

**Peter Schweyer, President**  
**Michael Schlossberg, Vice President**  
Frank J. Concannon  
Jeanette Eichenwald  
Julio A. Guridy  
Ray O'Connell

**Allentown City Council**  
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**COUNCIL MEETING MINUTES**  
**February 1, 2012**  
**COUNCIL CHAMBERS**

**Council Meeting – 7:30 PM**

**Swearing In of New Councilperson Cynthia Y. Mota**

Ms. Mota was sworn in by Mr. D'Amore. She stated good evening every one. I once had a dream that I would stand before you City Council representing my heritage, my political beliefs and the citizens of Allentown. I am honored that you have selected me over a group of well-qualified applicants. My gratitude to the members of City Council, those that voted for me during the primary election, the Democratic Party and my family for all their support and I would like to recognize those individuals that work in the background that work to make this possible. I would like to thank God for giving me the strength and perseverance in this journey. I am ready to work hard and represent my city with great pride. Today, I can say that this is the city without limits. I thank you.

**1. Invocation: Julio Guridy**

**2. Pledge to the Flag**

**3. Roll Call:** Eichenwald, Guridy, O'Connell, Mota, Schlossberg and Schweyer were present  
John Marchetto represented for the Solicitor's office.

**4. Courtesy of the Floor**

Ernie Atiyeh, president of the Allentown President's Council, asked Mr. Bennington to please come up here. He thanked Mr. Bennington and stated that he has always been there for the Allentown President's Council. We really appreciate you and have a certificate to give you and it reads Certificate of Appreciation on this first day of February 2012 to Ken Bennington, Managing Director, for the City of Allentown by the Allentown President's Council for his outstanding service to the residents of Allentown, PA.

Mr. Dennis Pearson, 942 E. Tilghman Street, stated goodbye to Mr. Bennington, but I wish you well in the future. I congratulate you on your choice as Councilperson. I do envy you because this is something that I wanted and remind the County Commissioner here that is something that I wanted to in the County. He reminded Mr. Schlossberg that it is unfortunate that I can't run against you in the 132<sup>nd</sup> because they took that seat away from me – the Pennsylvania Supreme Court. He stated that Mr. Concannon is not here and I hope he has an excuse for not being here because with three misses, they can throw him off the board that is non-excused. He stated that the fact that if you look at this Council, it is mostly west end and southwest Allentown. I propose a change in the Charter to allow for District representation in the future so that all sections of Allentown would be garnered a representative on the board that all sections regardless of what their ethnic backgrounds all can sit on this board. As a representative of the East Allentown Rittersville Neighborhood Association which represents the 14<sup>th</sup> and 15<sup>th</sup> Wards of Allentown being the fact that there is no represented on this board, I have a special responsibility to represent my area before Council and before the County Commissioner because there is no person east of the Lehigh River on County Commissioners and as far as the state government is concerned we are represented by someone in Northampton County, Fountain hill and Coopersburg.

Mr. Guridy stated to Mr. Pearson as I said to you last night, I am preparing to introduce a resolution to legislation to make sure we add to the Charter to change the way we run our elections in the city. What I am representing is to

divide the city into districts at least four seats will be district to include one on the eastside, one on the Southside, one in center city and one on the west end and the other three seats will be at-large.

Mr. Lou Hershman, 405 N. Gilmore Street, stated to Mr. Guridy that he has a good point and if he is going to introduce legislation he should also introduce legislation that two members of the board should be on the opposite party, two democrats and two republicans. They have it in Philadelphia and most major cities. He wished Mr. Bennington good luck.

Mr. Guridy stated that he will take that under consideration.

Mr. Ingram, south Allentown, stated that they all know him. He stated that he wanted to come by and he gave Ms. Mota a big hug last night and publicly congratulated her. We both ran in the primary last year for City Council and are very pleased that they selected you. He stated that he would like to add a comment. Someone came here last night and said words to the effect of someone who rents in the city doesn't really have a stake in the city. The preference should be given to property owners and this was an issue last night. I would like to say right now, that both Cynthia and I are proud renters and I was offended because just as we should not be judging people by the color of their skin, we should not be judging people by the clothes that they wear, the car they drive or the place that they live in. Not to mention the fact that people who rent pays the property taxes for the landlord. Property tax revenues for the City of Allentown represent a thirty-five percent of the total budget last year. Renters pay the landlord rent that covers the property taxes. Why am I renting, there are a lot of reasons. I came here quickly in 2002 from New Jersey. I had been divorced, and I had a very generous divorce settlement to include not only child support, but the mortgage on the house that we lived in, alimony and one hundred percent of my children's college tuition and fees at Penn State main campus and they graduated in 2007. I did not want to chase the market and glad I did not buy in 2006, 2007 or 2008. Now, I am 62 years old and now it is a great time to buy which it is, but I am also saying to myself do I want to take over a mortgage at my age so don't judge people by what you see and I can give you two examples that I am talking about. Mr. Zuckerberg who founded Facebook walks around in a tee-shirt and that's his signature, his tee-shirt. He doesn't walk around in a suit which I am wearing. He is going to be worth \$20 billion once Facebook goes public. The Google partners continue to live in their apartment in San Francisco long after they became billionaires. Don't judge people by what you think they have or don't have.

Ms. Mota stated to Mr. Ingram that it is nice to see you here tonight and I thank you for your support. I do agree with you, you should not judge people by the color of their skin or clothes they wear. I do own my property.

Mr. Ingram stated to Mr. Bennington way to go and I will see you soon.

Mr. Ken Heffentrager, 355 Hamilton Street, stated congratulations.

Mr. Molina, 116 S. 24<sup>th</sup> Street, stated congratulated Ms. Mota for becoming the next newest member of City Council and thanked the City Council for selecting her. I thank you for your service and wish you the best in all that is available to you in the future. One of the things I would like to say is that I have been a member of the Human Relations Commission and we have had meetings and town hall meetings where we had groups of people of different sections of the city come in and discuss their issues with facilitators of the Human Relations Commission. Those issues of concern were addressed by the Human Relations Commission. I would suggest to make more use of our population is to have those types of meetings again and have the City Council and the Human Relations Commission work together to augment things. I am trying to setup a liaison that would help the City of Allentown understand what the problems are by the people themselves. What they consider being issues then we can bring it back to City Council, The President's Council and the Human Relations Commission to form a better relationship for the city as a whole and it would benefit the police department, the emergency department and the medical department, and the health department.

Mr. Francis Menes?, 8<sup>th</sup> Street, congratulated Ms. Mota and all of City Council for appointing her and for all that voted for her in the City and the citizens of Allentown. It's a beautiful to have more diversity in the city to be represented on the City Council who represent us and make decision for us in our government.

## **5. Approval of Minutes: December 21, 2011; January 4, 2012**

Minutes approved by common consent.

## **6. Old Business**

Ms. Eichenwald stated that she would like to address the issue of the Blighted Properties. Since Dr. Beck-Pooley is no longer with the Allentown Redevelopment Authority and that a good portion of the responsibility was taken over by the city, I would respectfully suggest that we hold a Council meeting of the Whole to discuss the blighted properties. We heard tonight that there are 600+ blighted properties and since this is such an important quality of life issue that under the CEDC we can bring this up and have a whole discussion in open forum to see what we can do to resolve this situation.

Mr. Schweyer stated to Mr. Hanlon to schedule a Committee of the Whole and Mr. Guridy is Chair of CEDC.

Ms. Eichenwald stated that quite a while ago they discussed with the Allentown Economic Development Corporation their procedure for granting loans and we requested for AEDC that we have some procedural basis on granting these loans and it has been a long time now, almost a year and we have not heard back. I respectfully suggest that in a future meeting we have discussions with representatives of the AEDC in relationship to their loan policy.

Mr. Schweyer stated that I would like to add to Ms. Eichenwald's first point we also been waiting for quite some time of the re-appointment. He asked Mr. Bennington to pass this along to your boss, your successor or predecessor. All the terms have expired on the Blighted Property Review Board and we are asking for those terms to be filled. He stated that they are moving forward on reorganization and if there are no objections they should start with the election of vice president.

