

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



**Allentown City Council**  
**435 Hamilton Street**  
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**COUNCIL MEETING MINUTES**  
**August 4 - COUNCIL CHAMBERS**

**COUNCIL MEETING - 7:30 PM**

- 1. Invocation: Julio Guridy**
- 2. Pledge to the Flag**
- 3. Roll Call** – The meeting was called to order at 7:30 PM.

D'Amore, Donovan, Guridy, Schweyer, Schlossberg and O'Connell were present. John Marchetto represented the Solicitor's office.

**4. Courtesy of the Floor**

Bill Villa, Allentown, stated that after the July 16<sup>th</sup> visit to the Council meeting, Mr. Donovan has deleted the comments on his blog for the entire month of March 2010. He requested an apology for the posting of the comments.

Lou Hershman, Allentown, spoke about the Capital Projects and asked Mr. Donovan when the legislation will come forward for the Ethics Committee.

Mr. Donovan stated that he read the reports about the permit issue regarding the Mayor that Mr. Hershman described. He stated that if it is true then the Council and Ethics Board should look into this matter. The Mayor has not publicly presented his side.

Lou Hershman asked when the CAFR will be reviewed.

Mr. Donovan stated that it is scheduled for the 4<sup>th</sup> Wednesday of this month and the only reason why it would be delayed if he does not recover as quickly.

Mr. Bennington stated that the Mayor had a flooded basement and was replacing the flooded basement equipment. Mr. Bennington said he was not aware that he did not get a permit that was required.

Mr. Murphy 957 S. Armour Street, thanked the Mayor office for taking care of the issue from yesterday, but has concerns about the trespassing, the language, the threats and violence. They are issuing citations to kids that are 9, 10 and 15 years old.

Mr. Schweyer stated that Captain Hendricks has been working on this case for a while and Mr. Murphy should bring it to his attention.

Mr. Thomas Klocek, stated that he was a member of the Allentown Fire department for 18 + years, and that he was treated inhumanely by the Human Resources department especially by the Director and the Manager. He passed out information of him rescuing a child, assisting in getting grant money for city for fire equipment to total about \$18,000. He stated that he was terminated on the 2<sup>nd</sup> of July on a work related injury. It was

sustained by him rescuing a gentleman from a creek who had falling off of a ledge. He received a letter from the Director of Human Resources stating that he was terminated because of his injuries and was told that he will only have Cobra benefits and that his medical benefits would be taken away from him as of the end of July. He asked for clarification about his sick time, vacation time and FMLA benefits would be afforded to him. The Director presented him with another letter stating that he could not answer any questions clarifying. When he tried to reach out to the Director, the Director stated that he could not comment on it. He feels that a Director should be able to comment on any action that takes place. He presented a letter stating that he had a time limit in which to fill out his disability pension. Mr. Klocek stated that he met that time limit, but when he was in the time limit review the options, he was informed that he did not meet the requirements for disability pension because he was in need of two doctors. He is left with a time limit of next week based on the information. He has been trying for 45 days to get answers to make the appropriate decision to do.

Mr. Donovan asked Mr. Hoffman if this is somewhat similar that comes from the Pension Board and that he was at a loss on how to proceed. He does not know the facts. He sits on the Pension Board in which decisions are made. He does not know what they can do.

Mr. Bennington stated that he did not know the facts but will certainly talk to Mr. Maley and Ms. Williams. He stated that he will get back to the President of Council with Mr. Maley's and Ms. Williams' side of the story.

Mr. Thomas Klocek stated that the last that he was told that he would need to choose between disability pensions. He was provided a list and many people on the list don't perform the necessary evaluations to determine if he is disabled or not. Of the list as well his doctors are on that list. He stated that it is very difficult to do the necessary requirements and have two incur the cost. The letter gave a time restraint, the time restraint is thirty days and is based on him filing disability pension and having it settled in thirty days. He has 128 sick days that the city is refusing him to use.

