

**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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**COUNCIL MEETING**  
**October 20, 2010 COUNCIL CHAMBERS**

**COUNCIL MEETING - 7:30 PM**

- 1. Invocation: Julio Guridy**
- 2. Pledge to the Flag**
- 3. Roll Call**

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

Frances Fruhwirth represented the Solicitor's office.

**4. Courtesy of the Floor**

Lou Hershman, stated that it is unanswered how Mr. Malkames was chosen to be the attorney for the ethics probe and he wants to know who approved the \$150 to pay him and who chose Mr. Malkames.

Mr. D'Amore stated that Mr. Malkames was chosen by the ethics committee. The Ethics Commission's legislation requires that it be an attorney on the board. There is an attorney on the board however the attorney recused himself so the ethics commission was without an attorney. They secured a legal counsel and that legal counsel is going to be paid for out of the solicitor's office budget as it was the last time. He stated that they did investigate that.

Mr. Hershman stated that as he reads the ordinance, council pays for it. He stated that he is concerned for the taxpayers of Allentown. He stated that when he was on the City Council he never saw a Cash Balance Deficit of \$2 million. He asked how the Council allows the Mayor to write checks to have a deficit in the Cash Balance in the Capital Fund of \$2 million.

Mr. D'Amore stated that they discussed this at the last Budget and Finance meeting with Mr. Bennington.

Mr. Bennington stated that are still awaiting Grant Money, Trexler money and money is coming in very slow. It will be balanced out. At this particular time they have a significant balance.

Mr. Hershman stated that when it is a deficit Council is notified every week. He stated that is how the ordinance reads.

Mr. D'Amore stated that this is not deficit spending.

Mr. Donovan stated that the Controller has explained this several times. There is a pool cash account and that particular account and the sheet Mr. Hershman is looking at is reconciliation across the funds and not account entries, but from a the fund accounting, departmental/insider point of view. There has not been deficit spending. The cash account has not been completed. The Budgets they do go through and do transfers as necessary. He stated that he is comfortable with the capital expenditures must occur. There are grants or

transfers in the waiting so if these were separate cash accounts he would be concerned, but they are not separate cash accounts.

Mr. Hershman stated that he knows a little about pooled accounts because it was he and Mr. Fluckin who pulled cash because as controller he was concerned of pooling cash and having each one and they can make more money by combining the pooled cash. He stated that tonight it is another RACP of \$500,000 that will be introduced, but if they look at the expenditure report, it always seems overdrawn because they budget the money but it does not come up as a budget account, and then it is overdrawn like last year. It was really overdrawn. Already it is \$1.2 million spent so somebody has to look at the general fund expenditure account grant and non-city charges, he thinks someone should change the accounting on this to provide better accountability.

Mr. Donovan asked what line item he is talking about.

Mr. Hershman stated grant and non-city charges.

Mr. Donovan asked was this under the budget.

Mr. Hershman said under expenditure summary general fund summary.

Mr. Donovan asked was this for the September report.

Mr. Hershman stated yes, account 48.

Mr. Donovan stated that he already asked for that and as he remembers that is a grant expenditure and there is an offset in revenue on the other side. He stated that this goes back to when it occurred two months ago when he had written Mr. Bennington and asked about the non-city charge of \$1.2 million. He stated that he does not remember what particular activity was involved but it was an offset and there is a revenue inflow on the grant side. He stated that he does not have the details of that, but did ask him about it when it first came out.

Mr. Hershman stated that a lot of people are overspending money and have x dollars in the budget. He stated that if Mr. Donovan looks at the budget column.

Mr. Donovan stated that he understands and that is why he asked about it because it did not seem to fit anywhere. He stated that he asked. He stated that he will go back and look at it. He had a note on it today to mention to council.

Mr. Bennington stated that he will be there on Wednesday night.

Mr. Donovan stated to Mr. Hershman that he suspects he will have that information next week.

Mr. Hershman asked Mr. Donovan to look into that Ordinance where it says Council is responsible in paying the ethics board's expenses.

Mr. Donovan stated that as he wrote to Mr. Hershman he is aware of the various ordinances in the charter saying that does pay for the ethics board expenses and he stated that he does have to recuse himself from the discussion about the first one since that involved him and he did not worry about how they financed that, but the second one when it was raised that they hired outside counsel was the first time he thought about that is correct, the charter and the ordinance say that council pays and it turns out that the administration pays. He stated that it does seem to run counter to what the instructions are. He stated that he does understand why

but do not except the argument of why the recusals occurred, but they did occur and that is why the outside counsel was brought in.

Mr. Hershman stated that council should provide some oversight on the ethics committee. He stated how much the guy was hired for.

Mr. Donovan stated that Ms. Eichenwald and council recognize that there is more to do on the ethics board. He stated now it is about the budget which is taking much of their time. He stated that he apologize because it is important to him too.