Mr. Schlossberg stated that he would like to place the name of Ray O'Connell into consideration for Council Vice President.

Mr. Guridy seconded.

Mr. Schweyer stated that he assumes there are no objections to that.

Ms. Eichenwald stated that she has a procedural one. I thought if someone self-nominates that we no longer have nominations from members of Council. She stated that they need to strike what just occurred.

Mr. Schweyer stated that is correct. Mr. O'Connell your name is the only one put forth for vice president and before we take a vote on it, I will like to open it up to the public.

### **Selection of Mr. O'Connell as vice president passed, 6 – 0**

Mr. Schweyer stated that they will move to the election of the president. We have two people Mr. Guridy and myself put our names forward. Because I am a candidate for president, Mr. O'Connell do you feel comfortable taking over at this point forward in time.

Mr. O'Connell made a motion that they delay the election of the president until we have full Council. We have one member who has been absent for quite some time and I would like to also suggest that Mr. Schweyer remain as president until we have full Council and hold an election at that time.

Ms. Eichenwald asked a procedural question if it is possible and her question needs to be directed to Mr. Hanlon to contact Mr. Concannon for a voice vote or is that none appropriate procedure at this particular time.

Mr. Hanlon stated that they can try that.

Mr. Schlossberg stated to Ms. Eichenwald that the phone system actually has to be setup ahead of time. I would like to see if they can resolve this with four votes and if they are in a 3 – 3 tie than he would support that motion.

Mr. Schweyer seconded so they could have that conversation. There is a motion on the floor that has been made and seconded. Are there any questions or comments on the said motion?

Motion to suspend City Council Rules and wait for full complement of Council to vote on the President passed, 4 – 2 (Schlossberg, Eichenwald)

Mr. Schweyer stated that they will visit this in two weeks and put on the agenda for Council.

Mr. O'Connell stated that it is very imperative to reach out to Councilperson Concannon. We do know that he has a situation with family, but it is imperative on February 15<sup>th</sup> that we contact Mr. Concannon. We need a voice vote from Mr. Concannon and resolve this as soon as possible.

Mr. Guridy stated that you are right, Mr. O'Connell, but I want to point out that Mr. Concannon's wife is very sick and he is taking care of her. I don't want people to think that he is not coming to Council, there is a reason for it. He is an honorable person and has served the city for many years. His future in Council should be resolved. This has been an excused absence.

Mr. O'Connell stated to Mr. Guridy that at no time did he want to say anything negative or derogatory about Mr. Concannon. I have known Mr. Concannon for thirty-five years. I did not want to bring up the family situation right now that is taking place. All I am saying is that when you are elected by the people in Allentown, you have a commitment and responsibility to fulfill that commitment as an elected official. I asked Mr. Concannon if I could help with the situation and we have to move forward.

Mr. Schweyer stated that he spoke to Mr. Guridy last night and he feels confident in relaying the conversation. Since you and I are the two candidates for president, we still need a working and functioning City Council and we need to fill committee spots so if you would be so kind, I will suggest to put out an adjoining email to our colleagues on their interest on what they would like to chair and committees that they would like to serve on and together we can work on.

Mr. Guridy stated that sounds good. That would give us an opportunity to move forward.

Ms. Eichenwald stated that she is pleased to hear that and speaks from personal experience; I hope that when we are asked that our desires are met and taken into consideration.

Mr. Schlossberg made a motion to reconsider R-70 from 2011 for to technical amendments that were not in the original resolution.

Mr. Guridy seconded the motion.

Mr. Schlossberg asked Mr. Hanlon would it be appropriate to read the additions to the two whereases.

Mr. Schweyer stated that they have to vote to suspend the Rules. Are there any questions or comments from Council on suspending the Rules or from the public?

Suspend the Rules to bring back a Resolution that you passed at the last meeting to insert two items that were passed, 6 – 0

Mr. Schlossberg asked Mr. Hanlon would it be appropriate to read the two Whereases into the record. He stated that the two effected Whereases are: WHEREAS, Allentown Commercial and Industrial Development Authority (ACIDA) has proposed the development of a parcel of land identified as the Allentown Arena Development Project, and described in the attached Sewage Facilities Planning Module, and proposes that such land development project be served by: Sewer tap-ins.

WHEREAS, City of Allentown finds that the land development project described in the attached Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

Mr. Schlossberg asked if these Whereases were technical and inadvertently omitted from the Resolution.

Mr. Schweyer seconded the motion. Are there any questions or comments on the motion as it stands from Council or the Public? He stated that he wanted to vote by a roll call vote, but wanted to make sure they had the language in. It is now introduced as such.

**Resolution as amended passed, 6 – 0**

## **7. Communications**

Mr. Schweyer stated that Committee of the Whole is scheduled on February 8<sup>th</sup> at 5:30 PM – the agenda items will include interviewing the candidate for the Managing Director, Bill 8 – Refunding for Capital Projects, and R-3 which would authorize the Mayor to enter into an agreement with Delta Thermo. Pursuant to Ms. Eichenwald's comments we will have a Committee of the Whole on Blighted Property and a review of AEDC.

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

Budget and Finance: Acting Chairperson O'Connell

The committee hasn't met since the last meeting; the next meeting is scheduled for February 22<sup>nd</sup> at 6:00 PM. When Mary Ellen Koval gives her Controller's report, she will have a few things mentioned.

Public Safety: Chairperson Eichenwald

The committee met this evening in an open forum with members of the neighborhood watch groups and discussed the EMS situation and two items on the agenda.

Community and Economic Development: Chairperson Guridy

The Committee has not met since the last Council meeting; a new schedule of meetings will be forthcoming. They will meet on issues on Community and Economic Development.

Parks and Recreation: Chairperson Ray O'Connell

The Committee has not met since the last council meeting; the next meeting is scheduled for February 15<sup>th</sup> at 6:30 PM.

Public Works: Chairperson Schlossberg

The Committee has not met since the last Council meeting.

Human Resources, Administration and Appointments:

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 Schweyer

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

## **OTHER COMMITTEE REPORTS**

Mr. Guridy stated that the Allentown Housing Authority met and discussed several issues including a smoke-free Allentown residency and banning smoking on our sites. They passed a five-year strategic plan and are still discussing some of the issues. You should have received copies of the minutes.

Ms. Eichenwald stated that she would suggest the AEDC appointment be an interim one until the new president is chosen.

Mr. Schweyer stated duly noted. That is fair.

## **CONTROLLER'S REPORT**

Ms. Mary Ellen Koval stated that she will report at the Budget and Finance Committee meeting.

## **9. APPOINTMENTS:**

Mr. Schweyer stated there was a request from the Police Department to suspend the Rules to introduce R-6 which will hire another police officer. Is there a motion to do so?

Mr. Guridy made a motion to introduce R-6.

Mr. O'Connell seconded the motion.

Mr. Guridy read R-6 - Council appoints the following, as Patrolman, in the Department of Police, at a base salary of \$46,856 per annum. All appointments are contingent upon the candidates receiving Police Civil Service Approval, passing physical and psychological examinations as stipulated in the Police Civil Service Rules and Regulations and obtaining and maintaining a valid state certification from the Pennsylvania Municipal Police Officers Education and Training Commission. Richard Seltzer, Breinigsville, PA 18031

Mr. O'Connell asked Chief MacLean does it bring them to 207 police officers and we still have the Cops grant of 16 more. What is the timeline on the Cops grant?

Chief MacLean stated 206. They will start in the academy on Monday, February 6<sup>th</sup>, and once they are hired we will go to Bill 66 list and hire field training officers. Those that are certified will get training and hopefully, they will be done by summer.

