



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, January 20, 2016

7:00 PM

Council Chambers

Invocation: Cynthia Mota

Pledge to the Flag

Roll Call

Present: 7 - Ray O'Connell, Julio Guridy, Jeff Glazier, Daryl Hendricks, Cynthia Mota, Roger MacLean, and Candida Affa

Courtesy of the Floor

Mr. McGuire talked about the theatre we are engaged in. This is a beginning of a process. There are a continuing stream of things tied to this. He talked about a new controller, a new Charter, and appointing appropriate persons.

Mr. Dave Clark, 425 Front Street, Catasauqua, gave Council a copy of "Why the Downtown Development is Wrong."

Mr. Julio Guridy stated that the Medical Building does pay taxes.

Mr. Glenn Hunsicker, 1051 N. 19th Street, spoke on behalf of the Allentown Patriots. He spoke on the recent lawsuits. He wants Council to change the Home Rule Charter and term limits.

Mr. Lou Hershman, 405 N. Gilmore Street, stated that January 6 he raised a question about the Lease of LCA which he believes need two signatures. He asked about the cameras that are in the City of Allentown if they were bid and contributions in the amount of \$10,000 to the Mayor.

Mr. Glenn Hunsicker, South Allentown, asked Council to look into all contracts that the previous Controller was involved in over the last four years. He was disturbed about the article about CSI cameras. He asked about the Financial reports.

Mr. Jeff Glazier stated that we will meet on the 27th.

Mr. Tommy Hahn, 2016 E. Highland Street, asked about the Annual Comprehensive Financial Report pages 93 - 94. He asked about the

solicitor's office and the cloud that is over it because of the contracts.

Mr. Jim Ochse, 404 Hamilton Street, stated last year Jeanette Eichenwald promised she will meet with the Public Safety Committee about detaining and police conduct.

Mr. Kenneth Heffentrager, 733 N. 11th Street - Allentown Tenant's Association, stated that LCA is still shutting off the water against the Pennsylvania Utility Act. He called LCA and they are still doing it. He talked about the continuing trashing of the city- Albert Street and tires on N. Bradford Street. Green Street from 9th to 11th have tvs there. He talked about the 14th Ward being dark. We need to buy more cameras.

Ms. Janet Keshl, 119 Walbalt Street, stated that Kenneth is doing this for four to five years now. She was embarrassed to call SWEEP. it is getting worse with litter and trash.

Mr. David Keshl, 119 Walbalt Street, stated that what Jenny says week after week and nothing gets done.

Mr. Steven Ramos, 431 9th Street, stated that he sent an email. We went through a budget cycle where Council raised income taxes and he believes the Solicitor's office tied that Opinion that Council was free to raise taxes to the Act 205 remedy. He read part of the early Solicitor's Opinion. He spoke on the Controller's Appointment and when the office is occupied.

Mr. Ray O'Connell stated that we will discuss the Controller's Vacancy under Old Business.

Ms. Diane Fegley, 1002 S. Bradford Street, talked about the Homeless and the Winter Shelter. They are full. They have a community group after the Commission to End Chronic Homeless ended at Zion Church.

Mr. Ray O'Connell asked Ms. Fegley how does she feel about the new location.

Ms. Diane Fegley stated that she knows there are issues. It took them a little while for bus passes. There is a special schedule.

Mr. Robert Trotner, 920 Whitehall Street, acknowledge the excellent work of Kenneth Heffentrager, Julian Kern, Chris Cocca and Diane Fegley have done for Quality of Life issues. He stated that Steven Ramos, Lou Hershman and Bill Hoffman are well qualified for the Controller's position.

Mr. Lou Shupe, 1130 Hamilton Street, thanked Council for this past years and the symbolic resolution.

Approval of Minutes:

Yes: 7 - Ray O'Connell, Julio Guridy, Jeff Glazier, Daryl Hendricks, Cynthia Mota, Roger MacLean, and Candida Affa

15-493 December 2 City Council Minutes

Attachments: [54 December 2 City Council Minutes](#)

15-495 December 16 Public Hearing Liquor License Transfer Minutes (Kaur's Market, Inc.)

