

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



Allentown City Council
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COUNCIL MEETING MINUTES
January 7, 2015
COUNCIL CHAMBERS

COUNCIL MEETING – 7:00 PM

Mr. O'Connell stated that we had a Confirmation Hearing for Susan Ellis Wild and hopefully very soon she will be our new Solicitor for the City of Allentown. I wish everyone a healthy, happy and prosperous New Year.

1. Invocation: Pastor Joseph Karanja, Rehoboth Harvest Ministry

2. Pledge to the Flag

3. Roll Call: Davis, Eichenwald, Glazier, Hendricks, Mota, O'Connell
John Marchetto represented the Solicitor's Office

4. Courtesy of the Floor

Mr. Lou Hershman, 405 N. Gilmore Street, stated that he looked on the agenda and there is no Resolution - 3. He congratulated Mr. O'Connell for being the new president. He asked if we sold the Bonds yet?

Mr. O'Connell stated the Rules will be suspended to introduce R-3. The Bonds have not been sold and PFM has been working on that and Mr. Reed our Bound Counsel is working on it.

Mr. Fran Dougherty read an email from Scott Shearer on an update on the bonds. For the short-term loan we are getting proposals back next Tuesday. Assuming that we get good ones, we will be able to award the bid immediately and move quickly to closing. We have to confirm with Kevin Reed, our Bond Counsel whether or not he filed everything with the state. We will target closing for early February. For the Bond Issue that you referred to, we are planning to price the Bonds in late January and close in late February.

Mr. Hershman asked who knows what the interest rates are and will you amend Bill 61 and Bill 62. He asked about the Solicitor offering the opinion that state law supersedes local laws on wage tax. He has never presented the state law. He asked what is Section 708 that provides a right to know exemption.

Mr. John Marchetto stated that it was issued by the Right to Know officer which I am not. I cited the statute.

Ms. Paulette Hunter, 737 W. Tilghman Street, asked about jobs for Allentown Residents. She asked if City Council could encourage the Mayor to call or contact the residents of Allentown when there is a job fair for Allentown residents.

Mr. Dougherty stated that he will bring that back to the administration.

Mr. Kenneth Heffentrager, 733 N. 11th Street – Allentown Tenants Association, stated that he noticed that in the beginning they would submit a Right to Know and would get an answer back. Now, ninety percent of the Right to Knows that we file need an extension. We asked would was the cost of the Center City Initiative and the request was forwarded to the Community and Economic Development office and Ms. Hailstone's response was there are no records and stated that under the Right to Know your request was fulfilled. There is no way this has been fulfilled.

Mr. O'Connell stated that you did get an answer.

Mr. Heffentrager stated he got an answer saying there is no records on how much it cost to put the City Center Initiative Plan together.

Mr. Glenn Hunsicker, 844 S. 11th Street, stated back in August the Auditor said that the city was required to transfer \$1.7 million out of the General Fund to the Capital Improvement Fund. When do we expect to show that Transfer.

Mr. Dougherty stated that he would take exception to the word must. The Auditors did not direct the city to transfer \$1.7 million. They acknowledged that we have a problem inherited from the previous administration, but they did not give any explicit instructions. It is a paper transfer and we chose not to address it. It is still on the book for \$1.7 million. I hope in time we will have the wherewithal and resources to address that incrementally. He said he agrees that we should address other deficiencies.

Ms. Mary Ellen Koval stated that they removed it from the Capital Line because it was giving a false balance. The auditor's recommendation did not require us to transfer money. It is simply a paper transfer and we are looking at ways to address that. It is in the audit.

Mr. Hunsicker stated that the Bond Issue which you are having trouble selling. In the market Bonds are not the best to do and you will have to take a discount. Someone has to make a decision on an acceptable rate.

Mr. Tom Hahn handed out a handout and stated I would hope that someone from Council will bring up how the citizens get to interact with the new solicitor's office based on the practice in the past. The budget has to be balance on someone else's payroll. How can you tell the public you have a balanced budget, but no Right to Know information? He stated that he would table the discussion.

Mr. Don Ringer, 1801 Liberty Street, stated that he came downtown tonight. They had Disney On Ice and it is beyond my expectations. We got to get our police department involved with the people in the city. We don't see our officers, we don't talk to our officers and they don't come around to talk to the people. They should be engaged in the schools.

