

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



**Allentown City Council**  
**435 Hamilton Street**  
Allentown, Pa. 18101  
AllentownPa.Gov

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**COUNCIL MEETING MINUTES**  
**May 15, 2013**  
**COUNCIL CHAMBERS**  
**435 Hamilton Street**

**Council Meeting – 7:00 PM**

**1. Invocation: Joe Davis**

**2. Pledge to the Flag**

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

**4. Courtesy of the Floor**

Mr. Lou Hershman asked about the 5-year financial plan and made an inquiry on a PEL study. He stated that he understands the water/sewer lease is still being negotiated. It is not signed yet. Once the changes have been made and it is signed, are you going to let the public know what have been changed?

Mr. Guridy stated that the Ordinance has been signed already.

Ms. Koval stated that it was signed on May 3<sup>rd</sup> or 4<sup>th</sup>.

Mr. O'Connell stated that is in 90 days.

Mr. Hershman asked is Council going to reopen the budget.

Mr. Guridy stated that we will. We have to. He stated that Mr. Schweyer is working with the Finance Committee to finalize that.

Mr. Schweyer stated that there was a hearing on it and he missed Mr. Hershman's input on it. That was back in January in anticipation from your east side neighbor's Ms. Hahn asking us what we are going to do. The administration has agreed that no proceeds from any lease would be done via a transfer process. Council does not have the ability to reopen the budget, the mayor does.

Mr. Hershman stated to Mr. Guridy that he promised that he would get to him the Pennsylvania Economy League's study to find out how they applied the .35 wage tax.

Mr. Guridy stated that study on the website.

Mr. Schweyer stated that to your point Mr. Hershman we have asked for a full report from Cheiron which will include the .35 and the state aid all the other factors.

Mr. Guridy asked if the Actuarial Report will be completed in June as well.

Mr. Schweyer stated no, that is the CAFR. It is on target. There are five or six outstanding items.

Ms. Julie Thomases stated to Mr. O'Connell at the last City Council meeting that he thought that it was a good idea to form an independent oversight committee to oversee the impact on LCA operations. The committee will have access to reports that were filed with local state agencies to make sure LCA is meeting those requirements. When are the timetables and how those members will be chosen? Has the ombudsman job description been finalized and who decides what that job description looks like and will that be made public.

Mr. O'Connell stated that he does not have those answers tonight. He will work with his committee colleagues and anybody on city council in a public way to develop an oversight strategy. It is very imperative that we have an oversight committee. Mr. Koplisch has been hired by the administration for this transition period until final closing. He stated no. He stated that he does not have an answer.

Mr. Schweyer stated that if the administration were to create a position and they have been on record numerous of times that they wanted to have an individual who is responsible to mediate between the customer and LCA while also being mediating a dispute the city may have with them. That person will be paid for by the city. I won't approve the funding for that position until we have some kind of job description to go along with it.

Ms. Thomases asked if an EAC person could be part of that committee.

Mr. Schweyer stated that it is certainly open for discussion.

Mr. Guridy stated that oversight committee is part of that agreement. It has not been designated yet.

Ms. Eichenwald stated that she is glad that Ms. Thomases brought that up. Remember, about two years ago we were promise when we were discussing the Delta Thermo Project that it would be a citizen's committee and to the best of her knowledge there is not yet a citizens committee.

Ms. Sandy Miller, 1913 South 5<sup>th</sup> Street, stated that she received flyers concerning the plans for Allentown. She is ashamed of what Allentown has become and the deterioration of the city. She spoke about cultural identity and litter in the park.

Mr. Guridy asked Ms. Miller is the pamphlet that you put up is my pamphlet.

Ms. Miller stated yes. That has always been Allentown's plan. Up until recently we found it harder to be one culture because of the language difference. She asked for the enhancement to the parks system. Our parks are second to none. She asked for Council to get people to pick up after themselves.

Mr. Guridy stated that he does agree with Ms. Miller it should be one Allentown for everybody. I profess that we should learn English. I did it myself. I came here speaking a different language at the age of 15 and I learned English.

