

Julio A. 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**  
**January 2, 2013**  
**COUNCIL CHAMBERS**

**Council Meeting – 7:00 PM**

- 1. Invocation:** Julio Guridy
- 2. Pledge to the Flag**
- 3. Roll Call:** Davis, Eichenwald, Glazier, Guridy, O'Connell, Mota, Schweyer  
Frances Fruhwirth represented for the Solicitor's office

**4. Courtesy of the Floor**

Mr. Lou Hershman stated that he comes to meetings and buy a Budget Book for \$25 and tries to an answer on how this pension liability was funded. The managing director stated that it was sitting right beside him and he requested it from him and the finance director stated that he sent it to you and he gave his fax number, but did not give them a stamp to mail it. He is still waiting.

Mr. Guridy asked if he was waiting for the Budget Book.

Mr. Hershman stated no. The answer to how line 40 in the Budget was accounted for and it was funded. There has to be an answer on how it was funded. You passed the budget.

Mr. Guridy stated that we have given you an answer. He asked Mr. Dougherty did he give Mr. Hershman an answer.

Mr. Dougherty stated that he submitted to Council a memo on December 21<sup>st</sup> to follow up on Mr. Hershman's recent inquiry pertaining 1. To the Cash balance in the 2013 budget and 2. An explanation to the 2007 Pension Settlement.

Mr. Guridy stated to Mr. Hanlon to make sure that we get that to Mr. Hershman as soon as possible.

Mr. Hershman stated that if we lease this water and sewer building property and the finances. Could we be liable for real estate tax? Right now, we pay real estate tax on Bicentennial Park because we lease it and Good Shepard, he remembers it was a case on City Council and they had to pay taxes on property that they owned and rented out and leased out because it wasn't income. If we rent this property out or lease this property does this go on the tax rolls because we are getting revenue off of it. If the building is going on the tax rolls, does the land have to go on the tax rolls?

Mr. Guridy stated that we usually don't pay taxes to ourselves.

Mr. Hershman stated that we pay taxes to the school district and to the county for Bicentennial Park.

Mr. Guridy stated that he understand how it works.

Mr. Hershman stated that this is a good issue to consider. We are going to be out money to begin with.

Mr. Guridy deferred to Ms. Fruhwirth and asked if she had any comments.

Ms. Fruhwirth stated that she will be happy to look into Mr. Hershman's question.

Mr. Hershman stated the he saw the Morning Call has a nice article in the paper and he thought he would see the budget transfers for the Consultant fees for the Water/Sewer studies, but he does not see them in here in this packet.

Mr. Guridy stated that they will look into it.

Mr. Ernie Atiyeh stated that the first Council meeting in October he had requested Council to look into the privatization of the water and sewer through a separate authority not binding with the city as a complete separate authority or possibility a for-profit or non-profit corporation run by city residents. He sent them an email last week and he has not heard anything.

Mr. Guridy stated that they are looking into that. PFM has been looking into it. It could be an option. It is something that PFM has been looking into. They are going to get him a memo on that in the next couple of days.

Mr. Atiyeh asked why you would have PFM looking into it.

Mr. Guridy asked who would you like me to ask.

Mr. Atiyeh stated when he talked to him he said PEL.

Mr. Guridy stated that PEL gave us a response to that in their presentation and the response was to look into it simultaneously, but we should not doing anything until the numbers come back.

Mr. Hanlon stated that he thought that PFM was going to generate numbers of what it would cost to do that and the Pennsylvania Economy League will review them.

Mr. Guridy stated that is exactly what we are doing, but the numbers have not come out yet.

Mr. Atiyeh stated that PEL will be looking at it.

Mr. Guridy stated that he said that to you before that PFM and PEL will look into it. They have to wait until the numbers come out from the concessionaires.

Ms. Eichenwald thanked Mr. Atiyeh for asking that question. She could not think of any question that is of greater pertinence then the one that was just asked. She hopes that council will accept the responsibility to follow through on this very important option.

Mr. Guridy thanked Ms. Eichenwald and said that we will.

Mr. Glenn Hunsicker, 844 S. 11<sup>th</sup> Street, stated that over the holidays he was looking at some numbers and basically the \$200 million contract. He asked if any of council actually sat down and did the numbers for the water and sewer lease, \$200 million lease or whatever they go out for the money that comes out to

almost \$13 million a year and add the \$4 million you want for royalty fees. You are talking about \$17 million a year. If you hit that into the water rates, that jack up the water rates \$3.24 on top of that. That means the water rates just for that would have to go to \$6.34. Have you guys done that? He is just curious to see if they have done that at all.