Attachments: [56 December 16 Public Hearing Liquor License Transfer Minutes \(Kaur's Market Inc.\)](#)
[Letter from Mike Hanlon regarding Kaur's Market Inc. Liquor License Request](#)
[Legal Ad - Liquor License Transfer Kaur's Market Inc.](#)

15-494 December 16 City Council Minutes

Attachments: [55 December 16 City Council Minutes](#)

15-491 January 4, 2016 Swearing Ceremony Minutes

Attachments: [01 January 4 Swearing In Ceremony Minutes - City Council](#)

15-492 January 6, 2016 Council Meeting Minutes

Attachments: [02 January 6 Council Meeting Minutes](#)

Old Business

Ms. Susan Wild explained the process for the Controller's Vacancy. It is governed by Section 405 of the City Home Rule Charter. Council will fill the vacancy with the same political party who will serve until the next municipal election. The person must be a registered democrat.

Communications

City council held an executive session on Wednesday, January 13 on current, pending and potential litigation regarding Lehigh Valley Properties, the NIZ, real estate tax collection, Lehigh County Authority and trash collection and a personnel matter - issues exempt from the provisions of the sunshine law.

15-382 Council Rules

Attachments: [Council Rules](#)

REPORTS FROM COMMITTEES:

Mr. Ray O'Connell stated committee assignments have been finalized and

we will get the assignments out to the public.

APPOINTMENTS: None

ORDINANCES FOR FINAL PASSAGE:

RESOLUTIONS FOR FINAL PASSAGE:

15-498 R8 - Assistant City Solicitor - Scott Holbert

Sponsors: Administration

Attachments: [R8 -Assistant City Solicitor - Scott Holbert](#)

[Scott C. Holbert - Resume](#)

Ms. Susan Wild stated that it is her pleasure to introduce Mr. Scott Holbert. He is the new Assistant City Solicitor. He has municipal experience. She asked Council to confirm Mr. Holbert's appointment.

Mr. Ray O'Connell asked any comments from my colleagues or the public.

Mr. Kenneth Keffentrager asked any specific duty in the office.

Ms. Susan Wild stated that there is a lot of cross-coverage within the office. Each Assistant Solicitor has primary areas of responsibility.

Mr. Robert Trotner stated that given the problems they have had in the Controller's office and elsewhere, how did he come to be picked for this position.

Ms. Susan Wild stated that she received Mr. Holbert's resume along with others and have spoken to him a considerable amount of time before this position became open on an informational basis. The decision was made by me. I spoke to the Administration and City Council. Mr. Holbert met with the Director of Human Resources, Mr. Marchetto.

This Resolution was approved.

Enactment No: 29160

Mr. Scott Holbert thanked Council, Ms. Wild and everyone that was involved in this. He stated that he looks forward to moving back to this area. He enjoys working for the public.

Mr. Ray O'Connell welcomed Mr. Scott Holbert aboard.

Yes: 7 - Ray O'Connell, Julio Guridy, Jeff Glazier, Daryl Hendricks, Cynthia Mota, Roger MacLean, and Candida Affa

Enactment No: 29160

15-499 R9 - Vote of No Confidence/Resignation

Sponsors: Affa, Glazier, Guridy, Hendricks, Mr. MacLean, O'Connell and Mota

Attachments: [R9 Vote of No Confidence/Resignation](#)

Mr. Ray O'Connell stated that he wants to reserve Council's comments to the end.

Rev. Ericka Lynn Bickford, talked about the Allentown Parade. She spoke on the Managing Director's Position being erased as well.

Ms. Roberta Carter, 2435 W. Walnut Street, spoke about hosting a house party for Mayor Pawlowski. She spoke about crime and pensions in Allentown. Downtown Allentown is being a place where people spend money. She is appalled that City Council is voting No Confidence and should be erecting a statue of the Mayor.

Mr. Chris Cocca, W. Tilghman Street, stated that his family has been stakeholders in the City of Allentown for over 100 years. Crime in the City of Allentown is going down except City Hall. The resolution that you seek to pass tonight is the right thing to do.