Ken Heffentrager, 733 N. 11<sup>th</sup> Street, stated that he is also going to discuss the deterioration of the city. We roll through every section of this city all the time and people need to drive around this section. This is the section that is deteriorating rapidly in the city and has all this building going up right here, but who cares about the rest of the area.

Ms. Eichenwald stated to Mr. Heffentrager you are right. We should all be screaming and joining your voice. When I first was a member of City Council we had a Redevelopment Authority.

Mr. Heffentrager stated Code Enforcement – Building Standards just told us that they are targeting the Jordan Heights Section.

Ms. Eichenwald stated that the problem is once they are tagged, they just sit there. You can go down any street and it is a proliferation of the orange tags.

Mr. Guridy stated that it is an extremely important issue.

Ms. Hailstone stated that it is an extremely important issue and the Code Enforcement men are doing all the things that they have within the law to address the issues regarding Ms. Eichenwald's comments about the Redevelopment Authority, I beg to differ. There were a lot of these properties that are Redevelopment Authority properties, unfortunately because we did not have a proper reuse plan for these properties and we do not have the dollars to rehab them ourselves. She stated that part of our challenges is the extreme costs that are associated with redeveloping these properties. We are working to getting these properties back into the private hands and take away as many barriers as possible to allow private individuals to rehab these properties.

Mr. Guridy stated that Ms. Hailstone is the director of Community and Economic Development Department of the City.

Mr. Ernie Atiyeh, 451 W Chew Street, stated that recently with one neighborhood on the eastside of Allentown, the president, Dennis Pearson and eastside Rittersville Neighborhood Association through their vigilance put a stop to going on at Platinum Plus.

Mr. David McGuire asked if courtesy of the floor will be allowed for the item dealing with referendum being brought before you.

Mr. Guridy stated that you are referring to Bill 26 – Delta Thermo.

Mr. McGuire stated that it is Bill 26 – Air Ordinance.

Mr. Guridy stated that you are not allowed to speak on it, however, because it is an introduction of the bill. I spoke to Rich Fegley today and he will be giving a brief description of the ordinance and we will be sending it to a Committee of the Whole and at that time you have an opportunity to speak on it.

Mr. McGuire stated that protest strongly what he believes is a degradation of our civic process. Under the city charter it says the citizens are allowed to speak. He asked when the Delta Thermo Agreement was passed by Council at that time there were certain clauses in there referring to Delta Thermo seeking and had discussions with the Department of Environmental Protection. Since that time, we understand that Delta Thermo and the city administration have sought other permits.

Ms. Eichenwald stated that the administration would have the answer.

Mr. Young stated that they are doing some permitting processes. What permits they are going for, I am not sure offhand.

Mr. McGuire stated to Council your urgent need to pay attention to these things as they go along. You cannot wait. It is not the first time you would have been blindsided.

Mr. Steven Long, 622 Fair Street, stated that he has been having sewage issues in his house and problems with landlord. I am appalled with the slumlord issue in the City of Allentown. Every morning I wake up there is sewage all over my basement. My landlord doesn't fix the issues.

Mr. Guridy thanked Mr. Long.

Ms. Hailstone stated that she is slightly familiar with this particular instance. As I understand it, the sewage is not being caused by that particular building. That is part of what is complicating the matter.

Mr. Long stated that he did the research, called engineering and they told him it was going through the other building.

Mr. Hailstone stated that it is not necessarily Steven's landlord that is creating the issue although he is with code officials cleaning it up. I will see where it stands and get back to you.

Mr. O'Connell asked Mr. Long how long has this been going on.

Mr. Long stated the sewage issue about four weeks. The landlord has been at my house six or seven times to clean that issue.

Mr. O'Connell asked Ms. Hailstone to make it a priority.

Ms. Hailstone stated that the Health Department has been addressing it.

Mr. Michael Molovinski, 3530 Congress Street, stated that you have read that the Wildlands Conservancy received a grant of almost \$500,000 to remove the dams on the Little Lehigh including four in our parks system. He inquired about moving the dam and undermining the pillars of the Robin Hood Bridge.