## **5. Approval of Minutes: October 6, 2010**

Minutes approved by common consent

## **6. Old Business:**

None

## **7. Communications**

Mr. D'Amore stated that it will be a public hearing on November 3<sup>rd</sup> at 6:30 PM in Council Chambers and the meeting to discuss testimony on the proposed new Zoning code which is marked as Bill 59. I will also be a public meeting on October 27<sup>th</sup> at 6:00 PM and that will be in regards to the Delta Thermo Energy Project and will be in Council Chambers. He thanked Mr. Donovan for be flexible in moving the Budget and Finance meeting to fit Delta Thermo public meeting. He stated that tonight was an executive session regarding the potential sale of city property and the disposition of city property that is currently owned and being occupied by lease holders. He stated that the City Council is going to begin along with the Mayor a process of communicating with young people in the City of Allentown. They will begin next Tuesday, the 26<sup>th</sup> immediately following the school day discussing matters of concerns that effect students at Dieruff High School and they will follow it up Allen High School. There will be representation from City Council and the Mayor will be present and he stated that it is an exciting step.

Mr. Schweyer stated that there will be Central Catholic after that.

Mr. D'Amore stated yes, Central Catholic will be after that and thanked Mr. Schweyer for reminding him of that.

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

Budget and Finance: Chairperson Donovan

They have not met since the last Council meeting. They are schedule for October 27<sup>th</sup> at 7:00 PM. They will be flexible if the public meeting with the Delta Thermo runs late. His meeting will run a little later. They have a couple of bills to look at next week. They did receive the September report from the administration. They will talk about that next week. The pensions are a little high and the utilities are running a little higher this year from last year. The revenue looks to be on track based on works that he does. Real Estate taxes are lower on what they may come in, LST is a bit low, the EST seems to be high. They seem to be running pretty well according to budget for this year.

Public Safety: Chairperson Guridy

They have not met. There is a meeting scheduled for November 3<sup>rd</sup> at 6:00 PM

Community and Economic Development: Chairperson Schweyer

They have not met since the last Council meeting. There next meeting is scheduled for Monday, October 25<sup>th</sup> at 6:00 PM.

Parks and Recreation: Chairperson Ray O'Connell

They have not met since the last meeting. They will meet on November 17<sup>th</sup> at 6:30 PM.

Mr. Bennington asked is there a Budget meeting on November 17<sup>th</sup> at 6:30 PM based on the Budget schedule.

Mr. D'Amore stated that Mr. Bennington is correct.

Mr. Schlossberg stated that they do have a Budget Hearing at that time.

Mr. O'Connell stated that they will make adjustments for the Parks and Recreation meeting. They will have the meeting at 6:00 PM if they have agenda items.

Mr. D'Amore thanked Mr. O'Connell and stated that the November's schedule for Council will be quite tight and appreciates everyone's help.

Public Works: Chairperson Schlossberg

They have not met since the last meeting. Their next meeting will be Monday, October 25<sup>th</sup> at 7:00 PM.

Human Resources, Administration and Appointments: Chairperson Eichenwald

They have not met since the last meeting. They have to schedule a five minute meeting to discuss campaign finance reporting. She stated that maybe they can figure out when that will be, they just need five minutes.

Mr. D'Amore stated that it seems reasonable to him and asked other members of the committee.

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

They have not met and have no Report.

**OTHER COMMITTEE REPORTS**

Mr. Schlossberg stated that the Urban Observatory committee will have a kick-off meeting on October 26<sup>th</sup> at 4:30 PM. It will be their first meeting and hopefully they can get it off the ground and start running.

Mr. Donovan asked have they publicly announced their budget schedule for the month of November and do they have it handy.

Mr. D'Amore stated that they circulated it to Council, but does not know if they made it public.

Mr. Guridy stated that the Allentown Housing Authority was applying for a grant for the Jordan Heights community and there has been a decision made not to apply for the grant and withdraw the application because of timing. They were advised that it would be too difficult and costly to get money because they were competing against other agencies across the country. He stated that they are still meeting a lot regarding Union negotiations with the Teamsters and they will have a regular meeting on Thursday at 8:00 AM.

Ms. Eichenwald stated that the Human Relations Commission held an extraordinary successful event last evening to honor the citizens and the organizations of the City of Allentown.

Mr. D'Amore stated that it was a wonderful event. He thanked Adrian Shanker who was the driving force behind organizing it and all the members of the Human Relations Commission.

Mr. Schweyer stated in regard to the Blighted Property Review process the Redevelopment Authority is in the process of preparing and reviewing a list of condemnation for Council's consideration. He stated that council will be seeing that very soon.

## **CONTROLLER'S REPORT**

Mr. Hoffman stated that he did not have a report.

