

**PUBLIC HEARING - 7:00 PM
SEPTEMBER 3, 2008**

Bill 37

Amending the Zoning Code by adding a definition of yard sales and limiting yard sales to (4) per calendar year

Dan Mest said if you allow 4 per calendar year, who's going to police it?

Bill 57

Amending the Zoning Code by granting the Zoning Hearing Board the authority to modify, by special exception, off-street parking requirements within the B-1/R District.

Peter Lewnes, 445-447 North 7th Street, said they have 3 applications for outdoor seating.

The public hearing was adjourned.

**COUNCIL MEETING - 7:30 PM
SEPTEMBER 3, 208**

1. Invocation: Julio A. Guridy

2. Pledge to the Flag

3. Roll Call

4. Courtesy of the Floor

Mr. Donovan, Ms. Eichenwald, Mr. Guridy, Mr. Howells, Mr. Phillips, Mr. Schweyer, and Mr. Howells.

5. Approval of Minutes: None

6. Old Business

7. Communications:

Mr. Phillips asked if the Administration is putting a plaque up at Valania Park for JoJo Smith?

Mr. Dougherty said they are in the process of making a plaque, not a street sign, for the park.

Fran Dougherty said he notified Council collectively last week about his departure. It has been a pleasure working with each and every one of you. He's enjoyed his time immensely in Allentown. He came in for one year and stayed for 2. There's a lot of work to be done, but he's proud of the work they've done in partnership. He hopes they continue that partnership after he's long gone. You will consider the nomination of Ken Bennington to replace him. He thinks very highly of him. He thinks he will work well with them. Continue on the path of rebuilding this City. It's a great City. He will review the progress of Allentown from afar.

Mr. Howells said he wishes to take this time to express his thoughts on Fran Dougherty. From the first time he walked into his office, he had some idea of what type of manager he would be and how he would communicate with the rest of the people in the City. He was not disappointed in the way he conducted himself. He thought he was an individual with a high degree of initiative and motivation. An individual with a desire for professional excellence and a great communicator. He has never been rejected by him in any request he asked of him. If he needed information, he got it in a timely manner. He's very upset with the fact that he is leaving. He's been here a long time and has worked with many people in his capacity. As far as he's concerned, he is numero uno. You've treated everyone on this Council with the utmost respect. He's heard from people in the City – very good feedback on how he's conducted himself. Wherever you're going, they're getting a good one. They always say . . . our loss is far greater than their gain. He wishes there was a way to entice him to stay. This has nothing to do with who his possible replacement is. He's just very sorry to see him go. He wishes him and his family the best.

Mr. Guridy said he was apprehensive when they decided to hire a Managing Director. That was a new venture for us. He quickly learned he was a breath of fresh air to have around. All of his requests were answered on a timely basis and with courtesy. He's moving on to bigger and better places. He applauds that. You have a lot going for you. He wishes him lot of luck.

Mr. Donovan said since he has been on board, he has been exceptionally impressed. He's learned from him. Good luck. The Philadelphia School District is gaining a wonderful asset.

Ms. Eichenwald said she's grateful and appreciative to have had the opportunity to work with Mr. Dougherty for the betterment of the City. She wishes him heartfelt good luck in all your future endeavors. Thank you for your wisdom, intelligence, graciousness and competence. Thank you.

Mr. Schweyer said you brought a tremendous amount of professionalism to the City. You had knack for getting to the bottom line of issues. He also considers him a friend. He's been very helpful to him, personally, on trying to figure out this bureaucracy. Thank you for your service.

Mr. Phillips said he was an opponent to his position when it was initially started. You validated your position. We had our moments. You've shown that through professionalism, diligence and persistence things can be accomplished. He wishes him well since they will be working for the same organization.

