

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street – Town Hall  
Bethlehem, Pennsylvania  
Tuesday, August 15, 2017 – 7:00 PM

INVOCATION

President Reynolds asked for a moment of silence which was followed by the pledge to the flag.

PLEDGE TO THE FLAG

1. ROLL CALL

President Reynolds called the meeting to order. Present were Bryan G. Callahan, Michael G. Colón, Eric R. Evans, Olga Negrón, Adam R. Waldron and J. William Reynolds, 6. Shawn M. Martell was absent, 1.

2. APPROVAL OF MINUTES

The Minutes of August 1, 2017 were approved.

President Reynolds stated it was requested from the Administration that a Communication and Resolution be added to the agenda this evening. He will accept a motion later in the agenda under Resolutions to add the Resolution and he will accept comment on this matter. President Reynolds asked the Clerk to read added Communication 6 E.

6 E. *Director of Public Works – Recommendation of Award – J. P. S. Construction Co.*

The Clerk read Communication 6 E, a memorandum from Michael Alkhal, Director of Public Works recommending a contract with J. P. S. Construction for the Fire Lane Bridge Rehabilitation Project. The term of the contract is 45 days from the notice to proceed and the fee for the contract is \$89,000.

3. PUBLIC COMMENT (on any subject not being voted on this evening - 5 minute time limit)

*Ethics Ordinance*

Barbara Diamond, 425 Center Street, reported the grassroots group of citizens has over the past year engaged in an effort to encourage Council to enact higher ethics standards for Bethlehem. She noted that the group felt it would be difficult, perhaps impossible to succeed but thought it was important to try, and stated some the reasons why. She pointed out the July 27<sup>th</sup> Morning Call headline regarding the Allentown Mayor and noted the news article reported details how gifts, contracts and campaign contributions figured in their pay-to-play schemes and nine of the Mayor's staff have pleaded guilty and await sentencing. The Mayor and others involved have also now been charged with corruption. Ms. Diamond informed this scandal has no doubt severely damaged the reputation of the City of Allentown. She pointed out that the cost to the taxpayers for

corrupt contracting investigation and prosecution is not yet known, but corruption is extremely costly to taxpayers. She continued to say what the public needs to know is that the crime of corruption is very difficult to prove because a direct explicit quid pro quo must be documented. Ms. Diamond noted people who seek to improperly influence officials or officials who solicit campaign contributors in exchange for contracts know this and know how to disguise what they are doing. She then stated our Ordinance, which you made a concerted effort to undermine and recently voted down, was an effort to proactively impose some reasonable safeguards in the very areas underlined in the corruption in Allentown with gifts, campaign contributions, and contracting. Ms. Diamond went on to say it is very interesting that District Attorney John Morganelli suggested these areas along with nepotism did not belong in an Ethics Ordinance. In fact, these are frequently the ways that officials slide down a slippery slope from unethical behavior to the crime of corruption. Ms. Diamond remarked that in May the Morning Call reported that personal gifts to Pennsylvania lawmakers have dramatically increased in four years from \$43,000 dollars to \$145,000 dollars. Many of the gifts involve donors who can benefit from official action and many constituents will be surprised to learn that public officials and employees at the State and local level are permitted to accept gifts, except bags of cash and that was only outlawed a few years ago as long as they report them on their financial disclosure form and believe that the gift was not intended for influence action. She expressed the problem with our State ethics statute and the gift Ordinance proposed by Councilman Callahan is that it is written in such a way that officials can accept a gift and claim plausible deniability that it was not intended to influence them. Ms. Diamond affirmed our State is notorious for its very weak ethics statute but that also governs our City unless you enact tougher standards. She stated that Council has the opportunity to do that with the comprehensive Ordinance but have chosen instead to pass so-called Ethics Ordinances in a piecemeal way. Ms. Diamond feels the proposed gift Ordinance as written, like the Martell Training Ordinance passed in May, does not enact higher ethical standards, it preserves the status quo. She hopes that Council will seriously consider amending the gift Ordinance to provide adequate accountability and transparency regarding gifts to officials.

Daniel Krasnick, 1316 Beverly Avenue, informed that Bethlehem, Altoona, Allequippa, Arnold, Beaver Falls, Bradford, Butler, Carbondale, Chester, Clairton, Coatesville, Connellsville, DuBois, Erie, Farrell, Franklin, Greensburg, Hazleton, Hermitage, Jeannette, Johnstown, Latrobe, Lebanon, Lock Haven, Lower Burrell, McKeesport, Meadville, New Castle, New Kensington, Oil City, Parker, St. Mary's, Shamokin, Sharon, Sunbury, Uniontown, Warren, Washington, Williamsport, are the names of some of the top 57 cities in the State of Pennsylvania, and those Cities had no ethics problems last year.

