



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, February 19, 2025

6:30 PM

Council Chambers

Invocation:

Pledge to the Flag

Roll Call

Present: 7 - Cynthia Mota, Daryl Hendricks, Ed Zucal, Natalie Santos, Ce-Ce Gerlach, Candida Affa, and Santo Napoli

Courtesy of the Floor

Courtesy and Privilege of the Floor Rules

Ms. Paulette Kish, 1028 E Chew Street, stated that she has a question on how she speaks here does she get answers. She has come for many years to speak and lately she gets no answers. She speaks and really doesn't get any answers to the things that she was speaking about. She asked how does that work.

Mr. Daryl Hendricks stated that this is not a question and answer period. He stated that is to address any subject you wish to and someone may get back to you with an answer down the road.

Ms. Paulette Kish stated that she has been coming here for years and always got answers and directives. She just doesn't know the answer to why it is not happening now. She stated that is her question because she just doesn't understand. She stated that she was always so pleased when she comes to Council and would say all you have to do is go to Council. She stated that doesn't seem to happen anymore. She stated and she doesn't know why. She stated that she doesn't know the answer.

Mr. Daryl Hendricks asked if she had a specific question and wants to ask it. He stated that they will take it and will make certain somebody will get back to her.

Ms. Paulette Kish stated she would appreciate that. She stated like she said pull it so she appreciates that. She stated that she resides at 1028 E Chew Street and lived on the eastside for 75 years. They are middle class families who takes pride in their eastside. She stated that they pay their taxes and keep their houses up, but the eastside has been a disgrace. It is

going down down, down. She stated that it is a shame because people are moving out. People are moving out and she is really concerned for the state hospital project because quite frankly that is middle class. Unless, you start fixing the issues, she is afraid it will be a problem. First, why is no 311 in Allentown anymore. It was the most wonderful system. You took picture, you sent them in and it was taken care of. There is no 311. She stated that she want to know why. The thing is these after hours clubs on the eastside. She stated when she calls up they report that they depend on individuals. No one on the eastside middle class is up at 3:00 or 4:00 in the morning. The city must know where you are. Why are they operating after hours. She asked why should they be reporting that. She stated that is something that she is certain because there more and more on the eastside. The next thing is Andre Reed Park to her. Number 1: It is the main public park on the eastside of Allentown. It is part of Dieruff High School which has half the kids. It is so neglected. She stated that she has seen Center City Parks, Stevens, Bucky Boyle, and Valania. Three times Andre Reed Park is supposed to be done eight years ago over and now it is totally neglected. They moved the pool so that the softball field can be used. It is a pool and yet the softball field and high school can't take care of it. The courts, all the other courts are kept up and the schools. She stated please whatever you do with those for tennis and pickleball on those courts. Just don't go pickle and don't go tennis. She is retired and you never know what is going to happen in the future because people use them. Loads of pickleball as much as basketball. Cedar Beach is all new about pickleball. She stated please look at the eastside of Allentown and start fixing it. It is so sactiony. She stated that she knows what it was like and you took care of it. She stated that she appreciates them listening. She asked Council to help her get to the people she needs and she would appreciate it.

Mr. Daryl Hendricks stated that he will personally call her.

Ms. Jennifer Swann, 1825 W. Congress Street, stated that she is coming because a couple of weeks ago she was here during a discussion of the hiring the lawyers to investigate the Human Relations Complaint. She stated that she thinks that is what it was. She stated that she does appreciate the last meeting that she was at where there was a lot of people here and everyone was given the Courtesy of the Floor and that was an incredibly long meeting and it was really well done because she was sitting out there and heard it. The meeting that she was at before she was very dismayed at the way that people on this Council treated other people on this Council. She stated that she would like to and all the people on this Council represents her. She stated that she is a member of Allentown and stated you guys are her Councilmembers. When this information goes out and people watch that aren't here what they see represents the way our city respects each other. She stated that she would like, if it is possible for

people on the Council to treat each other with respect. She stated that she is not here to dictate, she is just requesting that happens.

Ana (Danny) Negrón stated and wanted to say that today she was terminated by the city of Allentown stating 19 years in this city that dedicated everything to. Ana stated that doing for the community and changed neighborhoods, looking better and cleaner and safer. Of course, not having anybody to back her up. Today, getting terminated because of being a whistle blower and also has gone through such abuse from management and supervisors. Ana (Danny) stated coming here not that long ago and spoke out about the abuse and what the public is receiving from the Sweep Department that they are suffering and going through stuff with the Sweep Department. Also, wanted to mention that she a whistle blower as well stating that she was reporting things from people above her that should have taken care of the situation. Ana (Danny) stated today she got fired from the people that have harmed her from the first place. For years and started working for the city since 2007 and got fired today stating she makes sure these neighborhoods are clean and safe. Syringe clean and picked them up by herself so that kids or adults and everything would not get infected with such that the city never took care of. Ana (Danny) stated that all she ever got was reprimanded and also suspended and so on because she spoke out for the people, for the community. Ana (Danny) stated she wanted to mention that the people that fired her today were the people that have attacked her as well as her supervisor who assaulted her months ago because of helping an Ecuadorian man with a situation that he was wrongfully ticketed for. Ana (Danny) stated this is the things that her bring to you all that we need a change in the city stating we need to be honest and loyal to everything we do and every breathe we take. Every person we so called tried to help, but so far haven't seen anything and being here for 19 years, employed by the city. All hat was done was hurt, earn, and health is crap due to working for the city of Allentown. Because she came her and was employed here to make changes, to help the community and make changes. Ana stated that she had visions, but all she did was get slaughtered every day by the people that she was suppose to look up to, but every time she looked up to them, they looked down on her. Ana (Danny) stated that it is unfair and they need to make this change and get these bad teeth out of this city. Ana (Danny) stated that she tried every millisecond of her life and every time swept blood for the city, somebody is laughing at her. It is not the people, it is the people that she works for stating she does not appreciate that. She stated that she lost her pension stating 19 years that she worked hard sweat and is the best worker they ever had in this city and reached out to a couple of people.

Mr. Daryl Hendricks stated try to finish up. Your time is up.