Mr. D'Amore said you've defined the position of Managing Director. You've done a better job than I thought anyone could do in that position. You've left our City for the better. We all appreciate that. He understands the draw of home. He had an opportunity to stay in Massachusetts when he was going to school, and the draw of family is strong. The Philadelphia School District is very lucky for having you. He really appreciates working with him. He calls him his friend and will continue to. Thank you.

Mr. Howells requested the minutes be fully transcribed. He thinks it should be given to Fran. It will fit well with any job resume.

Mr. D'Amore said the Mayor has sent a letter recommending Ken Bennington to replace Fran Dougherty. The confirmation hearing is scheduled for September 17th, at 6:30 PM.

Mr. Howells said he's had the opportunity to have some discussions with Ken and he suggested his colleagues do the same. He found him to be very agreeable, knowledgeable, receptive and responsive.

Mr. D'Amore said he also met with Ken. He agreed that all of Council should do the same. It's an important position. There will be a public hearing at 7:15 on R51 following Mr. Bennington's confirmation hearing.

8. REPORTS FROM COMMITTEES:

ADMINISTRATION – Chairperson Donovan said the Committee met on August 27th at 6:00 PM, a future meeting has not been scheduled. The City's auditors presented the CAFR to the committee. It's a good, clean audit. It's quite clear to him that in 2004 and 2005, there were deficits. In 2006 and 2007, we've had good results. Some recommendations were made by the auditors.

Mr. D'Amore said Mr. Donovan brought expertise to the table in reviewing the CAFR that no one else has. He feels very fortunate having 2 public officials of this caliber taking a look at the CAFR.

COMMUNITY AND ECONOMIC DEVELOPMENT – Chairperson Schweyer said the Committee met on August 13th, at 6:00 PM, a future meeting has not yet been scheduled but we are looking at booking visitation to LANTA and Community Bike Works in the near future. The next meeting is scheduled for September 10th, at 6:30 PM.

PUBLIC WORKS – Chairperson Guridy said the Committee met this evening; a future meeting is not yet scheduled.

PUBLIC SAFETY -Chairperson Howells said the Committee has not met since the last Council meeting; a future meeting has not yet been scheduled.

APPOINTMENTS - Chairperson D'Amore said the committee is considering a number of appointments, some of which are on tonight's agenda and the rest will be on the next agenda.

LEGAL AND LEGISLATIVE – Chairperson Phillips said the Committee has not met since the last Council meeting; a future meeting has not yet been scheduled.

RULES AND CHAMBERS – Chairperson D'Amore said the Committee has not met since the last Council meeting; a future meeting has not been scheduled as there are no agenda items.

OTHER COMMITTEE REPORTS

Presales Inspection Meeting: Councilperson Donovan said the Committee has not met since the last Council meeting; the next meeting is scheduled for September 24th at 6:00 PM. He invites the public to attend.

CONTROLLER'S REPORT

William Hoffman, Controller, said he also went over the CAFR with Mr. Donovan. The auditors did note more internal controls and more timely reconciliations are needed. He believes the Controller's Office has a responsibility to follow up on some of the recommendations.

Mr. Guridy said one of the issues he always hears is the timeliness of the bank reconciliations. We've been dealing with this for years.

Mr. Hoffman said we need a better process. Can we do a better job in balancing the checkbooks? He hopes so.

Ms. Eichenwald said you mentioned looking at other cities CAFR's. Are you making any recommendations for next year?

Mr. Hoffman said he didn't mean to imply more details. They have more notes and disclosures in it, and if he was a citizen in that city, he would be concerned. His point is in our CAFR, there is not much to disclose. It's clean and uninvolved.

Mr. Donovan said as a member of the Parking Authority he had an opportunity to review their audit.

Mr. Phillips said you mentioned the reconciliations – is that a cost item?

Mr. Hoffman said he doesn't think it cost anything. It just delayed the start of the process. The auditors made some comment in regard to the historical date. It's later this year. One reason its later is the reconciliations were not done.