Mr. Guridy stated that he is saying pretty much the same thing that he has been saying all along. PFM has done their financial analysis and PEL did the finances separate a Peer Review Analysis on the finances of it. We presented those numbers to you and they are on the website.

Mr. Hunsicker stated that he understand that they have to go to experts 1, 2, 3, but in your own mind don't you try to do this yourself.

Mr. Guridy stated that he is pretty sure that everyone on the dais has done their homework on this.

Mr. Hunsicker stated these numbers are just the interest and the principal. He stated that the numbers just don't work out. They have come back and say we just can't do this with this kind of money. It is never going to work.

Mr. Guridy stated that he rather wait until we get the bids back before he makes any further comments.

Mr. Hunsicker stated that he would have put it on a slide presentation, but he thinks it is better with a hard copy. This goes back to the RFP and he knows for months the administration stated that they are not going to downgrade the quality in either the quality or service. If you look at the paragraph and this goes to the sewer side and basically it is talking about certified operations. Presently, he understands that Allentown has two certified operators on the water side and the sewer side and if you look at this paragraph and just read that paragraph it puts it down to one operator on the sewer side, but the bottom part of the paragraph really downgrades it. It says on call. Where is this guy going to be when it says on call? That means there are no certified operators. The guy could be anywhere. You could pick up the phone and your phone doesn't work and you are talking to somebody in India. He hopes they look into this stuff. This is important. A certified operator puts a bid liability on the city.

Mr. Guridy stated that he will and the rest of them will as well.

Mr. Adam Bevan 4480 Beachwood Lane, stated that he is prepared to speak today as he will tomorrow which is from his understanding is when we are supposed to have this discussion about the water privatization, but for some reason it has been cancelled at this point.

Mr. Guridy stated that he was going to announce it under communication. It is not going to be tomorrow, it is going to be Tuesday. The Morning Call did not publish the ad and it has to be published by law before the meeting.

Mr. Bevan stated that if he would not have called the Clerk today, three hours before the 24 hour deadline then what would have happened. Would you have had the meeting tomorrow and you guys would have been.

Mr. Guridy stated that we would have found out.

Mr. Bevan stated that he remembers in the last meeting, you saying at least a dozen times that the third is the day we would have been able to speak of this. That is when he is prepared to speak on this with a bunch of other people. We have been preparing people for quite some time now for this date and people

have cleared their schedules for that specific time and date and here you are changing it for what reason exactly. Just because the Morning Call did not publish it.

Mr. Guridy asked the City Clerk, Mike Hanlon to explain that to you.

Mr. Hanlon stated for whatever reason the Morning Call did not publish it. This has happened before. It was nothing nefarious and he can send Mr. Bevan the legal ad we sent to the Morning Call if you don't believe me, but that is what happened.

Mr. Bevan asked about the Express Times.

Mr. Hanlon stated that we do not advertise in the Express Times.

Mr. Bevan stated that he believes that they were asked to show up at this meeting specifically and mentioned nothing about tomorrow. That is his understanding. He thinks it is very shady what is going on here.

Mr. Guridy stated that you are allowed to say anything you want, but you should not insult us.

Ms. Eichenwald asked Ms. Fruhwirth would it not have been enough that it was mentioned in an article of the Morning Call. Does that not count?

Ms. Fruhwirth stated that there are Sunshine Law implications with the Publication Of Notice general news article do not suffice for the Sunshine Law. It does need to be a legal publication in the Want Ad section of the newspaper in order to comply with the law.

Mr. Bevan asked when the next opportunity for him to speak.

Mr. Guridy stated that the next meeting for the referendum is going to be this Tuesday at 6:00 PM right here.

Mr. Adam Hazan, S. 16<sup>th</sup> Street, stated that he has an issue with the Water Bill at that location. He tried to solve it with the city, but unfortunately he is getting the run around and has no choice to come to the meeting to talk to council regarding it. For some strange reason our address on the bill has been changed. He has no idea how. He has it here and can show them the two bills that have been sent out in July with correct information on the 10<sup>th</sup> and from the city to us that the tenant had a problem paying the bill. All of a sudden after that our zip code changed. The mail was sent out to us and never got to him. He checked with the Post Office and they said that if he did not receive it, they guarantee it went back to the city. No one in the city contacted them or cross-referenced the different properties and say that we are receiving the mail back here and the water bill is not being paid. Where are you and what's the problem. They have the telephone number on file and he checked that they have a different address and different location. They didn't even cross-reference it. After about eight months he contacted the city about the water bill and all of a sudden they told me it was \$1200. He asked why he didn't receive any notification of not this bill being paid. They said that this is your address and he said, no that is not my address. He spoke to a Mr. Rick Dougherty, Supervisor with the Water Department and he said that he understands what happened and he is sorry that the address has been changed in your file. He asked Mr. Dougherty to investigate it and he stated that they city will deduct some of the late fees and the penalties. When he was talking to Mr. Dougherty he had his wife and the tenant listening to the conversation and Mr. Dougherty stated that he would deduct the late fees and the penalties because it was not your fault and somehow it happen in the file that the address has been changed. After a few months later, he was told to call back because there

