

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
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PUBLIC HEARING MINUTES
March 17, 2010 - COUNCIL CHAMBERS – 7:15 PM

The meeting was called to order at 7:15 PM.

Councilpersons D'Amore, Donovan, Eichenwald, Guridy, O'Connell, Schlossberg, and Schweyer were present.

R12BLIGHTED PROPERTY

Properties to be acquired by Eminent Domain by the Redevelopment Authority

530-532 Hamilton Street

645 Hamilton Street

709 Hamilton Street

943-945 Hamilton Street

521 N. New Street

Albert Nigri, of Allentown Corporate Center, 645 W Hamilton Street, Allentown, PA stated that they received violations about a year ago and they rectified most of them. They have one issue left, the Standpipe. The building is vacant as of now and they are working very hard to be able to finish with the one violation in order to market the building for tenancy. They have a broker and have a list of what has been done in the building. An inspection was done about ten (10) days ago and what they did was with Mr. Collins from the City, they showed a lot of progress. The only reason they can't finish the violations is because it was too cold and they could not fix the standpipe and there was no heat in the building. The water has been drained so there are no busted pipes. They have a licensed plumber in which they rectified all the problems regarding the water within the building. The building is locked and is safe. They invested a lot of money removing garbage, installing a new roof and it was brought to his attention about a week ago that there was a problem with the lower part of the roof on the 5th floor which they fixed but apparently did not hold so they are going to put up a permit within the next few days to install a new roof. He is requesting from the committee to remove the building from the blighted properties matter.

Mr. Nigri submitted a handout to Council which is a part of these minutes.

Donovan thanked him for his comments.

COUNCIL MEETING - 7:30 PM

1. Invocation: Julio Guridy

2. Pledge to the Flag

3. Roll Call

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

4. Courtesy of the Floor

Mr. Leon Lichtenwalner, 745 W Turner Street, Allentown, PA, has papers for Council and the Mayor to review. On last June 2009 a young lady moved to the second floor and since then she has been harassing him and his wife. The landlord took her to court on February 18th at 2:30 in the afternoon and on March 9th the court stated that she needed to be out and she is still in the apartment and is disorderly.

Robert Romancheck, 117 S 16th Street, Allentown, PA stated that he was confused about the Cash Balance of the City's pulled cash account dated 1/31/10, under EIT escrow. His interpretation is that you can't transfer monies back and forth and he says that it shows \$3.4 - \$3.5 million temporary borrowing of \$2.6 million and it does not seem right to him. He felt that the escrow account supposed to sit there.

Mr. D'Amore stated that they all will be discussing the Cash Balance at the Budget and Finance meeting next week.

Ken Bennington stated that this is the money that Jerry Snyder indicated that about \$6 million dollars is available after all the municipalities complete tax collection by the end of 2011. They are provided back to the municipalities or spread out to the new organization. Of the \$6 million, \$3 million was never going to be returned. This is back from 2001, no municipalities recalled the money.

Michael Donovan stated that they are relying on the Solicitor's opinion. They have a cash deficit and second the more important issue that they have a serious cash deficit. Council will begin next week to take action on exactly why we are at this position and what steps need to be taken in 2010 and beyond.

Joseph Maher, Esquire, stated that he has been practicing 32 years, 22 in the Lehigh Valley. He was a commissioner and represented half the city of Allentown. He is a resident of Salisbury Township, PA. He lives about 200 yards from Ward 12-4 in that situation, he cannot travel from his home to Salisbury Municipal Building without going through Allentown. He is here to talk about the Ordinance that was passed about two weeks ago. He presented a letter and outlined certain cases and asked Council if they were aware of the Hilltown Township Ordinance that it was declared invalid and unconstitutional. He listed other opinions which came out of 6101 of the Pennsylvania Motor Vehicle Code that has not been amended since the vehicle code has been adopted in 1976. Joseph Maher stated that Council can't do what they did. He stated that he would represent anyone that is charged with this offense pro bono and after they are found innocent because the Ordinance is invalid, he would suggest that they sue all of Council for Federal Civil Rights violations.

Mr. Hershman stated when he was on City Council that they appointed Department Heads and always outlined the benefits that they received. On the Resolution it just said that she was hired at \$88,000. We approved the Resolution. Mr. Hershman asked if they gave her a contract. He requested an opinion of Jerry Snyder on EIT claims and he would like to read it. This \$3 million, do we have to share it with the school district? He is concerned that we would have to share the \$3 million.

Mr. D'Amore stated that this was a matter taken up at the Budget deliberations last year and he believes it was a written opinion from the Solicitor.

Mrs. Eichenwald stated that it was a written opinion but it did not address the School District issue and thinks that it is an important point.

Mr. D'Amore asked what is the impact?

