



CITY COUNCIL

Committee of the Whole

Monday, May 23, 2011

Council Office

5:00 pm

Agenda

Although Council committee meetings are open to the public, public comment is not permitted at Council Committee of the Whole meetings. However, citizens are encouraged to attend and observe the meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation by the President of Council.

- I. Executive Session – Water Authority Contract Negotiations**
- II. Executive Session – Charter Board Decision Appeal Initiative and Referendum**
- III. Sewer Fund Investigation**
- IV. Agenda Review**



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
May 9, 2011
5:00 P.M.

COUNCIL MEMBERS PRESENT:

D. Reed, S. Marmarou, J. Waltman (via phone), V. Spencer, D. Sterner, F. Acosta, M. Goodman-Hinnershitz

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, F. Denbowski, C. Geffken, C. Younger, M. Lubas, O. Smith

Mr. Spencer called the Committee of the Whole meeting to order at 5:08 p.m.

I. Summer Playground Programming

Mr. Denbowski stated that timing is problematic for programming this summer. He stated that it is not feasible to organize summer playground programming at this late date.

Mr. Lubas described the opportunities available through Schlegel pool, the tennis program and the summer day camp program.

Mr. Marmarou questioned if County youth also participated in these programs. Mr. Lubas stated that they do.

Mr. Marmarou questioned the use of the ball fields at Angelica. Mr. Lubas stated that there were six rentals for the City last season at Angelica. He stated that the fee received was a total of \$120 as most fees are payable to Alvernia. He stated that this

season he has nothing booked due to maintenance that Alvernia plans to do to the fields. He stated his understanding that the City may only book two games per day on the fields and that is not marketable for tournaments.

Mr. Spencer questioned why the City signed such an agreement. Mr. Lubas stated that it was to limit the wear and tear on the field.

Mr. Marmarou stated that this is a City-owned field. He stated that the City should receive the full amount of the fees. Mr. Lubas stated that Alvernia maintains these fields.

Mr. Marmarou questioned who receives fees for the use of Egelman fields. Mr. Lubas stated that the Association gets the entire fee.

Mr. Spencer stated that the City maintains Egelman and should collect these fees. Mr. Lubas stated that any City games must also be scheduled through the Association.

Ms. Goodman-Hinnershitz stated that these agreements are being reviewed by the Public Works Committee. She noted her concern with the inconsistency of the agreements. She expressed her belief that the Recreation Commission will need to study these agreements and reopen negotiations.

Mr. Acosta stated that the Egelman agreement has an annual window to make changes. He stated that Latino organizations are consistently denied access to this field and urged the City to look at this agreement.

Mr. Acosta questioned who paid to use the fields. Mr. Lubas stated that it has been City policy that youth organizations do not pay but that adult organizations do.

Ms. Reed noted the interest of Lower Alsace in the Egelman facility. Mr. Lubas expressed his belief that the ball field area should be retained by the City for use by City youth.

Mr. Spencer stated that Central Catholic also used Egelman for their games. Mr. Lubas stated that he has already been notified that Berks Catholic will not be using this field.

Ms. Goodman-Hinnershitz noted the need for Council to inform the Recreation Commission of their concerns and allow the Commission to move forward.

Ms. Smith stated that he has attended several seminars by DCNR. He stated that many municipalities have agreements with organizations that pay to use the fields and volunteer to do some maintenance. He stated that there are no lease agreements.

Mr. Marmarou questioned the progress of the audit requested for Egelman fields. Mr. Lubas stated that all organizations are to submit audits but that none do. There was no follow up on the Public Works Committee request for an audit.

Mr. Spencer stated that the Public Works Committee will continue to address these issues. He stated that the Recreation Commission will also address these issues. He noted that the window for Egelman has closed for this season and encouraged that it be reviewed next year. He expressed his belief that all agreements should be renegotiated.

Mr. Lubas stated that Egelman is also used by Junior Legion. He reminded Council that the pool and summer camp programs will be open this summer.

Mr. Waltman questioned what was missing from the overall program. Mr. Lubas stated that it was the playground program.

Mr. Denbowski stated that it is no longer feasible to run a playground program this summer as there is little prep time. He stated that the position that organized and ran the summer program was eliminated. The tennis program and day camp programs were not available when the playground program was fully operational. He stated that the Olivet runs a summer camp program also. The summer opportunities for youth have become more diversified.