Ms. Janet Keshl, 119 W. Walbash Street, asked who is able to fill the Mayor's shoes and continue the hard work he has done in the city.

Mr. Casey Stangle, 413 Hill Street - Coplay, former owner of Bada Bing Restaurants, stated that he can't believe what is going on. He is proud to say that he grew up in Allentown. It is starting to come back and he is a member of my church. You all are turning your back on him. He is a hands on Mayor.

Mr. Paul Furman, 2435 W. Walnut Street, stated that he is disappointed in Council. He stated that he was an antique dealer. People were fleeing this town and now people are filling this town. You cannot tell me that Mayor Pawlowski is not part of the rebirth of Allentown.

Mr. Kenneth Heffentrager stated that we have been calling Mayor Pawlowski to resign for years for one simple fact that between 25 - 28 percent is the poverty rate in the city since he took office. He gutted the Rental Registration Program and Code Enforcement. He turned his back on 27 percent of the population.

Mr. Glenn Hunsicker, 1051 N. 19th Street, stated that he thinks that this is long overdue. This is not about the Mayor's accomplishments, this is about ethics. The Mayor has violated the ethics in the city. We need term limits.

We need to change the Home Rule Charter.

Mr. Joe Hoffman, 334 N. 13th Street, stated that he is torn. He certainly would acknowledge that Mayor Pawlowski did some good things for Allentown. Something is happening in your city and your City Hall. You are almost in lockdown mode.

Mr. Dennis Pearson, 942 E. Tilghman Street, stated that all men make mistakes, but a good man yields when he knows his course is wrong and repairs the evil. The only crime is pride by Sophocles. We must show respect to our political leader and they expose themselves as evil. Even though the Mayor feels that he is innocent of what people and the FBI are saying, there are four victims who acted under his authority and they are paying the price.

Mr. Don Ringer, 1801 Liberty Street, thanked Mr. MacLean, Ms. Affa, Mr. Hendricks and Mr. O'Connell for spearheading this. It's time. It has to be done. Mr. O'Connell would do a fine job in filling in, in the interim for Mayor Pawlowski.

Ms. Sandy Miller, 1913 S. 5th Street, stated that she had a problem since moving to the southside. Mayor Pawlowski is the only one that gave me any assistance.

Ms. Linda Gross stated that she had a contract with the City of Allentown for 32 years. Six years ago they decided to take it from the low bid to the RFP.

Mr. Richard Fegley, 1002 S. Bradford Street, stated claiming ignorance is no excuse and this Council claimed ignorance in the past. Things have been voted on and Mayor Pawlowski has ripped us all off. Listening to those in the public that have never been to a City Council meeting. He talked about the \$5 million of the Water Lease money. Where are we going to have a discussion on that. And, the \$1.4 million spent on Mr. Atiyeh's property that we didn't need. Sixty percent of the voters voted for Mary Ellen Koval and she just confessed her guilt to the FBI.

Ms. Kim Velez stated that she is still employed in the City of Allentown. She tried to speak to the constituents three years ago and it was a hostile environment. She commended Mr. O'Connell on taking the lead and trust his integrity. She is happy that justice is prevailing.

Mr. Robert Trotner, 1920 Whitehall Street, paid tribute to Jeanette Eichenwald for being the only one that stood up to the Mayor.

Mr. Ray O'Connell stated that Ms. Eichenwald was a colleague of ours and chose to retire from public service. She served two terms in the Allentown School Board and two terms for Allentown City Council.

Mr. Lou Shupe, 1130 Hamilton Street, gave credit to Mayor Pawlowski for being a very good and prompt administrator. If it was a pothole, he was right there on top of it. Based on what we have heard, during past nine years or so he had invoked a culture of corruption and deception. Now, with the Resolution you start an invocation of a culture of transparency.

Ms. Helen Hahn, 2016 E. Highland Street, stated that you as legislators are doing the right thing. When a leader uses malfeasance you have to look into it and make decisions. We need you to start over by having an independent audit, not a city audit. We can't find the lockbox money. Where does it go?

