

**Peter Schweyer, President**  
**Michael Schlossberg, Vice President**  
Michael D'Amore  
W. Michael Donovan  
Jeanette Eichenwald  
Julio A. Guridy  
Ray O'Connell

**Allentown City Council**  
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**COUNCIL MEETING MINUTES**  
**DECEMBER 7, 2011**  
**COUNCIL CHAMBERS - 7:30 PM**

- 1. Invocation: Rev. John Grabish**
- 2. Pledge to the Flag**
- 3. Roll Call:** D'Amore, Donovan, Eichenwald, Guridy, O'Connell, Schlossberg, Schweyer were present  
Dale Wiles represented for Solicitor's office.
- 4. Courtesy of the Floor**

Mr. Jay Goldstein, 1718 Crown Street, stated that it has been seven years that he has been working on the project that is part of the Queen City Airport and they are in critical stage thanks to the Airport Authority's gross mishandling of their finances and everything that goes on over there. He stated that they are in the midst of a perfect financial storm and something has to give. They are going to have to sell a major asset. He stated that the mayor has spoken very eloquently time after time as a member of the Airport Authority about the needs of the school district 17,000 kids and when you think about the extended family, you are talking about tens of thousands of people that stands to be helped. If the city allows that land to be developed to a point of 22 percent development on the land, you are looking of upwards of \$6 million a year for the school district. During this seven year effort at no time and he has talk to the school board many times and they never decided to come out of their shell and speak on behalf of the children. They don't have to come into a combative role and demand money or taxes as the Catasauqua school district has and they have gotten millions. He recommended that there is a majority on the airport authority that can do the right thing. There are good men and women on the Airport Authority that can do the right thing by getting rid of the parking garage on Lehigh Street from some wealthy people. He asked for the school board to come in on December 20<sup>th</sup> or January and explain to the Airport Authority what it takes to educate 17,000 children and the challenges that are there for those children and those families in this city and he thinks that push can be the chemistry that they need to get things going.

Mr. Todd Blowing, 138 S. 8<sup>th</sup> Street, asked about the Hockey Arena.

Mr. Schweyer stated that the latest is that the administration held three public hearings and they were the last day of November and the first two days of December. He stated that the mayor went to all of them and a number of folks had come out to those between the three over hundred people came out and tonight they will be introducing legislation creating a new authority. They will be having a committee of the whole meeting about the authority on the 14<sup>th</sup> in Council Chambers with a perspective of passing or vote on it. In terms of future action, that is where we are.

Mr. Ken Heffentrager, 136, No. Seventh Street stated that the last time he was at the City Council meeting he asked what the city does about the slumlords and the landlords that do not treat people right. He stated that it got back to him the next day about the condemned building part, but every day he talks to people

because he has been thrown out of his place illegally and the courts won't do anything about it. He stated that Joe Clarke is a slumlord in particular and it seems that no one in the city will do something about him. Stand up to him or take care of business with him. He stated that so many people are getting thrown out and there is nothing in the city for homeless people. He stated come this Friday he is homeless and at the Rescue Mission right now. He stated that if you go anywhere, the Church of Conferences, Catholic Dioceses or any organization in this city, nobody can do anything and it is growing by the day. He stated that there are orange stickers places and people have ten days to vacate. He stated that he talked to Ismael Arcelay and told him that when his building was condemned at 828 W Turner the code enforcement guy and he was the one that called Joe Clarke stated he was a nice guy and would help him out. He stated that he helped in out for a little while and pretty much put the stones to him. He stated that Mr. Arcelay told him that he got hold of code enforcement and it was code enforcement's judgment call to help him find a landlord or not. He stated that maybe at this point in time code enforcement should not recommend people to anyone in particular.

Mr. Schweyer asked if they had his contact information and asked if Mr. Heffentrager was at the Rescue Mission or Salvation Army. He asked when he contacted him and he does not want to make an assumption was the administration doing that by phone and if it was a cell phone or landline.

## **5. Approval of Minutes: November 16, 2011**

Minutes Approved by Common Consent

## **6. Old Business**

Mr. Donovan asked what will be the appropriate time for Council to look at two items that were tabled.

Mr. Schweyer asked were they budget related and asked if they could get through the committee report and they could do it right at the beginning.

## **7. Communications**

Mr. Donovan stated that he would like to introduce to Council Daniel Correa who is a senior at Roberto Clemente High School working on a project in government and he would be working with him throughout the spring and he is here to observe us.

Mr. Guridy stated that there are a couple of students here from Central Catholic High School. He stated that his son Julian is here.

Mr. Schweyer stated that on December 14<sup>th</sup> at 6:30 PM they will have the Committee of the Whole meeting to review the Delta Thermo Energy contract and there will be Resolutions proposed to them. It touches Community and Economic Development, Public Works and potentially Budget and Finance; several committees. They will be reviewing a proposed ordinance that will be introduced tonight for the NIZ authority (Neighborhood Improvement Zone) at 7:30 PM or following the discussion of Delta Thermo.

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

Budget and Finance: Chairperson Donovan

The Committee met on November 30. We receive some estimates on the EIT collection \$11.8 million as of November which is \$2.7 million behind the estimates for the year. There are no other meetings planned.

Public Safety: Chairperson Eichenwald

No meeting. No report.

Community and Economic Development: Chairperson Guridy

No meeting. No report.

Parks and Recreation: Chairperson Ray O'Connell

No meeting. No report.

Public Works: Chairperson Schlossberg

No meeting. No report.

Human Resources, Administration and Appointments: Chairperson D'Amore

No meeting. No report.

Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson Schweyer

They have not met since the last meeting and the future meeting has yet to be scheduled.

**OTHER COMMITTEE REPORTS**

Blighted Property Review Board - Councilperson Schweyer

AEDC - Councilperson Donovan

Arts Commission – Councilperson Donovan

Housing Authority – Councilperson Guridy

Human Relations - Councilperson Eichenwald

Lehigh Valley Planning Commission – Councilperson O'Connell

Ad Hoc IT Committee – Councilperson Schlossberg

Urban Observatory – Councilperson Schlossberg

Mr. Donovan stated that Council has been asking from AEDC various reports and he knows that Council has been receiving emails, but it is important to let the public know that Council does have the reports and they are being reviewed and the information was the information that was presented to the public. He stated that some of the information is still in the rights of confidentiality for real estate reasons and Council has been successful in getting those reports.

**CONTROLLER'S REPORT**

None

**9. APPOINTMENTS:** None

**10. ORDINANCES FOR FINAL PASSAGE:**

Mr. Schweyer stated to Mr. Donovan of his desire to bring up several issues that were tabled.

Mr. Donovan stated that they tabled the amendment for Mr. Guridy to consider Spanish lessons with a commitment by the budget to do so. He stated that he would like to move that they reintroduce that for discussion.

Mr. Guridy seconded.

Mr. Donovan yielded to Mr. Guridy if he wanted to make a statement and then he would like to make a comment.

Mr. Guridy thanked Mr. Donovan and stated that this amendment was basically to reinforce that there is a large need in this city that need the support and help of our public servants. He stated that they have a great number of public servants in the police department, the public safety department and community economic development and throughout all the department, including Public Works who come in contact

with the public on a daily basis and with this amendment it was offering \$50,000 for the implementation to get some Spanish lessons and commonly used Spanish language throughout the city. It would be easy basic stuff to help a person in need in the community especially in the public safety department (police department, fire department). He stated that as most of you know that 40 percent of the population is of Hispanic Heritage and a lot of research indicates that Spanish people speak Spanish in their household primary even though some of the children may speak English. Sometimes the parents or grandparents don't speak it as well. They are taxpayers and residents just like the rest of the community at large. Sometimes they deserve a little bit more support than what they are getting from our public servants. We are only asking for \$50,000 out of \$85 million budget. He stated that he missed the meeting last week and was not here and he heard that Ms. Eichenwald is willing to provide Spanish lessons for free and she was going to make herself available to do that. He stated that he did not get an opportunity to listen to the whole conversation and he is willing to entertain or listen to Mr. Donovan's comments and Ms. Eichenwald as see if it surfaces what they are intending to do. He thanked Mr. Donovan and stated that he cares about these issues and encounters them on a daily basis and he is one of the people as well as Ms. Eichenwald and the rest of them who care about the community at large and especially those that are most vulnerable.

Mr. Donovan thanked Ms. Eichenwald for offering the free lessons and he tried to make a case last week and although it is important and useful he thinks that learning a second language is extremely difficult especially in the early stages of someone who are trying to learn a second language and perhaps have trouble speaking and they have trouble speaking with city employees, it would be helpful and some of our employees can do that. He stated that he can tell them that his languages are awful. He stated that Mr. Oats gave him Cs in 8<sup>th</sup> grade and 9<sup>th</sup> grade in French. He has a lot of trouble learning a second language and he admires individuals who can learn a second language. He urged Council and stated to Mr. Guridy that perhaps the original budget he had was a large budget and it could be done at a smaller cost, but he would hope that the city in addition to Ms. Eichenwald's lesson can perhaps set aside some money for individuals for some training that may occur because Ms. Eichenwald may not be available at certain hours as well as he would name a product called the Rosetta Stone and is a very good product for self learning and he thinks that it is a relatively an inexpensive way to have that in the city's library and employees can check that out on regular basis and an opportunity for them to send a strong signal from a customer service point of view. He stated that they all know that this country has had generation upon generation of individuals who acquire the generation to have a higher proportion of English speakers and as Mr. Guridy said often parents and grandparents are still struggling while the children are picking it up fairly easily.

Mr. Guridy stated that he must point out that this is not only his idea to offer this amendment. It was also something that came from employees of the city who requested him to do this and proposed this amendment. It was more than him being the only Spanish person on the dais here. The employees are worried about it and would love to learn some basic Spanish.

Mr. Schlossberg stated that this is a great and worthy idea and does have specific questions about the implementation for him. He stated that as of last week's meeting, they spoke to Jim in Human Resources and he had said that you did not have any conversations about Mr. Guridy's idea about implementing this. He asked had Mr. Guridy had any conversations about how to get this done and how the \$50,000 would be used.

Mr. Guridy stated that he did not have a conversation with Human Resources and he did have a conversation with the internal Deputy Clerk and the City Clerk about it and research on it including contacting Lehigh County Community College to see how that would pan out and there were some numbers and it was a \$100 per person for 20 hours of instruction and it is an easy thing to do and it is not doing so much research if it is not going to pass. He thought that at one time everyone was in agreement

with it and it looks like it dwindled since then. He stated that he does not know if it was because of Ms. Eichenwald generous offer to do this or because people were not interested in supporting it.

Mr. Schlossberg stated that his questions were geared to its implementation which leads him to his next question. He asked would water and sewer employees be eligible to take advantage of.

Mr. Guridy stated that being able to speak a second language, he feels that anybody can take advantage. The more you know the more marketable you are as a person, but the most important is the more you can help individuals that are trying to help in the community.

Mr. Schlossberg asked would water and sewer employees get to take advantage of this.

Mr. Guridy stated anybody.

Mr. Schlossberg stated that this is a \$50,000 appropriation from the general fund. If water and sewer can take advantage wouldn't it make more sense to appropriate at least ten percent from the total cost from each. He stated that would be a little more rationale.

Mr. Guridy stated that Mr. Schlossberg mentioned something like that earlier and he is in agreement with that. Initially they were discussing getting the money from the general fund, but it sounds like a good idea if they could get some of the money from the water and sewer fund.

Mr. Schlossberg stated that Ms. Eichenwald has been very generous to teach this on a voluntarily basis, he knows that in the past they had luck with faculty at Muhlenburg professors offered to translate the website. He asked did they approach anybody else on a voluntary basis.

Mr. Guridy stated that he has not.

Ms. Eichenwald stated that she finds this conversation puzzling and offered as a volunteer to provide Spanish services to any employee for the City of Allentown who would like to do it. Now, this offer comes with qualifications. She stated that she taught Spanish for over three decades, she is a member of the faculty of Muhlenburg College, not in the Spanish department, but she does have those credentials. She stated that she has a master's degree in Spanish and has done the exactly the same program for teachers and clerical employees for the Allentown School District. She stated that she has done it for the driver's at Metroplus, the nursing staff at St. Luke's Hospital, and medical staff at Planned Parenthood.

Mr. O'Connell stated that he agrees totally with Ms. Eichenwald. A known professional who is rendering her services free of charge and he has seen her in action and does an outstanding job and he seconds what she stated.

Mr. Guridy stated that he was not here during the private conversation in regards to this and he supports her doing this. He stated that if she is really willing and do it for free.

Ms. Eichenwald stated that what she says she is willing to do, she does.

Mr. Guridy stated he just heard her say it now and was not here for the last meeting to discuss this. He stated that he was not sure how it would work out, but if she is saying she is willing, he believes her and that would be the best of both worlds and wishes they would have talked about this earlier.

Mr. Schweyer asked Mr. Guridy was he withdrawing his amendment or would you like to proceed. He stated that Mr. Guridy is withdrawing his amendment and asked if anyone else would like to sponsor this.

Mr. Donovan stated that he would like to remove from the table his amendment for more police officers, neighborhood organizers, and recreational staff.

Mr. O'Connell seconded.