Mr. Spencer questioned how youth would get to various sites if programming is not in the playgrounds. Mr. Lubas stated that they must provide their own transportation or walk.

Mr. Spencer stated that this would eliminate many youth from having the opportunity to participate in these programs.

Ms. Goodman-Hinnershitz noted her observation that youth come outdoors later in the day and that many small children are unsupervised. She noted her agreement with time limitations for this summer. Mr. Lubas stated that many organizations use the City parks as part of their programming and that many youth use the parks without an organized program.

Mr. Waltman noted his hope that the Recreation Commission studies this issue closely. He expressed his belief that the City should be doing more recreation and suggested that the City try to staff six playgrounds again this summer. Mr. Lubas stated that the window is very small now to organize a program. He stated that he is unhappy having to take a summer off from the program but stated that he is going to use this time to revamp the entire program.

Mr. Waltman questioned when the Administration decided not to have a summer playground program. Mr. Lubas explained that it was due to budget constraints and the lack of funding for the required employees. He explained that the employees hired last summer through the federal stimulus program were unsuccessful.

Mr. Waltman suggested that the City buy the Hillside pool. Mr. Lubas stated that he is unsure of the condition of the pool.

Mr. Marmarou stated that many discussions come back to staffing. He suggested that parents volunteer to run the programs.

Ms. Reed noted the need to communicate the lack of a summer program to the public to ensure that parents do not send their children to playgrounds assuming that they will be supervised.

Ms. Goodman-Hinnershitz noted her agreement with Ms. Reed and questioned the summer use of the rec center at Pendora. Mr. Lubas stated that this program will be open as it is funded through CDBG.

Ms. Goodman-Hinnershitz noted the work of the East Reading Swimming Association to keep East Reading pool open and accessible to the neighborhood. She suggested that groups using City playgrounds should have usage agreements. Mr. Lubas stated that there are no agreements but that permits are issued and the groups are well coordinated.

Mr. Spencer stated that if youth have no safe alternative they will become vandals. He stated that when he served as a playground leader it was mainly to issue and monitor the use of playground equipment. He stated that sport interest will pull some youth into their programming but those not interested in organized sports need a place to play. He suggested that CDBG funds which are being reprogrammed may be better spent on recreation. Mr. Geffken stated that the Administration was going to request the CDBG funding to be reprogrammed to the microloan program be tabled this evening. Mr. Denbowski described the challenge of monitoring the use of CDBG funds for summer recreation.

Mr. Jones arrived at this time.

Mr. Geffken stated that there is also a 15% cap on CDBG funding.

Mr. Waltman noted his discomfort cutting recreation in the 2009 budget. He stated that the Administration should be creative and find funding for this program as kids must

be occupied in positive ways during the summer months.

Mr. Denbowski stated that he has been in discussions with a partner to provide programming at the 11th & Pike Rec Center during the summer.

Ms. Kelleher stated that the City will be providing \$480,000 to the Recreation Commission. She questioned why summer programming could not be provided. Mr. Denbowski stated that this amount does not include summer programming. He noted his hope that the contribution from the School District will assist with summer programming.

Mr. Spencer stated that if Council had known about this situation sooner it could have provided funding.

Mr. Waltman stated that this is an important program that the City needs to continue.

Ms. Goodman-Hinnershitz stated that planning this program is very important. She stated that partners could have accessed grant funding to keep the program open.

II. Graffiti Abatement

Mr. Denbowski stated that the County will not be continuing the program as the majority of the graffiti is in the City. He stated that the plan given to Council is very similar to the program currently being run through the County. He stated that the grant funding for the manager of the program has expired but that it is important to continue this program. He stated that the majority of the program is already funded through the City's solid waste fund – which is also done in Allentown. He stated that the County facilitated the program but did not fund it. The program will still have access to those in need of court ordered community service.

Mr. Denbowski stated that the City currently funds the program at approximately \$50,000 annually and the addition of a manager will increase the cost to \$98,000 annually. He stated that the program will be staffed by two part time employees to remove the graffiti and a full time manager who will track and manage the graffiti and the program and will provide an educational component that is currently not part of the program. There is a curriculum but no capacity to carry it out. He stated that the cost for 2011 is \$25,000 and that the savings from the solid waste fund will be used to fund this program.

