



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, November 8, 2017

6:00 PM

Council Chambers

Budget Session - Public Works

Call to Order: Chairperson MacLean

Rollcall

Present: 7 - Ray O'Connell, Daryl Hendricks, Candida Affa, Roger MacLean, David McGuire, Julio Guridy, and Cynthia Mota

Budget Discussion:

Mayor's Presentation

Public Works Department

Engineering, Streets, Stormwater Operations, Traffic Planning and Control, Communications – Technical Services and Telephones, Compliance Office, Fleet Maintenance, Building Maintenance, Street Lighting, Recycling and Solid Waste, Equipment and Capital Projects

Mayor Ed Pawlowski gave the accomplishments from the following: 311 Resident Request Center, national Award from the U.S. Conference of Mayors, nominated and secured Council's approval for a new Fire Chief, 100s of thousand of grants for Health related issues, a new security camera for city retailers, hired and sworn in 12 new police officers, nominated and secured Council approval for new Police Chief, launched a new Crime Reporting App, implemented a body camera program, Nuisance Establishment Law. He thanked Ms. Affa. He stated that we secured three grants in pedestrian safety improvements, \$550,000 for cleanup for the former Allentown Metal Works site, We relocated the Recycling and Solid Waste site to Bridgeworks, we allocated over \$2.4 million for neighborhood revitalization and coordinated with the Upside Allentown Program, unveiled a new housing de-conversion program, and a landlord training program, instituted a new Cultural Center at Alliance Hall, developed a city office on Immigration, secured \$85,000 grant for the former incinerator site into a new central park, completed the resurfacing on Tilghman Street Bridge, Union Boulevard, and Hamilton Street with over \$7 million in repairs, restructured the operations of the city's homeless warming center, we collaborated with the county to end veterans

homelessness, completed and refurbished the reconstruction of Stevens Park, secured a designation of Playful City USA, negotiated fire collective bargaining contract, developed a new senior housing building next to Sacred Hospital, three new buildings that broke ground this year totaling \$103 million in downtown development, 650 jobs were relocated back to the urban core, the city neighborhood development zone was recognized as one of the top 25 places of its kind in the world. The city made U.S. News and World Report as one of the best places to live. Allentown for the first time ever got a maximum 100 score in the 2017 municipal equity index from the Human Rights Campaign Foundation. He thanked the staff and the department heads. In the Budget for 2018, they reduced spending in all areas, we are focusing on doing more with less. The budget for the city of Allentown is balanced, has no increase in real estate taxes, Business Privilege Tax remains stable, as well as EIT tax, the local tax and the refuse fee remains flat. Seventy-seven percent of the budget goes to personnel and benefits. It provides for all collective bargaining pay increases that have been negotiated. Also, 3.5 percent salary increase for all non-bargaining. Short-term equipment financing is included. We have a new pension contribution. Non-personnel expenses remain nominally flat. Initiatives in this budget includes the following, we have several new positions. We have two new fire engine pumpers, new ambulance, new MBTs and 20 new patrol cars. New security cameras to place into the communities. We have a new Combination Building Inspectors and Zoning Officers. The city needs to update the radios and communications. We are looking at a short-term loan to fund necessary items in IT and the Police Department. The city will implement a Stormwater Fee. The new stormwater fee of about \$20 per 500 feet of impervious surface. Our future is bright. It will become a greater city where people want to live, work, play and invest.

Mr. Julio Guridy congratulated Mayor Pawlowski on his win. He asked about the short-term loan. How much are you borrowing and for how long? What is the revenue to pay for the loan? He asked if the administration started meeting with the community.

Mayor Ed Pawlowski stated that it is about \$3.5 million for five years. He stated that it is built into the budget from General Fund revenues. We had numerous meetings. You will have a full presentation by the Public Works Director.

Mr. Daryl Hendricks asked about the new security cameras and if it was determined where those will be located. He asked do you know how many we will be able to afford.

Mayor Ed Pawlowski stated not yet. We have about 15 - 20 location that

we have determined in the past based on crime statistics. He stated it comes out to \$10,000 per camera. He stated about 10.

Mr. Julio Guridy asked about the proposed \$8.5 million unrestricted cash balance that you are going to use in the General Fund. How is that going to affect the Risk Fund.