Mr. Hoffman said the accounts are reconciled monthly. We're in September and some haven't been reconciled since April or before. We should have them done timely for the auditors since they want to come in in the beginning of the year, and if we don't have accounts reconciled, they can't start their work.

Mr. D'Amore said at the previous Council meeting he asked Attorney Marchetto to look into Council's inherent powers . . . could we delegate our inherent power to the City Controller to investigate. Attorney Marchetto responded: This is from the Pennsylvania Municipal Law. Municipalities are creatures of the state and the authority of the state legislature is supreme. Neither municipalities nor municipal authorities are sovereign as such they have no original inherent powers of the legislative body and exclusively derive their powers from enabling statutory legislation. Therefore, we don't have inherent oversight authority.

9. ORDINANCES FOR FINAL PASSAGE:

Bill 37

Sponsored by Councilpersons Schweyer and D'Amore: Amending the Zoning Code by adding a definition of yard sales and limiting yard sales to (4) per calendar year

Mr. Schweyer said and he and Mr. D'Amore introduced this bill. Bill 37 was forwarded favorably. During last year's campaign, they participated in a forum at B'nai Brith. They were asked by the public to expand the number of yard sales to a number greater than one. He has learned since there are no limits on the number of yard sales permitted. Bethlehem allows 2 yard sales in a calendar year. There was a neighbor of his who had 6 in 6 consecutive weeks.

Ms. Eichenwald asked if he consulted any citizens in coming up with this number?

Mr. Schweyer said he has spoken with various people about this.

Ms. Eichenwald asked how will they police this?

Mr. Schweyer said it would be up to the Administration to do it. It would be partnered with other zoning code violations. It would be up to Mr. Bennington's current department to enforce it. There is a permitting process. There is no cost.

Mr. Donovan said when this first came up, he thought what's the right number? The tradeoff is you get a better handle on individuals who are abusing the system. Sometimes people run yard sales and they don't clean up.

Mr. Phillips said he thinks enforcement is going to be a problem.

Mr. Guridy said he's never had any complaints about people having yard sales. He has a concern about a yard sale policeman going around. He is not in favor of hiring someone to go out and check on yard sales.

Mr. Howells said south of Emmaus Avenue there are people having yard sales every Sunday, and the neighbors don't like it. He goes out and buys the stuff and brings it into his double/triple garage. What is the penalty?

Mr. Schweyer said we don't have one right now.

Mr. Guridy said he agrees to enforce it, but not hiring somebody.

Mr. Phillips suggested using the SWEEP people.

Mr. D'Amore said this was framed to catch the worst abusers. This is a tool to respond to legitimate citizen complaints.

Mr. Dougherty thanked Mr. Schweyer for bringing this to their attention. It is a model of how they worked together in partnership. Canvassing what he heard in the Zoning Office – it has been identified as a problem by more than one zoning officer. They have no intention of hiring any "yard sale official". He thinks Ken Bennington will bring a degree of creativity to this as he has in his current position. It was his idea to stagger hours to have enforcement officers work a weekend.

Dan Mest said suppose you get an auctioneer who auctions homes – the same auctioneer auctions 5 homes a year. Is this going to be regulated that he can only auction 4? We have about 5 good months out of the year that people can go out and have yard sales. Why can't it be 5 or 6, from April to August or October? He believes in free enterprise.

Mr. Howells said 5 or 6 might sound good to you, but it doesn't sound good to me if we live next door to the guy who's holding these yard sales.

Mr. Mest said he's looking at free enterprise.

Mr. Howells said he's looking at privacy.

Mr. D'Amore said it would take the City longer to respond to a legitimate complaint if we increased it to 5 or 6.

Mr. Howells said you'd have to have a lot of junk in your house to have that many.

Mr. D'Amore said or you are running a business.

Mr. Howells said it creates a lot of traffic.

Bill 37 was adopted, 7 Yeas and 0 Nays.

Bill 57

Sponsored by Councilpersons Schweyer and D'Amore: Amending the Zoning Code by granting the Zoning Hearing Board the authority to modify, by special exception, off-street parking requirements within the B-1/R District.

