



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, December 2, 2020

7:00 PM

Council Chambers

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 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.

Invocation

Pledge to the Flag

Roll Call

Present: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Courtesy of the Floor

Courtesy and Privilege of the Floor Rules

Approval of Minutes:

[15-3934](#) September 2, 2020 Committee of the Whole Meeting Minutes

Attachments: [September 2, 2020 Committee of the Whole Meeting Minutes](#)

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

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; the next meeting is scheduled for December 16 at 6 PM to review new regulations relating to the Business Privilege Tax.

CEDC: Chair Guridy, Gerlach, Affa

The committee has not met since the last council meeting; there are no future meetings scheduled.

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

The committee has not met since the last council meeting; there are no future meetings scheduled.

Parks and Recreation: Chair Mota, Gerlach, Siegel

The committee has not met since the last council meeting; there are no future meetings scheduled.

Public Safety: Chair Affa, Hendricks, Zucal

The committee has not met since the last council meeting; there are no future meetings scheduled.

Public Works: Chair Zucal, Affa, Siegel

The committee has not met since the last council meeting; there are no future meetings scheduled.

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

The committee has not met since the last council meeting; there are no future meetings scheduled.

Controllers Report

Administration Report

APPOINTMENTS:

15-3924 Louis Holzman, Arts Commission, 01/03/2026 (Reappointment)**Attachments:** [Louis Holzman, Arts Commission](#)[Resolution #30091](#)**Yes:** 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel**Absent:** 1 - Cynthia Mota

Enactment No: 30091

15-3925 Connie Santos, Human Relations Commission, 01/01/2024 (Reappointment)**Attachments:** [Connie Santos, Human Relations Commission](#)[Resolution #30092](#)**Yes:** 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel**Absent:** 1 - Cynthia Mota

Enactment No: 30092

15-3926 David Snyder, Recreation Board, 01/01/2026 (Reappointment)**Attachments:** [David Snyder, Recreation Board](#)[Resolution #30093](#)**Yes:** 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel**Absent:** 1 - Cynthia Mota

Enactment No: 30093

15-3927 Stephen J. Dahl, Shade Tree Commission, 04/26/2023 (Reappointment)**Attachments:** [Stephen J. Dahl, Shade Tree Commission](#)[Resolution #30094](#)**Yes:** 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel**Absent:** 1 - Cynthia Mota

Enactment No: 30094

15-3932 Michael Miller, ACIDA, 01/01/2026 (Reappointment)**Attachments:** [Michael Miller, ACIDA](#)[Resolution #30095](#)

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 30095

[15-3943](#) Michael V. Comick, Recreation Board, 01/20/2026

Attachments: [Michael V. Comick, Recreation Board](#)
[Resolution #30096](#)

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 30096

[15-3949](#) Maritza Torres Dolich, Recreation Board, 01/20/2026

Attachments: [Rev. Maritza Torres Dolich, Recreation Board](#)
[Resolution #30097](#)

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 30097

ORDINANCES FOR FINAL PASSAGE (To be Voted On):

Mr. Ed Zucal requested to Suspend the Rules.

To Introduce an Amendment on a prior Amendment that the original amount of \$71,018 for the Director of Parks and Recreation be moved back to coincide with the Director of CED for the five percent of \$4,123 in conjunction with Code 140.07.

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Mayor Ray O'Connell stated that he wants clarification. The five percent, does the 1.5 percent come into play.

Mr. Ed Zucal stated that question he cannot answer.

Mayor Ray O'Connell stated you are saying whoever the Deputy Director is

the cap/increase is at five percent.

Mr. Ed Zucal stated that the initial increase is at five percent.

Mayor Ray O'Connell stated that he will talk to Mr. Kloiber about the non-bargaining part of it.

Mr. Ed Zucal stated at 1.5 percent, yes.

Mr. Julio Guridy stated that he is confused. He thought Monday they talked about it and agreed with 1.5 percent is what everyone will get and the rest would come to the Trexler Trust. The maximum will be five percent. That is not what was voted on.