Mr. Donovan stated that he mentioned last week that the city needs to make an investment in a variety of activities that contributes to many things that they were discussing and that is a larger police force, and practice community policing, individuals to work with Ms. Alexander in neighborhood coordinating, and increased effort within the recreation department. He stated that he mentioned last week his amendment was an extreme amendment with the maximum that he felt residents, taxpayers be able to support. He talked briefly at a Friday meeting and willing to say he is not willing to push this because he is leaving Council and won't be able to push it in the future. He stated that he will remove it from discussion and leave it to Council to recognize that the city could do more and put its money where it needs to be. Based on his years in the private sector, investments producing results and get things done and that is something that they have not done. He stated that he does dispute Ms. Eichenwald willingness to do this, but he does feel the city needs to make an investment in training staff because Ms. Eichenwald will not be here forever and her schedule would not always permit training. While he agrees having it free is great, they also think about the fact that money spent indicates where you are putting your effort. He asked Council considers in '13 some of the things in suggested.

### **Bill 100 EIT**

Ordinance re-enacting, restating and amending its earned income tax ordinance/resolution to establish conformity with the local tax enabling act as amended by Act 32 of July 2, 2008.

Mr. Donovan stated that this bill the state law required countywide that collections of various taxes be done by a single authority which means that the City of Allentown is handing over certain taxes to Berkheimer in order to be standard throughout the county they have to adopt new language. It went forward favorably and encouraged council to move it favorably. He stated to Mr. Strathearn and Ms. Bowman and stated that many of the residents received documentation from Berkheimer about paperwork that needs to be filled out that is new or different. He does not know, but it could be some confusion on some changover that is not our fault. He stated that he does not know how best to communicate to the taxpayers certainly something on the website.

Ordinance passed, 6 – 1 (D'Amore)

### **BUDGET MEMO 3**

The following changes have been made to the 2012 Proposed Budget:

#### **General Fund**

##### Revenue:

Revenue Account 2940 – Shade Tree Permits and Fees anticipated Revenue for 2011 of \$2,500 was not included in the Total Permits/Licenses. The correct total for that category is \$4,860,341. A revised GF 1-3 is attached.

##### Non-Departmental – Law:

Program 2 – HUD Legal Services was not included in the Non-Department General Fund Summary. This will increase the 2011 A&E by \$48,259. A new GF8 is attached.

### Finance Department:

A small reorganization is being proposed due to the recent change in the City Controller's seat. The position of Finance Operations Manager (15N) will be eliminated, a salary reduction is being proposed for the Budget Coordinator, a salary increase is being proposed for the Purchasing Agent position and an Office Manager (9N) position will be added in the Finance Director's Office. This will result in an overall savings of \$8,750. A revised GF 31, 37, and 41 are attached.

### Public Works – Fleet Services and Repair:

After closer inspection of the fuel pumps at the Municipal Garage, it is believed that another year of service is possible. This will reduce the Equipment Account 72 by \$110,000. Also, with the fluctuation in gas prices it is suggested to increase Account 62 by \$30,000. This will result in a net savings of \$80,000. A revised GF 49 and 53 are attached.

### Fire:

The amount for Account 11 – Shift Differential is being corrected to \$71,613. This results in an increase of \$64,450. A revised GF 91 and 95 are attached.

### Managing Director – Systems Management:

After the Proposed Budget was introduced some of the contracts were able to be finalized and firm amounts are now known. This change results in a \$55,386 savings in Account 46 – Contract/Service Fees. A revised GF 107 and 109 are attached.

## **Water Fund**

### Water Distribution:

The correct amount appropriated to Capital Fund Contribution from this Bureau during 2011 was \$200,000. An additional \$200,000 is requested for 2012 to be placed in the Capital Fund Contribution Account 84. The increase is due to emergency repairs at the chemical plant. A revised WF13 is attached.

### Water Shed:

The purchase of a Pick-up truck with plow and spreader has become a necessity for 2012. An additional \$40,000 is requested for this purchase. A revised WF15 is attached.

The net change for the Water Fund 2011 A&E is a decrease of \$190,000 and the net change for 2012 is an increase of \$240,000. A revised WF3 is attached.

## **Sewer Fund**

### Sewer Line Maintenance:

The expense for Root Control was inadvertently eliminated; an increase of \$50,000 is requested for Contract/Service Fees Account 46. A revised SF 2, 3 and 11 are attached.

## **Solid Waste Fund:**

### Recycling:

The expenses for the rental of the tub grinder, warehouse space and other miscellaneous equipment were inadvertently missed. An increase to Account 30 – Rentals in the amount of \$151,850 is requested for these rentals. An additional \$50,000 is needed in Contract/Service Fees Account 46 for consulting services. These changes result in an increase of \$201,850. A revised SW 5 is attached.

### Animal Control:

The purchase of a net gun used to assist with animal retrieval is being requested at a cost of \$2,000. Account 72 – Equipment will be added in 2012. A revised SW 11 is attached.

The total increase for the Solid Waste Fund is \$203,850. A revised SW 3 is attached.

**Capital Fund:**

Added Project 1254, Mechanical Renovations – Water Plant, with total funding of \$100,000 coming from the Water fund.

Increase Project 1805, Emergency Water Repairs, with total funding of \$300,000 coming from the Water Fund.

A revised CF1 is attached.

Mr. Schweyer stated that Budget Memo 3 addresses minor changes that are not policy changes in nature and Budget Memo 4 would consider the merits of that one particular staff addition. He stated that he would consider them separately.

Mr. Donovan motion to move Budget Memo 3.

Mr. O'Connell seconded.

Ms. Eichenwald stated that she had a question under Public Works under Fleet Services and repair, it says that with the fluctuation in gas prices it was suggested to increase account 62 by \$30,000, since gas prices are coming down can someone explain to her the rationale of increasing it by \$30,000 since last year was the high of gas prices.

Mr. Schweyer apologized to Mr. Young, but stated that he needed it on the record. He asked the administration for next year on the capital budget if Council considers one perhaps we should have wireless microphones.

Mr. Young stated that although prices are coming down right now, what they had to do this year a large number of transfers from other areas to help pay the fuel this year. This is to help augment the potential increases that may be coming in a few. The price of fuel is so hard to try to pin down and for the last few years they had to do a lot of transfers to help pay for fuel.

Ms. Eichenwald asked if they had to do transfers, how did they make up the deficits of those transfers and varying budget items.

Mr. Young stated that they came from other areas and he does not recall where they made all the transfers from, but it may have been giving up a truck. He stated that they did that to pay for salt. Things they did without to help pay for the fuel.

Mayor Pawlowski stated that it is not regular gas to help pay for the fleet. A lot of it is deisel and it fluctuates and has been fluctuating in the last couple of months.

Mr. Young stated that it includes UGI.

Ms. Eichenwald stated that she is puzzled and if they could make all those transfers, why was the figures in the beginning in that particular budget item. She stated that she understands that deisel is variable than the regular gas at the pump.

Mr. Schweyer stated that as chair of the LANTA board they deal with that issue regularly and deisel is far less stable than it once was and he does appreciate that.



Mr. Schlossberg stated that the Capital Fund there was a \$100,000 added for emergency water repair coming from the water fund. He asked is that not identical of what they offered or adopted as an amendment unanimously at the last meeting.

Ms. Bowman stated that this was already in their budget memo.

Mr. Schlossberg asked if that was redundant, an issue or could they cross it out.

Mr. Schweyer stated that if your goal is to have \$200,000 than they could do two or more things. Either, amendment the budget memo or we do not.

Mr. Schlossberg made a motion to delete the capital fund item from budget memo III.

Mr. Schweyer seconded the motion.

Mr. Donovan stated that he is seeing project 1254. Two separate items for a total of \$400,000, correct. He stated \$100,000 and \$300,000 is this how I interpret this and they are for specific projects that are identified here. He stated to Mr. Schlossberg that his amendment was more for capital outlays which he was wondering it was the same thing.

Mr. Young stated that is correct.

Mr. Schlossberg stated that his amendment was for capital outlays and thought that this was for capital outlays, but asked Mr. Young to clarify.

Mr. Schweyer stated that as he recalls they talked about the \$100,000 from water and \$100,000 from sewer as emergency funds for the unexpected capital outlay. The tank from a few years ago or something like this. He asked Mr. Young to explain what his capital outlays here were for.

Mr. Young stated that is correct. One amendment was for emergency. This is for actual improvements that are planned.

Mr. Schlossberg withdrew his amendment.

Mr. Guridy stated that the watershed there is \$40,000 for a purchase of a pickup truck was that part of the equipment fund earlier.

Ms. Bowman stated that the enterprise funds comes directly out of their funds and not the equipment fund.

Mr. Schweyer stated that there are no changes to budget memo 3.

Acceptance of Budget memo 3 passed, 7 – 0

#### **BUDGET MEMO 4**

The following changes have been made to the 2012 Proposed Budget:

#### **General Fund**

Department of Parks and Recreation – Bureau of Recreation:

Due to the increased participation in the leagues, the addition of a Program Development Specialist (3N) is being proposed along with an increase in Temporary Wages. To help offset these increases Account 46 – Contract/Service Fees is being reduced. These changes result in an increase of \$25,678. A revised GF 115 and 125 are attached.

Mr. Schweyer asked for a motion to accept this.

Mr. O'Connell motion to accept Budget Memo 4.

Mr. Schlossberg seconded.

Mr. D'Amore stated that he urged his colleagues to reject budget memo 4 and urged them to reject for a number of reasons. First being this position was created without any transparency whatsoever and this matter was not disclosed during Parks and Recreation budget meeting. Even though members of council specifically inquired about the addition or subtraction of positions. He stated that this was not formally approved by the mayor at the time of that meeting, but it could have been discussed as a perspective position in the pipeline and everyone at the parks and recreation department including the director has knowledge of it. He stated that it was dishonest to not discuss it. Secondly, this position effectively replacing a MWI position which was trichioned out. He thinks it is an example of a terribly misplaced priority that this administration has regarding personnel. MWI is a person responsible for doing the work and keeping up parks was replaced for exchanged an elevated intern. He stated last year, this council approved a significant raise for a position in the parks department. On that arugment that this person was going to do two jobs. Now, with an additional person in the recreation department as proposed apparently those extra duties will not be a part of that job. The pay was not supposed to be adjusted accordingly. Finally, they were only provided with the job description today for this position. He stated that the position was misclassified as a M Class position and an M Class position should be in the bargaining unit. Most supervisor duties are permanent employees of the city. He stated that he does not know how it could be justified as an M Class position.

Mr. O'Connell urged his colleagues to accept this position for the Program Development Specialist. The parks and recreation submitted a grant proposal to the Allentown Housing Authority which would have allowed them to hire an additional full-time employee and four part-time employees in 2012, and unfortunately this grant was not awarded and they needed to come up with other solutions to keep the parks and recreation department floating in 2012. Thus, the position was submitted late in the budget process and at this time he would like to call Mr. Weitzel and realized that he was asked for a job description for a program development specialist today and have submitted the job description to the member of City Council.

Mr. Weitzel stated as Mr. O'Connell mentioned, unfortunately, they did not get a grant that we were hoping to get awarded for one full-time position and four part-time positions. The recreation bureau is operating with one full-time employee and in the last five years, they have seen a significant increase in leagues that are participating in the city. They have seen 147 percent particpate increase since 2007. They had a 105 teams in leagues in 2007 and in this year we had 227 leagues. He stated that they had over 30,000 participants in department sponsor events and this is a lot to handle for one full-time employee. He stated it is a lot to handle for one full-time employee. He stated that they see increase programming and want to see increased programming for at-risk inner city youth. He stated that is our priority. As an example the lights on program that they work with the school district to open the schools for afterhours programming as well as gang prevention with the police department and midnight basketball program. He stated that it is important to provide programs for seniors a demographic that is often missed in our city and another

important demographic is persons and children with disabilities. This is a program that has not been and they have done zero programs, very little or nothing with children with disabilities a group where 4,000 youth in our city has a disability. This is a demographic that we definitely need to work on asking one person to handle all these programs is a lot and they believe that this is a position that is desprightly needed in our department and hope that City Council approve it tonight.

Ms. Eichenwald stated that with the budget procedure they had presidence on employee decisions even without a discussion with department heads. She stated that she remembers the last meeting or the meeting before that they added someone to the works department that was not requested by Mr. Young. She is in favor of doing this and the presedence has been set during this budget period.

Mr. D'Amore stated that later tonight we are going to discuss the grave discussion on eliminating paramedics in EMS. In a time where our budget would be generously number of employees he might agree with this too and many places in the city to keep this city running and are understaffed like places like the water department and to add a position like this at a time when we are so dangerously understaffed in key critical areas in the city. He stated that he cannot support this.

Acceptance of Budget Memo 4 – Parks and Recreation position passed, 5 – 2 (D'Amore, Donovan)

Mr. Schweyer stated that all of the bills relating to the budget were considered a the committee of the whole chaired by the appropriate person.

**Bill 76 SWENTERPRISE**

That an appropriation in the sum of Fifteen Million Seventy-One Thousand Two Hundred Four (\$15,071,204) Dollars is hereby made to the Solid Waste Fund as more fully detailed in Exhibit A, "City of Allentown 2012 Budget."

