



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, October 17, 2018

7:00 PM

Council Chambers

Invocation: Councilperson Guridy

Pledge to the Flag

Roll Call

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

Courtesy of the Floor

Courtesy and Privilege of the Floor Rules

Mr. Joseph Clarke stated that he owns a lot at 1424 Maunch Chunk Road. It is a residential lot and had it approved by Zoning to build a house. In the interim, I had about 100 properties get inspected that he worked on and complied with and bought another 30 - 40 properties and have them rented also and worked on them. The year was up and he goes to pull the permits and found out by Zoning that he only had a year to build a place. He later found out that he has to go to a zoning hearing board to reapprove the property. I go back to get that same identical property approved and explain to them that this house was going to be built for longer than a year and it was turned down. After spending about \$5,000 in Planning, Zoning, and Engineering to build a home in which he was approved earlier he is asking for City Council to investigate, and extend to be able to build a home that will last longer than a year. At least give you two years to build it.

Mr. Roger MacLean asked what was the reason for the denial.

Mr. Joseph Clarke stated that he has no reason. One of the Zoning Officers who is new stated that he was one of the guys that turned it down last year and he turned it down this year.

Mr. Roger MacLean stated that Council will try to get an answer.

Mayor Ray O'Connell stated that the city will get a hold of Mr. Clark and Community and Economic Development (CED) and work it out with Mr. Clark.

Mr. Nat Hyman stated that he is here to talk about a \$1.25 million issue and

give you enough background will take him 9 1/2 - 10 minutes. He requested additional time to give Council enough details.

Mr. Roger MacLean stated that it is on the agenda for this evening.

Mr. Lou Hershman, 405 N. Gilmore Street, stated to Mr. MacLean that you said it is on the agenda this evening, but I don't see where it is on the Agenda.

Mr. Roger MacLean stated Bill 74.

Mr. Lou Hershman stated that last week when you voted on it, it was for an emergency and now you are going to bring it back for more discussion this evening.

Mr. Roger MacLean asked Ms. Fran Fruhwirth to explain it.

Ms. Fran Fruhwirth stated that the provisions of the Home Rule Charter provides for an emergency Ordinance. If Council declares an emergency and enacts an emergency Ordinance, the Charter states that the emergency Ordinance is only good for 91 days. There is an automatic repealer in the Charter for an emergency Ordinance. Council in consideration wants to vote on it again in order to remove that 91 day provision that the Ordinance will automatically expire or be repealed at the end of the 91 days.

Mr. Lou Hershman asked is it coming up for second reading or first reading.

Ms. Fran Fruhwirth stated first reading and will be referred to committee.

Mr. Lou Hershman asked if Mr. Hyman can speak on it.

Mr. Roger MacLean stated that Mr. Hyman will get to speak on it, just not under Courtesy of the Floor.

Mr. Lou Hershman asked for a Program Budget. Since 2006, the people of Allentown has never seen a Program Budget. He stated that when he and Mr. Guridy were on Council they received a Program Budget every year and knew what was going on. He asked if LCA informed the city if we are going to get a water and sewer rate increase in addition to the \$156 that we are going to pay for the billings.

Mr. Roger MacLean stated that he has not been notified.

Mayor Ray O'Connell stated that they received no notification and it is presently in litigation.

Mr. Lou Hershman stated that when you look into the Budget this year, he is hoping to accept some of his, Mr. Hunsicker and Mr. Hahn's recommendations. The people of Allentown cannot afford another tax increase either real estate or wage taxes. If you look at all the for sale signs in Allentown, we are losing our tax base. He stated that he has not seen anyone hold down costs in the city Budget.

Mr. Roger MacLean asked if there were any other comments under Courtesy of the Floor.

Mr. Ken Laudenslager, 721 W. Cumberland Street, complimented the police department for their actions on Saturday when a group was down at the Building 21 parking lot playing insanely loud music that he could hear at his house a mile away. He stated that he received numerous complaints from his crime watch members and the Comm Center received numerous complaints. The police department did go down there, took action and shut it done.

Mr. Roger MacLean stated that they are here and they heard you. He asked if there were any other comments for Courtesy of the Floor.

Approval of Minutes:

Old Business

Executive Session: City Council held Executive Session on Wednesday, October 10, 2018 beginning at 4:45 pm and on October 17, 2018 at 5:15 pm with the Associate Solicitor, Mayor, Managing Director, Fire Chief and Community and Economic Development Director to discuss matters relating to potential litigation and action in regard to emergency demolition of a privately owned building on Franklin Street that was damaged by fire. The subject matter of the discussion is an exceptions to the open meeting requirement under the Sunshine Law.

Suspension of the Rules: I make a motion to suspend the rules to Introduce Bill 74 at this time, take public comment and refer to committee.

A motion was made by Courtney Robinson, seconded by Candida Affa, to Suspend The Rules to Introduce Bill 74 at this time. The motion carried by the following vote:

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

[15-2596](#)

Bill 74

Amending the 2018 General Fund Budget by transferring Eight Hundred Eighty-Four Thousand (\$884,000) Dollars from various accounts within the General Fund and amending the 2018 Risk Fund by transferring Three

Hundred Sixty-Six Thousand (\$366,000) Dollars from the unappropriated balance for the emergency demolition of 418 North Franklin Street. Total amount for both transfers equals One Million Two Hundred Fifty Thousand (\$1,250,000) Dollars.

The bill was forward favorably contingent upon the following amendment that needs to be adopted this evening:

I move to make the following motion:

1. That the transfer and payment for the demolition cost not exceed \$200,000.
2. That the money be transferred from the following accounts:
 - 000 02 06 02 0001 90 - Refunds - \$150,000
 - 000 02 06 02 0003 50 - Other Services and Charges - \$50,000
3. That the title of the bill be changed and all other accounts be removed from the bill and are restored accordingly.
4. Amend SECTION SIX to read: SECTION SIX: That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency. Ordinance 15484 is hereby repealed in its entirety.

