



# Allentown

435 Hamilton Street  
Allentown, Pa. 18101

## Minutes - Final

### City Council

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Wednesday, September 6, 2023

6:30 PM

Council Chambers

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#### Invocation:

#### Pledge to the Flag

#### Roll Call

Ms. Ce Ce Gerlach is present via Teams.

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

#### Courtesy of the Floor

#### Courtesy and Privilege of the Floor Rules

Mr. Donald Holobeny, 113 W. Wabash Street, gave an update on the Doggy Park and the accomplishments made was nothing. He sent 16 addresses to Zoning and Sweep Departments for violations. Nothing has been accomplished and he still has not heard back from the Mayor's office.

Mr. Daryl Hendricks suggested that he report it to the Public Works Director.

Mayor Matt Tuerk stated that the Public Works Director is indicating that it is the Stormwater Department.

Mr. Mark Shahda stated that he did receive Mr. Holobeny's email and the Sweep Manager was supposed to follow up. Unfortunately, some are in litigation so he can't get into it too much.

[15-6220](#) Courtesy of the Floor and Privilege of the Floor - September 6, 2023

**Attachments:** [Courtesy of the Floor and Privilege of the Floor - September 6, 2023](#)

#### Contract Approvals

[15-6190](#) R141  
Authorization for Contract with NewGen Strategies and Solutions, LLC in the amount of \$112,560.00 to research, advise, make recommendations, and assist in writing the next Municipal Solid Waste (MSW) Collection and Disposal Services and Recycling Collection and Delivery Services

Bid/RFP documents and evaluate the submitted Bids/Proposals in the City's best interest.

**Sponsors:** Administration

**Attachments:** [R141 - NewGen](#)  
[Resolution #30693](#)

Ms. Sarrah McNeil stated that this was done as RFP 2023 - 29 and was done on June 22, 2023. On July 24, 2023, the public opening was held and the city received the two proposals. The evaluation committee held both Technical and Cost Evaluations. The proposals were evaluated on the ability to meet the RFP requirements and after all evaluations were conducted, the committee felt that oral interviews were necessary. The committee held oral interviews on August 17 and the committee made the recommendation and award based on the firm's qualifications and overall score. The committee is recommending an award to NewGen Strategies and Solutions LLC.

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

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

Enactment No: 30693

[15-6191](#)

R142

Authorizes lease agreement with Christopher Reverie for residential property located at 250 Springhouse Road, Allentown, PA 18104.

**Sponsors:** Administration

**Attachments:** [R142 - Christopher Reverie](#)  
[Resolution #30694](#)

Mayor Matt Tuerk stated that he does not know if Sarrah is going to go through these. This and R143 are in reference to the Leases the city has with private entities to use city owned property. Typically, the administration is required to get Council's approval for any lease in excess for five years. This is not in excess of five years, but he thought it would be best to bring both before Council for approval. This is a lease with Mr. Reverie with a residential property that the city owns on Springhouse Road. The lease is three years, with multiple years extension and the same is true for R143. This is simply for your information.

Mr. Daryl Hendricks thanked Mayor Tuerk and asked if anybody had any questions from Council.

Ms. Ce Ce Gerlach stated about a year or so ago they had something

similar to R142. It was Roger MacLean and the question was asked how does the city determine who gets an opportunity to live in a city home. She googled and knows that Roger was a city employee and Chris is. There was someone that was an Executive Director of a larger nonprofit. Optically, it does not look to good.

Mayor Matt Tuerk asked Bina Patel to come up and describe that.

Ms. Bina Patel thanked Ms. Gerlach for the question. The city does have a process in place. Three or four years ago when she was managing the city owned property and this includes residential as well as commercial properties. She created a process, a form. When a property became vacant and circulated, an email with the Communications Manager that a property is vacant and attached the form. Any interested city resident or employee can complete the form and send it over to her. They reviewed the interested parties and based on the criteria, they selected the tenants.

Mayor Matt Tuerk stated that in this particular instance, Mr. Reverie requested to renew the lease. He is an employee of the Golf Course.

Ms. Ce Ce Gerlach stated that it would be helpful to see what the qualifications are.

Mayor Matt Tuerk stated right now, they don't have any vacant city owned properties for lease and don't anticipate any lease expiring in the short term.

Mr. Daryl Hendricks asked if there were any questions from his colleagues.

Ms. Candida Affa asked if a house is open, is the priority for workers first before residents. Is it a perk of some sort?

Ms. Bina Patel stated that they did offer to employees before the residents.

Ms. Candida Affa stated that it is a good idea.

Mayor Matt Tuerk stated that they have not had this situation arise.

Ms. Bina Patel stated that it has been three or four years since they had a vacant property. They offered to the city employees before the residents. The rents are compatible to the market rates.

Mayor Matt Tuerk stated that if they see an additional vacancy, they want to make sure that they are compliant with all fair housing regulations prior to

signing any future lease.

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

Pastor Daniel Blount asked how many properties the city owns.

Ms. Bina Patel stated that some of the properties are not habitable, but can get the list.

Pastor Blount asked if they have a list.

Mayor Matt Tuerk stated that there are a number of vacant properties, but as Ms. Patel indicated that are not habitable.

Pastor Blount asked how many are Black.

Ms. Bina Patel stated that she can get the count to him. It is less than five.

Mayor Matt Tuerk stated that those properties were leased under previous administrations. They renewed a couple of properties, but have not gone out in the market.

Ms. Inid Santiago stated that she never heard of this before. They city has properties that Black and Brown folks could actually live in. Isn't this lease trying to be renewed. This is almost like a vacant property because it has not been renewed.

Mayor Matt Tuerk stated that it is a continuation of a lease.

Ms. Bina Patel stated that the contract has an option to renew. The city is being transparent by saying that the option to renew is taking place now.

Ms. Inid Santiago asked where would this be made public. How can someone apply for this?

Ms. Bina Patel stated that it is communicated by the Communication Manager. For the last four years, the city has not had a vacant property. They do have properties where none employees are residing.

Ms. Inid Santiago asked do they know how many and how many are Black and/or Brown.

Ms. Bina Patel stated that she can get the information for them.

Ms. Phoebe Harris stated that she was listening to what Ms. Patel said, but it is like double speak. You said it would go through the Communications Manager, but yet you did not answer the question. How does the public know about these properties?

Mayor Matt Tuerk stated that they have not faced that situation. They have vacant properties that are not in a habitable condition. The provision of each lease differs. Council can present a future lease that exceeds five years and reject the lease and ask for it to go on the market.

Ms. Phoebe Harris stated as a courtesy of the city of Allentown and our residents who live here, she would ask that you present these properties when they come up again to let it be known and be put out to the public.

Mr. Justin Fields asked about the properties that are vacant, are there any plans in place to possibly to be rehabbed and provided as funding for a homeless shelter or nonprofits for housing.

Mayor Matt Tuerk stated that most of the properties that the city owns in this condition are in the parks. It would be up to Council to authorize a plan to make an investment in those properties for an alternative use for nonresidential use.

Mr. Eduardo Aviles, 386 W Gordon Street, asked how many buildings you have vacant.

Mr. Daryl Hendricks asked Mr. Aviles to address him as president.

Ms. Bina Patel stated that they don't have any currently any vacant properties. The city does not have any vacant properties that are available for rent.

Mr. Eduardo Aviles stated that the reason the city does not have money is because of paying hush money with all these severance packages going out.

Mr. Daryl Hendricks stated to address this him. He stated that he is out of out and to sit down. He asked if anybody else with a legitimate question.

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

Enactment No: 30694

[15-6192](#)

R143

Authorizes lease agreement with Lehigh Valley Health Network for 0.35 acres, more or less located at 1902 Lehigh Street, currently identified by

the parties as the parking lot situated at the Mack South Fire House (hereinafter the "Parking Lot").

**Sponsors:** Administration

**Attachments:** [R143 - Lehigh Valley Health Network](#)  
[Resolution #30695](#)

Mr. Daryl Hendricks thanked Mr. Hanlon and asked if there were any questions from my colleagues. He stated that this is just a lease of a small strip.

Mayor Matt Tuerk stated yes, for parking.

Mr. Daryl Hendricks stated for parking purposes. He asked if there were any questions from the public.

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

Enactment No: 30695

## Minutes of Previous Meeting

[15-6174](#) August 16, 2023 City Council Meeting Minutes

**Attachments:** [August 16, 2023 City Council Meeting Minutes](#)

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

## Communications

**Executive Session Announcement: An executive session, requested by the Administration and City Council, was held on Thursday, August 24th, at 2 PM to review a legal settlement and personnel matters.**

Communications

Executive Session Announcement: An executive session, requested by the Administration and City Council, was held on Thursday, August 24th, at 2 PM to review a legal settlement and personnel matters.