Mr. D'Amore stated that he has Collective Bargaining rights and stated that Mr. Klocek should avail himself of those Collective Bargaining rights as soon as possible. That is his best remedy. Mr. D'Amore stated that he is not the first person within recent weeks to have a serious issue with Human Resources and stated to Mr. Bennington that he understands if he is not prepared at this time to comment on this. Mr. D'Amore stated that Mr. Bennington needs to take a look at this.

Victoria Dittrich, 312 South Franklin Street, she has been there for 23 Years in November and she is there for Ordinance # 14737 that states Residential Rental Unit means a rooming unit or a dwelling unit let for rent. She stated that they have deemed her house that she has been living in for over 23 years a rental because it is in a Trust Fund. They did a rental inspections and she does not see how painting ceilings and walls would change anything. Her house is in the Trust Fund even though her brother's name is on as the trustee. She pays all the bills and the taxes. Her brother does not pay anything on the property. She has 15 months left until the house is deeded to her out right. She is on disability and she can not afford to do this stuff.

Mr. Donovan asked if the house is in her brother's name and because she is there she is treated as a tenant and also asked it is treated as a rental although in a certain amount of time it will be deeded to her.

Ms. Dittrich stated that her brother is a trustee.

Mr. Bennington asked if she spoke to someone in Building Standards such as Dave Paulus.

Ms. Dietrich stated yes, and he stated that if she has two homes, the second one automatically is a rental. She stated that her brother has his own house.

Mr. D'Amore stated that Mr. Marchetto is on duty today and asked did he have anything to offer.

Mr. Marchetto stated if the house is held in trust then the trust will be the owner of the home. Anyone living in the home would be considered a tenant. Once the house is deeded over it probably would be a transfer in which will initiate the other pre-sale inspection that the city has as well.

Mr. D'Amore stated that presale inspection is different then a rental inspection. There is a different intensity.

Mr. Marchetto stated that is correct, but there will probably be another inspection.

Mr. D'Amore stated that Mr. Bennington was the Director of Building Standards and Safety prior to this position and has some experience with this. He asked Mr. Bennington does he think that they could put her in touch with Mr. Paulus and perhaps work this out.

Mr. Bennington stated that after he finds out about the HR issues, he will find out about Ms. Dietrich's issues.

Mr. D'Amore stated that Mr. Paulus is very efficient in his job and they should be able to get an answer.

Mr. Dan Meist, Allentown, stated that two days ago at 934 Jackson Street two cars were parked on this gentlemen's property and he called the Com Center which referred him to the Parking Authority. They placed two tickets on the vehicles. The vehicles were parked illegally. The property owner was upset the city did not tow the cars off his property. Mr. Meist stated that he found one of the cars in the middle of the 900 Block of Spring Gardens Street. The owner of 934 Jackson Street has his own auto business/towing and he moved a car off his property and dragged it down the alley and left it in the middle of Spring Gardens Street. Mr. Dan Meist stated that a bicycle officer was there and Mr. Meist stated that he knew where the car came from. What right does a property owner has to move a vehicle and move it in a public-right-away. He believes that the landowner was reckless and put the public safety in jeopardy and he wanted to know if this ever happened before.

Mr. D'Amore stated that it is inadvisable.

Chief MacLean stated that he does not know if this has ever been done before. He could not say for sure.

Mr. D'Amore stated that the Bike Officer came out and did a report. He had all the facts that were relevant documented. The car owner and the property owner received some sort of infraction and if it is true the Police will follow up on both.

Mr. Schweyer asked if this would be considered illegal dumping. That is a \$5,000 fine if he recalls correctly.

Chief MacLean stated that he will check the Report and see where it stands. They all know that the car was on the property and it was on the street.