**Resolution passed, 6 – 0**

Mr. Schweyer stated that at this time, we have two appointments on the Recreation Board

**Recreation Board – School Board Representatives'**

Julie Ambrose	Term to Extent to 01/21/2014
Robert E. Smith, Jr.	Term to Extent to 01/21/2014

**Resolution passed, 6 – 0**

Mr. Schweyer stated that they will discuss and vote on Bill 101 and then discuss the legislation, then the individual NIZ Appointees, and then finally the Articles of Incorporation.

Mr. Schlossberg made a motion to suspend the Rules to introduce and vote on Bill 101 for the creation of the authority.

Mr. Guridy seconded the motion.

**Take out the order of the agenda and vote on Bill 101 first, then vote on the NIZ appointments, and then vote on the Articles of Incorporation passed, 6 – 0**

**10. ORDINANCES FOR FINAL PASSAGE:**

**Bill 101 Allentown Neighborhood Improvement Zone**

An Ordinance signifying the desire and intention of the City of Allentown to organize an industrial and commercial development authority under the Economic Development Financing Law, of 1967, P.L. 251, as amended, for the purpose of acquiring, holding, constructing, improving, maintaining, owning, financing and leasing, either in the capacity of lessor or lessee, industrial, special or commercial development projects and serving as successor contracting authority to the Allentown Commercial and Industrial Development Authority for purposes of administering, providing financing for and undertaking all other activities related to the Allentown Neighborhood Improvement Zone established pursuant to the law governing Neighborhood Improvement Zones, Article XVI-B of the Pennsylvania Fiscal Code, 72 P.S. Section 1, et seq; also to be referred to as Article 178 of Title Eleven, Authorities, Boards and Commissions, of the Codified Ordinances of the City of Allentown.

Mr. Schweyer stated that they will discuss Bill 101 which was discussed at Committee of the Whole back in November or December. Are there any questions or comments on the creation of the Authority? This was forwarded unanimously.

Ms. Eichenwald stated that she has questions about the process that needs to take place this evening. She asked what are the criteria for the appointment of these nine individuals.

Mr. Feller stated that the state law for creation of the Industrial Authority is not specified by any particular characterization on board members, but the city's Charter requires that the board members have connections in or interests in the city. It is a general requirement. He stated that he does not have the Charter with him.

Ms. Eichenwald stated that is precisely what her question relates to. What are the qualifications as far as residency, property ownership?

Mr. Marchetto stated that would be more of the legislation or appointment process. What you are speaking about now would be the ordinance to actually authorize the creation of the authority.

Ms. Eichenwald stated that she is trying to ascertain what the criteria are for the appointees.

Mr. Marchetto stated that the criteria are spelled out in Section 902 in the Charter. That applies to all appointee to all authorities, boards and commissions. It says as a general rule, members of authorities, boards and commissions shall be residents of the city, at the discretion of Council persons that are not residents of the city, but who has a significant property or business interest in the city may be selected for their qualifications.

Ms. Eichenwald asked if it says property does that mean that the individual actual has to own the property.

Mr. Marchetto stated no, it is significant property or business interest. An interest in property could be a lease, an agreement to buy as an equitable interest to buy the property, ownership of the property.

Ms. Eichenwald asked does it include an employee of a business in the city.

Mr. Marchetto stated that would be a business interest. It says property or business interest.

Ms. Eichenwald asked does it include someone that lives somewhere else.

Mr. Marchetto stated that someone who has a business interest in the city. It is somewhat ambiguous. He stated I can't give you a clear, does an employee count or not count. If you determine that is significant. Business interest in the city then yes, it does not say business ownership, it does not say stockholder, debtor.

Ms. Eichenwald asked is it in their legal jurisdiction for City Council to make that determination to say what is a business interest.

Mr. Marchetto stated that you should have some basis in fact to make that determination, yes.

Mr. Schweyer asked Ms. Eichenwald does that answer your question and are there any more questions or comments on Bill 101 that authorizes the creation of the Authority.

Ms. Eichenwald asked will we vote nine together or individually.

Mr. Schweyer stated individually. He asked was there anything else from members of Council on Bill 101 or the public.

Mr. Ingram, president and owner of Ingram Real Estate Group, stated that he has a suggestion on the Bill wording itself. He stated that he has a suggested amendment to the wording. You have in line one industrial and commercial

to organize industrial and commercial development authority and then again in line 4 the wording is industrial, special or commercial. He recommended they change it to real estate because in a Commercial real estate business actually industrial is within the commercial real estate area, but what you are not specifying without being more specific industrial and commercial you are not including things like residential, hospitality, retail and other kinds of uses. He stated why you don't change it to the general term real estate instead of being so specific in saying commercial and industrial.

Mr. Feller stated that this language comes out of the Act, Pennsylvania Economic Development Financing Law and that is pretty much why the language was chosen to comply and conform to the Act. The state law interpretation of these provisions have been very broad and industrial development authorities which is the type of authority that would be formed here that have been doing all kinds of financing in Pennsylvania including facilities like college dormitories, nursing homes, assisted living communities and it's been interpreted very broadly and whatever that Act allows is what this authority will have the authority to finance. As long as state law allows a particular project to be financed this authority will have the power to do it. It basically mirrors the language in the state law.

Mr. Ingram asked is there in any way to exclude any use outside of single family for an example.

Mr. Feller stated that purely a residential project, he believes like an apartment complex could be financed in the industrial development law, but would agree that single family residential could not be.

Mr. Ingram stated that he is not talking about one to one families he is talking about everything else would be excluded just because of that wording.

Mr. Feller stated that he does not believe so and again it has been very broad when it was actually applied in the state. No matter what language we put in the ordinance we could not expand what state law allows to be financed.

Mr. Hershman, 405 N. Gilmore Street, stated that Council should consider like we do on past ordinances ACIDA and provides how memberships are on the board. This ordinance does not. Council should give consideration on how many members should be on the board as was in the ordinance when ACIDA was created and provide term limits.

Mr. Feller stated that the Articles of Incorporation that are part of the Resolution for consideration this evening does specify the number of board members to be included in the initial organization of the Authority.

Mr. Hershman stated that they are voting on an ordinance first. He stated that when he was on Council they passed ordinances when they created ordinances for authorities we always named the members even though it was incorporated and also included the membership and the terms limits and that should be a part of the ordinances because city ordinances is city law and the incorporation part is not city law.

Mr. Feller stated that the Articles of Incorporation which is there are adopted will be filed with the state office that accepts Articles of Incorporation and other state organizations. Once that is filed those Articles of Incorporation are binding unless they are amended in the future. Articles of Incorporation can be amended and if you are saying that city law should be amended to generally the number of board members.

Mr. Hershman stated that there have been many complaints in our local press about oversight on what is going on with expenditures with ACIDA. He stated that Council should appoint one or two of their members to sit on the board of the NIZ Authority. The Council is the government body of the City of Allentown and as the government body of the City of Allentown you should have one or two members on that board. Expand the membership from nine to eleven.

Ms. Eichenwald asked were there any provisions for ex-officio members of the Authority.

Mr. Feller stated that he would have to check. He does not recall seeing that in the State Act.



Ms. Eichenwald asked if it is not in the state act is it possible that the nine members deem it appropriate or do they not have the authority to make that decision.

Mr. Feller stated that they probably would under state law, but under the City Charter the appointments of the board are made by the mayor. You will have to coordinate the two different laws. The state law let's assume it does, but you have the city's Charter that says that the mayor shall make the appointments to the board.

Ms. Eichenwald asked would the mayor have the authority to make ex-officio appointments to City Council or others that are so deep that it is appropriate.

Mr. Feller stated that he defers to Mr. Marchetto that is it more of a city's lawyer role.

Mr. Marchetto stated that there are no in the appointment provisions that talks about ex-officio members of the board, by ex-officio I believe you mean no voting members of the board.

Ms. Eichenwald asked if that means it is precluded of happening.

Mr. Marchetto stated that the mayor makes the appointment and the bylaws determine what roles the board members have in managing and operating the authority. The bylaws would have to say that out of the eleven members, two from Council. Surely, the mayor would not pick who on Council will serve that would be the mayor's decision. It is the mayor's authority to allow for those extra positions.

