

**Peter Schweyer, President**

Michael D'Amore  
W. Michael Donovan  
Jeanette Eichenwald  
Julio A. Guridy  
Ray O'Connell  
Mike Schlossberg

**Allentown City Council**  
**435 Hamilton Street**

Allentown, Pa. 18101  
Phone: 610.437.7539

AllentownPa.Gov



**COUNCIL MEETING MINUTES**  
**October 19, 2011**  
**COUNCIL CHAMBERS - 7:30 PM**

**1. Invocation: Julio Guridy**

**2. Pledge to the Flag**

**3. Roll Call** D'Amore, Donovan, Eichenwald, Guridy, O'Connell, Schlossberg, Schweyer  
Dale Wiles represented for Solicitor's Office

**4. Courtesy of the Floor**

Lou Hershman stated that he read a letter and stating that as City Council and the Governing body of the City Council needs to bring to Allentown taxpayers the financial report on the \$200 million that is going to cost into the Arena project will not cost the Allentown taxpayers other than their wage taxes and business privilege tax. Since it can take a thirty year loan with the principal interest repayment could be \$10 million a year. A repayment of this loan if they take the \$200 million. He asked Council to prove to the Allentown taxpayers that the Neighborhood Improvement Zone will be sufficient and no real estate taxes will be needed other than the shortfall in revenues to fund the General Fund. He stated that Council was misled by the mayor to agree to not fund the ARA since they have experience in building construction, building shopping centers, homes, apartments and so forth. By putting them out of business it's only one authority, ACIDA will all the members supporters of the mayor. He stated that the mayor came to council to raise the wage tax and the Neighborhood Improvement Zone that additional tax 35 percent would go to pay for the projects that will go to the Arena and again money missing to pay what the intention was to pay off and fund the pension funds. He stated that they will start paying taxes in lieu of taxes, but it may take a tax and take the money out of the wage tax and take the other money and pay the in lieu taxes. There could be another shortfall coming up and Council has to get involved and start providing some oversight. He stated that as Ms. Eichenwald mentioned this morning the ground work for the Arena was done without the public discussion by the Mayor. How long would you allow the Mayor not to appear at this meetings or any other meeting to answer questions related to the Arena? The citizens of Allentown tax dollars are going to be used for this Arena project and they are in the dark. You can't continue to treat the Allentown taxpayers the way you do. He stated to Mr. Schweyer since he is the new president that would be a good first step to help the taxpayers of Allentown.

Mr. Dennis Pearson, 942 E Tilghman Street, stated that they are probably aware of this, but he wants to remind them. The individual that is in charge of public utilities and public ventures (sewer and water) should be aware of this. The Lehigh County Authority will announce sometime next year their plans for whether they will come to Kline's Island and expand their plans and have the water come and have Kline's Island expand or create their own treatment plant of 4 million gallons a day. If they do that it is a breakaway from the Allentown system because they will pour their wastewater and our treated wastewater into the Jordan Creek if they are allowed to do that by the Pennsylvania Department of Environment and could be financial problems for Allentown not getting the revenues from out of the counties four lines.

**5. Approval of Minutes: October 5, 2011**

Minutes approved by Common Consent

## **6. Old Business**

Mr. Bennington stated that the paper reported about the Hanover Project and he wanted to reaffirm for the record that this was a PennDOT Project and they determined that the road did not meet standards by their testing and deciding to milling and re-pavement has to take place and it was a PennDOT test and they did decide now and would have to close the street because they no longer have to worry about the testing because the testing results are normal. This is not an Allentown project. It was miscommunication that it was an Allentown Project. It was always a PennDOT project.

## **7. Communications:**

Mr. Schweyer stated that prior to this meeting they had an Executive Session on the Arena focusing on the finance and the real estate acquisition. At this point in time and following up on what they talked about two weeks ago about a Public Communications Strategy, he asked Ms. Hailstone to speak on it.

Ms. Hailstone stated that they met with almost every member of City Council to discuss a communications strategy and they are going to be making calls tomorrow to start scheduling meetings with the public in the month of November, they will be having meetings that are open houses throughout the city and as soon as they have those scheduled in the appropriate locations and they have the time schedule they will make sure that City Council is the first to know and they will notify the media.