Mr. D'Amore said this is companioned with outdoor café seating.

Mr. Schweyer said Bill 57 was forwarded favorably. It allows the Zoning Hearing Board to modify outdoor parking.

Jessenia Cordero, 519 North 7th Street, said she bought the building with the intention of opening a business and her office. She does notary work. She put an application into the Zoning Hearing Board and everyone said it sounded good. They approved the zoning portion of it. The next step was the parking. Why would they make her pay the \$375 and go through the whole thing if it wasn't going to get approved in the end? If you cannot provide parking for the client, then you can't open an office. She doesn't have \$20,000 to accommodate all the parking needs. She had good intentions and she felt like she got smashed. She encourages you do away with the whole off-street parking. It just doesn't make sense to her and the people in the community. There is not even a public parking lot for people to rent. This will allow people to open more businesses in the area. It just improves the area.

Mr. Donovan said this is a good modification for that area. Thank you for speaking in support of it.

Mr. Schweyer said sometimes one of the best things government can do for businesses is just get out of the way. It doesn't eliminate the parking requirements altogether. This is just to give Zoning the authority to decide if there should be parking there.

Mr. Phillips said there are a lot of renters in that area – renters who have vehicles. He feels they need to address that.

Ms. Eichenwald said she also supports this. She hopes it will encourage Zoning when they decide on parking issues to take into consideration the high density residents in the community.

Mr. Guridy said he also supports this, but he also wants to voice his long term concern about the parking issues on 7th Street. There may be some properties we can purchase and turn them into parking lots. 7th Street is more of a business street, small businesses, than Hamilton Street.

Mr. Guridy said he encourages Council and the Administration to dig a little deeper to see what we can do about parking on 7th Street. It's not going to get any lighter.

Bill 57 was adopted, 7 Yeas and 0 Nays.

Bill 72

Administration Sponsored: Amending the General, Water, Sewer and Solid Waste Funds by appropriating \$635,000 in total funds from the unappropriated balance for the purchase of gasoline and diesel fuel: \$485,000 to the General Fund and \$50,000 each to the Water, Sewer and Solid Waste Funds.

Mr. Donovan said Bill 72 was forwarded with no recommendation subject to an amendment to reduce the appropriation to \$125,000. We all know gas prices rose dramatically. So much so it is not part of the fuel budget. The Administration has made a request to take \$635,000 out of the unappropriated balance. What do we do next year in terms of coming up with funds? The City buys its fuel through a County co-op. There is a \$100,000 bill that is outstanding.

Craig Messinger distributed bills and usage data - no fluctuation in usage. Currently they buy with a county co-op. Mr. Donovan questioned whether they try to hedge their losses or buy futures. Mr. Dougherty noted they have eliminated SUVs, went to V6 Impala, nitrogen in tires; currently have a \$100,000 bill outstanding. The intent is to still use the saving from the bond issue to dedicate towards capital projects.

Mr. D'Amore and Mr. Guridy moved to amend Bill 72 by changing Account 62 from \$485,000 to \$125,000.

Mr. D'Amore said he has taken some deference with the Administration on the recent decision to send our fire trucks on EMS calls. They are large vehicles that use a lot of fuel. The Chief has done an exemplary job in deploying his forces in a way that is helping the City. He has an issue of sending large fire trucks out on a large number of calls. He thinks we can do the same public safety coverage without the tremendous fuel costs. We took great pains and a lot of work on the refinancing to help save this City a great deal of money. The bulk of the savings are sitting in an unappropriated balance. We may have to change our priorities, and when we change priorities we also have to look at policies. This is part of his attempt to have Council become part of the discussion. Mr. Dougherty said the Administration is very amenable to having Council become part of the discussion. The amendment will pay our bills, as Mr. Donovan said, make sure we treat our vendors appropriately, and give us a chance to put our heads together and think creatively about what we can do.