Ms. Eichenwald asked would the nine members have leeway to create those bylaws. How much leeway do they have?

Mr. Marchetto deferred it back to Mr. Fellow to answer that question.

Mr. Feller stated that the authority board will adopt bylaws specifying how the authority will govern itself.

Ms. Eichenwald asked does that include the terms limits. Do they have the right to determine that? She stated that the nine board members will determine their term limits.

Mr. Feller stated yes. The Articles of Incorporation will govern over the bylaws and right now the ways that the Authority's Articles of Incorporation are written specifies there will be nine board members and specifies the terms. Once those terms are up, the Authority will have the power in the bylaws to change the expiration dates of the new terms.

Ms. Eichenwald stated getting back to my ex-officio question, yay or nay.

Mr. Feller stated that it is does not necessarily mean the person cannot vote.

Mr. Schweyer stated that they could do this outside the appointment process which is to create a liaison position similar to what is done at the school district.

Ms. Eichenwald asked is that acceptable? Where you call it a liaison or ex-officio she is trying to ascertain is that legally feasible.

Mr. Feller stated having a liaison and someone who will regularly attend meetings as a liaison for the city or City Council he does not see anything that precludes that. In terms of having an ex-officio member and he thinks that ex-officio is not a voting member, it is simply someone who by virtue and title of their office has an official seat on the board and that would require further review to make sure that is not inconsistent with the City Charter that requires that the mayor makes appointments.

Ms. Eichenwald stated that it is obvious why she is asking the questions. She is seeking to know what the role will be for the City Council member or City Council in its entirety in the workings of the particular authority and that's why she would like to be more aware of these issues before she votes. Whether it is called ex-officio or liaison, it's still what will be the role of City Council. She stated that she is not sure if they did their due diligence when they established ACIDA and to make sure that we preclude that kind of difficulty she is asking these questions.

Mr. Feller stated that in terms of an ex-officio member an example if the Articles of Incorporation were to be changed to say that for example the president of City Council should be an ex-officio member of this authority, again, he would have to have further discussion with the city solicitor's office to make sure this is not inconsistent with the city's Charter that the mayor appoints the members of the authority.

Ms. Eichenwald asked if the nine members of the Authority be a determining body of whether or not such a person would be included.

Mr. Feller stated that if the change is going to take place in the Articles of Incorporation which probably would be an appropriate place to take place, it would be the city that changes the Articles of Incorporation.

Ms. Eichenwald asked the city meaning who, the mayor or City Council.

Mr. Feller stated both, since City Council is approving the ordinance creating the authority and the Articles of Incorporation are being approved assuming you are approving them this evening by resolution, he thinks City Council and the mayor can approve an amendment of the Articles of Incorporation.

Ms. Eichenwald stated she wants to be clear that City Council could have a say in changing the Articles of Incorporation to include the liaison/ex-officio member.

Mr. Feller stated that he would say yes, provided that the ex-officio member is viewed as being not inconsistent with the city Charter.

Ms. Eichenwald stated appointed by the mayor.

Mr. Feller stated correct, in terms of having a liaison that is a less formal role that could be done by the bylaws of the authority.

Ms. Eichenwald stated that which the nine members will establish. We have those two options.

Mr. Feller stated yes.

Mr. Guridy asked how much different would the Allentown Economic Development Corporation be as opposed to the Act under this board. We have a member of City Council attending the meetings and reporting back or giving his or her opinion.

Mr. Feller stated that this is a state entity, the creation of an Industrial and Commercial Economic Development Authority is a creation of a state entity even though the city is creating it. They are subject to the right to know law and the sunshine law in terms of open meetings. All of their meetings and any deliberations have to be open to the public to the extent you have an informal process to provide input to ACIDA. It would be no different with this new authority.

Mr. Guridy stated that the Parking Authority maybe different, but it is an Authority of the city as ACIDA and AEDC.

Mr. Feller stated that there are Authorities created by the city, but they are actually entities created under state law. There are provided for under the state statute. They are actually governed by state law in terms of how they operate, their responsibilities, and they are governed by the state law on open meetings, right to know and those issues. AEDC is a separate nonprofit entity that performs services for the Authority – the Allentown Commercial and

Industrial Development Authority. He stated that he does not believe there are any comparable entity that is being contemplated being created in connection with a new Authority. These will be an entirely public entity.

Mr. Guridy stated that Mr. Feller stated earlier if there is a change in the Incorporation they could have a say as City Council.

Mr. Feller stated that he was responding to if the Articles of Incorporation could be amended to provide for a special seat on the board of the Authority which could be a City Councilperson. His response was that he thinks that the Articles of Incorporation can be amended by the City, meaning City Council or the mayor. The only question of who could serve as an official board member has to be then focused on the city Charter and whether there was anything inconsistent with those Articles and city Charter. The issue of you having a liaison which is less formal than having a board member will be addressed in bylaws assuming the board is willing to adopt those bylaws.

Ms. Eichenwald stated that when Mr. Feller repeated what he said the mayor and City Council could amend the Incorporation.

Mr. Feller stated with respect to the ordinance that's before you this evening and the resolution being for the approval of the board members, those have to be approved by the City Council and signed by the mayor.

Ms. Eichenwald stated approved by City Council and signed by the mayor is how this legislation goes.

Mr. Marchetto stated for clarification only the ordinance gets signed by the mayor, the resolution will not.

Ms. Eichenwald asked if it needed the approval of the mayor.

Mr. Marchetto stated that the resolution does not.

Mr. Feller stated that the Resolution does not get signed by the mayor, but the Articles of Incorporation do.

Mr. Schweyer stated that is not Bill 101 for the record that is R5.

Mr. Dennis Pearson stated that the NIZ perhaps is the mayor's conception of what the city is and the rest of us are territories or artillery parts of the city. Now, he likes what they are attempting to do to London which has the City of London and the corporation of London. This Council is the City of Allentown and the NIZ is set to become the corporation of Allentown operating within this area. This ordinance is changing from having ACIDA and east Allentown is very much aware of ACIDA because that is the agency which owns 29 acres of state hospital land that was deeded to them and nothing has been done more than one year after it was deeded to them because they had not found a developer and they were supposed to do that under the law. Removing ACIDA which has a staff under AEDC he is assuming this Authority will hire a separate staff to accomplish much of the work which will be a cost to the NIZ that the nine members of this board will be in sense be the supervisors of this staff. He stated that is my perception. That thought occurs is that given economic conditions that there could be problems down the line for this new Authority and that is why you have to be cautious. He stated that he does not have a vote on this, but Council does.

Mr. Molovinsky stated they all heard the controversy from the townships regarding the EIT tax which is going to finance the NIZ partially and addition to that be financed by the sales tax. He stated that it was his understanding that if those two taxes fail to satisfy the debt service, property taxes can be used, is that true or not.

Mr. Schweyer stated that is not true. Property taxes were not written in the state ordinance that created the NIZ.

Mr. Feller stated that is correct.

Mr. Molovinsky asked if the two taxes, which are the Earned Income Tax and the Sales Tax failed to meet the debt services, Allentown property taxes will not and cannot be used.

Mr. Schweyer stated correct, sir.

Mr. Molovinsky stated that it was mentioned earlier that the Authority board will be under the rules of Sunshine and regular authorities. He would like to know since Mr. Riley was already loaned \$20 million, Mr. Butz is already approved for \$10 million, Mr. Riley is on record for wanting to go before the Authority for an extended loan when were those meetings announced and when the members of the public were at those meetings.

Mr. Schweyer stated that any transactions with the NIZ at this time has according to state law were able to do so. ACIDA which was a five person authority which was created a few years ago has been acting in that capacity which state law has deemed. It has to be a Commercial and Industrial Development Authority of Allentown and as of right now there is only one Commercial and Industrial Development Authority and that is ACIDA. ACIDA would have made those decisions in accordance with Sunshine and in accordance with all the rules and regulations. He asked for members of the administration to back him up or correct him if he is wrong. Bill 101 is to create another Industrial Authority with the intention of moving NIZ related information to this new Authority. All NIZ business has been conducted by ACIDA and they are required to follow all sunshine laws and all the records. This Authority has not done that and does not exist until perhaps that vote this evening.