*Planning Commission/Zoning Hearing Board Notifications Terminated*

Bill Scheirer, 1890 Eaton Avenue, stated for the past few years about a dozen citizens have been receiving emails notifying them of the agendas and the upcoming meetings of the Planning Commission and the Zoning Hearing Board. He informed a few days ago we received an email saying that this will be terminated and that we should go to the City's website to search out this information. He pointed out presumably our names have been simply been deleted from the email notifying those important enough to receive this information directly since the cost savings of this deletion are negligible. He stated the only possible alternative explanation is that somebody with sufficient power has decided that ordinary citizens should be denied this notification perhaps because they should not be getting treatment as a result of asking for information and perhaps

because their comments at meetings of the Board are not important enough to warrant this minuscule effort. Mr. Scheirer expressed once again the City has shown that we do not have government of the people by the people and for the people, but government of the important dignitaries by the important dignitaries and for the important dignitaries. He remarked that this is not always true as evidenced by this courtesy of the floor, but it is too often true and considerably more than it should be.

*South Side versus North Side*

Stephen Antalics, 737 Ridge Street, communicated he has been asked by a number of people at school who walk the streets of the south side at lunch time or after work who are incredibly impressed by the improvement of the cleanliness of the south side. They attribute that to the south side ambassadors. He remarked this is well received because it shows that possibly there is growing interest in the maintenance of the south side. Mr. Antalics then informed that he came across a document entitled "Bethlehem, Pennsylvania Tourism Society, a Guide to Visitors" when he was cleaning out some space. He remarked that it contains a map of the Bethlehem area, the river with north and south Bethlehem and the points of interest. Mr. Antalics informed he does not have a sense of when this was printed but it since has been revised because someone finally decided there is an area of Bethlehem south of the river. He stated the points of interest in the guide are listed as follows: Bethlehem Visitors Center, the Sun Inn, Sebastian Goundie House, 18<sup>th</sup> Century Moravian Industrial Quarter, Musikfest site, Foy Auditorium, Peter and Hearst Hall, Moravian Museum, Japanese Serenity Garden, Kemerer Museum, Old Moravian Chapel, and Central Moravian Church. He expressed there is one more which he found fascinating, and that is the Fahy Bridge. Mr. Antalics informed what it says about the Fahy Bridge is that south of the Fahy Bridge takes you to Fourth Street. He highlighted if you think about that and consider past problems way back with the timing of the new City Hall, the number two major item was the Five Points bypass. Since then there has been at least four major studies, one called Southside 76, the Sasaki Plan and a few others regarding how to improve the Five Points area. He stated Five Points is still as it was in 1950. Mr. Antalics handed a copy of the Guide to the Members of Council.

*Emergency Management during Musikfest Accolades/Airbnb Problems*

Bruce Haines, managing partner of Hotel Bethlehem, 437 Main Street, stated he will do a little take off on the Express-Times weekend edition of their Trophies and Turkeys. Tonight he will start with the Trophy and he wants to take the opportunity to pay accolades to the City Emergency Management department for their team effort in implementing new procedures this year to ensure better traffic flow and higher levels of security for downtown during Musikfest. The tremendous cooperation with the Hotel to assure that only properly vetted guests were permitted to enter the Church Street checkpoint assured the safety for all hotel guests and visitors to Main Street. He remarked proper planning, combined with meetings with the hotel staff, resulted in a flawless execution and is greatly appreciated by the Hotel Bethlehem management. Mr. Haines recognized Robert Novatnack, Wade Haubert, Fire Chief Warren Achey and Police Chief Mark DiLuzio for their efforts. Mr. Haines reported on the Turkey side is the existence of illegal Airbnb hotels operating in the historic residential district of the City. He would truly implore the City, with the support of Council, to take firm measures to close down these operations as quickly as possible. The fact that two commercial transient lodging operations

defiantly ignored City cease and desist orders during Musikfest is a blatant disrespect to the City and an abuse of the law. He continued to say this disruptive entity undermines the character, stability and security of our residential community with the zoning laws that are enacted and the zoning orders that are enacted to preserve all of that. Mr. Haines stated Airbnb is a disrupter business designed to conceal the identity of its lodging operators to avoid regulation while also destroying desirable residential neighborhoods in the process. He pointed out that it is happening all across the Country; Nashville is the most recent example. He expressed these entities belong in the commercial business districts of the City only, and should play by the same rules and laws of your other City Hotels. Mr. Haines emphasized this will be a major issue starting next week with the Zoning Hearing Board Meeting and beyond that. He reiterated that this is a major issue across the county, and unfortunately, Bethlehem will have to deal with it; it will be very divisive for our community. He thinks it is a shame and implores Council to preserve what is really great about Bethlehem in the residential neighborhoods and communities. He concluded by saying do not let a commercial enterprise get in the middle of the wrong zoning district.