Mr. Guridy thanked Mr. Molonviski asked stated that we are going to continue to enhance our parks and makes sure that the new Parks Director gets on that as well.

Mr. Schweyer stated to Rich let's talk about it at some point in time. The stress on the bridge has been pretty intense.

Mr. O'Connell stated that Mr. Molovinski's point is well taken and said to Mr. Schweyer that he would like to get involved with that meeting. Who gives the approval?

Mr. Young stated the previous Parks Director.

Mr. Guridy stated to Ms. Hailstone to make sure Mr. Molovinski meet with the new Parks Director and Mr. Young.

Mr. O'Connell stated he would like to meet with you and Mr. Schweyer to get more information.

Mr. McGuire stated that the chronicles of events is while Mr. Weitzel was department head as part of the partnership that the City of Allentown has with Wildlands Conservancy that a grant application for removal of the dams was brought forward to the city and the city agreed to support that grant for removal of the dam. Now, the finances have come through.

Mr. Schweyer stated that he and Mr. O'Connell are the voting members of Parks and Recreation since Councilwoman Mota has been out. I will be happy to Chair in her absence or bring her up to speed. We can have this conversation at a parks and recreation meeting with Mr. Young presenting whatever information you have from your department as well and whoever has interest.

Mr. Molovinski stated that he would be satisfied if you say that no decision will be given to remove the dam until it is certain that the bridge won't be jeopardized and if the bridge is jeopardized who will pay for it.

Mr. Schweyer stated that the dam won't be taken down in the course of the next two weeks. We will strive to have that meeting before the next Council meeting. We will do it as a parks and recreation meeting.

Mr. Dennis Pearson, 942 East Tilghman Street, stated that not only are we concerned about the goings on at Platinum Plus; we are concerned about Horizons and Scoobies, Kline's Island. When Platinum Plus was approved by Zoning there was a certain lawyer that said it would be good for our neighborhood and it has been proven that it is not. He stated as far as the dam is concerned, let's put it in perspective because now that LCA will have the lease, they will have to deal with the surcharges in the Little Lehigh.

#### **5. Approval of Minutes: April 17, 2013; May 1, 2013**

Minutes approved by Common Consent

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

None

#### **7. Communications**

Mr. Gurdy stated that he got an invitation to the Allentown Flag Day Association and they are having their 106 Year in 2013 event and it is going to be on Friday, June 7<sup>th</sup>, 620 Hamilton at 5:30 PM and cost \$15.

### **BASIN STREET SAFETY IMPROVEMENT PROJECT UPDATE**

#### **City of Allentown, Lehigh County**

Mr. Young stated that they are representatives here from the Department of Transportation and their Consultants. He stated that based on crash studies and severity of crash studies Basin Street from Union Street intersection to Auburn Street rank as number one priority in PennDot district. Although it is a city street, PennDot has allocated low-cost safety improvement funds to help with some improvements.

Mr. Chuck Richards stated that he works for the Department of Transportation in the Allentown office. He gave an overview of the Basin Street Project. They work with accident data analyzing data and the Basin Street area was on the state's high crash list in 2010. Statewide it was 146, and district wide in this area number 22 on that list. We had highway safety improvement funds, federal funds that if we could find eligible projects to use, we can use that fund. Basin Street was a prime candidate based on what we evaluated to be some low-cost safety improvements that we could possibly implement.

The presentation included a review of the project's purpose and scope, and offers an additional opportunity for public officials, other meeting attendees and the general public to provide input. Members of the project team were available to answer questions.

Ms. Karen Collela, McCormick Taylor Engineers and Planners, stated that they are the design consultant that PennDot District 5 have selected to advance this project. The background or origin of the project is that PennDot District 5 obtained federal safety funds that they could use for different locations for district and the selected the Basin Street Corridor to use those funds to implement safety improvements the funding that they obtained has to get a bid package for the improvements and have the project advertise for October of this year to use the funding. That is the time constraints that we are under for funding. They identified three main issues in the corridor looking at the crash history. They can be constructed with minimum impact to traffic using lane closures and lane shifts. The project will be finished in the Summer.