Mr. Molovinsky asked if Council has significant information at this time to vote on this evening.

Mr. Ramos asked if Council suspended the rules to vote on the appointees first.

Mr. Schweyer stated no, we suspended the rules to vote on Bill 101 first, which is the creation of the Authority.

Mr. Ramos stated and that is not voting on the appointees.

Mr. Schweyer stated correct.

Mr. Ernie Atiyeh stated that he is hearing that there is a nine member board or an eleven member board. He made a suggestion that the Allentown President's Council selects the person, approved by the President's Council, approved by City Council and approved by the mayor to be on the NIZ board either as a nonvoting member or a voting member depending on if it is nine or ten. We need someone there that will be able to go back to the residents and let them know what is going on. This person will go back to the President's Council give a report, the report will go to the different neighborhood groups and the conversation will continue and everyone will be aware of what is going on.

Mr. Schwere, 118 S. 16<sup>th</sup> Street, stated that it is his understanding that the benefits of the zone as put out by state law will expire or greatly diminished in thirty years. Is there anything in this ordinance or anywhere else that stunts this authority and would it makes sense to put something like that in there. He stated that he knows that a lot of time these authorities get setup and they never seem to go away.

Mr. Feller stated that the Articles of Incorporation specify that the authority shall exist for a term of fifty years. That sounds like a long time and the reason is that the authority will be doing financing for the neighborhood improvement zone and that financing could go out for a very long time, but the initial debt is expected to go out for thirty years, but it could be projects that don't get financed until five or ten years from now and could go out for a long period of time and we need the authority to stay in existence as long as the debt is outstanding. That covers any currently conceivable term of any debt that would be outstanding.

**Ordinance passed, 6 – 0**

### **Allentown Neighborhood Improvement Zone Appointments**

Mr. Ingram stated that he would like to make a generic comment about the appointments instead on specific individuals. He stated that he did not have time to review these individuals. He finds it somewhat odd they are talking about an NIZ that over a period of time will have \$500 million easily of commercial real estate development over a period of many years and for what he can see here that there is not a single individual candidate for

appointment that has any real commercial real estate expertise. He stated that is odd and troubling. There should be someone on the Authority with substantial real estate expertise otherwise the private developer would make mincemeat out of the Authority and the City of Allentown. He stated case in point the arena development itself a 365,000 square foot facility which will cost \$158 million is going to cost based on the recent meeting, and he is on the Planning Commission and at their presentation at the Planning Commission meeting they indicated that is the first time they told us what the square footage would be. It came out to be about \$406 per square foot. He stated that he questioned why it was going to cost so much when costs analysis states that you could build this facility for \$260 a square foot which is \$100 million not \$158 million. A master lease was negotiated with somebody, the Brooks Brothers or the Brooks Group and that Master Lease is a joke. The Master Lease will require the Brooks Brothers to pay only \$900,000 rent the first year and decline to \$0 in year 11 and they will pay \$0 from year 11 to year 29.

Mr. Schweyer stated point of order you are to speak specifically to the appointments. You are talking about a lease that was negotiated as part of an ACIDA meeting, nothing that has to do with the individuals that are before us this evening or the process. He stated that he gave Mr. Ingram a little leeway to say what skills he would like.

Mr. Ingram stated that you need somebody with expertise on the Authority that could deal with people like the Brooks Group or anybody else to make sure the city is getting a fair shake. No property taxes will be available as long as the city owns the property and there will be no incentive for the Brooks Group to buy the property from the city if they are paying zero rent.

Mr. Pearson, 942 E. Tilghman Street, asked is this the first time tonight that you have seen this list or has it been a couple days.

Mr. Schweyer asked Mr. Hanlon when he circulated the list.

Mr. Pearson asked if they held a meeting to vet these candidates or speak about the position which should be the proper procedure.

Mr. Schweyer stated that the procedure in this case, went above and beyond the typical procedure for appointees to the authority. This was made by a nominating committee comprised of three people. He stated that he did have an opportunity as serving as president of City Council to see this list ahead of time. This is the list of nine that had been agreed upon of this nominating committee. There were no last minutes switches or last minute changes. A member of Council has been a part of that.

Mr. Pearson asked Mr. Schweyer is he saying that there was at least one member of Council on this committee.

Mr. Schweyer stated correct. Historically, the administration does not vet these things before Council they present it. This is more oversight then ACIDA or other appointments.

Mr. Pearson stated that they have the prerogative to say you are not going to vote for this evening, you will sit down and talk to the individuals which may be considering the many people that are there and some are different and have been voted on various commissions, should they actually be a procedure to vet them as you vetted the City Council people.

Mr. Schweyer stated that this was the process.

Ms. Eichenwald stated that these candidates have gone through more of an examination process then people that put their names up for a general election. Taxes, etc. have all been checked so they have been vetted.

Mr. O'Connell stated that in response to Mr. Pearson he does appreciate his concerns. He stated that he personal knows seven of the nine appointees that are being recommended tonight and over his relationship with them over the past ten, fifteen, twenty years they have vetted themselves. They are fine individuals and are respected individuals in the community and the Lehigh Valley and they have vetted themselves with their careers.

Mr. Bernie O'Hare, Nazareth, stated that he wanted to congratulate Ms. Mota on her appointment to City Council. He stated that the merits of the NIZ are something else and he is not here to talk about the NIZ. That horse has left the barn. He believes that \$100 million being spent on the NIZ for three major. He stated that he wants to discuss a need for more transparency in government. It is something he finds lacking and the way these nominees were selected on Friday and forwarded to you for vetting at this point. He stated that he does not believe Council is ready to vote for these and is asking them to table it at this time. He stated that he refers to an article that appears in today's *Express Times*, an editorial which states that it is time for everybody involved to step back and take another look. The best way to kill public support for Allentown NIZ a worthwhile effort and the key to the city's survival is to drag its credibility into the dusk with tax uncertainties and cronyism. That is a real concern and something you need to consider seriously. He stated that the nomination committee consists of a state senator, whose wife is working for a lobbyist that represents three of the beneficiaries of this NIZ. He is tainted and so is every one of these nominations no matter how long you have known them and no matter how qualified they may be and they may be very well qualified. Jennifer Mann, state representative sitting here right now, Mr. Schweyer works for her and Mr. Schlossberg you worked for her. You can't vote for her, you know that. There is another question, your own codified ordinance concerning authorities and boards states very clearly that no elected official may serve on any board. Jennifer Mann is an elected official. You need to table this, and get some of these questions answered.

#### **R7A - Seymour Traub, Expiration January 1, 2016**

Mr. Traub stated that he looks forward to them approving his nomination. He stated that he has been involved and chairman of the AEDC for 15 years working diligently to try to change the environment in Allentown and he hopes to work on the NIZ to do that again. He stated that he has quite a bit of experience in commercial real estate as an attorney for over 40 years in the area of commercial real estate and senior vice president and general counsel of St. Luke's Hospital. He stated that he had to acquire all the land that St. Luke's is now using as well as other buildings. He stated that he has some experience with commercial real estate.

Mr. Guridy stated that he has known Mr. Traub for some time now and served together on AEDC and he can say that he is a very honorable man and has extensive knowledge of real estate and he trusts that Mr. Traub will do the right thing on the board.

**Resolution passed, 6 – 0**

#### **R7B- Alan Jennings, Expiration January 1, 2018**

Mr. Jennings thanked the City Council for the opportunity to serve the city.

Mr. Ramos asked Council are they going to vote everything through as he watched them vote everything through.

Mr. Schweyer stated that they have to take each vote individually.