Mr. Santo Napoli stated that he has two announcements. First, the visitors of City Council are encouraged to use the Government Deck next door. Mr. Hanlon has chasers that will pay for your parking and cover until midnight. He stated to please use the government deck and see Mr. Hanlon for a parking chaser. He did have two conversations with Ms. Sherri Bender from RCI in regards to affordable housing and a project that they are working on.

Mayor Matt Tuerk stated that he also had a conversation with members of the Ripple Community (RCI) board related to the project that they demonstrated at 16th and Chew.

Mr. Michael Hanlon stated that Ms. Conover wanted to speak as a point of contract.

Ms. Lisa Conover stated that there is no R in it. It says contact.

## Old Business

Mr. Ed Zucal stated about two and a half months ago there was a big issue with the Parking Authority and the mayor said that he was going to conduct a Study whether they should take it over. He asked if there has been an RFP.

Mayor Matt Tuerk stated that they issued two RFPs and got zero responses. They also begun conversations with the Financial Advisors to perhaps conduct the Parking Study as requested. That is an ongoing conversation.

Mr. Ed Zucal stated that it doesn't appear to him anyway and he knows that Mr. Napoli was very instrumental in creating changes as a board of member of the Parking Authority. The public really appreciates that. Since he doesn't see this going anywhere else, he is going to ask that the \$10,000 that Council has given to the Mayor's budget, be returned to Council's budget.

Mr. Michael Hanlon stated that Council just contributed to an RFP proposal.

Mayor Matt Tuerk asked if they can look at that together and return to the topic at the next Council meeting.

Mr. Daryl Hendricks asked if there were anything else for Old Business.

**REPORTS****Budget and Finance: Chair Napoli, Hendricks, Gerlach**

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

**Community and Economic Development: Chair Mota, Napoli, Affa**

The committee met this evening; there are no future meetings scheduled at this time.

**Human Resources, Administration and Appointments: Chair Santos, Zucal, Napoli**

The Committee met has not met since the last council meeting; there are no meetings schedule at this time.

**Parks and Recreation: Chair Gerlach, Affa, Mota**

The Committee has not met since the last council meeting; the next meeting is scheduled for September 20th at 6:15 PM.

**Public Safety: Chair Affa, Hendricks, Zucal**

The committee met this evening; there are no future meetings scheduled.

**Public Works: Chair Zucal, Santos, Hendricks**

The Committee met this evening; there are not future meetings scheduled at this time.

**Rules, Chambers, Intergovernmental Relations, and Strategy: Chair Hendricks, Mota, Gerlach**

The committee has not met since the last Council meeting; a meeting will be scheduled in the near future to deal with a resolution introduced this evening.

**Controller Report**

Mr. Jeffrey Glazier stated that he would like to Report on the Family and Medical Leave Audit. He explained FMLA. The procedures that the city followed the audit was conducted in accordance with the Generally Accepted Governmental Auditing Standards and utilized an approach that included staff interviews, reviews of documents and reports and examinations of individual FMLA documentation. The period of testing was January 1, 2022 until June 30, 2023. The developed Process Flow and Narrative which was reported on at a prior Budget and Finance Committee meeting. They identified any potential risks and developing the appropriate risk area and reviewed the controls for the process and identified potential weaknesses. The number of active city employees on June 30, 2023 was 808 and the FMLA population for the month of June 1, 2023 - June 30, 2023 there were 19 employees that used FMLA. Two of those employees were on parental leave. For the period of January 1, 2023 - June 30, 2023, 47 employees that used FMLA. For the year 2022, there were 58 employees who used FMLA. Some of the problem areas were poor



record keeping and process, the number of regular employees take more than 480 hours. Some of that excess leave results in staffing issues. There is a lack of timekeeper procedures, insurance coverage and medical flex. There are communication issues.

Mayor Matt Tuerk provided a note of gratitude to the Controller's office for performing this audit. It is incredibly helpful as our team works to address the ongoing issues. The team was well aware of coming in and has worked if he remembers correctly there is one single instance of somebody that is beyond and in a negative position with FMLA.

Mr. Jeffrey Glazier stated that it sounds about accurate at this point.

Mayor Matt Tuerk stated that they look forward to implementing software to get better reporting.

Mr. Daryl Hendricks thanks Mayor Tuerk and Mr. Glazier.

Mr. Ed Zucal stated that normally under FMLA, individuals have to use their sick or vacation time before that kicks in. He understands that has not been happening. He heard that they are accumulating sick time while they are on FMLA which is not legal as far as he is concerned.

Mr. Jeffrey Glazier stated that people when they go out on FMLA, they are going to use their sick time. Occasionally, people run out of it and get to a zero time issue. That is not a whole lot of people. Accumulation, he has to double check that.

Mayor Matt Tuerk stated that they are lucky enough that Karen Ocasio from the HR department is here with them tonight and perhaps can answer some of those questions.

Ms. Karen Ocasio stated that people accumulate their time when they are due and out on FMLA. They can use their vacation time, personal time, or sick time. They are still worked hours. That is the reason why they still accumulate time during that time. If they are on zero time, they don't.

Mr. Ed Zucal stated to go on FMLA first, you need to use your sick, vacation. While they are using that, they are still allegedly accumulating.

Ms. Karen Ocasio stated correct. She stated that because those are worked hours. The sick time that they are currently using is sick time that they accrued while they were working. Mr. Ed Zucal stated that they are not getting it once their time runs out.

**Mayor Matt Tuerk stated that is Karen Ocasio and she is one of our HR Generalists. She provides support to the Mayor's office, the IT office, the Law office and the Finance Team.**

### **Mayor Report**

**Mayor Matt Tuerk stated that since he last saw them, he accepted the resignation of Nadeem Shahzad from his position as Director of Human Resources effective August 18, 2023. Garry Ritter who is a 38-year veteran of city service is presently serving as Interim Director of HR with significant support from John Trant of Strategic Solutions LLC. He has the utmost confidence in Mr. Ritter's ability to manage the HR team as they continue to improve upon the service provided by our city employees. Mr. Ritter will serve as Interim HR Director until November 19, which is the 90 mark. The job has been posted on the city's website and he plans to seek assistance from their private sector partners in filling this critically important position. He began the work to form a search committee to assist us in bringing a high-quality candidate to the city of Allentown. He invited Mr. Hendricks to appoint a member of City Council to ensure that Council plays a role in selecting that candidate before he makes an appointment. During his last Report, he mentioned the work of Alexandria Fernandez, our Language Access Fellow from the Harvard Graduate School of Design. In front of Council, they will find a full report on the Language Access Recommendations for the city of Allentown, the I-Speak cards, as well as badges that will indicate the non-English languages that our front facing staff will speak. There will be something that you have that will be at the front desk that will have additional languages beyond what is posted on a placard. Part of the mission of the office of Equity and Inclusion to ensure the equitable delivery of city services for limited English proficiencies in stakeholders. (accessible, dignified and timely delivery of services) In addition to the Language Access Work, the office of Equity and Inclusion has scheduled training for city employees for the next three months. Topics of training include: Standard DEI Language, Diversity Equity and Inclusion, Trauma Informed Care, Cultivating Accessible and Inclusive Spaces for Stakeholders Neuro Divergent Stakeholders among other topics. Next week, as part of the collaboration between the Office of Equity and Inclusion and the Office of Civic Innovation, will host the first Refugee Welcome Day with the Refugee Community Center at the Church of the Mediator outside of West Park. At an extension of their existing course work, they will provide a key introduction of key city services including information on trash and recycling the Health Bureau, community police and LANTA, the library and a host of other services the refugees expect to find here in the city of Allentown. That would include translators. He stated that they are still looking for a Creole/French translator for our Haitian refugees. The office of Civic Innovation took a break at City Hall at the Table for the month of August and will turn to action on September 26. They moved the dates from Thursdays to Tuesdays to**

accommodate Allentown School Board meetings and make those meetings available to School Board members and School District officials. They will continue to work with neighborhood groups to develop ways that the city can collaborate with neighbors to address the complex challenges the city face. He talked about traffic around Sheridan Elementary. The priorities for the next few months will be on delivering a budget that furthers our work in making Allentown a safer, cleaner and healthier city.

Mr. Daryl Hendricks asked if anyone had any questions.

[15-6218](#) Controller Reports

**Attachments:** [Bank Rec - end 4.30](#)

[Fire OT Report](#)

[FMLA - Audit](#)

[P-Card Review May](#)

[15-6249](#) Language Access Recommendations for the City of Allentown - Mayor's Report

**Attachments:** [Language Access Recommendations for the City of Allentown - Mayor's Report](#)

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

[15-6094](#) Bill 78  
Providing for the vacation of Dodge Street from the centerline of South Muhlenberg Street to the centerline of Vacated South Brighton Street in the Eighteenth Ward of the City of Allentown.