Ana (Danny) stated that she would appreciate if they will help her in the situation or make things change and get all these bad teeth out. Ana (Danny) stated if Council wants to know information, people, dates, situations, locations, and know who the people are going through such stuff because of these people, Ana (Danny) would gladly give them names, situations, and even take you to their homes and show them that the Sweep Program has been very cruel to the people. Ana (Danny) stated that she even feels bad for every disabled, bedridden, every retired citizen and every person that strived to get better in life all of a sudden. How are we supposed to make our people prosper. Ana (Danny) stated she needs help stating if you need her contact, contact her.

Contract Approvals

15-7501

R18

Authorization for Contract with Buckman Iron & Metal, Inc. for a revenue generating contract for the unit prices set forth in the proposal to accept various types of scrap metal for recycling from the Allentown Recycling Drop-Off Center (Drop-Off Center) and from the City of Allentown's departments and facilities (City facilities). One (1) bid was received, contract shall be for three (3) years with one (1) additional one (1) year renewals beyond the contract expiration period.

Sponsors: Administration

Attachments: [R18 - Buckman](#)
[Resolution #31011.pdf](#)

Ms. Sarrah McNeil stated that this was done as a revenue generating Bid #2025-04 and was advertised on January 2, 2025. The public opening was held on January 31, 2025. The city received one bid. After the department reviewed the proposal, they are recommending an award to the sole bidder Buckman Iron & Metal, Inc.

Mr. Daryl Hendricks thanked Ms. McNeil. He asked if he had any questions from his colleagues. He stated tat he just have one question. He saw that they were offering \$40,000 and asked is that the starting price.

Mr. Sarrah McNeil stated that it is percentages that they received from them of how much the city drop off. It all depends on how much the city actually dispose there.

Mr. Daryl Hendricks asked what is the amount they usually collect then over the course of the year. Is that correct?

Mr. Mark Shahda stated that in 2024, they received \$63,000 in revenue for scrap metal. It really depends on volume and weight.

Mr. Daryl Hendricks stated thank you and asked if there were any questions from the public.

Ms. Sarrah McNeil stated that this was done as a revenue generating Bid #2025-04

Yes: 7 - Cynthia Mota, Daryl Hendricks, Ed Zucal, Natalie Santos, Ce-Ce Gerlach, Candida Affa, and Santo Napoli

Enactment No: 31011

[15-7502](#)

R19

Authorization for Contract with Asphalt Maintenance Solutions, LLC, Chemung Supply Corp., H&K Group, Inc., Naceville Materials JV, New Enterprise Stone & Lime Co, Inc., and PMG SM PA LLC (d/b/a SealMaster PA) at the unit prices identified on the bid tabulation, for an estimated sum of \$2,400,000.00 to furnish and/or deliver and/or apply road materials, including but not limited to geotextiles, competitively bid.

Sponsors: Administration

Attachments: [R19 - Road Materials](#)
[Resolution #31012.pdf](#)

Ms. Sarrah McNeil stated that this was done as Bid #2025-02 and was advertised on January 2, 2025. The public opening was held on February 5, 2025. The city received seven bids. Upon review of said bids, all except for one due to not having the lowest cost is being recommended for an award on various parts of the contract, as indicated on the Bid Tabulation.

Mr. Daryl Hendricks thanked Ms. McNeil and asked if there were any questions from his colleagues or any questions or comments from the public.

Yes: 7 - Cynthia Mota, Daryl Hendricks, Ed Zucal, Natalie Santos, Ce-Ce Gerlach, Candida Affa, and Santo Napoli

Enactment No: 31012

[15-7504](#)

R20

Authorization for Contract with Telco, Inc. in the amount of \$276,384.15 for the installation of replacement traffic equipment due to accident damage at various locations. Two (2) bids were received, contract shall be for one (1) year with two (2) additional three (3) month renewals beyond the contract expiration period.

Sponsors: Administration

Attachments: [R20 - Telco](#)
[Resolution #31013.pdf](#)

Ms. Sarrah McNeil stated that this was done as Bid #2024-56 and was advertised on December 19, 2024. The public opening was held on January 29, 2025. The city received two bids and upon review of said bids, the department is recommending the award to the lowest bidder Telco, Inc.

Ms. Sarrah McNeil stated that this was done as Bid #2024-56 and was advertised on December 19, 2024. The public opening was held on January 29, 2025. The city received two bids and upon review of said bids, the department is recommending the award to the lowest bidder Telco, Inc.

Mr. Daryl Hendricks thanked Ms. McNeil and asked if there were any questions from his colleagues.

Mr. Ed Zucal stated that he sees that this was a result of traffic equipment that was damaged due to accidents. He asked is the city receiving any money back from the insurance companies that resulted in that accident and if so, how much.

Ms. Bina Patel stated that the Risk Manager is pursuing that. They don't have the data yet. They have filed a claim.

Mr. Ed Zucal asked do you know when these accidents happened.

Mr. Mark Shahda stated to Mr. Zucal that they can get him the dates.

Mr. Ed Zucal stated how did they come to this amount and not knowing how much they are going to receive back from the insurance company. He stated that is his question.

Ms. Bina Patel stated that they do go through a process. They have to waive after the claim is filed. They are going to receive a reimbursement.

Mr. Ed Zucal stated ok and thanked Mr. Hendricks.

Mr. Daryl Hendricks stated certainly. He stated that his question he would have is that he assumes this is for several accidents, not for a single.

Mr. Mark Shahda stated at seven separate locations.

Mr. Daryl Hendricks stated ok. That could be significant money reimbursed.

Mr. Mark Shahda stating going back to the Risk Budget.

Mr. Daryl Hendricks asked if there were any other questions from his colleagues or comments from the public.

Yes: 7 - Cynthia Mota, Daryl Hendricks, Ed Zucal, Natalie Santos, Ce-Ce Gerlach, Candida Affa, and Santo Napoli

Enactment No: 31013

[15-7503](#)

R21

Authorization of Cooperative Contract(s) in an amount greater than \$40,000.00 to provide the City with various goods/services, for Stephenson Equipment, Inc for a Bandit Chipper for Parks.

