



# Allentown

435 Hamilton Street  
Allentown, Pa. 18101

## Minutes - Final

### City Council

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Wednesday, November 4, 2020

7:00 PM

Council Chambers

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**Public Comment Provisions during Covid: The meeting will be live streamed. The link to the meeting can be found on the city website with the agenda and legislation at <https://www.allentownpa.gov>. Council will receive comments on the legislation prior to the meeting and will consider all comments from city residents. All comments must include your name and address, including your city, and be emailed to [Michael.Hanlon@AllentownPa.gov](mailto:Michael.Hanlon@AllentownPa.gov) by 2 PM on the date of the meeting. Comments can also be registered using the ecomment provision on each agenda item found on the city website. Comments received from city residents by that deadline will be forwarded to the Mayor and Council members prior to the meeting and will also be noted at Courtesy of the Floor or Public Comment periods of the meeting. These timely received comments will also be posted on the City's webpage as a supporting document to the meeting. Any comments received on the meeting day, after the 2:00 pm deadline, will be forwarded to the Mayor and Council as soon as practicable. In addition, if you would like to speak during the meeting, please send your name, address, including municipality, and telephone number to the email address above indicating what issue you would like to speak on or call the office at 610.437.7555 and do the same, and you will be called during the meeting.**

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### **Invocation**

### **Pledge to the Flag**

### **Roll Call**

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

### **Courtesy of the Floor**

### **Public Comment**

**Tyler Fatzinger, 512 North New Street Allentown**

**Good morning I wanted to reach out for this town hall meeting and put on record about my efforts being stopped at Fairview cemetery on Lehigh street. I feel the association is stonewalling my efforts and coming up with excuses like I now need permits to cut grass. This is purely an attempt by the association to stop the public from seeing what is going on in the cemetery as I have been cutting grass for over a year now. If you could please read for the record what is below but share this entire message to the board and the mayor.**

**I wanted to bring this to the mayor's attention and city council that as of this past Saturday Fairview cemetery president has told me to cease all trimming work of weeds and mowing along with cleaning tomb stones. I hope that the history of the cemetery can be preserved before it is eroded away. This is a major loss for Allentown and its fellow citizens because of the amount of history in this cemetery rivals any other in Allentown. I hope that Allentown and its residents can hold the association to a standard and not allow such blight to continue in the cemetery.**

### **Approval of Minutes:**

[15-3896](#) August 19, 2020 City Council Meeting Minutes

**Attachments:** [August 19, 2020 City Council Meeting Minutes](#)

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

**Old Business: NONE**

**Communications: NONE**

**REPORTS FROM COMMITTEES:****Budget and Finance: Chair Siegel, Guridy, Mota**

The committee has not met since the last council meeting; agenda items are being worked in during the special budget meetings.

**CEDC: Chair Guridy, Gerlach, Affa**

The committee has not met since the last council meeting; agenda items are being worked in during the special budget meetings.

**Human Resources, Administration and Appointments: Chair Gerlach, Mota, Zucal**

The committee has not met since the last council meeting; agenda items are being worked in during the special budget meetings.

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

The committee has not met since the last council meeting; agenda items are being worked in during the special budget meetings.

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

The committee has not met since the last council meeting; agenda items are being worked in during the special budget meetings.

**Public Works: Chair Zucal, Affa, Siegel**

The committee has not met since the last council meeting; agenda items are being worked in during the special budget meetings.

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

The committee has not met since the last council meeting; agenda items are being worked in during the special budget meetings.

Mayor Ray O'Connell stated that the administration will have a meeting with Mr. Armstrong and the Health and Human Services Department. Because of the Rally, it had to be rescheduled. They will have the meeting on November 17 at 2:00 PM. He will get back to Ms. Gerlach that had some questions and he will have information for her.