Mr. Schweyer stated that they had questions regarding the selection of the vice president.

Mr. Donovan asked Ms. Hailstone to extend thanks to the Mayor and to yourself for arranging these. He stated that he knows the public and Council has been stressing the importance of this and thank you very much.

Mr. D'Amore placed Mr. Schlossberg in nomination for the vacant vice presidency.

Mr. Schweyer stated that there is a motion on the floor is there a second.

Mr. O'Connell seconded the motion.

Mr. Schweyer asked Mr. Wiles to help him and stated that there is a motion on the floor and asked do they have to suspend the rules at this point in time.

Mr. Wiles stated no.

Mr. Schweyer stated that there is a motion on the floor and asked was an objection to the motion.

Mr. Donovan stated that he was under the impression that they were not going to do this tonight.

Mr. Schweyer stated that they were going to talk about it.

Ms. Eichenwald asked if this is normal procedure when we only have a few weeks left and there might be three new people sitting up here.

Mr. Schweyer stated that he has two thoughts on the matter. One, is this normal business procedure. He stated that he is worried that he could get the flu or pink eye. He stated that he has two children in daycare and he is concerned about it. He stated that he will defer to Mr. Schlossberg.

Mr. Schlossberg stated that there are only a few weeks left, but in January they will have a reorganizational meeting again. This will only be for the remainder of the term.

Ms. Eichenwald stated that is what her concern is this appropriate procedures. Do we normally do this when it is only a few weeks left in a case of a resignation? She stated that she has no objection to Mr. Schlossberg; this is just a procedural question.

Mr. Wiles stated that they would do it in terms of not having the vice presidency vacant. In the first of the year you will have a reorganizational meeting. If the president is unable to then the vice president will be the acting president.

Ms. Eichenwald stated so this is procedurally correct.

Mr. Wiles stated yes.

Mr. Schweyer asked Mr. Guridy to yield.

Mr. Guridy stated certainly.

Mr. Schweyer stated that he believes that they have a need to have a vice president. He stated that having two kids in daycare including one that sleeps a foot and a half away from Mr. Schlossberg's son you never know when he will come down with a cold. He asked if they could table this and said this is unfair to his colleagues who may also have an interest in serving as vice president to not have the opportunity to circulate their name and follow the proceedings that they set before. He stated that what he has asked Mr. D'Amore if he is amenable to this and hold off the vote for vice president until next council meeting. He asked that they follow the same procedures that he followed last year which is anyone interested circulate a letter amongst Council and they will have an opportunity to look and vote on it since we don't have a specific need for vice president tonight and since they do not have a need for vice president tonight.

Mr. D'Amore withdrew his motion.

Mr. O'Connell stated fine.

Mr. Schweyer stated that if anyone else is interested in serving the roles of vice president, please circulate a memo as Mr. Schlossberg already had and they will vote on it at the next Council meeting following the Rules of president and vice president.

Mr. Guridy stated that Mr. Schweyer said that this was normal procedure and he does not think they ever had this situation happen at least in his eleven years here to have to elect in the middle of the year for a vice president. He stated that he discussed with Mr. Hanlon and looked at the Charter and basically it says that this position is basically acting for the next two years and he stated that he has no objection with anyone becoming vice president in the next two months. He stated that they should and he agrees with Mr. Schweyer most of us were not aware that this was going to take place nor electing a vice president. He stated that it is not fair for the rest of the Council members.

Mr. Schweyer stated that for future precedence this could very well establish future precedence. He stated that their Rules prohibit the Council president from serving as Chair for any committee besides from the Rules Committee. He stated that in light of that he spoke to Mr. Guridy and Ms. Eichenwald and Mr. Guridy will become Chair of the Community and Economic Development Committee and has already served on that committee so there is no change in the membership there and Ms. Eichenwald will take over as chair of the Public Safety Committee and she has already served on that committee and no change to committee there.

