



# Allentown

435 Hamilton Street  
Allentown, Pa. 18101

## Minutes - Final

### City Council

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Wednesday, November 30, 2022

6:30 PM

Council Chambers

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#### Special Council Meeting

#### Roll Call: Council President Mota

Ms. Cynthia Mota stated that City Council held an Executive Session this evening at 5:30 PM. She offered an apology stating that was the reason why they were late with the City Solicitor regarding the litigation and personnel issues and issues exempt from the Sunshine Law. This evening is a Special Council meeting and they will deal with three legislative items, review the nondepartmental budget, and act on Budget Memos.

**Present:** 7 - Natalie Santos, Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

#### RESOLUTIONS FOR FINAL PASSAGE (To be Voted On):

[15-5445](#)

R168

Certificate of Appropriateness – 621 W. Liberty Street

**Attachments:** [R168 Certificate of Appropriateness - 621 W Liberty St](#)

[621 W Liberty St Final Review](#)

[Resolution #30528](#)

Ms. Cynthia Mota asked if there were any questions from the dais or the public.

**A motion was made by Ce-Ce Gerlach, seconded by Cynthia Mota, to add  
Whereas:**

**WHEREAS, Allentown City Council, after review, finds the roof replacement does not have an adverse impact on the historical character of the neighborhood.**

**Change NOW, THEREFORE, BE IT RESOLVED**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Allentown that a Certificate of Appropriateness is hereby approved for the above referenced alteration.that this Resolution be amended.**

**Yes:** 7 - Natalie Santos, Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

**Yes:** 7 - Natalie Santos, Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

[15-5482](#)

R169

Approves one transfer: (1) \$99,000.00 Required to Purchase the Fleet Management Software for The Garage.

**Attachments:** [R169 Transfer Funds](#)

[Required to Purchase the Fleet Management Software for the Garage](#)

[Resolution #30529](#)

Ms. Cynthia Mota asked if there were any comments from the administration, the dais, or the public.

**Yes:** 7 - Natalie Santos, Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Enactment No: 30529

### **ORDINANCES FOR INTRODUCTION (To be referred to Committee with public comment prior to referral)**

[15-5481](#)

Bill 90

Amending the City code to reflect the changes made to the City's pension plan, as required by PMRS.

**Attachments:** [Bill 90 PMRS Pension Plan Re-Statement](#)

[PMRS Plan 2023 Draft Revised](#)

[Note](#)

[39-006-2 N2 PMRS Plan 2023 Final](#)

[39-006-2 N2. PMRS Plan 1998 Stated Plan](#)

[Ordinance #15856](#)

Ms. Cynthia Mota asked what are we doing with Bill 90.

Mr. Michael Hanlon stated that this is going to be after you take public comments you need to refer it to a Special Council meeting on December 7 at 5:30 PM.

Ms. Cynthia Mota asked if there were any comments from the dais or the public.

REFERRED TO A SPECIAL MEETING ON DECEMBER 7, 2022 AT 5:30 PM.

Enactment No: 15856

Budget Review: Information Services, Solicitor, Mayor, General and Civic, City Controller, City Council

Mr. Gerry Anthony stated good evening Mayor Tuerk, Ms. Mota, members of the City Council and the public. He stated that he appreciates the opportunity to be here. As the Interim Director of IT, presenting the 2023

budget for Council's review. Overall, the budget increased by \$683,000 with 13.5 percent. Much of that increase is the rising price of hardware, software and support for current IT services. Just over 50 percent of that increase or \$350,000 is slated for a large project that will start in 2023 to convert Eden to Munis. Eden is our EOP system which is near the end of life and the conversion will enhance the EOP System for many years to come. He stated that although he did not directly prepare this budget, he is here to discuss the two personnel changes and answer any questions you may have. The first request is to change the GIS Analyst from 10 to 12N. Scott is one of two employees in the GIS group and continues to do more with many departments in the city such as SWEEP, Building Standards, Inspections, Stormwater and Traffic. IT's second request is to have 25 percent of a Clerk III Confidential. This full-time position will be shared between IT, Law, the Mayor's office, and HR offices. IT will use the Clerk to enter invoices, requisitions, receivings and P-Card purchases in Eden. They will also assist with quotes, contracts, and inventory control. This work is currently being handled by our IT Coordinator, and this change will allow him to spend 100 percent of his time resolving issues from all of the city's end users. He stated that at this time, he is ready for questions.

Ms. Natalie Santos asked if there were any questions from the dais.

Mr. Ed Zucal asked Mayor Tuerk about it going up almost \$1 million this year and he thinks they have spoken about this in the past that the city might be more beneficial to outsource the city's Information Services system. We went up \$905,000 and actually all we doing for that is increasing some of the software. He stated that he does not have numbers of what it will cost to be outsourced, but he is thinking perhaps in the future, that might not be something or would not be bad to look at something to that.

Mayor Matt Tuerk stated that he agrees with Mr. Zucal of taking a hard look at the service level that is provided by managing this in-house. He would comment that it is a mission critical function and they are going to hopefully tonight reverse that decision. He stated that he would have given careful consideration the consequences of outsourcing this critical function with the new information era that they operate in. It is critically important that we have uptime with our equipment. He confessed that one of the challenges that the leader of any organization in the modern era faces is that a lot of the stuff that guys like Gerry, John Clawson, and Mamta Shah understands about the world is beyond our capacity to understand. They are really operating on what is unknown territory to us. It makes it challenging for us as leaders and as legislators to make decisions about what they do because it is kind of mysterious territory. He stated that they do have to be cautious about how they make those decisions. Costs is one of the

considerations, but it is not the only consideration. They will continue to look at expenses like that and consider all options in a way that supports their employees in their work to support the critical function that we have of protecting public safety, managing Public Works and ensuring public health.

Ms. Natalie Santos asked if there were any other questions from the dais.