was \$900 for the bill and he contacted the city for the arrangement because they have issues because this tenant did great damage to the property and we had to fix it. He called and they put pressure on him that you have to pay it in full. Now, it is no longer \$1100, it is now \$1200. He spoke to Debra and the city secretary and somehow they will cut it in three to have time to pay for it. A few days ago, he received another bill for \$1300 and he still do not know what exactly what this tenants did and we have to go to court to find out what we have to pay \$900, \$1100, or \$1300. He spoke to Mr. Dougherty again, and he said this is your responsibility. He stated that they wanted to shut the water down on November 15<sup>th</sup>. He has no recollection of the shutdown. He came personally to the city and he sat down and they stated that he has to make the payment by tomorrow. Another remark that he said was if he was to tell him that he would take those late fees and penalties out at the same time. He stated that he does not have any recollection to tell me such things. We wouldn't tell you that. A few days ago he received a bill that was \$125 which was for the meter fees and he asked what that was for and he did not know what that was for. He had to call the billing department to find out and Mr. Sapp went to the file and told him, Adam you know what so many things going on and he is seeing so many deductions.

Mr. Guridy asked Mr. Fran Dougherty to please take his information.

Mr. Dougherty stated that he is not familiar with the case, but will be glad to sit down with Adam and all the relevant staff in his office and they will do a forensic of the problem and come up with some agreement.

Mr. Guridy asked Mr. Luzon if he knew Mr. Dougherty and stated that he is the city manager and will work with you. He asked them to exchange information and Mr. Dougherty will work with you.

Mr. Kenneth Heffentrager, Tenants Association of Allentown, stated that he brought this up before about this particular piece of paper which supposed to be in every single unit of the 25,000 plus units. In the past two weeks, the amount of calls we are getting that it is now becoming ridiculous. We almost need a staff for how many calls are asking questions. This paper, these people and their landlords would have this paper in their unit like they supposed to will solve a lot of problems. They supposed to have a Residential Rental Unit License and when it expires. It supposed to tell you the name and mailing address, and telephone of the owner and operator of the occupier responsible agent. People called us and said that they had water rushing into their house, and I said call the landlord, what am I going to do about it. We can't get a hold of the landlord. The number is disconnected. Then all of a sudden, the people upstairs say we are the acting agents and by the way you owe us rent. We did find out that the landlord and technically put them in as an acting agent except for that they are not registered with the city. When Code Enforcement walks into these places is there a fine if they don't have this posted. If there is not, create a fine. Even if you made it a \$1 fine, this city could make money. He has yet to see a unit that has it in it; except for one where he lives right now even he told the guy it is ten years old. This piece of paper has a lot of very important information and we all know how many people are coming into the area that is new and don't know nothing. He called the building director today, and he in fact tell him that if they are an acting agent they have to be registered with the city and some of these people don't come out and collect the rent. They have different people living in Joe Clark's building that I had several different people trying to collect rent and each time I told them, there is the door and goodbye and went down to Crocodile Rock and paid my rent. Literally, I could walk in some of these buildings since I know a lot of the laws and tell them that I am the acting manager on behalf of the people because you can go to Lehigh County Assessment and find out who runs the building and people are probably going to pay me. Something needs to be looked into and if it is not a fine regarding this maybe we should look and create a fine.

Mr. Dan Poresky stated that he would like to get clarification on the cancellation. There are a lot of people that may have ascribed reasons of the cancellation as being suspicious. He is not doing that, but he just want to get it clear on the cause of the cancellations and you said it because the paper did not have it and

no notification in the Morning Call and he would like to know what the reason was for and one of the reasons that he is asking that the city's website did not have it on its calendar as of 3:38 PM this afternoon. He is wondering if the city clerk's office failed to supply this information to the Morning Call because they forgot to put it on their own website.

Mr. Guridy stated that it is a fair question. He asked the city clerk to actually answer it. He found out today and he found out from the city clerk and what I tried to do is get everyone together as soon as possible. We have most of the people available on Friday and Ms. Eichenwald who is a key person with this could not make it on Friday so we are going to do it on Tuesday as earlier as possible.