**Attachments:** [Bill 78 Dodge Street from the centerline of South Muhlenberg Street Vacation](#)  
[Dodge Street Vacation Report](#)  
[Planning Staff Report](#)  
[Letter from Mike Hanlon regarding Dodge Street from S. Muhlenberg Street to S. 24th Street - Street Vacation](#)  
[Dodge Street from South Muhlenberg Street to South 24th Street - Vacation Report](#)  
[Lehigh Valley Planning Commission Letter regarding Dodge Street Vacation Petition](#)  
[S. Muhlenberg Street S 24th Street Labels](#)

Mr. Ed Zucal stated that it was forwarded favorably, 3 - 0.

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

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

Enactment No: 15939

[15-6150](#)

Bill 79

Amending the 2023 General Fund Budget to provide for a supplemental appropriation of Twenty-Five Thousand Seven Hundred and Twenty-Five Dollars (\$25,725) from the United States Department of Justice Edward Byrne Memorial JAG Grant for the purpose of overtime pay of patrol presence in an effort to suppress violent crimes and drug investigations in the Keystone Opportunity Zone in Allentown.

**Sponsors:** Affa and Hendricks

**Attachments:** [Bill 79 JAG Grant](#)

Mr. Daryl Hendricks stated that this was in your committee, Ms. Affa.

Ms. Candida Affa stated that it was with a 3 - 0 vote to move favorably to Council.

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

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

Enactment No: 15940

[15-6152](#)

Bill 80

Amending Chapter 406, Nuisance Abatement, to consistently refer to the Appeals Board as the Nuisance Abatement Board of Appeals. This legislation cleans up language relating to the Nuisance Abatement Board of Appeals.

**Attachments:** [Bill 80 Nuisance Abatement Clean-up](#)

Mr. Daryl Hendricks stated that this was in your committee, Ms. Mota.

Ms. Cynthia Mota thanked Mr. Hendricks and stated that it was a simple cleanup of a Bill that previously was adopted and it passed favorably in front of full Council.

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

Mayor Matt Tuerk stated that the intent will bring a full board. Presently he has a handful of vacancies on that board of appeals and the intent is to bring a full slate of candidates to the next City Council meeting.

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

Enactment No: 15941

## CONSENT AGENDA

Mr. Daryl Hendricks asked if anybody had any issues with the Consent Agenda and want to remove the legislation. He asked his colleagues if there were any questions or comments or from the public.

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

[15-6168](#)

R144

Sewage Planning Module at Allentown Flex Center

**Attachments:** [R144 Allentown Flex Center - Sewage Planning Module](#)

[Allentown Flex Center Sewage Planning Module](#)

[Allentown Flex Center Plans](#)

[Resolution #30696](#)

Enactment No: 30696

[15-6169](#)

R145

Sewage Planning Module at North Bradford Commercial Development

**Sponsors:** Administration

**Attachments:** [R 145 North Bradford Commercial Development - Sewage Planning Module](#)

[North Bradford Commercial Sewage Planning Module](#)

[North Bradford Commercial Plans](#)

[Resolution #30697](#)

Enactment No: 30697

[15-6177](#)

R146

Sewage Planning Module at WIP South 12th Street Redevelopment

**Sponsors:** Administration

**Attachments:** [R146 WIP South 12th Street Redevelopment - Sewage Planning Module](#)

[1901 S 12th Street Redevelopment - Sewer Planning Module](#)

[Resolution #30698](#)

Enactment No: 30698

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

[15-6187](#)

R147

Authorizes the submission of the formal application for funding from the DCED Multimodal Transportation Fund (MTF) Grant Services in the

amount of One Million Four Hundred and Three Thousand Dollars (\$1,403,000) for three intersections on 17th Street.

**Sponsors:** Administration

**Attachments:** [R 147 DCED MMG - Revised Final](#)  
[DCED Mutimodal Transportation Fund Grant Revised](#)  
[Resolution #30699](#)

Mr. Michael Hanlon stated that this is a do over. Council has previously passed this and it was a mistake on it. This was another submission.

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

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

Enactment No: 30699

[15-6173](#)

R148

Approves three transfers: (1) \$620,000.00 in Public Works – Traffic & Planning for the electric power was centralized in 2023 to have all electric come out of Building Maintenance’s Budget, In Traffic and Street Lighting, there were two accounts that were not switched over; (2) \$176,475.00 in Recycling & Solid Waste for the costs for single stream recycling processing exceeded the budgeted amount due to unforeseen commodity market increases (3) \$32,600.00 in Public Safety/Police – Funding for ESRI web-based software implementation (one-time fee).

**Sponsors:** Administration

**Attachments:** [R148 Transfer Funds](#)  
[Funding for ESRI Web-Based Software Implementation](#)  
[The Electric Power Was Centralized in 2023 to Have All Electric Come Out of Building Maintenance's Budget](#)  
[Costs for Single Stream Recycling Processing Exceeded the Budget Amount Due to Unforeseen Commodity Market Increases](#)  
[Resolution #30700](#)

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

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

Enactment No: 30700

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

[15-6185](#)

Bill 82

Amending the 2023 Capital Fund Budget to provide for a transfer of One Hundred Fifteen Thousand Dollars (\$115,000.00) from the Trexler Fund to the WPA Structures capital fund to complete the repair work to the Lehigh Parkway Phase 4. This is part of the 2023-24 Trexler Capital Project allocation.

**Sponsors:** Administration

**Attachments:** [Bill 82 - Capital WPA Allocation 2023](#)

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

Ms. Candida Affa asked if this is the last Phase. Is this the construction of the walls.

Mayor Matt Tuerk stated that he wants to say it was the last Phase.

Ms. Many Tolino stated that every year the city plans on using some Trexler money to repair some of the WPA structures in the parks. This year, it is the wall in the Lehigh Parkway and next year, there are various ones on Union Terrace and we to put funding towards so that each year there will be additional projects to repair those stone structures in the Parkways. This should be the end of the Parkway wall for that one section.

Ma. Candida Affa thanked Ms. Tolino.

Mr. Daryl Hendricks asked if there were anybody else from the dais or any comments from the public.

Mr. Michael Molovinsky stated that he has been watching the WPA for several decades and he would like to say that he is glad and grateful for the Trexler Fund and the grants they provided. He is hoping that the city will evolve to the point where the WPA will be an ongoing part of the regular budget. It should be a line item in the Parks budget. Now, they are in Phase IV and hopes that it will include the landing and the stairwell. He is glad the work is being done and it continues at an accelerated pace.

Ms. Phoebe Harris stated that she is piggybacking on what Mike said. She stated that they were thinking the same thing. She stated that she lives right near there. She asked Ms. Tolino if it is Phase IV of the wall that is there and asked does it include the steps as well.

Ms. Mandy Tolino stated that she is not 100 percent sure the scope of the project, but it is the last Phase of the wall portion. They will finish that area.

Ms. Phoebe Harris stated that she does not know when they started doing

anything. It does not look like they did anything.

Ms. Mandy Tolino stated that it is structural deficit. A lot of times you have to take it apart and re-grout. It is a Mason and have historic preservation. Architects are the ones that are doing the work. It is a little more time consuming than a regular construction project.

Ms. Phoebe Harris stated that she is glad that the city is doing it because it is a health hazard. It is a beautiful wall, but it is crumbling.

Mayor Matt Tuerk encouraged Ms. Harris to take a walk with Mr. Molovinsky in the Parkway and he can give a detail explanation of every stone.

Ms. Mandy Tolino stated that she can show Ms. Harris an abbreviated version of exactly what is going into Phase IV.

Ms. Cynthia Mota stated for the past few years she has asked to hire a Mason that could do masonry work because there is a lot of structure that needs to be fixed, but she does not know what has happened. She is glad that this is happening, but keep in mind that there is more work that needs to be done.

Ms. Mandy Tolino stated that she thinks to balance that cost and keep somebody busy with that task was hard to manage. It is a lot of work right now, it might not be a good 10 year work. They were looking at it if it makes sense for somebody to have such a specific trade. They would be a more expensive employee with a highly specific trade that could only do one thing.

Ms. Cynthia Mota stated that she does comprehend that. The reality is that trade is dying, and the city needs to bring it back one way or another.

#### REFERRED TO PARKS AND RECREATION COMMITTEE

[15-6186](#)

Bill 83

Amending the 2023 Capital Fund Budget to provide for a transfer of Forty Thousand Dollars (\$40,000.00) from the unappropriated balance in the Golf Funds to the Golf Capital Projects fund. These funds will be used for the purchase of a new pump station controller.

