

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



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COUNCIL MEETING MINUTES
October 17, 2012
COUNCIL CHAMBERS

Council Meeting – 7:00 PM

1. Invocation: Jeanette Eichenwald

2. Pledge to the Flag

3. Roll Call: Davis, Eichenwald, Glazier, Guridy, Mota, O'Connell, Schweyer
Fran Fruhwirth represented for the Solicitor's Office

4. Courtesy of the Floor

Mr. Michael Schlossberg, 944 N. 19th Street, stated that to quote Mr. Schweyer it is always difficult to speak following Ms. Eichenwald because no matter what you say you won't look as nearly articulate or intelligent, but he will do his best. He congratulated Mr. Glazier stating it is a heartfelt. The last thing he would ever need to hear from him is the importance of being an elected official. With twelve years of previous elected official experience over a decade of dealing with municipal finance, a lifetime Allentown resident and a multi-generation small business owner. He thinks there are fewer to face the challenges facing Allentown than yourself. You are well equipped to analysis and deal with the tremendous burden than the proposed water and sewer concession, but as difficult it may be for not only the seven of you, but the people in this room there will be days and decisions to be made not only of what is in front of you right now and he stated to Jeff that he only can think of few in the city that has more expertise, knowledge and integrity to deal with those decisions. He hopes that Jeff serves the City of Allentown well, but you already have and he knows that he will continue to do so. To his colleagues he could only say best of luck in the coming days ahead. He stated whatever it is worth he misses it and misses them.

Mr. Guridy stated that at the last meeting you were here he was not here. He was someplace else, but he wanted to publically say it has been an honor and pleasure working with you on Council and serving our community. You are a very smart individual, young and have a political life ahead of you. Call on me if you need anything from me on my behalf to support you. He knows that he will do a wonderful job in Harrisburg.

Mr. Dennis Pearson, president of the east Allentown Rittersville Association, stated that as a result of the neighborhood meeting on Monday and result of things that have been happening the past two weeks, we are very concerned and out in the hall there is a picture of what the east side firehouse would look like, but the 17,000 people of east Allentown are saying to you get on with the job. You are taking too long to do it. You supposed to have the bids out and it is for our safety and it would be at a higher cost for us if we do not return the fire station in due time. There will be more on our properties as far as insurance is concerned and as a whole we are paying more on property taxes because of reassessment then other parts of the city. He stated to Mr. Schlossberg that they are going to be as pesky in regards to State Hospital in which they put that down we said that we would not be part of any committee as far as what's going to be done

there. We have heard nothing from the state and we don't want to sit here as colonials to the state or the city because we have good people on the east side. Some people that don't do anything, but some good people on the east side that are of quality of leadership.

Mr. Lopinto stated that in the past he came up here before and talked about often times there are things placed on that table that is misleading on who it might come from. He noticed there are documents that do have administration clearly labeled at the top of that. That is a nice improvement. The exact issue has been brought upon again, we have this piece of information and he is not sure if anyone has seen or not that was back there on the table it has a short piece here claiming that the same proponents who supported the fire and police giveaway are now the antagonists against the city's financial lease to solve the city's financial problems. It actually follows up and the second page of it is a newspaper article from Carbon County magazine about him and his other work as a sideshow performer which has no relevance whatsoever and he is not sure who put this out. He appreciates the free publicity. We have no clear indication whatsoever who this is from. Would anyone here care to admit to having placed this document back there? We have this problem. When Food and Water Watch covers ad documentation there, it is clearly marked Food and Water Watch. When Occupy Allentown puts documents on the table in the past, it was clearly marked Occupy Allentown. The city is doing a better job adding the administration headings and is not clearly marked with the seal of the city and yet, we do have this miscellaneous document with no authorship claim that it was placed back there. Is the City Council ready to take a resolution requiring your identification of documents that are made available to the public at these meetings?

Mr. Guridy stated that is something to consider. He stated that sometimes people dropped things back there and we don't even notice it. He thinks Mr. Lopinto is right. You and I agree on something today.

Ms. Eichenwald stated absolutely.

Mr. Schweyer asked Mr. Hanlon to put a request to the Solicitor's office to see what that would look like. Yes, we all agree that is at best a cowardly act, and at worse something worst. Let's make sure we do it right and we do the proper process.

Mr. Glen Hunsicker 844 S. 11th Street – Citizens for Common Sense, stated that he wants to address and bring before Council a couple of articles you probably seen in the paper. He hopes that they read it because they are other solutions and what is happening around the state. He urged City Council that Scranton added a commuter tax which is an extension of the EIT, if you look at the numbers, there other avenues on how to get this money. You don't have to sell a water or sewer lease for 50 years. It is absolutely insane. The Lehigh Valley Business newspaper came out with this and he hopes they read it. This is one of the best articles he read on pension problems in Pennsylvania, \$41 billion in the state. There are three pensions: the schools, the municipal workers for the state and also the municipalities. He hopes they read it. It is in here that are details ways of what they are thinking and if you think about it in depth you are going to find in 2013 they have to address this. Nobody in Pennsylvania in this article is even talking about selling anything. There are going to work their way out of it. You know the MMO which we are operating at a 75 percent number. Supposed the state says for three years that come down another 25 percent. You would not need that extra money. You would be saving on that 12.5 million that we have to make up on a differential you might save \$4 million bucks. Let's look at some of these ideas. Don't go off and say we have to lease this; it does not have to happen. He wants to present this for them to look it over because everybody is going to feel the pinch on this. There are 40,000 people and businesses in the City of Allentown which he calls the 40K group. Those are the people that have to pay, 40,000 people and that includes businesses. Three Hundred are apartment owners and Laundromat owners they are going to pass it through.

Ms. Eichenwald stated that in response to Mr. Hunsicker just said both Colorado and Wisconsin have very recently already dealt with opening up the pension agreements which is exactly what Mr. Hunsicker is saying. Two of the 50 states have already done it.

Mr. Kenneth Heffentrager, 733 N. 11th Street, congratulated Mr. Glazier and stated that when it comes to the water lease agreement, he has read an awful lot, with 53 communities in the nation with 51 failures. The only two communities that had any success are less than 5,000 people. He hopes that council looks at every different angle no matter if it is unpopular such as the tax, such as the possible layoffs, a hire freeze in the city, but you have to vote no when it comes time for the decision of the water lease. He does not know what makes Allentown higher up think that we have it different and we can figure it out better than the rest of the country. Bigger cities than us have failed to do it. He is not quite sure that Allentown thinks that we have it figured out.

Mr. Dan Poresky congratulated Mr. Glazier and stated that he is going to be announcing in a moment a petition that Mr. Hanlon, City Clerk has put together for us, the group of five petitioners that are going to be asking that something be put on the May ballot. He wanted to review what he heard today at the Mayor's press conference and his concerns. He made it clear that council although you have the first reading tonight and are being asked to approve the dissemination of the concessionaire's agreement and you will be voting on it in a couple of weeks that whether or not you approve it, the Mayor will be putting it out for bid. There is nothing you could do to stop him from doing that if he cares to do that. That is something that he had not known clearly until today. That is distressing because you have less power than he thought they had. He did say that in the case that he made and he made a big case that rates are not going to go up. It really sounded impressive, for three years rates are not going to go up at all even though they have been going up four or five percent per year without being privatized. In three years, it is not going to go up and after that it will only go up 2.1 – 2.5 percent above the consumer price index. The whole thing just doesn't make any sense and he hopes when it does come time for you to approve the contract which you will have the power to reject at some point, and it will be some months down the road before you get it. You have to really come to terms with what is has to be an incredible amount of information and it is totally not necessary. They are going to give the city \$150 - \$200 million. They have to get that back somehow, plus they have to run their operations, plus they have to make a profit and they are going to do all that at 2.5 percent. If any of you had any businesses at all you know or have invested in anything or a CD from a bank you know that they have to get the money from somewhere. They are going to money, you are going to get it from the ratepayers and the PUC is not going to be there to help you. That came out in the newspaper a few days ago. You are going to have to battle these million dollar companies and you are not going to know who is going to run the company in ten or twenty years from now. It could be Aqua America and tomorrow it could be City Bank, after that it could be Hong Kong. They are going to find ways on tacking on fees that they have in every other city in order to get it higher and higher. They have to get the money and reason why PFM rejected the Allentown Water Authority because they said if the Water Authority issue bonds to allow the city to have all this money upfront for the pensions, the Water Authority is going to have to raise rates 90 percent. The Water Authority is going to have to double our water rates in order to get back the money, but a private company is going to be able to get the same amount of money and have to double our water rates and you are going to have to buy that. At what point are going to be able to tell us how that can be possible that the Water Authority is would have to raise rates 90 percent, but a private company is going to do it for nothing. It doesn't make any sense to me, the PFM report doesn't make sense to me. Our petition does not impress the water per se. What we are doing is getting the two thousand signatures plus hopefully a thousand more and if anybody here is interested in that kindly raise your hand and seek Glenn later and he will be able to give you the information you need. We are sending out to the community a petition to get two thousand signatures to have on the May ballot the question that says do the citizens want the city to come back to them anytime they are selling or leasing an asset worth \$10 million or more. Should the citizens have the right to be able to say yay or nay to any such actions such

as this or any other worth \$10 million or more. That question will be on the ballot and you could hold up the approval the contract that the mayor is going to come back to you with until the care to. You will have the power to do it. You will see when we have the two thousand signatures and you are going to have the opportunities to allow the citizens make that decision so you don't go along with the mayor. Today, in the paper it was wonderful news on how grand the city is doing and Penn National Bank is putting its headquarters.

Mr. Glen Hunsicker, 1051 N. 19th Street, stated that he has a little concern with the PUC stuff he hears in the paper. He hears that the mayor is saying now. In August, the mayor had four presentations throughout the city and he was at three of them. In those presentations, almost all of them and the last one he did not attend, a question came up about rates and who could control them, and he will read from Lehigh Valley.com Live. It says here during the public presentation Pawlowski repeatedly reassured members of the public that PUC controls the rates of non-publicly owned water and sewer systems in the state and it would keep rates under this lease in check and now we hear the next statement by Ms. Cutler says the PUC jurisdiction depends on how giving judgments on structured and now we hear as of today that PUC will not control the rates, now the control will be given back to the city possibly through the RFP or just through the city itself. Once again, if that is true if a company is looking at this and all the regulations are in there they are going to get around this by increasing what they call service fees. Look at Wilson Borough down in near Easton; they tack on a service fee to their bill. Any company that looks at this with all these regulations in place is going to lower the overall rate of what they are going to give you. In his opinion these are just fallacies and misconceptions that the administration and the mayor are putting out to confuse the public. You are not going to confuse people in this room. He wants to make that statement for the rest of the citizens of Allentown know that. These are misconceptions and confusion tactics put out by the administration.