Mr. Hanlon stated that Mr. Poresky called me when I returned back from vacation and you asked me about the meeting and I told you when we were going to have the meeting. Prior to me sending the notice out and the next morning, I sent a notice out to everybody on the email list. We sent a request in to the Morning Call on 24<sup>th</sup> to have the advertisement made, but it wasn't done. Normally, it doesn't happen, but it does happen. Why it wasn't advertised, I don't know. The Morning Call was very apologetic.

Mr. Poresky stated that he is going to be asked by a lot of people and he will be here at 6:00 PM tomorrow night because a lot of people that we called, he will not be able to get back to tell them not to come and they are going to say, what happened. They are going to be looking for someone to blame and he just want to be able to say it was an honest mistake and that you sent the information to the Morning Call and they failed to publish it. He stated that he was thinking of a situation that may get the city into trouble and he hopes that they are going to take action. If it is a problem, it is something to consider and that is we know that as Mr. Hunsicker has pointed out the amount of money that the city is asking from a bidder is so high they are going to find some way to get it back. He knows that the bidders have said they are having some difficulty with being able to meet the terms that the mayor has requested and they want to raise the rates quicker and higher. This is very likely to be the case to raise the rates quickly and higher in order to be able to get back this money. The problem come in that there are rules to prevent the city taking money rates and using it to pay the pensions and that is one of the reasons we are going privatization of the water because we are not allowed to take \$10 million a year from the Water Department of rates they are charging and use that to pay off the pension. That's why we have to launder the money through the corporation that is going to come in and give us the money to pay off the pension and consumers are going to pay it back to the water company and if they don't raise the rates so much it is not really a problem because nobody is going to notice. Let's say they have to come back and raise the rates 25 percent or more or \$3 then you have a situation that is obvious to anyone that looks at it that the money that the consumers are paying and all the ratepayers are paying, the extra \$3 they are paying is going to pay off the pensions. Nobody will be able to deny that anymore. Isn't the city possibility going to be in a legal bind for trying to circumvent state law that prevents water rates to be used to pay for pensions? Is this something that has been thought of and could be considered because you kind of circumventing the rule by going to privatization to begin with. It could become very obvious because water rates would go up much faster than they are currently going up. Is this something that has been discussed as a concern that the city is going to themselves into trouble.

Mr. Davis stated that he could not tell Mr. Poresky about the legal aspects of that, but in our meetings there have been no talks about increasing what they have originally planned on. The CPI Index for the first five years, they have not disregarded that and raise rates higher. That has not been discussed. He does not know where Mr. Poresky heard that. He stated that he goes to most of the meetings and that has not been said and about circumventing the laws, you probably going to have to talk to a lawyer about that. He is sure that it has been looked into, but he doesn't want to put words in somebody else's mouth. It is something that he could ask. He doesn't have a problem going to them and asking about that. He stated that he could talk to Mr. Poresky after the meeting about certain questions he wants answered. He is not

hiding anything or trying to hide anything. He is reporting what he had been told and he heard nothing about increases the rates beyond what was put in the draft.

Ms. Eichenwald stated that it is a very valid issue and she always under and works under the assumption that forewarns and forearmed and is certainly an issue that needs to be investigated. She thinks that they should take it seriously and get back to the power that be as they go along the process of negotiations. She thanked Mr. Poresky for brining that to our attention.

Mr. Schweyer stated that he is sure that the administration would avail their consultants to us for cases like this and asked Mr. Hanlon to give Mr. Feller a call to specifically run that question passed. He stated that he does not want to speculate since he is not a member of the Pennsylvania bar so he won't wage an educated guess. It would just be a speculation.

#### **5. Approval of Minutes:** December 5 and December 19, 2012

Minutes approved by Common Consent

#### **6. Old Business**

Ms. Eichenwald stated that she would like to publication state that she did receive an accounting from Mr. Dougherty. He is a man of his word. She received it and she hopes that the information would become available to anyone who is interested in seeing what it states.

#### **Election of President and Vice President**

Mr. Guridy thanked Ms. Eichenwald and stated that he received it as well. The good thing is that the world did not end. We are still here.

Mr. Guridy stated under Old Business we still have the election of president and vice president. Mr. O'Connell and he reapplied for the same position. Mr. O'Connell is obviously the vice president and he the president. He asked for nominations for the president.

Ms. Mota stated that she would like to nominate Mr. Guridy for president and Ray O'Connell for vice president.

Mr. Schweyer seconded the motion. He stated that they can vote for the two positions together.