Mr. Joshua Siegel stated that it was his understanding that it was the \$71,018 plus the additional 1.5 percent for the non-bargaining. He stated that is what they voted on Monday.

Mr. Julio Guridy stated that they are clear on that. He stated that \$7,000 plus the 1.5 percent.

Mr. Joshua Siegel stated to clarify with Mr. Zucal that your contention is that it should just be the straight five percent.

Mr. Julio Guridy stated that he thought that they agreed to the same thing yesterday.

Mayor Ray O'Connell stated no.

Mr. Ed Zucal stated what was voted on originally was \$71,018 plus the 1.5 percent. He would ask that Mr. Kloiber at least share his thoughts on this.

Mr. Matthew Kloiber stated that the Solicitor's office was asked to weigh in by Council earlier today about whether the Mayor's budget proposals violated any provisions to the city code. There were three questions: The answer to that question was no. A budget is not a financial plan. It is a hiring document. The budget proposed by the administration does not hire particular individuals for a particular position. The hiring of someone for a position is created by the budget. The hiring of someone to fill a position created by the budget does not happen in the budget. It happens after the budget is passed. What has been put forward by the mayor or the administration was a new position created, replacing an existing position. It established a paygrade for this new position and it was an amount set budget for the position. It did not hire anyone in particular, at any particular salary for this position. He recognized in the budget hearing and all these

different things was put forward that there was a particular person in mind with a particular salary, but the budget itself does not hire them or set them at that salary. After this budget is passed, it will be some sort of document and assuming it will pass. Someone will be hired for this position and it will be some sort of documentation that would say this person is now in this position at this salary. That is the triggering sort of event for or any potential violation under as Mr. Zucal mentioned Section 140.07 of the Administrative Code. The second question we were asked was did Council's budget amendments violate any parts of the Code and Council's approval of the budget with the approved amendment violate any of the provisions of the Code. This was related to this particular and the amendment was the one involving the Parks Director's position and the Deputy Director position.

The answer we have for the same reason that we gave for the first answer. No, it doesn't violate anything. What Council did in their Amendment was change the amount that was budgeted for the position. Passing the budget as amended does not hire any particular individual at any particular salary for this particular position. That would come later. Assuming the budget is passed, the new position will be filled at some point after the budget is passed. The third question: If the superintendent is in the position of Deputy Director during the next fiscal year, what salary would be allocated to him following the legal provisions of the Code. The Solicitor's office does not do the hiring of the position and they don't set a salary. At some point after the budget is passed, the administration will complete paperwork that will fill the new position and set a salary for that new hire position. The answer to that question would go to the administration. With that said he recognizes during the Budget Hearings related to this position a particular individual was identified with a particular amount. That also happened on Monday. It was reducing the amount. That was sort of the mindset in a way if you want to look at a few months ago Council had a zoning change and a developer came forward and said this is the plan we would like to do. This is what we want to do. That doesn't mean that was necessarily if the zoning ordinance was passed it would necessarily be exactly what they would do. It was an idea. Even with this sort of budget, let's take the five percent issue, the mayor has the opportunity to say you know what I want to hire this person even if it is higher than the budget is allocated for. If the mayor would do that for that particular position, he needs to come to Council and get money in addition to what it is budgeted for. The budget is a financial plan. It is not a hiring document. The hiring document is what comes later. In the context looking at 140.07, because there was a discussion that had been made by Mr. Zucal making very reasonable and good points on Monday and doing so again well as to what this language says. The administration and the City Clerk made some discussions as to how this potential ambiguity and what we have in this sort of system and that there has been changes through the years as to the