Ms. Helen Hahn, 2016 E Highland Street, stated that four or five years ago we were at a Council meeting and the city administrators were there and they said that the city needs a bond rating. Our bond rating was bad and in order to get the bond rating up we needed this \$10 million. The \$10 million was approved and now \$5 million of that money that she understood that evening would be spent and the other \$5 million was going into the lock box. Does anybody know if it is in the lockbox? If it filtered out who in their right mind would think you have \$160 million - \$200 million and it would go anywhere. How could we keep control of this, if you can't control \$5 million in a lockbox why would you expect us to understand you can control all this other money? It is really upsetting for us to try to understand that.

Mr. Guridy stated that we have close to a \$90 million budget per year and that has been controlled. We have our city controller here and she could try to speak on that on how we control our money.

Ms. Hahn asked how the city will control the huge amount that the city is asking for if you can't control the money in the lockbox.

Ms. Koval stated that the money remains in the lockbox at this time and the money we would be getting from the water facility will be used to pay the debt on those pensions. That will not be staying in the city; it will be going to pay the debt which is currently about \$150 million. It is not money we are going to keep. It will go towards the pensions.

Ms. Hahn stated that it is \$155 million that you would need, but you are trying to get \$200 million.

Ms. Koval stated that they don't know until the bidder reply to the RFP.

Ms. Hahn stated that there are too many things that we really don't know.

Mr. Schweyer stated that he did not agree to vote yes or no to this plan. As we are continuously learning and hearing more and more information and trying to figure out everything including the mechanics of it, this is how it has been presented to me in addition to \$158 million in the unfunded pension liability there is roughly \$30 million in an old pension bond that is outstanding that also needs to be paid and \$3 - \$4 million of bond money that was bonded out through the course of several years to pay for sewer and water infrastructure. Roughly \$200 million and we are using rounding figures here. In a perfect world if this whole thing were to work the way that it presented to work it would have the lump sum and immediately the treasurer's office with the approval of Council and the oversight of the Controller would then basically cut a bunch of checks to pay the unfunded liability and they would cut the check for the money that was borrowed before he was on Council when the city took out that debt to cover unfunded liabilities in the past and the third amount of the \$3 million that was used to pay for water/sewer infrastructure upgrades. In a sense the money will basically come in and immediately go out and pay our creditors that we have for those things. There is something to put in our budget. Now, the exception to that if it comes in at \$250 million - \$300 million or whatever the ultimate number is if in fact it is high so again, that's our understanding of the mechanics to get it all done as it has been presented and the details of course and we understand it. He hopes that gives her a good idea of the mechanics of it. It would not be a city controlled account. It would be used to immediately payoff our debt, no different than when we writing a home equity check to pay off our credit card debt.

Ms. Hahn stated that she understands the extra \$5 million to pay off that debt, to pay \$30 million.

Mr. Schweyer stated \$30 - \$35 million and to plus a \$7 million pre-payment penalty and there is the water and sewer bonds as well. If it is done the way it is presented where we will get this big lump sum around \$200 million at minimum and that is needed to pay that stuff off immediately. It want be sitting in our accounts. He would assume and would hope that we would not be playing games with that money. That is why he specifically said the way it has been presented to us, and he understands your point. That is the mechanics as it has been presented.

Ms. Eichenwald stated that since we are discussing transparency in financial dealings she needs to express once again her frustration with exactly that issue. As a city councilwoman she voted on the budget and we went over and over every line item of that budget sometimes having extensive arguments and discussions about \$10,000 and \$15,000 and where this conversation is leading that she has repeatedly requested from the administration to have an accounting of the money that has been spent on the concession agreement for both legal and financial advisors. About three weeks ago we were told about \$237,000 not including the PFM bill she still has not been told what it is including the PFM bill and in the meantime we had several meetings with many of these advisors here and the numbers keep increasing and increasing. Here I am a City Councilwoman who has difficulty finding out from the budget that she passed from where this money came. The other question she repeatedly asked and she will ask again tonight from what line items was this hundreds of thousands of dollars spent. She shares Ms. Hahn's concerns about financial visibility and transparency. She has not been able to receive an answer to those questions. What will happen in the future?

Ms. Hahn stated that it is very difficult to see where this is going. It is so much money that people cannot keep track of it. We are not going to know where it is eventually.

Ms. Eichenwald stated that she takes this opportunity to ask Ms. Koval or Mr. Dougherty when we will be receiving this information. How much money has been spent and from which line items?

Mr. Dougherty stated that he has submitted that to the finance director and he has not received an updated matrix that you first received with the first accounting project. He has not received an update of that from that time.

Ms. Eichenwald stated that she is not blaming him, but finds it unacceptable. One of the few powers and she is surprised that none of her fellow city council people aren't joining her in the quest to find out this information. One of the few powers that we do have is approving the budget and even with that stated power it has been impossible to receive the information, week after week, after week. In her estimation now it has to be well over a half a million dollars. There has been no accounting of that half of million dollars.

Ms. Hahn stated that is what she is concerned about. Thank you very much.

Mr. Guridy stated that he joins Ms. Eichenwald on that and you asked the question before and he thinks she deserves an answer.

Ms. Koval stated that in addition that first accounting that was provided by our finance department did have the various accounts that the money was allocated from. We have not received a second update, but today in our financial systems she looked at the pending invoices, the invoices paid and the history and nothing as of yet has been paid to PFM. She looked into the pending invoice and there is no invoice pending for PFM. That's the only information she can give because that is what is in the system at this point.

Ms. Eichenwald stated that she appreciates you doing that, but find it almost unbelievable that PFM would not issue a bill month after month after month.

Mr. Dougherty stated that he can tell Ms. Eichenwald that PFM is notorious for not submitting bills on time or submitting bills on a regular basis and he can tell her this because he learned this with Delta Thermo. We did not receive the bills until the end of the project. Maybe it's their own accounting and he can't speak to PFM's internal financial controls, but he can tell her declaratively that they don't receive regular bills from PFM.

Ms. Eichenwald stated that the only thing she has to add to that is in her own business dealings she does not hire a company to provide her with any service without having some idea about what they going to charge me. She certainly recognizes there could be variations, but is the contract with PFM for \$500,000 for \$700,000. What would be the figure? Why would an administration who has just been downgraded by Moody's because we have so much debt and so much financial difficulties not request to PFM some guidelines as to what they are going to charge to provide this service. She finds it unbelievable, sad and frustrating.

Mr. Tom Hahn, 2016 E. Highland Street, stated that he would like to know if the \$2 million signing bonus to go with that company where they get paid. If you sign with PFM they get a \$2 million upfront signing to take that up. They get the money right away. Is this what they are counting on? Is there any truth to that and that's why you are not dealing with a company who is short of money.

Mr. Guridy stated to Mr. Hahn that they do not know what he is talking about.

Mr. Hahn stated what is the signing bonus.

Mr. Guridy stated that they do not know of a signing bonus. He asked that Mr. Hahn address council and secondly, they do not have an answer for him. We have no idea where you got that information from.

Mr. Hahn stated that the simple way he could put it if the company doesn't need the money and the bill could be up to a \$500,000 and they are not going to collect it until they sign the deal, is it possible that the \$2 million signing bonus pays for all this stuff that they are doing for free now.

Mr. Guridy stated that it sounds like you are speculating on things.

Mr. Hahn stated that he is not speculating, what he is asking is fact check. He watched too much TV last night. How do I know what you are telling me is a fact when the other person is telling him one thing. Who are we going to put in charge of fact check. How long can you stay in business if you are not collecting \$500,000? What kind of company are we dealing with that doesn't bill every month? It shows the credibility of that company.

Mr. Rich Fegley, 1002 S. Bradford Street – Family owns the Allentown Brew Works, stated that he is right there with Councilwoman Eichenwald in asking the question of how we could sit here and accept a person stating that they haven't submitted a bill yet. Why there is no plan or budget that has been put out that the administration has as a number of how much money they will spend on the project or this concept of working out how a water lease will help us. He also heard that PFM is notorious for this with the incinerator. His family owns the Brew Works and he is partnership with his family making business decisions and his decision is that he would like to expand his Brewery in the City of Allentown and they are looking to do about a \$4 million expansion to the brewery operation because they continue to increase their sales in the Philadelphia area. He stated that his family is not interested in doing Allentown because of the incinerator debacle and then this water lease debacle and hearing from the administration these excuses. This is ridiculous. His family has no faith in this city. He is a resident right here out of the family he lives in the city. The Borough of Quakertown has been courting us for almost a year now. They have their own water, their own gas that the city owns and supplies their own electric as well. They have deals that they can work with us to get us some low rates and lock in some stuff and we will consider going to Quakertown. When it comes to talking about the City of Allentown and the fallout with the mayor, my families relationship with the mayor it is disgusting. The mayor went from being a friend to being someone that wants nothing to do with us. We haven't spoke to the mayor in quite a long time. When the administration can tell us that they don't have bills from a company and that should have regular bills and to think that this is just the beginning of the RFP process, if you read through PFM's presentation they are in line to finish this deal and take it further and analysis it further. Even what we paid them now or what we are going to owe them now there is still additional money to come. For the incinerator, one of the reasons that he felt that it had to pass and council had to pass it for the mayor was because the mayor and the administration was stuck with a bill of over \$600,000. If we did not pass the incinerator, the state would not have given us the grant money to pay that bill. If we were stuck not getting the grant and if Delta Thermo did not get their grants which they continue to still try to get, they will not have money to pay these bills and he feels the same way with this water lease. We are on the hook for \$600,000 and if the part of the deal was the deal would help pay for this and this is what he heard other people saying it is a big debacle and he finds it embarrassing that our administration can't give us this. This is not the first week. This has been going on for a couple of months now. He asked council to demand that there are some numbers explained to us at the next council meeting.

Ms. Eichenwald thanked Mr. Fegley and appreciates the words and feels supported by them. We need to set a deadline and she calls upon her fellow council people. She thinks that they should set a deadline. We need to know what this is costing the citizens of Allentown.

Mr. Guridy stated that it is a fair question and we can ask in the next two weeks to get us that information.

Ms. Eichenwald stated that they need to officially make a motion or something.

Ms. Fran Fruhwirth stated that they can make an oral motion if that is the wish of council. Make a motion the same way even though you have nothing in writing in front of you.

Mr. Guridy asked Ms. Eichenwald since she brought it up if she would like to make a motion.

Ms. Eichenwald stated that she would like to make a motion that we are provided with the information of all the expenses for both legal, financial, and other advice in connection with the agreement of the RFP for the concessionaire for the water and sewer and we have this information by the next city council meeting which will be on November 7th.

Mr. O'Connell seconded the motion.

Mr. Schweyer asked or else what.

Ms. Eichenwald stated that is what every individual has to decide.

Mr. Schweyer stated that he is not saying he disagrees with it. He is 110 percent in support of it, but it goes back into the conundrum of our Charter or else what? He doesn't have a good answer to that right now.

Ms. Eichenwald stated that we won't vote on anything that has to do with the concession agreement.