## **5. Approval of Minutes: July 21, 2010**

Minutes approved by Common Consent

## **6. Old Business**

None

## **7. Communications**

Mr. Donovan stated he received several emails from Mr. Jim Villaume. He is very involved with Center City and the Old Allentown Historic District. He expressed concerns that the regular fireworks that the IronPigs on

Friday evenings are too frequent and too loud for some residents in the city. He has heard from a mother that children have been awakened on the East side. There is an issue of boundaries here. He knows that it was a meeting on Friday to discuss this and potentially approaching the IronPigs to work out something. He is hoping that the Administration can meet with the IronPigs and discuss this.

Mr. Bennington stated that he and the Chief have scheduled a meeting with the IronPigs to discuss this on August 11<sup>th</sup>.

Mr. Donovan stated that he looks forward to seeing his report. He thinks that it has been a debate from people that came to him and said he is a party pooper; it is a festival and who wants to spoil it. He does not disagree with the fireworks.

Mr. D'Amore stated to Mr. Pearson that Council usually do not allow public comment or communication, but he wants to come forward he will give him a few minutes.

Mr. Pearson stated that is the point that he was trying to make on the issue. When it comes to Zoning, Zoning will sometimes ask you do not have standing in this case (Standing meaning that you live in a reasonable distance from the complaint) if a lot of people from the East Side are making a complaint that is one matter, if a person from Center City making a complaint that is another matter. An amenity of the East side if they do like it should not be taken away by someone from a far distance.

Mr. Donovan stated that he lives on the West End so he does not hear it. This was raised to him as a legitimate concern. It is a respect for boundary. It is a need for fireworks but the concern is how long, how frequent and how loud. All he is asking for a recognition from the IronPigs that their fireworks may be overly disruptive to a sufficient amount of people to warrant a discussion.

Mr. O'Connell stated that he respected Mr. Pearson for his concerns and does understand. He thinks that the IronPigs are a benefit to the city. He does question every Friday in summer and the late hours. He asked if the City was inundated with complaints. When there are fireworks are there Allentown Firefighters there on OT or regular shift.

Mr. Bennington stated that Mr. Hilbert can explain the complaints that he has received.

Mr. Michael Hilbert stated that in the first year in 2008 they received concerns from people in the city and outside the city for the fireworks. A lot of the complaints were generated on night games where there were extra innings. There was one instance in 2008 where the game went well after midnight. In 2009, they received the bulk of their complaints on the first night of the fireworks. The first home game in April they received about twenty complaints. After that those complaints tailed off to one of two. Some nights there were none. This year they received a handful about 5 or 6 in the entire year. They received complaints not only from citizens in the city but other municipalities as well. It is no where near the complaints that were lodged the first year or even the second year on the first night when people probably forgot that this is what is going on and they simply got use to it. The engine on the East side is on standby. That is a on duty engine that is on standby. They are fire inspectors that inspect the launch mechanisms that are inspected on a regular basis.

Jim Villaume stated that it is an existing City Ordinance that prohibits compulsive fireworks unless a Variance has been granted. The basis for issuing a variance is the applicant has to show hardship. He proposes that they stop using fireworks. They will have it for about three nights. It was a recent Supreme Court decision that no one has the right to deprive a person of their home as a use as a sanctuary. He stated that he goes to a motel room even though he is a Center City resident, he hears them.

Mr. D'Amore stated that he did ask the Chief and the Chief had an answer of the fireworks Variance.

Chief MacLean stated that he spoke to Mr. Landis from the IronPigs and he certainly is willing to meet with them.

Mr. D'Amore stated they tried their best to come up with a good solution and will continue.

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

Budget and Finance: Chairperson Donovan

They have not met but has a meeting scheduled for August 25<sup>th</sup> at 6:30 PM to review the CAFR and the recent Financial Report. He looked at the July financial statement and everything looked good. August will tell us more.

Public Safety: Chairperson Guridy

They met before the Council meeting. They discussed the budget of the 911-Communications Center. They will have a meeting on September 1<sup>st</sup>.

Community and Economic Development: Chairperson Schweyer

They have not met since the last Council meeting. They have a meeting on August 10<sup>th</sup> at 6:00 PM.