Attachments: [Bill 74 Emergency Demolition of 418 Forth Franklin Street](#)
[Ordinance #15493](#)

Mr. Roger MacLean stated that he will open it to the public first.

Mr. Nat Hyman thanked Council for letting him speak this evening. He stated that last week he experienced a tragedy like few that he has experienced in his life. Beyond the enormous financial loss, he sustained and seeing one of his buildings go up in flames which was terribly upsetting. He stated that he put a lot of time and effort in putting that blighted building to making attractive, affordable housing from it. As you know, it was a fire in another one of his buildings this past Sunday night. To be clear, this fire was started at the hands of someone either purposefully or by mistake. There is no other way they could have started. He stated that he thinks he has a good idea of who did it and is working with the police on bringing the person to justice. As bad as this whole experience has been, it was made infinitely worse when our interim Mayor railed against me and took his tragedy and turned him into the villian for his own self-serving reasons. Frankly, I was surprised because prior to that he was nice to my face and never made mention of the demolition any any cost associated with it. He stated that he has seen that waste every day

Mr. Roger MacLean stated let's not get into personalities here. If you want to discuss the facts of the fire let's please do that. Keep all the other stuff aside.

Mr. Nat Hyman stated accept our Mayor did rail at against me so I feel the need to defend myself. He stated that he decided to come tonight because

his name was so slandered that he felt compelled to clearly and sinsyncly provide you with an irrefutable and incontrovertable facts related to this matter. He stated 1. when Ray told you that the city has reached out to him several times, but he never responded. That was categorically untrue and he knew it when he said it. The City Solicitor sent one email to my attorney at 12:49 PM on Tuesday. A one line email asking simply what Mr. Hyman intentions were for the building. Never mentioned of demolition or any costs. When that attorney contacted me, I told him that he will not be representing me in this matter. There were absolutely no other communications, zero. This past Monday, the Communications Director for the city told The Morning Call and he quoted "the city reached out to Mr. Hyman by phone and contacted his attorney in the days immediately after the fire." That was likewise, untrue. As it looks inevitable that the fire will head to litigation costing the taxpayers hundreds of thousands more in legal fees, he wanted to remind them that those statements will have to be made under oath under penalty of perjury. As part of the discovery process we will require production of the phone records proving that they called me. He promised that they will not do either because it did not happen. So what this illustrates that this administration is willing to lie to the citizens to cover their mistakes. 2. He stated that he never knew about, was consulted, given the courtesy of any discussion or even told that the city was tearing down his building. He stated that he found out from the media like everyone else. 3. He stated while it is true that getting insurance on a large vacant building is nearly impossible because they are magnets for vandals, drup addicts, and squadders that is not germane to this discussion. As you all know, no insurance company will ever issue insurance on any building higher than its value. He stated that with that in mind, he has for them a copy of the Lehigh County Assessment Record for this property. As you will see, Lehigh County just reassessed this property last month and increase the value of this building from \$121,900 to \$191,100. So whether it was insured or not has absolutely no bearing on this matter. Even if it had been insured, it would be for a fraction of the \$1.25 million at issue here. 4. He stated that one of his maitenance crews was at the building the Tuesday before the fire once again boarding up every broken window and chaining and barring every door as we have done countless times before. The building could not be alarmed because it had no power and even if it did have power, the alarm would go off five times per day driving the police crazy, but those of you in law enforcement know the reality of these buildings is if someone wants to get in, they will get in. More importantly, he wanted to remind them that this building has been in the same state for 30 years long before he bought it. 5. He said that they planned on starting work the next day. To those people that have questioned that because there was no power to the building. We had 10 people that had finished cleaning out the smaller building on the same lot. If you went into the smaller building today, you would see it perfectly clean.

They were to move over to the larger building on Monday to start cleaning out the larger garbage left by the prior owner and putting it in roll-off dumpsters. As was the case with cleaning the smaller building, the daylight is sufficient for this task. He stated that from his past experience this cleanout would have taken two months, involved 100 tractor trailers loads of garbage and does not require any permits. Now for the \$1.25 million question, does he think the taxpayers should be paying for the demolition of this building, absolutely not. And, as one of Allentown's largest taxpayers and the person that may have created more property tax revenue for this city than anyone in Allentown's history, he is uniquely sensitive to wasting taxpayer dollars. He stated that he has seen that waste every day from the first days of this administration with hiring dozens of people despite the fact that the city is losing \$5 million and will undoubtedly be raising our taxes in this upcoming budget. But, he will not pay for someone's stupidity nor should he be expected to. He stated that he recently tore down a 40,000 square foot building on Gordon Street. It cost me \$72,000. This past summer, he tore down a 10,000 square foot building in Nazareth for \$37,000. He stated that he went out for bid for this demolition before he knew that the city was doing the work. One bid came in from the same company which did these two aforementioned for him. He stated that he has that bid here for Council tonight. The amount quoted for the entire job is \$217,325. And, frankly he stated that he could have gotten it done for less. He stated as these documented he will give them will clearly illustrate the cost for the demolition of a commercial building is \$4 - \$6 per square foot. If one simply Googles per square foot cost for demolishing a commercial building, they could confirm these numbers. To pay \$1.25 million for the demolition of that building is so outrageous that he respectfully suggest that City Council should investigate who is getting rich from this because he assures them that someone certainly is. Using just common sense, you know that they said that this job would take plus or minus 10 days. That means they are making \$125,000 per day. If there are five guys working on site that would mean they are paying each of them \$25,000 per day. It is precisely because of outrageous expenditures like this, that this city is barreling towards insolvency. This job should have been bidding out to market rate contractors and those bids could have been back in two days. And, if the argument is that it was an emergency and had to be immediately then ask yourself what would have happened if City Council would have voted no to authorizing the funds and why aren't they working on weekends and evenings. He stated that he went to the site on Sunday morning at 10 AM and no one was working and there was smoke coming out of the building. Clearly, there was not as much of an emergency as we were led to believe. He stated that he thinks Councilman Guridy had it right when he tried to take the prudent path of minimizing the exposure. He stated that when he should before Council when they were selecting a Mayor and told them that he believed that they were selecting a

