



Allentown

435 Hamilton Street  
Allentown, Pa. 18101

## Minutes - Final

### City Council

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Wednesday, May 2, 2018

5:00 PM

Council Chambers

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#### Confirmation Hearing

#### Call to Order: Council President MacLean

**Present:** 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

#### Roll Call

[15-2267](#) Appointment of Mr. Traud as City Solicitor

**Attachments:** [R62 Solicitor Appointment](#)

[Nomination Letter](#)

[Traud - Resume](#)

[Traud Employment Letter](#)

[Resolution #29641](#)

Mayor Ray O'Connell introduced Mr. Thomas Traud. They had five children and all attended the Allentown School District and graduated William Allen High School. I had all of the five children in school. However, Mr. Hendricks and Mr. MacLean in particular I did not have Tom in school. Tom grew up on 5th and Tilghman Streets. He graduated from Steven School and was a minute man at Harrison Morton Junior High. While at Dieruff, he played football, wrestled and did field events in the spring. A national merit scholar, he was Valedictorian of his Dieruff class. He then went to the University of Pennsylvania where he was a varsity wrestler for three years. At that time, freshman were ineligible. Afterwards he went to Villanova Law School where he also played rugby. Before returning to Allentown, he was a senior law clerk to Chief Justice Benjamin Jones of the Pennsylvania Supreme Court. Traud Law Office was a solo practice with offices at 3055 College Heights Boulevard in the City of Allentown where he was joined by his two sons Benjamin and Andrew. Tom was the Solicitor for the Lehigh County Board of Assessment Appeals for 22 years. He was the Solicitor for Lehigh Technical Institute for 34 Years. Assistant Lehigh County Solicitor for six years. Chairman of the Lehigh Law Journal for 42 years. A lecturer at LCCC and Allentown Police Academy for 12 years. An Assistant Lehigh County Public Defender for three years. A partner at Roberts, Traud, Wallitsch & Corkery for 16 years. An

Associate with Edward N. Cahn a federal judge for two years. An Associate for Butz, Hudders & Tallman for one year. He stated that at this point Attorney Traud will make an opening statement.

Attorney Thomas Traud stated that he is honored to be here. I was thinking it over and doesn't know an attorney in Allentown who in the past has represented the county, the nine public school districts because the Lehigh Career & Technical Institute once stood at a joint venture for the nine public school districts. This now allows me to conclude my career as Solicitor of the City of Allentown. As Mayor O'Connell has told you, my family has been here forever. The Traud's go back to the civil war. My ancestral roots are the first and sixth wards in Allentown. I live at 735 N. 26th Street which is 26th and Washington Streets. I have been there since 1980. I am honored to be nominated and pleased to answer any questions you may have. The city has been blessed with Solicitors who are very competent and caring over the years, but I don't think any of the past Solicitor's approached any of the experience that I had as a Solicitor for the school district and the county. I feel that I am well qualified to represent the city.

Mr. Roger MacLean thanked Attorney Traud and stated that we will open it up to Council his and then to the public.

Mr. Ed Zucal asked Mayor O'Connell is there any reason why you haven't chosen to go within since they are already familiar with the process of the city.

Mayor Ray O'Connell stated that he chose to go outside. We have four very competent Assistant City Solicitors and an Associate City Solicitor. At this time, they are basically other than Mr. Camacho are full-time staff members. I talked to them about the situation with respect to all of them. I wanted to go with again with someone from outside city hall.

Mr. Ed Zucal stated that he was trying to find some research on Mr. Traud and could not find any client or pier reviews. What is your Avvo rating?

Attorney Thomas Traud stated that he is not familiar with an Avvo rating.

Ms. Candida Affa stated that she remembers Mr. Traud coming to speak on behalf of the Diocese on the stormwater fees. As you know, we passed that. Is there any conflict here that we should know about?

Attorney Thomas Traud stated that he has never been a staff attorney for the Catholic Diocese. He has represented the Diocese since 1980, but it is only for a specific job or an assignment. It is not a staff position. He stated that he saw from the very beginning when Mayor O'Connell talked to

him about the position. If it is an absolute conflict of interest. He stated that he could not represent the Diocese of the city. I would just bow out at that point. That was one of the first questions that I received from The Morning Call. Back when I was a public defender, I had some cases with Mr. MacLean and Mr. Hendricks.

Mr. Daryl Hendricks asked Mr. Traud stated that there is certainly a conflict in serving two masters. Do you have any issues or concerns in doing so as you will be offering opinions for both us and both Council and the Mayor.

Attorney Thomas Traud stated that he doesn't see any conflict other than the stormwater issue. Having represented the Diocese since the 1980, only twice before did he come into any kind of contact with the city. Both were zoning variance cases. One was an expansion of Mercy Day School and the other one was the soup kitchen on Chew Street. Both were feel-good projects with no real conflicts.

Mr. Daryl Hendricks stated conflicts with the Mayor and Council should those issues arise.