**Controllers Report**

Mr. Jeffrey Glazier stated that he has two Reports regarding the Golf Course. They did a cash count at the Golf Course on the 24th of September. The three major findings are: As noted in the budget presentation, the Golf Course is no longer taking cash. Everything is done by credit card. The Golf Course has petty cash on hand of \$500. Given that everything is done by credit card, they feel the amount is

excessive and their recommendation to the administration is significantly reduce the amount of petty cash available at the Golf Course. They have done a number of petty cash checks over past three or four weeks and that recommendation has been the same for every account they looked at. With the advent of P-Cards, petty cash is a thing of the past. Departments that may have had \$100 - \$150 really might only need \$50 or no money at all. They advised the administration to act on those recommendations and that the petty cash can be reduced at the Golf Course. The second finding: Reviewing the monthly reporting, the amount of the sales tax the city was paying on the Driving Range. The sale tax is computed already in the charge for \$1 a ball. The machine does not give change. The computation that the city was using to determine the liability was incorrect. The city was paying about six percent too much over the course of this year. It would amount to somewhere of \$1,000. The recommendation is that we do the calculations correctly. They should go back to the state to see if they can get the overages that they paid previously this year refunded and going forward that amount would be calculated correctly. They did not go back in prior years, but suspects they overpaid in prior years as well. The last finding, is gift cards. The Golf Course does a good business in gift cards, but when they were out there discussing the cash accounts it was noted that they have a significant amount of aging gift cards. They are well over five years old. They are advising the administration to consult with the Solicitor to see if these old gift cards fall under the state's escheat property laws. If they do, they will need to be turned over to the state. If they don't they will hang out. They know who the card owners are and can determine that, but there is something that they are counting on the Solicitor's office to weigh in on. The second audit, is regularly they will look at revenue contracts. Whether they are Towing Contracts or Residential Leases. They have an audit going on for cable franchises. He is speaking about tonight is Dan Frank Enterprises that is also doing business as Jack's Slice Pizza. There are couple of findings. Anyone that is doing business with the city needs to have insurance. It was determined that the certificate of insurance for Jack's Slice had expired on the 3rd of June 2020. The next certificate obtained after the initial request was dated August 31, 2020. Although the request was made by the administration, Jack Slice did not provide any proof to indicate that there was insurance coverage between June 30, 2020 and August 31, 2020. They recommend that Jack Slice is reminded of their obligation to abide by the term of the lease and the administration determines if it was a breach of lease agreement and seeks guidance from the Solicitor as how it should be handled. The administration responded, the city's Risk office requested information on the possible lapse in coverage identified in the audit report. The Lessee did not respond and Risk requested assistance from the Solicitor's office. The Solicitor's office received a response that goes as follow. The business partner received all the mail at his home. The business was shutdown during Covid. The insurance was lapsed and canceled. There were conversations with the administration regarding the insurance. The initial auditor's comments were as such: Jack Slice had a limited opening on June 23, 2020 and then opened up the

outside pavilion in early July. It is apparent that they operated for a significant amount of time putting the city in tremendous risk by operating without insurance. Other findings: late fees were waived by the Analyst that manage the account. He stated that the Controller's recommendation is that the Analyst does not have the authority to terms of the Lease Agreement. Changes to the Lease Agreement should be documented and properly approved. The administration agrees and in the future will ensure the Lease terms were adhere to and that any changes will be from the proper authorities and properly documented. He went over the Reporting Requirements. There is no evidence could be obtained that these Reports were received by anyone in the city. The Leasee should be reminded of their obligation and the administration should determine if there was a breach in the Lease Agreements.

Ms. Candida Affa asked if this is the first time this happened with the reporting. Mr. Jeffrey Glazier stated that he does not get the reports directly. He thinks that what they are often concerned with when they do a Revenue Receivable is to look to see if the money has been paid. This time they went a bit deeper.

Ms. Jessica Baraket stated that this was an older Contract and was not in the Eden Module. It is before they implemented the Insurance Tab in the Eden Module. That is something that they just started implementing in the last year. Where are tracking the insurances and the certificate of insurance within Eden along with the contract. It could have happened or could have not happened. Going forward they have a mechanism in place that they are able to identify when these contracts are expiring. They should be able to pick up on these things sooner and be able to address them.

Ms. Candida Affa asked if Ms. Baraket if this insurance was not implemented before.

Ms. Jessica Baraket stated not that it was not implemented. They were not tracking them in the Contract Module of the financial system in Eden. They just started implementing in 2020. They can now run a Report a couple months ahead of time. They are running them three month ahead of time of what insurance is running out and contact them before they are expired. They can start monitoring before they expire.

Ms. Candida Affa stated that is a dangerous situation especially to make sure they have liquor liability insurance. That is a separate insurance as opposed to the General Liability.