Sponsors: Administration

Attachments: [R21 Cooperative Resolution #31014.pdf](#)

Ms. Sarrah McNeil stated that this is through PA State Contract and is vetted by Purchasing.

Ms. Sarrah McNeil stated that this is through PA State Contract and is vetted by Purchasing.

Mr. Daryl Hendricks thanked Ms. McNeil and asked any questions or comments from his colleagues or any comments from the public.

Yes: 7 - Cynthia Mota, Daryl Hendricks, Ed Zucal, Natalie Santos, Ce-Ce Gerlach, Candida Affa, and Santo Napoli

Enactment No: 31014

Minutes of Previous Meeting

[15-7498](#)

February 5, 2025 Special Meeting for Human Resources Director Minutes (Marty Velazquez)

Sponsors: System

Attachments: [February 5, 2025 Special Meeting for Human Resources Director Minutes \(Marty Velazquez\)](#)

Yes: 7 - Cynthia Mota, Daryl Hendricks, Ed Zucal, Natalie Santos, Ce-Ce Gerlach, Candida Affa, and Santo Napoli

[15-7517](#)

February 5, 2025 City Council Meeting Minutes

Sponsors: System

Attachments: [February 5, 2025 City Council Meeting Minutes](#)

Yes: 7 - Cynthia Mota, Daryl Hendricks, Ed Zucal, Natalie Santos, Ce-Ce Gerlach, Candida Affa, and Santo Napoli

Communications

Mr. Santo Napoli stated that visitors to the City Council meetings are encouraged to park in the Government Deck next door and to see Mr. Hanlon, our Clerk for a Chaser to pay for your parking.

Mr. Daryl Hendricks thanked Mr. Napoli.

Old Business

Mr. Ed Zucal thanked President Hendricks. He stated that last week he was watching the news and saw that there was an investigation performed involving the Allentown Police Department on something known as the Juan Fund. There was a gentleman that was hired as an investigator by the name of Mr. Nolan. He stated Ms. Patel, maybe you can answer these questions for him. He asked if she knew Mr. Nolan was an attorney.

Ms. Bina Patel stated that she doesn't have that information, but she can get that information for him. She stated that she doesn't have that tonight.

Mr. Ed Zucal asked if she knows if he was hired through an RFP process or qualified under the Rules that he did not have to abide by because he is an attorney.

Ms. Bina Patel stated that she does not know if he is an attorney or not and no, there was no RFP process done. She stated that they will get that information for him.

Mr. Ed Zucal stated to Ms. Patel so he was not hired through an RFP process. He asked do they know of any other people that had bid on that investigation.

Ms. Bina Patel stated that she does not have that data.

Mr. Ed Zucal asked does she know what fee or what account that was paid out of.

Ms. Bina Patel stated she does not have the data, but will get that for him.

Mr. Ed Zucal thanked Ms. Patel and stated that he appreciates it. He stated that he has no further questions.

Mr. Daryl Hendricks thanked Mr. Zucal and said anybody else.

Mr. Jeffrey Glazier stated to Mr. Hendricks if he could, the Bill in question across his desk because they all do. He stated that he is kind of unsure at this point. If the city hired an outside law firm to look at the situation that would have been done by a Letter of Engagement. This person might have been a subcontractor to them.

Mr. Ed Zucal stated that he doesn't know if Mr. Glazier is qualified to answer the question that he asked her.

Mr. Jeffrey Glazier stated that is alright. He thought he could add something. It could be a subcontractor. He stated Council, the same way if they were in court and that solicitor needed to hire an expert witness. The two are relatively analogist. He is sure Ms. Patel to get back to you. He just wanted to frame it in a way that these things often happens.

Mr. Daryl Hendricks thanked Mr. Glazier.

Ms. Ce Ce Gerlach stated that she just had a quick follow up. She echoes what she thought that unless they were hiring, the city was hiring an attorney that they needed to go through the RFP process. She stated that they faced that as a Council. She stated that they faced a lot of scrutiny sometimes from our colleagues about not going through the RFP process. She stated that she would definitely hope that they can ensure that they done that.

Ms. Bina Patel stated that she will get the information to Council tomorrow.

Ms. Ce Ce Gerlach stated oh, great. Thank you.

Mr. Daryl Hendricks stated ok, anybody else.

REPORTS

REPORTS

REPORTS FROM COMMITTEES:

Budget and Finance: Chair Napoli, Santos, Gerlach

The Committee met this evening; no future meetings are scheduled.

Community and Economic Development, Chair Mota, Hendricks, Napoli

The Committee has not met since the last council meeting; the next meeting is scheduled for February 26 at 5:30 PM.

Human Resources, Administration and Appointments: Chair Santos, Napoli, Hendricks

The Committee has not met since the last council meeting; the next meeting is scheduled for March 5 at 6 PM.

Parks and Recreation: Chair Gerlach, Santos, Affa

The Committee met this evening; the next meeting is scheduled for March 5 at 6:15 PM.

Public Safety: Chair Affa, Zucal, Mota

The Committee has not met since the last council meeting; the next meeting is scheduled for February 26th at 6 PM. In addition to the legislation before the committee, we will be discussing and reviewing a resolution on community policing, a draft ordinance on predatory towing and, if time allows, we will begin to look at city hall security.

Public Works: Chair Zucal, Gerlach, Affa

The Committee met this evening; there are no future meetings scheduled. There is one item for voting on later.

Rules, Chambers, Intergovernmental Relations, and Strategy: Chair Hendricks, Mota, Napoli

The committee has not met since the last council meeting. A meeting will be scheduled soon to review the draft code of conduct and to discuss setting up meetings with other municipalities to review issues of mutual concern.