Mr. Ramos stated that you are putting out there to make it look good and sound good to the public. Let's be honest, are we going to consider each one or is the public going to have a chance to see or hear each individual. He wants each individual to speak. He asked Council to invite them up. He stated that he is a laborer and he has been breaking his back all day and is here today. He stated that he was taught by all the men that came before him about character and integrity. He stated that Mr. O'Connell taught him character and integrity when he was a kid and Mr. O'Connell was a principal in Trexler Middle School. He feels that each individual has something to do with this project. He stated that he knows Representative Mann and remembers when she came to his house when you first ran for office. He stated that he knows she is beloved in the community, but she was designer of this project or had part in the project that is designed and like Mr. O'Hare said, Mr. Schlossberg you have 100 percent support in the endorsement for your state friends. He heard it a million times, I know them, and they are good people. It does not show character or integrity because the people that effected by the NIZ and the people who are affected by this whole project are not being represented. He stated that he understands that there is a lot of money in place, but the people that settled, or were forced to settle or eminent domain, they are the ones being affected.

**Resolution passed, 6 – 0**

**R7C - Nelson A. Diaz, Expiration January 1, 2014**

Mr. Guridy stated that he wants to point out that one thing he wanted to see on this board that it had representation of the diverse community that is in the city. He stated that he sees Mr. Diaz and Mr. Torres are both Hispanic and he knows them both. Their terms expires Mr. Diaz in 2014 and Mr. Torres in 2015 and he wanted to make sure the board once it is fully develop consider when these expirations of these two Hispanic members come to fruition that they are replaced with other members of the community alike. He stated that he wants to put that out to the board, and hopes that they consider that.

Mr. Schweyer stated as a point of clarification, it is up to the mayor, not the board. The mayor makes the appointment.

Ms. Eichenwald stated that her question is prompted by the nomination of Mr. Diaz, but is a general question. Has consideration been given that members of this particular authority would than not be able to benefit by commercial real estate and holdings in this authority. Does that mean these nine individuals cannot financial benefit directly or indirectly in the property in the NIZ authority?

Mr. Feller stated that he is not sure if there is anything in the state law that prohibits benefit of self-interest. Typically the bylaws that are written would specify those kinds of rules for someone personally benefiting. There are many ways of doing it; one is requiring to recuse themselves on voting on those types of projects, or resign from the board if they are going to submit a project of their own to board for consideration.

Ms. Eichenwald asked how that would take place. How would a resignation be requested and how would they on City Council have a say over that. It is an enormous concern that they are establishing this authority with so much financial responsibility just to assure that there will be no private financial gain.

Mr. Feller stated that it is the bylaws where it needs to be included and it is the board that would adopt the bylaws.

Ms. Eichenwald stated that it is a catch 22. We are appointing people with the hope that they are going to do the right thing, according to what I am perceiving to be the right thing.

Mr. Feller stated that he thinks that is correct. There are many decisions that this board will make and by appointing them we are assuming that they are going to be making the right decision.

Ms. Eichenwald stated that since they have the candidate here today.

Mr. Feller stated that Ms. Hailstone said that if it is a clear conflict of interest then there presumably be a recusal from a board member on a project.

Ms. Eichenwald stated that the difficulty for her and she is not sure of her colleagues is it clear. She stated that she sees it tonight just by asking questions and what is clear to one person may not be clear to the other. She stated that it is something to deal with. What does it mean to have a clear financial gain? Does it mean that I have to be the sole owner of the property or does it mean that I am a partial investor?

Mr. Feller stated that many members form many organizations rely on self-policing. For example, if someone on this council had a project and it was an ordinance that was going to benefit the project there presumably has to be some type of decision made on how that would be handled.

Mr. Schweyer asked Mr. Marchetto with their ethics rule and they passed the ethics ordinance, does that include authorities, boards and commissions.

Mr. Marchetto stated that he has not looked at the ethics ordinance recently. Any question of whether it would be a violation of the ethics ordinance will be solely for the ethics board. They are the only ones that would be able to make an official determination if there was a violation of that. He stated that he knows it covers officials and employees and he does not know if it covers authorities, commissions and boards.

Mr. Schweyer asked if they had the authority to change that.

Mr. Marchetto stated that he could not answer that off the cuff because the authority once created is independent of the city. It would follow state ethics requirements, but whether the city can reach its ethics board beyond the city itself, its employees and officers. Clearly, you could do it under a commission which is under the city control, but the authority is an independent entity.

Ms. Eichenwald stated that since they are discussing the nomination of Mr. Diaz and Mr. Diaz is here, what you would see as a conflict of interest.

Mr. Diaz stated that a conflict of interest is something that would benefit him directly by a decision that he would be making. With a decision like that he would recuse himself from voting.

### **Resolution passed, 6 – 0**

#### **R7D - Jennifer L. Mann, Expiration January 1, 2016**

Ms. Eichenwald asked what the rules are.

Mr. Marchetto stated that it is the interpretation of the Solicitor that the provision of the Charter in section 902 talks about elected official and elected official of the city. That it would be elected officials of the city and/or employees. The way it reads and it is in the administrative code that the Council passed.

Ms. Eichenwald stated that it is problematic for her. It is nothing to do with Ms. Mann and she admires her greatly and her character and dedication to the city. It is problematic for her personally that Ms. Mann at the moment does represent the city as an elected official even though she understands that an elected official in the city. It is the residents in the city that have elected Ms. Mann.

Mr. Marchetto asked Mr. Hanlon to pull it up for the ethics. If it is contained in the ethics ordinance his opinion would not be official. If the provision that we are speaking about is in the administration code the solicitor could give you an interpretation whether it applies to any elected official or a city official.

Ms. Eichenwald stated that it is a fine line between an elected official and someone that has been elected by the city residents.

Mr. Marchetto stated it states that no appointee of any authority, board or commission should hold any other public office or any compensated position for the city. It is the solicitor's interpretation that elected public office is city office.

Ms. Eichenwald stated that she understands that, but it is still elected by the same people.

Mr. Gurdy stated that it is his understanding and was mentioned earlier that Mr. Schweyer was going to recuse himself from voting for Representative Mann and the question was asked of Mr. Schlossberg. Is there any reason that you feel that you should recuse yourself from voting for Representative Mann.

Mr. Schlossberg stated that he has not worked for Representative Mann for six years and he certainly considers her a friend and consider a portion of the people on here a friend. He stated that he would like to think our relationship would be more of an asset than a potential conflict of interest. If my livelihood was directly impacted by Representative Mann as it is certainly the case for Mr. Schweyer, he would certainly recuse himself, but it has not for six years and he will be voting on it. He asked the solicitor is that the proper interpretation.

Mr. Marchetto stated that the conflict of interest would not be in the purview of the city Solicitor's office.

Resolution passed, 4 – 1 (Eichenwald, Schweyer recused himself)



**R7E - Gregory N. Dudkin , Expiration January 1, 2015**

Mr. Dudkin stated that he is very honored to be put up for nomination of this authority. He stated that he works for PPL and to the question earlier about ethics. He would recuse himself if it is perceived to be something that would benefit him, his company, and relatives. It is important that this authority is seen as independent.

**Resolution passed, 6 – 0**

**R7F - William H. Grube, Expiration January 1, 2017**

Mr. Grube stated that he was born and raised in this city and remembers when the city was vibrant and wonderful place to visit and he watched it deteriorate and he is honored to be able to possibly help to get the city back where it was. As the owner of Cosmopolitan restaurant he has an investment in Allentown and would recuse himself with a conflict of interest. He stated that he does not have a dog in this hunt other than to rebuild this city.

**Resolution passed, 6 – 0**

**R7G - Donald W. Snyder, Expiration January 1, 2017**

Ms. Eichenwald stated to Mr. Snyder when they started off this process her question was with owner of property. She stated that Mr. Snyder was the only one of these nine candidates that falls into this qualification that is an employee of an entity that has property in the City of Allentown. She asked how do you see your qualifications, your position visa vie this particular issue is appropriate of this authority. That you are living outside the city and is an employee of the entity of this city.