Mr. Waltman questioned where these funds are in the budget. Mr. Denbowski stated that they would need to be reallocated.

Ms. Goodman-Hinnershitz suggested that the City apply for drug forfeiture money to fund this program. Mr. Denbowski voiced his agreement and stated that he would approach the District Attorney.

Mr. Waltman stated that the solid waste fund has grown in functionality. He stated his hope that the savings to the solid waste fund would be refunded to the taxpayers by a reduction in the \$89 annual recycling fee. He tied the two topics together and stated that without recreation there will be more graffiti. Mr. Denbowski stated that this business model works but that the playground model needs to be reassessed. He stated that the redesign would be a job for the Recreation Commission.

Mr. Acosta noted his concern with the \$48,000 increase as the solid waste fund savings should be passed on to the people. He stated that funding this program with the savings will take the savings from the people.

Ms. Reed noted the need to continue this program to reduce graffiti. She stated that discontinuing it would increase crime and discourage new businesses and residents from locating in the City. She noted the need to control graffiti as a critical function and noted its large return on investment.

Mr. Waltman noted that graffiti is the result of several symptoms of the City.

Mr. Acosta noted the need for the removal and prevention of graffiti. He stated that the two should be tied together.

Ms. Goodman-Hinnershitz noted her support of the program but stated that it needs another source of income. She expressed her belief that the Olivet Dream Program would be a very good tie-in to this program. She noted the need to monitor the issue closely.

Mr. Denbowski stated that the recycling contract is currently out for bid. He stated that any savings will be returned to the people.

Mr. Acosta questioned the funding in the solid waste fund. Mr. Denbowski stated that a several hundred thousand dollar cushion is built into the recycling fee to absorb future cost increases.

Mr. Acosta stated that new ways to save must be found. Mr. Denbowski stated that this funding would be cost avoidance. Mr. Waltman stated that it would not be cost avoidance as new costs are being created.

Mr. Marmarou questioned the start of the program. Mr. Denbowski noted his hope that

the program begin on June 30.

Mr. Waltman suggested that a better model may be to make this a function of Public Works. He suggested that the new manager help create a new model for a better long-term solution. He also noted the need to find alternate revenue sources.

Mr. Acosta questioned if the manager is qualified to find alternate revenue sources. Mr. Denbowski reminded all that the City has a full time grant writer on staff.

Mr. Spencer stated that the City must address graffiti.

III. Community Development Payment System

Mr. Spencer stated that the Charter Board opinion has been received.

Mr. Younger stated that the opinion states that a second payment system should not be used.

Mr. Spencer stated that there is a foot note. Mr. Younger stated that the foot note muddies the opinion.

Mr. Waltman expressed his belief that the Council body should govern this issue. He stated that Council approves the budget and that federal and state funds are accepted by the City not a specific department. He stated that CD should be using the same payment system as the rest of the City and suggested that if payments are delayed that the entire payment system be reassessed.

Mr. Spencer questioned if this was addressed in the Charter. Mr. Younger stated that it is addressed in the Charter and Administrative Code. He noted his concern with the foot note and suggested that further clarification be requested.

Mr. Waltman stated that the CD Department does not accept the funds but that they are accepted by the City as a whole.

Ms. Goodman-Hinnershitz stated that many organizations receive funding from different sources by that there is a single unit, not a dual system, which oversees the payment process.

Ms. Reed stated that the opinion is clear but that the procedural issue was not brought to Council's attention to work out the details and move the issue forward. She stated that these discussions have been time consuming and unnecessary.

Mr. Spencer reminded Council that the City Solicitor's opinion differs from the Charter Board opinion.

Mr. Waltman again stated that the body of Council controls this financial issue and suggested that the Administrative Code be strengthened to prevent this from happening in the future. He requested that the dual system stop. Mr. Geffken stated that the dual system is currently working and that the Administration is working to restore the original payment system. He stated that some federal and state funding dictates how the City spends the funds. The Administration is working with HUD to restore the system to USL.