Controller's Report

Mr. Jeffrey Glazier stated thanked Mr. President and stated two brief Reports today. The first is a bank reconciliation review for the month of November 2024. This Report came out on January 30th. He stated that what he wants to highlight on this Report is the number of Bank Reconciliations to look at. They did 32. The dollar amount was \$132 million, but really of interest is the non-city controlled bank reconciliation that they did. They did three of those for \$219,000 and they say non-city controlled bank reconciliations in this case is the Redevelopment Authority. Now, the Redevelopment Authority is kind of back in-house. The Controller's office will be looking at their bank statements and making sure they are properly reconciled every month. This is a new development because it is back in-house and this will help ensure stronger financial controls on that authority. He stated that is a really good thing. He stated that his other Report is the P-Card Review for the month of September. They published this in January 2025. Towards the end of 2024, numerous departments became a little lapse in getting their P-Card charges in a timely manner which back things up. They finished the last P-Card Review probably on the day of the Year 2024 closed. They had a lot of documents to review in a very short time. If any changes needed to be made, the administrator in those departments had hours any/or minutes and do that before Finance shut the books. He doesn't know if anybody's fingers got

clipped and he appreciates everyone's quick work there. For the month of September, they reviewed 76 P-Cards Statements, the documents reviewed for \$630, the dollar amount \$247,000. As they do for many months, they look at the timeliness of P-Card entry in Eden. Department wise, most departments got everything in 30 days or less. There were two departments for a total and got everything in 31 to 60 days and two departments had a total of 25 invoices that were out there for over 60 days and that is what really delays these Reports because they don't get published and then consequently entered into Eden until everything is in. He stated that he understands it is going to be a priority for Finance to encourage whether they use carrots, sticks or both that will get all the departments to get better on this. The findings are what we would expect. Most departments to a very good job, occasionally. There are some challenging invoices. For instance, there were 19 instances where it was in the incorrect expense account was used. They advised the department of the proper account and the changes were made. There was one invoice for a late fee of \$13.90. The department was advised. They paid sales tax on two invoices. The departments were advised and was requested to reach out to the vendor to get the tax refunded. He stated that was the Report for that month.

Mr. Daryl Hendricks thanked Mr. Glazier and stated now they will move on to Ordinances for final passage.

The mayor has not submitted anything for the agenda.

[15-7528](#) Controller Reports

Attachments: [Acct Payable Review.pdf](#)
[PCard Review.pdf](#)

ORDINANCES FOR FINAL PASSAGE (To be Voted On):

ORDINANCES FOR FINAL PASSAGE (To be Voted On):

ORDINANCES FOR FINAL PASSAGE (To be Voted On):

[15-7471](#) Bill 11
Amending the 2025 Capital Fund Budget to provide for a supplemental appropriation of One Hundred Seventy-Five Thousand (\$175,000.00) Dollars from the Pennsylvania Department of Community and Economic Development (DCED) to support design of MLK Trail Phase 2 (LP East to Cedar Park).

Attachments: [Bill 11 MLK Trail Phase 2 DCED Grant](#)

Mr. Daryl Hendricks thanked Mr. Hanlon and stated that this was in your committee Ms. Gerlach.

Ms. Ce Ce Gerlach stated yes, we discussed it tonight and it was moved forward favorably. Thank you.

Mr. Daryl Hendricks thanked Ms. Gerlach and asked if there were any questions or comments from his colleagues or any comments from the public. He asked Mr. Hanlon to conduct the vote.

Yes: 7 - Cynthia Mota, Daryl Hendricks, Ed Zucal, Natalie Santos, Ce-Ce Gerlach, Candida Affa, and Santo Napoli

Enactment No: 16104

[15-7473](#)

Bill 13

Amending the 2025 Equipment Fund Budget to provide for an increase of One Hundred Fifty Thousand Dollars (\$150,000) for the purchase of a heavy-duty lift truck for the Traffic Bureau as part of the Pennsylvania Local Share Account Grant the City was awarded. This grant is fully reimbursable and once the equipment has been purchased, the City will be reimbursed.

Sponsors: Administration

Attachments: [Bill 13 Public Works LSA](#)

Mr. Daryl Hendricks stated to Mr. Zucal it was in his committee.

Mr. Ed Zucal stated it was sent favorably to Council.

Mr. Daryl Hendricks asked if there were any questions, comments from his colleagues or any comments from the public.

Yes: 7 - Cynthia Mota, Daryl Hendricks, Ed Zucal, Natalie Santos, Ce-Ce Gerlach, Candida Affa, and Santo Napoli

Enactment No: 16105

CONSENT AGENDA

Mr. Michael Hanlon stated that there are five items for the consent agenda. One is a Sewage Planning Module for 639 North 8th Street. There is the appointment of Charlene Smalls to the Commission on Homelessness. The appointment of Jeani Garcia, Nuisance Abatement Board of Appeals. The appointment of David Tagg, Nuisance Abatement Board of Appeals and the appointment of Vanessa Fletcher to the Commission on Homelessness.

Mr. Daryl Hendricks thanked Mr. Hanlon and asked if there are any Councilmembers who wish any of these items to be removed from the Agenda. He asked if there were any comments from the public.

Yes: 7 - Cynthia Mota, Daryl Hendricks, Ed Zucal, Natalie Santos, Ce-Ce Gerlach, Candida Affa, and Santo Napoli

[15-7507](#)

R22

Sewage Planning Module at 639 North 8th Street Adaptive Reuse

Sponsors: System

Attachments: [R22 639 North 8th Street Adaptive Reuse Sewage Planning Module](#)
[SPM Completeness Checklist](#)
[Sanitary Planning Module -639 N 8th St Adaptive Reuse](#)
[Resolution #31015.pdf](#)

Enactment No: 31015

[15-7519](#)

R23

Charlene Smalls, Commission on Homelessness, 2/20/2029
(Reappointment)

Sponsors: Administration

Attachments: [R23 Charlene Smalls \(Commission on Homelessness\)](#)
[Memo from Mayor Tuerk regarding Reappointment of Charlene Smalls](#)
[\(Commission on Homelessness - 2-20-2029\)](#)
[Resolution #31016.pdf](#)

Enactment No: 31016

[15-7521](#)

R24

Jeani Garcia, Nuisance Abatement Board of Appeals, 2/20/2027
(Reappointment)

Sponsors: Administration

Attachments: [R24 Nuisance Abatement Board of Appeals \(Jeani Garcia\)](#)
[Memo from Mayor Tuerk regarding Reappointment of Jeani Garcia](#)
[\(Nuisance Abatement Board of Appeals - 2-20-2027\)](#)
[Resolution #31017.pdf](#)