The only two committees that will see a change in membership pursuant to our Rules will be that he would be moving to the Rules Committee as Chair and he has not previously served on that and Mr. D'Amore will move to the appointments committee in which he will be chairing. There is minimum movement and trying to keep it streamlined as possible to have continuity and January they will go through their normal process. He stated that the Budget Schedule was distributed and is in the back of the desk and has been emailed out to folks and is available to anyone interested in it. There are lots of meetings in November and December. He stated please note that the following Annual Reports have been received the Human Relations Commission, Allentown Parking Authority, Board of Ethics, Environmental Advisory Council, the Redevelopment Authority and ACIDA financial report. Recreation Report will be submitted in November.

Mr. Donovan asked Mr. Hanlon to make sure that a thank you note goes out to each group for their timely submission.

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

### **Budget and Finance: Chairperson Donovan**

The Committee has not met since the last Council meeting: the next meeting is scheduled for October 26<sup>th</sup> at 6:30 PM in the 5<sup>th</sup> Floor Conference Room and will include a review of the month's financials and a budget preview which might include a multi-year financial plan to deal with increased costs – particularly the pension increase coming down the road – and the CAFR. He stated that they continue to run behind on the EIT and his own personal forecast is that right now they are \$5 million behind. The good news is part of the money is going to be used to cover a contribution to the pension fund about \$2.5 million and they also received a windfall from the state on MMO about the same amount. If everything goes as plan they will dodge the bullet and will breakeven. He stated September was very low for EIT collections. The real estate taxes are running behind from prior years too, but our license fees and business privilege is on schedule as well as our LST. It is the revenue that continues to hit us.

Mr. Schweyer asked were the CAFR's digital for printing purposes.

Mr. Donovan stated that in the past they put that up. He does not know if they will be digital right-a-way.

Ms. Eichenwald stated that the \$5 million is an enormous concern. She asked Mr. Donovan does he have an inclination of how this could have occurred.

Mr. Donovan stated that he has been asking for three months as to why we are behind. He stated that he and Mr. Hoffman been raising the issue of why they are behind schedule and he was very surprised with this month's schedule. He stated that he forecasted \$1.4 million and they only received \$730,000. He stated that he and Mr. Hoffman were flexible stating that it was going to take time to get the EIT tax and this is becoming dire.

Mr. Bennington stated to Mr. Donovan that he would have a captive audience on Wednesday night.

Ms. Eichenwald stated that this should not go by the normal channels. It has to be red flagged, highlighted with neon lights. It has to be some answers. This is just dire. She stated that she appreciates Mr. Donovan's efforts.

Mr. Donovan stated that he agrees.

Mr. Schlossberg asked Mr. Donovan and Mr. Bennington is it reasonable to ask by the next Budget and Finance meeting perhaps there will be some semblance of a memo detailing possible reasons for the shortfall and explaining what we can do about it, if anything.

Mr. Donovan asked how many years has he been screaming that they have a shortfall in revenue. He stated that they continue to have these shortfalls and rabbits pulled out of the hat and that is the way it has happened. He stated that he and Mr. Hoffman asked why we are not having collections.

Mr. Bennington stated that he would talk to Mr. Strathearn when he gets home.

Mr. Schlossberg stated to Mr. Bennington that he knows he hears him, but he has to be the one that relays that message.

Mr. Schweyer reminded Mr. Schlossberg that the Budget Hearings are coming up as well.

Mr. Donovan stated that the CAFR's out and it is in a draft. He stated that he knows he has written to Council and Council has seen it and it is not necessary attractive. When it comes out to public tomorrow they will have a lot of talking.

Public Safety: Chairperson Eichenwald

The Committee has not met since the last Council meeting; the next meeting is scheduled for November 2<sup>nd</sup> if there are agenda items.

Community and Economic Development: Chairperson Guridy

The Committee has not met since the last Council meeting the next meeting is scheduled for October 24<sup>th</sup> at 6:00 PM – this meeting will be a review and preview of the CED's budget.

Parks and Recreation: Chairperson Ray O'Connell

The Committee was scheduled to meet tonight, but had an Executive Session; the next regularly scheduled meeting is on October 26<sup>th</sup> from 5:30 -6:30 PM in the 5<sup>th</sup> Floor Conference Room - which will consist of a budget preview meeting and an update on the trail plan.