**Sponsors:** Administration

**Attachments:** [Bill 83 - Golf Funds Transfer](#)

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



## REFERRED TO PARKS AND RECREATION COMMITTEE

**RESOLUTIONS FOR INTRODUCTION (Can be voted on or Referred to Committee):**[15-6189](#)

R149 Refer to Rules, Chambers, Intergovernmental Relations and Strategy: Chair Hendricks, Mota, Gerlach pending legal review by the Council and City solicitors in regard to issues relating to confidentiality, disclosures and power questions.

Approves the expenditure of such funds necessary for a review and investigation of actions related to procedures related to hiring, terminations and discipline of employees as a result of allegations made by NAACP and the terminated HR Director letter in terms of their compliance with the personnel code, and all applicable state and federal laws - using Council's investigative powers if need be.

**Sponsors:** Gerlach and Mr. Zucal

**Attachments:** [R149 Authorizes Expenditure of Funds](#)  
[Resolution #30701](#)

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

Mr. Ed Zucal stated that this came to light when Mr. Shahzad was terminated. On July 15, the NAACP sent a letter to the city which at first was denied and later accepted saying there were allegations of EEOC complaints against the city for discrimination based on harassment and racism. He stated that for a while it was quiet. He stated that they learned since that Ms. Mota asked for an investigation. He Shahzad made several allegations. He stated that one thing was true that he got reprimanded by the mayor for providing information to the Clerk and members of City Council.

Mayor Matt Tuerk stated that is not true.

Mr. Ed Zucal stated that he was the member of City Council that asked for that information. He talked about Ms. Weber writing an article in September 2022 after two individuals of color who were department directors left the city asking what is going on. The mayor eluded that the problems existed before he got here. He then quoted Mayor Tuerk about the culture in city hall. He stated that the letter from the NAACP came out on July 15. He stated to Mayor Tuerk that he got a text this morning from someone that you sent to the NAACP asking them to assist fixing this problem. If there is no problem, why do you need them to assist you. He stated that he is an elected official and has a responsibility to the taxpayers. If some of this goes to a lawsuit, you know who is going to pay,

he is going to pay, and they all are going to pay. He has an obligation to the city employees. He is hoping that all six other colleagues see the need for this. He stated that they need to put an end to this. His hope is that whatever has alleged towards the mayor and other department heads they can reach something that they can resolve to make sure it does not go any further. Part of his goal is to get a proper Personnel Code that they follow. He thanked those that came to support him tonight. The ultimate end to this, comes from here.

Mr. Daryl Hendricks thanked Mr. Zucal and asked if there were any other comments from the dais.

Ms. Ce Ce Gerlach stated that since she signed on as a co-sponsor. This is not about going after the administration. This is the fact that there have been serious allegations that has been raised. It is up to them to ensure that all of the employees of who they love, how they identify, how much melanin they have in their skin are valued, and heard in the city. An investigation does not mean that one is guilty or not guilty. It is just an investigation to find out what is going on. What they do know that the city of Allentown is an institution, and it is a structure. They can take opportunities to identify the potential challenges that may exist and the potential opportunities. If phobias exist in the world, they may exist in city hall and they have to look into that. She fully supports having a third-party investigator ideally from outside the region and help us find out what is going on. She thanked Dr. Mota for her leadership. She called for an investigation.

Mr. Ed Zucal stated that most people are looking at it as a low level situation. This is not. The Press Release that he sent to WFMZ that appeared on Thursday night included a lot more than was told on the TV. Since that aired, he got one tonight three of the people want to discuss the situation and provide to him things he does not know about.

Mr. Daryl Hendricks made a statement stating that he does not feel that the taxpayer citizens of our city should pay for an investigation into alleged incidents uncorroborated allegations and innuendos which was brought forth in an unauthorized letter from members of a group. He stated that such an investigation is unreasonable and would not prudent.

Mr. Eduardo Aviles stated that you are part of the corruption.

Ms. Candida Affa stated that she thinks that man should be removed.

Mr. Daryl Hendricks urged his colleagues to vote no on this request. He urged his colleagues to vote no and send it to a committee of Council as it

involves personnel issues, some of which may have been adjudicated previously. These are not things that you will make public, but they can certainly investigate them. He asked that Council's Solicitor along with the City Solicitor join and work to provide them with information on those specific individuals that some of his colleagues wish to investigate. He stated that this should go to a committee of Council.

Attorney Charles Smith stated to Mr. Hendricks just as a point of procedure, Rule VIII - D states that a Resolution when it first appears on the agenda will be acted upon by Council unless the presiding officer or Council by majority vote commits such matters to the appropriate committee. He stated that Mr. Hendricks as president or Council by majority vote have the authority to commit this to the appropriate committee or else, it must be acted upon this evening if that commitment is not made.

Mr. Daryl Hendricks asked for a vote to be taken on sending this to a committee of Council.

Mayor Matt Tuerk stated to Attorney Smith that Mr. Hendricks does not need a vote, he can just send to committee.

Attorney Charles Smith stated that you as a presiding officer have the authority to send to a committee.

Ms. Ce Ce Gerlach stated that they still have to hear from the public before it gets referred to committee.

Mr. Michael Hanlon stated that he has cards for public comment.

Attorney Charles Smith stated that he is not suggesting that they won't take public comment.

Mr. Candida Affa stated that they don't need a vote, they can just send to committee.

Attorney Charles Smith stated that he can just send it to committee. He stated that Council wants to take public comment at this time.

Ms. Barbara Redmond, Secretary of the NAACP - Allentown Branch, stated that she is the one that sent the letter. The letter was not a bogus letter. It was a misunderstanding with some of the members of the NAACP, but the letter was approved to go out. No one actually saw the letter, but the letter was approved. She has a problem because they have over 10 employees in the city of Allentown that came to them in disguise, hiding and afraid to let them know and they did not want anyone to know

that they were going through these changes. They have been bullied, harassed and it has been a hostile environment. These people are afraid. She stated that the NAACP went to the mayor and talked to the mayor and asked the mayor to address these issues. He sent a letter yesterday and now he wants to address the issues. First of all, he said it was bogus. It did not have to get this far. She stated that her name was on the letter to contact Barbara Redmond if there are any questions. She has not heard anything from City Council to call her or contact her in reference to the letter. She asked Council to consider an outside investigator to come in. The employees, Black and Brown people should not be able to come to work scared and in fear and retaliated against. They are citizens like everyone else. They want to come to work and go home with their family and be peaceful. It is a hostile environment and the people are being bullied and something needs to be done.

Ms. Lisa Conover stated that initially when she came she filled out a card to pretty much give a point of reference in terms of who she is with the NAACP. She wants to stand her as a resident. She is a taxpaying resident, and what she wants to say to them she wants them to hear her. This is not an attack, this is a plea. She stated that they said that they would rather not use taxpayers money to actually address this issue that is systemic and killing our city. We talk about culture and climate in our schools. She is also an elected official in the city of Allentown. She is wearing a thousand hats and is a parent. She feels like when they make the statement that we need to push this to another space and place tonight is that you are minimizing it and making the situation worse. It is bad enough that the persons who allegedly filed those complaints with the NAACP have to sit in this room and hear the word allege. She stated that Mr. Zucal is getting calls saying me too. That is minimizing it. It is a problem and it is hard for many of us to hear. The officer had a trigger. He is going through it right now. She stated that they are going to pray for him. This is not what he is used to. This is systemic. This is a hard thing, and she has been saying it at the School Board meetings. She took this all the way to National with the NAACP. She said that we have problems, but we are here crying out for a solution. We can't do it by ourselves. She stated that she has been Black all her life and you have been the color you have all your life. Until we can have these hard conversations and deal with them and grab the bull by its horn, they are going to keep coming back here and our kids are going to be dying on the streets and keep having the same problems over and over. She stated that if it is her taxpaying dollars, spend it all because we have to get it right. She stated that as the NAACP (National Association for the Advancement of Colored People) new president read the NAACP's mission and vision statement. Let's be the model and let's set the example.

Mr. Daryl Hendricks stated that he is not minimizing anything. He thinks that Council can get more done by putting it in a committee. Many of these may have already been adjudicated. Council can get those answers far easier this way than wasting taxpayers' dollars to getting an outside investigatory agency coming in here.

Ms. Conover stated that the problems still lie. You may not feel like you are minimizing it, but it may very well be that it is because you can't see, and you live in a different space and place. She stated that she is saying it in love, not in haste.