Mr. Hershman stated that we would be out of a \$1.5 million. Mr. Hershman wants it available to the public. He questioned the Ethics Board.

Mr. D'Amore stated to correct him he is wrong, this is not about EIT that the City of Allentown collects. It is EIT that does not have a home. We would make it available. The opinion is about the legality of the City using that additional money.

Mr. John Marchetto, Assistant Solicitor, stated that the opinion would not address that issue.

George Friebolin, 958 S Front Street, Allentown, PA, talked about the cell phone ban. He made numerous calls in the last couple of weeks to see what this all entails. He sees that Council banned CB radios and two-way radios. He would like to know what was the reason. He stated that he did not see research from City Council that says CBs and two-way radios posed a safety hazard. He called Allentown Police department and they said when you come into Allentown you cannot use your phone.

Mr. Hilbert stated that in the past week, the city has worked on an internal cell phone policy restricting city workers with the exemption of Police, Fire and EMS workers from using their cell phone in any city vehicle in the performance of their duties.

Mr. Pearson, 942 Tilghman Street, talked about a cartoon in the Morning Call in 1913 about the city of Allentown looking to a wall of water.

Mr. Schweyer asked Mr. Pearson to please pass to members the issue in regards to the high school students on the south side of Hanover Avenue.

5. Approval of Minutes: August 19, 2009, December 2, 2009 and March 3, 2010
The minutes were approved by common consent.

6. Old Business

Mr. Donovan stated to Mr. Bennington that he recognizes that the Park Commissioner could not be there and we are delaying the vote on the trail plan. One of the Plans at Cedar Beach that was originally 12 feet has been brought down to a 10 feet trail.

Mr. Guridy stated that the Census forms have been sent and people will receive them throughout the week. There is a big push to get Hispanics to fill out the Census Forms. People are boycotting the Census because they think that the Government is going to do something with the information. It is confidential.

Mr. D'Amore stated that they received a petition to have a special meeting on the matter of the increase of the landlord rental fees. If the signatures are legitimate, they will schedule a meeting on March 31 which is a Wednesday.

Ms. Eichenwald stated that they had an AdHoc Communications meeting and there were many suggestions on communicating information such as this. Urge them to follow the AdHoc recommendations.

7. Communications

8. REPORTS FROM COMMITTEES:

Committee of Whole:

March 24

6:00 PM: Closing of the State Hospital on the East Side (this is confirmed now)

Budget and Finance: Chairperson Donovan

The Committee has not met since the last Council meeting – the next meeting will take place on March 24th at 7:00 PM in the Council Chambers. Received the February 28 report from the Administration the expenditures are not incurring as fast as last year and receipts are slightly ahead.

Public Safety: Chairperson Guridy

The Committee met this evening rather than next week; the next meeting will be before the first meeting in May.

Community and Economic Development: Chairperson Schweyer

The Committee met on March 9th and forwarded some items on tonight's agenda; the next meeting is scheduled for April 13 at 6:30 PM. Met with Building Standards and Safety and reviewed their budget and fees.

Parks and Recreation: Chairperson Ray O'Connell

The committee has not met since the last Council meeting; a future meeting is scheduled for April 7th to discuss four Resolutions.

Public Works: Chairperson Schlossberg

The Committee has not met since the last Council Meeting; the next meeting is scheduled for a Tour of Water Resources that will take place on March 26th or April 2nd.

Human Resources, Administration and Appointments: Chairperson Eichenwald

The Committee reviewed appointments on tonight's agenda; a future meeting has not been schedule.

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

The Committee has not met; a future meeting has not yet been scheduled.

OTHER COMMITTEE REPORTS

Mr. Schweyer noted Mr. Jim Villaume has since resigned from Blighted Property Review Board. Committee met March 8th and there are 30 to 40 properties on the list, 75% - 90% will be removed.

Mr. Schlossberg spoke on the Urban Observatory. He wants to reestablish the Urban Observatory which is a think tank. Muhlenberg Professor, Dr. Michelle Deagan will be assembling professors.

CONTROLLER'S REPORT

Mr. Hoffman had no reports

9. APPOINTMENTS

Kathleen Forte, Shade Tree Commission, Term to Expire 4/26/2011

Appointment passed, 7 - 0

10. ORDINANCES FOR FINAL PASSAGE:

BILL6H1N1 GRANT

Amending the 2010 General Fund Budget to provide for the supplemental appropriation of One Hundred Forty Thousand (\$140,000) Dollars from the PA Department of Health to the Allentown Health Bureau's immunization budget, Police overtime budget and Emergency Medical Services overtime budget for costs related to H1N1 vaccination programs.

Ordinance passed, 7 -0

Bill9Readefoxgrant

Amending the 2010 General Fund Budget to provide for a supplemental appropriation of Two Thousand (\$2,000) Dollars from St. Luke's Hospital to the Communications program of the Police Department to provide for public education for our 911 program.