Public Works: Chairperson Schlossberg

The Committee has not met since the last Council meeting; the next meeting is scheduled for October 24<sup>th</sup> at 7:00 PM, this meeting will be a preview of the Public Work's budget.

Human Resources, Administration and Appointments: Chairperson D'Amore

The Committee has not met since the last meeting, there are no future meetings scheduled. There are appointments on tonight's agenda.

Rules, Chambers, Intergovernmental Relations and Strategy: Chairperson Schweyer

The Committee has not met since the last meeting.

**OTHER COMMITTEE REPORTS**

Mr. Donovan stated that AEDC which he sits as a Council member. He stated that they are involved in a lot more than simply the Arena and downtown project. He stated to the media and press that he believes that they have done a story about the high operation with collaborative space at Bridgeworks. He stated that Mr. Matt Tuerk under the auspices of Mr. Scott Unger have done a great work in creating a space for entrepreneurs to come together and collaborate on networking opportunities, tutorial opportunities. He stated that he was at a meeting today where he Mr. Tuerk and Mr. Unger were talking to a lawyer about a legal tutorial for entrepreneurs and AEDC has done a great job with that and building an incubator and have a lot of interested companies that have already with this collaboration spot and is an opportunity for Allentownian entrepreneurs to have a place for resources.

Ms. Eichenwald asked Mr. Donovan does he know what the occupancy rate is more or less at Bridgeworks.

Mr. Donovan stated the overall occupancy rate he is not sure. He does not have the number of how many businesses are actually there. He stated not to speculate, but he will email Ms. Eichenwald that and announce it at the next meeting.

Ms. Eichenwald thanked Mr. Donovan and stated that since they never have an opportunity to have an AEDC representative here.

Mr. Schweyer stated that they discussed doing a CEDC tour of that property and we should do that and look at it in the coming weeks. It will be difficult because of the upcoming budget, but if they could do that in the very beginning of 2012 that will be helpful.

Ms. Eichenwald stated that it is almost impossible to attend the Human Relations Commission meetings because they are on Wednesdays. She stated that last night was the Human Relations Commission's dinner and was a loving event. Our citizens were rightly honored for making our city a better city.

Mr. Schweyer stated that Mr. Guridy was there as well and thanked Ms. Eichenwald.

## **CONTROLLER'S REPORT**

None

### **9. APPOINTMENTS:**

Keith Hoeing Planning Commission – Term to Extend to 12/01/2013

### **Resolution passed, 7 – 0**

Ibolya Balog Aggregated Pension Board -- Term to Expire 12/31/2013

### **Resolution passed, 6 – 0 (Donovan recused himself)**

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

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

#### **Bill 69 EASTERN PA EMS GRANT**

**Referred to Public Safety**

Amending the 2011 General Fund Budget to provide for a supplemental appropriation of Eight Thousand Eighty-Seven Dollars and Nine Cents (\$8,087.09) as a result of two grants from the Eastern Pennsylvania EMS (Emergency Medical Services) Council to the City of Allentown Paramedics for to enhance the readiness of our bureau's participation in the Regional Disaster Emergency Medical Services 'Strike Team'.

#### **Bill 70 EMS IRON PIGS**

**Referred to Public Safety**

Amending the 2011 General Fund Budget to provide for a supplemental appropriation of Thirty Three Thousand, Two Hundred Twenty Three Dollars and Seventy Five Cents (\$33,223.75) as a result of payments from the Lehigh Valley IronPigs Baseball Team to the City of Allentown Paramedics for provisioning of on-site Emergency Medical Services during baseball games and other events at Coca-Cola park for 2011 baseball season.

#### **Bill 71 LVHN GRANT**

**Referred to Budget and Finance**

Amending the 2011 General Fund Budget to provide for a supplemental appropriation of Four Hundred Seventy Five Thousand Seventy-Six Dollars and Twenty-One Cents (\$475,076.21) as a result of a grant from

the Commonwealth of Pennsylvania to the City of Allentown in the form of a RACP pass through grant to Lehigh Valley Health Network.