Mr. Snyder stated that he was born in Allentown and started his schooling at Cleveland behind Central and has been involved in the city for many, many years. His role as a state legislator even though he did represent the city as well as since he has been with the community college, under his leadership the college purchased the building that they currently occupy on Tenth and Hamilton. We were the first to bring new people to Hamilton Street. There are more than two thousand students that attend LCC at our Hamilton Street location and he has been very active with the Allentown School District and has a very strong relationship with many past mayors with economic development. In terms of his role with the college, the college itself is located within the NIZ and is right across the street from the arena and obviously there will be a discussion about the property there and other locations perhaps within the city. He stated that he would recuse himself if there is anything to do with Lehigh Carbon Community College. He stated that he has two more years at the college and will be retiring after the academic year of 2014, but certainly believes that the college contributes much to the economic development of downtown Allentown. The authority will not only be a financial authority, but one that will provide us a stimulus to work with AEDC and other developers not only with the NIZ, but use the NIZ to provide a much broader range for economic and renewal of the city and using the leadership experience that he has in the past. He stated that he has a business accounting background, legal, and governmental as well. He believes that he could bring a different perspective to the authority although he is not a resident and does not own specific property in Allentown, but he invested twenty to thirty years in Allentown for this goal and if given the opportunity to serve he would keep the best interest of the city in mind.

Ms. Eichenwald thanked Mr. Snyder and stated that she sees a technical problem. She stated that his appointment is to 2017, so what will happen then when you are no longer an employer of LCCC since we know this in advance and you publicly stated that your retirement will be in 2014.

Mr. Snyder stated that he did not know until tonight that was a requirement. When he was asked to consider this appointment he will withdraw his name as a nominee for this authority.

Ms. Eichenwald stated that was not necessary.

Mr. Guridy stated that he is wondering if they could exchange with Mr. Diaz and Ms. Scott whose term is 2014. Maybe they can exchange.

Ms. Eichenwald stated that she does not know the legal ramifications on changing at this late date.

Ms. Hailstone stated that if Mr. Snyder is retired and does not have a business interest in the city at that he would go off the board.

Ms. Eichenwald stated that she is concerned about the vetting and the 2017. This issue of the 2017 does not have anything to do with the outstanding qualifications of Mr. Snyder, it is 2017 that concerns her.

Mr. Guridy stated that since the manager is here, could you speak for the mayor and put in an exchange of 2014 for 2017.

Mr. Bennington stated that he understands that Ms. Scott could flip-flop with Mr. Snyder since Mr. Snyder indicated that he is retiring in two years. If it is legal, he does not see why they can't do that.

Mr. Feller stated that since the Council has not taken any action on the Articles of Incorporation by adopting a Resolution they have the ability to make adjustments to the Articles of the adjustments of board members.

Mr. Schweyer asked Mr. Marchetto.

Ms. Eichenwald stated that she does not understand. Can they make the change now or in 2014 the change is made.

Mr. Feller stated that right now before them will be a Resolution adopting Articles of Incorporation and those Articles specify the names of the board members, the expiration date of the board members and their terms. He thinks that they will have the ability to make the change tonight.

Ms. Eichenwald said right now. Does it require a switch?

Mr. Feller stated yes. He stated that he is not familiar with the procedures.

Mr. O'Connell asked why they have to even make a switch. He stated that Ms. Hailstone just said that something could happen to one of these nine people tomorrow and we will have to fill the vacancy going forward. Mr. Snyder brings a great perspective to this NIZ Authority being an educator for many years, LCCC booming over here and somehow we could bring a technology center and math and science center and magnet school for the community college kids. If Mr. Snyder is willing to serve until 2017 and retires in 2014 and willing to resign in 2014 so be it. Let it ride. Something could happen to a member when they walk out the door and we will have to replace them. He stated that he does not see where the switch means anything.

Mr. Guridy stated that the issue is that they have a clean slate and if there is an opportunity to present a clean slate let's do it now instead of waiting until 2017. We have the opportunity to do it.

Mr. O'Connell stated that they have the opportunity to do it, but Ms. Scott is not here and maybe she does not want to serve until 2017. What harm is it in letting it ride. If Mr. Snyder is going to serve two years at Lehigh Carbon Community College and is going to retire in June of 2014 so be it and if he wants to resign he will resign.

Mr. Guridy stated that he is suggesting Mr. Diaz that has 2014 in his year.

Mr. Feller asked if the provision in the city Charter require only that at the time of appointment a person has that interest or is it an implication that interest throughout the entire term of the board member. Any board member who is being appointed that currently has that property interest can sell their property during that term and does that mean on any board of the city they could be losing board members all the time because they happen to change something during their term. He stated that he is curious if that applies only during the appointment as long as they met the qualifications they stay for the entire term or something different.

Mr. Schweyer asked Mr. Marchetto is there anything that mandates that they have to have a specific number of people that expire 2016, 2018, 2017 or is that something that was arbitrating or could they simply change Mr. Snyder.

He stated that there is nothing in the law that requires terms. This was done to make sure we had continuity and we would not lose all of our board members at one time.

Mr. Guridy made a motion to change the staggered terms and swap Mr. Snyder with Mr. Diaz if that is ok and put Mr. Snyder at 2014 and Mr. Diaz at 2017.

Mr. Marchetto stated that you already voted on Mr. Diaz.

Mr. Schweyer stated that they needed a second for the discussion and he seconded the motion. He stated that Mr. Marchetto said that if they were going to do that they would have to immediately reconsider the 7C and make that appointment at that time.

Mr. Marchetto stated that if they do what the proposal was it would be a provision in the bylaws or the Articles of Incorporation and that would not come until you deal with the Resolution. They all work hand and hand.

Ms. Eichenwald stated that she would prefer they change the date to 2014 because as Mr. O'Connell pointed out there are so many things that happen to people in life and she thinks the appointment of Mr. Snyder goes to January 1, 2014.

Mr. O'Connell stated that he wants to hear what Mr. Snyder has to say.

Mr. Snyder stated that it is not until September 2014.

Mr. O'Connell stated 2015.

Mr. Marchetto stated that he does not know the inner-workings. He knows that all these play together and the solicitor's office gave an opinion on how they should vote on the various legislation. He does not know the mechanism and would have to defer to Mr. Feller on how or where the change comes. It is in the Articles of Incorporation or the bylaws where these terms are set forward.

Mr. Feller stated that it is the Articles of Incorporation that is adopted.

Mr. Schweyer stated that they could make an amendment to the resolution with specific mention of Mr. Snyder to make it 2015.

Mr. O'Connell stated that if they are looking on switching, they already voted on Mr. Diaz. If they go down below to Mr. Snyder, they have not voted on Mr. Torres, if they could just switch Mr. Torres' from 2015 to 2017 and Mr. Snyder from 2017 to 2015.

Mr. Schweyer stated that yes they can, but the motion on the floor is Mr. Guridy's to switch Mr. Diaz to 2017 and Mr. Snyder to 2014.

Mr. Marchetto stated that if they approve Mr. Snyder, they can make it conditional upon the change in the Articles of Incorporation or the bylaws when the time comes.

Mr. Guridy stated that he does not see why they can't switch with Mr. Diaz and Mr. Snyder, unless you guys feels that he should not be there until 2017.

Ms. Mota asked what if he does not want to change.

Mr. Guridy stated that he is right here. We could ask him.

Mr. Diaz stated that he will leave it to Council's discretion.

Ms. Mota stated to Mr. Diaz does that mean, you don't mind the switch.

Mr. Diaz stated that he does not mind, if that is ok with you.

Mr. Marchetto stated not to complicate this; the mayor put forth the appointments with the terms. He stated that he is assuming that Mr. Bennington is speaking for the mayor.

Ms. Hailstone stated that they are fine with that in regards to terms.