personnel system and those changes might make this language unwieldy. He recognizes that was also a good, valid point. There was a question of if it was a challenge to this and what will be the remedy and the remedy whoever is hired for it will ultimately would have to have the salary limited at the five percent threshold. But, that is if we were asked to look into it. This afternoon they were asked to look into it and gave the analysis that they did. The Section 140.07. The language is quite not as clear as it might be and it seems like a lot of things in the city, the language says something, but over time it might have been a way that it was applied in that hour and the application doesn't reflect the language that is in here. The Solicitor's office came up with a few interpretations and multiple interpretations that they had internally of what this language meant. A more thorough discussion of what does this particular language 140.07 mean would need a little bit more discussion because they would have to look at the context and the history of all things. The sense where they will be leaning is that it does suggest that if you hire somebody and you move them into a new paygrade they get moved into some spot in that paygrade. There are multiple interpretations that will go with that. That is to sum up what the questions they were asked today to weigh in on and the answers they gave in response to that.

Mr. Ed Zucal stated that what he thought that was fair for Mr. Williams should also be fair for Mr. Holtzman should he be the gentleman getting hired. It is the exact same move, but different departments.

Mr. Daryl Hendricks asked if there were any comments or questions from his colleagues. He thanked Mr. Kloiber for that explanation.

Mayor Ray O'Connell stated that Mr. Holtzman is making \$82,777. Five percent would bring him to \$86,391. If you give him the five percent, plus the 1.5 percent would be roughly another \$1,300. If he gets the 6.5 percent, we are talking about a deficit of \$1,700.

Ms. Jessica Baraket stated that if we are just comparing it to others such as Mr. Williams, it was decided that if anybody was getting the increase they were not also getting the 1.5 percent. Any other increases that were built in and there were only a few that was built into the budget, they are not getting the 1.5 percent. If we are comparing one to one, that was not planned for Mr. Williams.

Mayor Ray O'Connell stated that he understands that, but they are not comparing one to one. Five percent, they are, but was approved he other night was \$7,118 plus 1.5 percent. Why would not Mr. Holtzman get the five percent plus the 1.5 percent. What he is hearing is five percent plus the 1.5 percent.

Mr. Ed Zucal stated no, five percent. The others are not getting it, why would he get it.

Mr. Leonard Lightner stated to Mr. Zucal that he values and appreciates things to be fair to everyone. There are some things that they need to look at in the job study or salary study. He doesn't want to compare employees to employees. There are a couple of things we need to think about. He stated that he values both of those employees. Mr. Williams does a great job working with in CED and Mr. Holtzman as well in Parks. Mr. Holtzman been with the city for 28 - 29 years. There are other things they should take into account. If they are talking about changing the job description to match across the board to titles. They get into dicey territories when they try to compare employees to employees. Mr. Holtzman has worked hard and been dedicated to the city. He thinks the \$1,000 that they are going back in forth over it is minor to the overall job study that they need to look at to really compare to fix the entire system. For the purpose of this, both men are getting a raise. Mr. Holtzman has worked for the city for 29 years and he has worked hard and been through several different Directors. He thinks that they city should allow him to have that. It is really not coming out of the General Fund. Trexler is paying for that \$7,000 and he is really only getting that 1.5 percent out of the General Fund. This coming year, we as the administration needs to look at the entire system itself and fix it.

Mr. Ed Zucal stated that it would not be \$1,700. It would be \$3,000 because he would not get the 1.5 percent.

Mayor Ray O'Connell stated that it would be \$2,995.

Mr. Julio Guridy stated that it would stick to positions and not people's names. You should always stick to positions.

Ms. Melonie Sallie - Dosunmu stated that one of the things that they have been talking about is fairness across the city. When they look at the Deputy Director position that already exist and those that have already been proposed. They are talking about or going back and forth about five percent versus a higher percentage. A couple of things have to be taken into consideration and one of the things is where is the current Deputy Directors are. As Julio mentioned, we have to compare job to job as opposed to employees. It is hard to take employees out of it, but Rick Holtzman is coming from a lower salary than some others. The position, the proposed salary is within the salary range of the Deputy Directors make it a more fair and equitable system, you want to have similar jobs with similar salaries \$97,000, \$94,000, \$97,00. We are talking about salaries

that within the range that this newly proposed salary is. If we keep it only five percent, we are creating a situation where there is not equity. We have in recent decisions given more than five percent. We have given some very high profile salary allocations that were well above five percent that were even given by City Council. As Leonard said, we need to be looking at equity and building equity and if we bring a position in at five percent over the superintendent's salary, they are creating another inequitable situation.