Ms. Eichenwald stated that she does not understand what they are discussing in this bill.

Mr. Schlossberg stated that this is the actual solid waste fund from our budget book. This is the actual fee and the fee increase will be the next bill.

Mr. Schweyer stated that he is going to make an amendment to the solid waste fund. They are going to reduce the appropriations by \$500,000 from \$15,071,204.

Mr. Schlossberg asked if this is to suspend the rules because of the ordinance that they passed in the beginning of the year they have to make a motion to suspend the rules to offer an amendment.

Mr. Schweyer made a motion to suspend the rules to offer an amendment to Bill 76.

Mr. Schlossberg seconded.

Mr. Donovan stated that it would be helpful to get the title of the amendment indicating.

Mr. Schweyer stated that the amendment will reduce the sewer enterprise, the anticipated revenue by the sewer enterprise by \$500,000.

Motion to suspend the rules to introduce an amendment that would reduce the revenue stream in the solid water fund by \$500,000 contingent upon an ordinance passing that would increase the senior citizen exemption to \$19,999 passed, 7 – 0

Mr. Schweyer stated that he would like to suspend the rule to reduce the sewer enterprise by \$500,000 for the purpose reflecting a policy change that will be introduced today and considered for final passage in two weeks.

Mr. Schlossberg seconded the motion.

Mr. Donovan asked Mr. Schweyer because he wished to make it contingent does it make sense to have Bill 76 and 77.

Mr. Schweyer stated that if they were able to introduce them in a timely fashion, yes, however, unfortunately, because they need to do separate considerations. He stated that they did discuss it at a previous council meeting.

Mr. Guridy stated that he basically wants to know how Mr. Schweyer came up with the \$500,000.

Mr. Schweyer stated that he will explain to the best of his ability, but may lean on Mr. O'Connell and Ms. Saurman. He asked Mr. O'Connell would he like to explain his deliberations with the administration first.

Mr. O'Connell stated no. He stated that they will go to Ms. Saurman. His only point and he met with Ms. Saurman and Ms. Eichenwald was on the phone conference and they appreciate all Ms. Saurman's work. He stated that is \$500,000 a good figure. He stated that he does not want to get into the money, but think it might be a little more.

Mr. Schweyer stated that he will explain what they are doing. He stated that they did a bunch of procedural plays and there is no doubt that everyone know what their intentions were. He stated that they had a conversation with a public meeting which he was not present at and Ms. Eichenwald and Mr. O'Connell spoke vehemently for the need to expand the garbage exemptions for senior citizens and other folks. He stated that he does not want to speak to Mr. O'Connell so please correct him if he is wrong, but there was a discussion between Mr. O'Connell and Ms. Eichenwald.

Ms. Eichenwald stated that she participated in the discussion.

Mr. Schweyer stated that there was a conversation between the administration and the two members of council about an appropriate level of an exemption and what they could actually do. He stated that from conversations with the Clerk, in order to with the intention that they were going to extend the exemption for senior citizens who are homeowners who make \$15,000 - \$19,999. This will be essentially and he can't call it the appropriations to pay for it, but this will count for the cost associated with this program.

Mr. O'Connell stated that it has more to do with the poverty level.

Ms. Saurman stated \$15,000 for senior citizens.

Ms. Eichenwald stated that you need to clarify it. It is based on poverty level for senior citizens 65 years or above and also anyone living in the city of Allentown where the family income is below the poverty level.

Mr. Schweyer stated who are homeowners.

Ms. Saurman stated owner occupied.

Ms. Eichenwald stated that they will be the only ones paying that fee.

Mr. Schweyer stated to Mr. O'Connell that he had a specific question about that number, the \$500,000 number.

Mr. O'Connell deferred it to Mr. Schweyer, but stated that it might be a little larger.

Ms. Saurman stated for a point of clarification when they discussed on Tuesday morning there were various thresholds that they researched and they asked how it would impact the solid waste fund and those impact will affect the solid waste threshold 20,000 and then 30,000 and what she can tell City Council and members of the public that at the \$15,000 threshold if both proposals passing and you are proposing that senior citizens that are 65 or older that are homeowners and their total household incomes are less than \$15,000, it would have an impact on the solid waste fund of \$635,910 and includes you second proposal for homeowners in the City of Allentown with total household income of \$15,000 or less to waive the \$35 fee and if you combine both categories you have the impact of the fund \$635,910. They discussed the same thresholds at \$30,000 both for the seniors and at the poverty level and that has an impact of \$1,320,610. Looking at those numbers at the end of the conversation they asked her to do the consideration and the research at the \$19,999 because that is the way the US Census broke it out. That has a total impact on the solid waste fund of \$890,930.

Mr. Guridy asked for a clarification, how much it will be \$1 million.

Ms. Saurman stated that at the original proposal at \$30,000 threshold it will be \$1,320,610.

Mr. Guridy asked if she was to reduce it by \$500,000 or the total amount that it would be with the exemptions, how much would the impact for the total budget will be.

Ms. Saurman stated that the ordinance that is being introduced tonight and looking at a number as opposed to a category of qualifications. It is a little different impact. She stated that Mr. Schweyer was saying reduce the revenue stream.

Mr. Schweyer stated that \$500,000 was what he was under the impression it was the cost. He stated that he wants to move the conversation forward. He stated that he is getting different information and he is not being accusatorial.

Mr. Guridy asked did she say \$635,910 and not \$110.

Ms. Saurman stated at the \$15,000 threshold.

Mr. Schweyer stated that is not at the \$19,999 threshold.

Ms. Saurman stated that the \$19,999 threshold will be \$890,930 for both proposals.

Mr. Guridy stated that he is confused on the impact it would have on the actual budget and if they have to do anything. Every single penny that is coming in and the revenue streams and if you now reduce it by \$890,000 what would that do to the expenses. He stated that he is looking at every single year for the last couple of years and they had a deficit on the budget. This year, you mentioned \$2 million.

Mr. Donovan stated that the solid waste is separate.

Ms. Saurman stated that the solid waste enterprise fund.

Mr. Guridy stated that it will still have an impact on the total budget.

Ms. Saurman stated that it would have an impact on the solid waste fund which the proposal that the administration put forth was the \$35 increase, raising it from \$340 to \$375 and having that revenue stream to shore up the fund through 2015 which takes them to the end of this current contract with waste management and shore up the fund.

Mayor Pawlowski stated that when they first proposed this and introduced it, he gave them two budget proposals that looked out four years. The first one was at 240 the way it stands. If we don't do anything we are going to run a deficit of \$800,968 by 2014 and run a deficit of \$4,300,060 in 2015 which means they have to increase this at an extremely high rate probably in the 400 – 500 range at that point to make up the deficit. He proposed the \$35 increase because it was the lowest amount they could propose and with that they would have positive cash flows all the way until 2015 of \$581. If we do this, for one year it will have an impact and have a deficit running in the end of 2014 and 2015 and instead of having a budget that balances out for the next four years where we could say this is a fixed cost they are going to have to raise fees again, in a few short years. If you eat into this it will be a deduction and they will have to go back and raise this fee at some point in time in a few years.

Mr. Guridy stated that he and the mayor had a conversation like this in the past when the mayor was presenting the budget. He stated that his concern and he sees what he is trying to do in reducing the cost for those that are more vulnerable in the city. He stated that it is only the water fund it will have an impact in the budget. It is a reason why it was suggested to increase by \$35.

Mayor Pawlowski stated that is an increase in the total solid waste budget, not the total budget.

Mr. Guridy stated that if they reduce it now there will be some type deficit.

Mayor Pawlowski stated if you look at the two budgets and the two pages that he gave them when he first introduced, he gave them one with a \$35 increase and at the end of 2015 it runs a surplus of \$581,000, realizing that in 2016, they will have to do an increase again. He stated that it gives the residents a four year period they know that that cost will be fixed for the next four years. If we do this, now we run a deficit in 2015 and partly into 2014 and you only have a couple years and you have to increase it again. It is your choice, but that is the impact. It will have an impact to the budget. Would it have an impact right away, no it would just eat into the fund balance and keep reducing it and exempt everyone in the city and eat into it quicker and have no fund balance. He stated that he is not opposed to it or disagree with it philosophically, but if we are trying to create stability and funds that balance out with solid fund balances, we cannot keep eating at the fund balances and complain we do not have fund balances.

Mr. Guridy stated that he is not one that likes raising fees each year or any other year. He stated not necessarily on the water fund, but we continue to deplete the water fund.

Mayor Pawlowski stated and we haven't. There has been four years since we raised this fee. He stated that they have not done this for several years. He stated that you have too, you have increasing costs and these funds are standalone funds.

Mr. Guridy stated that if they do this and agree to this amendment he wants to make sure that they are not raising again next year or the following year. He knows it is for one year. He stated that he does not want to go back and say let's raise water again and in the following year let's raise water again.

Mayor Pawlowski stated that he is telling them that in two years, they will have to raise it again.

Mr. Guridy asked with this amendment.

Mayor Pawlowski stated with this amendment we will probably have to raise it again. That is your choice. He agrees with them philosophically and would like to give this, but realize you are going to have this one year amendment and next year their bill is going to go up. We can stabilize it for a few years and people can know their cost is fixed.

Ms. Eichenwald stated that they are discussing this exemption for people who family income is about \$19,000. The other equation is that people that income is above that who is a homeowner will pay an increase this year of \$35. We are talking about a specific targeted population. She stated that is not saying not to raise any fees, she is saying only those people that have an income of less than \$19,000. She stated that shortly they will also be raising water and sewer. For her water is in a different category because if a family is having a financial difficulty they could more or less control their water usage. If this particular garbage fee, it does not matter if she puts out one bag of trash or ten bags of trash she would have to pay it. With a business model if you keep raising the cost of the service that you provide eventually it could happen especially with those people that are teetering into financial difficulties, you break them and their houses go into foreclosure. That is what her concern is, this year; people will be hit with an increase in water, an increase in sewer and an increase in solid waste.

Mayor Pawlowski stated which comes to \$57 total, \$4.75 a monthly or .15 cents a day. He stated that he does not think that \$4.75 a month if you can't pay that, that's not going to keep your house out of foreclosure. If you can't pay \$4.75 you are going into foreclosure no matter what.

Ms. Eichenwald stated that every fee that they add eventually people say, that's it. There does come some point, a breaking point. She stated that she understands that four years and then they will be in negotiations for a new contract and at that time they will require a very large increase. She stated that they can also do other things. Allentown is one of a few municipalities or other areas in the Lehigh Valley that provides two day a week garbage pickup. She stated that she is not suggesting at this moment to reduce it, but there can be others ways and avenues when they renegotiate the contract in 2015. She stated that she is asking for this for one year just to make it a bit easier for people that are living below the poverty line. Not to eliminate any kind of an increase.

Mayor Pawlowski stated that again he does not disagree with her philosophically; he is just saying that if we do that, they will have to raise it in a few years because we are depleting the fund.

Ms. Eichenwald stated only if they provide the same level of service. If they renegotiated a different kind of contract with one day a week pickup then it does not necessarily mean a great increase. Maybe we could look for another vendor. She stated that she does not think it is all or nothing. She stated that she does not think that if they do this in four years they have to increase it by an enormous amount of money. In the meantime, we are helping people in an enormous financial difficulty. Every house that falls into foreclosure in the City of Allentown is a loss of property revenue. The house sits abandoned and it depletes all of our housing stock.

Mayor Pawlowski stated that he is not philosophically opposed to it. He agrees on what they are doing, but he is pointing out the fact. He stated that Mr. Guridy asked what this does and it requires them to raise fees sooner rather than later. He stated that they can reduce service. The residents like the service of the two day of week. That is a greater policy discussion. What it comes out to it raises the total cost to \$487.

Right now, we will be the lowest in the Lehigh Valley. Easton is at \$1,088, Coopersburg is \$942, Northampton at \$646, \$546 Salisbury, Whitehall \$538, Coplay \$538, South Whitehall \$529, Upper Macungie \$524, Bethlehem, \$524 and then comes Allentown. The only ones that are lower than us are Lower Macungie and Emmaus.

Ms. Eichenwald stated that a lot of the municipalities don't have our poverty level. The United States Post Office is in the same quandary, raise the cost of expenses or reduce the services. They made the decision to reduce the services. We may have to wait a day or two longer to receive our mail.

Mayor Pawlowski stated that he does not disagree with Ms. Eichenwald he is just answering Mr. Guridy's question and the fact that he looks forward to having that policy discussion on what we eliminate in the future. He thinks that the residents enjoy having this at this low price, but we can have this discussion at a later time.

Mr. Donovan stated that he understands that they frontload the fee which gives us technically a surplus for a couple of years and then it starts running down and at the time they need to renegotiate the contract ideally they will have a balanced budget with the solid waste fund and the major argument is that by fixing the fee everyone will know what they are going to be paying every year. He stated that also means there is a cumulative deficit each year because it is not just one year. After three years it is going to run up even further and it is 3 times 800,000 because each year we are off \$35. He stated that he is not in favor of the reduction for a variety of reasons and primarily of what he just said. He stated that he realizes there are issues in this city and he does not think that reduction will solve the problems in the city. He stated that there are other things they need to do.

Mr. Schweyer stated for a point of clarification, it is only for one year.