Mayor Ed Pawlowski stated that it doesn't. It is separate. We have an access balance in a little over \$1 million.

Mr. Brent Hartzell stated that the total expenditure that is proposed out of the Risk Fund is \$22 million.

Mr. Lou Hershman, 405 N. Gilmore Street, asked with the stormwater or rainwater fund, why does the Mayor want \$5.75 million when you only have \$4 million in expenditures.

Mayor Ed Pawlowski stated for other Capital Improvements. We have to replace our sewer systems and our stormwater collection system.

Mr. Lou Hershman stated that you have to amend the budget to increase the expenses. They are asking nonprofits. In the wintertime the nonprofits provide food and housing and he is taking money away from these people.

Mr. Ray O'Connell stated don't you think it is about time we go after nonprofits.

Mr. Lou Hershman stated that we always had a stormwater fund. It is not something new. All you have to do is balance the General Fund budget by a tax increase and he is using another gimmick to try to get around using taxes.

Mr. Roger MacLean stated that Mr. Craig Messinger can begin his presentation.

Mr. Craig Messinger went over the highlights of what the Public Works Department will be doing in 2018. Building Maintenance - we have to continue to improve about 15 occupied city structure and 60 unoccupied city structures. It is challenging. They are doing a pretty good job. With HVACs we have about eight units at Bridgeworks. One of the big projects is that we have to design a new roof at Vultee Street. That is a \$315,000 venture. We have to do upgrades to the heating system. City Hall we will be taking care of the cooling tower and upgrade software for the HVAC. The system is outdated and not supported. Communications, the major project is the replacement of the radio system and the upgrade. It covers

the police, fire, public works, and other departments. There will be two new fire pumpers and ambulance for next year. They will continue to work with the Fleet Manager. There is 20 units to be replaced in the Police Department. They will work on the cell phones to continue to keep that project and make sure all is upgraded while controlling costs. The traffic signal maintenance GPS preemption. We did secure the 20 units that will be installed in fire trucks and ambulance. Office of Compliance - continue to work with LCA and sewer signatories under our Administrative Order. Make sure LCA is following the city ordinances. The employees have a new SharePoint site for records management. Continue to explore funding options for the Administrative Order. Engineering - we have a lot of projects. The 2nd Street Bridge and the Gordon Street Bridge replacements. They did a survey to widen the lanes or keep it to two lanes and they came back with a single lane bridge. The Gordon Street Bridge will be about \$5 - \$6 million. We are capable of receiving 80 federal, 15 state and we have 5 percent of the cost. Engineering is working with their consultants. We have the 2018 curb and sidewalk contracts. Some of the prices are coming down with a little bit more competition coming in. One of the plantings that we did on 21st and 22nd of Allen. We hit about 200 this year with Engineering Review and Design assistance. Everything is booming in Allentown. We are working on the Waterfront on the design of Riverside Drive. Fleet Maintenance - the Mayor spoke about the equipment that we will be replacing this year. Recycling and Solid Waste was pretty busy this year. It makes it challenging with the Changeover. A paper shredding was installed and some electrical work. We have the Recycle Bank Program with our Waste Hauler. We are looking at 10 - 11 percent that signed up. I would like to see it at 20 percent. We are going to be celebrating our first Earth Day Festival. Tom has been busy with the Sweep end of it. He has a Sweep Ordinance in just about every department in the city. It has been a valuable asset to the city. Stormwater Utility - for next year we have to continue to work with PADEP and our permit. We are still working on 2004 which supposed to be on a five year cycle. We are in negotiations at this time. We need to conduct stream-loading analysis. We need to come up with a plan to reduce 10 percent of it. We will continue to televise our stormwater piping. We have a Growing Greener grant. We have to increase inspections on private facilities. We need to work on education. We provided for the top ratepayers classes at Bucky Boyle. It was about one third of the people that showed up. It worked very well and Angela worked very hard on it. We are looking at the end of November and beginning of December to work with Eastside, Southside, Center and West End. We are proud we have the milling machine. We have an existing fuel station at the garage at its at end of life and we have an RFP going out shortly. When we replace them they will be above ground. We will increase the amount of paving, the sealing of the road, and continue to do our best in meeting calls on

potholes. Traffic Planning - we will continue the necessary reviews of traffic with all the development that is going on. LED Street light audit is just about completed. We will install in the first quarter next year. We submitted a Green Light Go grant. It is a \$1 million grant. Hopefully, we find out in the first quarter of the timeline. They will continue to work with street lighting. They are still waiting for a hookup with PPL with the bottom section between 4th and 5th Streets. We are working with the Planning Department on grants.