Mr. Schweyer stated that he wanted to throw it out there for conversation. He is not amending or making any motion. He just wanted to say or else what.

Ms. Eichenwald stated that would be her or else what that no further action will be taken on the concession agreement.

Mr. Guridy stated that they can leave it up to individuals.

Ms. Eichenwald stated that would be our motion.

Mr. Guridy asked is there a second. We would treat this as a regular motion and the public has an opportunity to make a comment on it.

Mr. Schweyer stated that we are assuming that we successfully suspended the rules to introduce a resolution at this point in time. The resolution is as stated by Ms. Eichenwald and second by Mr. O'Connell.

Mr. Guridy asked if Mr. O'Connell seconded.

Mr. O'Connell stated that he second it before Peter's comments that he is making. We asked Mr. Dougherty three weeks, November 7th and he keeps saying the administration and he has forwarded it to the Director of Finance. You are the boss and I respect you and what you do in the city. He expects for

him to say to the Director of Finance that you need it by this time. As a boss if he doesn't give it to you at that time you do what you got to do. He heard Ms. Koval saying about seven or eight minutes ago that the numbers Ms. Eichenwald said was about \$237,000 - \$240,000, but PFM has not submitted anything. He thinks it is imperative that someone get on the phone with PFM and say what's going on. We need a bill and we are getting questions from city council. It is a right for us to know and a right for taxpayers to know. He is not questioning the money is the money and there are questions about the money, but if that is a line item in the budget for professional services 44 and 46 it is what it is and we approve that budget. It is fair to ask for those numbers by November 7th, three weeks. He stands with Ms. Eichenwald on that.

Mr. Glazier stated that there will be a special meeting on the 31st of October and the agenda says the plan is to vote on the resolution authorizing Request for Proposals for the monetization of the water and sewer utilities system. His question is in reference to this motion that says if we don't get this information we are not going any further. How does that plays into that timeline and what would be the affective vote on it.

Ms. Eichenwald stated according to her the maker of the motion; the October 31st meeting will be null and void, will be postponed.

Mr. Guridy stated not necessarily. Your motion is to do it by November 7th.

Ms. Eichenwald stated that you can't vote on it if the motion says that we will not proceed with the concession agreement after these figures are in place when she doesn't see how on October 31st you can vote on the concession agreement and if you don't agree with that motion than you need to vote it down. That is the motion that she made.

Mr. Guridy stated that he made it clear that they will be voting on this resolution by the 31st and he doesn't want to deviate from and we have been saying that for a long time and other people who have a stake in this in addition to us. Do you think Mr. Dougherty that you are going to get that information prior to that date?

Mr. Dougherty stated yes, they will commit to that.

Mr. Guridy stated that he wants to make sure that they run a tight ship and we don't throw out what we planned.

Ms. Eichenwald asked commitment to what date.

Mr. Dougherty stated prior to the 31st.

Ms. Eichenwald asked by when the 31st, the 30th, the 29th. She doesn't want to come in here on the 31.

Mr. Dougherty stated that he cannot commit to a time until he speaks to the finance director. He does not generate the reports himself.

Ms. Eichenwald stated that there is a motion on the floor.

Mr. O'Connell stated that when Ms. Eichenwald made the motion he jumped in and he wants those numbers. He seconded the motion before Mr. Schweyer spoke. He wants a clarification before his understanding was because when you talk about the lease concession agreement, the RFP we don't even

have to vote on the RFP. Is that true? The mayor can go forth with the RFP. What Mr. Schweyer is saying that we wouldn't go forward with the concession lease agreement and he did not mention the RFP in which Ms. Eichenwald did mention the RFP so clarify?

Mr. Schweyer stated that the administration is asking us to vote on an RFP for a reason whether or not they have to or don't in accordance with the city charter is one thing, but asking us to do it regardless. For whatever their reason and we all know that we had that conversation and he asked to do it for a multitude number of reasons and that's fine and he has the right to ask us to do it and you have a right to say yes or no and he can do whatever he wants within the confines of the charter. He takes the resolution as the very least as a good-faith gesture that they want council to at least know what's going on and sort of say we understand to an agreement what is going on. They are asking us for a reason to vote for this. It is fair to say if they want us to say sure you can keep going with it we can give you a very public approval or disapproval depending on how the vote goes. The sign of good-faith is to provide these numbers. He does not want to sound threatening, but whether they have to or not according to the charter they are asking us to for this resolution for a reason and at least they can do is to provide us with this information.

Ms. Eichenwald stated that her response to that is that if you want to talk about good-faith she asked this question over and over. Your point is well taken, but if this was the first or the second or the third or fourth time she requested this information she would say yes. The only way this discussion will move us along is if we have in the motion an addendum with some sort of plan. Obviously, the administration feels that it is essential to its plan to have a vote taken by city council. That is our leverage and the only leverage that she sees possible at this moment to be given these numbers. She would like for the motion to include an end date and if you do not have the figures to our satisfaction and the numbers don't have to meet our satisfaction, but the information that we request is given to us from the finance department and no vote is taken on the concession agreement or the RFP.

Mr. Schweyer asked on the resolution.

Ms. Eichenwald stated on October 31st. That is the motion and Mr. O'Connell can certainly decide if he still wants to keep a second and if there is no second we can go forward.

Mr. O'Connell went back to Mr. Koval and Mr. Dougherty asked if we have all the bills in line except for PFM. He still seconds Ms. Eichenwald's motion.

Ms. Eichenwald stated that the 31st is not feasible. There has to be some period of time to look at these numbers.

Mr. O'Connell stated that the numbers are going to be the numbers and whether we could agree or disagree with the number until we are blue in the face. You want the numbers.

Mr. Dougherty stated that he can go on record stating that the numbers submission from October 26th which is a Friday. He has not been following it, but just the logic presented by the city controller says to me there hasn't been much generated since the first report you have received from which she tells that is in the Eden System. He does not know what you would have gotten from the new report since that time.

Mr. Guridy asked Mr. Dougherty to provide the numbers.

Mr. Dougherty stated that he just got on record by saying Friday the 26th.

Ms. Eichenwald stated that she is satisfied with that and thinks that is very fair. The motion would say that we need to see all of the financial and legal advisors including those several meetings that we had when this room was occupied by many advisors. All those expenses to date, October 26th bill submitted not paid.

Mr. Glazier asked if the motion reads November 7th.

Mr. Guridy stated that 31st.

Mr. O'Connell stated that Mr. Dougherty has promised the numbers by October 26th at the end of the workday.

Mr. Poresky asked what numbers we are talking about. There are two numbers, ones that are submitted and those that are under contract that was not submitted, but part of the original agreement. Does the motion include the original estimates and the contract numbers that PFM might have provided the city so that the city would have a working basis of what it was going to cost them?

Ms. Eichenwald stated absolutely that is why she said all the financial obligations.

Mr. O'Connell asked if she is saying obligations into the future.

Ms. Eichenwald stated obligations up until this point. Some agreements could be by retainers, by contracts. There are different ramifications of having to provide services.

Mr. O'Connell stated they all could be up to October 26th and the future.

Mr. Guridy stated today.

Mr. Michael Donovan, 122 N. West Street, stated that it has been his intension all along that this major policy decision by the city that good information be brought forward. As he mentioned in the last meeting during the last budget cycle in which he sat up where you all sit it was not clear that this amount of money was originally planned for inside each of those two accounts. Yes, the bill can be paid on an as you go basis or can be paid out of the proceeds of the deal. The citizens don't know where the contract is with the advisors. What is necessary that he recognizes perhaps there is more legal information that cannot be there, but at least council should be aware of it and what the agreement is with the advisors of the deal. You are a political body and as Ms. Eichenwald said that you can vote this resolution down, but the citizens have been asking for good analysis and we don't know when PEL coming to the deal. He thinks this is a good idea for council to present themselves to where they stand in terms of putting a political front to the mayor and saying what is the analysis that is going on and we want to be involved as closely as possible. He stated to Mr. Guridy that he thought he heard him say that he had stated that it would be the 31st. He thinks a vote by council to change that date can be appropriate and he just wanted to say that you may wish to have it on the 31st, but if the majority of council wanted to have it differently that might be the case too.

Mr. Guridy stated that is part of the Charter.

Motion that Council be provided with information related to all the expenses for legal, financial and other advice including financial obligations, in connection with the RFP for water and sewer up to October 26, and that such information be provided by the end of business day on Friday, October 26 and that no further action be taken on the concession agreement unless such information is provided to council, Passed 7 - 0

5. Approval of Minutes: October 3, 2012

Minutes approved by common consent

6. Old Business

None

7. Communications

Mr. Guridy stated that the MMO for the 2013 Calculations has been submitted to Council. It is on the back table. The Budget Schedule has been drafted and is being circulated and will be sent out soon. There will be a Special Meeting on October 31st at 6:00 PM. The plan will be to vote on the resolution authorizing a request for proposals for the monetization of Water and Sewer Utility System.

Mr. Schweyer stated that they have been talking because the sure magnitude of water and sewer, but he does not want the public or his colleagues to forget about the other good work that is going on in the city that is meaningful and impactful work to our residents. On Saturday is an excellent example of a collaboration between the administration and private enterprise and he would like to commend them for a neighborhood summit on Saturday from 10:00 AM – 2:00 PM. He sees Mr. Atiyeh here and he is sure that he can back him up on it and he knows because it is at Sacred Heart Hospital and Mr. Atiyeh can speak about this more. Mr. Atiyeh will stick around until the end of the meeting for any questions. It is being organized by Phyllis Alexander and our department of Community and Economic Development and you can always reach out to her if anyone has any questions. It is an opportunity for folks to look at community building activities and take those ideas, concepts and skills and go back to their neighborhoods and work to improve the very fabric of our community. It is a step and not the only thing that needs to be done by any stretch of your imagination that somebody who for five years has been harping on the need for more community development. This is a positive step. He hopes that folks will be out there to support it one way or another.

Mr. Guridy stated that he recommends people go out and support that. It has been done for a long time. He remembers attending some in the past at Sacred Heart.

Mr. Ernie Atiyeh stated that it is a partnership between the Allentown presidents' council and the city administration.

8. REPORTS FROM COMMITTEES:

Budget and Finance: Chairperson Schweyer

The committee has not met since the last council meeting; the next meeting is tentatively scheduled for October 24 at 6:00 PM – review some agenda items and do budget review. In light of Ms. Hahn's comments early they should have at least a beginning of a conversation of the mechanics of this and how these monies will be accounted for.

Public Safety: Chairperson Eichenwald

The committee met this evening and has two items on the agenda.

Community and Economic Development: Chairperson Davis

The Committee met on October 10th at 6:15 PM and forwarded items on tonight's' agenda and reviewed the budget; the next meeting has not yet been scheduled.

Parks and Recreation: Chairperson Mota

The Committee met this evening and has two items on the agenda; a future meeting has not yet been scheduled.