Mr. Tom Hahn, 2016 E. Highland Street, stated that the issue about integrity and ethics. In many cases, honesty and integrity is part of what city service is all about. He stated that he was at the meeting when the Mayor was trying to sell Bicentennial Park for a few hundred thousand of dollars. He talked about money missing from CAFR Report of \$1.7 million.

Mr. Lou Hershman stated that we heard speakers tonight that talked about all the good things the Mayor did. We all agree with those people. The people should agree with you Mr. O'Connell and City Council on this Resolution because as conspiracy is a lawbreaker. This is a major issue. You all should be commended for going on record and doing what you are doing tonight.

Mr. Ray O'Connell asked his colleagues to make comments if they wish. He would like to start the comment. He stated to the Mayor that he disagrees that he did nothing wrong. He looks at the city as a silver bowl and we know silver tarnishes if it is not polished. He stated that the Mayor is the one who can begin to remove the tarnish. The solvent is you to step aside and resign. He asked the Mayor to do the honorable thing.

Mr. Julio Guridy talked about knowing the Mayor for over 15 years. Some people feel that all the development has been attributed to the Mayor. He did a lot of good things for the city. All those developments did not come from the Mayor, but teamwork. He has not been indicted. We are sworn to work with fidelity, work with honesty and transparency. I am going to vote for this Resolution.

Mr. Daryl Hendricks stated that he spent 40 years of his life as a public

servant. Thirty-eight of those as a police officer. He had the honor working a number of cases with the FBI. The FBI is a premier law enforcement agency in the worldwide. I believe that the Mayor is involved. Four people have confirmed that and have pled guilty. There is no doubt in my mind that our Mayor, Ed Pawlowski will be indicted. I will be voting for this Resolution.

Ms. Candida Affa stated that she has been a City Councilwoman for two weeks. She has been a Pawlowski supporter for 10 years and took a vow that she would work for everyone of you with honesty and integrity. It breaks my heart. I didn't vote with my heart. I voted with common sense and the facts. I also vote for his resignation.

Mr. Jeff Glazier stated that I make two brief observations. 1) it is his understanding that all members of Council contributed to the wording and Resolution.

Mr. Jeff Glazier stated that I make two brief observations. 1) it is his understanding that all members of Council contributed to the wording and Resolution and this is one of a few times in his tenure that something has seven sponsors.

Ms. Cynthia Mota stated that this is one of the most difficult decision, but she will also vote yes for this Resolution. She stated like Ms. Candida said, I am not voting with my heart, but using common sense.

Mr. Roger MacLean stated that he met Ed Pawlowski when he was Community and Economic Development Director. He is the guy who ultimately made me Chief of Police after many interviews. This doesn't come lightly for anybody, but as Councilman Hendricks said and we both have over 40 years in law enforcement, worked with FBI and knows how they work. This is something that has to be done for the betterment of the city.

Yes: 7 - Ray O'Connell, Julio Guridy, Jeff Glazier, Daryl Hendricks, Cynthia Mota, Roger MacLean, and Candida Affa

ORDINANCES FOR INTRODUCTION:

15-496

Bill 1 Refer to Parks and Recreation

Amending the 2016 Capital Project Fund Budget to provide for a transfer of Five Hundred Thirty-Six Thousand Two Hundred Twenty-Nine Dollars and Eighty Cents (\$536,229.80) from Capital Project 2008 (Street Lighting Upgrade) and Capital Project 1905 (City Wide Park & Playground Improvement) to Capital Project 2202 (WPA Structure Renovations) to complete the repairs to the collapsed wall in the Lehigh Parkway

Sponsors: Administration

Attachments: [Bill 1 Transfer for Lehigh Parkway WPA Wall](#)

Mr. Ray O'Connell asked any comments from my colleagues or the public.

Mr. Joe Hoffman, 334 N. 13th Street, stated that he supports the bridge and thinks it is a wonderful project and vitally necessary. It will add greatly to the Lehigh Parkway, Lights in the parkway and other projects. He asked them to find the \$36,000 somewhere other than the park and playground fund. The city should take a comprehensive look at the Lehigh Parkway.