Mr. O'Connell stated that Disney on Ice is in Allentown for seven to nine shows and it kicked off tonight. The city is coming back and it is small steps. I will bring it forth to the Police Chief about interaction with the community and see what we can do. We are public servants.

Ms. Jeanette Eichenwald stated that she head tonight frustration with access of information and I share your frustration and I am glad Ms. Wild you were here for this part of the meeting to understand how important it is to the citizens of Allentown to have access to information.

Ms. Susan Ellis Wild stated point well taken.

Mr. O'Connell made a motion to suspend the rules to introduce and vote on Resolution 3.

Mr. Daryl Hendricks seconded the motion.

The Rules were suspended by Common Consent.

The Clerk read the Resolution into the record.

R3 Susan Ellis Wild - City Solicitor

Pursuant to the Administrative Code and the City Charter of the City of Allentown, City Council does hereby give advice and consent to the following appointment as the City Solicitor at an annual salary of Fifty-Five Thousand (\$55,000) Dollars, submitted to this Council by Mayor Ed Pawlowski on January 7, 2015: Susan Ellis Wild

Mr. O'Connell stated we had the Confirmation Hearing. Any comments from my colleagues? He asked Mr. Hanlon to read Mr. Guridy's memo to us.

Mr. Hanlon read Mr. Guridy's memo:

It is with deep regret that due to a previously scheduled engagement that I am unable to be at the Council meeting tonight to cast my vote on the appointment of Susan Wild as the City's next and first female Chief Solicitor.

It is with much confidence and enthusiasm that I recommend approval of Ms. Wild.

She comes to us with high qualifications from one of Allentown's most distinguished and reputable law firms. Ms. Wild's experience in municipal litigation, civil rights and employment law will be a valued addition to our team. Her expressed desire to work with Council and the Administration in a fair and impartial manner, coupled with her qualifications, make her an excellent choice as the City's chief legal advisor.

We are fortunate to have someone of Ms. Wild's qualifications, character and integrity as the next City Solicitor. I commend the Mayor for his nomination and I highly recommend to each of my colleagues, a yes vote on this appointment.

Mr. O'Connell thanked Mr. Hanlon and stated very well said by Mr. Guridy. He opened up comments from the public on Resolution 3.

Mr. Hahn stated that questions that he raised on the statement that he gave I would like an open discussion.

Mr. O'Connell stated that this is Resolution 3 and the comments have to be referred to comments to Ms. Wild. We read your statement. This is not a dialogue or debate.

Mr. Hahn asked Ms. Wild what is her personal feeling about what the citizens have a right to have representation through the Council which would mean you would take one hat off representing the administration and put the other hat on representing the council to alleviate the Right to Know.

Ms. Wild stated to Mr. Hahn that she regrets that he seems to have a fairly dim view of lawyers and the legal profession. I would hope that you will come to find that the law is still a noble profession and that the office of the City Solicitor will fulfill its responsibilities to the city and to every citizen of the city by way of the administration and by way of city council to provide effective and accurate and truthful legal representation and I will strive to do that. I cannot make specific promises on individual issues that aren't currently before me. I can tell you that I am a believer in looking forward and not back. The solicitor's office under my purview will do everything that it can to provide very meaningful and effective legal representation to both Council and to the administration.

Mr. Hunsicker stated that someone told me that you have to be a resident of the city, but there was an amendment to the Charter that you have to pay taxes. Is that correct? We never got her address.

Mr. Marchetto stated Section 606 of the Charter in reference to the City Solicitor, the City Solicitor shall be either a resident and/or a taxpayer of the City of Allentown. He stated that the definition is taxpayer. Attorney Wilds pays earned income tax and she works at a law firm that is situated in the city. I believe that she would qualify. The change adopted in November 2002.

Ms. Wild stated that she pays taxes in the form of Income Tax and also pays property tax to the City of Allentown as a part owner of property here on 7th Street, the Crown Tower Building.

Mr. Heffentrager stated how much hands on are you on the Right to Know.

Ms. Wild stated that she believes in looking forward, not back. There is a division of labor within the City Solicitor's office that has currently, in the past and will continue to exist. As the new City Solicitor, I will undertake to review the division of labor and make determinations as to how the work will be managed. I am very familiar with the principles of the division of labor and how to get work done. It is to have people that know what they are doing and specialize in it, do that work.