Public Works: Chairperson O'Connell

The Committee met on October 10th and we have a couple items on the agenda this evening; the next meeting will be scheduled for November 14th. He asked Mr. Young to have his department's goals and accomplishments and priorities for discussion prior to the meeting or right after the meeting.

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

None

Controller's Report

Ms. Mary Ellen Koval stated that she would like to take the opportunity to congratulate Mr. Glazier and say that she very much look forward to working with him.

Managing Director's Report

Mr. Fran Dougherty asks Mr. Rich Young to give us an update on our critical infrastructure projects. He thinks for once that we are delivering some good news and progress on some very important projects.

Mr. Rich Young stated that Hanover Avenue construction has begun. If you have been over there in front of Our Lady Help Christian Church the center lane has been cordoned off and the existing pavement has begun there. They should start excavating and getting a new island in the center of the roadway there to give any pedestrian crossing on Hanover Avenue a place of refuge, reduce their exposure to traffic when crossing Hanover Avenue in front of the church there. Along the entire corridor replacing handicapped ramps and will be doing some improvements to crosswalks at various locations and putting in the center two-way left turn lane just about the entire length of Sherman Street into Irving with the exception in front of the church which should be a concrete island in the middle. If you go over there you could see that the contractor has already put some paint marks on the pavement where the lane lines will be going. The 15th Street Bridge is well under way. We had made an announcement that we are going to provide nighttime detours for Martin Luther King Jr Drive starting Monday. It is delayed a week. The contractor was to get a 500 ton crane in to life some of the beams off and those cranes are still being used in New York. He is delayed one week. That announcement went out on yesterday. The American Parkway contract for construction has been signed. We heard from the contractor today that he plans to start moving the equipment in within the next two weeks to start that work. The Union Street Bridge and Dadonna Terrace will be advertised for construction for the replacement of that bridge probably before the end of this year or maybe into early of next year. That was another one that is contracted with PennDot and has state and federal funds involved and 95 percent, 18 percent federal and 15 percent state. We have five percent local funds in that. The construction should begin probably in the spring for that. He had a call from PennDot, Basin Street from Union Street out to Auburn in a two county area that was covered by the LTBS (Lehigh County Transportation Study). One of the highest accident rates so PennDot is looking to do some safety improvement along there even though it is a city street. They have safety funds available and he can't tell them what they are because they just started looking at that. They had a kick-off meeting last week and he will be involved and his staff will be involved in that decision, but PennDot has the complete contract.

PennDot contract for design and construction and right now the schedule shows the completion of construction by the end of next year, but it is PennDot. Lehigh Parkway retaining wall either next week or the following week we will be relocating the barriers that are there and returning Park Drive to a two-way. We still need to keep traffic away from the wall so that the barriers aren't going away, but will move closer to the retaining wall. There has been enough investigation at this point where the consultant feels comfortable to allow traffic closer than we are allowing it today. He doesn't feel comfortable right alongside of it, but certainly closer than what we are. 19th Street is well under way. The section from Liberty Street to Allen Street on the west side they poured a lot of the curb and sidewalk on yesterday and a little bit of finish up and probably within the next week or so they will move to the east side in that section and once they are finished there they will move to the section between Allen and Tilghman.

Mr. Davis asked about the fire station and if the bids still haven't been awarded yet and we are still in the bidding process.

Mr. Young stated that is correct. There were two disciplines that we received no bids on. We going to knock on some more doors and get more bids there.

Mr. Schweyer asked about Lehigh Parkway and he is happy to know that Lights in the Parkway will be taken care of with two lanes of traffic. He asked how about the re-construction of the wall?

Mr. Young stated that they are just beginning the analysis of the existing walls and after that is completed what to do with the wall whether it is rebuilt or something could be done to push the wall back in place. There is a speculation at this point of having to the wall to be deconstructed and a concrete wall put in and the stone that is taken off the existing wall put back into place so that it looks just like it does now, but the concrete wall will take the structural component and not the masonry component.

Mr. Schweyer stated that is what we all expects and asked about the timeframe, 3 months, 6 months, 9 months. If you say a year, he is voting no on the budget.

Mr. Young stated that design will probably take in the 3 – 6 month range.

Mr. Schweyer stated that he understands that it won't be rebuilt in a month or two. He is not suggesting that.

Mr. Young stated that is how long it would take with the design. It would have to be part of the budget process to pay for it.

9. APPOINTMENTS:

Daniel K. McCarthy

Zoning Hearing Board

01/03/2015

Mr. Schweyer stated that prior to his service on council he served as an alternate on the zoning hearing board and Commissioner McCarthy was our chair and he serves with the absolute upmost distinction and he encouraged his colleagues to support his reappointment.

Mr. Guridy stated that all of them feel the same way and Mr. McCarthy wears a lot of hats in the city.

Resolution passed, 7 – 0

10. ORDINANCES FOR FINAL PASSAGE:

Bill 49 Foreclosure Ordinance

Provides for the registration and maintenance of foreclosed properties.

Mr. Davis stated that the committee did meet on it and it was passed favorably to the full council 3 – 0. He is pretty sure that they settled all the questions that they had about it. These properties are foreclosed and we are going to have somebody that we can follow up with.

Mr. David Paulus stated that what happens now with a lot of these foreclosures the banks start the process of putting people out. They don't put the properties in their own names so they claim they are not responsible and of course the person is forced and does not want to take responsibilities for the property and this ordinance will require registration naming the bank, a contact person at the bank and the management company so that we have someone to go after to maintain the property.

Mr. Schweyer stated that he like to start by thanking Mr. Dougherty, Mr. Paulus and Mr. Wiles who spear-headed from the solicitor's office side. This was an idea that had been brought to him by a friend of his Kevin Sadella, who is a retired Township Supervisor in Dolphin County and it worked to great ends there and a number of municipalities in the central Pennsylvania area have adopted this as well as outside the area. We hear all the time that much of our foreclosures problems are a direct result of banks making really bad decisions in terms of lending to folks. It is an opportunity for us to force them to take some responsibility for it. He stated to Mr. Dougherty that it would not be here without your pushing and Mr Paulus without your support and understanding as well as Mr. Wiles making sure that we were able to do this. It was a good collaborative effort.

Mr. Ken Heffentrager, 733 N.11th Street – Vice President of the Tenants Association, asked how is this going to be in forced. If he lives down the street from one of the properties and he sees that they are dilapidated does he call them up? How is it going to be enforced?

Mr. Paulus stated that once it goes into effect you see a property that you feel that it is not being maintained you will call our office and do this registration process you will contact people at the bank that will go out and take care some of the issues of the property.

Mr. Heffentrager stated that it is a good measure. Why don't we go after the individual people? With the many properties from two, three or four years that they have been condemned and they are falling apart such as 745 N. 11th Street, 828 W. Turner, and 829 W. Tilghman. These properties are just horrible. He is wondering when is the next step going after the individual owners.

Mr. Paulus stated that he is not here to talk about any of the individual properties. We are here right now to deal with the ordinance regarding vacant and foreclosed properties that are all over the city.

Mr. Ernie Atiyeh asked Mr. Paulus the problem that we are having which you did mention that the banks are not putting the properties in their names. How do we get the bank to be responsible for that? Are we saying the property, the first lien holder?

Mr. Paulus stated that mortgagee, whoever is holding the mortgage.

Ordinance passed, 7- 0

Bill 50 Police ASD Lunchtime Coverage

Amending the 2012 General Fund Budget to provide for a supplemental appropriation of Thirty-One Thousand Seven Hundred Ninety-Eight Dollars (\$31,798). This is payment from Allentown School District to the Police Department to provide lunchtime coverage at both William Allen and Dieruff High Schools.

Ms. Eichenwald stated that this was passed favorably.

Ordinance passed, 7 – 0

Bill 51 Enterprise Zone Grant Funds

Amending the 2012 General Fund Budget to provide for a supplemental appropriation of Fifty Thousand Dollars (\$50,000) in Enterprise Zone funding from the Pennsylvania Department of Community and Economic Development for implementation of the City Enterprise Zone program.

Mr. Davis stated that they passed it favorably.

Ordinance passed, 7 – 0

Bill 52 Personal Health

Amending the 2012 General Fund Budget to provide for a supplemental appropriation of Five Thousand (\$5,000) Dollars from the National Association of City and County Health Officials Award and One Thousand Four Hundred and Twenty-Five (\$1,425) Dollars from the Pennsylvania Department of Health Bureau of Communicable Diseases, Division of TB/STD to the Health Bureau's Communicable Disease Program budget. Five Thousand and Three Hundred (\$5,300) Dollars from Pennsylvania Department of Health Division of Maternal and Child Health to the Health Bureau's Maternal Child Health Program budget. The total supplemental appropriation for all sources would be Eleven Thousand Seven Hundred Twenty-Five (\$11,725) Dollars.

Mr. Davis stated that the committee met on this and again, passed it favorably, 3 – 0.

Ms. Vicky Kistler stated that these were mini grants unspent money from other programs that the state had that she applied for and we are hoping to reduce expenditures in 2013 by purchasing things this year.

Ordinance Passed, 7 – 0

Bill 53 HARB Consultant

Amending the 2012 General Fund Budget to provide for a supplemental appropriation of Fifteen Thousand Dollars (\$15,000) of funds received from the Pennsylvania Historical and Museum Commission (PHMC) for consulting services for the City's Historic Architectural Review Board (HARB).

Mr. Davis stated that the committee met and passed it favorably, 3 – 0.

Ordinance passed, 7 – 0

Bill 54 LV Kennel Club Donation

Amending the 2012 General Fund Budget to provide for a supplemental appropriation of One Thousand Dollars (\$1,000). This is a donation from Lehigh Valley Kennel Club to the Police Department K-9 Unit to provide necessary equipment.

Ms. Eichenwald stated that it was forwarded favorably.

Ordinance passed, 7 – 0

Bill 55 Prop Rehab Amendment

Amending Articles 1741 to 1759 of the Codified Ordinances of the City of Allentown entitled Property Rehabilitation & Maintenance Code in multiple ways inclusive of making first class mail notification an option, adding a definition of “illegal unit”, changing cellar to basement, modifying sump pump regulations per DER & EPA requirements, defining when oil and gas units should be serviced, strengthening all means of egress regulations, strengthening fire separation requirements, updating dryer exhaust regulations, including vacant units as a unit, requesting email address on registration, and various other clarifications and modifications.

Mr. Davis stated that it was forwarded with no recommendations. We had a discussion on gas and oil furnace regulations about inspections and we were going to take this past week to see how we felt about it and there are a couple of amendments that will be added and clarified language. Do you want to do the amendments first?

Mr. Guridy stated that they could do the amendments now and you can propose it with the amendment.

Mr. Hanlon stated that the amendments that was brought to the office by Mr. Paulus this afternoon.

1. To add to Section 1741.02, a change to definition #31, to read as follows:

31. Multiple-unit dwelling or multiple dwellings means any dwelling or part thereof containing two (2) ~~three (3)~~ or more dwelling units. (changing 3 to 2).