Ms. Jessica Baraket stated that all insurances are handled through the Risk Management Department. They have the appropriate insurance they have. They make sure to monitor what insurance are needed and making sure the city have the

proper insurance. The city just put the process in place to make sure that the insurance is tied to the contract within Eden. She stated that she will follow up with the Risk Management Department.

Mr. Ed Zucal asked Ms. Baraket if they are current on their insurance now.

Ms. Jessica Baraket stated that is correct.

## Administration Report

NONE

[15-3900](#) Controller Materials

Attachments: [August Bank Recon](#)  
[P Card Review](#)  
[Petty Cash Count - Law](#)  
[Cash Count - Golf Course](#)  
[Cash Count - Audit and Enforcement](#)  
[Jacks Slice](#)

## APPOINTMENTS:

[15-3816](#) Louis Holzman, Human Relations Commission, 01/05/2022

Attachments: [Louis Holzman - Human Relations Commission](#)  
[Resolution #30069](#)

Mr. Daryl Hendricks asked if there were any comments from his colleagues on any individuals.

Ms. Candida Affa asked about Mr. Ortiz from the Disruptive Conduct Board of Appeals.

Mayor Ray O'Connell stated that you received it. He has been on the Board. This is a reappointment.

Mr. Daryl Hendricks stated that he has been on the board and he knows him personally. He stated that he grew up with him.

Mayor Ray O'Connell stated that Ricardo Ortiz is on the board and doing is doing a good job on the board. He doesn't know how many meetings they had. He knows not many. He wants to continue. He stated that they always get an updated application and it is sent to the City Council's office and he is sure that Mr. Hanlon shares it with the Chairperson of the Appointments Committee.

Ms. Candida Affa stated that she has been on for 13 years and have not met the man. We have not had any meetings.

Mayor Ray O'Connell stated that you have not had a meeting in years.

Mr. Daryl Hendricks stated that he is an upstanding citizen. He stated that he grew up with him in the playground are of Trout Creek.

Mayor Ray O'Connell stated that Louis Stalsitz is a young guy in the community that wants to be involved. He is a good guy and a good family. His father is a teacher. He is already on the Arts Commission. He stated that when he was first elected, he stated that they have to fill these boards. There are a lot of people in the community that want to give back to the community. We are filling these boards. Hugh Gallagher is like an institution. They have been on the Recreation Board forever. The Chief of Police should always be on the Disruptive Conduct Board. He thanked Ms. Gerlach for bringing the them forth.

Mr. Daryl Hendricks asked if any are on the line. He asked if Council will vote on them individually.

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

Enactment No: 30069

[15-3857](#) Hugh J. Gallagher, Recreation Board, 10/22/2023 (Reappointment)

**Attachments:** [Hugh J. Gallagher, Recreation Board](#)  
[Resolution #30070](#)

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

Enactment No: 30070

[15-3858](#) Louis J. Stalsitz, Recreation Board, 02/20/2025 (Reappointment)

**Attachments:** [Louis J. Stalsitz, Recreation Board](#)  
[Resolution #30071](#)

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

Enactment No: 30071

[15-3882](#) Ricardo Ortiz, Disruptive Conduct Board of Appeals, 01/24/2023



**Attachments:** [Ricardo Ortiz, Disruptive Conduct Board of Appeals Resolution #30072](#)

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

Enactment No: 30072

[15-3883](#) Chief Glenn Granitz, Disruptive Conduct Board of Appeals, 06/01/2021

**Attachments:** [Chief Glenn Granitz, Disruptive Conduct Board of Appeals Resolution #30073](#)

**A motion was made by Daryl Hendricks that this Appointment be approved. The motion carried by the following vote:**

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

Enactment No: 30073

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

[15-3845](#) Bill 81 Special Meeting, discussed this evening  
Amending the 2020 General Fund Budget to provide for a supplemental appropriation of Forty-Five Thousand Four-Hundred and Fifty-Four Dollars and Fifty-Five Cents (\$45,454.55) as a result from a grant from FEMA US Department of Homeland Security Assistance to Firefighters Grant, to the Allentown Fire Department to purchase a SCBA (Self-contained breathing apparatus) Air Compressor and Cascade Fill System.