Mr. O'Connell stated for clarification that the present \$15,000 threshold, they have 1551 eligible people to take advantage of this. Only 91 of the 1551 have taken advantage of it and that is an extremely low, minimum number. If we go from \$15,000 to \$19,999 how many more eligible people will be in the pool.

Ms. Saurman stated correct. She stated just talking seniors it would be 2173 eligible seniors, from 1551 to 2173.

Mayor Pawlowski stated for those in poverty at 15,000 it is 2,046, 2824.

Mr. O'Connell stated that they are using the maximum numbers. If only 91 are taking advantage of it now because they have to come into City Hall and fill out an application, the whole nine yards

Mayor Pawlowski stated that you have to, but he sees where he is going. He stated for budgetary purposes you have to use the maximum number.

Mr. Schweyer stated that before he goes forward he has a point of clarification to Mr. O'Connell and Ms. Eichenwald and he would open it up to the public and the Controller as well. He stated that his understanding is the bill that they are going to introduce tonight and plan on voting on it on the 21<sup>st</sup> would be the guidelines for this which is Bill 107. It will not be \$500,000; it will be \$890,000 and change. He stated that he is going to make a friendly amendment to his own amendment to amendment it that number for the very least they know what they are voting on.

Ms. Eichenwald stated that they have to get that number right.



Ms. Saurman stated \$890,930.

Mr. Schweyer stated that this is to reduce the anticipated income indicated on a bill that they can't vote on tonight, but will move forward.

Mr. Hoffman stated that one thing that council might think of in this deliberation is that the beginning fund balance for solid waste for this year of \$5,007,000 approximately was far in exceed of our general fund balance which is slightly cash balance, which is cash which is slightly negative. He stated that they have \$5.7 versus a negative number in general. The sewer beginning fund balance was about 4.5 million and water was 1.9. Sewer is where the cash is, solid waste is where the cash is. He stated to consider that when they are thinking at increase or decreases or temporary changes and how it would affect that.

Mr. Hershman thanked them for reducing it for over a half a million dollars. The top line means you are reducing the rate. He stated that the money from the rate goes in there, but he thinks in order to accomplish what Mr. O'Connell and Ms. Eichenwald wants to do you have to have an account number 92 which is rebates and that would cover what you want to do. Water and sewer accounts have rebate accounts. He stated that when you are done with that you still have a 3.2 million closing balance which is not bad just like the Controller pointed out. The mayor keeps saying two years down the road. He stated that they might have more homes coming in, everything coming in. He stated that he knows the mayor is looking at an election in two years, but you don't want to raise the rates. We have to address it today what we want to do, not in two years when he runs for reelection.

Mr. Donovan stated to Ms. Saurman that he must have missed something and asked where the \$890,000 comes from. The fee increase is \$35.

Mayor Pawlowski stated that they are exempting everybody that is poverty level, 20,000 or below \$19,999 and all senior citizens.

Ms. Saurman stated that you can't double count the senior citizens if they are already being exempted from the 375 you deduct that from the second proposal of \$35 and that's why it is not as straight addition.

Mayor Pawlowski stated that the exemption is to exempt seniors all \$375.

Mr. Donovan stated more seniors for the 375. It is the whole bill. He stated that they are wishing to expand the entire. He stated that he was under the impression that it was the increase that you were trying to stop.

Ms. Saurman stated that the proposed increase would be for families' owner occupied under the \$20,000 threshold and a second proposal was made for senior citizens to exonerate the entire \$375 trash fee.

Mr. Donovan stated that it makes him even more against it. He stated that this is an example of what Mr. Schlossberg tried to accomplish by having things done ahead of time. He stated that he does not have anything in writing and he tried to do the analysis and was trying to figure out where the 890 came. He apologized and stated that he thought it was the incremental.

Mr. Guridy stated that he is with him and thought it was the \$35 for seniors 65 and older.

Mayor Pawlowski stated that if you do the incremental it comes out to the 175.

Ms. Eichenwald stated that it was her intention from the very beginning that they are talking about the increase. She stated that it was never when she first brought it up and she did bring it up a few weeks ago.

It is only now that the procedure has been brought to the table. The original purpose was that the \$35 increase would be exempted for senior citizens 65 and older below the poverty line and she wanted it extended to every family that met those criteria regardless of age. She stated that she is only talking about the increase.

Mr. Donovan stated that is a big difference and that's why he asked the question. He stated that 890 does not add up it will 25,000 people.

Mayor Pawlowski stated that is not how the staff interpreted, but if they do the increase it will be 175,000.

Mr. Guridy stated that he thought it was the \$35 increase from the beginning, but now that instead of \$500,000 it is now \$890,000, it is only \$175,000

Mayor Pawlowski stated that was not our interpretation.

Mr. Hanlon stated that was his interpretation. He thought they were exonerating increasing the exoneration rate for senior citizens.

Ms. Eichenwald stated that was never stated.

Mayor Pawlowski stated that they got the information from Council and that is what they calculated. If it is only the increase, then it is the \$175,000.

Mr. Guridy stated that is a lot more palatable.

Mr. Bennington stated that right now, people under \$15,000 and age 65 are exonerated from the whole 340 and now you are just increasing it from the 15 to 19,999 in the \$35 increase.

Ms. Eichenwald stated that her original intention was that she found it unfair for that to be allowable only for senior citizens who are living below the poverty line. The original intention is to extend it to people below the age of 65 and below the poverty line. She stated that she is talking about only the increase which was clearly stated.

Mr. Schweyer stated that the goal is to get it right. He stated that he will make a friendly amendment. This is new information to him, but he misunderstood and appreciates the clarification.

Mayor Pawlowski stated 175,805.

Mr. Donovan stated that he wants to point out that they spent the last half an hour where large numbers are being thrown around and it did not make sense unless you did the large amount which they now agree that it was the intent. It is indicative of the trouble that they get into with this in the last moment.

Reduce the revenue stream in the Solid Waste Fund Budget by 175,805 passed, 6 – 1 (Donovan)

Bill 76 as amended passed, 6 – 1 (Donovan)

**Bill 77 SWFEE**

That Section 1131.02, Authorization of City Contractor(s); Scope of Work; Fee, Subsection (C), Municipal Waste and Recycling Fee, of the Codified Ordinances of the City of Allentown, be and the same is hereby

amended establishing the Solid Waste Fee as Three Hundred Seventy-Five (\$375) Dollars – an increase of \$35.

Ordinance passed, 6 – 1 (Donovan)

### **Bill 78 WATERFUND**

That an appropriation in the sum of Fifteen Million Seven Hundred Forty-Nine Thousand Nine Hundred Seven (\$15,749,907) Dollars is hereby made to the Water Fund as more fully detailed in Exhibit A, "City of Allentown 2012 Budget."

Mr. Schweyer stated as amended at a previous meeting with the Capital Funds.

Ordinance passed, 6 – 1 (Donovan)

### **Bill 79 WATERRATES**

An Ordinance of the City of Allentown adopting the 2012 Water Rates – 5% increase.

Mr. Guridy stated that according to what the mayor said earlier this will allow not to increase the water rates for the next couple of years. When does that take effect? By next we will be able to get revenue.

Mayor Pawlowski stated that they are putting the pipeline down now.

Mr. Schlossberg asked if they already drawn water.

Mayor Pawlowski stated that they already drawn water from Schantz Spring.

Mr. Guridy stated that they have been drawing water from Schantz Spring.

Mr. Schlossberg stated that they are pumping it.

Mr. Young stated that there will be 7.

Mr. Hershman stated that it will change all the appropriations on all these bills. He stated that when he was on Council they asked the administration to make the corrections.

Mr. Schweyer asked Mr. Hanlon to shed any light on the history or what the numbers should be. What he knows and stated during the budget amendment hearing and again this is a new process for council. He stated that any budget amendment that they make were in order to carry forward and would have a subsequent readjustment of those numbers.

Mr. Hanlon stated that to go back and give them all the finalized numbers, you are making amendments and the proposed budgets becomes real budget that the mayor always gives you of the amendments you make.

Mr. Donovan asked does that mean that this piece of paper that the public is looking at can be adjusted by those amounts later.

Mr. Schweyer stated to Mr. Guridy if he remembers last year when they were taking 50,000 here at 1:30 AM, the public did not have the final document, the final produced document by the deliberation of votes.

Mr. Guridy stated that any amendment that they are making here is already in the budget. The only thing that has changed was a question that they asked earlier is if they make any amendments that was in the budget the outcome of the budget at the end and at this case was the solid waste.

Mr. Hanlon stated that they could ask the solicitor's office what they want. He stated that Mr. Hershman is saying you changed the revenue stream and now you need to go back and change that number and change all the numbers before we leave this place. He stated that they never done that since he has been here.

Mr. Snyder stated that in regards to the solid waste fund there was a positive balance to the bottom of the solid waste fund. You are not going to change all the items in the solid waste fund. The amount of the revenue that you reduced by the amendment today would come out of that balance.

Ordinance passed, 6 – 1 (Donovan)

### **Bill 80 SEWER FUND**

That an appropriation in the sum of Sixteen Million Four Hundred Ninety-Nine Thousand One Hundred Seventy-Five (\$16,499,175) Dollars is hereby made to the Sewer Fund as more fully detailed in Exhibit A, "City of Allentown 2011 Budget."

Mr. Hershman stated that the solicitor is incorrect on what he is saying. The Charter says that council appropriates the money, not the solicitor. He stated that if this ordinance says \$16,499,175 that means that the \$400,000 is not added unless you increase this appropriation. In other words, you are short.

Mr. Donovan stated that he has been here four years and they made amendments and usually they have an increase in the amount of money and he guesses the question he would like to know if they made a \$100,000 amendment last week and you said as amendment and this document still has the original presentation from the mayor's office what is the procedure. Should this be adjusted for the amount given last week? He stated that Mr. Hanlon does a yeoman's job. What has been the precedence in the city to allow when there have been changes?

Mayor Pawlowski stated that when the budget book is printed, they appropriate all.

Mr. Donovan stated that the record indicates proper amendments, seconds and motion and that information has been incorporated in the records.

Mr. Hanlon stated that they take every amendment and attach it to the ordinance so that it is part of the record and the Mayor puts it in the budget.

Mr. Guridy stated that last week he was not here and asked last week was an amendment made for \$100,000.

Ordinance passed, passed 6 – 1 (Donovan)

### **Bill 81 SEWER RATES**

An Ordinance of the City of Allentown adopting the 2012 Water Rates – 5% increase.

Ordinance passed, 6 – 1 (Donovan)

### **Bill 82 LIQUIDFUELS**

That an appropriation in the sum of Two Million One Hundred Forty-One Thousand One Hundred Fifty-Four (\$2,141,154) Dollars is hereby made to the Liquid Fuels Fund as more fully detailed in Exhibit A, "City of Allentown 2012 Budget."

Ordinance passed, 7 – 0

**Bill 83 TREXLER**

That an appropriation in the sum of One Million Two Hundred Seventy-Five Thousand Four Hundred Twelve (\$1,275,412) Dollars is hereby made to the Trexler Fund as more fully detailed in Exhibit A, "City of Allentown 2012 Budget."

Ordinance passed, 7 – 0

**Bill 84 GOLFCOURSE**

That an appropriation in the sum of One Million Three Hundred Fifty-One Thousand Two Hundred Seventy-Three (\$1,351,273) Dollars is hereby made to the Golf Course Fund as more fully detailed in Exhibit A, "City of Allentown 2012 Budget".

Mr. Molina, 116 S. 24<sup>th</sup> Street, asked what is the Golf Course Fund.

Mr. Schweyer stated that our municipal golf course fund is broken out into its own fund such as water, sewer, and solid waste. Any of the fees collected at the golf course are used in its own separate fund as opposed to being thrown into the entire general fund specifically for the operations of the golf course.

Mr. Molina asked is these funds part of the taxation that we all pay.

Mr. Schweyer stated no.

Ordinance passed, 7 – 0

**Bill 85 EQUIPMENT FUND**

That an appropriation in the sum of One Million One Hundred Sixty-Six Thousand Two Hundred Thirty-Three (\$1,166,233) Dollars is hereby made to the Equipment Fund as more fully detailed in Exhibit A, "City of Allentown 2012 Budget."

Ordinance passed, 7 - 0

**Bill 86 RISK FUND**

That an appropriation in the sum of Seventeen Million Five Hundred Thirty-Six Thousand Two Hundred Twenty-Eight (\$17,536,228) Dollars is hereby made to the Risk Management Fund as more fully detailed in Exhibit A, "City of Allentown 2012 Budget."

Ordinance passed, 7 – 0

**Bill 87 CAPPROJECTS**

That an appropriation in the sum of Thirteen Million Seven Hundred Forty-Seven Thousand Six Hundred Eighty-One (\$13,747,681) Dollars is hereby made to the Capital Projects Fund as more fully detailed in Exhibit A, "City of Allentown 2012 Budget."

Mr. Dennis Pearson, 942 E. Tilghman Street, stated that he hopes that the conclusion of the East Side Fire House in the Capital Improvements will not be a repeated 1987 Capital Improvement Budget.