Mr. Roger MacLean opened the questions to Council.

Mr. Ray O'Connell stated good presentation. He asked if Mr. Messinger went from total expenses from \$13 million down to \$11 million. It is a \$2 million difference. He asked about the detail book - Repairs and Maintenance. He asked about the DEP and the unfunded mandate. Why do it? He asked about EPA and blending. Where are we with blending and tanks? What are we doing? We need to work with the School District and projects.

Mr. Brent Hartzell stated that is primarily because of the shift of the stormwater fund. That's where most of the personnel are.

Mr. Craig Messinger stated that target cost is in there if we have a dump truck and we want to add additional lighting, or something that was not normally placed on that equipment. It is an add-on. That is non-targeted. We have to follow the law. When an unfunded mandate comes down on us it effects Easton, Bethlehem, and every city, county, and borough. We get fines and whoever signs the permit, imprisonment. I can tell you at that point in time, I will not be signing any permits. It is scheduled to be put in as the permit request. We have until December 31st.

Mr. Daryl Hendricks asked about the Consultant that did a study on the Parks and Recreation building and restoring on Parkway Boulevard. What is the status of that? He asked how many meetings were held so far regarding the stormwater?

Mr. Craig Messinger stated that he is not aware of any results that came out of it. He stated that he is not sure. We held separate meetings and offered them to the top 12 ratepayers. Not every one of them wanted to meet. There were six of them that we met with and we had two meetings with the rest of the ratepayers. We still need to go out to community one for each part of the city and that is planned for late November, early December.

Mr. Ray O'Connell asked what was their reaction.

Mr. Craig Messinger stated that the meeting with the school district was very good. They understood, and we need to partner with them.

Mr. Julio Guridy asked about the development of the industrial and surveillance program. What is that? He asked about the Green Light Grow. He asked about the illegal dumping .

Mr. Craig Messinger stated that in all industries in some manner or form there are 10 different requirements for them, but they require their separate MPDES permit. Unfortunately, we have a lot of industries in this area that don't have it. The DEP at one point in time will handle it, but it is under our purview at this time. We are doing the inspections now. We have a lot of work to do with our industries. For the Green Light Grow Grant one of the biggest things is for safety and upgrading of the intersections. He stated that they remind Buildings Standards that they are having those issues with those properties and we do monitor them.

Dr. David McGuire asked about the stormwater strategy and would it make our streams cleaner from all the run-offs that occur with normal living as opposed to our sewer treatment. Let's take our four streams, do we have current measurement once a week, once a month of those streams to see what their current composition is? Will we enhance measurement of these things to show that we are actually complying.

Mr. Craig Messinger stated that at this point in time there is testing that is done in wet weather. We have monitoring stations and we have to pull samples from those areas. We have to take them immediately to go get tested.

Dr. David McGuire asked how many monitoring stations do we have and asked where.

Ms. Angela DiBuo stated that they have five monitoring stations. These sampling stations are setup based upon the largest percentage of what land use they are. On the eastside it is a mixed-land use, industrial land use, commercial. We will have another on the Cedar Creek that is focused on residential run-off, another sample on Little Cedar Creek and we will look at pesticides. The studies on the pollutant loadings haven't been done yet. They are engineering studies where they use different modeling techniques. They look at the land use. We have six impaired streams that run through the city. The Little Cedar Creek is our worse case scenario.

Dr. David McGuire asked do we have any operating maintenance measuring plate location right now. He asked if they had a baseline of

knowledge.

Ms. Angela DiBuo stated that they do have a baseline of knowledge that a lot of good volunteer groups have collected over the years. The program ended in 2010. We do have the wet weather monitoring that we continually do as part of our permit requirements.

Mr. Julio Guridy asked for clarification in regards to stormwater. Do you have a plan when you go out to the focus group?