Craig Messinger said between Fire and Public Works – that's 90% of the fuel budget.

Mr. Guridy said he'd like to see us develop a plan on what to do in the future in order to save on fuel. He thinks we should start thinking of buying hybrids.

Mr. Dougherty said we have started looking into them.

Mr. Howells said he doesn't understand why we have a huge fire engine escorting ambulances. Why is that?

Fire Chief Scheirer said most EMS are fire-based operations. Fire Departments have become trained EMT's. Police are no longer trained as first responders.

Mr. Donovan asked Mr. D'Amore to expound on his reasons.

Mr. D'Amore said he thinks we can do the same public safety coverage without the tremendous fuel costs by not using fire trucks. We took great pains and a lot of work on the refinancing to help save this City a great deal of money. The bulk of the savings are sitting in an unappropriated balance. We may have to change our priorities, and when we change priorities we also have to look at policies. This is part of his attempt to have Council become part of the discussion. Mr. Dougherty said the Administration is very amenable to having Council become part of the discussion. The amendment will pay our bills, as Mr. Donovan said, make sure we treat our vendors appropriately, and give us a chance to put our heads together and think creatively about what we can do.

Mr. Gurdy asked what is the balance of the fund? If we support the amendment, what is the balance of the fund?

Mr. Dougherty said Craig did a tremendous amount of analytical work here.

Mr. Messinger said Fire and Public Works is 90% of the fuel. He is siding with Mr. D'Amore's amendment so that we develop a plan of what to do in the future and be able to save. We need to look at buying hybrid and other ways to save on fuel.

Mr. Gurdy said most of the time it's only one person. They can go around in smaller cars.

Mr. Dougherty said he's taken away the SUV's, and he's looking at ways on how we send the inspectors out. There is a way of managing and sharing. We're not there yet, but we need to be.

Ms. Eichenwald said she supports the amendment, but is that enough? She thinks the truth lies somewhere between those 2 numbers. She sees it as an immediate problem, solution and a long term problem. Is that \$125,000 additional, and is it enough to get us through the budget cycle? Are we taking into mind the escalation of the fuel prices or will they have to come back?

Mr. Messinger said he's going to have to come back – easy.

Ms. Eichenwald asked if he would be willing to look at a higher amount?

Mr. D'Amore said his hope is by offering the amendment that he offered that it will encourage us to put our heads together as soon as possible.

Ms. Eichenwald said we're not going to have it by next month. What are we going to do next month?

Mr. D'Amore said if interested persons on Council and key players of the Administration can sit down. It's going to take some creativity, but it's not going to take more than 2 meetings. The problem is imminent. Council holds the purse strings and it gives us an opportunity to be a part of the process.

Ms. Eichenwald said she sees this as a short term problem and flawed urging of a long term solution.

Mr. Messinger said Streets is the biggest user.

Mr. Donovan said the part of his concern is a policy issue. He supported the idea of an amendment, so he'll go along with that recognizing there are 2 topics to be discussed.

Mr. Howells said we have to figure out what to do whether it's short term or long term. Mr. Howells said he doesn't know why we have big, huge fire trucks running around the City answering ambulance calls. Can you tell me why Chief?

Chief Scheirer said over the years Fire Departments have become trained EMT's and paramedics. Police are no longer trained as first responders

Mr. Howells said they're trained as first responders, but they don't get the EMT or paramedic training.

Chief Scheirer said first responder training is so basic, they can't really assist. They've been doing EMS for 18 years – close to 2,000 assists a year. We were looking at how to free the police to deal with more quality of life issues. If we have a fire truck within the same district, within a couple of miles of a call, we're trained EMT's and paramedics, we can aide in the assist and the police officer is freed up. We can free the police up to about 9,000 man hours a year to deal with quality of life issues. We're 10% of the fuel budget. The 2nd truck for assists will cost \$37,000 a year. If we don't continue to do the assists, and all that training that is required of them, goes to waste. We have to have the training. We have to be at EMT level. To train 140 firefighters to do this and not train the police – let's get some use out of that EMT status. If you're looking to save fuel, look in the Streets Department. They are 90% of the budget.