Parks and Recreation: Chairperson Ray O'Connell

The next meeting is scheduled for August 18<sup>th</sup> at 6:30 PM.

Public Works: Chairperson Schlossberg

They have not met since the last Council meeting. They have a meeting on August 10<sup>th</sup> at 7:00 PM

Human Resources, Administration and Appointments: Chairperson Eichenwald

They have not met since the last council meeting. They have to schedule a future meeting.

Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson D'Amore

They met this evening. Bill 44 will not be on the Agenda tonight. The UO Board will be tabled until the next Council meeting on August 18<sup>th</sup>.

#### **OTHER COMMITTEE REPORTS**

Mr. Schweyer stated that the Blighted Property Review Board met the first week in July and has properties to be considered to be sent to the Planning Commission.

Mr. O'Connell stated that the Allentown School District City Partnership Community Task force is meeting Tuesday, August 10<sup>th</sup> at 5:00 PM to continue discussion on alternative Ed Site for High School Students. They will also discuss transportation to various areas of the city after school and uniforms.

Mr. Guridy stated that the Allentown Housing Authority met last week. They started the Cumberland Gardens Project and the Redevelopment Project. Some people have been moved and relocated from their apartments in Phase I.

#### **CONTROLLER'S REPORT**

No Report

#### **9. APPOINTMENTS: None**

#### **10. ORDINANCES FOR FINAL PASSAGE:**

**Bill 36 VAC-ORD N 21ST St.DOC**

Providing for the vacation of N. 21<sup>ST</sup> Street from Hamilton Street to Linden Street in the Seventeenth Ward of the City of Allentown

Ordinance Passed, 6 - 0

**Bill 38 VAC-ORD E Carey St.DOC**

Providing for the vacation of E. Carey Street from N. Ellsworth Street to the re-aligned E. Carey Street in the Fifteenth Ward of the City of Allentown

Ordinance Passed, 6 - 0

**Bill 40 EMD TRAINING.DOC**

Amending the 2010 General Fund Budget to provide for a supplemental appropriation of Three Hundred Eighty-two Dollars and Twenty-one Cents (\$382.21) from the Eastern Pennsylvania EMS Council to the Communications program of the Police Department to provide for dispatcher training and certification in Emergency Medical Dispatch procedures.

Ordinance Passed, 6 - 0

**Bill 42 ASDOVERTIME.DOC**

Amending the 2010 General Fund Budget to provide for a supplemental appropriation of Eleven Thousand Six Hundred Twenty-four Dollars and Eighty-three Cents (\$11,624.83) from the Allentown School District to the Police Department to help offset the costs of after school special patrols.

Ordinance Passed, 6 - 0

**Bill 43 CRIMEWATCHGRANT.DOC**

Amending the 2010 General Fund Budget to provide for a supplemental appropriation of Five Thousand (\$5,000) Dollars from the Commonwealth of Pennsylvania, DCED grant to provide for an Enhanced Crime Watch program that will provide Cell Phone service, equipment, training and mileage reimbursement to Crime Watch groups.

Mr. Schweyer recused himself since it came from Representative Jennifer Mann.

Mr. Guridy thanked Representative Jennifer Mann for supporting them.

Mr. Donovan stated that there were some concerns expressed throughout the Neighborhood Groups and Crime Watch when the money was first announced. Did it reconcile to their satisfaction?

Chief MacLean stated that they had a meeting and this is what it came to.

Ms. Martin, 229 N. 8<sup>th</sup> Street, she stated that she had a question about this for a financial reporting. She knows it is only for \$5,000 and it is coming from the Commonwealth of Pennsylvania but that is the city's tax dollars. She belongs to a crime watch and asked if the crime watch is a volunteer organization for the benefit of the people in the organization. She lives in Center City Allentown and she sees that no matter who you are or what you are dressed like, what you drive, or where you live, you have a cell phone. She is wondering why the public money is going to be providing cell phones for people from a volunteer organization from their own benefit. They get the cell phone and the training to use the cell phone and mileage reimbursement. What mileage reimbursement do you need when you are in the neighborhood and you are taking care of it for your benefit? Why the State of Pennsylvania with the citizens' tax dollars is going for this.