Mr. Guridy stated that same as before; myself as president and Mr. O'Connell as vice president.

#### **Election of Mr. Guridy as president and Mr. O'Connell as vice president passed, 7 – 0**

Mr. Guridy stated that he will continue to do the hard work he is doing.

Mr. O'Connell thanked his colleagues for their support. He state that he thinks they have an excellent council and we have a lot of brain trust up here, a lot of wisdom and a lot of experience. The three years he has been on council has been very interesting. As all of his colleagues on council, he cares very deeply about the City of Allentown and he looks forward to the City of Allentown turning that corner. We had many tough decisions to make over the last year and we are going to have many more tough decisions in 2013. He thanked his colleagues for their support and stated that he looks forward to 2013.

Mr. Guridy thanked his colleagues for their support and for working hard in all the difficult issues that they have faced in the last year. We will continue to work hard. Either you agree or not agree to any of issues that we discuss we all work hard and do our homework and he truly appreciates it. He pointed out that his family and friend are here for the first time.

## **7. Communications**

Mr. Guridy stated that the Public Meeting will be held on Tuesday, January 8<sup>th</sup> at 6:00 PM. He stated that a Public Hearing is scheduled on January 16, 6:45 PM, to afford an opportunity for public testimony on the liquor license transfer which is on the agenda this evening. He stated that copies of Transfers that council members have passed are on the back table where the officer is and if you have any questions, let us know.

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

### Budget and Finance: Chairperson Schweyer

The committee has not met since the last Council meeting; they have scheduled two meetings prior the February 6<sup>th</sup> full Council meeting. We have a regularly scheduled meeting on January 23<sup>rd</sup> at 6:00 PM. At that meeting we will consider any bills that may before us with notable exception R2 and R3 which will be introduced this evening as well as policy hearings. They have discussed issues regarding if there is a large capital infusion of money from the privatization of the water and sewer plants and hypothetically what is the process. We are going to at least start the process of figuring out the mechanics should that come to fruition. They are also going to discuss from a policy perspective, Ms. Eichenwald the issue with the line 43 accounts and in fact a bigger issue on the detail sheet. He asked Mr. Hanlon to get a solicitor at the January 23<sup>rd</sup> meeting. On February 6, prior to the council meeting in an effort to accommodate Mr. Rosenfeld who wishes to speak on R2 and R3 to accommodate his schedule, we will be having a meeting on the 6<sup>th</sup> because we do try to accommodate our folks here in the city. That is the agreement he and Mr. Rosenfeld talked about earlier this evening.

### Public Safety: Chairperson Eichenwald

The committee has not met since the last council meeting; there is an item on the agenda tonight that we wish to have voted on that has not gone to committee due to the urgency of the matter; the next meeting has not yet been scheduled.

### Community and Economic Development: Chairperson Davis

The Committee met this evening and has an item on the agenda; the next meeting is tentatively scheduled for January 9<sup>th</sup> to discuss the community benefit suggestions that are being considered by the Allentown Community Benefits Coalition but as off today, we have not received a call back on this issue – this is tentative.

### Parks and Recreation: Chairperson Mota

The Committee has not met; a future meeting has not yet been scheduled.

### Public Works: Chairperson O'Connell

The next meeting is scheduled for January 9<sup>th</sup>, at 6:00 PM and we will have three or four items on the agenda.

### Human Resources, Administration and Appointments: Chairperson Glazier

The Committee has not met; a future meeting will be scheduled for January 16<sup>th</sup> at 6:30 PM to discuss a resolution relating to the disposition of certain city records.

### Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson Guridy

The Committee has not met; a future meeting has not yet been scheduled.

## **OTHER COMMITTEE REPORTS**

None

### **Controller's Report**

Ms. Koval stated that she has nothing in addition to what Mr. Schweyer stated about the Budget and Finance Committee meeting.

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

Mr. Fran Dougherty stated that he hope to add to Mr. Glazier's January 16<sup>th</sup> meeting a list of new appointments to begin to discuss the vacancies and expirations of our authority, boards, and commissions. The mayor will be attending Senator Casey's inaugural tomorrow and he will also be in the White House tomorrow following up on an FAA issue.

### **9. APPOINTMENTS**

None

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

#### **Bill 81 Repealer**

Repealing Ordinance 15018, a supplemental appropriation of \$50,000 in Enterprise Zone Funding, as the appropriation was already accounted for in the budget.

Mr. Davis stated that the committee did meet and discussed it. It is a simple house cleaning item and the committee voted 3 – 0 favorably.