CEO for a \$100 million business he believed that then and believe it now. Well, your CEO just went out and gave a contract to a company for six times the market rate. If you want to know why Allentown is in dire financial straights look no future. And, when Ray was grandstanding before you yelling that Mr. Hyman this is not a threat, it is a promise. You will pay the city back every penny. He either knew then that what he was saying wasn't true or is painfully uninformed. The property is owned by a limited liability corporation. There is absolutely no recourse to you recovering that money. But, the anger that Ray tried to have everyone direct at me is misguided. It should be directed at the person who decided to pay \$1.25 million for a \$200,000 job. He stated now as far as the question of whether he intend to pay for the demolition, the answer is that he is willing to pay that in which it would have cost him had he done it as it should have been done. He stated that accordingly, he holds here a check made payable to the City of Allentown for \$217,325 which is more than generous because he could have negotiated that price down. He stated that he is willing to give it to the solicitor tonight provided that it is held in escrow and that he is given the assurance that it will only be cashed upon a mutually agreeable agreement that stipulates that it will be no liens placed on the property and no litigation related to this matter will be initiated against him or any of his companies. Any reasonable person understands that he should not bear the burden of Ray's poor business management skills. He stated taht the city just wasted \$1.25 million, but you aren't going to put that on him. He stated that he didn't start this fire. He didn't ask or authorize anyone from the city to knock this building down nor was he even consulted about it. He didn't asked or authorize anyone from the city to pay for it. He stated that he fully expected to knock it down himself and at his own cost and would have done so promptly, if given the chance. He certainly didn't agree or authorize to pay \$1.25 million for this work. Finally, we all agree that two of the city's biggest issues are blight and affordable housing. He stated that he is the only one attacking both of the problems on a meaningful scale and the only one doing substantial development in Allentown without any government assistance or tax advantage. He stated that he doesn't need their thanks or recognition, but certainly should not be criticized while doing it. If you ever hope to see development in the long neglected eastside and southside and the downtown area outside the NIZ, you must accomodating to people that try to do it and treat them with a modicum of decency and civility. He stated thank you and he will give Council the papers and if Counsel wants the check, he will be happy to give it to her.

Mr. Roger MacLean stated that he thinks that should be taking care of in an appropriate manner. He stated you know how to do business Mr. Hyman. You have done it before. A Council meeting isn't the place to turn over the check.

Mr. Nat Hyman asked could he approach and give them the documents.

Mr. Roger MacLean stated you certainly may and thanked Mr. Hyman. He asked anybody else on Bill 74 from the public.

Mr. Lou Hershman asked is the \$1.25 million engraved in stone, or was that a negotiated price or is that the price.

Mr. Roger MacLean stated you said is that engraved in stone. The answer to that will be a simple no.

Mr. Lou Hershman stated that it is not engrave in stone. In other words it could be more.

Mr. Roger MacLean asked do you really think that will happen Lou. He stated or less.

Mayor Ray O'Connell stated or less.

Mr. Lou Hershman asked if Council will review the contract publicly. Can you review that contract publicly at the next meeting when you have the second reading? He stated that's why he asked about the Ordinance.

Mr. Roger MacLean stated that it will be going to Julio's committee. We will have a committee meeting on it.

Mr. Lou Hershman stated to read the contract publicly. Thank you.

Mr. Mike Kaminiski, 779 Benton Street, stated that \$1.25 million if he understands correctly the city budget for the entire fiscal year he thinks is \$103 million give or take. He asked if he is correct in roughly stating that.

Mr. Julio Guridy stated \$105 million.

Mr. Mike Kaminski stated that is one percent of that amount of money. That is a significant blow to the city taxpayer. He asked was it any way for partial demolition to occur and temporary fencing to be put up in order to save cost until such time that Council and the administration could meet with Mr. Hyman and/or his lawyers.

Mr. Roger MacLean deferred to the Solicitor, but would gladly answer that.

Ms. Fran Fruhwirth stated that it might be prudent for Council to consider that this Bill is being referred to Committee. It will be examined by the Finance Committee where a more detailed discussion will take place. You

are more than welcome to attend that committee meeting.

Mr. Mike Kaminski asked if it was that much of an impending danger that it was no time to get a second opinion on the demolition.

Mr. Julio Guridy suggested the Fire Chief.

Mr. Roger MacLean stated that according to the information that Council received, that would be a short answer and it would be yes.

Mr. Mike Kaminski asked was it not time or was it time to get a second opinion.

Mr. Roger MacLean stated that there was not.

Mr. Mike Kaminski asked where there other companies that could have been contacted to possibly. We know public safety is the number one responsibility of the people in this room right here, but was there any other companies besides the company out of Reading.

Mr. Roger MacLean stated that he honestly don't know.

Mr. Courtney Robinson stated that there actually was more than one company contacted. Mr. Lightner may be able to answer some of these questions.

Ms. Fran Fruhwirth asked do you want to take this to the committee.

Mayor Ray O'Connell stated that this should be to the committee.