Ms. Angela DiBuo stated that our data is very good. Our measurements for pervious and impervious in the city are very good. We do have a draft credit program. There will be an incentive program to work with school groups and anybody that would come to us to reduce their fee and meet our permit requirement.

Mr. Julio Guridy asked if Ms. DiBuo would share that with Council once it is created.

Mr. Roger MacLean stated that we have it figured out that it is \$20 for every 500 square foot. He stated that figures out to \$5.8 million. He asked about the operating expense in the stormwater is a little over \$4 million.

Mr. Craig Messinger stated that \$20 for every 500 square foot of impervious. He stated about \$5.6 million. There is a budget memo with two items and it is a little over \$4.6 million. In year four or five we will go out for some bonding for some of our larger projects. There are a certain amount of employees added for this year. Next year, there are more employees added in and more equipment. We need to start with an engineer and an operation person.

Mr. Roger MacLean stated that he sees a Tax Examiner. If you look at the Stormwater Budget, Page 397. There is a Tax Examiner.

Mr. Julio Guridy stated that was in Finance and we talked about that two days ago.

Mr. Roger MacLean stated on Page 397 he has Other Contract Services for \$517,000. He asked Mr. Messinger to explain what that would be.

Mr. Craig Messinger stated that with 46 Account they were talking about some of the hydraulic studies that need to be done. We have to find other requirements of where we are going to be doing it first. We will need engineers to assist in the process. The numbers and projects that you see are actually items that we need in there to meet our permit requirements.

This is some of the studies that need to be going prior to getting the other employees. These are all studies and information to continue the process of getting the stormwater project. It will lower as years go on.

Mr. Roger MacLean asked if the \$517,000 end in 2018 or will it carryover. He stated that he sees a Tax Examiner.

Mr. Craig Messinger as long as we can get the two qualified personnel, these projects will be done next year.

Mr. Brent Hartzell stated that they talked about it on Monday night. When the stormwater fee is put on the bills to homeowners it will be on the same bill as the real estate assessment and solid waste fee. Given the amount of work that will be involved in Revenue and Audit. Right now, we have five Tax Examiners, four are paid out of the General Fund and one out of the Solid Waste Fund. This will be a sixth one paid out of the Stormwater Fund.

Mr. Roger McLean asked if there were any other questions from Council or the public.

Ms. Tinku Khanwalkar, 208 N. Marshall Street, stated that she is here on behalf of the Allentown Environmental Advisory Council. She stated that she is chair of the EAC and they have worked with the city on the stormwater fee proposal. We have been involved in providing input on the public meeting. Angela has come to the EAC and explained what they have been working on. Stormwater is truly an important issue to the city from an environmental perspective and compliance perspective. We certainly don't want to see Craig go to jail. We do believe that the city has done a really good job of trying to assess the best approach to this very difficult problem. We look forward to continue work on green infrastructure concepts with the city and continue to provide EAC input as we move forward with this. We cannot just sit back and allow this problem to continue to get worse without having a dedicated fund and have the appropriate amount of money in that fund to address this problem in a meaningful way.

Mr. Craig Messinger thanked Ms. Khanwalkar for all her help with this. Working together with the EAC for the stormwater process has been a great experience and we welcome assistance in the future with it.

Mr. Roger MacLean stated when you set up these public meetings will they be on the website. Mr. Guridy has been asked and I have been approached.

Mr. Craig Messinger stated that it is on the website and we will make sure we invite every one of you for each one of them.

Mr. Tom Hahn, 2016 E. Highland Street, asked about the testing and the monitoring and metering that has to do with the water and where it comes from. We know that at Beltsville with the animals that are around the water there is a bacteria. We know the different levels that the water is pumped from the surface water or the water rises up when the water table comes up. It was a problem getting it to not only the sanitary, but it runs into the storm sewer where there are breaks in the pipe. When we build a dog park the drainage comes right near a creek. Not all the bacteria that gets left at the dog park can be picked up. If a person has water underneath their home from the surface that has been purified with 10 or 12 feet of water, but gets pumped out on to the street to run down because that water has already been filtered through the ground through the sand, through the dirt. What is the penalty of the person for having the water purified and nothing is getting in there but regular water that has been filtered through the ground. Why should a person have to pay?