Mr. Joshua Siegel made a general comment and stated that he is certainly sympathetic on Mr. Zucal's concerns on rising costs. We all are, but he wants to reiterate what the Mayor touched on and while the Information Age itself may not be new. It is new to the city. He would argue the privatization of any municipal service almost often has a drawback. That is the profit incentive and cost efficiency becomes the primary concern, not the delivery of quality public services. He argued that the city probably willfully underspends in terms of its technological innovation and IT services. This is the digital age and the era of Information Technology is only going to get more and more advanced and more and more complex and the ability of the city of Allentown to tap the Information Age is a way to engage in our constituents. It is going to be paramount to the success in the future. Cities around the country are already embarking on a really innovative practices to strengthen the democratic process, expedite the flow of information to constituents and gain glean greater insight to what constituents are talking about. He stated that two years ago he had the privilege of attending the Pennsylvania Municipal League and spoke with a firm from Israel that has pioneered data collection as it relates to social media. It allows them to basically grab large quantities of information from Facebook, Twitter and other social media apparatus to get an insight to what constituents and citizens of the cities are talking about which gives the city an unparalleled opportunity to actually respond in real-time the complaints and concerns. Their most recent application is quite relevant to public health. School Boards were utilizing the technology to discern where there were pockets of misinformation about COVID vaccinations and targeting those neighborhoods with accurate medical information to make sure those areas have reasonable increases in COVID access vaccination records. He cautioned moving forward since this is his last meeting. He stated that if he could part with one aspect of wisdom when it comes to the desire to privatize services, he stated that he has seen the consequences of that and will continue to see the consequences of privatization. City government or no government is about profit. He stated that they should always strive to do things in the most cost-effective manner, but the primary goal for them as legislators and the administration is provide high quality services to our citizens and always can't put a price on that. It is an investment. He thinks especially in the technology age. That is one thing we can't afford to cut.

Ms. Natalie Santos asked if there were any other comments from the dais or the public.

Mr. Louis Shupe, 1101 Hamilton Street, stated that as he listening to him and have plenty of questions popping up in his mind all of a sudden. He needs to to learn more about IT budget in order to ask the right question. He will state that privatization of city services in general is a bad idea. There are plenty of privacy considerations that private contractors might not have to abide by where the city does. He strongly recommends that they keep it in house and encourage the listens here to consider any open-source software that can replace whatever proprietor stuff that you might already have.

Ms. Natalie Santos asked if there were any other public comments. She thanked Information Services and stated that they are moving on to the Solicitor.

Attorney Matt Kloiber thanked City Council for the opportunity to talk to you about the budget that you propose. He stated that the Budget Narrative explains where his office is and why they are asking for what they are doing. He took a few moments to paraphrase what they are trying to do with that. He summed it up with three words: professionalize, adapt, and prepare. They are seeking to continue to professionalize the solicitor's office. They are adapting to anticipate legal needs for next year. They are preparing for the future in next year and beyond. He first talked about professionalizing the Solicitor's office. They are the city's in house Counsel. They are the city's law firm. The work they do not do in-house is sent to outside firms that are done at substantially greater costs. They had a charge in the last few years, preceding his time here as well to try to bring as much in-house as they can and that is what we endeavor to do. In doing that, they have to make sure they are doing it efficiently and do it competently and they handle things appropriately. One of the ways we want to professionalize the Solicitor's office and one of his predecessors Solicitor Wild brought in three really incredible people from law firms. Budgets are not about people, they are about positions. Without mentioning the names of the folks that she brought in as staff were brought in respect for a particular positions, their titles have job descriptions and they were brought in to do the jobs, but each of these people were exceptionally competent, exceptionally diligent, and very bright. They expanded and did things that were beyond what their job descriptions required for it. They did that because they were hardworking. Bringing them in was an effort towards professionalizing the Solicitor's office. The Solicitor's office brought in professionals from outside law firms and created an inside law firm. What they done is expanded the roles way beyond the job descriptions that they had. They have done that and it has

been that way for years and they haven't been recognized in terms of title or paygrade. Among the changes that we are proposing here, is recognizing what he would say is a reality. Recognizing the work they have done to in a sense create new positions to effectively help them professionalize and do what they need to do. They have innovated and improve the office and he thinks that the city needs to call what it is that they do and recognize with the titles that they have been given. He used one example: the Solicitor's office has an Executive Legal Administrative Assistant is the position title. The work that is actually done by this person is essentially a Contract Paralegal. Really gets in the nitty gritty of the Contracts. He stated that he features that because it is very important if you live in the past decade that they have in the history of looking at these things carefully and does an exceptional job and he features that because it is very important giving the past decade that the city has in its history. They are looking at these things carefully and does an exceptional job way beyond what she was hired to do. It is just appropriate to recognize what it is that they are actually doing. That's part of professionalizing the office. Another step towards professionalizing the office as it relates to attorneys is also paygrade. He stated that they were asked to change some of those to again reflect the work that they do and the responsibilities that they have to make it a little bit more and they will never going to compete with the outside world to make it a little more competitive so we can recruit and retain people. In one of the appendixes that he gave them, you will see that the folks that they have been hired since 2015 have stayed in the office an average of 3.2 years to average it out. He stated that they lost some really good people. When we find good people, we want to retain them and want to keep them. Part of it is to professionalize it and get good attorney's in here and keep them here. The other part of that is the job title. It is a very simple sort of thing. The Associate Solicitor and he stated that he will go back to Fran Fruhwirth who was here and remember asking her once, Fran what do you think of that title and she said she hates that title. He stated that he is paraphrasing it a little bit because in our legal world Deputy carries a little more weight. We will actually structure it and it will be something down the road where you have Solicitor, Deputy, Assistant and perhaps even a fourth that he would call an Associate. Within the office and the way it has evolved, and he has given them some appendixes that have shown the history of how this office has evolved. There is no upward mobility. There really isn't much either for the staff people or for the attorneys. The city has to incentives through titles and through different positions the ways to encourage people to stay so they can have some degree of upward mobility within the office. Recognize that people come in at many different levels. All of that is geared towards trying to professionalize the office. We are not privatizing the city resources in a way. We are trying to use that as a model to make city resources a private firm as an in-house private Counsel. He thinks they can do it more efficiently and it cost less. The other thing is adapting. This

