Mr. Schlossberg well and all the best and appreciated their time together. If all goes well he looks forward to working with Mr. Schlossberg in another capacity.

Mr. Rich Young stated that he agrees with Fran and Mary Ellen has said. Mr. Schlossberg is going to be missed here. You may be able to replace the position, but you can't be replaced. He stated that he enjoyed working with him. With the automatic meter reading AMR believe it or not since the city found out that they have been awarded the loan from PennVest, it is approaching two years. From the time they notified us and to work through the closing, and getting all the contracts in place, on August 16<sup>th</sup> they actually started installing some of the new meters. They are doing a small area right now of 1,000 meters. These are residential and we are doing a small area to kind of test drive the pilot program to see if there are any bugs in our system and initially they were a few that has been ironed out and lessons learned to help improve the process as we move forward. We started with 1,000 meters. The city staff is installing the larger meters, commercial meters, anything that is a 3 inch meter or larger we are doing with our own staff. It's the residential meters being installed by the contractor. The week of August 27, we had 350 installed already and what we do is put them in and in some areas they have to be adjusted because of the transmitter has to go up in the rafters rather than go right against the meter. They find that out when the meters are in and they test drive it to see if we are getting signals from everybody. That process is underway also. Because we can cover the entire city a lot faster than the old way, we will be able to find out if somebody has a leak in their house and notify them of that leak which will help the customer. We also will be able to detect any tampering that may occur with the meters. We will do the city probably once a month we will be able to pick up a lot quicker than we normally do. All this was given when it first started. We started with 1,000 meters and ultimately we will have 27,000 that we will have to do. We have about 33,000 residential customers; some of them already had the meters. This is the addition that was needed. On the larger meters they were able to get them in enough time. The residential we don't have enough time to see the impact of the difference in the reading, but the largest meters we have done some of them. We are seeing in some instances significant increases, but they are averaging about a five percent in revenues from those meters which is right on target to what we thought we were going to be getting.

Mr. Dougherty stated that Council took a great deal of time and he brought this issue before you on a number of occasions and he thanked them for their assistance in helping with the city's public education program. We received two phone calls in the mayor's office and he is not sure that any of them collectively

received phone calls from constituents. The two phone calls they received was basically on scheduling when the contract will be getting to a residents home and they were able to straighten that out pretty easily. He hasn't heard any other negative feedback about the program to date. He wanted Rich to access how the pilot went and from all indications he thinks the pilot was a success.

Mr. Young stated that the problems you referred to and the problems that you got, those were the problems he was talking about.

Mr. O'Connell stated that he and his daughter were part of the pilot. He asked if his water bill will be going up five percent.

Mr. Dougherty stated those were the commercials.

Mr. Young stated that they do not have the evidence of residential as of yet.

Mr. O'Connell stated that his daughter's water meter was replaced on a Friday and his was replaced on a Thursday. They give you a two to four hour window. They are very efficient and professional. They come in and do the job. If they have any questions, they will answer the questions. Obviously, they are subcontracted through Scope which is an \$8 million project which will take about 18 months, 27,000 water meters. It seems like they are off to a good start. The gentleman that did his daughter's water meter and his were extremely polite and efficient. His daughter's was done in 40 minutes and his was done in 20 minutes. He stated that he came down 5<sup>th</sup> Street and was going to make a left on Penn Street. When did that become a one-way?

Mr. Young stated that it is temporary. The county building has a problem with its air conditioning unit. It is temporary.

Mr. O'Connell stated that the lights on Martin Luther King are working extremely well because the 15<sup>th</sup> Street bridge will be closed for 18 months. You stated at a previous meeting that is temporary. Could that be a study because that place even on a good day is a very heavily traveled area? He made a request that Mr. Young could look at that in the future because those lights are working.

Mr. Young stated that right now it is temporary. We do have plans for that. We won't be looking until the end when the construction of the bridge and is open.

Mr. Schweyer asked about the wall at the Parkway.

Mr. Young stated that the consultant is on board and beginning to do some investigation over there, very recently.