4. PUBLIC COMMENT (on Ordinances and Resolutions to be voted on this evening - 5 Minute Time Limit)

*Gift Ban Ordinance*

Barbara Diamond, 425 Center Street, communicated in her opinion the Ordinance as written needs to be strengthened if it is to be truly effective in countering the corrosive influence of gifts to public officials. First the public should ask why should public officials accept any gifts at all. She communicated that public officials are paid by the taxpayers to represent the public and it is their duty to do so. Ms. Diamond continued surely you recognize that gifts to yourselves, your business associates, your family members, your favorite charity, etc. by individuals who have business interests that you can benefit through official action are improper because they can create a sense of obligation. Ms. Diamond mentioned in the section on the Purpose of this Ordinance it states "Conflicts of interest betray the trust of the public with its government and violate traditional notions of fair play and substantial justice." That is true, accepting or soliciting anything but gifts of de minimis value from entities that may benefit from official action creates a conflict of interest and the perception of impropriety and should be prohibited. The language of the Ordinance regarding prohibited gifts is vague and ill defined. It suggests that gifts are acceptable as long as the recipient believes that a reasonable person would not infer that it was an attempt to influence him or her. Ms. Diamond stated "a reasonable person" is not defined in the proposed Ordinance. She feels it would be better to restrict gifts from any entity in the aggregate to a very limited amount such as a cup of coffee, a bottle of water, etc. An official who refuses a gift sends a clear message that he or she cannot be corrupted. This reasonable person's standard also appears in the list of exceptions and that is also problematic. Also, Item (J) under Exceptions is of concern regarding complementary travel for official purposes. She suggests that be removed. If travel for official purposes is important the City should pay for that. Regarding enforcement of the proposed Ordinance, Ms. Diamond pointed out that their Ordinance described in great detail a comprehensive process for lodging a complaint, preliminary and full investigations, hearings, evidence, a findings report, an appeals process, all kinds of due process procedures and safeguards. Most importantly it was undertaken by an independent investigator free of political influence. Ms. Diamond stated this proposed Ordinance falls far short in this area. There is no provision for a complaint process by the public, no whistleblower protection, no protection about

false or malicious complaints and of great concern is that investigations of violation are undertaken by someone internal to the City government. Ms. Diamond expressed this does not inspire confidence; the Ordinance should be amended to rectify these problems. Ask yourselves how the Allentown Mayor and so many in his Administration slid down that slippery slope to outright corruption. It starts with weak ethics provisions like the State statute that currently governs Bethlehem. She continued to say the proposed Ordinance fails to provide safeguards; she hopes that you will consider strengthening it. Ms. Diamond concluded by saying if you sincerely want to enact higher standards for Bethlehem Council should amend the Ordinance to provide greater transparency and accountability.

Steve Diamond, 425 Center Street, stated when he completed medical school he sold medical equipment in South East Asia. He mentioned that you would have to give a gift to usually the person you were talking to in order to get to the next level, and when they would introduce you to someone else you gave a gift. When he would explain this type of interaction most people in the United States would be horrified that to get anything you had to present a gift also in China, in Vietnam and Laos for example. Mr. Diamond also explained his experience when he lived in Greece and he learned that you had to pay people to get government services. Mr. Diamond moved to present day and remarked that he is a Medical Director of a company where they make over \$1 billion a year. When he makes a decision on what type of medical equipment we have to buy we are talking about spending tens of millions of dollars. He asserted that many times he is approached by sales people and they suggest maybe we should meet in the Bahamas and we can discuss the equipment or maybe you would like tickets to see the Phillies or the Giants or would you like to go to Los Angeles. He realized these are gifts; these are no different than the gifts that were given in South East Asia or in Greece to get favoritism. Mr. Diamond affirmed he has always gone out of his way not to accept anything because once you do that you start on that slippery slope of favoritism. If it is not favoritism, the perception that someone else is favored because you accept their gift becomes very evident. He would like to ask Council, when you vote in the future, why do you need a gift. If it is your birthday and you family gives it to you, that is okay, but why do you need a gift in business. He queried why does anyone have to give you anything to do your duty.