is the second thing he wanted to talk to them about the anticipated circumstances. He talked many times in the past about the City Solicitor serving as a Watchdog Advisory and an Advocacy function. He stated that they are the department that serves other departments in the city, the branches of the government. They allocate their resources between these Watchdogs Advisory and Advocacy functions really in response to what we see in each of those branches, departments, and people that are within them. Coming out of the city's history in the past decade, they had to focus more efforts on the Watchdog functions and perhaps they would need to in ideal circumstances. Recent years have also seen an increase in our advocacy role. They have taken more cases on in-house in the negligence sort of cases. The Solicitor's office is sending attorneys to Code Enforcement matters and there might be an increase in that as well. Particularly in this last year, an increase in our advisory function. They are being consulted more. They are having people come to us more and ask for legal questions. This is a good thing. Particularly given that history, it is good when folks are approaching us and the departments and the people want to follow the procedures, but they need to be responsive and timely to those and make sure we have the resources that either gets done by going to the outside Counsel or keeping it in-house. One of the budget changes that they proposed is actually to recreate a position that Council previously allowed and created which is a Right to Know Officer position. The position would be filled by a non-attorney. Bringing this position to existence again, would allow our current Right to Know Officer who is one of the Assistant Solicitor's to take on the more attorney specific tasks. The Right to Know office is very important and he takes a great deal of pride when other cities and municipalities shutdown during COVID in the Right to Know function, the Solicitor's office continued to do things on a timely basis. It takes a great deal of effort and time. By creating this position, it does free up one of our attorneys to do attorney work. To do advocacy and do the advisory function that he sees will have an increase demand next year and certainly in the future. Preparing for the future, they are looking to structure the office in a way. The Mayor had mentioned to all the different departments about find ways to train our employees. He stated that they did and put that in the budget and one of the items that have been increased. Finding ways to train the employees that we have. Part of that is to make them stronger in the work that they do and part of that is over time it is an incentive to come in here and learn a bit and make them better at the jobs that they do. He stated that they are creating a structure and this is with some of the appendixes that they are looking to do that provides opportunities for growth and promotion within the department. Doing this helps with retention and it also helps with recruitment. One of the things that they did and this was a late audible in this sort of process is that we have taken one of Attorney Fruhwirth left in February and left that office with that position open. Adam Rosenthal, Assistant Solicitor was promoted to

this position and then were down an attorney. They were trying to see what they can do with that. There is an open position and what we have suggested, recruited and hired and looked for it and it seemed like the best interest would be to actually split that up into two part-time positions. There are economic benefits that is more likely come from that. It also gives us greater flexibility to be able to bring and used Juan Camacho, one of the Assistant Solicitor's they had where he was with a firm, did an excellent job for the city. He worked part-time for the city and really did a terrific job and there are other attorneys out there and Juan was around about five years and was relatively recent out of law school and there are other attorneys in the area that the city can tap into on a part-time basis and really get a cost - efficient services from them, but also really focus on some of the expertise and knowledge. Part of that is giving us a greater flexibility and a cost savings that would come from doing that. One of the other functions that they want to do overtime, and this is in the future, is really get some of that specialization and focus. He used an example of what the County of Lehigh does and how they structured their office where you have a number of part-time Solicitors that can come in and handle specific focused tasks. That is something in the long-term the Solicitor's should consider doing. There are other aspects of this that he has in the Budget Narrative and he does not want to belabor the points. The key things that they are trying to do with is professionalize the office further and build on the efforts of professionalization that has been already done. To adapt circumstances that we see next year and to prepare, not just for next year, but the future so they can provide the most cost-efficient services to the city.

Ms. Natalie Santos thanked Attorney Kloiber and asked if there were any questions from her colleagues.

Mr. Ed Zucal stated that out of all the cases you take care of in the city regardless of what they are either from outside or whatever, what is the percentage of the cases that are handled outside.

Attorney Matthew Kloiber stated that he is going to pull the chart. He sent it to Council. There are three pages of that. You go through the different line items from Civil Rights cases, Employment cases are outside and the Personal Injury ones are primarily handled in-house with two cases that the Solicitor's office has outside. The assessment appeals are handled in-house, the business privilege is handled in-house, the orphans court litigation is handled in-house, eminent domain they have handled in-house, land use matters they handle in-house. He stated to try to put a percentage, it is about 72 percent.

Mr. Ed Zucal stated that 72 percent is handled outside.



Attorney Matthew Kloiber stated no, inside. He stated that he is looking at this chart and could be and looking at this, most of the work that they have.

Mayor Matt Tuerk stated 30 percent outside.

Attorney Matthew Kloiber stated that there are 14 personal injury cases and two of them are outside Counsel and 12 are inside. All of the civil rights cases which are eight of them right now are outside. The employment cases which are four of them are outside. There are about 15 - 16 assessment cases. Business Privilege taxes are about five or six.

Mr. Ed Zucal stated that all the ones that are handled inside are about 50 cases. He stated that you had a Right to Know Officer which Council approved and you chose to promote her, correct.

Attorney Matthew Kloiber stated yes, they hired her and she was an attorney and we hired her as a Right to Know Officer and seeing her work as a Right to Know Officer saw that this would be a good person to do good work for the city. He put her as an Assistant Solicitor, and she is doing the Right to Know and the reality is that the Right to Know work is extensive and thinks she will be very competent and do an excellent job with attorney work. The Solicitor's office has given her attorney work. She works very diligent and probably will do beyond what was expected of her. These positions are positions and he does not want to talk about the individuals with that. That particular person the Solicitor's office did appoint as an Assistant Solicitor. He stated that they can use her for the attorney work.

Ms. Candida Affa stated to touch on what Mr. Zucal was talking about. She stated that she has the upmost respect for all the attorneys, and they do a good job. She stated that she questions is outsourcing and things like that and understands when there are lawsuits and most of it is handled by insurance companies and Civil rights cases.

Attorney Matthew Kloiber stated that the Civil Rights cases and employment cases the city has insurance coverage for it or an attorney here if we were to have and they will bring it here for the first phase of the Nuisance Abatement.