**Sponsors:** Administration

**Attachments:** [Bill 81 FEMA Fire Grant](#)

Chief James Wehr stated that this is a grant that is a Firefighters Grant to repair the Air Compressor and Fill System. They apply for the grant every year.

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

**A motion was made by Daryl Hendricks that this Ordinance be approved. The motion carried by the following vote:**

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

Enactment No: 15651

[15-3846](#) Bill 82 Special Meeting, this evening  
Amending the 2020 General Fund Budget to provide for a supplemental appropriation of Thirteen Thousand Five-Hundred Sixty-Three Dollars and

Thirty-Nine Cents (\$13,563.39) from the Commonwealth of Pennsylvania Office of The State Fire Commissioner Grant, to the Allentown Fire Department to purchase two RIT-PAK respiratory protection units.

**Sponsors:** Administration

**Attachments:** [Bill 82 Fire Grant](#)

Chief James Wehr stated that this is a grant that they apply for every year. This allows to get updated equipment for a necessary part of the job just in case something bad happens, they have guys that can go in and assist them a lot better in finding their guys.

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

**A motion was made by Daryl Hendricks that this Ordinance be approved. The motion carried by the following vote:**

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

Enactment No: 15652

[15-3848](#)

Bill 83 Special Meeting, this evening  
Amending the 2020 Grant Fund Budget to provide for a supplemental appropriation of One Hundred Twelve Thousand Eight Hundred Forty-Six (\$112,846) Dollars as a pass through grant from the Pennsylvania Department of Community and Economic Development Local Share Account Grant for Casa Guadalupe for capital improvements (new roof) to their building.

**Sponsors:** Administration

**Attachments:** [Bill 83 Pass Through Grant for Casa Guadalupe](#)

Mr. Daryl Hendricks stated that Mr. Guridy explained earlier the benefits of this organization. It is very beneficial to the Center City area. He asked if there were any other questions from his colleagues or the public.

**A motion was made by Daryl Hendricks that this Ordinance be approved. The motion carried by the following vote:**

**Yes:** 6 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

**Recused:** 1 - Julio Guridy

Enactment No: 15653

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

[15-3823](#)

R130 Special Meeting, discussed this evening  
Sale of 2955 Ithaca Street

**Attachments:** [R130 Sale of 2955 Ithaca Street](#)

Mayor Ray O'Connell stated that it was explained earlier.

Mr. Daryl Hendricks asked if there were any questions and stated that he drove over to that park because he had concerns about it. It was explained. It fills specific needs. This is an excess park. He certainly understands why it should be sold. It relieves the city of the need to maintain it. He stated that the property owner has first right to it and he believes they express an interest in it. It will be appraised and offered it for sale. He asked if there were any other questions or comments from his colleagues or the public.

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

Enactment No: 30074

[15-3886](#)

R132

Authorizes Grant Application to the PennDOT for Eight Hundred Thirty Thousand Seven Hundred Fifty (\$830,750) to support the 15th Street Corridor Lighting Project and Extension.

**Sponsors:** Administration

**Attachments:** [R132 Grant Application for 15 St Lights](#)  
[Resolution #30075](#)

Mayor Ray O'Connell asked if Mr. Messinger was there.

Mr. Craig Messinger stated that this was to apply for a PennDot Multi-Module. For a traffic signal at Highland and 15th Streets. Also, upgrading the intersection at Sumner Avenue and Roth Avenue to include the city's traffic adaptive system that will run on 15th Street from Elm Street north all the way to the city line. It is a safety enhancement project for Trexler Middle School at Greenleaf and 15th Streets which would have rapid flashers put in and the correct crosswalks and signage. This is a grant. The total project will be a little over a million and this will be \$830,000 that the city is requesting from PennDot to complete this project.

Mayor Ray O'Connell stated that if you ever drive at 15th and Highland during peak time, sometimes you can wait for 10 minutes until you get to the stop sign to get to 22. It is long overdue.

Mr. Daryl Hendricks stated that he travels that route often and it is extremely quick and very easy getting through. He has tried different routes, but living there for 10 years, there is no faster route to get through the city than 15th Street. It is amazing.

Mayor Ray O'Connell stated that if the lights are working. Sometimes they are not timed.

Mr. Daryl Hendricks stated that they are most of the time.