Mr. Daryl Hendricks thanked Ms. Sallie-Dosunmu stated that part of the reason that he made the amendment to the original budget for the salary was to decrease the \$14,000 knowing that the Trexler Trust was paying for this. This is not coming out of the General Fund and it was only \$7,000 and certainly it was mentioned by several members tonight that this is an inequity that Council has to look at along with the administration going into the new year because there is such a discrepancy among these positions. With the lack of any step system any longer, it continues to increase the inequity. He certainly is hoping to attack that in the New Year.

Mayor Ray O'Connell echoed several of the Department Directors stated, in the past there has been a person or people gone from a superintendent in particular department to a Director with almost a \$12,000 increase in another department that they brought forth to Council several years ago.

Mr. Daryl Hendricks asked if there were any other questions or comments.

Mr. Joshua Siegel stated that he thinks Mr. Hendricks is correct. It speaks to the necessity and as Mr. Lightner pointed out as well that they need to vastly update the system of compensation as they pay the employees. It is important for internal morale. He thinks the city has an issue on how they cultivate its personnel and how they allow people to rise to the ranks within the system. Certainly absence of steps makes it harder to promote people. Simply because people come from a lower level position in the department that they are at, but they may have years of experience and we are unable to move them up in a way that is just. When we look at employees, we will look at the responsibilities that we will endow them with to take a new position and their salaries and compensation should reflect the responsibilities that they are going to gain. He stated that the employee they are talking about and not using his name obviously has had decades of experience and commitment to the city. Making this person a Deputy Director should come with a comparable pay increase simply because how multivariate that job is. As much as they want to apply uniform sort of standard, it is difficult when you are dealing personnel because each individual employee is unique in their own right in terms of the skills that they bring the experience that they bring. When you get to

these upper level position when they bring significant managerial role, we need to be able to make those unique and distinct decisions about how we think they should be compensated when they get there. That is what the step system allows you to do. You can move people around pretty freely. He does not think it is necessarily unfair. Each individual Deputy Director has different responsibilities. Some departments are larger than others. Some have a vast majority of different functions. Ultimately, what we have in the city is a policy and procedure that has not been put up for practice. The five percent rule is a little antiquated and warrants taking a deeper look at. When you are elevating an employee you should look at the job that we are asking them to do and the skill set they are bringing to the table which is why he thinks they are right. This is not coming out of the General Fund. It is more than fair to address the inequities in the system. A simple five percent isn't really going to do it in terms of what we are asking this individual to take on should they receive the position. That is the environment we want to cultivate as a city through mentors and personnel and awards them for what they do. The \$7,800 or \$7,718 was just in addition to the 1.5 percent. It is the right thing to do for our employees. Mr. Julio Guridy stated that he agrees of what they said earlier. The issue is that they need to look at the position itself and the market. What is the market paying for those types of positions. Not judging and looking at a particular individual or any individual. We have to look at the market in regards to other governmental agencies and what they are paying. The government is almost like a nonprofit organization. It is not a private company. What is the demand for certain positions. We may be under or may be over. We need to find out.

Mr. Daryl Hendricks thanked Mr. Guridy and stated that he would agree with that. That is something we would look at going forward and it is something that needs to be looked at.

Mayor Ray O'Connell stated just to reiterate some points. We sit here month after month after month and when something comes up we say where is the money coming from and as soon as we say it is not coming out of the General Fund, we all go, that's great. It is not coming out of the General Fund. This is not coming out of the General Fund. He stated that he understands Mr. Zucal's point. He stated that he does and respects that. If you go to 17.3 percent, that would be \$14,236. Obviously, we are not doing that. You take about half of the 17.3 and you get about 8.6 which will be the \$7,118 which is not coming out of the General Fund and you will give that increase to Mr. Holtzman. We say all the time that we want to keep good, solid people, dedicated, committed employees in the city. He stated that he could be wrong. It is only his personal opinion. Doing something like this, we are pushing good, solid, committed, dedicated employees away from the city rather than keeping them in the city. He

stated that it is his personal opinion. He does not have any data to proof that. He stated that he thinks Mr. Holtzman deserves this increase of the \$7,118.