Mr. Roger MacLean stated that it is being introduced tonight and going to Mr. Guridy's committee.

Mr. Mike Kaminski stated that there are no winners in this room right now. Everybody is a loser in this situation whether it's the Council or the administration or whether it is Mr. Hyman or whether it is the taxpayers that is going to unfortunately take this burden. We got egg on our face as a city because it seems like a very exorbitant amount of money. he asked that hopefully they can have some kind of amicable resolution that obviously saves the taxpayers some money and preserves public safety to the best of our abilities here.

Mr. Rodnick Deed?, West End, stated that he sees what is going on. The \$1.25 million that is going to cost to demolition is a safety concern for all

the constituents in Allentown. That is paramount to anything. However, how Mr. Nat Hyman articulately put that he has so many businesses in the Allentown area. My hat is off to him for creating affordable housing in Allentown, that is essential. Developing Allentown and making it a vibrant community, but there is one thing that he left out is that he took a known risk in buying these buildings. High risk, high rewards. The bottomline is what is called cost of doing business. My roof is going down on my shed. Can the city come and take care of it for me? It is my responsibility. It is my home. Just as those buildings that he is developing and all due respect to him for doing that, but he has taken on a known risk. Knowing that buying those buildings was uninsurable and the possibility of fire, vandalism, and squandering. All of those things were there. My only comment is he should understand that the bill that he may be presented to demolish the building and someone who says that he is so concerned about the city of Allentown that bill should be taken care of by him through his businesses because that is called the cost of business.

Mr. Eric Eshner, 1210 W. Tremont Street, asked how many bids. Were there any other bids that came in? Because usually when something happens like this or any job in particular there is numerous bids. Emergency or not. When an emergency happens like this and you are on City Council and it is a \$1.25 million price tag what is the logic that goes through your brains when or what do you think? Do you want to find out? What is it that is costing that \$1.25 million? What do you do now in 2018? Just like Nat Hyman said you can google it. You have four ex cops, doctors on the City Council and nobody thought that. Where is the logic? How many bids were there?

Mr. Mark Malucci, 107 N. Ellsworth Street, stated that he can understand the \$1.25 million because you had everyone in there the very next day. It was an emergency and an extreme situation. The bill was a little bit higher than on the norm. Why should we the taxpayers of the City of Allentown have to foot the bill for a negligent real estate tycoon? Yes, he was negligent. He had vacant buildings and knew he couldn't get insurance on. There are insurance companies that will insure vacant properties for something like this. He stated no security system, no electricity, really. He could have block up the windows and doors on the first and second floors with concrete cinder blocks. Protect your building and protect your investment. It is his responsibility to take care of it, not ours the taxpayers. I don't agree with it one bit. Money can go into fixing building structures owned by the city to house the homeless, fixing the pothole riddant streets, or different agencies to help the communities. He stated like the Conference of Churches and other groups or going to the community, the people. That is what we need to worry about. We can't hurt the people of Allentown. It really hurts me. Just a run of bad luck for the guy. Two

buildings in a weeks time. Somebody out to get me, no, I don't believe that for a minute. Yes, there are squanders, but take the precautions and measures not to let anybody in your building. We shouldn't be charge with anything. No, the decision was class act. You were concerned about the community, the city, and they will charge higher. That's with any company out there to get somebody to go out there and do next day service.

Mr. Edward John White, 1922 W. Highland Street, stated he said tonight that he was going to listen and that he might speak. He raised a couple of points for Council and the public to consider in regards to the tragedy. It is a tragedy. It affects the whole city. Mr. Hyman wants to cast himself as the victim here and cast dispergence on the Mayor and City Council for making what he believes is a rash decision. He said that he has practice law for over 25 years and did insurance litigation. His statement to the media that it is impossible to get insurance on a vacant building is blatantly untrue. It is just very expensive. That's a cost of doing business. Do a simple google search on insure vacant building and you will find insurance companies that advertise for selling this type of insurance. He stated that Mary Hart can insure her legs on television as an anchor. You can insure anything, if you have money. Mr. Hyman claims he is a multi-millionnaire and he is invested in the city. I give him credit for that. He says that the Mayor didn't call him. That no one called him. He did know that his building caught on fire. Did he call the Mayor? Did he call the fire department? Did he call the President of City Council? Did he call Public Works? Did he call anyone when he knew that his building posed a danger to the City of Allentown. That is a question he would like for him to answer for the public of Allentown. Bottomline is that he has a limited liability company that owns the building, that's legal. There is also moral responsibility here. It is nice that he brought a check. He urged the city to do what he asked and accept the check and put it in a escrow and then work out a solution here. There is probably a reasonable ground somewhere between \$200,000 and \$1.25 million and there may be another company that can finish the demolition that was started and you should be able to reach an agreement. He stated that Mr. Hyman should not bear the brunt of this completly. The Mayor shouldn't bear the brunt of thi completly. City Council shouldn't bear the brunt of this completly, but neither should we, the taxpayers and voters of the city of Allentown. It is time to work together, find a solution to the problem that solves something that no one envisions, but he had the best opportunity to envision because he knew there was a fire there in May of last year. He knew he cut the power. He knew there were squatters. He knew there was a risk to the building. He chose not to insure the building. He chose not to secure the building completely. It is possible to secure a building. It's expensive. All of this comes down to he made a calculated business decision. He gambled. He lost. He should pay for it.

Mr. Roger MacLean thanked Mr. White and asked if there were any other comments from the public on Bill 74.

Mr. Patrick Palmer, W. Allen Street, asked if the building was going to collapse. If the building would have collapsed, the properties around it would have been damaged who would have been liable for that? Would it have been Hyman or the city. He stated that he understands that the city spent \$1.25 million, but we were saving ourselves from any further lawsuits. Essentially taking your time to bid on this for a little bit, it could have collapsed or could have cost the city more money that people might not have realized.