Ms. Candida Affa asked Mr. Hoffman to give his name and number to Mr. Hanlon.

Mr. Kenneth Heffentrager stated that he agrees with a lot of what Mr. Hoffman said. Jordan Park is one of the heaviest used parks in the city is deteriorating and getting worse by the month. He doesn't like money being taken away from the parks.

Mr. Dennis Pearson, 942 E. Tilghman Street, stated that he sent a letter concerning that nothing is done to withdraw funds from projects with parks and playgrounds or Andrew Reed park.

Mr. Glenn Hunsicker stated that what they said before is correct. He talked about the Capital Projects. He stated that for almost a year they have been asking for a summary of the Capital Projects and where we stand. There has to be some control because it is out of control.

Mr. Brent Hartzell stated that he has no doubt and one thing his staff has been working on over the last few weeks and months and credit Ms. Taylor that we have been going through all the departments and trying to get an understanding of where all the Capital Projects sits, how much remains and how much is actually still intended for that purpose. It is close to being shared.

Mr. Jeff Glazier stated that we do Capital Reports roughly every three months at the Budget and Finance Committee meetings. That is certainly a better venue to have that discussion. We are going to do Capital next week as well.

Mr. Brent Hartzell stated that we are doing the end of 4th quarter on time.

Mr. Tom Hahn stated to find the extra money. It is written in the book that 10 percent of all the buildings sold in the city should go towards the debt replacement.

Mr. Jeff Glazier asked if this was germane to the bill.

Mr. Dan Mest stated that he totally disagrees with taking money away from other projects. Jackson Community Park was just completed, but is missing a few safety items that he hopes to see in the near future.

Mr. Julio Guridy asked about Public Safety items.

Mr. Ray O'Connell asked any other comments from the public about Bill 1.

15-497

Bill 2

Amending the Civil Service Board (CSB) Rules for Hiring and Promotion for Police Officers that were adopted pursuant to the provisions of Article 155 of the Codified Ordinances by removing the oral examination component from the Promotional Testing Process for Police Lieutenant and Sergeant, leaving the Written Examination account for 100% of the final promotional scoring.

Sponsors: Administration

Attachments: [Bill 2 Civil Service Rules - Promotion Rules](#)
[CSB Rules proposed changes to Police promo rules 12 15 2015](#)
[Memo to Public Safety Committee 1 12 2016](#)

Mr. Ray O'Connell asked any comments from my colleagues or the public.

RESOLUTIONS FOR INTRODUCTION:

NEW BUSINESS

Mr. Ray O'Connell stated that he has just been informed under New Business we have a statement from Mayor Pawlowski.

Mr. Michael Hanlon stated that it is an email from Mayor Pawlowski and read the Statement.

To the members of City Council:

For the past ten years, I have proudly served the people of Allentown. I have led the massive rebuilding of this great city and been one of the architects of the unparalleled revitalization of Allentown as a place to live, work and play.

A bedrock principle of our justice system is that everyone, which includes Mayors, councilmen reporters, and the public are presumed innocent. I certainly hope that this concept has not been suspended in the City of Allentown. You would all want this protection for you, your friends or a family members. I am simply requesting the same and am disheartened that council is taking punitive and dramatic action against me without the

benefit of affording me due process.

Hundreds upon hundreds of people who have approached me over the last several months to encourage, support and pray for me and my family during these last several months.

I understand this has been hard on our city, it has been even harder on me and my family. Yet I remain committed to serving the city and its residents as the Mayor, trusting your patience with this process.

No matter what the outcome of your vote is tonight, I commit to work with you for the betterment of our city and ask you to commit to do the same.

I ask that you afford me the courtesy of publicly reading this into the record at this evenings proceedings.

I thank you for your consideration and I apologize I am not able to be there personally tonight but am in Washington representing our great city at the US Conference of Mayors.

Sincerely,

Mayor Ed Pawlowski

GOOD AND WELFARE

ADJOURNED: 9:16 PM