2. In 1745.06, Paragraph 2, number 2, add habitable after 2 – reading 2 habitable stories.

Mr. Schweyer seconded Mr. Davis' motion.

Amendments passed, 7 – 0

Mr. Guridy stated that he had a concern about the gas of unit service every two years. He was suggesting to do it every five years. He wants to open it for discussion a little further to justify every two years. Right now we don't have anything. It is his understanding that we don't have any specific years on when this has to be inspected and what he wanted to do is basically have it inspected the same time we have rental inspections which is usually every four years. He asked Mr. Paulus to discuss that a little further and to justify why it has to be every three years as opposed to every four years when we could actually go over and inspect the property.

Mr. Paulus stated that you are correct by stating that it is not in the code right now and this came to be an issue when we were doing the pre-sale inspection with furnaces especially during warm months. Doing rental inspections during warm months where it might be 90 degrees and you go and try to turn on a furnace and try to crank it up and make it be there for hours to make it heat up. Inspectors were taking a good guess based on what they saw whether to pass it or not. We looked around of some industry standards and here in Allentown our own fire department has a standard and if they come out to your commercial property and they see an oil fire furnace and they say it has to be serviced every year if they see a gas fire furnace they want it serviced every two years. We would be going in line with our own fire department and he also had Mr. Middlecamp do some research on the national codes and it is a trend to go to one or two years depending on the type of heating element you have whether it is oil or gas. It will standardize it. Whether it is summertime, owner occupied property, the furnace doesn't have to be turned

on. When can look and see the tag to see if it has been serviced. When can take for granted that the furnace runs properly. If it is not, then we will have the owners of the property go out and have it serviced.

Mr. Guridy asked if he is saying that he wants the gas furnace to be inspected every year.

Mr. Paulus stated gas will be every two years and oil will be every year.

Mr. Guridy asked how you are going to enforce it.

Mr. Paulus stated the same way we enforce any other code when we are called in on a heat complaint and the tenants are saying they are not getting proper heat. We go in and take a look at the furnace and find out if it is connected to the supply. Does it have oil, does it have gas, does it work, is the thermostat working and has it been serviced.

Mr. Guridy stated let's say they take the sticker off and sometimes when it is inspected they put a little sticker there right on the gas line or somewhere around. Say that they remove the sticker.

Mr. Paulus stated if the owner goes and pulls its own sticker off it is to his own detriment to do something like that. He does not know why an owner will do something like that to begin with.

Mr. Guridy stated because you have never come over to inspect it and you probably didn't come over for three or four years or five years and you came to inspect it and they noticed that you have not inspected it in four or five years.

Mr. Paulus stated that if they can't prove that it was inspected in that timeframe.

Mr. Guridy asked how long you will give them to inspect it.

Mr. Paulus stated that they usually give 30 days on any code violation and they have 30 days to correct the code violation. The heat depending on the time of the year considering the immediate public nuisance where we can say get someone here in the next hour.

Mr. Guridy asked if he was referring to the summertime or the wintertime.

Mr. Paulus stated that wintertime. In the wintertime you have to provide heat to your tenant so if you don't have a furnace that is running we can construed that to being an immediate public nuisance and we can have in an hour timeframe to have that corrected and get somebody in there and get that furnace working. We know service people that would be in there. Most service people in the Yellow Pages are there within an hour.

Mr. Davis stated that when it comes to someone removing a sticker these inspections aren't done for nothing. You could always call the company up and say I need some kind of prove that I did the inspection. When he was thinking about this over the weekend and he hate to take Mr. Zingler's thunder, but he had a health question about that and chimneys being blocked, carbon monoxide.

Mr. Paulus stated that he will let Mr. Middlecamp address that. That was part of his research about the carbon monoxide. Mostly when they do service they look at the flues and how much air passes through.

Mr. Guridy asked if this is rental and owner occupied as well.

Mr. Paulus stated yes, any residential property within the city.

Mr. Guridy stated that you are going to ask all of us in the city to come over and inspect our property and inspect our gas or only the ones you find that has a complaint.

Mr. George Middlecamp stated the only reason would be for an owner occupied will be for a pre-sales inspection. We focus on rental units and what he can tell them and he has been an inspector since 1992 and we always asked for one year on oil and two on gas, but it wasn't in black and white. As far as the furnace goes, we instructed our inspectors that we want a copy of the bill to see the nozzle, the efficiencies, the fluids check and the chimney. As an inspector he ran into problems where the fire department was called in and it was a problem with carbon monoxide. It always because the system wasn't maintain properly. Part of that maintenance is looking up and making sure the flute and the chimney is clean. We have old buildings in Allentown with old chimneys and the bricks can fall in unbeknownst to anybody. It is a good idea to have it looked at least once a year.

Mr. Schweyer stated that it took him ten minutes to figure out why we need to support this. Grant it, it did take him a little while to sort it out and he happens to support this provision. For the better part of five years on council every single one of us expressed a desire to do more and somehow someway to work with the school district anyway humanly possible to try to reduce dropout rates, reduce truancy, and reduce all those social ills. We don't give money to the school district in the city. Whenever we can do things to improve our ability to make sure kids are in the classroom, we should do that. It is pretty well established facts that the number one reason why children miss school for health-related purposes is because of asthma and acute cases of asthma that goes untreated the child has an asthma attack, they are sitting at home with their rescue inhalers, they are sitting in the emergency room to be able to control that. They are the repeat offenders. A kid has asthma will be out of school for a certain amount of time because of asthma attacks. This will reduce acute asthma. This is a way and public policy does not exist in a vacuum and so when we look at this from a housing code standpoint we are talking about not having carbon monoxide problems that were not blocking a chimney and burning down a row of homes again. All of the public safety issues, but as one of the many benefits to this it will increase the likelihood that homes will have inspections that will improve the air quality which will absolutely reduce the asthmatic triggers and for that reason alone it's worth it. It could help prevent fire in the city; help prevent carbon monoxide poisoning and all the other stuff.

Mr. Guridy asked if it was the number one health reason. He thought it was the flu.

Ms. Vicky Kistler stated that the number one health issue facing students in the Allentown School District is asthma. Soot is one of the major triggers of asthma and the CDC's recommendation for furnace is exactly what is being put forward today.

Mr. Guridy stated that they are convincing him to go along with it.

Mr. Davis stated that one other concern they had was they were going to try to clear up the issue regarding hoarding versus storage.

Mr. Paulus stated that it is basically has to do with trash and debris versus hoarding. Once again, I had George do some research for us and he spoke last week about getting some information for the fire association about how to define it and train your inspectors.

Mr. Middlecamp stated that it fits into excessive collection of trash and debris. Our code will address 1749.01 clean and sanitary conditions. He ran into this as an inspector. He walked into a property where it

was just a pathway to walk through. Technically, it was clean and sanitary, but newspaper, boxes, and clothing. If it were to be a fire and that did happen on Allen Street in the past year.

Mr. Paulus stated yes, 627 Allen Street. The fire department took hours and they had to pull in truck from Northampton to try to fill the property up with foam. It burnt through the joist in the basement and the floor fell 6 inches and it could not fall any further because there was so much storage in the basement that was debris. It took them all night to put that fire out and two other houses had to go and it was a lot of damage because of that one.

Ms. Kistler stated from a health perspective there is a big difference Mr. Davis between storage you refer to and hoarding. We have many people that store. They collect magazines, but hoarding becomes an actual mental health issue where they can't part with their belongings. They may have mail stacked from floor to ceiling that they have not opened or that they keep for the past 15 years and they can't part with it and our health inspectors, nurses and building standards and safety staff will find an elderly person surrounded by this mail. They can't leave that area to go to a restroom or to get nourishment and they will actually have support system where people will provide them with something to eat or drink. That is the difference between storing and hoarding. It is an extreme situation and something you can recognize immediately when you see it because it is so over the top. There is no question or judgment call because it is so over the top. It is tons of things that have to be removed by a professional hauler to clean them out of the debris.

Mr. Paulus stated that they are going after areas that are normally habitable. We don't want them to turning into a storage room or don't want their living room, their bedroom or their kitchen to have this situation. We don't want the fire department to go into that property and try to fight a fire and they can't get through the debris and try to fight through the fire and they can't get through the debris. What you are looking at is an example of what one of our inspectors got into and that is not uncommon and under clean and sanitary the challenge on it with the Housing Board of Appeals we need to put this in for fire safety.

Mr. Guridy stated looking at something like that reminds him of when he used to work for Lehigh County Children and Youth and many times it was mental health issues. Do you do any kind of referral?

Mr. Paulus stated that it is generally older folks that do this. He stated that most of the time for whatever reason, it is an older person. We do seek to get them help.

Mr. Middlecamp stated that they work with the health bureau and sometimes they come across the issue first and sometimes we come across the issue first.

Ms. Kistler stated that it is an immediate call to Children and Youth for a child or a senior. It may be an immediate resolution, but this is also an issue that just doesn't apply to youth. We often have Ann's department and Tom's department because often in the midst of hoarding is animal hoarding and animals have the debris. They may have 50 cats or may have ten animals at the same time. These hoarding issues come into all of our departments and we all work collaboratively to resolve them, but they are very, very difficult.

Mr. Paulus stated that another thing that it puts the rest of the multiple-unit building at risk. Fire separation is designed for a normal room, not when you add this kind of fuel to the fire. It is something of concern as well.

Mr. Hunsicker asked who is driving this idea. Everybody is for smoke detectors and CO detectors in our units. Are the insurance companies driving this or what? Who is this coming from? Are you going to a seminar and all of a sudden they are saying you ought to do this?

Mr. Paulus stated that they get a lot of phone calls from individuals who happen to live in row homes next to situations like this who they have bug, mice or rat infestations because what is going on in this property or in units or apartment complexes where they have the same type of problems and issues and we have to go out and deal with them. We are asking for language in our code to be able to deal with it effectively.

Mr. Hunsicker asked a lot is how many ten or five.

Mr. Guridy asked Mr. Hunsicker to give specifically what you are talking about.

Mr. Hunsicker asked if he was talking about all the houses in Allentown or just multi units or units two or more.

Mr. Guridy stated all properties in Allentown.

Mr. Hunsicker asked all properties are going to be inspected.

Mr. Paulus stated that they don't inspect all owner occupied properties. If they get some type of complaint and they feel it is detrimental to the health, well-being and safety of the neighbors of the people with attached properties we will go in and inspect to see if the situation does exist. In rental units, we do systematic inspections, but we are also open to complaint calls from individuals and they have to go in and take a look.

Mr. Hunsicker asked if the proposal on rentals is that you want to have an inspection on gas furnace every two years and oil every year. What is your estimate of cost? You are talking about a guy coming in and doing a CO check. It's going to cost these people probably \$75 just for that and if you do airflow up the chimney you are talking another person coming in.

Mr. Paulus stated that he had his done on Friday and it cost him \$25.