Ms. Candida Affa stated that she is sorry to see that Mr. Hyman left. This is something she had to say to him and needed to say to him. First of all, he stated that no one from the city tried to reach him. She stated that she did. She stated that with the approval of the Mayor and the City Solicitor, she tried the cell phone that he gave her. She stated that she also asked the Deputy Clerk if she had any numbers for him for the city to call and she gave me a number. She stated that in front of the Deputy Clerk, she tried to call these numbers and they were both disconnected. She stated that she doesn't see how they are able to get a hold of Mr. Hyman if he disconnects his telephones. She stated that she can't imagine any citizen that can't get a hold of the Mayor of Allentown. She stated that the city had a very small window of time to demolish that property. We did not have the luxury of getting RFPs, awaiting for him to respond. This was a major safety issue. The fire could not be put out, unless it was demolished. We got that from our Fire Chief and all the experts. You are right sir, if it would have collapsed it could have possibly destroyed other homes or injured someone or worse. You could imagine what that lawsuit would have been like. She stated having said that she doesn't care how you slice the pie Mr. Hyman. It was ultimately your responsibility to make sure that this property was secured and insured. We took the steps to remove this hazard. Had we not, we were not going to be irresponsible like you and do absolutely nothing. She stated that she is sorry he left because she wanted him to hear that.

Mayor Ray O'Connell thanked President MacLean and the City Councilmembers. He stated that the City of Allentown has a duty and responsibility to protect our citizens, each and every one of our neighbors. Our priority in this city is public safety. It was yesterday, is today and will be tomorrow and forever. The city took immediate action to respond to the very large fire at 418 Franklin Street on Sunday, October 7th. This was an emergency situation, a substantial one and we treated it for it was a substantial emergency situation. It provides an ongoing threat of imminent public harm. The rubble continues to burn. Our firefighters have been on

the seen since the beginning doing an outstanding job. They have not left. They remain there. It is an ongoing fire. The building needed to be demolished so that our firefighters could safely extinguish the ongoing fire. The fire, the building and the rubble have been and remains a substantial threat of eminent public harm. Children had tried to access the site several times. People have tried to access the site several times. Parts of the remaining structure are unstable. We have a duty to protect the public and have done so. The city has secured the site. We have posted firefighters on the site around the clock. Given the ongoing fire, the ongoing emergency situation, the city hired a firm specializing in larger demolitions with equipment, experience and economies of scale to safely tear down the building to protect the public and our firefighters and emergency personnel from the eminent dangers caused by an ongoing fire and the flare-ups that come with it as well as the possible collapse of a large building. The city will continue to protect the public from eminent danger of this fire today, tomorrow and going forward. Public Safety is our number 1 priority and always will be.

Mr. Roger MacLean thanked Mayor Ray O'Connell.

Mr. Courtney Robinson stated just a point of clarification because there were several people who came up and spoke and talked about the \$1.25 million. That is not an amount of money that has been spent. That is the budgeted amount. It could come in less than that. He stated that he wants to emphasize that to everybody in the audience that could come in less.

Mr. Roger MacLean stated that he thought they answered, but you clarified it.

REFERRED TO THE BUDGET AND FINANCE COMMITTEE

Enactment No: 15493

Communications

Indigenous Day Proclamation

MMOs - Council received copies of the MMOs - there is a link to the documents on tonight's agenda.

[15-2595](#)

MMOs

Attachments: [2019 POLICE MMO Letter and Plan Worksheet](#)
[2019 FIRE MMO Letter and Plan Worksheet](#)
[2019 O&E MMO Letter and Plan Worksheet](#)
[2019 PMRS MMO Letter and Plan Worksheet](#)

REPORTS FROM COMMITTEES:**Committee of the Whole:**

The Committee met on October 10th and forwarded two items on the agenda this evening.

Budget and Finance: Chair Guridy, Hendricks, Mota

The Committee met this evening; the next meeting is scheduled for October 24th at 5:30 PM.

Community and Economic Development: Chair Robinson, Guridy, Affa

The Committee has not met since the last Council meeting; future meeting TBD.

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

The Committee has not met since the last Council meeting; future meeting TBD.

Parks and Recreation: Chair Mota, Robinson, MacLean

The Committee met this evening; future meeting TBD..

Public Safety: Chair Hendricks, Affa, Zucal

The Committee met this evening; future meeting TBD..

Public Works: Chair Zucal, Hendricks, Robinson

The Committee met this evening; future meeting TBD..

Rules, Chambers, Intergovernmental Relations and Strategy: Chair MacLean, Affa, Guridy

The Committee has not met since the last meeting; future meeting TBD.

Controllers Report**Administration Report**

Mr. Jeff Glazier stated that he has three Reports for Council and the public this evening. The first one is a bank reconciliations review for the month of July. He commended the finance department for getting a little quicker. This one was done in about 70 days. We are certainly seeing some progress there toward timely reconciliations. One issue that is repeated. We have checks that are voided, but the bank keeps a list called the ARP. They also needed to be voided on the ARP that list, but they have not been voided on the ARP,, but they have not been voided. There were 19 checks for a total of \$49,000. We recommend to provide a proper bank audit trail. Voids should be posted on the banks ARP on a timely basis. The administration agrees and continues to put a process in place to correct this. He stated that he has a report on the accounts payable weekly check