Ordinance passed, 7 – 0

**Bill 88 DEBT**

SECTION ONE: That an appropriation in the sum of Seven Million Five Hundred Thousand Two Hundred Thirty-Eight (\$7,500,238) Dollars is hereby made to the Debt Obligation as more fully detailed in Exhibit A, "City of Allentown 2012 Budget."

Ordinance passed, 7 – 0

**Bill 89 E911**

An Ordinance of the City of Allentown, County of Lehigh and Commonwealth of Pennsylvania, adopting the E 9-1-1 Fund Budget for 2012 of Two Million Seven Hundred Eighty-Five Thousand Eight Hundred Thirty-One (\$2,785,831) Dollars.

Ordinance passed, 7 – 0

**Bill 90 EMS FUND**

That an appropriation in the sum of Four Million Forty-Six Thousand Two Hundred Forty-Six (\$4,046,246) Dollars is hereby made to the EMS Fund as more fully detailed in Exhibit A, "City of Allentown 2012 Budget."

Mr. Schweyer asked his colleagues to jump in and correct him. He stated that they had an incredible amount of conversations over the course of the last week about this and passed an amendment to the EMS fund last week. The vote was 4 – 2 and resulted in an increased conversation with the administration and members of Council, Mr. Van Allen and Mr. D'Amore. He stated that it reeled some type of agreement. He is going to outline that. He stated that he and Mayor Pawlowski and Mr. Bennington spoke about it today. He stated that his understanding is that there is some reluctant consensus that in order to achieve additional service (trucks) covering all shifts the only realistic way to do that is to reinstate the eight EMTs and the supervisors' positions which will all be paramedics. As part of that, there were conversations because they as Council expressed concerns that were discussed. The other concerns were the risks of switching from all paramedics to paramedics/EMTs or a greater 25 percent ratio of paramedics to EMTs. He stated that there was an agreement that perhaps a second enterprise fund was not necessarily the best change or anything that was comfortable at this time.

Mr. Van Allen stated that they had discussions on the enterprise fund and the original reason why it was presented was for transparency sake in the budget process.

Mr. Schweyer stated that there were conversations. Ultimately there was a consensus between you too gentlemen back to the EMTs as opposed and go back to the paramedics with the supervisors that would also be registered and license paramedics and would go back to the general fund.

Mr. Van Allen stated that he made the recommendation to the administration.

Mr. D'Amore stated yes.

Mr. Schweyer stated that ultimately it is Mr. D'Amore's intent to restore the EMTS, restore the supervisors, eliminated from the separate fund and put it back to the general fund. At the same time pass a resolution that would to keep a recommended ratio on paramedics to 25 percent EMT.

Mr. D'Amore thanked Mr. Schweyer and stated that his intent is to try to make a deal that is workable. He stated not preferable. He stated that they had an agreement in moving the EMS fund back to the general fund and now he hears the mayor saying no and would like some clarification on that because if there is not an agreement he has plenty to say.

Ms. Eichenwald stated that the ratio of EMTs and paramedics were voted upon last time.

Mr. D'Amore stated that it was not.

Mr. Schweyer stated that they were going to put forth a

Mayor Pawlowski stated that what you are saying with the EMTs what you have to do is bring that vote back and bring back what you were originally proposing.

Ms. Eichenwald stated for procedure purposes they have to revote. She stated that they are going to revote on what they voted on. They are going to revote on the ratio on EMTS to paramedics and the other issue is whether it goes to the general fund or it becomes an enterprise fund. She stated that they are re-voting on this because....

Mr. Schweyer stated that they are going to reconsider Mr. D'Amore's amendment from a week ago. The intention was part of the negotiated package between the mayor and Council.

Mr. D'Amore stated that nothing has been moved yet.

Mr. Guridy stated that this is a deal between the administration, Mr. D'Amore and yourself.

Mr. Schweyer stated that he had not participated in any of these conversations and he is trying his best to understand what the goals of certain members of council are and work through it. They have not agreed to a procedure.

Mr. Donovan stated that a week ago they were presented by the administration and a member of a professional staff a recommendation that was voted down. Now, they had a series of negotiation behind the scene and a number of us don't know that and he feels that Mr. Schweyer is doing a great job, but he thinks that they need to hear from the people that has been negotiating to say what their positions are directly so you don't have to do an interpretation and the administration can say what their interpretation is.

Ms. Eichenwald stated that she does not understand this. Last week they had a two hour discussion in public and an agreement was reached. Even though there were some negative votes the majority agreed and that was it. Now, we are being presented with negotiation and she is a councilwoman and knows nothing about this and she finds it extremely distressing.

Mr. D'Amore stated that his understanding is that the Mayor was going to agree to move the EMS back to the general fund.

Mayor stated that he did not. He stated that Mr. D'Amore never had a conversation with him.

Mayor Pawlowski stated that they put it there for transparency purposed because that is what this council wanted in the past. He though he was doing something that the council wanted. It really does not matter to him.

Mr. Schweyer asked was Mayor Pawlowski agreeing to that.

Mayor Pawlowski stated if that is what you want to do, he has no problem one way or another.

Mr. Donovan stated that ones that voted yes at the time, motion to reconsider and get that on the table then they can decide if they want to reconsider or not and discuss the merits of each position.

Mr. Schweyer stated that he agrees with Mr. Donovan and wanted to make sure they have the policy out there. The goal is to discuss the entire policy and work through the procedure.

Mr. Donovan stated let's get it and consider it. He stated that he cannot move because he voted against it.

Ms. Eichenwald stated that she was going to say what Mr. Donovan said. She stated that she is still puzzled. Who had negotiations with whom, about what and she don't think this is the proper way city council and the administration to operate. There are sunshine laws. You cannot vote on something last week and come in here and there is some kind of deals going on, but she agrees with Mr. Donovan if they want to reopen it, that is procedural correct.

Mr. Schlossberg made a motion to reconsider.

Mr. Schweyer stated that his understanding is that they cannot reconsider amendments.

Mr. Donovan stated to put the amendments out there.

Mr. Schlossberg asked what the most procedurally appropriate way.

Mr. Schweyer stated that it would be a series of amendments.

Mr. Donovan stated that if there is a desire by parties to amend the amendments then put them forward for discussion.

Mr. Snyder stated that his understanding is that they had amendments to the budget, but they did not act on the ordinances. He stated that your rules provides for an ordinance or resolution to reconsider by the winning side. He stated that Mr. Donovan is correct with that interpretation. If you want to do what you discussed here tonight it is just you suspend the rules and take an amendment and the amendment would be to go back to the old budget with the proviso that the fund which is an enterprise fund is moved back to the general fund and the other proviso would be with an additional paramedic.

Mr. Schweyer stated correct, they were amendments. He stated that the amendment is to defund the eight additional paramedics, reinstate the four supervisory positions at the previous level that was provided to us, and adding one additional paramedic for a grand total of 24 paramedics.

Mr. Donovan seconded the motion.

Ms. Eichenwald asked what the reason for all of this after they had the discussion last week. She stated that none of this came up in public forum.



Mr. Schweyer stated that most of it came up. He stated that what they discussed a year ago when they were trying to put major policy decisions together at 1:30 AM was that sometimes they need additional time to flush out the merits of the case. It is incumbents of any member of this dais who has any questions or comments with the administration his understanding is Mr. D'Amore had repeated conversations with the administration and come to some kind of consensus about what was doable and what he was comfortable with. He stated that he has along with Mr. Van Allen have come up with this as an amendment. He stated that he is going to agree to the amendment because the person that is the most vehemently in his concern about this after a week of continued negotiations which is a far better than minutes of negotiations that they had last year regards to Ms. Beck-Pooley's position and others within the authority within a week able to come up with something that he and the administration have come to some sort of an agreement that is the best deal that Mr. D'Amore gets. He firmly agrees that the administration would have vetoed this proposal because of the cost or simple not hire additional paramedics which are both legally and according to our Charter purviews of the administration to do so. Because of the constraints that we all have with the Charter that is not necessarily the best Charter for any of us to work under. We are at a disadvantage. He stated that he will support the negotiations because there are very real things that were constraints. We could have talk about hiring one hundred paramedics, but if the budget was out of balance than it would have defaulted to the Mayor losing all the amendments that Mr. Schlossberg, he, and Mr. Guridy have proposed and others as well as an opportunity to come up with a policy decision. He stated that they started a week earlier and it is a good thing to do.

Ms. Eichenwald stated that she is not opposed to the amendments or we can compromise. She stated that she is strongly opposed to the methodology of these back door negotiations after they spent several hours in public forum discussing this. It would have behooved everyone responsible for this to have had some of those discussions in public. She stated that she just does not understand it.

Mr. Schlossberg stated that he was not involved in any of these conversations, he only found out very recently what the intent is. He stated that at the end of the day each and every one of us as council people are obligated as far as he is concerned to do the best job that we can and that means having conversations with the administration. The outcome has not been predetermined. We are clearly discussing the end result in public and no one on this dais has an obligation to vote yes or to vote no. We have to communicate with the administration and the other policymakers of this city. This is not a backroom deal. At the end of the day, every single one of us is free to vote however we want.

Ms. Eichenwald stated that obviously we have to have conversations, her only objections is that she would have preferred that those discussions to be taken place in public so she as a councilwoman would been a part of that and made a reasonable decision. She asked if someone could explain to her what this new amendment does and how it would benefit the citizens of Allentown.

Mr. Schlossberg stated he was not involved in this conversation to generate the amendment. He stated that he was one of the people that voted for Mr. D'Amore's proposal however, in the course of not only that debate and future conversations, it became very apparent that by adopting the proposal that would throw the budget out of whack in a tune of \$200,000 - \$300,000. By our Charter, if adopted that the budget would have been in deficit, if the budget is in deficit, the budget defaults to the mayor's budget and we lose the amendment as proposed and we lose the amendments.

Mr. Van Allen stated \$445,746.

Ms. Eichenwald asked is there a reason why they did not know it would put the budget into \$450,000 deficit last week when we discussed this. She stated that her recollection Mr. Van Allen stated over and over that it would cause a deficit. She stated that they knew this when they voted for it.

Mr. Schweyer stated that they have a lengthy conversation pushed two hours that was based on not about money, it was about public safety. He stated that they had conversation on do the numbers add up.

Mr. Van Allen stated correct and that is generally it, but not the part that throws the budget out of balance.

Mr. D'Amore thanked Mr. Schweyer and stated that this proposal represents the best possible situation. He stated that it does not mean that he is all comfortable with it or not. It does not mean that it represent good public policy because he does not think it does. It represents the best possible giving the situation and giving the powers under the Charter and the budgetary constraints that City Council has. Part of the agreement is to move it to the general fund.

Mayor Pawlowski stated that he and Mr. D'Amore never has a conversation. Mr. D'Amore had a conversation with Mr. Van Allen. He stated that if they want to pass a resolution he has no problem with that. We are not going to have more than 25 percent and you don't need a resolution to do that, by the way. He stated that every year in the budget, if you think that we have more EMTs than paramedics than you just amendment it.

He stated that it is preposterous to assume that council can do anything based on budgetary powers. Budgetary powers can practically do not exist in the Charter therefore they needed something that was a little more firm.

Mr. Schweyer stated that Mr. D'Amore's comment was duly noted about the Charter, and he does agree with him.

Mr. Guridy asked about bringing it back to the general fund as opposed to an enterprise fund.

Mr. Schweyer stated that it was tabled before. They will un-table that portion.

Mr. Guridy stated that he would like to hear from Mr. Van Allen about having it in an enterprise fund versus a general fund.

Mr. Schweyer stated that they should discuss the conversation on the staffing levels that was proposed from the administration bringing the number to 75.

Mr. Donovan stated that they were presented by Mr. Van Allen with best practices and he did question the movement to the enterprise fund because he thought it was a smokescreen to hide a potential deficit and the reason was that he saw the big increase in fees and he felt it was a very large increase based on history. He stated that Mr. Van Allen explained to him that part of the increase had to do with the fact that they would take in revenue that would normally be passed down to outside ambulances or fee structure in general. He stated that response time is critical.

Mr. Schweyer stated that they are not yet voting on the amendment to merge it back to the general fund. This amendment would create 23 – 24 paramedics, four supervisors and the EMTs.

Mr. Donovan asked is there a discussion about a ratio.

Mr. Schweyer stated that would be a separate vote. That will be a resolution that they will work on. He stated that currently the only thing in front of them to bring back what was proposed plus one paramedic.

Ms. Eichenwald asked if they vote for this amendment, what will happen when the call comes into 911.

Mr. Van Allen stated that for clarification he is not sure which amendment they are talking about.

Mr. Schweyer stated that it restores your four supervisors, creates 24 as opposed to 23 paramedics and restores the EMTs.

Mr. Van Allen stated that it is substantially the plan that they presented over the course of the last year.

Ms. Eichenwald said to the house will come an EMT and a paramedic on an ambulance.

Mr. Van Allen stated that originally his plan was to have two EMTs on an ambulance so that they could handle BLS calls and have paramedics on ALS ambulances to handle ALS calls.

Ms. Eichenwald stated that it would now occur under this new amendment.

Mr. Van Allen stated that is his desire to make the service run on the fact that his paramedics that were willing to talk about this particular process.

Ms. Eichenwald asked what was agreed upon last week. Will there be an additional ambulance available. Will there be less calls kicked over to other ambulance services. How will this ultimately impact the budget of just EMS?