**Ordinance passed, 7 – 0**

### **11. ORDINANCES FOR INTRODUCTION:**

#### **Bill 1 Street Vacation - Court Street**

**Referred to Public Works**

Providing for the vacation of City Hall Court from Linden Street south to its limit in the Fifth Ward of the City of Allentown

#### **Bill 3 Street Vacation 2nd Street**

**Referred to Public Works**

Providing for the vacation of S. 2<sup>ND</sup> Street from W. Montgomery Street to the north property line on 1751 Clyde Street in the Nineteenth Ward of the City of Allentown

#### **Bill 4 Street Vacation**

**Referred to Public Works**

East School Street from South Ellsworth Street to S. Filbert Street

### **12. CONSENT AGENDA:**

#### **CA-1 Police Apptointments.docx**

CA-1 Appointment of Police Officers

Ms. Eichenwald asked Chief MacLean where it will bring our number to.

Chief MacLean stated that he knew it would be the question. If his math is correct, it would bring our number to 213 and we have another officer waiting in the wing and we should be bringing his name forward to you in the next two weeks. He broke his arm so we have to wait until his arm heals then we have two more vacancies which we started backgrounds on from our new civil service list that went into effect yesterday. We have two more positions to fill.

Ms. Eichenwald asked are there any minority or female officers.

Mr. MacLean stated that in this current group you are voting on here tonight, no. We have 19 Hispanics, six African Americans and 11 females.

Mr. Schweyer stated to Mr. Hanlon that it is a little more for you in regards to in the past we had addresses and we took the addresses out for obviously reasons which make sense. He applauds that, but we had asked so that we could track where the candidates were from and then we put the municipality of residence. He finds it charming that as an Allentown City resident that there are a lot of people from South Whitehall Township, Lower Macungie Township, Upper Macungie Township, and Salisbury Township that have Allentown mailing addresses claim to be from the City of Allentown where in fact they actually don't live in the City of Allentown and do not pay taxes in the City of Allentown, do not travel Allentown streets unless they are coming or going somewhere as opposed to going home. The four names we have here, he finds it very hard to believe that the four live in the Borough of Quakertown, the City of Bethlehem, the City of Allentown, and the City of Harrisburg. This is not going to hold up his yes vote, we need the cops, and we have the vacancies and we have the funding for it. He asked Mr. Hanlon if he could double check to see actually where they are from or if the person in Allentown lives in Lower Macungie Township and forward that along to me via email and that will certainly suffice. He supports residencies for as many of those folks as possible and any opportunity that we have to promote someone who lives in the City of Allentown to taxpayers funded job we should support he would appreciate hearing that.

Mr. O'Connell asked Chief MacLean do they have to go through the academy or if some of them are Act 120.

Chief MacLean stated that they are all Act 120 certified. They will go into field training and be out on the streets within a couple of days after they are hired. We will have them at the academy going through some of our policies, procedures, reporting, and computer usage and then they will go into training. No twenty weeks in the academy.

Mr. Guridy stated that they are moving in the right direction and like the rest of us here, he also feels that the Bill that we passed for Act 120 is working well. He thinks that it is making the process a lot faster.

Chief MacLean stated that our current civil service list that went into effect yesterday, a good portion of people at the top also have Act 120. We have to work within the band and certain constraints of the civil service, but that is certainly something we should look at.

Mr. Guridy stated to Ms. Eichenwald pointed out that he is a proponent to make sure we have an equitable amount of police officers as we have in the City population and encourage Chief MacLean to keep working hard in recruiting minorities and women to the force.

Chief MacLean stated that they do it as much as they can within the constraints of the civil service. The Bill 66 lists which council passed last year and we worked better. That was one of the focuses on that. We went through that whole list.

Ms. Mota asked what happens if we find out that the police officers were lying about their addresses.

Mr. Schweyer stated that he doesn't think they were lying at all.

Ms. Mota stated that she is not saying that would be the case, but it seems as though it was one of Mr. Schweyer's concerns.

Mr. Schweyer stated no, his concern was on the public notification for CA-1 where they list the resident. The short answer is nothing because we are not required to list that. We are just required to list their names. The long answer is this is just more for his identification to see where we are hiring folks. That is not a policy question that's more where he comes down. It's not to stay that people that don't live perform less admirably than those that do. He would just like to know for an example if this person lives in PA or other.

Ms. Mota asked Chief MacLean do we know how many police that live in the City of Allentown. Do you have that number?

Chief MacLean stated that he does not have the number in his head, but has it in his office. When we get an applicant, we do a whole background investigation and included in that is their address and their previous addresses and we check if the municipality they lived in the past. Where they might have gone to college and where they might have worked or where they may have lived. We check with them also. Since there is no requirement at this point to be a city resident there is no reason for them to not telling us the truth in their address and again, we do verify.