Ms. Jessica Ortiz, 523 Tilghman Street, stated that a few of the people that called Mr. Zucal, they got letters at the Ark. They received about 16 anonymous letters and employees that came into the Ark as a safe place. Amongst popular belief it is a place where they came to do the complaint. Several they sent to Ms. Phoebe Harris and the NAACP. She can say she knows. Several of the city employees are here. Her question is that she does not care how they decide whether it is a committee, whether it is a kumbaya, something needs to be done. What is going to be done to protect the people that currently works here, there employment, because she got a letter on her mailbox on Monday that a community leader was pushed out another position and was told that he would no longer get city money if he held that position. She stated that she takes things like that very seriously. Pushing people around. That is, like Lisa said part of the systemic problem and the push away. Not everybody understands the world that different individuals live in. She stated that we have LGBTQ, we have Black, Indian, Latino, Asian saying that we fear for our jobs and we are going to speak up, but who is going to protect us.

Mr. Walter Felton stated good evening, everyone. He is a prior police supervisor and is here tonight to add further about the letter. He was not aware that the letter was going out. He does not have the key to the mailbox which the prior president had it for 15 years. He does not have the email from the NAACP with the president on it. He replaced two other presidents prior to this. He is not saying or taking anything from anyone because he himself when he worked at the city was a victim. He had a Captain downstairs with a KKK outfit and was walking around. He was the only person of color and officer at that time. They had a big thing about it and it cost the city \$150,000. He is still the president and it is going to be in litigation. He called saying that he was in the hospital and have Mr. Bosket step up.

Ana (Danny) Negron, 1533 Hausman Avenue, said finally will have a chance to speak. Identified as a transgender Puerto Rican and has been working for the city since 2007. Has been bullied, harassed, discriminated,

given awful jobs and reported being put in dangerous situations by coworkers and the negligence with their cell phone that caused a lot of grief in life and health has gone to crap. Recalled speaking with Candida at the old business about the abuse in the Streets Department. Did everything and anything to help the community and help the people in the city and visitors as well. Since one experienced things that should not have been done. They removed the lug bolts, greased handles, and at that time had to use extra extra large gloves that cause carpal tunnel and having to buy gloves at the Model's that were not cheap. Every pair, ending up disposing of because of lube that was highly toxic and trying to do the best for this city and has wear and tear on the body. The injuries from the negligent coworkers, supervision, management, Solicitor, and Council. No one has been here and thank Barbara. The help is appreciated as a NAACP member. In making the proper steps, going to supervisors for help. They did not do anything. They were all in cahoots. They are all friends, hunting buddies, drinking buddies, and things that they should not have done on city time. Bullied, being in the middle of the street, sweating and dizzy, dipping and about to have some kind of heat stroke and looking around, the team was not there. The pavers were not there. They left without a truck and anything that could have been used to accommodate or be of comfort. For many years, fighting for the people of Allentown. Reporting their living situations and also and landlord that are like this with city workers. That is why there are a lot of residents here suffering stating being fed up and done. Recalled one day it was snowing and seeing a guy with a hoodie (which was the officer/Chief at the time) down off of Lehigh Street throwing snow and people are not supposed to throw snow on the street. Approached and said excuse me sir, and said you are not supposed to be throwing snow onto the street because it would freeze. He took off his hoodie and asked do you know who I am. Stating no, he said he was calling the supervisors Messinger and Shahda and asked if he wanted to the walkie talkie. Trying to help this person not knowing it was the Chief of Police at the time and was so worried about the seatbelt and turned around and said that he is still calling the supervisors about the seatbelt. The seatbelt was way on the ground full of dirt, black top, urine, and who knows what else.

Mr. Daryl Hendricks stated to please finish up.

Ms. April Riddick stated good evening and hopes everybody is blessed. Reiterated on not using taxpayers dollars. They were just talking about the city of Allentown outsourcing an HR department to handle HR. That would be taxpayers' dollars. It is kind of like contradictory to it. What is going on is that they need a bias person. To have a committee in-house do that. You are still going to run in that biasness. IT is better to have outside people handle this investigation because they are seeing it with a naked

eye and not making a bias decision because they know this person or that person. Choosing a committee in-house to do the investigation will be wrong. Is it concerning about the accusations, yes. Has she had conversations with people, yes. It saddens her because Allentown is a growing town. It is the third largest city that makes a difference when people vote. She stated that we are the deciding factor, not just for the state of PA, but the United States. That is powerful. To her, that is problem if they have people who are saying they are scared or worried or being degraded whether it is Black, Brown or Polka Dot. Being Black and Brown growing up she can honestly say she applied for a city job and the Chief of Police recommended her to be a security guard at the prison. All the girls failed the test, but her. She did not get hired. Why, because of what her last name was. Systemic racism has been here for a very long time. It is not going to go anywhere, unless we handle it. It is hurtful and sad to hear the stories. It needs to happen and not be pushed under the rug. The majority of this town is Brown, but the officials don't represent the Brown and Black people in positions. The officials don't fit the ratio of the residents. That is a problem right there. When you are not walking in someone else's shoes, you don't know. She urged to take the outside source and let them come in with blinders on and let them do the proper investigation. When a mayor takes position, does he have any training or a timeframe that he allows to make changes.

Mr. Daryl Hendricks stated that he is not here to answer questions. You are here to make a statement, you may make a statement.

Ms. April Riddick suggested that going forward to avoid this anybody going into an official position of leadership should have some sort of training.

Ms. Karen Ocasio stated that she is one of the HR Generalists in HR here in the city. She is one of the people who complained to the EEOC and to the PHRC regarding the things that were occurring to her and the racism that was going on in this city. She spoke to everyone and went up the chain of command. Her Interim Director at the time would not listen to her. She went to the mayor himself and he told her that it seemed like she is the only one who was having that problem. At the time, she was because she was the only person of color in that office. Yes, she was the only one having that problem. Due to this problem, she did everything that the mayor asked of her last year during open enrollment. She woke up at four o'clock in the morning and left her baby with her mom. She went to police and to fire and went above and beyond for the mayor and everyone here for the city. She stated that she lives here, her kid goes to school here. She does everything here stating that she is very passionate about her job. She had to teach herself when she became the Benefits Manager, the job of Benefits Manager because no one would help her with anything. The only

one that actually helped her during open enrollment was Genesis Ortega which today, she is still grateful to her for helping. She stated that all of her complaints were ignored. She went to the Solicitor. She went to everybody, and no one listened to her. When she tells them from personal experience, she can say yes, this is going on. Even when she started in HR, their joke was where the Manager sits is the United States and where the administrative staff where she was Mexico. That is how she started working in HR. That is what she came in HR with. She asked to be put on record that she, Karen Ocasio is still facing discrimination. The moment she came back from her medical leave after having a nervous breakdown because of the things that happened in this place. They moved her out of her office without telling her. Nothing was told to her. Even though the Friday that she came back on that Monday they sent her a long email letting her know all of her duties and all of that, but never was it communicated to her that she lost her office. For what purpose, she does not know because she has seniority. She was moved into a desk. A broken-down desk where one of them who was harassing her laughed in her face and told her that it is a desk they got from Wayfair for \$116 from the Mayor's office. He had it for an intern and laughed in her face. She laughed and said this is where you sit now. Til this day, she still faces this. She stated that the city needs an external investigator. We don't need a committee. None of that. We need external people who do not have any political agendas and do not have relationships. That is what we need. We are truly going through these things today.

Mr. Patrick Palmer, 617 Allen Street, thanked Mr. Zucal and said it is a little late, but he agrees with him on this. When you have Black people leaving in droves as soon as someone gets elected, there is an issue. There needs to be an investigation. He was sitting back there, and they have had this conversation before. Mr. Hendricks you need to understand what a micro aggression is. When you start attacking people and saying things which you might not consider attacking. When you say something like a better spending or a waste of taxpayer money to an individual who has been raised to be considered a waste for most of their lives is considered a micro aggression. To continue to treat people the way that they are being treated when they come up here and speak is just more and more aggression. There comes a time as a leader you have to understand that not everything needs a response. You can sit there in silence and actually listen. Not here someone and wait for a response, but to sit there in silence. We did not march to then be told that we need to wait our turn which is what we are being told. Do this instead. Stop telling us what to do and start listening to us.

Mr. Daryl Hendricks stated that he made a suggestion. He didn't tell them what to do.



Mr. Palmer stated that he thought Mr. Hendricks was not here to answer. You said you were not here to answer questions and you were not here to answer. You are hearing stories from individuals who work here who are risking their jobs to come up here and tell them what they are going through should be substantial enough. To use the letter as a reason for maybe the city should not do this throws out any credibility of anyone who actually wrote it and took the time to say there is an issue. Once someone and enough people who Zucal can mention comes and say that there is an issue that creates an issue. There was an entire Me Too Movement. At what point do you need to understand that people are scared to come forward unless there is a group. That is what they are doing now. They are coming forward and speaking up for themselves. We as Black and Brown are tired of speaking up for ourselves and yelling into a void and being told what we should be doing. At this point, this investigation needs to happen. We don't need to hear from and excuse him from someone who has not been discriminated against in the way that we have. We do not need to hear what we need to do or what is better from us. We understand what we need to do. We are educated individuals and we can speak for ourselves and stand for ourselves.