Ms. Candida Affa stated that with all the attorneys that we have are there any of them that are litigators. Let's say we have a nuisance abatement problem or situation, and this bar is going to take us to court on this nuisance abatement thing, we want to take their license away or whatever. Does the city have an attorney on staff that could go to court and be the litigator for this or do we have to get someone outside.

Attorney Matthew Kloiber stated that they have attorneys for the Tort cases and Personal Injury cases. They have attorneys that handled the cases, not up to the litigation stage. He stated that he thinks with the current staff if they did not have other resources that they have to spend the time on he thinks the Solicitor's office has the staff that can do that from a litigation standpoint. Right now, with the other obligations, there is probably some outside Counsel.

Ms. Candida Affa stated that her question is with all the attorneys that we have. Are any of them litigators? Are there any of them that can go to court? She knows because she was a big part of the Nuisance Abatement and a lot of it was going to be dropped because it had to go to court and get outside Counsel. With all the attorneys that the city has, Susan Wild was a litigator. Do we have someone that is a litigator?

Attorney Matthew Kloiber stated that the best example he has is Adam, the Associate Solicitor was an assistant district attorney in Maryland. He handled a great deal of cases.

Ms. Candida Affa stated so the city would use Adam in a case like this to go to small claims court for Nuisance Abatement and if it went further to a court, we will have Adam there to actually fight for us. It would not cost us anything if we had our attorney to go to court.

Attorney Matthew Kloiber stated that the Solicitor's office is not afraid to go to court. Part of the task is to defend the city's interest. He stated that they will staff things with the best that they need to do. If there is a complicated case, like with the personal injury cases that they had, the large number of them can be handled in-house. There can be measures and they have a case that is particularly complex where he thinks it is in the city's interest and best detected right now given all the other obligations that they have by having outside Counsel and that is what they did. They brought in outside Counsel for one of the personal injury cases. For most of these, they brought the personal injury cases in-house. They have been able to do that and able to get a number of these cases dismissed before they get to litigation, before they get to trial. There are a number of things before it gets to litigation stage in a lot of these cases that they can get them dismissed before it gets to litigation and before it gets to trial. You can save a lot of money by doing that. He stated that she mentioned the instance of Nuisance Abatement. It is going to be a case-by-case sort of thing. The Nuisance Abatement is something where he might be inclined to have an outside Counsel handle that at least initially. The goal in wanting to and Watchdog Advisory and Advocacy function is important and sucks up a lot of time of the attorneys in the office. The advisory function and things that are not involving litigation, but questions of law. There has been

a large turnover in staff and the Solicitor's office is a good means of helping with the other departments. As time goes on, and they go further into next year it will freeze up some of their resources. One of the tasks that they have in Appendix A that they have provided. They are trying to designate positions within the office and one of those is identified as being community advocacy and public safety spot. He stated that he will read it because it goes to what she said. He stated that they work collaboratively with city departments and Code Enforcement and Social Nuisance Abatement and public safety issues, including prosecuting Code and Sweep Violations through administrative, civil or criminal proceedings and social nuisances through civil litigation and training and advising our staff on enforcement matters. He stated yes, the way he has it envisioned for next year. They do have a person that will be allocated to that. The person that would handle that does have litigation experience. If there is a particular complex situation you can see potentially can see that coming in. They are looking at having an office that is focused on that. A position that is focused on community advocacy and public safety and all that goes with it. They will handle the litigation matters and will have that expertise and will be able to proceed with that. He stated that is a long answer, but he thinks the Solicitor's office has staff that can handle that. Attorney Rosenthal with the many attractive things about him is that he is a brilliant guy and was a prosecutor and jumping at the bit to go to court.

Ms. Candida Affa stated that she understands that the law is complicated with the lawyers and all that. She stated that her question she believes was simple. She is concerned that a lot of times it is dropped because the city has to get outside Counsel, and it will cost of us too much money. That is as simple as she can make it.

Attorney Mathew Kloiber stated that they have not done that.

Ms. Candida Affa asked Attorney Kloiber, do you look over the situation or the lawsuit and then decide, Rosenthal can take it, or you are going to get outside Counsel or you are going to drop it. She asked Attorney Kloiber is that his decision. Who makes the decision not to go through with these things in your office? That would be the insurance. A lot of these bikers now, know they can sue the city if a cop runs over them. She is wondering if it is easy for the city to go to court and fight it every time without costing the city an arm and a leg. She stated that Council is the legislators. They make the laws. A lot of times these laws are kicked to the curb. The judges don't take them or the Solicitors don't think they are good and gets frustrating to Council who make the laws. There are so many laws out there: loud music, and fireworks and things seem to make it to court or that the city wins.

Attorney Matthew Kloiber stated that the Solicitor's office has not decided anything as it relates to Nuisance Abatement cases. He stated that is the example she brought. They don't decide whether to pursue any of that. What happens over the last few years, it is not a Solicitor's office sort of decision as to that.

Ms. Candida Affa asked who decision is it, the Police Department.

Attorney Matthew Kloiber stated that however the Ordinance is structured and who decides. The ordinance says what it says and identifies how to proceed with that. Why they haven't been proceeded and why he thinks things haven't been done. The Solicitor's office defends the cases, defends the laws when they are challenged. They will proceed and carryout the law. He stated to Ms. Affa that something she says here he heard it said at a time and won't get into the particular topic or anything where he has been told that they are not doing things because the Solicitor's office said we can't. It has been on issues where the Solicitor's office has not been consulted. There are instances where people are using the Solicitor's office as a means of saying, yeah, whatever reason. The administration that we have here with Mayor Tuerk is carrying out the laws, is doing all the things that they need and taking the steps that they need to carry out the laws. When the Solicitor's office has litigation that comes in, it is his decision what they do with that. It is his decision whether to keep it in-house or send it out.

Ms. Candida Affa stated that she does not what to take this. This is not the place to do it anyway. Because it is the budget, she is wondering if they have considered a Solicitor that is a litigator and can take things to court. There is a lot of things that is complicated with the law and the Police Department being a part of it and the citizens are streaming why is this not happening. She stated that she is sorry, but this is not the place for a discussion. She just asked with the Budget and everything and all these lawyers if the city can have a litigator. She stated that they can end it right here. She is trying to get what he is saying, but she is not sure that the question was answered. It ok, they can talk about it one of these days.