Mr. Van Allen stated that they did not agree upon any operational details. Yes there will. He stated yes. If they add in one more paramedic, they will slightly unbalance the budget that he had presented by approximately \$45,000.

Ms. Eichenwald asked the reason for an additional paramedic. She asked one of her colleagues to answer the question.

Mr. Van Allen stated that was a request from Council.

Mr. D'Amore stated that he believes the source of the adding one more paramedic is to create a ratio of 75 percent paramedics which is what he reluctantly believes is the minimum of paramedics they should have this service and that is the source of what they are calling in a compromise. He stated that is important to be the sources of the agreement.

Mr. Schweyer stated that he was not part of the negotiations, but his public comments were that he fear that not with this mayor or not with this council that at some point in time a future mayor or a future council may say hey EMTs are a whole lot cheaper than paramedics and say that they can reduce the number of paramedics that we have and create a more EMT heavy force. It was a precedent issue and nothing else.

Ms. Eichenwald stated that she does not follow that particular rationale.

Mr. Schweyer stated that when you have 23 paramedics and eight EMTs you don't have 75 percent, you have 70 percent. He stated it is his best guess.

Ms. Eichenwald asked what the magic of 75 percent versus 70 percent.

Mr. Van Allen stated that it is a natural rate limit within the law of EMS. They could never have more than 50/50 because you need to have a paramedic and EMT on every ALS ambulance in order to meet the law. We are rate limited in itself. They actually have not gone down to 23 paramedics.

Ms. Eichenwald does 70 percent paramedics fulfill that law. There is no magic between 75 and 70.

Mr. Van Allen stated that they are well below the maximum of 50/50. He stated that he sees no magic. The four shift supervisors are paramedics so if you add them in it actually makes the ratio. We are actually not losing the paramedics.

Ms. Eichenwald stated even with the ratio there is an extra ambulance available.

Mr. Van Allen stated that really does not change anything.

Mr. D'Amore stated to Ms. Eichenwald that it represents the holding of the line somewhere. That is what the number is. It has nothing to do with procedures. He stated that his firm belief that number should be higher. Others believe that number could potentially be lower. It is a compromise.

Mr. Donovan stated that what was said last week and what he has read since then, one and one. One paramedic and one EMT is one of the best ways to make sure you have an ALS throughout the city at all times and also provides to minimize fatigue problems you might have with overtime because you will have more staff. It is less expensive to have EMTs than paramedics he realizes that, but Mr. Van Allen wanted to do two and two. He urged him to consider best practices in this country. In Germany, there are physicians that provide the service. In England and here we have technician. We can accomplish the call, the paramedic issues and the coverage by staff accepting one and one.

Mayor Pawlowski stated what Mr. Van Allen pointed out is the four supervisors will be four paramedics. You will have a total of 27 paramedics. If you look in conjunction with the eight you have 79 percent ratio. He stated that he does not know what the ratio means, but it gives you 79 percent. It is over the 75 percent.

Ms. Eichenwald asked if she desire would be to go back to the original proposal, if she votes against the original amendment, how she could go back to the original proposal.

Mr. Hanlon stated that they will vote a yes for this and then you will wipe out and make another motion to take out the paramedic.

Mr. Schweyer stated that it would be a second amendment and a yes and no as what was discussed and Ms. Eichenwald would have to make an amendment to reduce the number of paramedics from twenty-three to twenty-four.

Ms. Eichenwald thanked them for the procedure and stated other words they are annulling what was decided on last week.

Mr. O'Connell stated that the people that voted yes last week was a 4 – 2 vote and he heard earlier that they have to have someone make a motion to reopen it. He asked if they were going to vote on this new amendment. He stated that before they vote they will hear from the public and he wants it explained in detail so they know exactly what they are voting on.

Mr. Schlossberg stated that is only for reconsideration.

Mr. Hanlon stated that he has the amendment that restores Mr. Van Allen's original proposal plus it adds one paramedic at 31M.

Mr. O'Connell stated that Mr. Van Allen's original proposal was eight EMTs, four supervisors that are paramedics and one additional paramedic.

Mr. Schweyer stated yes.

Mr. Guridy asked if you vote no, what does it do.

Mr. Schweyer stated that if this was to fail, this would retain what they passed which was eliminating the supervisors, eliminating the EMTs, and adding eight paramedics.

Mr. D'Amore thanked Mr. Schweyer and stated that the 75 percent represents, for him, the holding of the line. A comprise.

Mayor Pawlowski stated that what he is saying is that is the way and they exceed that standard right now. He stated that he has no problem with a resolution because they exceed it. He stated that he does not know what it accomplishes, but he has no problem with it. He stated that he agreed to it because that is what we proposed.

Mr. D'Amore stated that you agree to be voluntarily be bound by that.

Mayor Pawlowski stated that they are bound by the budget. Every single year, you will see if that ratio is there are not and that is more binding than anything else they can put into place. He stated does he disagree with him, no because now our ratio is 79 percent. He stated that procedurally, you still have an unbalance budget when you do this. He would have to either put more money into the enterprise fund or it depletes the fund balance of the general fund if we decide to go that route.

Mr. Schweyer stated that is correct. Our options are to shift more money over from the general fund or merge it and those are the options should the 24 paramedics stand.

Everett Binns, Executive Director – Eastern PA EMS Council, stated that he is a Ph.D. and also an EMT. Stated that a year ago the administration asked them to come in and do a study. They did that study and congratulated them on trying to understand what EMS is about. He stated that he has been personally doing it for forty-eight years and he is not quite sure yet either. When you think about it, the kinds of things you are talking about tonight are good for all of us. He stated that they did a study and that study was not done in a vacuum. He stated that they brought in a national expert and a team to look at operational issues and talked about finance and looked at structure. They did a comprehensive report. The lead investigator for this was a former paramedic in the city of Allentown and also an operations director. It is a national model. There are a lot of things happening with EMS not only in the country, but in the state. In a year from now you will see all kinds of certifications and new kinds of things happening. He stated that it did not cost them a dime. They did it for the residents and citizens regarding of politics, unions. It was for the residents and citizens and he could assure them that the policies and recommendations that they made will not harm or jeopardize them, but will increase their level of care. He stated that his office was decimated with telephone calls and comments over the last week concerning what an EMT is versus what a paramedic is. He stated that he has been an EMT back when it started in Pennsylvania back in the 70s.

Right now in the Commonwealth of Pennsylvania they have four primary certifications. They have a first responder, an EMT, an EMT paramedic and a pre-hospital nurse RN. It is a tiered system. It's ok to be an EMT, a first responder, or a paramedic. In the commonwealth of Pennsylvania there are 55 EMS providers. Two-thirds are EMTs. The system we are recommending to you and encouraged them to read that report does not dictate and does not say get rid of paramedics. In the next five to ten years, you will see paramedics doing home visits. You see them now with H1N1 inoculations.

Mr. Donovan stated that he wants to clarify that Mr. Binns said most of what was presented by Mr. Van Allen's department proposal was assisted with your knowledge and recommendations.

Mr. Binns stated absolutely.

Ms. Eichenwald stated that the mayor stated that we have a 79 percent ratio of paramedics to EMTs and your opinion on that ratio.

Mr. Binns stated that he really does not have an opinion. It depends on the time of the day, how it works and what happens.

Mr. D'Amore stated that he needs clarification on this. The 79 percent is not correct. We are talking about non-supervisory paramedics.

Mr. Schweyer stated that is what you said and not counting the four shift supervisors. He stated that the mayor said yes, after you proposed that specific question.

Mr. O'Connell stated that they were 75 percent and when the mayor came to the number of 79 percent he was including the four shift supervisors which will dump in up to 79 percent, but we are looking at the 75 percent.

Mr. Donovan stated that he and Mr. D'Amore debated with the mayor when they disagreed. He stated that Mr. D'Amore is introducing an argument that is separate from the best practices. We need to set some wall that says to what extent the administration could do things versus to what extent can council does it. The have to find other ways and other places to draw that line to what is council's responsibility versus the administration.

Mr. Laudenslager stated that on the amendment as it is proposed it has to go from 23 to 24 because you need to paramedics or EMTs per vehicle. If you go 23 and eight you have an odd number of people.

Mr. Schweyer stated that they are shift issues there and does not know if that is entirely correct. The question has been called.

On the amendment to restore organization that was proposed and to add a paramedic position at a 31M passed, 7 – 0

Ms. Eichenwald stated that she is going to withdraw her amendment. She going to agree that they will go with this compromise and from her own point of view she is pleased that they have averted back on what was originally proposed that she will let it stand as it is.

Mr. Schweyer asked if anyone wanted to make a motion to un-table Mr. D'Amore's proposal before and it is removing it from an enterprise and put it back into the general fund.

Mr. Guridy made a motion to un-table Mr. D'Amore's proposal and removing it from an enterprise fund and putting it back into the general fund.

Mr. Donovan seconded the motion.

Mr. Schweyer stated to remove pages 3 – 5 in the EMS fund and put it back into the appropriate revenue adjustment to the general fund.

Mr. Guridy stated that he would like to hear Mr. Van Allen speaking about the difference between putting it in the general fund and having it in the enterprise fund and how it would serve the public better.

Mr. Van Allen stated that operational and the way the department works and is his number one concern. The enterprise fund or the general fund makes no difference whatsoever. They put forth the enterprise fund as a way to show transparency and a way to show that the EMS department could be held accountable to standards and improve ourselves. He stated that he is fine either way with that when it comes to the question does it affect his operation which is his number one concern.

Mr. Guridy stated that even if it is in the general fund, he still could figure out how much money you made and how much money you spent. Does it make money?

Mr. Van Allen stated that every year the administration since he has been here, has asked him and Joel and the staff to present to them the best balance and care. He stated that he runs the department internally as if it was an enterprise fund.

Mr. Guridy stated that quite frankly his concern, although he voted for it two weeks ago, has always been if it is not in the general fund and you run out money at the end of the year you going to run a deficit if it is an enterprise fund. If you don't have enough revenue then you will not be able to provide services unless something else happens. If you keep it in the general fund and keep the accounting separately it will work.

Mr. Van Allen stated that operational it makes no change to how he does business. This is a procedural thing and he is pleased to work with the administration and council on any way necessary.

Mr. Schlossberg stated that he will point out as Mr. Van Allen stated that the addition of the paramedic that they just approved does put the enterprise fund EMS at a deficit. If they do not merge the EMS fund back into the general fund or increase city contributions to the separate EMS fund they have a fund that shows a budget deficit and will default. Some action is required.

Mr. Schweyer stated or put it back into the general fund.

Ms. Eichenwald stated that logic will dictate that it goes back into the general fund.

Mr. Schweyer stated that he concurs. He stated that they voted 6 – 0 a week ago to add \$10,000 that would be mute in a moment if he could guess the votes correctly to move \$10,000 from the general fund into this new fund. The purpose was partially operational and partially symbolic to further the philosophical believe by himself and unanimously. If EMS is running slightly below it is incumbent upon them to make sure that they don't have layoffs or reduced services. By moving it in the general fund it accomplishes subsequently the exact same issue and encourages his colleagues to vote yes on this.

To move EMS into the general fund and to make the appropriate adjustments including reducing the general fund balance to pay for the extra paramedic passed 6 – 1 (Donovan)

Mr. D'Amore suspended the rules for a Resolution and asked Mr. Hanlon to give them the next number.

Mr. Schlossberg stated 65.

Mr. Schweyer stated that on their agenda it would be actually R66 because R65 was a different one that he will do next.

Mr. D'Amore stated that it would be R66 and the resolution will read:

**WHEREAS**, the Administration has proposed a reorganization in the Emergency Medical Services; and

**WHEREAS**, Emergency Medical Services delivery is critical to city residents; and

**WHEREAS**, Paramedics are integral to delivering quality services.

**NOW, THEREFORE, BE IT RESOLVED that Allentown City Council hereby goes on record supporting** at any given time, at least 75% of all non-supervisory emergency medical personnel that are employees of the City must be certified paramedics. Also, 100% of all supervisory emergency medical personnel that are employees of the City must be certified paramedics or medical doctors.

Mr. O'Connell seconded.

Ms. Eichenwald asked is that what they have right now. How does that differ from what they voted on the amendment? How does that resolution differ?

Mr. D'Amore stated that they are two things. It is a commitment for the budget year and is a commitment to actually hire positions. Just because positions are in the budget does not mean there is a warm body staffing that position. Yes, it would be significantly different.

Mr. Guridy asked what that would do to the budget.

Mr. D'Amore stated as amended it would be and would qualify as amended with the additional paramedic. This will meet the standard.

Mr. Schweyer stated that this is a resolution and there is no budgetary impact.

Mr. Guridy stated that there is no change at all. You just want to make sure other people hired.

Mr. Schweyer stated that they are getting it on record.

Mr. D'Amore stated that the reason why he is bringing forth this resolution, he believes it is absolutely vital and thanked his colleagues for supporting two previous amendments and again this is a compromise because he is hoping that this resolution will begin to do as with moving the EMS fund back to the general fund would begin to change the conversation. He believes that they would not be having this conversation or talking about EMTs. It is a public good and they need to spend how much they need to spend on it to make sure that we are providing the best public good that they can for the people. He asked his colleague to please support this.