Mr. Roger MacLean stated that the fee is on a impervious surface, not a surface that filters.

Mr. Tom Hahn asked if he has a sump pump 12 feet under ground to pump clear water out into the street instead of the property which causes the pump to keep recycling is that water part of the drainage that you are talking about.

Mr. Craig Messinger stated that it is a stormwater fee.

Mr. Roger MacLean stated that the rule has been giving to us by the DEP and the EPA. Maybe if Mr. Hahn can get a copy of that he can get an answer to his question.

Ms. Angela DiBuo stated that uncontaminated ground water is allowable per the federal law and our ordinance. You are not held liable in any way for pumping ground water out onto the surface. It is a limestone base and sinkholes are prevalent in the city. We cannot encourage infiltration of ground water for fear of creating sinkholes.

Mr. Tom Hahn asked if he would be exempted.

Mr. Craig Messinger stated no.

Ms. Angela DiBuo stated that the fee is based on your impervious surface, not on how you discharge groundwater.

Dr. David McGuire talked to Mr. Hahn stated about his sump pump and if it rains and goes to your grassy backyard and goes down to soil and sand and it is below ground.

Mr. Tom Hahn stated it is surface water that has an underground stream.

Mr. Craig Messinger stated that this is water that is infiltrating through your grass. There is no charge for pervious areas, just impervious.

Mr. Tom Hahn stated for his neighborhood what areas in a neighborhood like ours will be covered and won't be charged because of the impervious areas.

Mr. Craig Messinger stated that the more pervious area the better, but if you decide to put a garage in, you are going to be assessed at a different billing unit.

Mr. Glenn Hunsicker, 844 S. 11th Street, stated that he would like the directive from the EPA and their objective and goal. We asked for that a month ago. Is it the whole United States or only Allentown? This is just a balancing of the budget. They need more than \$5 million and this is what part of it does. We would like to get a copy of the EPA directive. We can't even find out how to clean up our sewer system. We are spending all this money and we are going to blending. The people in Bethlehem are going to have to pay more because it will be contaminated with the blending technique. What is the baseline now? We should tax every car that drops oil on the street. How are you going to do it?

Mr. Roger MacLean asked if that is available online.

Ms. Elizabeth Treadway stated absolutely. It is certainly a challenge. She stated that you really don't want to put stormwater back into the sanitary sewer system. There are communities such as Philadelphia that are spending truly \$100 millions to deal with the fact that they have stormwater running in their sanitary system. It is a huge cost. The federal regulations are focused on separate drainage systems, not combined. This particular permit is applied to the separate drainage system and compliance is measured in two different ways. It is a discharge permit. You are required to manage and test the discharge. You have over 300 points where the discharges are occurring. You do wet weather testing.

Mr. Glenn Hunsicker stated that they want the details on the specifications that they are doing the measurements on.

Mr. Roger MacLean asked for the section again, on the Clean Water Act.

Ms. Elizabeth Treadway stated 40 CFR 122.26. That's the code of Federal Regulations for the Environmental Protection Agency that established the regulatory structure for these permits. It names Allentown specifically in that regulation.

Mr. Glenn Hunsicker stated that Council has a tough decision.

Mr. Ray O'Connell stated that every decision is a tough decision. We will do our homework and you do your homework and we will meet at the bridge.

Mr. Keith Flickinger, Allentown Classic Motor Cars, asked how can he get invited to a meeting. We have 27 acres there and he did not know a thing about this. We worked really hard with the engineering department and did all their work. We worked with the code regulations and the EPA to make sure that when we did our eliminating and underground work it was a little over \$1 million that we spent to make sure we had the proper run-off, proper filtration, proper levels underground, and all the work we had to have done. It is concerning to me that you will slap a tax on it. He stated that if he can set up a meeting or be attached to a thing to go over this he would much appreciate it.

Mr. Craig Messinger stated that with the work that you have done on the property you will be able to file for incentives and deductions.

Mr. Keith Flickinger asked how does that work. Does it work with so many years in the past? We did remove a lot of asphalt because the drive-in was 80 percent asphalt and we eliminated a lot of that.