Mr. Dougherty stated just for a background parks originally had a lead in putting an RFP out for engineering services and he was not comfortable with that and asked the professional engineering staff to take that over and that was a delay.

Mr. Schweyer stated as an observation he found it interesting that Ms. Koval, Mr. Dougherty and Mr. Young all said something nice to Mr. Schlossberg, but there are five other people up here on the dais.

Ms. Eichenwald stated that she too was part of the pilot project and echoes everything Mr. O'Connell said. The only observation that she has is a time was originally scheduled and it was to be confirmed by email

and it wasn't. The confirmation process has to be fixed, but the gentleman that came into her home too exceedingly professional and she thought it worked extraordinary well.

## **9. APPOINTMENTS:**

### **ANIZDA Appointment**

J. Robert Lovett

01/101/2015

Mr. O'Connell stated that Mr. Lovett will be replacing Mr. Donald Snyder.

Ms. Eichenwald stated that she has been a fan of Mr. Lovett's for many years and she welcomes not only his intelligence, but his wisdom to this undertaking.

Mr. Ernie Atiyeh stated that he has known Mr. Lovett for many years and he is a man that is fantastic. He stated that we love Mr. Lovett.

### **Resolution passed, 6 – 0**

Mr. O'Connell stated that he echoes what Ms. Eichenwald said. He has known Mr. Lovett for several years and has tremendous respect for him. He is a very respected man in the community. You will do a wonderful and as Ms. Eichenwald said you will bring a lot of wisdom to the board. We wish you well and he knows he will do a great job.

Mr. Lovett stated that he will take the accolades.

### **Building Code Board of Appeals Appointments**

Benjamin Walbert	11/02/2016
Leroy C. Shankweiler, Jr.	01/01/2017
DeWitt V. Farrington, Jr.	11/04/2016
Barry Brobst	11/04/2013
Richard C. Yeakel	11/04/2013
George Soltis	11/04/2013

### **Resolution passed, 6 – 0**

Mr. O'Connell stated that he does not know all the individuals that are here, but asked if any were here and could they stand up and tell us your name and make comments. He thanked them for their service and apologized for not knowing all of them.

Mr. Leroy Shankweiler stated that he has been on the board since the mid-90s.

Mr. Richard C. Yeakel stated that he has been on the board for at least twelve years.

Mr. George Soltis stated that he is newly appointed.

## **10. ORDINANCES FOR FINAL PASSAGE:**

**Bill 45 Rezoning Parcel at 301-359 River Drive from R-MP to R-MH**

Amending the Zoning Map by rezoning a parcel at 301-359 River Drive from a Medium Density Residential-Planned (R-MP) District to a Medium High Density Residential (R-MH) District.

Mr. Schweyer stated that Bill 45 was recommended unanimously by a vote of 3 – 0. All members of the CEDC committee were present. This is a rezoning of an existing apartment complex that has been for lack of a better term rotting over by Keck Park. The developers are asking for a very mild change to the zone and again, it was recommended favorably by a vote of 3 – 0.

Mr. O'Connell asked were there any questions from his colleagues or the public.

**Ordinance passed, 6 – 0**

**Bill 46 Rezoning a Parcel at 2811 West Emaus Avenue I-2 to B-3**

Amending the Zoning Map by rezoning a parcel at 2811 West Emaus Avenue from a Limited Industrial (I-2) District to a Highway Business (B-3) District.

Mr. Schweyer stated that Bill 46 was forwarded with no recommendation with a vote of 3 – 0. It was not a non-recommendation or an unfavorable recommendation just no recommendation pending the opportunity for individual members to consider rezoning an industrial zone to a Highway Business District to B-3. Mr. Guridy serves on the committee and Mr. Schlossberg does as well. He stated that his reservation as a person who introduced it and moving it forward with no recommendation was predicated on two issues. The first was a general philosophy or a general resistance, not an outright prohibition, but a resistance to have more industrial land for business to commercial and the second reservation that he had was to correct the record they talked about signage and he was wrong on signage. The signage was fine when he drove by and there was nothing offensive when he drove by about it. Land available was the sign. One of his reservations was quickly cleared up and the other one was just a philosophical resistance to changing industrial to commercial. He stated that he spoke to Oldrich Foucek who is the head of our Planning Commission and the Allentown Planning Commission recommended this favorably and the administration is in favor of this.