## **12. CONSENT AGENDA:**

### **CA-1 HARB**

#### **Certificates of Appropriateness for work in the Historic Districts**

**Resolution passed, 7 – 0**

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

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

### **R55 HURRICANE IRENE RECOVERY**

Authorizes Fire Chief/Emergency Management Coordinator, to act in the capacity of representative for the City of Allentown and point of contact to recover the expenses incurred under category A & B of the Presidential Declaration of Disaster.

Mr. Schweyer stated that it was a request to vote on R55 tonight.

Mr. Donovan moved to bring it forward.

Mr. Schweyer stated for the public's knowledge this needs to be voted on for funding. There is a motion, is there a second.

Mr. Guridy seconded the motion.

Mr. Schweyer asked were there any objections, comments or questions on R55.

Mr. Donovan stated that he thinks that the entire team at the city did a great job during those critical weeks and he would appreciate the Chief passes that along to the Public Safety staff and the Public Works staff.

Mr. Schweyer stated that it is a sentiment that they all share and thank you. He asked were there any more questions or comments from his colleagues on R55 and from the public. He stated seeing none, vote please, sir.

**Resolution passed, 7 – 0**

## **15. NEW BUSINESS**

Ms. Eichenwald asked the status of the discussion on filling of the vacancy.

Mr. Schweyer stated that he was not here at the last meeting as been pointed out. He deferred to Mr. D'Amore since he chaired that meeting.

Mr. D'Amore stated that the status on filling the vacancy is that there is a Resolution that has the general consensus was to rework the Resolution and he does not think there is a consensus from members of Council on that. At some point any two members have the opportunity to put forward a resolution for an up or down vote and he thinks that barring the ability of finding a consensus in the next two weeks.

Mr. Donovan stated to Ms. Eichenwald can he make a stab at the variety of recommendations that have occurred and try to do a Resolution to bring forward and he would send it to everyone by email. He stated that there have been a lot of ideas thrown around and we each have our own thoughts and sort of our continuous conversation at a meeting. He stated that he is willing to back off and the most important thing for him is the secret vote that has been announced and he understands the legal opinion is appropriate as long as the name of a Council person is associated with the vote in public. He stated that he recognizes the other issues are the number of people to be interviewed and when do they get interviewed. He stated that he believes they should be interviewed in public. He stated that the question is how many actually get interviewed and how are they determined, the finalist, if you look at it in that point of view. He stated that he thinks that is the big difference. Does everyone get interviewed or is it a finalist group that gets interviewed after the reading of resumes and statements.

Mr. Schweyer stated to Ms. Eichenwald that she still has the floor.

Ms. Eichenwald stated for her before they set out to write the Resolution, the most important issue is that every candidate that is qualified and they can set those Rules that be a democrat, that they are registered voters, etc has the opportunity to be interviewed in public.

Mr. Donovan stated that he is open to that. The worst case scenario is that they will have a hundred people he does not think they will have that.

Ms. Eichenwald stated that is not going to happen. She thinks that every citizen who seeks that particular office deserves the right, deserves the time and no backroom deals. She stated that she can tell her story over and over again. No more backroom deals. Let everything take place in public.

Mr. Donovan stated that he does not disagree. He stated that his biggest discontent was a secret vote so you don't have anyone jockeying the vote.

Ms. Eichenwald stated that she does not have a problem with that. She is adamantly opposed to nomination process. Everyone if they go through the process and submit an application, making a statement it is Council's responsibility to grant them the time to be interviewed. It is the only way to have open government and nobody back there except if you have to go to the restroom.

Mr. O'Connell stated that he agrees with Ms. Eichenwald and believes they should make this as transparent as possible and they have a process the application, the resume, the interview in public, they vote secretly and at the end of the night who they vote for is announced by the clerk and made public. They have to get this rolling real quickly because they are almost at the end of October.

Mr. Schweyer made a suggestion and since Ms. Eichenwald and Mr. O'Connell have been talking about specific issues if they could work with Mr. Hanlon and put a Resolution together as soon as possible and get this done as quickly as they can.

Ms. Eichenwald stated including Mr. Donovan.