Mr. Hunsicker stated every year for an oil burner in addition to him cleaning the furnace.

Mr. Paulus stated that is in addition to cleaning, the new nozzle, checking the draft and making sure the chimney is good.

Mr. Hunsicker stated that if he puts a sticker on there that solved the problem.

Mr. Paulus stated that we need these chimneys to be looked at and we need them to work properly. There are a lot of old units out there in these older buildings, a lot of old chimneys.

Mr. Hunsicker stated that it seems to be a little more over regulation and maybe in certain instances where you get a complaint he sees them doing that. That is the job of the inspector.

Mr. Paulus stated that when they get a complaint, they have to have something in the code to point to have these individuals to take care.

Mr. Hunsicker stated that they are forcing these annual inspections and that is his point. For certifications the multi-unit property-owner has two units in the building you are saying he has to do this.

Mr. Paulus stated that you are better to be proactive and keep it.

Mr. Hunsicker stated that they're cost to these things. That's the problem.

Mr. Paulus stated that there are also cost if someone loses their life.

Mr. Hunsicker stated that the rental people have already a couple of years ago increased it from \$35 to \$75 per unit for inspections and now you want to throw this at them again so another inspection. He is not saying that there are not units that should have this done, but he is not sure that this is the exact way to do it. All these other things you are talking about are probably warranted, but to throw out this addition cost to these people that are landlords he doesn't understand that. It is a little bit more regulation than he thinks they need.

Mr. Davis stated when you talk about inspections let's say you have an oil furnace and you have oil coming in. He stated that most of the time the companies will offer you some kind of maintenance where they come in there so much a year and do this kind of inspections. Almost all company plans will do that through their service contracts. As a homeowner you have insurance because you need insurance. If you have a combustible in your house or furnace he thinks safety is something that should be done. Oil companies aren't doing this just for the extra bucks. They don't make out when they fix his furnace. It is something that he agrees with. He asked about the sump pumps in your basements and you can't pump it in your sewer system, you have to pump it outside to the streets where the drain water. Yu still can run it down to your stream.

Mr. Paulus stated that you have to get it away from your house. The EPA and the DER are really getting hot on that down liters, rain gutters, and downspouts going into the sanitary system so when it rains it can't handle it anymore and sump pumps add to that. Take it away from the house.

Mr. Guridy asked how they are going to enforce something like that.

Mr. Paulus stated that in new units it is already regulated in new construction. This is for the older units to make sure we get it out of those sewer systems. DER and EPA have already been in Allentown and they have identified some properties that they wanted us to take care of and we worked with the water department and got them taken care of earlier in the year. We are trying to put it into our code so that if we find it in another building in which they didn't find it already that we have them run it out of the sewer system.

Mr. Guridy asked if they just have to put it outside.

Mr. Lopinto stated that they talk about hoarding being a mental health issue. Are we talking about the City of Allentown making mental health judgment against its citizens? He does realize that in some cases where there is a fire issue and obviously in those pictures there are issues. There are other people who legitimately use something that would be considered their living space as storage. He knows someone who individually uses his dining room and kitchen table as storage for sound equipment for the business he runs. If we start limiting what a person will can do with their space.

Mr. Paulus stated that once again, we are talking about trash and debris. We are not talking about legitimate storage.

Mr. Lopinto stated that they specifically mentioned they are listed as living areas and not being used as storage.

Mr. Paulus stated storage of trash and debris.

Mr. Middlecamp stated that Mr. Lopinto may look at the photograph.

Mr. Lopinto stated that he realizes they have one case study in the photograph.

Mr. Paulus stated that is one of several.

Mr. Lopinto stated that he realizes there are others. He is courteous at what level do they cut this off. Is this going to completely prevent homeowners or renters from using what would be living spaces considered by the city and living spaces and storage and are the city placing mental health judgments against people?

Mr. Paulus stated no. We are talking about the storage of trash and debris and we don't mention anything about mental health issues in the actual code.

Mr. Lopinto stated that you already said there were issues that trash is already considered a hazard. You can't store trash in your house.

Mr. Paulus stated that is what we are saying that you can't store trash in your house.

Mr. Middlecamp stated trash, debris or rubbish.

Mr. Lopinto stated that is already what the code says.

Mr. Paulus stated that no, it actually doesn't. We added.

Mr. Guridy stated that this is a new addition.

Mr. Paulus stated that he can read on how it is going to read if this gets put in: Storage rooms, storage lockers or closets and basements shall not be used for storage of trash, debris, rubbish, or flammable/combustible materials. No dwelling unit, rooming unit or sleeping unit shall contain any accumulation of flammable/combustible materials. That's how it is going to read.

Mr. Lopinto stated that since we already handed out earlier today information about what I do, he actually does keep flammable liquids in a small quantity because he works as a professional fire breather. He keeps it in a fire safe container. They are well stored, but they are stored in a private home. With that prevent him from storing the tools of his trade.

Mr. Paulus stated that the fire department doesn't want you to store flammable liquids that you are talking about.

Mr. Lopinto stated that the fire department requires that they stored in a proper container and they are.

Mr. Paulus stated that they are talking about excess. It is a judgment. Again, look at the photograph. That is what we are trying to attack, not someone storing a few electronic equipment on your coffee table, dining

room tables or a few items like you are talking about. He has done inspections where he could just walk through. He could not go in any directions.

Mr. Guridy stated that it is excessive Mr. Lopinto and he doesn't think they are talking about what you are talking about. It is just excessive trash.

Mr. Lopinto stated that he knows the term excessive in the language.

Mr. Greg Hoffman, 1420 W. Gordon Street, stated he wants to clarify what they stated that rainwater getting into the sewer system. What happens when your yard is cut off and you have a breezeway? Ten houses where he lives including his where they backyard water goes down a pipe. Are we all going to have to get that re-routed?

Mr. Paulus stated that it could go down the pipe. There could be a dye test done and this again, stems from the EPA and the DER. They are really big on this. That might just be going into a French drain. You may not have a problem at all. We could design a French drain for you, not a problem. This has not been established in certain properties. It is not going into the sanitary sewer because it is going into the ground does not mean it is going into the sanitary sewer.

Mr. Hoffman stated that he wanted to clarify because there are a lot of homes in Allentown that their yards and it doesn't go out to the back alley or the storm sewer. Where am I going to get a sump pump from the back of his house to the front of his house?

Mr. Paulus stated that a French drain is fine and there are plenty out there.

Ordinance passed, 7 – 0

Bill 56 Trexler Trust Grant

Amending the 2012 General Fund Budget to provide for a supplemental appropriation of Seventy Thousand Dollars (\$70,000). This is a grant from the Harry C. Trexler Trust to provide funding for the City of Allentown's 250th Anniversary Public Art Legacy Project, as well as the Parade, Festival and Park Celebrations.

Mr. Davis stated that this was passed favorably 3 – 0.

Ordinance passed, 7 – 0

Bill 57 Seventh Street Appropriation

Amending the 2012 General Fund Budget to provide for a supplemental appropriation of Fifty Thousand Dollars (\$50,000). This is a grant from the Department of Community & Economic Development (DCED), Commonwealth of Pennsylvania to provide funding for façade projects in the 7th Street Main Street District.

Mr. Davis stated that the committee passed this Bill favorably 3 – 0.

Mr. Ernie Atiyeh stated that he is a former chairperson of the 7th Street Development Committee and was asked to make a comment. He is sure they are aware of the hard work they have done on Seventh Street to make the 7th Street Corridor and economic area. In the past you have supported us and they would appreciate the support tonight.

Ordinance passed, 7 – 0

Bill 60 Penn State - CADC FP

Amending the 2012 General Fund Budget to provide for a supplemental appropriation of Ten Thousand Dollars (\$10,000) as a result of a grant received by Penn State University for the Weed and Seed Youth Coordinator.

Mr. Davis stated that the committee passed it favorably 3 – 0.

Ordinance passed, 7 – 0

Bill 61 Solid Waste Amendment

Amends the Municipal Waste Storage, Collection and Disposal, ARTICLE 1131, to comply with the state requirement that bans the disposal of covered electronics and televisions in landfills by requiring these devices to be recycled in accordance with state law, Covered Device Recycling Act #108) and addresses the storage of trash and recycling containers if such storage creates a public nuisance or vector problem.

Mr. O'Connell stated that Bill 61 the Solid Waste Amendment we would like to make a motion for two amendments for this Bill. It was recommended favorably 2 – 0 last week.

Amendment Proposed:

That the following be added as Section Three, and the current Section Three and Four be renumbered appropriately:

1131.01 DEFINITIONS

The following words and phrases when used in the ordinance shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

1. **Applicant** means a person desirous of being authorized as a "Collector." (12703 §1 5/7/86)
2. **Bulk Item** is any specific municipal waste item that does not fit in a 32 gallon trash can or in a 30 gallon trash bag, which includes but is not limited to furniture, mattresses, etc. (14373 §1 3/16/06)
3. **Center City** means that section of Allentown that is bounded on the east by the Jordan Creek, on the north by Tilghman Street, on the west by 11th Street and on the south by the Little Lehigh Creek. (13219 §1 10/7/93)
4. **City Curbside Collection Program** is the authorized collection, removal, transportation and disposal of municipal waste and recycling generated from eligible single family dwellings, rooming units, group homes, multi-family dwellings and commercial and institutional establishments who pay the annual Municipal Waste and Recycling Fee to the City of Allentown for this service. (14271 §1 3/3/05)
5. **Collector** means any person, firm or corporation duly authorized to collect and transport municipal waste within or from the City of Allentown. (12703 §1 5/7/86; 13937 §1 11/21/01; 14373 §1 3/16/06)
6. **Construction material** is any material that is a result of new construction, renovation or remodel of a structure of dwelling such as but not limited to lumber, carpeting, paneling, plaster board, ceiling tiles, kitchen cabinets, etc., concrete, brick, stone, rock and similar material is not considered to be construction material. (14373 §1 3/16/06)

7. **Container** is a rigid, durable, water tight, lidded vessel in which municipal waste and recycling is stored until collection. (14373 §1 3/16/06)

8. **Consumer** as defined in the Pennsylvania Covered Device Recycling Act 108 as “An occupant of a single detached dwelling unit or a single unit of a multiple dwelling unit who has used a covered device primarily for personal or small business use. For purposes of this definition, a small business is an entity that is independently owned or operated, employs 50 or fewer people, has purchased or leased a covered computer device from a computer manufacturer or retailer and, but for the program established under this act, would not otherwise have access to electronic recycling programs.”

8. **9. Contractor** means the person, firm or corporation that has been authorized by the City and by contract to collect, transport and dispose of municipal solid waste from within the City of Allentown. (12703 §1 5/7/86; 13937 §1 11/21/01)

9. **10. Commercial establishment** means any establishment engaged in a non- manufacturing or non-processing business, including, but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters. (12703 §1 5/7/86)

11. **Covered devices** as defined in the Pennsylvania Covered Device Recycling Act 108 of 2010 (CDRA) include desktop computers, laptop computers, computer monitors, computer peripherals and televisions.