Enactment No: 31017

[15-7522](#)

R25

David Tagg, Nuisance Abatement Board of Appeals, 2/20/2026

Sponsors: Administration

Attachments: [R25 Nuisance Abatement Board of Appeals \(David Tagg\)](#)

[Memo from Mayor Tuerk regarding Appointment of David Tagg
\(Nuisance Abatement Board of Appeals - 2-20-2026\)
Resolution #31018.pdf](#)

Enactment No: 31018

[15-7520](#)

R26

Vanessa Fletcher, Commission on Homelessness, 2/20/2029

Sponsors: Administration

Attachments: [R26 Vanessa Fletcher \(Commission on Homelessness\)](#)

[Memo from Mayor Tuerk regarding Appointment of Vanessa Fletcher
\(Commission on Homelessness - 2-20-2029\)
Resolution #31019.pdf](#)

Enactment No: 31019

RESOLUTIONS FOR FINAL PASSAGE (To be Voted On):

[15-7518](#)

R27

Authorizes and approves the expansion of services for Solicitor Montero, providing for remuneration for the additional duties.

Sponsors: Affa, Hendricks, Mota and Napoli

Attachments: [R27 Engagement.doc](#)

[Maria Montero- Letter of Engagement COA Scope.pdf
Resolution #31020.pdf](#)

Mr. Daryl Hendricks thanked Mr. Hanlon and asked if there were any questions or comments from his colleagues.

Mr. Ed Zucal stated that he has concerns about this Resolution. He asked when did Council vote on providing money for Duane Morris. As for as he remembers, they have not approved the finances for them. He asked is that fair enough to say.

Mr. Daryl Hendricks stated that he thought that was approved.

Mr. Ed Zucal stated that you approved to stop the engagement with Mr. Curtis and to hire Duane Morris. They never approved ever the amount of money to hire them. It was a discussion on the estimate on what it would cost, but it was never voted on the amount. He stated that he guesses another question that he would have is do they know at this point in time what estimated final it would be.

Mr. Daryl Hendricks stated that he believes it was given to them.

Mr. Ed Zucal stated an estimate and asked do we have an estimate because it ranged from anywhere from he believes \$350,000 to a million.

Mr. Daryl Hendricks stated that they can get that information.

Mr. Ed Zucal stated ok. He stated his question is have they ever had any engagement with Duane Morris up to this point. He stated that he doesn't think they should have since they did not approve any funding. He stated that is just his personal opinion. He stated so his final question is why are they approving \$15,000 and nothing against Ms. Montero, if she does the work she deserves the, however, he is not so sure that they are at that point yet. He stated that he would make a Motion to table this at this point in time until they have Number 1: what the fees are going to be. Where the money is coming from and the vote on the money? He stated that would be his argument.

Mr. Daryl Hendricks thanked Mr. Zucal.

Ms. Candida Affa stated maybe Ms. and stated no, ok.

Ms. Ce Ce Gerlach stated that she will second the motion.

Ms. Candida Affa stated that she is not finished her question.

Ms. Ce Ce Gerlach asked are you still going.

Mr. Daryl Hendricks stated that she has a question.

Ms. Ce Ce Gerlach asked so are we discussing a Motion to Table.

Ms. Candida Affa stated that she did not get a chance to.

Ms. Ce Ce Gerlach stated that it doesn't matter what you are saying. There is no discussion on a Motion to Table.

Mr. Daryl Hendricks stated Motion made by Mr. Zucal and seconded by Ms. Gerlach.

Mr. Michael Hanlon stated let him take a vote on that.

Mr. Michael Hanlon stated that you are back to the Resolution.

Mr. Ed Zucal stated that again, he is going to ask, how are they spending money on something that was never approved.

Mr. Jeffrey Glazier stated to Mr. Hendricks if he could weigh in stating that he think he can shed some light on Mr. Zucal's very fair questions. He stated that what you guys did and correct him if he is wrong is accept a Letter of Engagement that had the hourly fee in it. He stated that most Letters of Engagement for Solicitor's won't have a top price because you don't know what it is going to take if you go into court. He stated that you don't know. He stated that they did the first major first step and accepted the Letter of Engagement. He stated that they don't need to appropriate the money in this case because it is coming out of the Solicitor's 44 Account which is well funded and would be able to handle the expense. He stated to your second question, it is really not an issue. It is coming out the Solicitor's account.

Ms. Ce Ce Gerlach asked can she ask for clarification what is coming out the Solicitor's account.

Mr. Jeffrey Glazier stated payment for Duane Morris will be paid from the Solicitor's

Ms. Ce Ce Gerlach stated the city Solicitor's account.

Mr. Jeffrey Glazier stated the city Solicitor's 44 Account which is a proper account to do it from because it is an outside Counsel. He stated if the city goes to court and when they go to court, it doesn't come from that account, it comes from the Risk Account which is the proper account that is, but when they hire people to do investigations like the question you raised earlier about the Police Department. Those expenses are born by the Solicitor's 44 Account. If this is an investigation, it comes out of the Solicitor's 44 Account.

Mr. Ed Zucal stated that he would think at some point in time, it got to be replaced. That would have to come out of the unappropriated balance would be his guess which will end up going back to the taxpayers.

Mr. Jeffrey Glazier stated well, first of all, it all comes from the taxpayers from dollar 1.

Mr. Ed Zucal stated that he thinks they have a right to know how much it is going to cost before they agree to it.

Mr. Jeffrey Glazier stated that his first statement was the reason you go to court, sir, you know what your hourly fee is going to be. You don't know what the final fee. He stated that is true as City Council well knows from your experience from your own Solicitor Mary K and stated that they don't

know what her final bills are going to be because you don't know how much work she is going to do to get you to your Resolution. The same is true with a court case, they know what the Solicitor is going to charge on an hourly basis, they don't know how long it is going to take to try the case so there can't be a finding fee. That is not possible to know. He stated that he thinks Mr. Glazier will agree with him that when they hired Mr. Curtis, they encumbered \$300,000 as a top amount to hire him.