Mr. Howells said he can't recall them backing up the EMS calls for the last 18 years.

Chief Scheirer said we've been doing it since before 1991. Both fire and police have been doing it. They had the calls designated into certain groups. Anything heart related, fire went because they carry the oxygen, the AD units, basically all the equipment paramedics carry. Police stopped carrying that equipment 18 years ago.

Mr. Howells said one part of your argument was every other community in the U.S. is doing this. The Fire Department runs the ambulance. He never bought into that theory because he thought it was bogus. Just because everyone else is doing it, doesn't mean we have to do it.

Chief Scheirer said that's not the reason they're doing it. His reason was to free up police. They were trying to find a way from getting bogged down, going to a person's home and not being able to assist them. In this society, it's tough for 2 people to carry an individual.

Mr. Donovan said the issue is less doable, and this came before the new community policing strategy. Fuel is not as much of an issue as the question is there a better system. There are 2 issues here. One is paying the bills and the other is to make sure, in public, we have a conversation on the best way to back up EMS, which has not occurred because the community policing strategy has not been flushed out yet. That's why he's in favor of this amendment.

Mr. Phillips asked if there's been any discussion on downsizing the vehicles to do the emergency response as opposed to using the trucks? Has anyone thought of any other options rather than the trucks?

Chief Scheirer said they have looked into. They have 6 fire stations strategically located throughout the City. If he takes 3 suburbans and put them in 3 key areas of the City and ran 3 squads to match up with 3 EMS units, he now loses 3 fire engines for firefighting capability, unless you're willing to give him 6 extra men a shift.

Mr. Phillips said he's not debating that. He's just wondering if there's a better response vehicle than a fire truck. It was something that was brought, sounded like a good idea, so let's run with it. He thinks they're looking for something more comprehensive than just to jump and run.

Chief Scheirer said the new pumps they're specing out are more fuel efficient, smaller and more light weight.

Mr. Phillips said you said you saved the police 9,000 man hours. If you take a truck out there, you have more people standing around. He has total respect for the EMT's, but what he's asking is where are we saving – if we have 9,000 man hours compared to 36,000 man hours?

Chief Scheirer said its' not costing 36,000 man hours, because they're on duty anyway. We are freeing up police from EMS calls.

Mr. Phillips said if there are 4 people there, and only 2 people working, you still have 18,000 man hours of someone not being engaged. You say you're saving 9,000 hours for police, but you send a truck and only 2 people there are working, and there are 2 people standing around, so we've lost 18,000 hours.

Chief Scheirer said he doesn't have 4 people on each truck. We have some with 2 and some with 3. We only have 3 trucks that have 4 personnel on all the time.

Ms. Eichenwald said she respectfully suggests we have gotten too far from what we intended to do. This is an exceedingly important discussion. She doesn't think we're doing anyone any service if we have it in the absence of the Police Chief, Fire Chief, Streets. This needs a really, really strong discussion. This bill, appears to her, as a financial one. We have an amendment that will push the discussion further, but we're not going to solve the issue tonight.

Mr. Donovan called the question.

The amendment to Bill 72 was approved, 7 Yeas and 0 Nays.

Mr. Howells said if he's a patrol officer out on the street, he'd be happy to let your firemen carry all the big people down 3 flights of stairs. Your incidents of back injuries will be higher than the Police Department.

Mr. Gurdy said if you need to come back for more money, and its justifiable, he doesn't have any problem with that.