Mr. Schweyer asked them to consider one thing as well. He stated that they often heard in Congress that they would simply change the Rules if they can't get two-third majority. He asked if they could put some thing called the nuclear option. They should consider that they can't change the Rules by simple majority next year. We do not want next year that four members of Council are changing the Rules dictating the Rules so they can rig the vote. We are looking at precedence here.



Mr. D'Amore stated that he hates to interject, but that would not and that provision would not be a provision that could not be overwritten by four votes. He stated that they have gone through this numerous times and unfortunately in the spirit of what you are offering, but placing it in the charter it is able to be overwritten by four votes.

Mr. Schweyer stated that they have a plan of attack for finishing the conversation. He stated to Mr. Bennington stated there is a difficult section from Eighth and Wyoming Street about a half block down South Eighth down from Wyoming Street there is an access road and he does not know if it is an access road used for public utilities, but it is paved. The property owner at the corner of Eighth and Wyoming Street has the entire road block off with a box truck and a vehicle on wheels. In addition, in the 800 Block of Wyoming Street there is a person with a physical disability who has used LANTA (near and dear to my heart) coming out the back of her property. Unfortunately, she cannot do that because the bus cannot back out. He stated that he does not know the legal status of that property. The neighbors think that it was deeded to the individual property owners on Wyoming Street. He stated that he simply doesn't know. He stated if they could find out what the legal status is and in fact it is a throughway and the public utility, those vehicles need to be removed. He stated that even if it isn't they are junk vehicles. It is the southwest corner of Eighth and Wyoming.

Mr. Bennington asked for the specific address.

Mr. Schweyer stated that it is 802 Wyoming Street. He stated that he was going to ask Ms. Hailstone earlier, but failed to do so. The Rose Garden Neighborhood Association asked for a briefing on the 15<sup>th</sup> Street Comprehensive Plan. He asked someone to reach out to Ms. Gross and set something up with her department.

Mr. Donovan stated that he brought to Mr. Paulus' attention the falling down garage 117 17<sup>th</sup> Street. They took pictures, sent out a notification and sent a notification to the owner and nothing has happened and the garage is falling down even more and has been emailing Mr. Paulus to find out if he followed up. He stated that he would appreciate that and believes it is 117, but they would remember.

Mr. Bennington asked was it 17<sup>th</sup> Street.

Mr. Schweyer asked was it anything else for Old Business.

Mr. D'Amore stated that he stopped by Occupy Allentown Demonstration and speak to our fellow citizens who is spending a great deal of time there in the last few weeks, including camping overnight at the corner of Seventh and Hamilton Streets. He stated that his visit was prompted by an article in the Morning Call that indicated that their first amendment rights might possibly be compromised by the city and he was gravely concerned about that. After speaking personally with the Solicitor, Mr. Snyder and the Police Chief MacLean, he was assured the First Amendment Rights of these citizens would be protected by the City and he would like to thank those officials as well as Mayor Pawlowski for ensuring free speech and free expression continues in the City of Allentown. He stated that he applauds the citizens of Occupy Allentown and encourage his colleagues to stop by and have a dialogue with the folks at Seventh and Hamilton Streets. He stated that he found after speaking to many of them even when they spoke on issues where there is disagreements such as eminent domain for the Arena, the people he spoke to were very committed to social change and were reflecting a deep seeded concern for the future of our country and that is something that many of us share and he salutes and supports them.

## **16. GOOD AND WELFARE**

Mr. Schweyer thanked Mr. D'Amore and his colleagues for bearing with him on this first day. He stated for someone that has been born and raised in the city, it is a tremendous honor and he appreciates going back to

January when they elected him vice president knowing it was a possibility that at any given point he would have to fill in. He stated that he very much appreciates the opportunity to sit in this seat. He stated that he would do his absolute best and will make mistakes along the way.

Mr. Schlossberg stated to Mr. Schweyer that he did a very good job and the mistakes were minor. He thanked Mr. D'Amore and stated that he was only here two years for his leadership. He stated that Mr. D'Amore made Council a better body and in doing so made Allentown a better city and he knows that all of them will join him in saying thank you for your service, we honor it.

**17. ADJOURNED 8:14 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.*