RESOLUTION PASSED, 6 – 0

Ms. Wild extended thanks to the Mayor and all of Council for the time you given in considering me to be the new solicitor. I am extremely enthusiastic about this position. The City of Allentown means a lot to me. I was not born and raised here, but lived here since 1988. I grew up as a military brat so I never lived anywhere as long as I lived in the Lehigh Valley and Allentown. I look forward to this challenge and working with all of you.

Mr. O'Connell welcomed Ms. Wild.

5. Approval of Minutes: December 17, 2014

Minutes Approved By Common Consent

6. Old Business

NONE

7. Communications

Mr. Hendricks made a motion to postpone taking action on the presidency until the January 21st Council meeting.

Mr. Davis seconded the motion.

Mr. O'Connell stated that we are postponing it because in the Charter it is the first meeting in January. With all due respect I don't see harm in doing it so that Mr. Guridy can be here and make a statement.

The Motion was approved by Common Consent.

8. REPORTS FROM COMMITTEES:

Mr. O'Connell stated that there will be new committee assignments and they will be public after January 21st.

Budget and Finance: Interim Chairperson Guridy

The committee has not met since the last Council meeting; there are no future meetings scheduled at this time.

Public Safety: Chairperson Eichenwald

The Committee has not met since the last council meeting; there are no future meetings scheduled.

Community and Economic Development: Chairperson Davis

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

Parks and Recreation: Chairperson Mota

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

Public Works: Chairperson O'Connell

The Committee has not met since the last council meeting; the next meeting will be January 21st. We have three Street Vacations.

Human Resources, Administration and Appointments: Chairperson Hendricks

The Committee has not met since the last Council meeting, the next meeting is not yet scheduled.

Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson Guridy

The Committee has not met since the last council meeting. There are no future meetings scheduled as of this time.

OTHER COMMITTEE REPORTS:

NONE

Controller's Report

Ms. Koval stated for the month of December we have reviewed over 600 checks in the amount of \$6,544,829.00 and 11 wire transfers in the amount of \$715,000. When we review these, we test them against the invoices that are being paid and the corresponding documentation or approvals and the compliance of AIMS and the reasons for the expenditures.

Managing Director's Report-- Mark Shahda -- Leaf Collection Report

Mr. Dougherty stated that he wants to take the next few Council meetings and take a theme of faces with the numbers in the budget. We just finished adopting the budget and I feel it is important to make a translation between the budget numbers and what it means and the people that make it operate of the day to day basis.

Mr. Mark Shahda stated that the 2014 Leaf Collection Program has been completed this year. We are grateful that our program was completed before we received our first measurable snowstorm. The month of November was a challenging month for all us because we had paving jobs to complete, leaves to pick up and an early snow event to contend with. We remain ahead of schedule throughout the entire process. Today, we have collected 34,000 cubic yard of leaves. He thanked his staff and employees. He introduced

his staff: Casandra Magliane, Dale Tretter, Steve Kramer, Rob Correll, Herbert Bender, and Ab Ballan who are all Maintenance Supervisors. Scott Reppert, Ed Neidermeier, and Robert Wootsick.

Mr. Robert Wootsick thanked Council and Mr. Dougherty for the opportunity. We are making progress getting things done and getting them up to standards of the city as well as the EPA. We are responsible in doing Storm water and Inlet inspections which we have over 7,000 storm water inlets. We have inspected 3,143 of them. We have over 7,000 storm water manholes and inspected 1414. The storm lines with the camera we did over 72,380. We have cleaned 497 storm water inlets. We jetted over 10,000 feet of storm pipe cleaning. We repaired 132 inlets and replaced 17 brand new inlets and replaced over 1300 of piping throughout the city. We installed a new drainage system. Replaced 750 decals. We have over 400 storm outfalls in the city and we inspected, cleaned and repaired over 237. We have a safety grates and the purpose of these grates are to prevent injury to human live and catch large debris. We have 14 safety grates that we are responsible for to maintain. They are checked before, during or after a rain event for damage, vandalism and debris. We have logged 279 man hours. We replaced a safety grate on S. 4th Street. We installed a check valve which was not working to prevent flooding. We assisted the parks department with swells, pools and spray parks. We installed new pads at West Park, curbing and responsible of inspection and monitoring sample sites for water quality. We do repairs and sampling is done on rain events. We are responsible for 22 areas for roadside mowing in the summertime. Some 2015 goals are to rebuild swalls, rebuild banks for erosion at Fountain and Benton Streets , to install storm water drainage, install a new safety grate at Mack Boulevard, install new storm lines on Vultee Street from Lehigh from S. 12th Street, and sediment removal. I am trying to apply for grants to cover some of the work and hopefully this year we will get them.