### **9. APPOINTMENTS:**

**Appointment of J. Brooks Joyner to the Arts Commission. Mr. Joyner fills a term of a member that resigned, his term would extend to January 3<sup>rd</sup>, 2011. Mr. Joyner is the new Executive Director of the Allentown Art Museum.**

Ms. Eichenwald stated that they have an appointment for the Arts Commission which is J. Brooks Joyner who is the new Executive Director of the Allentown Arts Museum. She stated that a member of the Arts Commission always sit on this commission and recommend that they say yes to this appointment.

Mr. Donovan stated that as a member of the Arts Commission it is important to have this person on and he believes that Peter Lewnes and the members of Arts Commission have done a great job in revitalizing the arts Commission. They finished their annual plan. They will be submitting it to Council. He believes that the Arts Commission has done some very good work.

Mr. D'Amore asked was Mr. Joyner with them because they like to thank people when they show up. He asked was there any other comments from Council on the appointment of J. Brooks Joyner.

Mr. Guridy stated that it looks like a very appropriate appointment. He stated that he comes very well prepared and he thinks they have a good candidate here.

D'Amore thanked Mr. Guridy and asked were there any comments from Council or comments from the public and asked the Clerk to call to vote.

Resolution passed, 7 – 0

### **10. ORDINANCES FOR FINAL PASSAGE: None**

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

#### **Bill 62 Five Year Plan App**

**Referred to Budget and Finance**

Amends the 2010 General Fund Budget to provide the supplemental appropriation of funds from The Century Fund (\$15,000), Air Products (\$25,000), PPL (\$15,000) and the Pennsylvania Department of Community and Economic Development Early Intervention Program Grant (\$67,800) for a total of One Hundred Twenty-Two Thousand Eight Hundred (\$122,800) Dollars to cover the cost of the Five Year Plan.

#### **Bill 63 OAPA CENTURY FUND**

**Referred to CEDC**

Amends the 2010 Capital Fund Budget to provide for a supplemental appropriation of One Hundred Thousand (\$100,000) Dollars as a result of a grant from the Century Fund to the City of Allentown for the Old Allentown Homeownership Initiative Program.

#### **Bill 64 BUTZ RACP**

**Referred to CEDC**

Amends the 2010 General Fund Budget to provide for a supplemental appropriation of up to Five Hundred Thousand (\$500,000) Dollars to provide for a grant from the Commonwealth of Pennsylvania to the City of Allentown in the form of a RACP pass through grant to Alvin H. Butz, Inc.

**Bill 65 PROPERTY SALE DEBT PAYMENT**

**Referred to Budget and Finance**

Amending the 2010 General Fund Budget by appropriating funds from the unappropriated balance in the amount of Twenty-two Thousand Five Hundred and Eighty (\$22,580) Dollars for payment toward Debt Service from the sale of City property

**Bill 66 PLA**

**Referred to Budget and Finance**

Amends Article 130, Financial Procedures, of the Administrative Code by adding Section 130.29, State and Federally Funded Construction Projects requiring a Project Labor Agreement to be included in all construction project bids excluding architectural and engineering services having a total value equal to or in excess of Two Hundred Fifty Thousand Dollars (\$250,000) as set forth in Appendix A.

Mr. Schlossberg made a motion to suspend the Rules to introduction Bill 67 an amendment to the Human Relations Ordinance.

Mr. Schweyer seconded.

Mr. D'Amore asked were there any objections to the introduction to Bill 67.

**Bill 67 HUMAN RELATIONS AMENDMENT**

**Referred to Human Resources, Admin Appointments**

Amending Article 181, Human Relations Commissions, Section 181.02, Definitions, 6. Discrimination.

**12. CONSENT AGENDA:**

**CA-1 HARB Approvals**

Certificates of Appropriateness for Work in the Historic Districts  
Resolution passed, 7 - 0

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

**14. RESOLUTIONS ON FIRST READING:**

**R51 628 MEADOW ST**

**Referred to Budget and Finance**

Authorizes the Administration to Sell the City-owned Real Property located at 628 North Meadow Street

**15. NEW BUSINESS**

None

**16. GOOD AND WELFARE**

Mr. D'Amore stated that he hopes everyone will come out for the Allentown Halloween Parade on Sunday, October 31<sup>st</sup> at 2:00 PM. He stated that they all will have a good time so please come out and enjoy yourself in Allentown.

Mr. Guridy stated do not forget to vote on November 2<sup>nd</sup>.

Ms. Eichenwald stated that on Saturday evening there was an extraordinary night at the Allentown Symphony Orchestra that featured Andre Watts and all of the new restaurants were busy, they looked beautiful, and it was a wonderful night to be in downtown Allentown.

Mr. D'Amore thanked Ms. Eichenwald and stated that is truly wonderful to report. He asked was there anyone else for Good and Welfare.

17. ADJOURNED 7:52 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.*