Mr. Craig Messinger stated that part of the Traffic Adaptive System does not mean just priority for a couple of cars at 15th when the traffic volume is low. A lot of that will help out pedestrians maybe at the intersection, but also the cross traffic. Regular signal timing will be the quickest, but the Traffic Adaptive really tries to take a look at what the needs are at that time and go with it. This will help the final leg of it.

Mr. Daryl Hendricks commended whoever removed the excess lineage between Tilghman and Gordon Streets.

Mr. Craig Messinger stated that the contractor did come in and they have a high pressure water spray system.

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

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

Enactment No: 30075

[15-3895](#)

R133

Transfer Approval: \$40,000 in Parks for Funds for roof repair for stand at Alton Park.

**Attachments:** [R133 Parks Transfer Repair Roof Alton Park Building](#)  
[R133 Roof Repair at Alton Park](#)  
[Resolution #30076](#)

Mayor Ray O'Connell stated that was in the presentation that Ms. El-Chaar gave. The pools were not open and no playground program. They are transferring some of the money they would have used for that over to this to take care the roof.

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

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

Enactment No: 30076

[15-3901](#)

R134

Sewage Planning Module for Valania Park – 531 W. Union Street

**Attachments:** [R134 Valania Park - Sewage Planning Module](#)  
[Valania Park Sewer Planning Module](#)  
[Valania Park Sewer Planning utility plan](#)  
[Resolution #30077](#)

Mr. Daryl Hendricks asked if there were any questions from any of his colleagues. It is self explanatory. He asked if there were any questions from the public.

Mr. Michael Hanlon stated no.

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

Enactment No: 30077

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

[15-3881](#) Bill 86 Refer to Public Works  
Providing for the vacation of Mulberry Street from the centerline of North Railroad Street to the unopened alley known as Limestone Street in the Sixth Ward of the City of Allentown:

**Attachments:** [Bill 86 Mulberry Street - Street Vacation](#)  
[Mulberry Street Vacation Report](#)  
[Letter from Mike Hanlon regarding Mulberry St from N. Railroad St to N. Limestone Street](#)  
[Mulberry St from N Railroad St to N Limstrone St ACPC Approval Letter](#)

REFERRED TO PUBLIC WORKS COMMITTEE

[15-3885](#) Bill 87  
Amending Part 15, Fire Prevention Code, by adding Article 1504, Recovery of Fire and Rescue Service Costs and Article Nine, Section 398 Fire Fees, adding section 398.03 Recovery of Fire and Rescue Services Costs, and repealing all ordinances inconsistent herewith.

**Sponsors:** Administration

**Attachments:** [Bill 87 Fire Service Cost Recovery Ordinance](#)  
[Ordinance #15665](#)

REFERRED TO PUBLIC SAFETY COMMITTEE

Enactment No: 15665

[15-3887](#) Bill 88  
Amending the 2020 Capital Fund Budget to provide for a supplemental

appropriation of Five Hundred Thousand Dollars (\$500,000) as a result of a grant from the Pennsylvania Department of Conservation and Natural Resources for Jordan Creek Greenway Trail construction.

**Sponsors:** Administration

**Attachments:** [Bill 88 Jordan Creek Greenway Grant](#)  
[Ordinance #15657](#)

Mayor Ray O'Connell stated that they were here from the state about three to four weeks ago. They already gave the city a check from DCNR They are ready to go.

REFERRED TO PARKS AND RECREATION COMMITTEE

Enactment No: 15657

[15-3888](#)

Bill 89

Amending the 2020 Capital Fund Budget and the 2020 General Fund by transferring Thirteen Thousand Six-Hundred Fifty-Eight (\$13,658) Dollars from the Aquatics program in the Department of Parks and Recreation, of the General Fund to Capital Project 2206 – Jordan Creek Greenway Trail.

**Sponsors:** Administration

**Attachments:** [Bill 89 Jordan Creek Greenway Trail Transfer](#)  
[Ordinance #15658](#)

Mr. Daryl Hendricks stated that this is the same project.

Mayor Ray O'Connell stated the same as before the Jordan Creek Greenway Trail.

REFERRED TO PARKS AND RECREATION COMMITTEE

Enactment No: 15658

**RESOLUTIONS FOR INTRODUCTION (Can be voted on or Referred to Committee):**

NEW BUSINESS: NONE

**GOOD AND WELFARE: NONE**

**ADJOURNED: 7:39 PM**