Mr. O'Connell asked how many people you have on your team. He stated Mr. Dougherty this is good stuff.

Mr. Wootsick stated 21.

Mr. Dougherty stated that they do a phenomenal job for the amount of manpower that they have.

Mr. Glazier echoed Mr. O'Connell comments. I am presented with data. How accurate do you figure out the cubic yards. Is it based on truckloads? He stated that the cubic yards vary by year. In 2012, we had an early snow.

Mr. Wootsick stated that it is based on truckloads. We have a nine cubic yard vector and it is done by truckloads.

Mr. Hunsicker stated that he didn't hear them say anything about the 19th Street problem on the storm sewer.

Mr. O'Connell stated that we worked on that.

Mr. Wootsick stated that we did a lot of improvements and televised 3.2 miles of piping in that area and the 100 inch pipe to see if there were any problems. We worked with a consultant and coming up with a plan for a solution. We removed a lot of debris and fixed pipes that were damaged.

Mr. Dougherty stated that you heard a long-term report including reconstruction on one of the streets that we allocated capital money on it.

9. APPOINTMENTS:

Damien Brown	Planning Commission	12/01/2016
Mark Buchvalt	Planning Commission	06/03/2016
Greg Dudkin	ANIZDA	01/01/2019
Pedro Torres, Jr.	ANIZDA	01/01/2019
Thomas Sweatt	Ethics Board	01/15/2016
Gerald Alfano	Ethics Board	12/16/2017

Mr. O'Connell asked his colleagues if they had any comments.

Mr. Glazier stated that he had the pleasure serving with some of these folks and I would endorse them for the positions they have been nominated.

Mr. Heffentrager stated that Mr. Torres application asked about his significant business property and it say the City of Allentown and he has investment property in the City of Allentown. Does anybody have a clue if he owns investment property in the NIZ?

Mr. O'Connell stated that he does not know.

Mr. Hendricks deferred to the Solicitor and asked would it be a conflict.

Mr. Marchetto stated owning property in the NIZ zone for an appointment to the ANIZDA Board he doesn't believe so legally speaking. We have to look to the ANIZDA Authority laws. I am sure if there was anything that became before him, he would have to recuse himself.

Mr. O'Connell stated to Mr. Heffentrager that you don't have any factual information. You are just asking as a general question.

Mr. Heffentrager stated it was a general question.

RESOLUTION PASSED, 6 – 0

**10. ORDINANCES FOR FINAL PASSAGE:
NONE**

**11. RESOLUTIONS FOR FINAL PASSAGE:
NONE**

12. ORDINANCES FOR INTRODUCTION:

Bill 1 VAC-ORD Sell St

Referred to Public Works

Providing for the vacation of a portion of Sell Street from the centerline of Mountain Road to the centerline of Ester Street in the Nineteenth Ward of the City of Allentown.

Mr. O'Connell asked any comments from my colleagues or the public.

Bill 2 VAC-ORDS Roy St

Referred to Public Works

Providing for the vacation of South Roy Street from the centerline of Willow Street to the centerline of Hill Street in the Eighteenth Ward of the City of Allentown.

Mr. O'Connell asked any comments from my colleagues or the public.

13. RESOLUTIONS FOR INTRODUCTION:

R1 RECORDS RETENTION 2015

Authorizes the Disposition of Certain Records.

Mr. O'Connell asked any comments from my colleagues or the public.

RESOLUTION PASSED, 6 – 0

R2 Transportation Alternatives for Bikeworks

Authorizes the Mayor to sign the PennDOT contract for the Bikeworks Education Program

Mr. O'Connell asked any comments from my colleagues or the public.

RESOLUTION PASSED, 6 – 0

14. NEW BUSINESS

NONE

15. GOOD AND WELFARE

NONE

16. ADJOURNED: 8:08 PM