Ms. Natalie Santos asked if there were any other questions from the dais as it relates to the Solicitor's Budget Review. She asked if there were any public comments. She stated that Mayor Tuerk, you have the floor next for the Budget Review.

Mayor Matt Tuerk thanked Ms. Santos and stated to members of Council he hoped that they had a good Thanksgiving Holiday and had time to spend with their loved ones. Obviously, everyone traveled to where they traveled to and returned safely. He stated that he is happy to see them all

here. This is the time of the year that they all reflect on their lives and things that are going on and is a little bit of what he wants to do here over the next couple of minutes. He wants to be sensitive to time so he will be brief. He has learned a lot during the time that he spent in the Mayor's office. He truly understands how important that the role of the Mayor as CEO of an 800-person organization is. He has learned the job as public servants is truly to keep it safe and keep it clean and keep it healthy. He learned that the residents of the city of Allentown are eager to be involved in the life of the city. These are the things he knew coming in and that is why he structured the Mayor's office the way that he did since January. That is why he is proposing a budget that is in front of them now. He gave some background: you have the narrative and he is sure they had time enough to answer any specific questions that they might have. He stated that he wants to speak to three key responsibilities that they have in the Mayor's office. One is to act as a coordinating function across the administration of the city of Allentown. More than any of group in the city, the Mayor's office falls through the culture of support, care, respect, and inclusion for the employees of the city of Allentown. He stated that they all take the responsibility incredibly seriously. They are looking for Council support in doing that work. The Communications Manager manages not just external communications for the city of Allentown, but also internal communications. Genesis Ortega prepares a weekly Employee Newsletter to help keep our employees informed of what is happening and it helps build comradery and culture in our city administration. The role of the Project Manager which he asked Council to support back in January has grown to include innovation around interdepartmental collaboration and also working alongside the Human Resources department to cultivate engagement among our employees. The Special Assistant to the Mayor's Office position has grown from limited responsibility to the position that truly anchors our entire office, acting as Traffic Control for the whole team and especially for in demand Chief Executive. He stated that he is asking Council to approve the reclassification with some of these positions in this budget so the position classes would be consistent with additional responsibilities. Additionally, in the budget you will see that they are asking for increased investment in training and professional development to further support that high perfor

**Vote on Budget Memos:**[15-5389](#)

Budget Information

**Attachments:** [Budget Schedule](#)  
[Building Standards and Safety - Rental](#)  
[APD proposed Budget 2023](#)  
[2023 EMS BP V2](#)  
[2022 Police PP 1](#)  
[2010 NIST Study](#)  
[Cedar Crest College - Police Summary of Services Report](#)  
[Human Resources Department Current Organizational Structure](#)  
[Human Resources Department Proposed Organization Chart](#)  
[COA Active Litigation Nov 2022](#)  
[Legal fees for the 2019 through 2022](#)

15-5454 Budget Memos/Voting Sequence

**Attachments:** [Voting Sequence](#)  
[1 - BM Personnel Changes](#)  
[2 - BM Various Changes](#)  
[3 -BM Various Changes](#)  
[4 - BM Garage](#)  
[5 - BM Various Changes](#)  
[6 - BM Metal Works Development](#)

Mr. Michael Hanlon stated that the plan is to vote on Budget Memo 2 in its entirety. Budget Memo 2 includes some upgrades in the Community and Economic Development department. These organizational changes were suggested initially, and it was suggested that it is now made part of the Budget. The second part is Building Standards and Safety is already in the budget. This is just a clarification of what's in the budget.

Ms. Audrey Danek stated that this is not in the Budget. The only part in the Budget of Budget Memo 2 is the redline employees.

Mr. Michael Hanlon stated that B is not in the Budget. He asked if the title changes in the budget.

Ms. Audrey Danek stated no.

Mr. Michael Hanlon stated that the title changes are not in the Budget. The only thing and asked again if the redlines are not in the Budget.

Mr. Seth O'Neill stated it is.

Attorney Charles Smith state about Budget Memo 2 is that the redline

employees is in fact in the Budget. In fact the clarification of the further breakdown of information that is in the Budget.

Ms. Cynthia Mota stated that it is getting confusing. Can someone in the administration explain?

Mayor Matt Tuerk stated that Budget Memo I which does not require any action describes some of the changes. The component of Budget Memo II that you are referring to, the redline component was inadvertently excluded from Budget Memo I. That piece of Budget Memo II does not in fact require any action. It should have been included in Budget Memo I. The remaining components of Budget Memo II, the title changes, the changes to the CED budget are changes to the existing Budget. He stated that Council's adoption of Budget Memo II in its entirety, the redline component is a nonfactor. It's an explanation.

Ms. Cynthia Mota stated that in other words, Council does not have to do anything with Budget Memo II.

Mayor Matt Tuerk stated to adopt the Budget Memo II makes those title changes and makes the changes in the CED Budget for positions etc.

Ms. Candida Affa stated that is under a new title and upgrade.

Mayor Matt Tuerk stated that is correct.

Mr. Seth O'Neill stated that there are some clarifications to the Budget Book in the General Fund that are important as well that are listed as changes to earned income tax, A&E, the LCA reimbursement, revenue estimations, and the closing cash amounts.

Ms. Cynthia Mota asked if there were any questions from the dais.

Mr. Michael Hanlon stated what the administration has said is that the redline is part of the Budget. It really doesn't need action. It is going to be in there. It should have been part of Budget Memo I. if you want to nibble on this. You can nibble on it at your Budget Amendments on December 7th at 5:30 PM.

Mayor Matt Tuerk stated that it is explanatory text.

Mr. Michael Hanlon stated that it is a misunderstanding. It should have been included in Budget Memo I and nobody picked that up when reading about it today. It is already there.

Mayor Matt Tuerk stated that Councilman Zucal is on to the right point. It is explanatory then you can adopt the rest of the Memo without any additional amendments.

Ms. Cynthia Mota asked if there were any questions from the dais or the public.