Mr. Daryl Hendricks thanked the Mayor and asked if there were any other comments.

Amendment To The Budget to take the Deputy Salary down to the Superintendents salary. It will be a five percent increase.

Yes: 1 - Ed Zucal

No: 5 - Candida Affa, Daryl Hendricks, Julio Guridy, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

[15-3836](#)

Bill 73

Adopts the 2021 General Fund, Administrative Order Fund, Risk Management Fund, Debt Service Fund, Equipment Fund, Golf Fund and Hamilton Street Dam Maintenance Fund Budgets.

Attachments: [Bill 73 2021 GENERAL FUND ORD](#)
[Ordinance #15659](#)

Ms. Jessica Baraket stated that these final numbers are based off of the amendments that were approved last night. The total 2021 expenditures, net the vacancy factor is now \$119,518,507. Total 2021 revenue remains unchanged. The 2020 A&E closing balance has no change. The 2021 proposed closing balance is now \$10,829,314.

Mayor Ray O'Connell thanked Ms. Baraket and stated that Mike Hanlon sent to Andrew Wagaman from The Morning Call.

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 15659

[15-3837](#)

Bill 74

Adopts the 2021 Liquid Fuels Fund Budget

Attachments: [Bill 74 2021 LIQUID FUELS ORD](#)

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

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 15660

[15-3838](#) Bill 75
Adopts the 2021 Trexler Fund Budget

Attachments: [Bill 75 2021 TREXLER FUND ORD](#)

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

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 15661

[15-3839](#) Bill 76
Adopts the 2021 Solid Waste Enterprise Fund Budget and Fee

Attachments: [Bill 76 2021 Solid Waste Fund and Fee Ord](#)

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

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 15662

[15-3840](#) Bill 77
Adopts the 2021 Stormwater Fund Budget and Fee

Attachments: [Bill 77 2021 STORMWATER FUND AND FEE ORD](#)

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

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 15663

[15-3841](#) Bill 78
Adopts the 2021 Housing Fund Budget

Attachments: [Bill 78 2021 HOUSING FUND ORD](#)

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

Ms. Ce-Ce Gerlach asked what is the Housing Fund Budget.

Mayor Ray O'Connell stated the Housing Trust Fund that the city puts aside.

Mr. Leonard Lightner stated that the Housing Trust Fund is the Trust the city established with a seed account that they started two years ago. It is going to coincide with the Land Bank will open up. It is money that was put in right now going towards Blight Remediation.

Mayor Ray O'Connell stated that the city put \$300,000 in there.

Mr. Julio Guridy stated \$333,000.

Mayor Ray O'Connell asked what are we up to.

Mr. Leonard Lightner stated that is all it is.

Mayor Ray O'Connell stated that it is seed money.

Mr. Julio Guridy stated that the city has that money. He believes he made that amendment years ago to put that money in there.

Mayor Ray O'Connell stated yes, you sure did.

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

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

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 15664

[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](#)

Mr. Daryl Hendricks asked if the Chief was on the line or the Mayor wants to weight in on this. He asked if there was something else the Chief wanted to address.