Mr. Waltman stated that the Mayor indicated to Council that this payment system would stop. He stated that instead the Administration has built a bridge system which will result in difficult monitoring. He stated that payments should only be issued under the former system. Mr. Geffken stated that checks are being issued under the new system but are being monitored by a parallel system in USL.

Mr. Acosta also stated that the Mayor indicated that the use of the new system would cease. Mr. Geffken stated that the new accounts had already been created and the funds relocated.

Mr. Acosta stated that the auditor should be present for this discussion. Mr. Geffken stated that he and the auditor are signing the checks.

Mr. Acosta questioned if the auditor agreed to sign checks on an account not approved by the Charter. Mr. Geffken stated that the auditor agreed in the interim.

Mr. Acosta stated that this account is not a City account. Mr. Geffken stated that that is true. He stated that the Administration is not concerned about the foot note as they will be following the advisory opinion that this system cease. He stated that the payment system will be restored but did not have a timeline for completion.

Mr. Spencer explained that the Mayor did change his mind after several meetings.

There was a discussion of the precedent set by this action. It was noted that a future Administration may try to set up separate funds. Mr. Geffken stated that this Administration is setting the precedent that it is never done again.

Mr. Spencer stated that he will be asking the Charter Board for clarification but that this clarification should not hold up the process of reverting to the former system.

Mr. Waltman stated that he will be adding a resolution to the agenda ordering the

Administration revert to the former system immediately. Mr. Geffken stated that the Administration is already working to do that but that additional time is needed.

Ms. Goodman-Hinnershitz stated that she would not support the resolution as it may impede other areas and she has not had time to review it.

Mr. Spencer questioned if the auditor had oversight in the new system. Mr. Geffken stated that he does but that the Administration would be reverting to the former system.

Mr. Acosta stated that he is perturbed with the auditor.

IV. Agenda Review

Council reviewed this evening's agenda including the following:

Resolutions reprogramming CDBG funding the repaving of N Front St

Mr. Spencer questioned why this street was chosen. Mr. Jones stated that it is in very bad condition. He stated that Public Works has a list of streets to be repaved and that this was the next street on the list.

Mr. Marmarou questioned repaving 1/2 of N Front St and also repaving other streets. Mr. Jones stated that this approach was used last year. He stated that recent construction at the baseball stadium has worsened the condition of this street.

Ms. Reed stated that residential streets need more attention. Mr. Jones stated that residential streets do get attention but that he is working objectively from the list.

Mr. Spencer questioned when the funds needed to be spent. Mr. Jones stated that they needed to be spent this construction season.

Mr. Spencer questioned if there was time to check on other locations. Mr. Geffken stated that this would cause a rebid of the costs and that there is a tight timeframe. Mr. Jones added that advertising requirements would further slow the process as this is CDBG funded.

Mr. Spencer questioned when the unprogrammed funds were discovered. Mr. Jones stated that it was approximately a month ago. Mr. Geffken stated that the Administration is working to reprogram funds and have a plan to spend them more quickly.

Ms. Goodman-Hinnershitz stated that this priority list of streets has been reviewed by the Public Works Committee. She stated that Public Works is aware of the streets in need of repaving but unaware of funding sources. She stated that she was glad that the Administration has a plan to spend the funds as timeframes are small.

Mr. Jones stated that there are other streets in need but that they do not meet the CDBG requirements.

Mr. Waltman stated that the residents of Cotton St are in distress. He questioned the status of repaving this street. Mr. Jones stated that UGI will be repaving Cotton St this summer. He stated that they will be repaving one lane.

Mr. Marmarou questioned the stop sign at 13th & Richmond Sts. Ms. Kelleher stated that this topic is on the agenda for the May 16 Public Works agenda. Mr. Geffken stated that a report will be given at that time.

Ms. Kelleher noted the need to add a resolution forgiving CD loans, a resolution directing the Administration to restore the CD payment system, and an ordinance for introduction to amend the City's right to know fees.

Mr. Spencer, Ms. Reed and Mr. Waltman requested that the loan forgiveness resolution wait until the next meeting so that discussion can be held.

Ms. Reed noted the need for the opinion of the auditor.

The meeting adjourned at 7:04 pm.

Respectfully
Submitted
Linda A. Kelleher, CMC, City Clerk