**A motion was made by Ed Zucal, seconded by Daryl Hendricks, to take out of the Budget Memo, D - Redline Employees.**

**Yes:** 7 - Natalie Santos, Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Mr. Michael Hanlon stated that Budget Memo III has a bunch of miscellaneous changes that the administration can review. They are minor changes to various budgets that have been brought to Council and the administration attention.

Ms. Cynthia Mota asked if the dais had any questions.

Mr. Ed Zucal stated standard practice.

Ms. Cynthia Mota asked if there were any comments from the public.

**Yes:** 7 - Natalie Santos, Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Mr. Michael Hanlon stated that it consists of a Budget Amendment that brings the Fleet Maintenance Operations in-house.

Ms. Cynthia Mota asked if there were any comments from the dais or the public.

**Yes:** 7 - Natalie Santos, Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Mr. Michael Hanlon stated that Budget Memo VI is like Budget Memo III. It has a lot of miscellaneous changes brought to the attention of Council by the Controller and the administration.

Ms. Cynthia Mota asked if there were any comments from the dais or the public.

**Yes:** 7 - Natalie Santos, Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Mr. Michael Hanlon stated that Budget Memo VI allocates \$1 million from the American Rescue Plan to the development of Allentown Metal Works.

Ms. Cynthia Mota asked if there were any comments from the dais.

Ms. Ce Ce Gerlach stated that she wants to see the implications on voting yes or no on this. She asked if she votes yes, that puts it forward at the



amendment meaning any amendments can be made to this particular item.

Attorney Charles Smith stated that it is amending the Mayor's proposed budget.

Mayor Matt Tuerk stated that it will be in the Budget and then you can make amendments.

Attorney Charles Smith stated that is essentially what Council has been doing.

Ms. Ce Ce Gerlach stated that she just wants to clarify and wants to double check.

Ms. Cynthia Mota asked if there were any other comments from the dais.

Mr. Joshua Siegel encouraged his Council colleagues to vote in affirmation of this \$1 million allocation. We can all agree that job creation especially in the city of Allentown and manufacturing created job creation that would pay a living wage, provide people both social and economic mobility and most importantly invest in the distress part of the city that has historically seen chronic under investment. He stated that they all know that the Allentown Metal Works site has been shuttered since 2011 and the property is an eyesore for that community. It is important that those neighborhoods have access to good paying family sustaining jobs in a walkable environment as well which is well in line with the aspirations of the Lehigh Valley Planning Commission, the City of Allentown to create a diverse walkable city where employment, housing and everything is well in close proximity. This is a really wonderful opportunity for the city to start climbing out of the pandemic and creating good family sustaining jobs here in the city where no one has to travel that will be for our residents.

Ms. Cynthia Mota stated that it is well said and she agrees with him 100 percent.

Ms. Candida Affa agreed with Mr. Siegel. She stated that she is thrilled to give this ARPA money. One Million Dollars is what this money was meant for. Council took a beating up here not too long ago. That \$1 million they save, she is happy to give it to a manufacturing that is coming into the city of Allentown. This is what ARPA money is for. She thanked them for bringing the Metal Works to Allentown.

Mr. Ed Zucal stated that he would agree with Mr. Siegel if he knew that the outcome would be what he is saying. He stated however, he heard nothing prior to this with regards to how this would be tangible for the city. How is

the city going to profit from this.

Mr. Daryl Hendricks stated Scott Unger, president of AEDC along with the developer for that site. As a member of Council for the last nine years, eight of those years he has been a board member of AEDC. This is one of the most important and largest developments that come before them. It will be put back of the taxable rolls for the city and they will have employees in there who will be working a living wage and able to contribute to the community. This is taking a site that has been shuttered for a long time and putting it back on production. He asked Mr. Scott Unger to step up and speak to Mr. Zucal's question.

Mr. Scott Unger stated that essentially AEDC (Allentown Economic Development Corporation) has spent since 1979 taking vacant and underutilized properties in the city of Allentown and putting them back into productive use. Prior to Allentown Metal Works, there was around 70 acres. In one project, it will be increased to over 90 acres. Ninety acres does not sound like a lot if you are talking about green fields or suburban development. When you think about 90 acres within the city limits of the City of Allentown, the economic activity that derives from that is ongoing and enduring. It is not a one-time reinvestment or return to the city. It is the on-going economic activities that takes place on the sites. Projects like this if not for involvement for the public sector would sit indefinitely. That is the return on investment in the city. Not only that the Environmental Protection Agency has extensive White Papers on the damage done to communities by blight and unaddressed properties of this nature. To not do anything and evaluate the costs, you have to evaluate the difference between not doing anything and returning it back to a productive use.

Mr. Ed Zucal stated what he is getting out of this is if in fact that the city did not give them the \$1 million, you will not be able to develop this by other funds.

Mr. Scott Unger stated first of all Brownfields notoriously take public investment. The city had a study done in 2014 and the outcome of that indicated that public investment was required to return the site back to use. The funding is necessary to be able to complete the full project.

Mr. Ed Zucal stated that it is not funding coming from you. You are the one that wants to develop it, correct. Mr. Scott Unger stated that AEDC is a private not for profit that purchased the site from a private equity firm. Quite frankly, when they brought the site from a private equity firm, it took them a year because there were two private developers who were interested. Who ended up walking away for a variety of reasons so they circled back within nine to 12 months and did complete the purchase. AEDC is the

current owner and they have done all the environmental work and now partnered with a private sector developer to try and complete the project.

Mayor Matt Tuerk stated that if he could add and this is from his experience in economic development, investments like these tend to leverage additional investments. The Allentown Economic Development Corporation has already received and Scott would know the number from the Economic Development Administration from the federal government in support of this project. They received funds from a variety of other sources. Allentown's additional investments into this property would allow for other entities to continue to invest. He believes the County of Lehigh expressed interest investing in this project alongside the city of Allentown. They are continuing to pursue additional investments from the Economic Development Administration from the federal government will continue support from the incoming Shapiro administration at the Commonwealth of Pennsylvania for development of this site. All in service to Mr. Hendricks and Mr. Siegel mentioned job creating manufacturing. This should create a projected to create on order of 90 jobs in the city of Allentown. Ninety jobs that are available to Allentown residents which puts the property back on the tax rolls, but also creates the precious earned income tax for our city General Fund. A very good project for the city of Allentown. To Ms. Gerlach's point, this merely puts this fund into the Mayor's Proposed Budget and Council can all further debate it. He is sure that Mr. Unger and Mr. Marcon would be happy to come back and further explain the project at that time.