40- **12. Disposal** means the incineration, deposition, injection, dumping, spilling, leaking, or placing of municipal waste into or on the land or water in a manner that the waste or a constituent of the waste enters the environment, is emitted into the air, or is discharged to the waters of the Commonwealth of Pennsylvania. (12703 §1 5/7/86)

44. **13. Disposal site** means any site, facility, location, area, or premises to be used for the disposal of municipal wastes. (12703 §1 5/7/86)

42- **14. Dwelling unit** means a group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating for the exclusive use of the occupants thereof, including mobile homes or house trailers. (13409 §1 7/19/96; 14373 §1 3/16/06)

43. **15. Eligible Entities** means any single family dwelling, multi-family dwellings, rooming units, or commercial or institutional establishments that receive City Contractor service in accordance with the criteria contained herein. (13219 §1 10/7/93; 13937 §1 11/21/01)

44- **16. Garbage** means all animal and vegetable wastes attending or resulting from the handling, dealing, storing, preparation, cooking and consumption of foods. (12703 §1 5/7/86)

45- **17. Group home** means residential clients and attendant (24 hours or less) staff, living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based upon an intentionally structured relationship providing organization and stability. (13289 §1 11/3/94)

46. 18. **Hazardous Waste** means any waste material or a combination of solid, liquid, semisolid, or contained gaseous material that because of its quantity, concentration, physical, chemical, or infectious characteristics may:

a. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; and (12703 §1 5/7/86)

b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed. (12703 §1 5/7/86)

47. 19. **Household Hazardous Waste** (HHW) is waste which would be chemically or physically classified as a hazardous waste but is excluded from regulation as a hazardous waste because it is produced in quantities smaller than those regulated by the Pennsylvania Department of Environmental Protection, and because it is generated by persons not otherwise covered as hazardous waste generators by those regulations. Such HHW materials meet one of the following four classifications: Toxic; Flammable; Reactive; or Corrosive. HHW consists of numerous products that are common to the average household such as: Pesticides and herbicides, cleaners, automotive supplies, paints, and acids. (13614 §1 11/20/97)

48. 20. **Hotel** means an establishment having over twenty (20) permanent bedrooms for the use of transient guests. (13289 §1 11/3/94)

49. 21. **Industrial establishment** means any establishment engaged in manufacturing or processing, including, but not limited to, factories, foundries, mills, processing plants, refineries, and the like. (12703 §1 5/7/86)

20. 22. **Institutional establishment** means any establishment engaged in service to persons including, but not limited to hospitals, nursing homes, orphanages, schools, non-profit organizations, churches and universities. (12703 §1 5/7/86; 13289 §1 11/3/94)

24. 23. **Intended to be used.** A building, structure, unit or part thereof is "intended to be used" for the purposes of this Code; in accordance with the use indicated in the Lehigh County Property Tax Assessment records; or the most recent records pertaining to the use on file in any department of the City; or in the absence of any such records; in accordance with the use determined by the City to be the most appropriate for the building, structure, unit or part thereof. (13289 §1 11/3/94)

~~22.~~ 24. **Management** means the entire process or any part thereof of storage, collection, transportation, processing, treatment, and disposal of municipal wastes by any person engaging in such process. (12703 §1 5/7/86)

~~23.~~ 25. **Multi-family dwellings** means any building under one roof which contains two (2) or more complete dwelling units. (12703 §1 5/7/86; 12903 4/5/94)

24. 26. **Municipal waste** means any garbage, refuse, industrial lunchroom or office waste, and other material including solid, liquid, semisolid, or contained gaseous material resulting from operation or residential, municipal, commercial, or institutional establishments or from community activities and which are not classified as residual waste or hazardous waste as herein defined. The term does not include source separated recyclable materials, ~~or yard waste, or covered devices.~~ (12703 §1 5/7/86; 13040 §1 4/3/91)

25- 27. **Notice of violation** is a written document issued to a person in violation of a city ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action. (14271 §1 3/3/05)

26- 28. **Person** means any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution and agency, or any other legal entity whatsoever which is recognized by law as being subject to such rights and duties. (12703 §1 5/7/86)

27- 29. **Processing** means any technology used for the purpose of reducing the volume or bulk of municipal waste or any technology used to convert part or all of such waste materials for off-site reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities, incinerators, recycling facilities and resource recovery facilities. (12703 §1 5/7/86)

28- 30. **Public Officer** means any police officer, authorized inspector, or public official designated by the Mayor to enforce the City Ordinances. (14271 §1 3/3/05)

29- 31. **Recyclable material** means a material in municipal waste, which can be collected, separated and/or processed into a commodity to replace virgin materials in the manufacturing of new materials or products. (13040 §1 4/3/91; 13937 §1 11/21/01)

30- 32. **Regular** means at least three or more times per month. (12703 §1 5/7/86)

31- 33. **Refuse** means the collective term applying to all garbage, ashes, leaves, and grass trimmings from residential, municipal, commercial or institutional premises. (12703 §1 5/7/86)

32- 34. **Residual waste** means any discarded material or other waste including solid, semisolid or contained gaseous materials resulting from construction, industrial, mining, and agricultural operations excluding municipal water and sewer operations. (12703 §1 5/7/86)

33- 35. **Rooming unit** means any room or groups of rooms forming a single habitable unit used or intended to be used for living and sleeping only. (13289 §1 11/3/94)

34- 36. **Solid waste** means any waste, including but not limited to municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials. (Pennsylvania Solid Waste Management Act 97, Section 103) (12703 §1 5/7/86)

35- 37. **Source separate** means to separate recyclable materials from the municipal waste stream at the point of waste generation. (13040 §1 4/3/91)

36- 38 **Storage** means the containment of any municipal waste on a temporary basis in such a manner as not to constitute disposal as such waste. (12703 §1 5/7/86; 14373 §1 3/16/06)

37- 39. **Transportation** means the off-site removal of any municipal waste at any time after generation. (12703 §1 5/7/86; 14373 §1 3/16/06)

38- 40. **Violation Ticket** is a form issued by a police officer or public officer to a person who violates a provision of this Article. The violation ticket is an offer by the City of Allentown extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator. (14271 §1 3/3/05)

39- 41. **Yard Waste** means leaves, garden residues, grass clippings, shrubbery and tree trimmings and similar materials. (13030 §1 4/3/91)

5. Collection of Source Separated Recyclable Materials and Yard Waste: The collection of source separated recyclable materials and yard waste is otherwise regulated by City ordinance. It shall be a violation of this ordinance for any person to place any designated recyclable material or yard waste in containers which also contain municipal waste. (13040 §2 4/3/9; 13038; 13219 §1 10/7/93; 13937 §1 11/22/01; (14373 §1 3/16/06)

6. Prohibition of Covered Devices from Municipal Solid Waste

No person may dispose of a covered device, or any of its components, with municipal solid waste. These devices and their components must be properly recycled through an electronics collection program and may not be taken to, nor accepted by, landfills or other solid waste disposal facilities for disposal. It shall be a violation of this ordinance for any person or consumer to dispose of any covered device with municipal solid waste.

SECTION THREE: That Article 1131.02 Authorization of City Contractor(s); Scope of Work; Fee, C, 2, be amended to read as follows:

~~2. Exoneration of Rebates for Certain Eligible Senior Citizens from for payment of the Municipal Waste and Recycling Fee and other residents from paying the \$35 increase in the calendar year 2012. (13614 §1 11/20/97; 1/24/2012 §1 14965)~~

a. All bona fide residents of the City of Allentown who are sixty five (65) years of age or over shall be eligible for ~~entitled to exoneration from a rebate of the~~ payment of this fee on their principal place of residence provided that:

1. Such residence is a single family dwelling, owned and occupied by the claimant.

2. A request for ~~exoneration a rebate~~ shall be filed with the ~~Bureau~~ Department of Finance on such form as prescribed by that ~~Bureau~~ Department for such purpose. The request for rebate shall be filed by June 30 of the current year for a rebate of the Municipal Waste and Recycling Fee paid for the previous calendar year.

3. The total household income from all sources does not exceed \$15,000.00.

~~b. All bona fide residents of the City of Allentown who are sixty five (65) years of age or over shall be eligible for exoneration from payment of the thirty five dollar (\$35) increase to this fee on their principal place of residence provided that:~~

~~1. Such residence is single family dwelling, owned and occupied by the claimant.~~

~~2. A request for exoneration shall be filed with the Bureau of Finance on such form as prescribed by that Bureau for such purpose.~~

~~3. The total household income from all sources is between \$15,000.00 and \$19,999.~~

~~4. This exoneration is for calendar year 2012.~~

~~c. All bona fide residents of the City of Allentown shall be eligible for exoneration from payment of the thirty five dollar (\$35) increase to this fee on their principal place of residence provided that:~~

~~1. Such residence is a single family dwelling, owned and occupied by the claimant.~~

~~2. A request for exoneration shall be filed with the Bureau of Finance on such form as prescribed by that Bureau for such purpose.~~

~~3. The total household income from all sources does not exceed \$19,999.~~

~~4. This exoneration is for calendar year 2012~~

~~d. b.~~ The ~~Bureau~~ Department of Finance may require such evidence or information as it deems necessary or appropriate in determining eligibility for exoneration in accordance with this section.

~~e. c.~~ Any information gained by any official, agent or employee of the City, as a result of any claim, investigations, or hearings required or authorized by this ordinance shall be confidential and shall not be disclosed to any person except for official use in connection with the administration or enforcement of this ordinance or as otherwise provided by law.

~~f. d.~~ False or untrue statements shall be a violation of this Ordinance. (13219 §1 10/7/93) (12903 §1 4/5/89; 13289 §1 11/3/94; 13289 §1 11/3/9; 14965 §1 1/24/12)

Ms. Ann Saurman stated that it should read no person shall store a trash or recycling containers, as defined above, in front of the property's main structure (including on the front porch), except when it is placed at the curblin or street for collection, as described below.

Mr. O'Connell made a motion to approve those amendments.

Mr. Schweyer seconded the motion.

Mr. Davis stated that he wanted to clarify about covered items and you did say that everything that has a circuit board in it.

Ms. Ann Saurman stated for clarification the Commonwealth of Pennsylvania passed a law called the covered device recycling act, Act 108 of 2010 which requires certain covered devices electronics, computers, and televisions to be banned from landfilled disposal beginning January 2013 and those items must be recycled. They also provided for the manufacturers' responsibility of these components that these manufacturers must setup recycling programs to have these items recycled and is at the expense of the manufacturers and not at the consumers. The definitions that she included in the ordinance covers the definition of what a consumer is and says a resident, but it also can be a small business up to 50 employees and the specific covered devices are in the definition because it does not include all with circuit boards such as a coffeemaker will not be included, but it has a circuit board in there for on and off switch. According to the Commonwealth law and the state law there are specific items included.