review for the month of September. During that time period, we reviewed 450 checks for a dollar amount of just over \$3 million. We also reviewed five wires for \$941,000. He stated a couple of issues, the way that the Rental Property leases are written these days, the leasees are responsible for their water. We saw a bill come through for water for a property that is rented to somebody, but the city was going to pay for it all. He stated that they pointed that out to the department in question and the Resolution was that they had their leasee pay their share of that bill. That was taken care of. We had two small bills that had late fees on them for a total of \$4. The bureaus were advised that they need to get their checks out in a timely manner. He stated that they had two checks where they were expensed to the improper account. The department's were advised and made arrangements with Treasury to have journal entries to correct those so they came out of proper accounts. We had 26 checks that were paid late. Once again, all the departments were advised and they promise to do better. He stated that the Controller's office took a look at contracts in Eden as for the closing process. When a contract is expired it is closed in a timely an appropriate manner. Per our ordinances, all contracts, change orders, and leasees shall be on file in the office of the City Controller and shall be available for public inspection during normal business hours. He stated that in addition to that, we keep paper files on everything and we have everything online. People can go to the Controller's website and do a simple search and get the PDF immediately in the comfort of their own home. The Tyler Contract Management System from Eden was implemented in the summer of 2015. The module benefits the city by monitoring the progress contract during preperation while the city needs the internal approval route, maintaining all contract information in a single location, process and tracking running balances for active contracts, automatically calculating retainage for invoices entered against contracts. That will be mostly construction contracts and creating contract summary reports and comprehensive contract overview reports. The objective of this audit was to view and validate the contract status on Eden and to ensure that signed contracts from the Controller's office for two things. Contracts are closed out when they supposed to be and the Controllers has a copy of them. The audit was conducted in accordance with the Generally Accepted Governmental Auditing Standards and utilized and approached that includes the review of Eden and the Controller's files and website. A listing of pre 2017 contracts was downloaded from Eden. The Controller's list of Contracts was compared to the downloaded Report and the term dates of the contracts were compared to the status of the contracts in Eden. He stated that there were two findings: the codified ordinances all contracts and change orders and leasees shall be on file in the office of the Controller. Of the 257 Contracts listed in the pre - 2017 Eden Contract Report, 76 of those at 29.6 percent of the contracts were not received by the Controller's office. Once again, we recommend that all signed

contracts be forwarded to the Controller's Office as required by the Ordinance. Purchasing agrees with that finding and knows that the end user and many different departments have contracts. Purchasing is responsible for some of them, but other departments by law and Public Works also deal with contracts. They know that the end user is responsible for ensuring the fully executed contract is sent to the Controller's office. The Purchasing Department will ensure that the proper procedure and the importance of hearing the proper procedure is addressed in contrast training for all the other departments. He stated that the second finding they note is that of the 257 contracts reviewed, 208 or 80.9 percent had the incorrect status listed in Eden. He stated that 207 of those contracts should be in completed status. If we look at the status and it says active, even though it's closed out on to the next contract we don't know what we got there. With the situation where we had earlier this evening where the Humane Society didn't bill us that's a finite dollar cost contract. If the contract would have been closed out in a more timely manner, we would have realized we had the situation in January 2018 as opposed to September 2018. We recommend that the contract status should be corrected in Eden to provide accurate information. The administration response is that they agree with this recommendation. During the timeframe of the review period we did not have a dedicated Contracts Manager as of 2018. We have a dedicated person in this role. The contract management is that position's sole responsibility with this being one of the primary tasks associated with the position. We met with this person and she had some good questions for us. We explained our expectations for her and the Controller's office needs. He stated that he thinks this problem will be rectified going forward. He stated that this audit looked at contracts for 2016 and earlier. For 2017 and 2018, there are 260 contracts out there and the Controller doesn't have 119 of those. There is still a little work to be done. We look forward to getting all those contracts and putting them in our paper file and also posting them on the Controller's website for public access.

Mr. Roger MacLean asked if Mr. Glazier had a timeframe when to expect the 118.

Mr. Jeff Glazier stated that is really not my bally work, that's Purchasing and the other departments, but expects full and complete cooperation in a reasonable amount of time. He stated that he realizes that people are really busy with the budget now, but he certainly likes to get it put away in a reasonable amount of time.

Mr. Roger MacLean stated that he agrees and thanked Mr. Glazier.

Mayor Ray O'Connell stated that his report is simple. September 29th - a

car explosion. October 7th - the fire. Once again, a big heartfelt thank you to our first responders, our police, our fire, or EMS people. Outstanding work, very dangerous work. We are all very fortunate to have first responders with their capabilities. Our fire, police and EMS. He stated his congratulations along with his entire administration. Congratulations to our first responders. They are wonderful.

Mr. Roger MacLean stated that the sentiments are echoed from all of my colleagues on Council.

APPOINTMENTS:

[15-2587](#) Lyn L. Langkamer Civil Service Board 01/21/2019

Attachments: [Lyn L. Langkamer Appt.](#)
[Resolution #29718](#)

Ms. Candida Affa asked if there were any comments from her colleagues on this appointment or the public.

Mr. Lyn L. Langkamer stated that he doesn't know if Council had any information on him.

Mr. Roger MacLean stated that we have your resume and would assume since your appointment expires January of next year that we will probably be seeing your name again.

Mr. Lyn L. Langkamer stated that he has been a resident of the city for 19 years. He lives right downtown, a block away. The only one who probably walked here this evening. He stated that he was always interested in improving the quality of life in the city, having worked and lived here and sees this as an opportunity to do that. He thanked Council for the appointment.

Mr. Roger MacLean thanked Mr. Langkamer for his willingness.

Ms. Candida Affa congratulated Mr. Langkamer.