Mr. Schlossberg stated he favored no recommendation at the time. It is a difficult decision because as Mr. Schweyer said, we don't like giving up industrial land. The more he mulls it over the fact that the property has been vacant for many years and was unable to sell despite its current zoning. We look at the surrounding zoning and it is all B-3. If it were zoned today, it would be zoned B-3 and the change of zoning does seem to make sense to him.

**Ordinance passed, 6 – 0**

**11. ORDINANCES FOR INTRODUCTION:**

None

**12. CONSENT AGENDA:**

None

**13. RESOLUTIONS ON SECOND READING:**

None

**14. RESOLUTIONS ON FIRST READING:**

**R 43 Police Officer Appointments**

Mr. O'Connell stated that for R43 the Police Officers' Appointments we would like to vote on it tonight.

Mr. Hanlon read: WHEREAS, Council appoints the following, as Patrolmen, in the Department of Police, at a base salary of \$46,856 per annum. All appointments are contingent upon the candidates receiving Police Civil Service Approval, passing physical and psychological examinations as stipulated in the Police Civil Service Rules and Regulations and obtaining and maintaining a valid state certification from the Pennsylvania Municipal Police Officers Education and Training Commission.

Stephen Madison  
Macungie, PA

Matthew Vernon  
Leesport, PA

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Allentown, hereby authorizes the Mayor to appoint the above, as Patrolmen, in the Department of Police.

Mr. O'Connell stated that normally the Police Chief is here and normally the Police Chief states that they have to start the academy on a certain day. He asked his colleagues if they had any problems voting on this, this evening for the two police officers. Are there any objections?

Mr. Schweyer stated that he defers to Ms. Eichenwald since she is chair of the Public Safety.

Ms. Eichenwald stated that it is against our normal procedures. She asked is there a rush or is the academy starting. She asked to delay this. She is not against hiring two more police officers. She is pleased to see that will happen.

**R 44 Log and Stone House**

**Referred to Public Works**

Providing for a ten-year lease Agreement on the Log & Stone House in Lehigh Parkway.

**R 45 KOZ Extension**

**Referred to CEDC**

Expands the City's Existing Keystone Opportunity Zone by including property located at 602 S. 10<sup>th</sup> Street, formerly Allentown Metal Works, in the Keystone Opportunity Zone.

**R 46 Resolution of the City of Allentown State ESG 2012**

**Referred to CEDC**

Authorizing the filing of a proposal for funds with the Department of Community and Economic Development, Commonwealth of Pennsylvania for a pass through grant for CACLV and Valley Youth House.

**15. NEW BUSINESS**

**None**

**16. GOOD AND WELFARE**

Mr. Schlossberg stated that he handed his resignation effective at the conclusion of this meeting. He stated that he has been up here for a little over 2 ½ years and this is the first time he has actually prepared remarks. He previously said that he needed to resign from Council no later than the start of October in order to allow Council adequate time to seat his replacement before budget season begins. During the month of November, he will have his election and the transition to state representative and most importantly the birth of his daughter due November 17. He would have like to been on the dais to vote yes or no on the proposed water and sewer deal, however, it has been apparent that Council's independent study does not