Chief James Wehr stated that there were some questions. This was actually brought up last year during this year's budget by one of the public in their comments. Talking to the administration during that time he got the go ahead to look into it a little bit more. He stated that he knew something about it, but did not know a lot about it. It turns out that this program has been around for a really long time. All those that pay insurance: homeowner's insurance and auto insurance. It is part of your insurance that has been in your insurance for a long time. Everybody is paying this. Most departments don't know about it. It is an up and coming thing. How it is going to work is that the city is going to have a third party PA Recovery Services and when you have a fire in your house (major fire or accident with rescue) which means that fire has to use the jaws of life and all the rescue equipment those two things and only those two things, the fire administration will then submit a report to this PA Recovery and they would come up with a bill and they would send it to the insurance company. Now, there are several different ways that you can do this. It is obviously up to you and all the members there to decide. This is his recommendation and all the questions that were brought up. The way that this was recommended and talking to a lot of career Chiefs and the departments that are doing it such as Easton, Reading, Wilkes Barre, and Scranton is doing it. There are a bunch of departments that are doing it. When the third party bills the insurance company, the insurance company does not have to pay. If they choose not to pay, that is it. then it is dropped. If the insurance company pays the bill that is sent, then the third party takes 10 percent of the whatever money comes in then the Fire Department gets the rest of the check or the city gets the rest of the check. it is not to bill anybody that does not have insurance. It is not to go after homeowners for anything. Again, if the insurance company does not pay, it is kind of a wash and you let it go. It has been around for a lot time talking to other Chief. There are a lot of departments that are doing it. With Covid and people worrying about the revenue coming in.

Mr. Daryl Hendricks asked if there were any questions.

Mr. Julio Guridy stated that initially when he was opposed to it when it first came out. He was afraid that if it was a fire in a home and a lot of people that would try to take of it that don't have the means to pay for everything and they rather, although they own a home rather pay for their food and kids medical then paying home insurance. With the pandemic and people not working at this time. Many people are still unemployed. He was afraid that if there was a fire in the house, we were going to go after the homeowners and if they do not have any insurance, they would be in a worse situation. Since you explained it, he will be supporting this. Thank you for explaining that and he is glad that they are not going after the homeowners. You are

just going after the insurance.

Chief James Wehr stated that could be brought up. You can do anything you want, but he would be highly against that. This is not to go after anybody. This is a service that is already in your homeowner's insurance and your auto insurance strictly for fires in your home and accidents only accidents with rescue. If you have a little fender bender and we go out, it is not for that. It is for when they have to go to accidents and have to use the jaws of life. That is it. If the insurance companies don't pay, then you let it go.

Mr. Julio Guridy thanked Mr. Wehr for explaining that.

Ms. Ce-Ce Gerlach asked if the insurance companies don't pay and there is nothing that can be done about that. Why would insurance companies pay? How often do they actually pay.

Chief James Wehr stated that it is already in your policy. It is already written in there and part of the policy. From everyone he talked to including the third party, it is probably 99 percent that the insurance pay and one percent finds it unjustifiable. Every 10 claims you put in and this company bills the insurance company. About nine of them will pay. There may be just something in the report that the insurance company just doesn't agree with and they have the right to not pay it if they so choose, but they almost always pay it.

Mr. Daryl Hendricks stated that makes sense why they are not paying some of them. That is based on each individual case that they don't feel they meet the criteria for which they should be paying out. Certain companies don't pay anything. He asked if there were any other questions from his colleagues or the public.

Chief James Wehr thanked Council for passing it. He knows that the money is going to come into the city, but hopefully, it could be used for the Fire Department to help them get a lot of things from utility vehicles. Unfortunately, you going off of a tragedy with a fire, but the potential to get reimbursed a decent amount of money is there.

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 15665

RESOLUTIONS FOR FINAL PASSAGE (To be Voted On):

[15-3822](#)

R129

Adoption of the Capital Improvement Program

Attachments: [R129 Capital Plan Resolution 2021](#)
[Capital Improvement Plan 2021-2025](#)
[Resolution #30098](#)

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

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 30098

[15-3941](#)

R143

Authorization for a two year contract with PMA Management Corp for \$161,000 to act as a Third-Party Administrator for Workers' Compensation and Automobile Liability claims, competitively bid, one proposal, two year contract with one year option.

Attachments: [R143 Request for Council Approval - PMA-C09-0000](#)
[Resolution #30099](#)

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

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 30099

[15-3951](#)

R144

Approves a \$5,745.30 Transfer from a 46 to a 50 Account in Finance for Advertising costs associated with the Finance Director Position.