Ms. Ce Ce Gerlach stated definitely they need to come back because she has a bunch of questions. She stated that she and Ms. Affa had spoken briefly after one of the meetings. She stated that Ms. Affa suggested that they sat down and disclosed that she met and it seems as if other people may have to. Just briefly before that possible second, of the 90 jobs that are going to be created, how many of them will already be filled. She asked if they make windows and asked what the company do.

Mr. Scott Unger stated that he could answer that, but it probably be best to be answered by Charles Marcon who is the principal.

Ms. Ce Ce Gerlach stated to Mr. Zucal's point, to see the actual benefit to Allentown residents will be.

Mr. Charles Marcon stated that basically they are bringing jobs from the suburbs and bringing into the city of Allentown. These are union job and subject to the union regulations. They have made an effort with the unions to give preference to the people that can walk to work in that neighborhood. There are certainly no guarantees. What he can guarantee there will be

anywhere between 75 and 125 new jobs in that facility when it opens in 2024.

Ms. Ce Ce Gerlach stated of those 75 to 125 new jobs, those will be completely new jobs, not currently filled out in the suburbs. How many people in the suburbs are going to come in and work and how many jobs will be left.

Mr. Charles Marcon stated that these are and they use the construction unions. This facility is currently in Palmer Township, Pennsylvania and they are moving it here to Allentown.

Ms. Ce Ce Gerlach asked once the folks that are currently working at Forks and move here to Allentown. How many of those folks.

Mr. Charles Marcon stated that he does not know where these people live.

Ms. Ce Ce Gerlach stated that a lot of times when you hear new jobs, it is not really that number. It is really not 125 because there are already 60 people that are currently working for the company. So those 60 people relocate here. It is helpful to see how many actual new jobs for those people that live in those neighborhoods will be available.

Mr. Charles Marcon stated that he can't answer that. He does not know the answer to that question.

Ms. Candida Affa stated to Mr. Marcon stated he and her had that discussion and have spoken about this and the fact that they are doubling their business. If 30, 40 or 50 existing employees came, the city is still getting at least 50 people from the city of Allentown. He can't guarantee how many of his folks will now come, but it is wise to understand the fact that he is doubling it. Therefore, if he has 30, 40 or 50 employees they may come here, but they still are going to employ 40 or 50 people from Allentown.

Ms. Ce Ce Gerlach stated that she wonders based on the surrounding neighborhoods around Metal Works if the current educational and skillset level of that population match what's needed to require one of these jobs. If not, will there be training programs for those individuals.

Mr. Charles Marcon stated that there will be training programs, yes.

Ms. Ce Ce Gerlach asked about apprenticeship programs.

Mr. Charles Marcon stated not only apprenticeship programs, but in-house

training because not all the workers that they employ are apprentices. They have journeymen. They use the construction union workers. When they have a job, if they need 50 men or 50 workers, they hire 50 workers. When the job is over, essentially, they lay them off and when the next job comes in, they hire as many people that they need to perform that job. He stated that they will ensure that the people that work there have the skills that are required for them to be productive and work in a safe environment.

Ms. Ce Ce Gerlach stated that they definitely will have an opportunity to have more questions in the future. Please be back. She stated that she does not want to belabor this.

Mr. Charles Marcon stated sure, he can come back.

Ms. Cynthia Mota asked if there were any questions from the public.

**Yes:** 5 - Natalie Santos, Candida Affa, Cynthia Mota, Daryl Hendricks, and Joshua Siegel

**No:** 2 - Ed Zucal, and Ce-Ce Gerlach

[15-5499](#)

Procedures for filling council vacancy:

Pursuant to the Charter and Council rules, Allentown City Council will accept applications to fill the vacancy through the close of the business day on Wednesday, December 14, 2022. The applications should be addressed to City Council and can be emailed or delivered to the Deputy Clerk at [Tawanna.Whitehead@allentownpa.gov](mailto:Tawanna.Whitehead@allentownpa.gov). Applications should consist of a resume and statement stating the reasons you will bring value to the City as a councilperson. The applications will be public documents. If you have any questions, please call Council Office at 610-437-7555.

Tentatively, depending on everyone's schedule, City Council will schedule interviews and decide the week of December 19th. The Charter requirements and council rules on the procedure and process are attached..

**Attachments:** [Procedures on filling Council Vacancy](#)  
[Notice of Resignation](#)

Ms. Cynthia Mota stated that this evening is Josh' last meeting. He has tendered his resignation. City Council will begin the process to fill the vacancy. City Council and the residents of Allentown will be losing a friend that they can always count on. Josh has steadfastly supported the interest of workers, the right of females to make their own reproductive decisions, organized labor, creating affordable housing, and basically he has always seek to create opportunities for everyone. Wanting to make the playing field always even for everyone. City workers will lose a friend. The administration could always count on him giving everyone a fair shake. She congratulated Josh again, on moving on and becoming a State

Representative. She stated that they know that Josh will continue to use his policymaker skills to make our city a better place. She stated he will be missed.

Ms. Candida Affa stated that she and Josh has a rough start in the beginning. Now, that they are now a lot of times on the same page, and work together for women's rights. She stated now, he is leaving her. She wished him the best and thinks as a legislature he will do a wonderful job. Don't forget us here in Allentown. Congratulations.

Mr. Daryl Hendricks stated that he too wants to say that. In the past, he and Josh have had their differences. He stated that he has to congratulate him and matured quite a bit since he has been on Council. He has come around quite a bit. They may not always agree, but always did what they thought was best for the city of Allentown. He stated that Josh made great progress and looks forward to working with him in his new position along with Mr. Schweyer and Mr. Schlossberg. He knows that they will continue to serve the people here in a likewise manner as he has. He wished him the best of luck.