Mr. Craig Messinger stated that any of the asphalt that was removed was not captured as impervious when the flyover took place.

Mr. Ray O'Connell asked if they were on the list and if they are one of the big ones.

Mr. Craig Messinger stated that if you did not get an invite you are not one of the largest.

Mr. Lou Hershman, 405 N. Gilmore Street, asked when does this bill become delinquent. They won't become delinquent until they are one year's old. Why do you need a Tax Examiner if the bill doesn't come delinquent until the first year? He asked if the city had enough equipment to plow the snow. He stated that when he served on City Council and was

presented the Budget, it always listed the equipment. It doesn't list the equipment in the Budget.

Mr. Brent Hartzell stated that it is on the bill that goes out as part of the real estate. They have until July 15th to pay without penalties applied. If they are still not paid heading into the following year we take that to a collection agency. He guesses none of the work implementing the bill matters at all. It wouldn't have any worth of doing that. That seems to be an important factor then yes, we need one.

Mr. Craig Messinger stated yes, we do and the service that you receive you should be really happy. There will be a meeting on December 13th.

Mr. Roger MacLean stated that it is in the detail book.

Mr. Craig Messinger stated it is online.

Mr. Roger MacLean asked if there were any questions from the public.

[15-1981](#) Public Works PP

Attachments: [2018_PW Goals](#)

[15-1968](#) Bill 66 Solid Waste Fee

Attachments: [Bill 66 2018 Solid Waste Fee](#)
[Ordinance #15406](#)

Enactment No: 15406

[15-1966](#) Bill 67 Solid Waste Fund

Attachments: [Bill 67 2018 Solid Waste Fund.doc](#)

Enactment No: 15407

[15-1962](#) Bill 72 Equipment Fund

Attachments: [Bill 72 2018 Equipment Fund](#)

Enactment No: 15415

[15-1964](#) Bill 73 Liquid Fuels Fund

Attachments: [Bill 73 2018 Liquid Fuels Fund](#)

Enactment No: 15410

[15-1957](#) Bill 74 Administrative Order Fund

Attachments: [Bill 74 2018 Administrative Order Fund](#)

Enactment No: 15412

[15-1958](#) Bill 76 Capital Projects Fund

Attachments: [Bill 76 2018 Capital Projects Fund](#)

Enactment No: 15416

[15-1956](#) Bill 78 General Fund

Attachments: [Bill 78 2018 General Fund](#)

[15-1969](#) Bill 79 Tax Rate

Attachments: [Bill 79 2018 Tax Rate](#)
[Ordinance #15420](#)

Enactment No: 15420

[15-1967](#) Bill 80 Stormwater Fund

Attachments: [Bill 80 2018 Stormwater Fund](#)

Enactment No: 15418

[15-1975](#) Bill 81
Amending Article 951 – by setting the Stormwater Utility Fee at Twenty (\$20) Dollars per Five Hundred (500) square feet of impervious surface.

Attachments: [Bill 81 2018 Stormwater Fee](#)

[15-1976](#) Bill 82 - Amended Per Budget Memo 2
Amending the Business Regulation and Taxation Code creating 393.15 – Stormwater Utility Fee, by imposing a stormwater utility fee on developed parcels in the City for the sole purpose of covering the cost of the City's stormwater management program and creating the mechanisms necessary to implement the fee, including calculation of the fee, adoption of a credit policy, enforcement, appeals, and adoption of administrative policies and procedures. The rate per billing unit to be used for calculating the stormwater utility fee shall be Twenty (\$20) Dollars per Five Hundred (500) square feet of impervious surface.

Attachments: [Bill 82 Stormwater Utility Fee](#)
[BUDGET MEMO 2 - EQUIPMENT - STORMWATER](#)
[STORMWATER REVISED](#)

Enactment No: 15417

[15-1979](#) 2018 Budget Memos

Attachments: [1 - Personnel](#)
[2 - Equipment Stormwater](#)
[3 - Equip, Debt, General Fund](#)
[4 - CD](#)
[5 - CAPITAL](#)
[BUDGET MEMO 6 - GF GOLF RISK](#)

[15-1931](#) Budget Schedule

Attachments: [Budget Schedule](#)

ADJOURNED: 7:37 PM