Ms. Mota asked if they go through a psychiatric/psychological evaluation.

Chief MacLean stated that yes, they do and we are changing the civil service regulation. The previous civil service regulation said a board certified psychologist and we have asked civil service to change that to just a licensed Pennsylvania psychologist and/or psychiatrist.

Mr. Ernie Atiyeh thanked Chief MacLean for bringing our command to the number. He asked this a couple of times and hopefully someone will listen. When we swear in police officers and when we swear in firefighters he would like for the residents of Allentown to know when that meeting is going to be. He doesn't think there is anything more positive than an officer being sworn in and having residents sitting here in the audience for them appreciating them and thanking them for becoming officers rather than just their families. He stated that he doesn't know where they have to go with it, but he would like to be notified when there are police officers or firefighters are being sworn in so that we could have residents here to show our appreciation.

Mr. Guridy stated that there is usually a press release. He knows he gets one from Mike Moore all of the time.

Mr. Atiyeh stated that he is not getting it.

Mr. Dougherty stated that he will make sure that Mr. Atiyeh gets it.

Chief MacLean stated that it would be 11:00 AM here on the 10<sup>th</sup>.

Mr. Ken Heffentrager stated that Chief MacLean just mentioned the 10<sup>th</sup>, is that publically advertised. He stated that Mr. Atiyeh makes a good point in that people would probably like to come out and see what is going on and see who the new police officers are. He knows when he lived in Perkasia a friend of his father became a police officer there and that was a big deal in Perkasia. There are only 10,000 people that live there, but every single resident got a postcard stating we have a new police officer. He asked if that is put out in people that they know when that is.

Mr. Guridy stated that he doesn't think they do it the same way they do when we have a meeting that we pay for, but there is a press release that goes to the news.

Mr. Dougherty stated there is a press release that goes to the various news media networks and also posted on the city's website.

Mr. Schweyer stated to Mr. Dougherty that is a good point and as we do them in the future and chief you have mentioned that we may have one or two more coming up in the near future, can you announce it. It doesn't have to be the part of the consent agenda because it is not an official meeting. He stated if we could just mention the days that would be part of our protocol.

**Resolution passed, 7 – 0**

**13. RESOLUTIONS ON SECOND READING:**

None

**14. RESOLUTIONS ON FIRST READING:**

**R1 LV Gaucho, Inc. Approval**

**R1 Liquor License Transfer**

Transfer of a liquor license to 2805 Lehigh Street

**Public Hearing, January 16, 6:45 PM**

**R 2 Sale Mack South Fire Training Grounds**

**Referred to Budget and Finance**

Authorizes the Administration to Sell a Portion of the City-owned Real Property located at 1902 Lehigh Street, Allentown, Pennsylvania

**R3 Right of First Refusal**

**Referred to Budget and Finance**

Authorizes the Administration to Execute a Right of First Refusal Agreement for the Sale of a Portion of the City-owned Real Property located at 1902 Lehigh Street, Allentown, Pennsylvania

**R4 Contract Authorization**

Authorizes the Administration to Enter Into a Five (5) Year Contract with Service Electric Telephone

Ms. Eichenwald stated that it is her understanding that this bid was received from Service Electric open bidding process.

Mr. Michael Hilbert stated yes, it was.

Ms. Eichenwald stated that it will save us \$46,000 over the life of the contract.

Mr. Hilbert stated that it will be approximately \$45,000 a year.

Ms. Eichenwald stated even better, thank you and the urgency of this is if we approve this as time honored that we will save \$2,000 by approving it this evening.

Mr. Hilbert stated correct. Our existing contract with our incumbent carrier has expired and we switched to a different rate structure and the time to implement this contract with Service Electric is approximately three months so the sooner we can get this under contract and get this underway the more money we will save in this first year.

Ms. Eichenwald stated that \$45,000 or \$46,000 is a great deal of money can you explain a little bit on why it is such a difference.

Mr. Hilbert stated that it is strictly because of deregulation. We have approximately 521 telephone lines in the city and we also have long distance service on majority of those lines. When we put this out for bid, this was about the third time we have bid this service. In the past, no one has come close to Verizon's bid because they were the incumbent, they has facilities in place. What deregulation has allowed is let other companies to come in and provide equivalent or better service, but not have to charge fees and the rates that Verizon is obligated to charge under the tariff.

Ms. Eichenwald asked when you began the bidding process there was no change in the RFP as far as what we requested.

