

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



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

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**COUNCIL MEETING
December 17, 2014
COUNCIL CHAMBERS**

COUNCIL MEETING MINUTES – 7:00 PM

1. Invocation: Jeanette Eichenwald

2. Pledge to the Flag

3. Roll Call: Davis, Eichenwald, Glazier, Guridy, Hendricks, Mota, O'Connell
Frances Fruhwirth represented for the Solicitor's office

Mr. Julio Guridy welcomed Jeff Glazier.

4. Courtesy of the Floor

Mr. Lou Hershman, 405 Gilmore Street, stated that two weeks ago you passed Bill 61 and 62. He asked Council to provide information on the interest rates and amendment.

Mr. Guridy stated that we discussed it.

Ms. Mary Ellen Koval stated that the Bond Counsel noted until we go out for the Bond and the Short-term loan we don't know what the interest rates are going to be.

Mr. Guridy stated that we can give the minutes from the Bond Counsel meeting.

Mr. Hershman asked about the increase in the wage tax and the Right to Know law. He stated since they use his tax dollars to get outside Counsel shouldn't they share information.

Mr. Guridy stated that Act 205 allowed us to use it to pay for unfunded liability for the police and fire.

Mr. O'Connell stated that Mr. Marchetto stated that the state code supersedes the Home Rule Charter.

Ms. Frances Fruhwirth stated that the Right to Know you requested Mr. Hershman, we provided copies of the three Ordinances that were adopted with regard to the Earned Income Tax. In the preambles to those Ordinances the state law that Mr. Marchetto had referred to in his oral testimony at the budget passage meeting, the state law is cited in the preambles of those ordinances.

Mr. Hershman stated that you show me in the ordinance that state law supersedes the City Charter, I would appreciate it.

Mr. Guridy stated that he can't provide the legal opinion. It has to come from the Solicitor, but he will look into it.

Ms. Jeanette Eichenwald stated that she certainly understand when he can't publicly vet a Solicitor's office. I think it would be helpful to know what the clause was in the state law. Are we privy to that? Is there a written response to the LSR?

Ms. Fruhwirth stated that it is not as of yet.

Ms. Eichenwald asked when we receive it, it would say exactly what the state law is and tell us that it supersedes the Charter.

Ms. Fruhwirth stated that there are two provisions, the Home Rule Charter and Optional Plans Law as Mr. Marchetto quoted and it is Section 2962 which is the governing law of Home Rule Charters and the Home Rule Charter is the broadest form of government you can have. There are certain areas in state law that they cannot govern or create ordinance for and the state law governs on that. There is also case law on the subject about taxes, to what extent a Home Rule Charter prevails over the state law. The case law is clear that the state law prevails over the Charter.

Mr. Hershman stated that the city mislead the voters of Allentown on the Charter.

Ms. Fruhwirth stated that she can't speak to that.

Mr. Hanlon stated that the city did not support the Charter. It was the Charter Commission.

Mr. Guridy stated that he would look into it, he would need to get the information from the Solicitor.

Mr. Glenn Hunsicker wished everyone a Happy Holiday and a Happy New Year. Hope we see each other next year. Some of the things that have risen here is that there are things in the Charter that are not effective. Somebody should get a committee together to know what is really the Charter and what is state rule. Our understanding of the Charter was if there is a provision in the Charter addressed a certain area of the law, that was the one that was prevailing or it reverted back to state regulations.

Mr. Guridy stated that you are right. We have to look at the Charter. We have to set up a committee.

Mr. Hunsicker stated that when we went out for the Bonds we lost \$9 million on discounts. Bonds are not going to be selling at the premium. What is the discount on these bonds that the city is going to lose? He stated on Page 5 of 12 you had revenues of \$15.9 and expenditures of \$18. Did you look at this?

Mr. Guridy stated that we are actually not losing, we are going to save. We are going to refinance three bonds. You save money if you borrow money at a lower rate than we already have.

Ms. Koval stated that we will discuss the December report at the next Budget and Finance Committee Meeting. The December Report was just issued. We can't estimate at this point.

Mr. Art Villafane, 2030 W. Allen Street, stated that the Mayor gave a presentation at the end of October. I was out of town and could not attend. On at least five different occasions, I asked for a copy of the Report. I still don't have a copy.

Mr. Guridy stated that the presentation that occurred at the West End Youth Center. Let's make sure Mr. Villafane gets a copy of the presentation.

Ms. Paulette Kish, 1028 E. Chew Street, stated that she is being proactive in regards to the snow, at Chew and Jerome Street they never plow it. She asked about 13 Union Street and the railroad tracks. She said she was sitting there with her granddaughter and a train came by and with the brush, the train comes around and there is nothing indicating anything. People are letting their shrubs grow over the sidewalk. She asked about Irving Street Park and the playground. They were going to fix the playground. We have to take care of the eastside of Allentown.