Ms. Eichenwald stated that she comes to this with a totally different aspect. She stated that she thinks it is wonderful that we provide such a good service to our citizens. She stated a service in which we all can be



proud of and thankful for. Also, how wonderful it is if the service would break even. She sees no disadvantaged to that. She stated that she wants good service and she wants them to breakeven. If they breakeven, it helps everyone and helps the citizens. She does not think they are mutually exclusive.

Resolution passed, 4 – 3 (Donovan, Eichenwald, Gurdy)

Mr. Schweyer made a motion to introduce a Resolution and asked Mr. Hanlon to read the resolution.

**R65 EMS REVIEW... FINAL**

**3. Amendment to the Administrative Code establishing a policy standard on employees in Emergency Medical Services.**

Mr. Hanlon read:

**WHEREAS**, the Administration has proposed a reorganization in the Emergency Medical Services; and

**WHEREAS**, Emergency Medical Services delivery is critical to city residents.

**NOW, THEREFORE, BE IT RESOLVED** that the Director of EMS Services is directed to file a report to City Council on the effectiveness of the reorganization and effectiveness of the service delivery no later than June 15, and December 15, of 2012.

**BE IT ALSO RESOLVED** that the Council of the City of Allentown City Council will review such report at a public meeting.

Mr. Donovan seconded the motion.

Mr. Schweyer stated to Mr. Van Allen that he clearly demonstrated over the last several evening of debates and conversations. This is a gigantic leap of faith for a number of us if not all of us. This is something new for us and he is making it formal and has no doubt that he would do this any way to ask that Mr. Van Allen come to council and let them know how it is going. If there are any concerns with the operations, if there are any tweaks that he needs to make in the system. It is a rather large reorganization of your department and all he is asking is that they have two public hearings next year. One is under your normally budgeted year-end review. He stated that they can get a six month update to see how it is going, see how we are going from there, are you having any concerns and the feedback from your employees.

Mr. Van Allen stated that a year ago, he did that. It is his method of operation and would be happy to provide them with updates.

Greg Hoffman, Assistant Chapter Leader 32 BJ, stated that he wanted to quick go over this whole thing. He stated that you guys called us up yesterday for a meeting and left us out of the loop. He stated that the supervisors, you will have to get an MOU from us to work. Bargaining unit work is done by bargaining unit people. That goes for the whole contract and since they are not on the contract, you will have to at least come to us for that.

Mr. Schweyer stated that Mr. Hoffman is talking about that currently under the bargaining unit paramedics and EMS services provided by paramedics that are members of the bargaining unit. In the proposal that Mr. Van Allen and they just approved there will be four new shift supervisors who could in theory and by what Mr. Van Allen had indicated provide EMS service if there is a bind or a pinch. However, as it is proposed the four new members will not be part of the bargaining unit. It would be a situation where a

management person would be doing the work of a member of the bargaining unit. No difference than if Mr. Young would start driving a snowplow without an MOU.

Mr. Donovan stated that professional standards should trump necessarily a union standard. It is a professional standard from an ethical point of view. Someone cannot do medical service because some MOU has not been signed.

Mr. Hoffman stated that his whole point of this was that they came to talk about the whole thing and they were sent home saying we couldn't discuss anything about it and nobody contacted them until they walked into this meeting today on what is going down. He stated that it upset him that they could have come up to them prior and say, hey, listen guys this is how it is going to go down or the mayor's going to veto it. He stated that he had concerns from the paramedics. They came to them with concerns and we are sitting here with our mouths closed and our hands over our ears just letting it roll along. He stated that they will sign an MOU today.

Mr. Donovan stated that he understands. He stated that it sounded like a threat.

Ms. Eichenwald asked has it become policy for city council people to negotiation with unions.

Mr. Hoffman stated it was a courtesy.

Ms. Eichenwald stated that she agrees with him.

Mr. D'Amore stated that he apologize and he should have called the union up and that should have been his responsibility.

Mr. Hoffman stated that he lives in Allentown and it is a big change. He is just asking for a little discussion, a little clarification.

Resolution passed, 6 – 0

### **Bill 98 EMS FEES**

Amends Article 391, City Billing for Emergency Medical Services, by updating this ordinance to adjust language to make the definitions consistent with the final draft of the Pennsylvania EMS Act 37, updates certain sections to reflect the "EMS Enterprise Fund", and increased fees to meet increases in the cost of doing business.

Mr. O'Connell stated for clarification Bill 98 reads the EMS Enterprise Fund. We already changed the enterprise fund.

Mr. Schweyer thanked Mr. O'Connell and stated that he is correct. Those funds would go to the general fund and would be practice from years before. He stated that before they call the vote, is there a motion to suspend the rules so that they can amend it to say general fund.

Mr. D'Amore made the motion.

Mr. Schlossberg seconded the motion.

As amended passed, 7 – 0

Ordinance passed, 7 – 0

**Bill 91 GENERALFUND**

That the following financial program is hereby adopted for the year 2012, and appropriations are made to the various departments as indicated in the section below and that the sum of Eighty-Four Million Nine Hundred Forty-Two Thousand Two Hundred Ninety-Eight (\$84,942,298) Dollars, net of a planned vacancy factor of One Million One Hundred Forty-Seven Thousand Four Hundred Seventy-Eight (\$1,147,478) Dollars, be hereby appropriated as follows:

Mr. Schweyer asked were there any questions and comments on the general fund as amended from last week with the budget memos submitted by the administration that were accepted.

Mr. Molino stated that it has two entries that he would like information on, the Vacancy Factor and To Non-departmental offices.

Mr. Donovan stated that it allows for positions that are there and not filled given the recognition that the expenditure will not be made.

Mr. Schweyer stated that is correct. The administration does not have to hire somebody, just because it is in the budget. Nothing in our Charter forces us to tell the mayor you got to hire this person.

Mr. Donovan stated in other words we don't write a check. In other words we start out with a staffing budget and you acknowledge the reasons that you are not going to spend all that money. It is an adjustment.

Mr. Schweyer stated that non-departmental offices are things like the mayor's office, city council, etc.

Ordinance passed, 6 – 1 (Donovan)

**Bill 92 TAXRATE**

That a tax for general revenue be levied for the fiscal year, beginning the first Monday of January, A.D., 2012, upon all real, personal and mixed property within the limits of the said City, taxable according to the laws of the State of Pennsylvania, the valuation of such property to be taken from the assessed valuation of the taxable property under the provisions of the law regulating the same, at the rate of Ten and Seventy-One Thousand Nine Hundred Seventy-Nine Hundred Thousandth (10.71979) mills on improvements and Fifty and Thirty-eight Thousand Thirty-one Hundred Thousandth (50.38031) mills on land.

Ordinance passed, 6 – 1 (Donovan)

**11. ORDINANCES FOR INTRODUCTION:**

**Bill 101 NIZ AUTHORITY**

Referred to Committee of the Whole, December 14 at 6:30 PM

An Ordinance signifying the desire and intention of the City of Allentown to organize an industrial and commercial development authority under the Economic Development Financing Law, of 1967, P.L. 251, as amended, for the purpose of acquiring, holding, constructing, improving, maintaining, owning, financing and leasing, either in the capacity of lessor or lessee, industrial, special or commercial development projects and serving as successor contracting authority to the Allentown Commercial and Industrial Development Authority for purposes of administering, providing financing for and undertaking all other activities related to the Allentown Neighborhood Improvement Zone established pursuant to the law governing Neighborhood

Improvement Zones, Article XVI-B of the Pennsylvania Fiscal Code, 72 P.S. Section 1, *et seq*; also to be referred to as Article 178 of Title Eleven, Authorities, Boards and Commissions, of the Codified Ordinances of the City of Allentown.

**Bill 102 HOME REALLOCATION (3)**

Referred to CEDC

An Ordinance providing for the re-allocation of funds within the HOME Investment Partnerships Program by eliminating the allocation to Housing Development Corporation for the Lofts project proposed for the area of 7<sup>th</sup> and Hamilton Street \$433,333, re-budgeting the money to the third phase of the Cumberland Gardens renovations (\$250,000) and the Bureau of Building Standards and Safety's housing rehabilitation program (\$183,333)

**Bill 103 SNOW EMERGENCY ROUTES**

Referred to Public Works

Amending Section 527.03 of Article 527 Snow Routes to add South 10<sup>th</sup> Street from Martin Luther King, Jr., Drive to Wyoming Street as a snow emergency route during the construction of the 15<sup>th</sup> Street Bridge.

**Bill 104 PLA Repealer**

Referred to Budget and Finance

Amending the Administrative Code by deleting Section 130.29, State and Federally Funded Construction Projects, of Article 130 Financial Procedures, in effect deleting the provisions for Project Stabilization Agreements

Mr. Donovan asked when they wanted a vote on with the committee.

Mr. Schweyer stated that was entirely up to Mr. Donovan.

Mr. Donovan asked is a vote on the 21<sup>st</sup>.

Mr. Schweyer stated either that or it would carry over to the next session.

Mr. Donovan suggested Mr. O'Connell and Mr. D'Amore next week and they will set a time.

Mr. D'Amore stated that he could not do it before 6:30 or the 14<sup>th</sup>.

Mr. O'Connell suggested that they do it after.

Mr. Donovan asked if they could do it Monday or Tuesday of next week.

Mr. D'Amore stated yes.

Mr. O'Connell asked if it had to be done by year end.

Mr. D'Amore stated that the solicitor requested.

Mr. Snyder stated that is correct, he did request that.

Mr. Donovan stated Monday, Tuesday or Thursday next week.

Mr. O'Connell stated probably Thursday.

Mr. Donovan stated that if they could start a little later he can give his students exam started, cover and come right over.

Mr. Guridy asked if they not do it on Monday.

Mr. Donovan stated Thursday.

Mr. D'Amore stated that he can do it.

Mr. Hanlon asked what time do they want to start.

Mr. Donovan asked 7:00 PM.

**Bill 105 PLA Repealer and Responsible Bidder** Referred to Budget and Finance  
Amending the Administrative Code by deleting Section 130.29, State and Federally Funded Construction Projects, of Article 130 Financial Procedures, in effect deleting the provisions for Project Stabilization Agreements and adding a provision for Responsible Bidders

Mr. O'Connell asked does that have to be done by the 21<sup>st</sup> also.

Mr. D'Amore stated that what they have here are two different approaches to the same matter. It is more appropriate to have the discussion at the committee about those two different approaches. He stated that one of these bills is going to emerge with a favorable recommendation and the other one perhaps will not. Part of the discussion will be the benefit of adding a new contracting bidding language as opposed to not adding any contracting bidding language at all.

Mr. O'Connell stated that he respects that, but Bill 104 there is more immediate to Bill 104 to repeal the PLA because it would need more discussion for Bill 105 for the responsible bidder part of that bill.

Mr. D'Amore stated that may be true. He stated that he is very passionate about maybe because he is leaving, but he can make the argument of why they shouldn't eliminate the PLA and then have no standards for contacting in the interim.

Mr. O'Connell stated that is fair and he will listen.

**Bill 106 Common Ridge Development** Referred to Public Works  
Providing for the vacation of North Floyd Street from East Linden Street for a distance of 120 feet north, North Fenwick Street from East Linden Street to East Westminster Street, North Folk Street from East Court Street to East Turner Street, North Gilmore Street from East Court Street to East Turner Street, North Glynn Street from East Court Street to East Turner Street, North Grape Street from East Webster Street to East Turner Street, North Grape Street from East Court Street to East Linden Street, North Halstead Street from East Webster Street to East Turner Street, North Hancock Street from East Court Street to East Turner Street, North Hart Street from East Court Street to a point approximately 147.49 feet from the south right-of-way line of East Turner Street said point being at the south property line of 832 East Turner Street, East Turner Street from North Floyd Street to North Halstead Street, East Newton Street from North Glynn Street to North Grape Street, East Webster Street from North Glynn Street to North Hart Street, East Linden Street from North Floyd Street to North Hart Street, East Court Street from North Folk Street to North Hart Street, in the Fourteenth Ward of the City of Allentown:

Mr. Schweyer asked if they had legal requirements to talk to the neighbors and notify the immediate neighbors about that given the nature.

Mr. Snyder stated that they should. He stated that these are as he remembers them are paper streets. There are really no abutters.

Mr. Schweyer stated at the very least notify the neighborhood organizations.

**Bill 107**

Referred to Public Works

**Bill 107 Garbage Exoneration**

Increases exoneration thresholds for the garbage fee

Mr. D'Amore made a motion to suspend the rules and introduce Bill 109

Mr. Schweyer asked were there any questions or concerns about suspending the rules to introduce Bill 109.

Mr. Hanlon stated by common consent the rules are suspended and Bill 109 will be read into the record.

**Bill 109 Solicitor**

Referred to Committee of the Whole December 21

Authorizing the Lehigh County Board of Elections to place the following question on the \_\_\_\_\_ (to be filled in) ballot for the Allentown electorate that, in effect, would allow City Council and the City Controller's Offices to retain legal services independent of the Solicitor's Office.