Mr. Jeffrey Glazier stated that you did, but that was a management choice on your part. It is not a hard and fast rule. He stated that he understands what he is saying, but if Scott came back and said he really needs another \$150,000 to finish this Report, you would make that decision.

Mr. Ed Zucal stated ok, he sees where this is going. He thanked Mr. Glazier.

Mr. Jeffrey Glazier thanked President Hendricks.

Mr. Daryl Hendricks thanked Mr. Glazier. He stated that they will get back to the Bill R27. He asked if there were any questions or comments on that or any further questions or comments.

Ms. Ce Ce Gerlach stated that she thinks potentially as a follow up to Mr. Zucal's. It was stated that they might not be able to put a cap. They may not be able to anticipate exactly the final cost would be, but they don't even know what the hourly rate would be. Because it was discussed that they would give Council a discount. She stated that they don't know what that discount would look like. It was discussed when they voted on hiring Duane Morris, it was said by multiple people: The City Solicitor, people here on Council, that they would negotiate that someone will be in communication with folks from Duane Morris to work out a good rate to make sure that it won't be a million dollars. It was said at that meeting. You can run the minutes. That was said, but now, they are being told at that meeting that there would be another vote where they would have to vote on the allocation, now they are being told that they don't have to vote on the allocation because it would just come from Line Item 44. She asked is she confused or are they mislead, was there a misunderstanding. She stated that she was with the understanding at that last Council meeting that they would have another Bill in front of them or Resolution or something they would say this is how much it is going to cost. It is not even she was under the understanding, it was told. They were told that. The public was told that. She asked what happened in between February 5th she guess that was or whenever that meeting was and now, where there is no longer or they are no longer are going to be told an amount. She stated that something is up. What's up? She asked if someone can help her out here.

Ms. Bina Patel stated that you are ok. They did say at the last meeting that they will bring an ordinance forward to appropriate the funds and that was discussed, but they didn't say what the cost would be as the Controller has stated. When you are doing an investigation and from your past experience, you don't know exactly what the cost is going to be. An ordinance will be coming forward to you with that transfer. Currently, as they always had budget under Solicitor's budget for legal expenditures. That is what the Controller is referring to. They currently have funds budgeted for legal expenditures and that is where they will begin. Once this investigation begins, they will start paying from that expenditure that they haven't budgeting and she will bring the Ordinance forward to Council.

Ms. Ce Ce Gerlach stated that they went from having a cap for an investigator to now having no cap. They don't know how much it is going to cost hourly. She stated that is where they are at.

Ms. Bina Patel stated that she does not have information on how much it is going to be. Because the cost of the investigation.

Mr. Santo Napoli stated excuse me and asked Ms. Montero if there are any updates you can provide to maybe help clear some of this up for all of them.

Ms. Ce Ce Gerlach stated so there has been communication between the city.

Attorney Maria Montero stated that there has been zero money that has been charged and zero money that has been allocated. She stated that when Council hired Duane Morris to move forward with the investigation, this entire time what they have been doing is developing a Plan on how they would move forward with the investigation. Creating Memos of Understanding. Creating Letters of Engagement, but no Letter of Engagement has been signed. One of the other points that Council also put forward is having herself as a Solicitor help in managing the investigation, reviewing different billings, being a point of contact for City Council, making sure that Duane Morris follows not only the Letter of Engagement, but also Ordinance 10. She stated so that has all been in the works, but there has been no Letter of Engagement signed.

Mr. Santo Napoli stated on that Letter of Engagement, will the cost be a part of that, correct.

Attorney Maria Montero stated that an hourly rate will be listed in the Letter of Engagement. She stated that she believes her role as an advocate for

City Council investigation is to make sure that every penny that the taxpayer money goes towards that is spent wisely. She stated that she will provide that oversight. She stated that she does not know what the hourly rate is. That would be included in the Letter of Engagement and that will be public and also from the range considering Duane Morris has done hundreds of investigations. She stated that they shared with them that it could be anywhere from \$400,000 which quite frankly that is the mark that they are hoping to keep it at.

Ms. Candida Affa asked if she could ask a question and if Attorney Montero is finished. She stated basically this \$15,000 would go no higher. It has nothing to do with the price of what they are going to pay Duane Morris. She asked Attorney Montero what she is doing, the \$15,000 just so happens that you are working for City Council on this. She asked if she is informing them and being the one that is the Watch Dog to make sure that everything is being done properly. She asked Attorney Montero's fee of \$15,000 goes no further than that. It is apples and oranges. What Council is paying them is completely different from what they are paying Attorney Montero. She stated that Council is paying her to be the Watch Dog for City Council and making sure that the I's are dotted and the T's are crossed with Duane Morris. She stated to Attorney Montero that she is doing more or less protecting and helping Council to and reporting to them. She stated this is what she wanted to make and stated that this has nothing to do with how much they are paying Duane Morris, correct. She stated that Attorney Montero's \$15,000 is for Council's help.

Mr. Daryl Hendricks asked if there are any other questions.

Ms. Ce Ce Gerlach stated that this is her second bite at the apple and then she is done. She stated sorry, she sees how this vote is going. She asked Ms. Affa if she has a question.

Ms. Candida Affa stated that this is your third time. How many times we are going to get. She stated that she thought they were only.

Mr. Daryl Hendricks stated no, there is only a second time. He stated go ahead Ms. Gerlach.

Ms. Ce Ce Gerlach asked is she ok.

Mr. Daryl Hendricks stated thank you.

Ms. Ce Ce Gerlach stated under Terms of Service, it states that this Resolution, Council's Resolution will contain the date of commencement and the conclusion will occur when the investigation is complete and the

Report rendered which means it could exceed beyond that six months which means it could exceed beyond \$15,000.

Attorney Maria Montero stated no.

Ms. Ce Ce Gerlach stated that even if the investigation goes on 10 months, and asked Attorney Montero you are going to do work for free.

Attorney Maria Montero stated yup.

Ms. Ce Ce Gerlach stated that she needs to understand what this looks like up in real terms. She stated that investigation briefings and asked what does she anticipate that would be because the lawyers can't tell you what they are finding out. She asked what an investigation briefing would look like.