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

Enactment No: 29718

ORDINANCES FOR FINAL PASSAGE (To be Voted On):

[15-2569](#) Bill 65
Amending the 2018 Capital Fund Budget by transferring Two Thousand Eight Hundred Thirty-Seven Dollars and Eighty-One Cents (\$2,837.81)

from completed Capital Projects including Keck Park Improvements, Jackson Street Community Park Development, WPA Structures and Jordan Park Playground to Capital Project 1905 City-wide Parks and Playgrounds for the repair to the wall in Trexler Park at the Springhouse Cabin.

Sponsors: Administration

Attachments: [Bill 65 Trexler Park Transfer](#)
[Ordinance #15485](#)

Ms. Cynthia Mota stated that it was passed favorably, 3 - 0.

Mr. Roger MacLean thanked Ms. Mota and asked if there was any comments from the administration, his colleagues, or the public.

Enactment No: 15485

[15-2570](#)

Bill 66

Amending the Business Regulation and Taxation Code of the Codified Ordinances by adding Article 401.02, Processing Fees for Returned Checks; setting the fee at Forty (\$40) Dollars and Eighty (\$80) for each subsequent returned check during any eighteen (18) month period.

Sponsors: Administration

Attachments: [Bill 66 Return Check Fee](#)
[Return Check Study](#)
[Ordinance #15486](#)

Mr. Julio Guridy stated that it was in the Budget and Finance committee and we discussed it. It increases fees on checks that bounced. He stated that they moved it forward favorably, 3 - 0.

Mr. Roger MacLean stated the city won't balance the budget on this, but it will defray some of the costs of personnel to have to go after these bad checks. He asked if there were any comments from the administration or the public.

Enactment No: 15486

[15-2574](#)

Bill 67

Amending the 2018 Solid Waste Fund Budget by transferring Seventy-Four Thousand Six Hundred Sixty-Six (\$74,666) Dollars from the Unappropriated Balance for services provided by the Lehigh County Humane Society during 2017.

Sponsors: Administration

Attachments: [Bill 67 2017 Humane Society](#)
[Humane Society 2017 Invoice](#)
[Ordinance #15487](#)

Mr. Roger MacLean stated that he was assured that this money was budgetted last year, but it was encumbered and it is a matter of bookkeeping. It is not like we are taking another \$74,000 from the unappropriated balance that we didn't know about. He asked if there were any comments from his colleagues or the public.

Enactment No: 15487

[15-2575](#)

Bill 68

Amending the 2018 General Fund Budget to provide for a supplemental appropriation of Four Thousand Twenty-Five (\$4,025) Dollars from the Commonwealth of Pennsylvania, Office of the Attorney General to the City of Allentown to be used to purchase one set of antennae and ten individually programmed radio transmitters bracelets for Project LifeSaver Clients.

Sponsors: Administration

Attachments: [Bill 68 Life Saver Grant](#)
[Ordinance #15488](#)

Mr. Daryl Hendricks stated that it was in the Public Safety Committee earlier and by a 3 - 0 vote it was favorably recommended to the full body for approval.

Mr. Roger MacLean asked if there were any comments from his colleagues.

Mr. Julio Guridy stated that there will be 40 of them.

Mr. Roger MacLean stated that this will appropriate 10 more.

Mr. Roger MacLean asked if there were any comments from the administration or the public.

Enactment No: 15488

[15-2571](#)

Bill 69

Amending the Civil Service Board Rules for Police Officers by allowing the application fee to be refunded to the applicant only if the applicant provides the Human Resources Department with written verification that he or she is a member of the military and due to the performance of a duty in the military is unable to participate in an examination or test provided the verification is received by the Human Resources Department prior to the administration

of the examination or test; correcting the spelling of "Marshal;" changing the minimum requirement for Fire Marshal from 7 years to 5 years; and adding a new policy governing the experience required for the position of Captain - an applicant for the position of Captain shall have a minimum of five years of experience as a Sergeant in his or her respective grade in the Allentown Police Department and twelve (12) years of service with the Allentown Police Department.

Sponsors: Affa, Mr. Robinson, Mota and MacLean

Attachments: [Bill 69 Civil Service Rules](#)
[Amendment to Civil Service Rules](#)
[Ordinance #15489](#)

Mr. Roger MacLean stated that we will get a report next in late October or November. Just when the budget is coming out again. He asked if there were any comments from his colleagues.

Mr. Ed Zucal stated that unfortunately for the fire department he cannot split this vote. On behalf of all my brothers and sisters of the rank and file who study and prepare to take a test to get promoted fairly, he will express his vote.

Mr. Roger MacLean thanked Mr. Zucal and asked if there were any other comments from Council, the administration, or the public.

Enactment No: 15489

[15-2572](#)

Bill 70 Committee of Whole, Forwarded Favorably
Amending Article 121.05 City Registered Vehicles, by changing the word sedan to the word vehicles in two places; granting the Mayor authority to designate exceptions to the marked vehicle requirement; changing the number of vehicles permitted to be taken home from 13 to 30; providing for the appropriate marking of fire vehicles; requiring appropriate compliance with IRS regulations; deleting section C. 4, that states vehicles can not be taken home if you are simply on call; requiring a report to be submitted at budget time detailing the cost of the city fleet rather than placing the costs in a fund; and making other clarifications.

Sponsors: Administration, Affa, MacLean, Mota and Mr. Robinson

Attachments: [Bill 70 Vehicle Policy](#)
[Ordinance #15490](#)

Mr. Roger MacLean stated that was the Committee of the Whole. It says granting the Mayor the authority to designate exception to the marked vehicle policy requirement. He asked are we talking about the market police vehicles or Public Works and the municipal government plate.