Mr. Nagon Godfrey, Ridge Avenue, stated good evening good people. He stated that a lot of them know him. Knows him in his before life to the life that he has evolved and live to now. He does not know if they noticed, but have you ever went to work for felt that you were walking on eggshells. Have you ever went to work and was scared to say something because they may say something wrong or have you ever went to work and reported racism and you get the backlash from it. He gets the backlash every day. He asked do they know why he won't quit the city's job because he will not let them win and then he will let him son see that he is a failure and he just let people win. He stated excuse him for his eager or harsh talk, but he is passionate because he took care of the kids in the community. Everybody knows him. Do you know what it feels like to do work better than people that has been there for four years than you and you still get the bone. Do you know how it feels when he ran for Shop Steward and you know what they told him they don't do it no more. Now, they just elect who they want there. He asked why is it because he was running. Because he reported racism. Another thing that he has a problem with the city is confidentiality. No one takes their accountability. How do you expect the workers to take their accountability if they are not going to take yours. He asked Council to have a great day.

Ms. Inid Santiago stated wow. She stated that she hopes everybody is listening. She has not been in a meeting here for a very long time. She is dealing with her own personal life. She walked into this nightmare today.

She has PTSD from what she dealt with. She should be sending the city a bill like every Black and Brown member. She witnessed an officer charge at a man that she does not speak to and she had to defend him. Does anybody notice that? Elder Blount asked him to sit next to him to calm him down. That is what the elders do. He saw him out of line because he was and the elder stood up to calm him down and restrain him. She saw an officer come at him. He almost tackled him. She saw a Black woman being dismissed after she said she was the president of the NAACP. She could have been anything and she was dismissed. She saw another woman of color being dismissed by the president. She seen a woman of color come in here and says she was discriminated to all of you all. She still doesn't know if they are hearing except the ones that have dealt with this. She is talking Mota, Santos, Gerlach and Zucal who knows this. She stated that she is hurt. They are talking about taxpayers money. Her bank account is killed every time, and you all do whatever you want with these taxes. From Lights in the Parkway, to FMLA outsourcing. With everybody voting yay. That is a great way to spend the money. We talk about bringing an independent person to oversee the allegations. She clarified that she has nothing against Mayor Tuerk. Personally, she has zero issues, but will not dismiss with every person of color in this room is saying and what she heard from way back when. Not just recently. From the Tatiana Tooley's, from the Leonard Lightner's and all the way to the back end all the from the beginning. She stated that we just hope that everything is going to change and it is going to get better because they are going to do committee and spend money ordering food, and everything is going to get better. They are re talking about bringing in an independent person here to see if there is something wrong. The biases that they just saw the officer and not like we deal with Roca regularly. The Chief knows de-escalation because he is a man of color. The White Man that almost attacked Eddie Aviles did not understand that. Not saying Eddie was right. She stated that she does not even speak to him.

Ms. Candida Affa stated that is right. Thank you. It is something about respect in these halls.

Ms. Inid Santiago stated it is another thing to about to tackle him when there is an elder that is about to handle the situation. It is de-escalation. She stated that all us need to understand de-escalation. She stated respect. She does not get respect when she walks into Council Chambers. Hendricks is going to dismiss her in three minutes. That is what he does. If there is nothing going on, then authorize this.

Mr. Justin Fields stated that he is glad that they are having this conversation. He is glad institutionalize racism now is being brought as a conversation. He stated that they have been talking about this since 2019

since the Black Lives Matter protest. He stated that Matt is a friend of his and with that being said it needs to be transparency. There needs to be an investigation because an investigation is just that. You investigate to see what happened, the facts of the case, and go from there. What if can't stand here in do is ask permission as a Black person for his people to look into this. If it is a matter of taxpayer dollars, they already heard testimony tonight that FMLA and other financial items were paid. He gave permission for his taxpayer dollars to be used for this. He does not know if that is what is needed. He thinks a lot of these closed doors hush hush meetings is not what is needed here. He stated that we have people here that are actually stating that they are being discriminated against. It needs to be looked into. The third largest city in Pennsylvania. This isn't just a small thing. This isn't just a small issue. Maybe it is because you don't have a lense of being a Black person to understand what we go through on a daily basis. Allyship is great, but it is second to being Black for Black issues. He asked if there is an investigation then it should be one. Let it be fair, let it be external and that all the items be looked into. He stated that this does not happen overnight. This isn't just a Matt Tuerk issue or a Matt Tuerk administration issue. It is Pawlowski and mayors before him. The first time he went upstairs, every mayor that he saw on the wall was White.

Ms. Dawn Godshall, Executive Director of Community Action, 523 N. 7th Street, stated that she has a lot of friends in this room on both sides of the aisle and as the Executive Director of one of the largest nonprofits in the Valley whose mission says that it gives a voice to people who don't have a voice in the decisions that affect their lives. She would be remised in not saying anything tonight. Allegations are allegations. As a former producer at ABC News, she knows what the word allegation means. An investigation should always happen when there are accusations against anyone. There should be a fair, reasonable way of finding out the truth. When there are a lot of opinions and friendships that are involved with people in the administration the truth sometimes needs to come from the outside. Her recommendation, take or it leave would be that there is an investigation. That it is not closed doors. It is open from those on the outside who can take an unbiased look at what is happening and if it is baseless than that would be discovered. It is important that anytime there are allegations that are unfair or realistic and are true those things need to be investigated. It is important whether we use taxpayers' dollars, city dollars, or private dollars it is important that we investigate these allegations and get down to the basis of what is happening because it is important to clear mayor's name or the administration's name. That is important. It is so these allegations can come to light and there needs to be more training within the city, that is important. It has to happen and has to be done on a level that is from the outside looking in so there are no bias opinions happening and it an unbiased and fair investigation of the

allegations that have been made.

Mr. Pas Simpson, 215 N. Ninth Street, stated that this is so important to have this investigation not because he has anything against Matt, but because it was brought to the attention. For us to throw something into committee, we know that does not go anywhere. They have been waiting for Credible Messengers to be moved out of committee since November. They cannot continue to throw Black and Brown issues into committee. Into committees that no one ever sees. Into committee that never solve anything. Into committees that never go anywhere. It was brought to your attention. This is a city that is hurting. This is a city that is easily being bullied and we even seen it happen here tonight. If we throw something again into committee, it is going to prove once again what's been said here. The discrimination. He stated that our voice is not considered enough for Council to take it into consideration. He stated that our voice doesn't mean enough with people coming in here telling their pain. That you don't move forward. Our taxpayer dollars that we all contribute aren't being considered, if it is being put into committee. Committees don't help us right now. What needs to happen is some kind of investigation, some kind of solution, so we either clear the man's name or we don't, but if we brush under the rug, they are not doing anything but continuing to exacerbate the discrimination that has been going on in our city for years.

Enactment No: 30701

Continuation of Public Comments on R149

R149

Approves the expenditure of such funds necessary for a review and investigation of actions related to procedures related to hiring, terminations and discipline of employees as a result of allegations made by NAACP and the terminated HR Director letter in terms of their compliance with the personnel code, and all applicable state and federal laws - using Council's investigative powers if need be.

Ms. Milagros Canales, 532 N. Law Street, stated that she come here with good intentions. She is very disheartened right now to the residents of the city, the third largest city in the state of Pennsylvania is not getting what they are asking for. She stated that this is not of disrespect to Mayor Tuerk. This is out of concern for what has been going on for a long time. Almost like a culture. She stated to Ms. Affa that she said something tonight about respect. How it wasn't any respect, but are you giving respect to the residents that are asking for this request. Unfortunately, an investigation with an outside source will make you look good. This is how it would be. When the Allentown School District has allegations going on in their schools, they did an investigation and an outside source came in, did an investigation told the school district what they needed, gave them all the resources they needed to clean it up. The city of Allentown should take this

suggestion that are strongly being made by the residents and put it to good use. She stated that Council said something about taxpayers and asked don't we have some ARPA money left. We should use some of that.