Attorney Maria Montero stated as it is customary with a lot of law firms, when you get updates on your case, attorneys are not charging for those updates. That is something important to know. She stated because this investigation is going to be a public Report and so during once a week she wants to know if someone is a Watch Dog is what is going on. What is the progress? If they have timelines that they need to keep and certain goals that are set, if they are not meeting those goals and they don't think they are going to have the investigation done by the end of summer, they are wasting our time and they are wasting and wasting our tax money and it is really important to be spot on for that. In that Council President is the individual who she will be reporting back to give updates. It is in the Council President purview how those meetings going to happen: whether it be telephone or in person, but there will be weekly updates on what is going on. She will be communicating with Duane Morris weekly of the status of the investigation.

Ms. Ce Ce Gerlach asked if the briefings encompasses the other bulleted item. It is not like it is a stand alone thing. In terms of her expressing concerns about the billings not being submitted in other investigations, at least public investigations that they have done. She asked wouldn't it be more a finance thing to do.

Attorney Maria Montero stated as an attorney who deals with billing every day, she wants to make sure that the scope of work that they are doing is within our Scope of Engagement and the Ordinance. She stated that if they charge Council for something outside of the scope, scratch it off, red line it. You are not going to get paid for activity that is not within what Council asked them to do. She stated we are the client. City Council is the client.

Ms. Ce Ce Gerlach stated in consulting with the City Solicitor as necessary for proper implementation of the investigation and asked if she would be able to elaborate.

Attorney Maria Montero stated absolutely, when Duane Morris sat down with all the Councilmembers and gave them that range, there are different tools they use when they are conducting an investigation. They can use things like E - Discovery which could be really expensive. For example saying they need to look for email communications during this time, however, as a liaison and reaching out to the city's Solicitor's office she can say that the investigator needs emails and can you connect with IT so they can have access to them. There are different steps that they can take to help save costs and that is an example of how herself as that Watch Dog could work with the City Solicitor's office to help save them and reduce the cost of the investigation.

Ms. Ce Ce Gerlach stated two more things and stated that she would assume on their end, they are going to bill Council for these briefings and meetings that they are having with Attorney Montero.

Attorney Maria Montero stated those things are not billed on their end.

Ms. Ce Ce Gerlach stated that they last question is she just wanted Attorney Montero to understand the last sentence and read Attorney Montero shall have no obligation to advance costs on behalf of Council even that means that Council will miss a filing or submission deadline. She stated that she doesn't understand what that means.

Attorney Maria Montero stated sure, she gets it and stated so just like her first Letter of Engagement with Council, her first role is Parliamentarian. If the city of Allentown gets sued for x, y, z, City Council isn't coming to her saying Solicitor Montero can you please pay the filing fees for this lawsuit. They could enter a complaint with the Common Pleas stating that is not her role. She is not forwarding any litigation fees because that is not her role. She stated in fact, the city of Allentown has their own insurance and has their own outside attorneys. She stated that she just like to put it in the agreement just because through the professional responsibility she is required to list what her obligations are and that is why there is a separate Letter of Engagement and that's why she is being transparent with Council so they know how she serves them. She also knows what their expectations for her are.

Ms. Ce Ce Gerlach thanked Attorney Montero for answering those questions stating it seems like this is going to pass and she just wanted to fully understand what is probably going to pass.

Attorney Maria Montero stated as an outside person she is here as Councilpersons Solicitor. She stated call her anytime, email her and stated she is here.

Ms. Ce Ce Gerlach thanked Attorney Montero.

Mr. Daryl Hendricks thanked Ms. Gerlach and asked anybody else.

Mr. Santo Napoli stated that the cost is obviously a huge concern to him and to everyone. It should be a huge concern. That to him really shows why Council's Solicitor Ms. Montero is so important that they have to keep this contract and keep an eye on it through the whole phase. The one thing he learned and everyone here knows that he leans on his day job. He stated that it is her job if there is an issue to find out as soon as possible so that it could be addressed and resolved quickly. You don't want to find out 80 percent through that something is going sideways and you can't fix it. It is too late. Having Ms. Montero involved from the first day keeps Duane Morris in check. It keeps it as efficient as possible and that is what they want because for them to keep the numbers where they want, they need to have someone maintaining a watchful eye on this project. He thinks the case actually makes sense. He knows of construction projects, the ones he has done, there is always Project Manager. There is a line item for a Project Manager to make sure that project is done on time and on budget. He stated that it is really important and it seems to be the same thing. He stated when you report back, will there be Reports available to all of them at some point throughout the investigation, just for transparency or is it something that Mr. Hendricks will share with them. He asked how is that going to work.

Attorney Maria Montero stated that she did have a discussion and suggested that there be weekly touch points. She stated that she thinks it is important to have open communication with all Councilmembers. She recommended that she will be available like once a week to give updates after she spoke with Duane Morris on the status of the investigation and so however Council President wants to move forward in that communication is his determination, but there will be weekly communication and updates.

Mr. Daryl Hendricks stated his expectation is that he will be as transparent as possible with his colleagues and keep everybody advised as to how the investigation is going.

Ms. Candida Affa asked at any time is Council allowed to call her. She stated in other words, you get the Report and saw the question Ms. Montero and asked is she available for her as a Councilperson to call and

straighten something out.

Attorney Maria Montero stated that she always defer to the Council President.

Mr. Daryl Hendricks stated that probably should come from him. Only because they are putting more of a burden on her and it may be outside the scope.

Ms. Candida Affa stated that she will be happy for the answer. She is sure there will be Council people that what to know.

Mr. Daryl Hendricks stated that he will be certain to take any questions anybody has and he will forward them.

Mr. Ed Zucal stated he wants it on the record that they have not approved the Ordinance for funding for them. He stated that is all he wanted to make clear.

Mr. Daryl Hendricks thanked Mr. Zucal and asked anybody else. He asked if there were any comments from the public.