Mr. Glazier stated that this is a stretch of road that he drives on. What is the life of the improvement? Is this something that would wear out? How is it reapplied or how do you make it rough again.

Ms. Collela stated that treatment is micro surfacing and it has a fifth life and a typical maintenance application or maintenance treatment. It is applied to the current surface.

Mr. Glazier asked if we had that on any other streets in Allentown.

Mr. Young stated it has been applied to quite a few years since it has been applied. Martin Luther King Drive has this type of application on it.

Mr. Glazier asked are you satisfied on the way it is worn there.

Mr. Young stated yes.

Mr. O'Connell stated painted lines are one thing. Painted lines don't stop cars from going through the painted lines. Wouldn't it make more sense to put concrete medium strips across?

Ms. Collela stated that they looked at that option and that is a valid option that we talked about amongst the project team. The reason we are not recommending that as this time is due to being able to get that improvement to construction by the fall. It is a schedule issue. That is something that the District and the city can consider in the future.

Mr. John Mullen stated that it is more than a scheduling issue. We evaluated this early on. Rich talked to the mayor about it and it was kind of deterred to go to painted medium.

Mr. Young stated that one of the problems with putting a concrete barrier down if you do the double-faced barrier some significant portions of the road are super elevated and causes drainage problems. You could put slots under the barriers to let the water through. On the downhill side in bad weather you have created ice spots.

Mr. O'Connell stated if we are saying safety, safety, safety, put a concrete medium strip up there.

Mr. Mullen stated that the concern is that the federal funds are time sensitive and with that in mind and the way the project was initiated was a low-cost safety improvement. We are putting centerline rubber strip at the medium and they are a proven track record to reduce head on accidents.

Mr. O'Connell asked how much is the project.

Mr. Mullen stated that the estimate is \$437,000.

Mr. O'Connell stated that PennDot should check out Hamilton Boulevard and Ott Street. That is very dangerous.

Mr. Schweyer thanked Mr. Mullen for recognizing that stretch of road is awful. I am amazed how people can accelerate going north bound. How much was ultimately available to PennDot from the Feds.

Mr. Mullen stated that he does not know.

Mr. Schweyer asked if we were to seek additional funds for enhanced safety improvements is a bad thing. If we were to say we want more, is there more highway safety money available.

Mr. Mullen stated that we do have a safety line item to pick up overage costs. I can't really answer your question if more money is available. These are federal funds, but we still have to implement the project in effective means through a reimbursement.

Mr. Schweyer stated let's see how it is doing six months or a year from now after the project is complete.

Mr. Young stated with projects like this I like to give at least a year.

Mr. Mullen stated that it would be an improvement. We analyze the accidents from 2009 – 2011 and there were 124 reportedly accidents in a three year period, two with fatalities. I would think accidents will decrease.

Mr. Davis stated that the safety studies and the crossover lanes and a medium strip in your decision. In the fatalities are they crossing over and hitting head on.

Ms. Colleta stated that those fatalities were head on. They are crossing the yellow lines. Our limitations are getting the improvements to construction. We have an amount of funding and we want to do what we can to address the issues and get those improvements in place. We did look at the guiderail and that option we would not recommend guiderails in the center of a medium. Guiderails and medium barriers are an obstruction as well. All those were taken into consideration in design.

Mr. Young stated that there are a number of areas where there are driveways on the side and there is a left turn into those driveways.

Mr. O'Connell stated that there are not a lot of people making a left turn on Basin Street. It is bad enough getting through Basin Street.

Mr. Guridy asked do they have time to advertise and make any changes in the engineering design.

Mr. Young stated that one of the issues that run into a time issue when adding barriers it adds debt load to the bridge. It adds time to the time schedule.

Ms. Colleta stated that there are a high percentage of crashes that occur up Union Street intersection of the S-Curve.

Mr. Mullen stated of the 124 I mentioned over a three year period, 26 occurred on Union Street, 79 occurred between Union and Auburn and 19 on Auburn Street.

Mr. Guridy asked when are you going to do that and how you are going to do that.

Mr. O'Connell stated that you were going to talk about how the public can get involved.