Mr. O'Connell stated that you have two members at 2014, two at 2015 and 2016 and two at 2017 and one at 2018. If you just flip-flop Mr. Snyder and Mr. Torres, it is still the same. Maybe Mr. Snyder does not want to leave at 2014, he wants to stay until 2015 and Mr. Torres wants to stay until 2017. That would be wonderful and it is clean.

Mr. Guridy stated that he heard Mr. Snyder say that he is not leaving until September and that would give another nine months. He would go with swapping Mr. Snyder and Mr. Torres.

Mr. Schweyer stated that Mr. O'Connell just made a friendly amendment. He seconded the amendment.

Mr. Grube stated that he does not know if he is going to move and does not know if he wants to serve to 2017. He stated he does not know about the term limits.

Mr. Guridy stated it is not term limits, you could be re-appointed at that time. You are not limited to serving anymore unless you don't want to be re-appointment that is your prerogative. It's not a term limit per say.

Mr. Schweyer asked Mr. Snyder and Mr. Torres is they had any objections to that. Neither of the gentlemen had any objections. Mr. Snyder's term will now expire at 2015 and we are approving Mr. Snyder which is R7E.

**Resolution passed, 6 – 0**

**R7H - Pedro L. Torres, Jr., Expiration January 1, 2015**

Mr. Schweyer stated that the term will expire once they change it in the Articles of Incorporation to 2017.

Mr. Torres thanked them for the nomination and stated that he has been all his life a downtown Allentown resident and look forward to it and thanked them for another three years.

**Resolution passed, 6 – 0**

**R7I - Diane Scott, Expiration January 1, 2014**

**Resolution passed, 6 – 0**

**R5 Articles of Incorporation**

Mr. Schweyer stated pursuant to a motion we had made earlier at this point in time, we are going to the last piece of business regarding the NIZ Authority which is R5 which are the Articles of Incorporation. Someone will need to make a motion to change Mr. Snyder's date to January 2015 and Mr. Torres is 2017.

Mr. Guridy made the motion.

Mr. Schlossberg seconded the motion. R-5 was amended by common consent.

**Resolution passed, 6 – 0**

Mr. Schweyer thanked the appointees for their time. This is an unpaid and uncompensated board and we certainly appreciate your willingness to serve.

**Bill 97 Mountainville Donation**

Amending the 2011 General Fund Budget to provide for a supplemental appropriation of Eight Hundred Forty-Eight Dollars and Ninety Cents (\$848.90). This is a donation from Mountainville 30 Crime Watch to the Police Department equipment program.

Ms. Eichenwald stated that it was before the Public Safety Committee this evening and was recommended favorably 2- 0. This is a donation from Mountainville.

**Ordinance passed, 6 – 0**

**Bill 110 - Police Overtime - ASD**

Amending the 2011 General Fund Budget to provide for a supplemental appropriation of Fifteen Thousand Nine Hundred Eighteen Dollars and Fifty-Eight Cents (\$15,918.58). This is overtime reimbursement from the Allentown School District to the Police Department for additional police coverage at William Allen High School & Dieruff High School during lunch time.

Ms. Eichenwald stated this was before the Public Safety Committee this evening and recommended favorably 3 – 0 and it has to do with the reimbursement to the Police Department from the Allentown School District.

**Ordinance passed, 6 – 0**

**11. ORDINANCES FOR INTRODUCTION:**

**Bill 4 Board of Ethics Amendment Referred to Human Resources, Administration and Appointments**

Amending Article 171.10 Board of Ethics, by requiring requests for opinions to be filed with the City Clerk who shall forward a copy to each board member by the following day; mandates that the request for an advisory opinion state the provisions of the Code which the complainant alleges was violated; allows the request to be filed by fax or email; requires city officials or employees to provide information to the Board it deems necessary to perform its responsibilities; establishes time frames for issuing advisory opinions; and requires that copies of written advisory opinions be filed in the Clerk's office with identifying names deleted.

**Bill 5 Street Vacation – Arena**

**Referred to Public Works**

Providing for the vacation of N. Hall Street from Hamilton Street to Linden Street, N. Silk Street from Court Street to Linden Street, Court Street from N. Hall Street to N. 8<sup>TH</sup> Street, Edison Street from N. Hall Street to N. Boyer Street (Formerly Vacated), Howe Street from N. Hall Street to east to the dead end, in the Fourth Ward of the City of Allentown:

**Bill 6 Penn DOT Pedestrian Safety Grant**

**Referred to Public Works**

Amending the 2012 Capital Fund Budget to provide for a supplemental appropriation of One Hundred Seventy Two Thousand Five Hundred Dollars (\$172,500) reflecting receipt from a Transportation Enhancement Grant from the Pennsylvania Department of Transportation (Penn DOT) to install pedestrian safety control along Chew Street from 23<sup>rd</sup> Street to 26<sup>th</sup> Street that runs through the campus of Muhlenberg College. The Bureau of Traffic Planning and Control is supervising and monitoring the grant.

**Bill 7 EMS Manager**

**Referred to Public Safety**

Amending the General Fund by changing the EMS Manager from a 13(N) to a 17(N) and adjusts the salary accordingly.

**Bill 8 Refunding**

**Referred to Committee of the Whole**

Refunding of General Obligation Bonds, Series of 2003 Bonds, General Obligation Bonds, Series of 2012

**12. CONSENT AGENDA: None**

**13. RESOLUTIONS ON SECOND READING: None**

**14. RESOLUTIONS ON FIRST READING:**

**R3 Delta Thermo Energy Agreement**

**Referred to Committee of the Whole**

Authorizes the Administration to enter into an Agreement with Delta Thermo Energy A, LLC for Waste to Energy Services to be provided at a Waste to Energy Facility to be constructed by Delta Thermo Energy A, LLC on Certain City Property.

**15. NEW BUSINESS**

**16. GOOD AND WELFARE**

Mr. Schlossberg stated to Mr. Bennington that it was appropriate that his last meeting is also the one you were most silent. He stated that Mr. Bennington was in the position of being the punching bag that Council would take shots at and it was never personal and you more than some represented our position as being an independent elected body that is our due diligence to on occasion to disagree and provide check on the mayor. No matter what we threw at you, you always did your job with plumb intelligence, integrity. He stated that he will miss Mr. Bennington and it was a pleasure working with him.

Ms. Eichenwald thanked Mr. Bennington for a job very well done. She stated that it is a hard position that you found yourself in and you came prepared for this position and Mr. Bennington has displayed dedication and commitment to our city and you leave with our heartfelt gratitude and appreciation. She stated she enjoyed the pleasure to have him sit with them meeting after meeting and wished him well and stated that he is an honorary citizen of the City of Allentown and for that they thank him.

Mr. Guridy stated that he echoes his colleagues' sentiment and particularly like the comments of Ms. Eichenwald that Mr. Bennington is an honorary citizen of the City of Allentown. He stated that he enjoyed talking to Mr. Bennington having lunches and he thinks Mr. Bennington represented the city very well and wish him and family a great life.

Mr. O'Connell stated that he known Mr. Bennington for two years and one month and he was a gentlemen and he took hard hits. He stated that Mr. Bennington did his job with honor, integrity, dignity and he wishes him the best and good luck.

Ms. Mota stated that she wishes Mr. Bennington the best and is sad she will not be able to work with him, but advised him to have fun.

Mr. Bennington stated that he intends to on his terms.

Mr. Schwyer stated to Mr. Bennington that he is a member of the administration who is with us at every meeting. The truth is that we have in public built up a strong relationship with the position of managing director with any other member of the administration including the mayor and Mr. Bennington has served the city in an exceptional way and is a true loss to us.

**17. ADJOURNED 9:54 PM**

*Council meetings are held on the first and third Wednesday of each month beginning at 7:30 pm in Council Chambers. For copies of the agenda or meeting announcements, please visit our website at [www.allentownpa.gov](http://www.allentownpa.gov), or contact the Clerk at [hanlon@allentowncity.org](mailto:hanlon@allentowncity.org) to receive an email notice of the meetings.*