Pastor Kari Holmes speaking on behalf of the Rising Sun Initiative headquartered here in Allentown. She stated to President Hendricks that she understood from the last meeting to even engage Duane Morris as the firm to look into allegations of racial discrimination within the city administration was tabled. She is trying to understand where and why it is a discussion now to talk about allocating funds for Ms. Montero to have any discussions with them. She was wondering if President Hendricks could explain to her where this transition and solidification to engage Duane Morris came and when that happened. She would also like to go on record saying that it is a red flag for and she thinks that it could be understood that anyone would see it as a red flag that the investigation within the individual who you initially set forth that this would be done by it is just frankly speaking that this was going to cost so much money. This would be a detriment to the constituents to have to pay for it. She stated that they heard the city administration said how expensive it was going to be and how horrible it would be to even do it. Right, when you were just initiating the vote to even have an investigation. It makes it really show up as a red flag when we are now saying, hey, we want Duane Morris. They don't have a track record of dealing with Civil Rights issues and Councilwoman Gerlach presented a number of concerns in addition to that. And, to say, now, this is great let's allocate money for them. Let's make sure that Ms. Montero is someone that is acting as a Watch Dog so this could go well. It really presents it as a red flag. Why is the city all in now to back Duane

Morris, if indeed you have and stated that she missed it, engaged them and hired them. She stated that they are looking at Council with a side eye. Why are they so excited to work with them and post this and pass this, but again, she is asking the question. She is sharing with Council the sentiment and the red flag that it presents. She stated she is asking the question, two questions as to: 1. How is this appropriation being made, if everyone was saying it is no money and City Council needs to find \$300,000 somewhere? If all the while you could have pulled down from item 44 more than enough money as Mr. Glazier just said to make sure that this goes away, gets investigated, finds and fixes the concerns. She stated that the second question being when did you decide that you would engage in hiring Duane Morris.

Mr. Daryl Hendricks thanked Pastor Holmes.

Ms. Karen Ocasio, Southside of Allentown, stated that she believes that she comes to the City Council meetings and to answer Mr. Zucal's question. There has been prior communication. It is on record that it has been prior communication with Duane Morris. She stated to answer that question. she stated that also on a previous meeting Duane Morris stated that any reports will be extra on top of that so they are going to get a weekly report that means it is going to be an additional weekly charge that is going to be added to that \$400,000. She asked do you see where the gray area lies and you have gray areas so they can keep charging more. She stated that is what they don't need. You guys are all pushing for this investigation out all of a sudden and asked why. Why? She stated that this is going to cost the city probably a million dollars or probably more than that. Who knows. She stated that they already stated that and you can play it back, run the minutes. Every time they will do a Report, there will be an extra charge. She asked when did they agree to or when did Council agree to contract them. It was an RFP for the previous investigator you guys were talking about. She stated that you guys didn't follow the Procurement process there. You guys didn't follow the Procurement process for Duane Morris and you didn't have a problem with that and you guys were questioning Curtis regarding the Procurement process. She asked if they are choosing when they question the Procurement process or what is going on. Because all of a sudden you guys are pushing for this and it is just not making sense. She stated that you guys are very questionable right now. It is looking a little crazy. She stated that they just need a little more explanation on that before they waste the constituents money on whatever it is that they are doing. Again, Duane Morris works for the organization and stated so what they are going to help you do and it is on the website. She stated that she is not saying exactly how it is on the website, but they basically work for the organization to coverup whatever it is that people are saying about them. She stated you guys are not being transparent. You

are looking to hide everything like you guys always do. She stated that she pray, she pray that the FBI comes in here and uncovers all of this because some of y'all are going to jail.

Mr. Daryl Hendricks stated no applause and asked anybody else.

A motion was made by Ed Zucal, seconded by Ce-Ce Gerlach, to table this at this point in time until they have Number 1: What the fees are going to be? Where the money is coming from and the vote on the money? He stated that would be his argument.that this Resolution be tabled.

Yes: 3 - Ed Zucal, Natalie Santos, and Ce-Ce Gerlach

No: 4 - Cynthia Mota, Daryl Hendricks, Candida Affa, and Santo Napoli

Enactment No: 31020

Yes: 4 - Cynthia Mota, Daryl Hendricks, Candida Affa, and Santo Napoli

No: 3 - Ed Zucal, Natalie Santos, and Ce-Ce Gerlach

Enactment No: 31020

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

[15-7505](#)

Bill 15 Parks and Recreation Committee, this evening
Amending the 2025 General Fund Budget to provide for a supplemental appropriation of Five Thousand (\$5,000.00) Dollars from Pool & Hot Tub Foundation under the Step Into Swim grant program to support swim lessons at city pools.

Attachments: [Bill 15 Parks Swim Grant](#)

Mr. Daryl Hendricks thanked Mr. Hanlon.

REFERRED TO THE PARKS AND RECREATION COMMITTEE

Mr. Daryl Hendricks asked if there were any comments from the public.

[15-7500](#)

Bill 16 Refer to the Community and Economic Development Committee, Allentown Planning Commission, and Lehigh Valley Planning Commission

Amending Chapter 660 (ZONING) of the City of Allentown Zoning Ordinance by amending Section 6605 to remove the limitation on preparation and provision of meals for only senior citizens within the community center definition.

Sponsors: Affa and Gerlach

Attachments: [Bill 16 Zoning Petition](#)

[Community Center Definition Change - A building used for recreational, social, educational and cultural activities owned and or operated by a public or nonprofit group or agency.pdf](#)

REFERRED TO THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

Mr. Michael Hanlon stated that it also has to be referred to the Planning Commission and the Lehigh Valley Planning Commission.

Mr. Daryl Hendricks stated correct and stated which you will be taking care of.

Mr. Michael Hanlon stated yup and stated you probably can ask for comments on Bill 16.

Mr. Daryl Hendricks asked if there were any comments regarding Bill 16.

**RESOLUTIONS FOR INTRODUCTION (Can be voted on or Referred to Committee):
NONE**

NEW BUSINESS: NONE

GOOD AND WELFARE: NONE

ADJOURNED: 7:34 PM

[15-6577](#)

Reference Materials:
Council Rules
Procurement Code
Ethics Code

Attachments: [Procurement Code](#)

[Ethics Code](#)

[Rules](#)