Mr. Courtney Robinson stated that there was an idea behind for any vehicle that might require do to safety not being marked vehicle. The Mayor has the ability to designate that those vehicles will not be marked for that reason. They will still have municipal plates. They will still have all their needed information, but they will not have the markings on them. He stated that a good example will be currently he knows Mr. Messinger with his vehicle it is not market, but he has in the window of his vehicle the city seal, the vehicle number and everything necessary. That is a good example of something that could be done. This was for security in this day and age.

Mr. Ed Zucal stated that he thinks it was an issue with the fire department vehicles being red and they are currently white. He stated that economically speaking, it would be senseless to have them painted now when at some point shortly they are going to be replaced. Let's keep them the color they are now.

Mr. Roger MacLean stated that he agrees with that. He stated that he thought they were going to have the Public Works vehicles and Parks and Recreation marked with the city seal.

Mr. Courtney Robinson stated those would be. The provision behind this was that for the Mayor's vehicle and the Managing Directors vehicle. This is what that would allow is that those vehicles would be unmarked. It would be up to the Mayor to determine that. Because it was an idea that if one of those two vehicles would be in for maintenance. There would be potentially would be a third vehicle unmarked to make those security requirements. That is why it was written in the bill this way.

Mr. Roger MacLean stated that gives pretty broad range for any vehicle to be decided upon. It doesn't specifically say a spare vehicle. He said while he is ok with everything else, he is just uncomfortable with that.

Mr. Roger asked if there were any comments on the amendment. He asked if there were any comments from the public.

Mr. Roger MacLean asked if there were any comments from his colleagues or the administration.

Mayor Ray O'Connell stated no comment. The administration is good with that. It's perfectly fine.

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

Mr. Lou Hershman stated that he is not here to see how is the city is going to pay for them. If you look at this year's budget, Stormwater has four SUVs

being paid for. Why does Stormwater has to pay for four SUVs. His concern is how the city is paying for the vehicles that are going home. Are we charging the proper accounts we expense? He stated that he is sure Stormwater with 26 employees doesn't need four SUVs. City Council will have to approve the 2019 budget. We have to find out how we are going to pay for these. The proper accounts have to be charged.

Mr. Roger MacLean stated that they agree.

Mayor Ray O'Connell stated absolutely. You are right.

Mr. Lou Hershman stated with the stormwater fee, he is paying \$60 for his backyard for the rain that falls onto it.

Mayor Ray O'Connell stated that they will take it under advisement.

Mr. Roger MacLean stated that doesn't mean the four SUVs from stormwater are going home. He asked if there were any other comments from the public.

Enactment No: 15490

RESOLUTIONS FOR FINAL PASSAGE (To be Voted On):

[15-2591](#)

R121

Certificates of Appropriateness for work in the Historic Districts: 102 N 10th Street, 1509 Linden Street, 1620 W Turner Street

Attachments: [R121 Resolution - October 2018 Cases](#)
[102 N 10th St Final Review Sheet](#)
[1509 W Linden St Final Review Sheet](#)
[1620 W Turner St Final Review Sheet](#)
[1620 W Turner St Design Sketch Proposal](#)
[Resolution #29719](#)

MR. David Kimmerly gave a synopsis of these projects. He stated that 102 N. 10th Street was for installation of a security cameras and that was given a Certificate of Appropriateness. They are being installed in proper locations on the building. He stated that 1509 W. Linden Street is to build a pergola on the side yard. A pergola that was previously there is simply being reconstructed. That was recommended to get a Certificate of Appropriateness. He stated that 1620 W. Turner Street is to install a sign in the front of the Church of the Mediator. That was recommended for approval for a Certificate of Appropriateness.

Mr. Roger MacLean asked stated that there was an issue with cameras on 9th and Chew Streets. He asked was that ever resolved.

Mr. David Kimmerly stated yes. The cameras are down. They are in proper places.

Mr. Roger MacLean asked if there were any comments or questions from his colleagues or the public.

A motion was made by Roger J. MacLean that this Resolution be approved. The motion carried by the following vote:

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

Enactment No: 29719

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

[15-2594](#)

Bill 72

Amending Article 507 (Traffic control Maps) of the Codified Ordinances of the City of Allentown. The request is from the Administration. The Administration is authorized to establish and evaluate traffic regulations for a temporary period not to exceed 90 days. This legislation makes the temporary changes permanent.

Attachments: [Bill 72 Traffic Control Maps](#)
[Traffic Regulations Oct 2017-2018](#)
[Traffic New Installs Removal Signs Oct 2017-2018 \(Revised\)](#)
[Ordinance #15491](#)

REFERRED TO PUBLIC WORKS

Enactment No: 15491

[15-2593](#)

Bill 73

Amending the 2018 General Fund Budget and the 2018 Equipment Fund Budget to provide for a supplemental appropriation of Five Hundred Thousand Dollars (\$500,000) as a result from a grant from the Commonwealth of Pennsylvania Department of Community & Economic Development (PA DCED) Initiative Program, to the Allentown Fire Department to provide for a Hazmat First Responder Truck and Hazmat Chemical ID Analyzer. The grant funds will then be transferred from the General Fund to the Equipment Fund for proper distribution.

Attachments: [Bill 73 Direct Deposit for Hazmat Truck](#)
[Ordinance #15492](#)

REFERRED TO PUBLIC SAFETY

Enactment No: 15492

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

None

NEW BUSINESS: NONE**GOOD AND WELFARE**

Mr. Ed Zucal stated that this week Mr. Warmkessel is making a plea to some of the representatives in the state to have some type of training program or evaluation with first responders. After a major incident, having been a police officer and involved in EMS as well, those people are forgotten when they go home. He congratulated Mr. Warmkessel for thinking of the people at the end of their day.

Mr. Roger MacLean stated very good point. Thank you for bringing that up. He asked if there was anything else for Good and Welfare.

ADJOURNED: 8:12 PM