Ms. Kari Holmes, 1451 W. Chew Street, thanked everyone for their attention to these concerns and to the matters. If you just feel within your heart the tension in the room and the palpable feelings coming up just to discuss it, she thinks it helps to lend credibility to the idea of an outside investigation. She echoed what the other residents have shared about the importance of an outside investigation for all the reasons that they noted. As many of them know, she is a Reverend and an Ordained Minister so she has to speak from that perspective. In Genesis 41, there is a phrase, called answer of Peace and Pharaoh, the ruler of that time was doing well by most of the people, but he had a dream that caused some concern and could not remember what it was. Joseph, who could reveal dreams says to him Pharaoh, it is not within me. God will give the answer of peace. It is beyond my power to do this. She stated that is a notion of strategic and important leadership. Because as they very well know, probably maybe better than anyone in this room, Mr. Hendricks there are so many levels of address that we of citizens can make. We have an new office of Equity Diversity and Inclusion. We have the Equal Opportunity offices that if we feel that we have been discriminated against as people of color that we could go to. She stated that we have had offices of Commissions in the city to address those things. It is important to share this on the basis when we recognize these issues come to our attention and we have so many solutions in place that an outside solution is necessary because the solutions that are in place have been there while the concerns were growing, happening, and not being addressed. It is nothing wrong to say a committee can be sought, but in this instance it is greater than committee and the concern has risen to a level that a committee will not address the concerns and the issues that the taxpaying citizens brought to the attention and the way it was brought to the attention. If we look at history, it is generally not a quiet storm that bring civil rights issues to the right place. It generally takes agitation. Something like Rosa Parks sitting on the bus. She was not allowed to do that. She did it as a protest. She did it out of the regular means because business as usual was discriminatory. It is a concern that they as a city of Allentown should take very seriously because they do have the opportunity to be on the right side and give an answer of peace. This is something that they have ask before and has been presented to the city. Let everyone in the city take it upon themselves to agree to a mandatory diversity training program because we don't know what we don't know. She stated that she doesn't know the shoes the Council walked in, and they don't know the shoes that she walked in. This is an opportunity to get it very right and to lead well. As a president, regardless of what is decided today, a lot of people in this room Mr.

Hendricks just need to hear you say, I am trying to understand and want to hear them. That is very important regardless of what is decided here today.

Ms. Phoebe Harris stated that she just saw her nine-year-old self see the Klu Klux Klan in front of her face again. She stated that is what she just saw. She was nine years old when she moved from Abingdon, Maryland to Upton, Maryland in Cecil County where the Klan ran wild and free going down the main street of Upton, Maryland. They looked at her and her father with hatred in their eyes. She stated that she saw that in the officer. She is traumatized. She saw that same look when she was nine years old. She came here to speak to Council about a letter and the fact that there are employees being traumatized. She came to speak to them about that she listened herself and Jessica Ortiz Nagon Godfrey, Senior gets dehumanized, talked to condescendingly, and she heard the whole thing. She is being traumatized again because an officer jumped for no good reason because he heard that Pastor say, Eddie come sit here. She saw the officer look at her, then look at Eddie and that is why she grabbed Eddie because she saw the hatred again. She stated that she is 57 and is back to being nine years old. If Council tells her that they don't capitulate in city hall for somebody that is who he is, then it is retaliation. She stated that they will do better than this. If not, we are going to find out. She stated that she is not going to allow this to happen again. She stated that she is nine and grown, but she feels it all through her. If you feel nothing else, feel that nine-year-old girl coming before them.

Pastor Daniel Blount stated that it is heart wrenching tonight to hear everything he heard. He knew what was happening in City Hall and talked to the mayor about some of the things. He assured him that he would take care some of those things. Nevertheless, the Bible says the heart is deceitful and desperately wicked. Who could know it. When he looks around this room, what these people are saying matters. If you don't want to listen, then you have to check your hearts out to if your heart is really for these people who is crying out to you right now. He stated that he thinks that they don't want any havoc going on in our city. We had a great city those far. What we need is some help and we need help from City Council. When they ask for a private investigator, if we need to pass a hat, we will do it. Nevertheless, help us out. He stated that we need you and we need you now. He said, Mr. Tuerk, God bless you. Love you, but we need you to do a little better job.

Mr. Chris Blount stated that it has already been reiterated over and over again. He figured that he would come up and give Council something to think about. He has been put in the crossfire of some racial situations. Knowing most of them, he would have them look at it from a different point

of view. We are raised in a time where times were different. You do have an unconscious racial bias as individuals. We all do. He asked them to step outside of that for one minute just to consider the people who are going through it. You cannot walk in their shoes. He asked them to consider not being said about the individuals, but get outside of the unconscious racial bias and really look at it from their point of view.

Ms. Candida Affa thanked Mr. Hendricks and stated that she will be speaking for a while. She stated that she has to tell them something. She is a White woman. She is gay and owned a gay bar. She stated that Barbara Redmond is her friend. For 40 years, she along with the Mason's and so many African Americans taught me so much. She stated and how she loves them. We had vacations together and cried at Ms. Redmond's mother funeral and was at her graduation. When Justin Parker accused her of being a racist, and a Monique whatever that is. Who stuck up for her and had her back was the NAACP. They had special meetings. She stated that he made her life miserable on Facebook. She stated that he called her every name there is and asked you know why because she happened to go to a rally to back the blue. She stated that she believes that Black Lives Matter, but also believes in the police department. She stated that she was persecuted for that. If it weren't for the NAACP. She stated that she has been a member for over 13 years and the education she got from Barbara, and the Mason's and Tawanna Whitehead as we speak today. She stated that she knows what it is like, but does not want to be called a racist. She stated that she is tired of it. She could understand this problem. She apologized to Mr. Zucal and stated that he did not cause a problem. She stated when you come to our Chambers, it is like coming into...it is respect. So many came in and spoke eloquently and passionately. She stated that they get it and listens to them all the time. She stated that man was way out of control. When he is telling us that our mayor is a crook, greases palms and attacking him is wrong in these halls. She stated that she won't stand for it and backs the president in throwing him out. He is not the first one to get throw out of here. The other there were White as long as she has been here on Council. She stated that they as Council has questioned the mayor many times among themselves. They lost a Parks and Recreation Director, Public Works Director, Finance Director, the Deputy Parks Director, two HR Directors, and out of all of them, most were White, two were Black, and one Pakistanian. She understands what Mr. Zucal wants to do and have all questioned this many times. What is going on? You have to remember something, they don't have all that power. These people work at the pleasure of the mayor. If the mayor fires someone, they can't go up and say what did you do. Why did you do this? But, they did. They had a meeting, and they did ask him about this HR Director. She stated that she has to tell them, after they heard him, she understands why he did. He cannot, every time he wants to

get rid of somebody to come to Council and explain to them everything that is going on. She came here, thinking that she was not going to vote for this because muddy the waters, they can, but after listening to everyone here, she is going to vote for it. She will tell them why, one of the things you don't do, you don't come in and attack our mayor. You came in and you attacked him and Mr. Zucal, you did the same thing. If they can come in and talk sensibly and listen to all of them. That is a whole different thing. Don't come in here and attack us. Don't come in here and attack the mayor. When you don't really have the proof. This is why she is voting yes. Because we may find out that not all of this is true and remember how many people that are White were let go by the mayor or quit. Mostly, everybody, except for two Black people and the HR Director. So there were three people. The rest were White. She stated that maybe it is going on. She does not know. She is a Councilperson. She is not in there all the time. She has to tell them to stop attacking them. They are doing the job. She is going to vote because she thinks it is not only and this came up as why are so many people leaving city hall. This started with Mr. Zucal and they have to investigate and let's find out. But then it turned into a big race thing. Does it always, always have to be racial. Look at how many White folks lost their jobs or quit. She stated that all she is saying is they are not racists up here. She stated that they are really and she is not. She can tell them right now and stated Barbara, you know this. Saying you are my friend for 40 years. She stated that she knows. She is going to vote for this. She thanked the NAACP for having her back when she needed them really, really desperately. She stated that they had her back when Justin Parker called her a big racist. She stated that her point is that they were fair to her. They were fair and looked at the situation and God bless them, they knew she was not a racist. She thanked the NAACP for having her back.

Ms. Barbara Redmond stated that they are asking Ms. Affa to be fair to them. You stated that you will vote yes, and we appreciate your vote.

Ms. Candida Affa stated that she just had to say her peace, as far as a lot of them say walk in someone shoes. Sometimes in today's world, you need to walk in a White person's shoes too. Sometimes it is not easy. She stated that sometimes they are accused of things that they are so innocent of. She asked the audience when they come in, don't attack them. Don't accuse our mayor until we have proof. This man accused the mayor of being a thief and so many things.

Mr. Ed Zucal responded to Ms. Affa's comments stating that he did not attack the mayor. He is asking for an investigation. He asked Ms. Affa to tell him one thing that he said that was not a fact that he stated. Just one. You don't have to give me five.



Mr. Daryl Hendricks stated with all due respect.

Mr. Ed Zucal stated no, not with all due respect. He stated that Ms. Affa accused him of attacking Mayor Tuerk. He stated that he did not attack him.

Ms. Candida Affa stated to Mr. Zucal that she did apologize to him.

Mr. Ed Zucal stated that he accepts her apology.