Mr. Hilbert stated correct. It pretty much was the same RFP that we used five years ago when we went out for bid before.

Ms. Eichenwald asked if he went back to Verizon and did they offer any explanation.

Mr. Hilbert stated that they offered no explanation other than this is the tariff. There are certain things that they are obligated to charge us for and we understand that.

Mr. Dougherty stated that Mike came to him with this request. He was just as shocked by the results of the RFP as he was having dealt with Verizon. But they showed no keen interest in retaining this side of their business. He stated that on a personal note, he wants to point out as well know Mike is one of the superstars of any government or the City of Allentown he has served here and constantly striving to save every bit of money which I won't put in the 46 account. He is truly a superstar trying to save every dollar and improve service at the same time. This is one of those times where he has hit a homerun.

Mr. Guridy stated kudos and pointed out that Mr. Hilbert is the director of the 911 comm. center.

Mr. Hilbert stated that Dennis Wetherhold is the technical coordinator for the city. We worked on this project together and reviewed the RFP. We did about six weeks of due diligence once the RFP came back because it looked to us that it was one of those deals too good to be true and that's why we are a little late in getting this completed because we wanted to make sure that we dotted all the I's and crossed all the T's and we met many times with representatives of Service Electric to make sure that the service they were offering was equivalent or better to what we had now.

Ms. Eichenwald asked if they have a track record of providing this kind of service. She certainly knows that they do it, but at this magnitude.

Mr. Hilbert stated that they contacted three references. One reference from Northampton County, those people he knows personally through his dealings with 911 and two other references and one of them with a 500 line or better account and they all both spoke very highly of the service. We have been having relationships with Service Electric in other matters. There are a local company and an excellent corporate citizen. He stated that he believes if we do have issues, they will work diligently to get them fixed. They have a lot invested in the city. They are a good corporate citizen to us.

Mr. Guridy stated that he for one likes to see contracts to go to local companies and Service Electric being one of the oldest companies in the country in regards to cable. He stated that he is satisfied on what Mr. Hilbert has done and congratulated him for saving money for the citizens.

Mr. Hilbert stated that the 5 year contract, we would have realized some savings on a three year, but certainly as not much. The numbers on a five year contract would was just extremely good.

Mr. Schweyer asked if he could correct the record on something and asked Ms. Koval if he could. He asked if a telephone service is in the Act 46 account.

Ms. Koval stated no, it is considered the Act 22 account.

Mr. Schweyer asked if this savings is in the Act 22 account which means that it would be shown as part of the unappropriated balance at the end of the year and if the administration were to want to transfer it out they have to use the Transfer process noting where it comes from and what the purpose is.

Ms. Koval stated that unless during the year one of the accounts is running short, but you still have to submit a Transfer process to transfer money from the 22 account into another account.

Mr. Schweyer stated unless there is something else in the 22.

Ms. Koval stated correct.

Mr. Guridy asked Ms. Koval if she said that it would stay in the 22 account.

Ms. Koval stated right now because it was budgeted that way. If you needed money from one of these accounts, you will still have to go through the transfer process to move it from 22 to one of these other accounts.

Mr. Guridy asked if it was because there wasn't new money coming in we could have put in an inappropriate account.

### **Resolution passed, 7 – 0**

### **15. NEW BUSINESS**

Mr. Davis stated that he was fortunate to meet with Mr. David Miller. He is a new intern and he is not sure if everybody met him, but he will be working with us and the CED committee who does the Community Benefits built from the NIZ and I just wanted to give him an opportunity to introduce himself.

Mr. David Miller stated that he is a second lieutenant in the National Guards right now and he goes to American University. He is a senior right now in political science and he is going to law school after that. He looks forward to working with all of them.

Mr. Schweyer thanked Mr. Miller for his service. He stated that he doesn't want to be a stickler, but when they passed Mr. Guridy's election and Mr. O'Connell's election as president and vice president, our Rules state that we were supposed to meet the first Monday after the New Year. We were supposed to meet on the 7<sup>th</sup> about that. He asked Ms. Fruhwirth, Mr. Hanlon or Mr. Guridy could chime in if they need to make a motion to suspend Council's Rules in order to do that.

Mr. Guridy thanked Mr. Schweyer for bringing that up and said that they actually should have done that at the beginning.

Mr. Schweyer stated that he thinks they should have, but he wants to double check. He doesn't want to ignore our Rules because he wrote them a couple of years ago.

Mr. Hanlon stated that the Rules read on the first Monday of January following a regularly municipal election and on the first day of the regular meeting of all other years.

**16. GOOD AND WELFARE**

None

**17. ADJOURNED: 8:15 PM**