Ms. Collela stated that they are going to leave a display board on the lobby of this building for two weeks for comment forms. Anyone can come and view this.

Mr. O'Connell stated and put a comment in the box.

Ms. Collela stated that we will collect that in two weeks.

Ms. Eichenwald stated that this is not a good process. We are going to do it because we have to do it in time. We are going to do it because this is the amount of money we have and we already know before we do it that this is not the right way to do it.

Mr. Mullen stated accidents will go down. It is an improvement for safety in this corridor.

Ms. Eichenwald asked is it the best we can do.

Mr. O'Connell stated accident should go down considerably. You are going to minimize the amount of accidents, but if you go the extra step you might really minimize the accidents and deaths.

Ms. Thomases asked how does it get to this point. What good it would be to get comments in the box and you don't have a choice. The outcome has been determined.

Ms. Eichenwald stated at this minutes.

Mr. Guridy stated right now. He stated that they agree with Ms. Thomases.

Mr. Davis stated that we have a dangerous situation here and PennDot has come up with something that fits into their budget and timeframe. We have to live with what we are getting.

Mr. O'Connell stated that it is a start.

Mr. Guridy stated that it is an improvement.

Mr. Mullen stated that they did talk about the concrete barrier option early on and it was not received well by the city.

Mr. O'Connell stated that is what you said 15 minutes ago. They are worried about traffic flow. You did look at that and I appreciate that.

Mr. Guridy stated that they do that at Hanover Avenue, the same thing.

Mr. O'Connell asked Mr. Young to look into that. It is very important.

Mr. Young stated yes.



Mr. Heffentrager stated that concrete barriers stops. I used to drive a tractor trailer and it stopped me once.

Mr. Ernie Atiyeh, 451 W Chew Street, stated that he agrees with Mr. O'Connell and also agrees with Mr. Davis which is a problem. I really think the way to go is the concrete barriers. Let's contact our legislators and asked for a 30 day extension or 60 day extension. Let's get it right the first time.

Mr. O'Connell asked Mr. Young to look into that.

Mr. Young stated yes. Those are some options I would take a look at to see if there are federal funds available or state funds available. We can do ourselves. I will take a look at it.

## **8. Committee Meetings**

Budget and Finance: Chairperson Schweyer

The committee has not met since the last Council meeting; the next meeting is scheduled for May 22<sup>nd</sup> at 6:00 PM.

Public Safety: Chairperson Eichenwald

The committee met this evening; the next meeting has not yet been scheduled.

Community and Economic Development: Chairperson Davis

The Committee has not met since the last Council meeting. The next meeting is tentatively scheduled for June 12<sup>th</sup>.

Parks and Recreation: Chairperson Mota

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

Public Works: Chairperson O'Connell

The Committee has not met since the last council meeting; the next meeting is tentatively scheduled for June 12<sup>th</sup>.

Human Resources, Administration and Appointments: Chairperson Glazier

The Committee has not met since the last council meeting; a future meeting will be scheduled to review Bill 28 which scopes out a reorganization plan for Human Resources.

Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson Gurdy

The Committee has not met; a future has been scheduled for June 5<sup>th</sup> at 6:00 PM to review council rules relating to public participation and the practice of referring bills to committee on first reading for discussion.

Special Committee – Tax Exempt Properties – Chairperson Eichenwald

The Committee met since the last council meeting; the next meeting is July 17<sup>th</sup>.

Committee of the Whole – Chairperson Gurdy

A Committee of the Whole meeting will need to be scheduled to deal with the initiative of Bill 26.

## **OTHER COMMITTEE REPORTS**

None

### **Controller's Report**

Ms. Koval stated as you know we had interns working in our office and they have given report of their process flow. One intern has completed the process flow and will have a short synopsis on the May Budget and Finance meeting. We have four interns starting in the next several weeks that will be doing process flows. Our office has a meeting with our auditors and they have asked for the process flows that we have done previously because it will be helpful to them to go through their audit with Council. She stated to Mr. Glazier as far as the pension meeting is concerned we have been waiting for information from Cheiron and Pierce Park.