Mr. Daryl Hendricks made it clear that he hears them all and see them many times in the community. What he was looking to do and offered it to Mr. Zucal of doing this investigation among all of us on Council. He was not sweeping it under the rug. It is not going into committee to get lost. That was not the purpose whatsoever. He stated that they have to remember that many of these are personnel issues that cannot be made public. Should not be made public. They have the authority with the agreement with the City Solicitor and Council's Solicitor that many of these cases they can investigate. He was going to ask for a list from Mr. Zucal to do just that and get back to them with answers on these.

Ms. Cynthia Mota stated with all due respect, it is time for them to take a vote.

Mr. Daryl Hendricks stated that he will let the mayor speak.

Mayor Matt Tuerk stated that he was not going to say anything. He has also been listening to the people that has spoken tonight. He takes the pain and hurt very seriously. When he received the letter from the NAACP, he prepared a response to the city employees who have seen the letter because it made its way to the media almost immediately at the same time it hit his desk. The clearest point of the email that he sent to our employees that was shared that was shared with the friends in the media is that we do not tolerate racism in city hall. From day one of his administration, they investigated claims of harassment and discrimination. That happened from day one. When he ran for mayor, he ran on the principles of transparency. The earliest conversations that he had with many members of Council and with many members of the public and certainly a lot of people in the room here today, was that there was a lot of improvement that needed to be made in city hall. Particularly, around issues like this. They are working every day to ensure that city hall and the city of Allentown as a workplace is as inclusive and welcoming as possible. He is committed to the same and all the components of the NAACP mission statement. Eliminating racism, ensuring that people can work in a dignified job without the pain of discrimination for the color of their skin or who they love or how

they practice. They are working towards those goals. He appreciates Pastor Blount, stating the city does have to work faster. He thinks that everyone that works in Allentown city hall knows that he is aggressively pursuing change and change does not come as fast as they want it to come. This work is going to be ongoing. It preceded all of our arrival here. Justin talked about looking at the previous City Council's and the previous mayors. They are going to have work to do. He stated us pointing to Council, himself and the public. He stated that they cannot do this work alone. This is government collaborating with our community to make this workplace a better place. To make the city of Allentown a better place for everybody. He stated that they have to do this work together. He invited City Council to perform an investigation of what is happening at city hall. He thinks they are going to find as Candida mentioned that there have been people terminated from their employment, there are people that have chosen to resign from their employment. They are African American people, they are women, they are people who are members of the LGBTQIA + community, they are White people, they are young people, they are older people, they are a variety of people who were terminated by him or people that report to him because of their performance. They are at will employees. Those employees and the investigations and the results of those investigations because of the personnel matters may or may not be available to the public. Anything that they are doing in city hall is something that he is happy to share because they have made tremendous progress in city hall. He takes issue with the idea that it is an exodus. Has it ever been an exodus from city hall? If you look at the employment and the turnover at the city of Allentown, it is totally normal. It is an 800 plus workforce. People leave all the time. There remains work to be done though. He is committed to doing that work through the remainder of the time he serves as mayor of the city of Allentown. He is counting on the assistance of the members of City Council. All of the members of City Council. He is counting on the assistance of people who live in the city and the people who works for the city of Allentown. He stated that they have to do better in the city. That is always going to be true. He stated that they cannot be satisfied with the status quo. It preceded them and will outlast them. They are going to make progress towards making this a city that truly does respect each other for the work that they do and truly supports employees as they develop as professionals that is completely inclusive. Welcoming employees for who they are no matter who they are and cares about those employees as human beings first and foremost. That is the work that they have to do. He is committed to the work and grateful for their support in completing that work. He is grateful for the people that showed up tonight who definitely count him as their friends, but just want to see him do better and want to see you do better. They expect better of each other and expect better from everybody as well. Initially, his hope was that Council would refer it to committee for deeper consideration. He stated that they don't

have nothing to hide.

Mr. Daryl Hendricks stated that if they go forward with that the information Council can get through Council's Solicitor and the city Solicitor be made available.

Mayor Matt Tuerk stated that the city's administration has worked to investigate all claims from day one. The administration will do everything they can to stomp out discrimination in this workplace. He stated that has been his commitment from day one. He stated that he has not tolerated it ever. He would never tolerate that type of behavior in a workplace that he leads. He can't have it. We can't progress in the city with it. He wants to let Council know that an investigation of the magnitude they really should not undertake. Will create waves in the workforce. He stated that he is stating a fact. It will have an impact on the delivery of city services. He stated that Council should be prepared for it.

Mr. Daryl Hendricks asked if there were anybody else from the dais.

Ms. Cynthia Mota stated please, let's vote.

Mr. Michael Hanlon asked what are we taking a vote on.

Attorney Charles Smith stated that Council is taking a vote on R149. It has not been referred to committee by the president. It has not been referred to committee by Council and when it hasn't been referred, it supposed to be voted on. They are suggesting is what Council is voting on right now. You are voting on Resolution 149.

Mr. Ed Zucal stated that the vote at this time is to approve the funds to create the investigation. He will make a motion after that. On this particular vote, it is to create the funds for the Resolution.

Ms. Ce Ce Gerlach stated on this motion or agenda item, it is crucial that if an outside investigation is done, that it is done by a completely third-party source. Preferably not someone in the Lehigh Valley. If possible if Council and the public before the bids go out if they are able to see the specs so they can see how the company is being determined that will come in here and do this investigation.

Mr. Michael Hanlon stated that this is a vote on R149 and a yes vote would simply mean that Council has agreed to expend the funds that weren't specifically budgeted for this purpose in the budget.

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

[15-6189](#)

R149 Refer to Rules, Chambers, Intergovernmental Relations and Strategy: Chair Hendricks, Mota, Gerlach pending legal review by the Council and City solicitors in regard to issues relating to confidentiality, disclosures and power questions.

Approves the expenditure of such funds necessary for a review and investigation of actions related to procedures related to hiring, terminations and discipline of employees as a result of allegations made by NAACP and the terminated HR Director letter in terms of their compliance with the personnel code, and all applicable state and federal laws - using Council's investigative powers if need be.

**Sponsors:** Gerlach and Mr. Zucal

**Attachments:** [R149 Authorizes Expenditure of Funds](#)  
[Resolution #30701](#)

Pastor Daniel Blount asked if it is any way to get someone on the board with you three (Mr. Zucal, Ms. Gerlach, and Mr. Hendricks) from the community.

Mr. Daryl Hendricks stated yes.

**A motion was made by Ed Zucal, seconded by Ce-Ce Gerlach, to form a committee and select three people from Council after a draft is presented by the City Clerk and members of Council that those three people will be in charge of coming up with how the investigation will proceed. (i.e. an RFP and/or a Law Review), Mr. Zucal, Ms. Gerlach and Mr. Hendricks are the three people on the committee.**

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

Enactment No: 30701

## NEW BUSINESS

Ms. Lisa Conover asked City Council if they can look into Irving Park. She stated that she took off the NAACP hat and now the School Board Director. Irving Park, the park that is across the street from Dieruff, when they have their meetings publicly there are people in the public standing up and saying what are they doing with this. Obviously, there is something between the city and Council. She stated that they need to get that park done. IF they can't talk about it tonight, they can put it on the agenda so it will give Mayor Tuerk time to actually talk to Council. At the end of the day, they want the parks for their kids.

Mr. Daryl Hendricks stated that he knows vaguely what Ms. Conover is speaking and will have the conversation with the mayor.

Ms. Lisa Conover stated the community as well as the kids need the park.

Ms. Ce Ce Gerlach stated that it will be on the next meeting.

Mr. Daryl Hendricks stated that Ms. Gerlach is the Chair of Parks and Recreation.

Ms. Phoebe Harris stated as the Chair of the Stadium Committee, she and Ms. Gerlach are going on the 20th at 6:15 PM. She stated with the big book they have for City Council, Mayor Tuerk and Parks and Recreation a proposal for you.

Mr. Daryl Hendricks stated on behalf of Council he thanked everyone for their input tonight. It was a lot of heated moments on both sides. He stated that he certainly understands and feel their pain. He stated that he worked a number of years with Mr. Felton and never heard the story of him being confronted with someone with a KKK uniform. He stated that he despises the KKK.

Mr. Ed Zucal stated that you are very aware of that situation.

Ms. Candida Affa asked what did you do about it.

Mr. Daryl Hendricks stated that he is sorry to hear that. He stated that Walter has been a good partner of his for many years and an honorable police officer who served this city with diligence and commitment. He stated that he is sorry to Mr. Felton that happened to him. He stated that he did not know.

**GOOD AND WELFARE: NONE**

**ADJOURNED: 9:08 PM**

[15-5720](#)

Council Rules  
Procurement Procedures  
Code of Ethics

**Attachments:** [Council Rules 2023](#)  
[Contract/Procurement Procedures from the Code](#)  
[Ethics Code](#)