Mr. Schweyer stated to Ms. Eichenwald that it is part of the conversation that they had recently and just wanted to make sure that we follow up on that. He stated for procedural purposes, Mr. Hanlon do they have to take a vote on introducing it or extensively introduce.

Mr. Hanlon stated that since they suspended the rules to introduce it, it is introduced.

Mr. Schweyer stated that they will send it to the Committee of the Whole on the 21<sup>st</sup> since they have two on the 14<sup>th</sup>.

Mr. Donovan stated to do it next week.

Mr. Schweyer stated that it would be part of the 14<sup>th</sup>.

**12. CONSENT AGENDA: None**

**13. RESOLUTIONS ON SECOND READING:**

**R 57 Capital Program**

Adopts the Capital Improvements Program for 2012-2016

Resolution passed, 7 – 0

**R 61 EIT-BERKHEIMER**

Budget and Finance, Recommended 2-0

A resolution authorizing, empowering and directing the proper officers of the City of Allentown to appoint a liaison the appointed tax collection committee delegates of the City of Allentown between and among the City of Allentown, the Lehigh tax collection committee and Berkheimer, the duly appointed tax officer for the collection of earned income tax, for the express purpose of sharing confidential tax information for official purposes or as provided by law.

Mr. Donovan stated that it was recommended favorably 2 – 0. It was a request from Berkheimer the tax collector that the city designates two individual that would be the point of contact with any exchange of information between Berkheimer and here and in essence that is a control mechanism to make sure no individual calls and is an employee of the city and ask for data that is actually private.

Ms. Eichenwald asked why it is persons and not based on positions in the city. She stated that the way it is written here is persons and it makes that you could choose anyone.

Mr. Donovan stated that he will leave that to Mr. Strathearn and Ms. Bowman.

Ms. Bowman stated that they did a position over a person because of a change in positions.

Ms. Eichenwald stated that is not what is says to appoint a liaison.

Ms. Bowman stated that it would be a tax collection committee delegates for the City of Allentown.

Mr. Donovan stated that he asked the same question and it has to do with the language specifically titling individual who is the tax collector.

Ms. Eichenwald stated so it is a position and not a person.

Ms. Bowman stated correct.

Resolution passed, 7 – 0

#### **14. RESOLUTIONS ON FIRST READING:**

##### **R62 ST GEORGE CHURCH CONDEMNATION**

A Resolution of the City Council of the City of Allentown Authorizing the Preparation and Submission of a Declaration of Taking and Related Documentation pursuant to the Eminent Domain Code of 1964, as amended, to Acquire Certain Portions of the property owned by St. George Syrian Orthodox Church on Catasauqua Avenue within the City of Allentown as part of the American Parkway Project.

Mr. Schweyer stated that it was a request for them to vote on it this evening. He stated that they can do that as part of their rules.

Mr. Guridy asked is there any objections from the owners of the property. He asked were they notified.

Mr. Hanlon stated that he did not notify them.

Mr. Guridy stated that should they have been notified. It sounds like an important issue. He stated that he would not feel very comfortable voting on this until the owners of the property are notified.

Mr. Schweyer asked Mr. Wiles or Mr. Snyder did they have comments on that.

Mr. Snyder asked if it was advertised. He asked if the agenda was advertised.

Mr. Hanlon stated the meeting was advertised.

Mr. Snyder stated that meets the legal requirements. He asked if the agenda is also on the website.

Mr. Hanlon stated yes.

Mr. Guridy asked was it advertised that we were going to vote on it, today.

Mr. Hanlon stated he did not do any advertisements like that, no.

Mr. Guridy stated that the agenda is in it, but it did not say we were going to vote on it today. It just said it was going to be introduced and read it. He stated to Mr. Snyder to tell him if it is fine or if it not.

Mr. Snyder stated that the notice when it is on the website and the meeting is advertised and the agenda is published on the website, it is published and it may or may not be a vote on it. If you are an interested party, you would think that you would come because resolution could be voted on the same night as they are introduce as you just said. He said does he think it is appropriate notice, yes.

Mr. Guridy asked if there is an urgency to vote on it, today.

Mr. Young stated that apparently the acquisition of right of way is holding up the American Parkway Project.

Mr. Guridy asked was it a right-a-way for this particular property.

Mr. Young said yes.

Mr. Guridy stated that it does not seem like they were notified. Just because something is advertised doesn't mean they are going to read it and go to the website and look at it.

Mr. Donovan stated that under his impression that discussions have been occurring between the city and the party to try to reach resolution and that conversation has been occurring for some time.

Mr. Young stated that they had their first conversation in April.

Mr. Donovan asked is it correct to say that during those discussions that the party knew one of our options were to act with eminent domain.

Mr. Young stated absolutely.

Mr. Donovan has it been in discussion during the most recent time that they knew.

Mr. Young stated absolutely and they have retained counsel now.

Mr. Donovan stated that they have retained counsel and it is part of his impression that if the two parties have been talking extensively about this and it was known it was eminent domain and the meeting was adequately published, then we can go ahead.

Mr. D'Amore stated that Mr. Guridy is reflecting a concern that he had when it was initially brought to him before he resigned as president. He stated that Mr. Young, Mr. Bennington, and Mr. Snyder made sure that he was apprised of how this process was moving forward and presumed that it would continue to happen once he resigned. The piece of property that is subject to eminent domain will not cause the church to have to relocate. It is a small portion of the vast property of the church. The church will remain, the parking lot will remain, and there will be no negative impact on the parishioners of the church. He



stated that it was a major concern on his and once he found out that was the case; it certainly makes this a little bit easier.

Mr. Snyder stated correct.

Mr. Guridy thanked Mr. D'Amore for that explanation.

Resolution passed, 7 – 0

**R 63 Delta Therm.DOC**

Authorizes the Mayor or his designee to enter into an agreement with Delta Thermo Energy Inc. approving the building of the trash to steam facility in accordance with the agreement attached to the resolution subject to any comments, additions or changes suggested by the Solicitor's Office, Outside Counsel or Public Works

Mr. Schweyer stated that R63 was pulled from the agenda; however, he would like to talk about it. He asked Mr. Strathearn is he prepared to explain why we were asked to pull it from the agenda today. He stated that he knows that he and Mr. Strathearn talked about it. The reason why he is bringing this up is simple; they are still having a committee of the whole meeting to discuss this. We can vote on resolutions on first reading. This is a bigger issue than that and wanted to talk about it as committee of the whole. He stated that Mr. Strathearn has some tweaks to the language and was not prepared at this point.

Mr. Strathearn stated that as he understands there are still tweaks to the language and solicitor, Mr. Snyder is still looking at it.

Mr. Snyder stated that he did not get the proposed contract until Monday, afternoon. He stated that he looked at it and has some questions and tried to ask the questions among doing other things.

Mr. Schweyer stated that they will not introduce it, but will tell all parties that he is not comfortable voting on it for final passage without having a committee hearing. They are still going to discuss the Delta Thermal Issue that is going to be in the resolution on the 14<sup>th</sup>. If they do not have something on the 14<sup>th</sup>, he is not going to speak for his colleagues, but he will be very hard-pressed to vote for something.

Mr. Strathearn stated that it requires an extremely amount of review.

Mr. Schweyer asked Mr. Snyder, if he is able to, because he is reviewing this contract and taking the lead on it, be here for that committee of whole meeting.

Mr. Snyder stated that he did not negotiate this contract.

Mr. Schweyer stated that he understands that and is asking for Mr. Snyder to do that. It will be next week, the 14<sup>th</sup> if you are able to.

Mr. Snyder stated that if not, he will have a representative there that will be fully briefed or have a council who negotiated it.

Mr. Strathearn stated that so council understands, expected to be here next week besides the city team who worked and actually started a couple years before he got here, but there will be the legal counsel who negotiated this; the financial advisor, Scott Scherer from PFM that stayed abreast to this; the technical team Mr. John Sale from Lehigh University who actually went to Germany and looked at the technology;

and the Delta team is bringing in all their technical people here and getting ready for next week. It would be an extensive briefing and something that they all need to take your time on.

Mr. Schweyer stated to Mr. Strathearn that he appreciates Mr. Strathearn to take his time and bring those people.

Mr. O'Connell stated that they are allocating one hour. Let's get to the nuts and bolts of this.

Mr. Strathearn stated that you are asking the questions and asked Mr. Snyder when he would be able to get the thing to Mr. Hanlon.

Mr. O'Connell stated that he might not have any questions, but that would not prevent those gentlemen from going on and going on. He stated that he is not staying.

Mr. Strathearn stated that he envisions council asking the questions.

Mr. D'Amore stated to Mr. Strathearn that would Mr. O'Connell is saying that he does not have one hundred slides on PowerPoint.

Ms. Eichenwald stated exactly.

Mr. Donovan stated what he wants and is extremely disappointed that he found out about this last night and received a lobbying call from Mr. Van Arden today. He stated that a year ago he got this crap as a business plan that he asked for. He stated that he would not give it a very good grade as a due diligence example, and yet, we have to come in here to rush through a multi-million dollar project with untested technology in which none of us has expertise to do it and he is reading through this because this is something that he does and he is saying that this is not in any way susceptible as a document that justifies such a large investment and risk for one city. It may be wonderful, but he did a little research about ways of management and due diligence and what should be done and that has not been done here. He stated that he does not know why this has happened after a year and he has asked for this a year ago and all of a sudden it shows up. It should not happen this way.

Ms. Eichenwald asked is Mr. Strathearn getting the gist.

Mr. Strathearn stated that he gets the gist, but this has caused him more stress. What's gone on is about an eighty page very technical agreement.

Mr. Donovan stated that he was going to interrupt Mr. Strathearn for a moment and said that he just read documents available in mid-summer about the arena that he has been asking for all year around and he read those documents tonight and it brought up questions, and not questions to say he does not believe it. He stated that he is told some things and then read the documents and that's not what I see. Now, you are stated that it is an eighty page document in which you have and we don't have and that happens way too often. He stated that four years he sat here and asked for technical information and he does not get it until the last moment.

Mr. Strathearn stated that it is a long-standing negotiated agreement and it has taken from beforehand. The RFP went out at the beginning of the year and it has taken a tremendous amount of time and effort to come up to mitigate the risks that are involved. Mr. Scott Scherer continuously making sure that the city has no credit risks on this. The city is served as a customer. He stated that he is not propelling this thing.

If you want to take six months to review than review. We are getting it to you all. If you don't want to look at it, don't look at it. You can take all the time you want. You can breakdown the subcommittees and study it again. You are going to have all the professionals to work on this on the city's behalf negotiating the technologies. There have been times, nothing has been done for months and it was pulled together again. These kinds of agreement take even longer then first.

Mr. Donovan asked why the rush. He stated something is going on. He said that something is going on. They spent \$22,000 on a federal lobbyist who used to work for Murtha and KSA.

Mr. Strathearn stated that there is no rush; he is trying to get it to them so they can have it. He stated that they went out early in the process and secured. They have \$6 million dollars' worth of loans and the real concern is that they have a \$32 - \$34 million state bond allocation that they can get done and actually supposed to expire last December 31st that is now extended until December 31<sup>st</sup> and whether it could be extended any further, he does not know.

Mr. D'Amore stated that they do not want the 80-page contract at 5:00 on the 14th and not 3:30 either.

Mr. Strathearn stated that he is hoping to get it to them in the next day or so. He stated that Mr. Snyder has a pile on his plate. We got it to Mr. Snyder and it supposed to have it to us on Friday to get to Mr. Snyder to get to Mr. Hanlon and it never arrived until as Mr. Snyder said Monday afternoon.

Ms. Eichenwald asked Mr. Strathearn did he get that and the grant probably ends December 31st. We are going to get it in the last second and you have to real fast.

Mr. Strathearn stated that you are not going to hear that from the administration.

Ms. Eichenwald said of course not.

Mr. Schweyer stated that he feels very confident in saying this and he believes he did get a phone call from someone today. He stated that this council and is not geared toward you that this council has been extraordinarily flexible over the course of the last four years on moving the agendas forward that were under a timeline. It is not City Council's fault that anybody's grant is cut. He stated that if they are not comfortable with this, he is not going to put it on the agenda. He stated that his colleagues can vote on it, but he is not going to put it on the agenda if they are not comfortable with it.

Mr. Strathearn stated to take your time. These things take either 12, 18 or 24 months. He stated that they have carved the city as far away from any responsibility on this and protected the city with Surety Bonds that we are a customer.

Mr. Schweyer stated that he looks for to having these conversations, in public.

#### **R 64 Common Ridge Subdivision Sewage Plan Module**

Referred to Public Works

Approves the Sewage Planning Module

Mr. Schweyer stated that would be a conversation for the east side residents.

### **15. NEW BUSINESS**

Mr. Bennington asked if on the 21<sup>st</sup> they are going to have committee meetings before the regular meeting, CEDC, Public Works and whatever else is outstanding. He asked if on the 14<sup>th</sup> they are doing the PLA and the PLA.

Mr. Schweyer stated that the 14<sup>th</sup> is the NIZ, Delta Thermal and the 15<sup>th</sup> is the PLA.

## **16. GOOD AND WELFARE**

Mr. Schlossberg stated that they actually finished the budget two and a half hours on last year's pace. He stated that they did a better job this time around and he is very proud of it.

## **17. ADJOURNED 11:16 PM**

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