Attachments: [R144 Finance Transfer Advertising Throughout the Year for the Finance Director Position](#)
[Finance for Advertising throughout the year for the Finance Director Position](#)
[Resolution #30100](#)

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

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 30100

[15-3952](#)

R145

Authorizes encroachment for installing enhanced bus stops at various locations in front of Westminster Village (Hanover/N. Wahneta location per attached), request is from LANTA, request is before you per the 1/3rd rule.

Attachments: [R145 WESTMINSTER VILLAGE BUS STOPS](#)
[WESTMINSTER VILLAGE BUS STOPS PHOTOS AND SPECS](#)
[WESTMINSTER VILLAGE BUS STOPS APPLICATION](#)
[Resolution #30101](#)

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

Mr. Julio Guridy asked if they heard this from somebody because he has not heard this before.

Mayor Ray O'Connell stated that it is a formality, but go ahead.

Mr. Daryl Hendricks asked what is the 1/3 rule.

Mayor Ray O'Connell stated into the sidewalk.

Mr. Julio Guridy stated it takes more than 1/3 of the sidewalk.

Mr. Craig Messinger stated when you are more than 1/3 into encroaching into the right of way, it has to come to City Council. This is more than 1/3 into the right of way. It is a formality.

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

Ms. Ce-Ce Gerlach stated that looking at the photo, it will be interesting once it gets installed. She stated that she never seen anything like this before. It looks like it is a solar panel at the top.

Mr. Craig Messinger stated that it is a solar panel with a light and two seats for people to wait for the bus. Instead of having a larger bus stop at some of these areas, they are looking to have them for some of the smaller needs. It is actually a Pilot Program and if all goes well you will see a lot more throughout the city.

Ms. Ce-Ce Gerlach stated that is helpful. She stated that she had to ride the bus before and the fact that it is a digital schedule for you to kind of see where the bus is at and when it is going to come. That is helpful. That is great.

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

Yes: 6 - Candida Affa, Daryl Hendricks, Julio Guridy, Ed Zucal, Ce-Ce Gerlach, and Joshua Siegel

Absent: 1 - Cynthia Mota

Enactment No: 30101

ORDINANCES FOR INTRODUCTION (To be referred to Committee with public comment prior to referral): None

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

NEW BUSINESS: NONE

GOOD AND WELFARE:

Mayor Ray O'Connell stated that it was a very good Budget Season. It was civil, respectful, agreed to disagree, and a lot of thought provoking ideas out there, but we have a Budget. He congratulated City Council and the administration, directors and all. He stated that they did it the right way and will continue to do it the right way. They had meetings after meetings, cuts, after cuts, after cuts. They started with \$11.4 million and got it down to \$650,000. Kudos to everybody around. The administration and City Council.

Mr. Daryl Hendricks commended his colleagues for their due diligence here throughout the Budget Season asking many questions and also the administration for being open and honest with Council.

Mr. Julio Guridy echoed that and stated that he wanted to take the time to thank the administration and all the employees. We had a very tough year. It was an unprecedented year. The employees/staff and obviously the administration came through and our city is a lot safer. It could have been and it is a testament to the dedication that the employees have in this city. Public Safety had a lot of unexpected activities to put it easier that they had to deal with. They came through shining as well as the Public Works and Parks and Recreation. In terms of Recreation, he hopes to see a lot more recreation next year. Hopefully, we will get out this pandemic and we can get the kids back into the swimming pools and the parks.

Mr. Daryl Hendricks thanked Mr. Kloiber and stated that he has been very helpful with many legal questions throughout.

Ms. Candida Affa thanked Mr. Hanlon. He is always there for us. His advice is invaluable and the same with our Solicitor. She stated that she doesn't usually make a move and many times she would call and he would

be there.

Mr. Julio Guridy agreed and said Tawanna as well.

ADJOURNED: 8:04 PM