Ordinance passed, 7 -0

Bill10waterfrontmasterplan

Amending the 2010 General Fund to provide for a supplemental appropriation of Three Hundred Thousand (\$300,000) Dollars from the Pennsylvania Department of Transportation to the City of Allentown for the completion of a Lehigh River Waterfront Master Plan.

Ordinance passed, 7 - 0

Bill11K-9 donation

Amending the 2010 General Fund Budget to provide for a supplemental appropriation of Ten Thousand (\$10,000) Dollars from a donation from the Arcadia Foundation to the Police Department for purchase of a trained K-9 for Patrol.
Ordinance passed, 7 - 0

Bill12AmendingTitleVTraffic

Amending Title V Traffic by increasing the penalty for double parking and parking large vehicles on streets; and deleting the second and subsequent increases in fines for street cleaning.
Forwarded with several recommendations.

An Amendment to delete the proposed Amendment and reinstate the original provisions on street cleaning fines that had the escalating penalties, passed 5-2 (Donovan, Gurdy)

Mr. John Marchetto will look into Deputizing people to give out tickets.
The Ordinance passed as amended, 6-1 (Gurdy)

11. ORDINANCES FOR INTRODUCTION:

Bill14MAINSTGRANT

Referred to CEDC

Amending the 2010 General Fund Budget to provide for a supplemental appropriation of Sixty Five Thousand (\$65,000) Dollars in Main Street funding from the Pennsylvania Department of Community and Economic Development to provide funding necessary to continue the implementation of the *Main Street Program* in Main Street Program Area.

Bill15INTERVIEW ROOMS

Referred to Public Safety

Amending the 2010 General Fund Budget to provide for a supplemental appropriation from a Department of Justice grant, 2008-DJ-BX-0251 to the Police Department to provide for installation of audio and video recording systems for five interview rooms

12. CONSENT AGENDA:

CA1.DOC Certificates of Appropriateness for Work in the Historic Districts
533 Park Street and 1126 W Linden Street

Resolution Passed, 7-0

13. RESOLUTIONS ON SECOND READING:

R12BLIGHTED PROPERTY.DOC

Properties to be acquired by Eminent Domain by the Redevelopment Authority
530-532 Hamilton Street
645 Hamilton Street (was sighted for Blighted for 5 out of 12 reasons)
709 Hamilton Street
943-945 Hamilton Street
521 N. New Street

Recommended favorably by CEDC, 3-0

Albert Nigri, 2005 E. 4th Street, Brooklyn, NY (645 Hamilton Street) stated that his company corrected 95-96% violations for the building for the past eight months. One issue they are rectifying which is due to the weather conditions they can not due the tests for the Standpipe, it will be done in the next few weeks. They discovered

from inspection that the drain was clogged. He cleaned both drains and let the water go down the drain. The building is closed and they do not have the keys. They spoke to Mr. Collins to open up the building. A lot of work has been done. It is only one issue that will be rectified. They showed a bill certified from a plumber. There is electricity in the building.

Mr. Collins stated that if Council makes a decision on the buildings condemnation, it still has to go through the process of the Redevelopment Authority actually purchasing the property. It does not automatically come to ARA or the city's possession. There is still a period where compliance can be made and a rescinding can take place. Mr. Collins also clarified that they were in continued communication. They have not had an official inspection verifying that. The Permit has not been pulled and an inspection has not been completed. The Standpipe system has not been inspected and verified and that is the highest concern in the building.

Mr. Guridy pointed out to Mr. Nigri that Mr. Schweyer eloquently described the process. One of the deficiencies they still can put the property under condemnation but they do have a chance rectify the deficiency and regain your property to rent or sell. The process is correct. He hopes that they take care of the property. The Council does want to see them in the tax roll.

Ernie Atiyeh, 1909 E Commerce Street, Allentown, PA, Midway Manor said this process is fantastic. The resolution passed, 7 - 0

14. RESOLUTIONS ON FIRST READING:

R13OVERLOOK PARK HOMES.doc

Referred to CEDC

Approves the submission of an RACP grant for Homes at Overlook Park

Motion to suspend the Rules to Suspend to Introduce R14, R15, R16, R17, passed 7-0.

R14 Grant for Stevens Park Renovation

Referred to Parks and Recreation

R15 Grant for PPL Parking Lot Pocket Park

Referred to Parks and Recreation

R16 Grant for the MLK & Little Lehigh Parkway Trail

Referred to Parks and Recreation

R17 Grant for the Jackson Street Community Park Development Project

Referred to Parks and Recreation

15. NEW BUSINESS

16. GOOD AND WELFARE

17. ADJOURN 9:15 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, or contact the Clerk at hanlon@allentowncity.org to receive an email notice of the meetings.