Mr. D'Amore stated that that question they can not answer. He does understand her concerns. The reimbursement for mileage and cell phone use is very restrictive and is only for the individuals while they are patrolling. They can not use it any time of the day or night. They will only be reimbursed when they use it during their patrol time for their patrol related matters.

Chief MacLean stated that is correct. They put a policy together and training together for the members of the crime watch group that wanted to go out for this patrolling to be the eyes and ears and how to report things to the communications center. If they have used their own vehicles to get the mileage reimbursement, they have to report to the police department at the beginning and again at the end. The mileage will be jotted down by the Desk Sergeant.

Mr. D'Amore stated that Mr. Davis was a long-time president of Midway Manor and was active Crime Watch Patrolman and he thinks that from knowing him he did it not only for his benefit and his family's benefit but for the benefit of everybody in his community.

Ms. Brown stated that it is called volunteerism and 9-1-1 costs nothing to dial.

Mr. D'Amore stated that Mr. Atiyeh often comes to these meetings and he would say the most important thing that the patrols can do is to be eyes and ears and sometimes that is not necessarily a call to 9-1-1 saying someone is getting their house broken into. It is a call to the nonemergency number to say there seems to be some suspicion activity and those kinds of calls police can actual use to build a case not just for handling a crime at the moment, but crime prevention because they are able to analyze a pattern.

Chief MacLean stated that this will also be for quality of life issues. They do not want people calling in on a 9-1-1.

Mr. Dan Meist stated that he sits on the Committee and the phones will only have the emergency and non-emergency numbers and that is it. When he goes out to his neighborhoods, he writes it off. In some areas they do drive. Some areas are bigger than others and gas is not cheap. He is willing to clarify more to Ms. Brown.

Chief MacLean stated that is correct.

Mr. D'Amore stated that the discussions with Chief MacLean are on-going and the Presidents Council is involved.

Ordinance Passed, 5 – 0 (Schweyer recused himself)

#### **Bill 44 UO Board.DOC**

Creating an Urban Observatory Board, which will provide support for policy research and analysis for City Council and the Administration to assist City bureaus and agencies carry out their goals and objectives

D'Amore stated that Bill 44 has been striked from this meeting and will be revisited on August 18<sup>th</sup>.

#### **11. ORDINANCES FOR INTRODUCTION:**

##### **BILL 45 WEEDSEED PENN STATE GRANT .DOC**

**Referred to CEDC**

Amending the 2010 General Fund Budget to provide for the supplemental appropriation of Thirty-Eight Thousand (\$38,000) Dollars from Penn State University through the Pennsylvania Commission on Crime and Delinquency in support of the City of Allentown's Weed and Seed initiative.

#### **12. CONSENT AGENDA: None**

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

14. **RESOLUTIONS ON FIRST READING:**

**R 39 Encroachment 1141 Emmett Street.doc**

**Referred to Public Works**

**Encroachment - 1141Emmett Street.pdf**

Encroachment for Bollards at 1141 Emmett Street, on the Amanda Street Side

15. NEW BUSINESS

16. GOOD AND WELFARE

D'Amore stated that Mr. Guridy mentioned this at the beginning of the meeting and wished Mr. Donovan good luck, great health and hope for a speedy return to the Dais.

Mr. Bennington stated that his prayers are with Mr. Donovan.

Mr. Schlossberg stated that his father had the same surgery a year and a half ago and a week later he was nagging him for things. He stated that he is sure Mr. Donovan will be nagging them for things as he should.

Mr. Meist stated that those who live around Fountain Park still endure the loud music on eight to ten hour days. The fireworks issues and the noise coming out of Parks or Fountain Park is still an issue. He just wanted to tie that in.

17. ADJOURNED 8:30 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.*