## Managing Director's Report

None

### 9. APPOINTMENTS:

#### Historic Architectural Review Board

Shane Fillman (reappointment) term to expire in 1/4/2016

Barry Brobst (reappointment – to move from Alt. Architect seat to Architect seat) term to expire 1/5/2015

Robert Berner (new appointment to fill currently vacant alternate real estate broker seat) term to expire 1/6/2014

**RESOLUTION PASSED, 6 – 0**

### 10. ORDINANCES FOR FINAL PASSAGE: None

### 11. ORDINANCES FOR INTRODUCTION:

#### Bill 26 Clean Air Ordinance.doc

#### Referred to Committee of Whole

The purpose and intent of this ordinance is to ensure that accurate and complete information is available to the City and general public about pollutants released from new air polluting facilities within the City of Allentown, Lehigh County, Pennsylvania, and to exercise the authority granted to the City under the Pa. Air Pollution Control Act.

Mr. Richard Fegley stated that it has been several months that we have been working it since the beginning of the year. We had to go through an additional ten days to get to the 2,000 signatures. We are speaking about is a clean air ordinance for all new air pollutant facilities. We talked about the concern of the citizens, the protection of the air, how it was going to be monitored, how often it was going to be monitored. The DEP and EPA standards are pretty slim and they don't require constant monitoring. It would require real-time monitoring of the pollutants and required that emissions are kept to levels comparable of natural gas burning power plants.

Mr. O'Connell asked Mr. Fegley is there any other cities/municipalities in the state that has a clean air ordinance or national.

Mr. Fegley stated not that he knows of, but he can talk to the people we have been working with to find out where it is.

Ms. Fruhwirth stated that the opinion letter is nearly finished. We are putting the final touches on the comments and you will have it before the meeting of the Committee of the Whole.

Mr. Guridy asked if they can schedule something prior to the 5th or the earliest as possible.

Mr. O'Connell stated that is fine. We have a meeting tonight and our next meeting is not until the Council meeting.

#### Bill 27 2013 Chamber Main Street Grant.doc

#### Referred to CEDC

Amending the 2013 General Fund Budget to provide for a supplemental appropriation of Eighty Thousand Dollars (\$80,000) for a grant from the Department of Community and Economic Development (DCED), Commonwealth of Pennsylvania to provide funding for a New Communities – Main Street Grant Program for the Lehigh Valley Chamber of Commerce

**Bill 28 HR REORG.doc**

**Referred to HR**

Amending the 2013 General Fund through reorganizing the Human Resources Department creating a net savings of approximately \$18,628 (Eighteen Thousand Six Hundred Twenty-Eight Dollars) in Permanent Wages and Temporary Wages.

**Bill 29 RV Permit.doc**

**Referred to Public Works**

Amending Article 532, Limitations on the Parking of Trucks and Trailers, Section 532.05, Permit for Loading or Unloading Recreational Vehicles or Truck Campers, by providing for a 48 hour permit rather than a 24 hour permit for loading or unloading such vehicles.

**Bill 30 Fire Station Approp.doc**

**Referred to Public Safety**

Amending the 2013 General Fund and Capital Fund Budgets to provide for a supplemental appropriation of Twenty Six Thousand Ten (\$26,010) Dollars as a result of funds received from the City of Bethlehem to the City of Allentown Fire Department.

**12. CONSENT AGENDA:**

**CA-1 HARB.doc**

Certificate of Appropriateness for Work on 446-448 N 10<sup>th</sup> Street

**RESOLUTION PASSED, 6 – 0**

**CA-2 Bennett Infinity Bennett Toyota Sewage Planning Module.doc**

Sewage Planning Module for Parcel at 2109 and 2123 Lehigh Street

Mr. Schweyer stated that this is for the new facility for collision repair or collision lot. He hopes that they are planning to take down the remainder of the sign.

**RESOLUTION PASSED, 6 – 0**

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

**14. RESOLUTIONS ON FIRST READING: None**

**15. NEW BUSINESS**

None

**16. GOOD AND WELFARE**

None

**17. ADJOURNED: 9:04 PM**

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