Mr. Hoffman said you've amended this so the \$125,000 for the General Fund, for Public Works, and it's 50/50/50, this is \$275,000 that you're allocating, not \$125,000. the dollars that were saved by refunding in 2008 are dollars that were not spend out of the respective debt service fund. Those dollars are still in there. There has not been a transfer for those dollars. What you're doing here is making the budget larger. You're not transferring within the budget. You have another ordinance later on for \$77,000, which is making the budget bigger. In this case, you're taking monies that were not allocated – reserves from surplus – whatever -- the money saved from refunding are still in the budget, and if those aren't reallocated before the end of this year, that gets cleaned out, and that will be the beginning balance. Right now those dollars are still there. If you want to make sure they are

properly allocated for 2008, you need to make sure those dollars get transferred. He wanted to make sure they understood and to make sure it's right.

Bill 72 was adopted, as amended, 7 Yeas and 0 Nays.

Bill 74

Sponsored by Councilpersons D'Amore, Donovan and Schweyer: Amending Article 112, Public Records, by designating the City Solicitor as the agent (rather than the Director of Finance) responsible for complying with the Public Records Law.

Mr. Donovan said currently the City uses the Finance Director to handle any requests from the public for information. It's a cumbersome approach, so this moves the responsibility to the City Solicitor. Bill 74 was forwarded favorably.

Mr. Schweyer said the reason he supports this bill is because our City is unique in that the City shares responsibilities with the Administration and Council. We both have access to the Solicitor's Office. Unlike other municipalities, they each have their own solicitor.

Bill 74 was adopted, 7 Yeas and 0 Nays.

10. ORDINANCES FOR INTRODUCTION:

Bill 76

Administration Sponsored: Amending the 2008 General Fund Budget to provide for a supplemental appropriation of Seventy-seven Thousand (\$77,000) Dollars to provide for a grant from Pennsylvania Department of Community and Economic Development Environmental Protection Agency to the City of Allentown for the Coca Cola Stadium.

Bill 76 was referred to CEDC.

11. **CONSENT AGENDA:** None

12. RESOLUTIONS ON SECOND READING:

R46

Conveys 2,278 square feet of City Property to Allentown School District for Trexler Middle School Improvements

Mr. Donovan said R46 was recommended favorably, 2-0. This is the issue former Councilperson Hershman has raised, in terms of making sure City Council reviews any transfer of property. This is a very slim piece of property. Apparently, years ago, 14th Street was vacated to allow for Trexler School. The idea is to convey this to the school district to allow better management and access to the school parking lot. It is only 10 feet. The school district is actually occupying that now.

Richard Young said it leads into their driveway. It makes sense to convey it to the school district. This came about when they were reviewing the plans for the addition to the Trexler Middle School.

R46 was approved, 6 Yeas and 1 Nay (Phillips).

R49

Authorizes Mayor to Enter into the Attached Easements Agreements with the Coplay-Whitehall Sewer Authority to relocate an interceptor adjacent to the current one

Mr. Gurdy said R49 was forwarded favorably. It allows the Mayor to enter into an agreement with the Coplay-Whitehall Sewer Authority for the replacement of an interceptor. It's going to increase from 18" to 24" and 30". It's approximately 8,800 feet of pipe. They got all the easements from the property owners

Mr. Donovan said this is a separate authority. The pipe runs underground, on our property, and connects with our sewer system. They have purchased a certain amount of capacity, but the capacity was not allowed to be achieved. We're giving them an easement to dig to put in a new pipe. How long is our contract?

Mr. Young said our contract for sewage capacity is indefinite.

Mr. Donovan asked if the rates are fixed?

Mr. Young said definitely. There's a formula used to calculate the rates. There's 2 types of rates. One is for the purchase of capacity. The other is the actual flow rate. In the flow rate, the price changes because there are variables in that formula that are tied to construction costs. The formula doesn't change but the numbers will. The rate per gallon will change depending on the strength of the sewage and the construction costs.

Mr. Donovan asked if the capacity is fixed or renegotiated?

Mr. Young said the capacity is renegotiated.

Mr. Donovan asked how often is that renegotiated?

Mr. Young said the capacities are purchased as they need them.