Attorney Thomas Traud stated that the Charter specifies that the Solicitor is the Solicitor for both Council and the Mayor. Occasionally, in the newspaper with conflicts going on and we have seen other municipalities that have a separate Solicitor. I understand that you are going through a Charter Review possibility. That is something that can be reviewed. But, they way it is now the City Solicitor serves both Council and the Mayor.

Mr. Daryl Hendricks asked Attorney Traud if he would have any conflicts in doing so.

Attorney Thomas Traud stated that he doesn't see it.

Mr. Courtney Robinson thanked Mayor O'Connell and Attorney Traud for being here this evening. He thanked Attorney Traud for taking the time to speak with him earlier today. He asked Attorney Traud for a basic rundown of some of the work he has done for the Diocese.

Attorney Thomas Traud stated that like most lawyers the older you get, the more of an office practice you develop. He stated that once a upon a time he did litigation work and that was gone by the year 2000. At that point, we had Attorney now Judge Layson representing the Diocese for litigation matters going on currently. Currently, we have Joe Zator doing litigation work. All I am doing is real estate, tax assessment, estate work which mirrors my present day practice. Once upon a time, I did divorces and a public defender, but those days are gone.

Mr. Courtney Robinson stated touching on what Ms. Affa and Mr. Hendricks said, can you give us an idea. We just are looking at a Resolution tonight to create two committees one that has to deal with the Charter and one of the things we are looking at is to determine the position you hold should be full-time or Council should have its own Solicitor or potentially both. As you said to me and I have to 100 percent agree with you, you do have an unbelievable amount of experience doing Solicitor's work for many different organizations. In that capacity, can you tell me what you think and what you would recommend as a best course in terms of Council having its own Solicitor and/or making the position full-time. What do you think would be a good idea?

Attorney Thomas Traud stated that if it ain't broke, don't fix it. I would continue with the system as you have it. You have seen the example in Northampton County where it becomes partisan and political. Everyone seems to be working here together well. We had some controversies with the former Mayor, but that is gone now.

Mr. Courtney Robinson stated that basically you are saying that you are not in favor of making any changes to the current situation with the Solicitor.

Attorney Thomas Traud stated that would be his current recommendation. I understand that the Solicitor doesn't have a soul corner on wisdom. That is the collective body of the seven Councilmembers. With the Lehigh Career and Technical Institute that governing body has 21 members. Representing seven people, that is a piece of cake.

Mr. Courtney Robinson stated that yes, Northampton County has been an issue, but we also look to Bethlehem which has absolutely not been an issue. They have gotten along quite well with the Council and the Mayor for the last 15 years. Just to clarify, you will be outsourcing any work that had to do with the rainwater fee and if anything would arise outsource any work in terms of the Diocese. You are still going to represent them outside of anything with Allentown.

Attorney Thomas Traud stated correct.

Mr. Julio Guridy thanked Attorney Thomas Traud for being willing to be interviewed. He stated that it looks like you have your solo firm and you said your two sons work with you. In the past we had attorneys working for larger firms and that gave us an opportunity to have the experience of other attorneys within that firm to work with which is a plus to the city. Since you only have a solo firm and two attorneys that work with you who are your sons. How would you feel, what would you say, what would you do to make

sure that we can get a same type of Solicitor support or firm support that we have gotten in the past from other attorneys that work for a larger firm. He stated that personally, I feel that we may not get that type of support from other attorneys. You have other ways to do that.

Attorney Thomas Traud stated that as you all know there are three and a half Solicitors working there. There is plenty of support that I can see. I have been approached over the years by a number of different law firms to join them. I always look forward to the day that I would be practicing law with my sons who are in it. Many of the law firms have nepotism policies and I wouldn't be able to practice. I made a personal choice earlier in my career. I wanted to stay small and stay and have my boys with me.

Mr. Julio Guridy stated that he also heard the previous comments and doesn't have any other questions.

Mr. Roger MacLean stated that as you said Attorney Traud, we go back to the 70s. I don't have any questions for you. I will open it up to the public. He asked if there were any questions or comments from the public.

Mr. Michael Hanlon read the following:

Resolved by the Council of the City of Allentown, that

Whereas, Article 123.09(A) of the Administrative Code requires City Council approval of the City Solicitor, and

Whereas, the Mayor hereby submits Thomas F. Traud, Jr., Esquire for consideration and confirmation for the position of City Solicitor at a salary of Fifty-Nine Thousand Eight Hundred Twenty-Six (\$59,826) Dollars, effective April 30, 2018.

Now, Therefore, Be It Resolved that City Council hereby approves the appointment of Thomas F. Traud, Jr., Esquire as City Solicitor.

**Yes:** 5 - Candida Affa, Roger MacLean, Cynthia Mota, Daryl Hendricks, and Julio Guridy

**No:** 2 - Courtney Robinson, and Ed Zucal

Enactment No: 29641

**ADJOURNED: 5:17 PM**