Mr. Davis asked were they the items Ms. Saurman had listed there.

Ms. Saurman stated yes, they wanted to draft in accordance with the state law. That does not mean they are not going to recycling those other items.

Mr. Davis stated that we already do.

Ms. Saurman stated that there are certain things like toasters, toaster ovens, they have metal components absolutely.

Ms. Eichenwald asked if all of this will be explained to the homeowner.

Ms. Saurman stated yes, right now there has been two years for the manufacturer to get onboard. The Best Buys and Office Depots places already have programs that if you buy a new television there they can recycle it and take it back. What has happened is that the manufacturers the Dell's, the Sony's have hired other companies to act as sort of the middle man. They had to register with the state. There is a state fee

that they have to pay and it is based on the amount of pounds of items that they sell in Pennsylvania. They have to show that they are recycling this. It is a very complicated process and that is why it was a two year development of this. We are fortunate to have in Allentown an AERC Recycling Solutions that is off of Emaus Avenue. They are certified recyclers. They are R2 certified and they have been working with them for many years and they also going to have a drop off center and collection point where people can bring to our facility and area there items for recycling. The possibilities of putting out an RFP shortly. The City of Allentown has been approached to be able to make a couple cents on a pound as a collection point and work with a contractor whether it is AERC or another one at that point. This is a revenue source that she is looking at. You point on how the residents are going to know about this and it is going to take some explanation. We haven't allowed computer components the monitors, the keyboards, the printers to be collected at the curb in this contract at all and that dates back to 2007 when it started. The only difference for curbsides will be the televisions which they have allowed.

Ms. Eichenwald stated that she would venture to say that an overwhelming majority of residents would not know that. She has not recently had the need to dispose of a computer, but she would not know.

Ms. Saurman stated that a lot of the places where you buy a television will also inform people of the laws in Pennsylvania. As well as she is big on education and it will be the lead story in our newsletter which will come out with the tax bill which will be. We have done things in water bills. She will issue it on our website.

Ms. Eichenwald asked what will happen now if she throws out a computer with her trash.

Ms. Saurman stated that you will get a rejection notice on your front door that is not permitted.

Ms. Eichenwald asked if the garbage haulers are looking for that.

Ms. Saurman stated that sometimes that is the best point of education right at that household when that is happening. The information is there. The phone number is there and they can call us and then we can direct them that are closer to them or to us. She stated on the front door of the household. That is the same process that we use now if they are over the trash limits, if they have a bulk item out on the wrong night. Any problems like that; the notice is put on the door.

Mr. Scweyer asked if it was AERC that has the facility on Union Boulevard.

Ms. Saurman stated that they actually moved to be right next to one another in 100 yards from one another. Comp-Cycle and AERC are right off of 25th Street SW and Mitchell Avenue.

Mr. Schweyer stated with regard to the first part with using the rebate program we had spoken about that a while ago and that's a fantastic way to go and when he was working for Representative Mann we used to just give you PTRR's as income verification. Are you actually still going to accept the Property Tax and Rent Rebate applications in comparable to the income verification.

Ms. Saurman stated yes, we could do that because in that application they also have to turn in their W-2. If they qualify for that, they would qualify for our rebate.

Mr. Atiyeh stated that they had a number of neighborhood groups that were concerned about the language in Bill 61 and he would like to thank the Bureau of Recycling and Public Works department for addressing that issue and taking care of it.

Mr. Saurman stated you are welcome.

Mr. Guridy stated that they may want to draw something and put it in the water bill and be very specific of what they cannot put in there.

Ms. Saurman stated that she will do that and she thinks that they need to have it on the city's website. It will be a whole host of things and she wants to roll out a new program of the electronic recycling program to announce.

Mr. Guridy stated that not everyone throws away a computer, has a computer or goes to the city's website, but almost everyone has a water bill.

Ms. Saurman stated that property owners do, tenants do not.

Mr. Hahn stated please don't add it to the water bill. We have a recycling center that could make a profit by doing it in-house. Why do we ship everything out? If there is precious metals in there that could be done and we have people in the recycling center that can take a hammer and smash the case and open it up and take the precious metals out and get money for it. Why aren't we doing it?

Ms. Saurman stated that there is hazardous waste in TVs, and computer monitors that have to be handled specifically according to industry standards. E Certified, R2 Certified and it is hazardous waste that you are dealing with. We are a collection point to be a service to the City of Allentown and we might be able to get a little revenue from that. Regarding the water bill comment we put in educational pieces like a pamphlet or a brochure in the water bill. In the piggyback we are talking about an educational brochure.

Mr. Guridy stated that most of us know that.

Mr. Hahn stated that there are other departments in the City of Allentown that handles waste management materials. It's not an obstacle. Just because you talk about hazardous material they have vents, screening, equipment that you could use that vacuums all the things. When he puts a TV out of his house on his porch by mistake the nightshift vendors who pick up everything before the garbage comes grabs it and makes money.

(Name Inaudible) 741 Mohawk Street, stated that pertaining to this particular item on electronics he always dumped his on Mitchell Avenue, on Emaus Avenue across the street from Entemanns. By state law they take it between 9:00 – 3:00 with everything under the sun. If want to put out a computer on the curb, it will be there the next day and the Waste Management is telling you that. He stated that he got rid of two carloads of electronics, seven computers and there is nowhere else to dump them. It is not that you make money; the only thing that is really valuable is the hard drive. No one gives them up. He doesn't, he drill holes in them. It is an expense and that's why they were forced by law to do it. At the plant it gets recycled, separated and the glass and all the other metals and components and the circuit boards.

Two Amendments to make it go back to the original wording passed, 7 – 0

Ordinance passed, 7 – 0

11. ORDINANCES FOR INTRODUCTION:

None

12. CONSENT AGENDA:

CA-1 HARB.doc
HARB Cases.pdf
Certificates of Appropriateness for work in the City's Historic Districts

Resolution passed, 7 – 0

CA-2 Dollar General Sewage Plan Module.doc
CA -2 CA-2 Sewage Planning Module for Parcel at Emaus Avenue and 28th Street

Resolution passed, 7 – 0

13. RESOLUTIONS ON SECOND READING:

R 49 Kline's Bridge Transfer

Authorizes the Administration to Execute an Agreement to transfer Kline's Bridge from Lehigh County to the City of Allentown.

Mr. Glazier asked why we are doing that.

Ms. Mota stated that it was moved forward favorable 2 – 0. She asked Mr. Young to speak on behalf of R49.

Mr. Young stated that Lehigh County owns the Kline's Bridge, the old iron bridge that was in the Parkway. The bridge is able to take some light park traffic. They have keys on both sides to move the parks vehicle from one side of the street to another. It is in a city park and was a county bridge and when the county replaced it they asked if we would be interested in taking it over after the replaced it and we said yes.

Resolution passed, 7 - 0

R 50 Trexler Boulevard and 35th Street.doc

Authorizes an encroachment for the installation of an above ground UGI pressure regulator station at the Intersection of Trexler Blvd & 35th Street.

Mr. O'Connell stated that the committee recommended it favorably contingent on some safety features that UGI had agreed to. It was noted that the station will only be there for 15 years. He made a motion to add the following to the resolution.

Add the following at the end of resolution 50.

BE IT ALSO RESOLVED that a copy of the encroachment agreement include the following provisions:

1. That a guiderail installed between the station and Trexler Blvd.
2. Arborvitaes be placed around the station.
3. Bollards surround the station.
4. 20 Trees be placed in the Golf Course
5. The Agreement be for no longer than 15 years.

Mr. O'Connell stated that they had two representatives from UGI last week and they were very cordial and stated that they will adapt to whatever the city wants. It will be there for a period of 15 years and we did drive out and know exactly where it is at. It is the 15th Hole. It is setback a little bit, but it is on the Golf Course.

Mr. Young stated that it is on the Golf Course side, but it is in the right-of-way on Trexler Boulevard. UGI had representatives here at the committee meeting and the items that were added were discussed with them at that meeting and they agreed to every one of them.

Mr. Guridy stated including the 20 trees.

Mr. Schweyer stated that he will second the amendments with the caveat of those 20 trees be put nowhere in plain park because of the last time.

Amendment passed, 7 – 0

Resolution passed, 7 – 0

14. RESOLUTIONS ON FIRST READING:

R-52 Lease.doc

Authorizes the Administration to disseminate a proposed Lease and Concession Agreement and to issue a Request for Proposals to lease the City's water and wastewater systems.

Ms. Eichenwald stated that she finds it an odd resolution because it included rationales and usually when we get a resolution it is just an action. It included an opinion. She asked Ms. Fruhwirth.

Ms. Fruhwirth deferred to special counsel, Attorney Marc Feller who prepared this resolution. Sometimes you find it is not as lengthy that the legislative intent which is on the mind of the legislative body for moving forward of this resolution.

Ms. Eichenwald stated that she has been here five years and never heard a resolution presented to city council that had so much opinion attached to it.

Mr. Guridy stated let's defer it to the Committee of the Whole.

15. NEW BUSINESS

Item for Discussion – LoPinto request:

Petition submitted requesting that a referendum be held prior to the lease of or sale of real estate or utilities; and that such referendum include lease rates or sale prices.

Mr. Lopinto stated that essentially what he has asked in this is for the city council to consider taking a stance and passing a council resolution that would require a referendum votes similar to what has been suggested from other people for the voting population and the initiative process before that actually happens. He submitted this information three weeks ago. It is not final language and there is stuff left for city council to setup their own commission and debate how much they want that key line, where you want a referendum vote to be required, not necessarily the ten million suggested by others. This has worked well for other states. In Alaska they do have this and the referendum votes are there. Anywhere there is a public works project where it is \$5 million it goes on for a referendum vote. It has kept it much more easy for these projects to be done with not a lot of outpouring from the city. The voters of Allentown would get to make a decision any time there is a sale or lease of a publicly owned property.

Ms. Eichenwald asked how it differs from the other petition.

Mr. Lopinto stated that they submitted it before they started. This is a request for city council to pass it. What the other petition going to be circulated is one that would go directly on the ballot as an initiative. It would circumvent city council and would circumvent the city administration.

Ms. Eichenwald asked would it be a better bet to go directly on a referendum.

Mr. Lopinto stated make it an initiative for a referendum because that is what the other petitioners are for. It is an initiative issue to force a referendum on future issues. That would come up not on this election, but the following election in 2013. As an initiative if passed, would require future public works projects to go up as referendum votes. The city council has the ability by the home rule charter to pass identical legislation as well to require a referendum for the sale or lease of the property. What he is asking for is for the city council to do it now rather than waiting for the citizens of Allentown to do it on the 2013 election.

Mr. Guridy thanked Mr. Lopinto.

16. GOOD AND WELFARE

17. ADJOURNED 9:30 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 or contact the Clerk at Michael.Hanlon@allentownpa.gov to receive an email notice of the meetings.