Mr. Guridy stated that you can call the Streets Department. We have your name, your address and if you give your number to Mr. Hanlon we can make sure your street gets plowed. He stated there is a lot of work being done at that intersection starting this spring. Even if we add it to the Newsletters, doesn't mean the people are going to cut the trees. The property owner is responsible for cutting their trees.

Mr. Daryl Hendricks stated that Ms. Kish should call Recycling and Solid Waste and ask for a supervisor. If the property owner doesn't take care of it, they will be cited.

Mr. Guridy stated that we have the chair of Parks and Recreation and she is taking notes.

Ms. Cynthia Mota stated that we will look into it.

5. Approval of Minutes

NONE

6. Old Business

NONE

7. Communications

Mr. Guridy wished everyone a Happy Hanukkah. There will be a Committee of the Whole on January 7, 2015 at 6:30 PM to consider the appointment of a City Solicitor – Susan Ellis Wild. Two memos on intent to run for office were received from Mr. O'Connell for president and myself for vice president. Election of New Officers will take place at Council Meeting on January 7, 2015.

8. REPORTS FROM COMMITTEES:

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 met this evening and have an item on the agenda; 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 met this evening and we have one Bill; the next meeting is not yet scheduled. It is my pleasure to announce that we will begin planning for Stevens Park and Jackson Street Playground in the next month. On January 14th at 5:00 PM there will be a meeting at the Recreation Office to discuss Stevens Playground. The meeting is open to the Public. The second meeting will take place in February. The renovations of the playground will be completed by December 2015.

Public Works: Chairperson O’Connell

The Committee has not met tonight; the next meeting is not yet scheduled.

Human Resources, Administration and Appointments: Chairperson Hendricks

The Committee has not met since the last Council meeting, the next meeting is not yet scheduled. There will be an appointment which will be brought up for a vote.

Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson Gurdy

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

Mr. Koval congratulated and welcome to Mr. Jeff Glazier. She looks forward to working with him. Wish everyone a Happy Holiday and a Healthy and Prosperous New Year.

Managing Director’s Report

NONE

9. APPOINTMENTS:

Dr. Keven A. Vrablik	Allentown Health Board	01/01/2019
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Mr. Daryl Hendricks stated that this is an appointment for the Allentown Health Board and the term to expire January 1, 2019. It is Dr. Kevin Vrablik.

Mr. Gurdy asked if Dr. Vrablik here.

RESOLUTION PASSED, 7 – 0

Mr. Gurdy asked any comments from the public. He congratulated Dr. Vrablik.

Dr. Vrablik thanked Vicky Kistler for inviting him to apply for the position. I have been practicing for 20 years in preventive medicine. I have a strong interest in public health, work site health.

Mr. Hendricks thanked Dr. Vrablik for his willingness to serve in this capacity. You come well recommended.

10. ORDINANCES FOR FINAL PASSAGE (To be Voted On):

Bill 60 AFG Grant for SCBA Equipment.docx

Amending the 2014 General Fund Budget to provide for a supplemental appropriation of \$363,969 from a Department of Homeland Security FEMA grant, to the Fire Department to provide for SCBA equipment.

Ms. Eichenwald stated that this was before the committee this evening and passed on favorably to the entire Council by a vote of 3 – 0.

ORDINANCE PASSED, 7 – 0

Bill 63 - Public Art donation.docx

Amending the 2014 General Fund Budget to provide for a supplemental appropriation of \$12,500.00. This is a donation from the Century Fund to the City to continue Public Art restoration and Public Art signage.

Ms. Mota stated the Bill was passed on favorably 2 – 0.

ORDINANCE PASSED, 7 – 0

11. RESOLUTIONS FOR FINAL PASSAGE:

NONE

12. ORDINANCES FOR INTRODUCTION:

Bill 64 VAC-ORD Jefferson St.doc

Referred to Public Works

Providing for the vacation of a portion of South Jefferson Street from the centerline of Martin Luther King Drive in a Southerly direction to the Little Lehigh Creek in the Thirteenth Ward of the City of Allentown.

13. RESOLUTIONS FOR INTRODUCTION:

R55 Certificates of Appropriateness for work in the historic districts: 524 North 6th Street and 1023 Chestnut Street.

Mr. Guridy asked any comments from the public.

RESOLUTION PASSED, 7 – 0

14. NEW BUSINESS

NONE

15. GOOD AND WELFARE

Mr. O'Connell wished Ms. Eichenwald and Mr. Glazier Happy Hanukkah and to my Christian friends a very Merry Christmas and Happy and Healthy New Year. I look back one year ago and I wasn't sitting in this chair. I truly thank the Lord that he gave me the strength to come back to serve the City of Allentown.

Mr. Guridy stated Happy Hanukkah, Merry Christmas and Happy New Year.

16. ADJOURNED: 7:39 PM