Mr. Donovan asked if that's per year, per decade?

Mr. Young said it's based on a daily flow.

Mr. Donovan asked how often is the variable rate negotiated?

Mr. Young said the variable rate is not renegotiated. That is fixed. The variables change.

Mr. Donovan asked if we could charge more if we wanted to?

Mr. Young said no.

Mr. Donovan said the Sewer Fund lost money. As it was explained, sewer rates inside the City, while our costs go up, especially personnel, and also operating costs, we have not raised our rates on sewer for a long time. We serve the County heavily. We don't seem to have a lot of flexibility with the rates, from what he's telling him, we negotiate regularly. The outlying communities are growing in leaps and bounds. There's all sorts of discussion of how large the pipe should be and what type of collector system exists and waste water versus rain water. We have a fund that was under water last year. We charge that fund a great deal of money every year to help the General Fund because we provide the services to the Sewer Department. How many types of projects like this will come up related authorities or is this the only one for the widening of the pipe to handle more capacity?

Mr. Young said he's only aware of one other project and that is with LCA.

Mr. Donovan said in a way, you can tell them you're not going to build that pipe until we have better discussions.

Mr. Young said they've had a meeting this past week on trying to address our concerns with LCA's and fill a pump station.

Mr. Donovan asked Mr. Dougherty to convey to the Mayor that it's in our best interest to delay approving this subject to us understanding what type of . . .

R49 was approved, 6 Yeas and 1 Nay (Donovan).

3. NEW RESOLUTIONS:

R56

Sponsored by Councilpersons Schweyer and D'Amore: Proclaims September 8 – 14, 2008 as **"YOUNG PROFESSIONALS WEEK" IN PENNSYLVANIA**

Mr. Schweyer said this mirrors legislation that is pending in the state. It merely honors in their attempts to organize to contribute to organize in a positive manner toward communities. We are pursuing with the Lehigh Valley network of young professionals possibly having their state conference in the City of Allentown in upcoming years. He's trying to demonstrate the City is a friendly place for young professionals to invest and move into.

R56 was approved, 7 Yeas and 0 Nays.

R57

Administration Sponsored: Certifies Compliance with Municipal Police Officers' Education and Training Commission Reimbursement

R57 was approved, 7 Yeas and 0 Nays.

R58

Sponsored by Councilpersons Schweyer and D'Amore Appointments to the HARB: Shane Fillman

Mr. D'Amore said the HARB appointments are made strictly by Council.

Shane Fillman, 416 North 8th Street, said he's been a resident of Old Allentown since 1990. He's involved in many community board groups.

Mr. Donovan said Mr. Fillman is dedicated to center city and would be a good member for HARB.

Mr. Donovan and Mr. Phillips moved to separate the appointments of Shane Fillman and Daniel Ebner.

Mr. D'Amore said they will consider the appointment of Shane Fillman as R58 and the appointment of Daniel Ebner as R59.

The motion was approved by common consent.

R58 was approved, 7 Yeas and 0 Nays.

R59

Sponsored by Councilpersons Schweyer and D'Amore Appointments to the HARB: Daniel Ebner

Mr. Phillips asked if his expiration date was accurate?

The City Clerk said yes, he is filling the slot of architect, which has been vacant for 2 years.

Mr. Phillips asked if that's his home address.

Mr. D'Amore said it is his business address.

Mr. D'Amore said if it's unclear that they must live in the City to sit on the board, we should table it.

Mr. D'Amore and Mr. Howells moved to return R59 back to committee for clarification.

The motion was approved by common consent.

14. NEW BUSINESS

Mr. Schweyer said he is waiting for a ruling from the Solicitor's Office on a graffiti bill that he sponsored. He requested a ruling within the next 2 weeks so they can move forward on this.

15. GOOD AND WELFARE: None.

16. ADJOURN

The meeting was adjourned at 9:45 PM.

Michael P. Hanlon
City Clerk