conclude until October and as such there is no way that they will be able to vote than. Accordingly, it is in the city's best interest for him to resign earlier than he originally planned. He stated that he wanted to leave his stamp on that decision. Given the circumstances the best thing he can do for Allentown is to be unselfish and step down. As for the deal itself, it is no secret that he could have voted for this contract. He believes that if executed properly it is in the best in a series of absolutely terrible options. If executed properly is of absolutely supreme importance this deal if it goes forward should control rates, ensure quality, have proper oversight and protect our workers. To his colleagues, take your time, conduct every study that you feel necessary, demand every ounce of information that you need and when you have that information be divisive and focus. Opponents of this agreement will never be satisfied. They will demand thousands of different studies and commissions hoping to delay this deal into oblivion. Proponents of this agreement may try to rush this through quicker and prudent. Do everything you must, get all the information you need and then vote, but do not be delayed or rushed by outside forces. Furthermore, although tonight is his last night on Council he would like to offer his services any way possible. If he could be of any assistance going forward, just say the word. If it is your choice that he fades in the background and never says a word on the issue, he is more than happy to do that as well. He stated that every night after a council meeting he had a headache in it was born out of frustration, frustration of not being able to do enough. It frequently seen that we were at a lost to truly deal with the problems that plague this city, pensions agreements that cuffed our hands and made governing at the bare minimum impossible, crime and delinquency that lacking the ability to go into the homes of our troubled youth we could not correct. Infrastructure which lacking the appropriate funding could only come from a higher source to continue to crumble around us. Hearing the problems meeting after meeting and being unable to correct them made him feel powerless. What eventually cured him of his headaches was a reminder of something that his Rabbi once said say is that the essence of humanity is to leave the world a better place for the next generation. Our goal on earth is to add one more grain to the store and make life that much better for those who come next. This is his governing philosophy and this realization cured his headaches, no we can't do it all but we could do little things.

Mr. O'Connell stated to Mr. Hanlon for the record that Mr. Schlossberg has given me his resignation I as the fill in for Mr. Guridy and we have accepted his resignation therefore we will do the process of the vacancy for City Council as far as the advertisement possibly tomorrow or Friday. We will follow the protocols for some of the old names. He thanked Mr. Schlossberg and stated that he is a caring and intelligent individual, extremely intelligent. Believe me he knows the numbers and knows the stats, knows the pros and knows the cons. He knows his homework and knows his due diligence it has been an honor for him in this 2 ¾ years to serve with you. He will truly miss him and miss his wittiness. He brings integrity, honor and intelligence to this position. Please take that to Harrisburg. Never forget where you came from no matter how old you get, remember your roots. He wished him good luck, good health and God speed.

Mr. Davis stated to Mr. Schlossberg that they did not have a lot of time together, but he does remember the times before he was onboard that he met with him on a professional basis and the help that he gave to him. He appreciates the help that was given when he was running for this position/vacancy. He looks forward to working with him in the future and best of luck.

Mr. Schweyer stated he and Mr. Schlossberg used to joke when he first came and stepped foot as an intern in Representative Mann's office the first thing he made him do is take that stupid earring out from top of your ear. He distinctly remember him meeting Mike D'Amore, him and me and we were upstairs and you were trying to encourage Council to author a resolution to get us to do a Facebook page and a Twitter account. He has known Mr. Schlossberg for eight or nine years and in that time the growth has been astronomical. You grew up in Representative Mann's office and with me and we helped you along the way. There is a truth that there is more than one person in the city himself prominently included in that we will

not be where we are at because of you. It is a remarkable thing seeing someone who has as much talent and intellect as you do to get as far as you have and not waste that God-giving talent that you have and make the most of it. You are a tremendous addition to my hometown.

Ms. Mota stated that she wishes him the best. She thinks he is smart and he would do anything that he wants to do because the reality is that you have the intelligence and have a big heart. She knows that he will do a great job.

Ms. Eichenwald stated to Mr. Schlossberg that they share a common bond that they are both graduates of Muhlenberg College. She brings that up only because an article that was recently published in the newspaper by President Helm, president of Muhlenberg College and he talked about his wish for his students. What would they learn and accomplished. He spoke about the object of education is to be to seek truth and that would make a difference and everyone associates with your undergraduate education can see in you that you are that. You are a seeker of truth. You look at all sides and you make an opinion. Although, we often disagree she appreciates the time and effort that you put forth in your decision. She knows that he will serve the citizens of this city in your new position and wishes you the best.

## **17. ADJOURNED: 8:44 PM**

*Council meetings are held on the first and third Wednesday of each month beginning at 7:00 pm in Council Chambers. For copies of the agenda or meeting announcements, please visit our website at [www.allentownpa.gov](http://www.allentownpa.gov) or contact the Clerk at [Michael.Hanlon@allentownpa.gov](mailto:Michael.Hanlon@allentownpa.gov) to receive an email notice of the meetings.*