Mr. Ed Zucal stated that he has to follow everyone else stating that they did not always see eye to eye. He must say as well as Mr. Hendricks Josh has definitely matured. He stated that they all have their passions and beliefs. There is nothing wrong with that. If they did not disagree, they would not be normal. He has always strived. He ran for Mayor. Obviously, he ran for Representative and won. He is a go-getter and stated that he appreciates Josh' support when he gave him the garage. He does not think it would have been possible without the coordinated efforts. He wished him the best. He stated that Josh that he will be here for a while, so he knows where to find him.

Ms. Ce Ce Gerlach stated that she and Josh has conversations about some of the challenges that we as municipalities face because of an inaction up at the state. And, now that the numbers and the tide has turned. She looks forward to seeing progressive legislation that addresses these inequities that she heard him talk about. She stated congratulations and she looks forward to seeing all that legislation.

Ms. Natalie Santos stated hi Josh, and they have not known each other for a long time, but it has always been a pleasure working with him. She wished him the best in his position. She stated that he has always been a supporter of young people in politics and she loves that for him. She hopes to see that continue in his State Representative position. Congratulations.

Ms. Cynthia Mota told Josh to continue how to dance the Salsa. The last time, you were doing pretty well. You just need a little bit of practice.

Mayor Matt Tuerk stated in the risk of continuing a theme, Josh we did not see eye to eye publicly at times. He has grown to appreciate early on he realized that he had a friend among many friends on Council. Someone who is really dedicated to working with the administration to enact legislation that is meaningful to our employees and to the residents of the city of Allentown to promote public safety and promote public health and improve public works. He stated that he is grateful for the time that he had to work closely with him and there is no prohibition on you continuing to send articles from various different publications that will help us better serve the residents of Allentown. For those of them that don't know, but they probably do and probably have been a recipient of downloaded articles from various different publications that has a great idea from Topeka or from San Diego or from wherever and he knows that the city will continue to get those great ideas from Harrisburg. Congratulations and knock them dead in Harrisburg and keep coming back to Allentown and letting us know how we can do better.

Mr. Seth O'Neill stated that on behalf of the Finance Department, they are very much going to miss our chairman of our committee. We wish all the best. For the record, he cannot remember a disagreement that he had with Josh.

Mr. Joshua Siegel stated that it feels about even.

Mr. Seth O'Neill stated good luck.

Ms. MaryEllen Shiels stated Public Health will miss you too.

Ms. Cynthia Mota stated that tonight they can all go to Jack's Slice because Josh is going to be paying for it. Just kidding.

Mr. Joshua Siegel stated that he does not get paid until next week. Keep it within budget. He stated that it has been the greatest pleasure in his life getting to serve with each and every one of them. He stated to Ms. Santos that he wished that they had more time to serve together. Please don't say losing, he is not going anywhere. He will always be a friend to this city of Allentown, to the workers, to our employees, that he thinks at the end of the day is the heart and soul that makes this city function and work so well. He stated that they are not losing him. He will always be available and will continue to be a partner. It is looking like his office is going to be in the Sovereign Building so he will be downtown and accessible. His office door will always be open to anyone who has got an idea or an aspiration of what

he could do at the state level to assist the city of Allentown. He definitely agrees that he thinks that he has grown in this position. He thinks part of one's youth is to make mistakes, to misstep, to falter, but ultimately learn. He feels like at the end of these three years he has come out of it as a pragmatic sensible policy-oriented person that looks towards the future. That aspires to make Allentown the best city in the country. If there is one thing that he hopes that this body continues is to dream big and think outside the box. He ran for Council because he believes in the era of gridlock at the state and federal level, and he hopes that is changing now taking the majority in the Pennsylvania House of Representatives. He stated that he has always believed that local government is at the end of the day, the most intimate and heart and soul form of public representation. They are in the community every day. He stated that they live here and can't evade or run away. They are accountable at the end of the day to every individual in the city. He always read about other city around the country are doing. Some of you guys are sometimes question whether it can work here. He stated that he gets that and love the skepticism. He has always loved making his case. He thinks what's exciting about this era, stated that we are entering a new era that requires energy and experience and a willingness to experiment and accumulate new knowledge. Cities are at this critical period of transformation. COVID has unleashed an entirely different era of urban development, public works, public health, education. It is incumbent of Mayors and Councils to navigate that new environment. We have to figure out what the future of commercial office space looks like and how do we rebuild our neighborhoods to be mixed - use and mixed income where people can work, live, eat and play all within a few blocks. The 15 - minute city. We have to build a neighborhood where education and employment are easily accessible and pay a family sustainable wage and most importantly, we have to build a city that anchors people back in from the suburbs. We have to be the place where everyone wants to reside. Not just the place where you are young and you move, but a place where the young, the old, can come together and build a real sense of community. He stated that he hopes that they can continue to take that energy and that gusto that he brought and keep it going. Maybe with a little less contention. Dream big and think outside the box because there is so much happening in the city of Allentown. Whether it is economic redevelopment, redevelopment of the state hospital property, the waterfront. There has probably never been in the history of the city more eyes and interests on this city. He stated that they have a unique and one-time opportunity to transform the city into something that it never been before. It is truly a premier mid-sized America city that is the gem of the country. That is the municipality that sets the standards and leads the way. He has always wanted Allentown to be the beacon of hope for municipalities around the country. He got tired about reading about what they were doing in Topeka, Kansas and San Diego, California. He wanted



people to look to Allentown. He is confident with this administration that is engaging with technology. That is trying to improve civic governance. That is trying to lead the way of economic development. He believes with this Council, that will continue to happen. He stated that they will always be able to reach him and stated please come by his office. He is absolutely going to champion Allentown harder than ever. With the majority in Harrisburg, they have a unique and wonderful opportunity to finally get the ball moving again after years of stagnation. Thank you.

Ms. Cynthia Mota stated thank you Josh. We are going to miss you. She read the procedures to filling Council Vacancy.

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**ADJOURNED: 8:00 PM**