Paige Vanwirt, 42 West Market Street, informed she wanted to be clear that her remarks today do not imply any untoward actions by this Council or Administration. However, she is deeply concerned about the future actions of future Councils and Administrations as it applies to the proposed Gift Ordinance. Ms. Vanwirt does not feel the proposed Ordinance is strong enough. She mentioned reading a story today in The Morning Call about the City of Reading's former Mayor who now has a trial date involving eighteen conspiracy, bribery, mail fraud and wire fraud charges, and pointed out these charges were filed at the same time as Allentown Mayor's indictment which charges the Mayor and others with conspiracy to steer City contracts to contribute to the Mayor's political campaign. Ms. Vanwirt advised tonight Council Member Callahan has proposed a Gift Ordinance to be discussed; a piecemeal approach compared with Council Member Olga Negrón's proposed comprehensive Ethics Ordinance. First she wanted to read an important paragraph from that Ordinance that she proposed. "Ethic conduct depends on thinking about one's acts not in terms of what is politically popular, best for oneself or one's colleagues or even most effective or efficient but what is in the best interest of the City. Ethics is not just about enforceable rules, but also about democratic ideals and aspirational goals. Central to ethical action is respect for City residents as well as for one's own integrity." She

continued to say one of the most important parts of Council Member Negrón's proposed Ordinance is the section regarding recusal. In this section, Conflict of Interest, Section (j) reads "Any public official or public employee who in the discharge of his official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his or her interest as a public record." Ms. Vanwirt stated there are currently no guidelines about this important issue of recusal. Council Member Negrón's Ordinance fully addresses this deeply important issue. In previous Council sessions you have asked her why this entire Ordinance is even needed given the State's ethic rules and enforcement structures that are already in place. Ms. Vanwirt affirmed District Attorney Morganelli spoke at a Council meeting about the cost and redundancy of such an Ordinance because he and his team are here to keep an eye on things. She wonders how the federal prosecutors who indicted Mayor Pawlowski feel about the utility of our current ethics laws, and how useful the federal prosecutors who indicted the Reading official in pay-to-play feel our State ethics laws are. Ms. Vanwirt informed her biggest question is why do we think that we are immune to that here? She remarked given the opportunity why would this Council choose not to enact a comprehensive Ethics Ordinance, such as Council Member Negrón's, with an independent body as the arbiter of what constitutes conflict of interest. Ms. Vanwirt stated the parliamentary procedure that Council employs allows for one way questions. She has asked questions at the last two Council Meetings that she attended but did not get answers. She asked Council again to please explain why a weakened less comprehensive Ethics Ordinance is in order. She can assure that the citizens of Bethlehem care very deeply about your answer. Ms. Vanwirt addressed three matters that she feels are fundamental flaws in Council Member Callahan's proposed Gift Ordinance. Ms. Vanwirt stated number one, why not put a limit on gifts, a simple and clear \$100 dollar limit on gifts instead of a wobbly fuzzy statement which can be interpreted and inferred in so many different ways. Number two, who determines what gifts are improper or constitute conflicts of interest? With all respect to the Controller and the Mayor this needs to be a body independent of the Administration and Council. There is no way that an Administration can independently investigate itself. Number three, where is the public in this process? She expressed the citizens of Bethlehem have the right to know when taxpayer funded employees, especially City officials, violate ethics code. She queried as to how the public allege a complaint. The taxpayers are completely left out of this process and there is absolutely no transparency. Ms. Vanwirt thanked Council Member Negrón, and stated she has been quiet when others have been loud, persistent when others have been easily redirected, graceful, honorable and very determined and has shown us all how to try and get a hard and fundamentally important job done. Ms. Vanwirt expressed to Ms. Negrón that citizens of Bethlehem are firmly behind her. We believe that comprehensive ethics reform is the right that we deserve, that the City that we love deserves and for which we will continue to fight.

Daniel Krasnick, 1316 Beverly Avenue, informed in the 1835 English court case, Vaughan versus Menlove the defendant had stacked hay on his rental property in a manner prone to be spontaneously ignited. After he had been repeatedly warned over the course of five weeks, the hay ignited and burned the defendant's barn and stables and then spread to the landlords and to cottages on the adjacent property. Menlove's attorney admitted his client's misfortune about possessing the highest order of intelligence arguing that negligence should only be found if the jury decided that Menlove had not acted with the best interest of his own judgment. The court disagreed reasoning that such standard would be too subjective instead

preferring to set an objective standard for adjudicating all cases. Mr. Krasnick noted that care taken by a prudent man has always been a rule laid down and as to the supposed difficulties of applying it a jury has always been able to say whether taking that rule as their guide, there has been a negligence on the occasion in question. Instead they are saying the liability of the negligence should be co-extensive with the judgment of each individual which would be as variable as the length of the foot of each individual, rather than to adhere to the rule which requires that all cases in regard to caution as a man of ordinary prudence or reasonable would observe. That was the substance, the criticism and the criteria presented to the jury in this case and therefore the present rule must be discharged. The reasonable man case has been the case in almost 200 years of America's jurist prudence. We use it in almost every tort case, negligent case, the tax courts use it for what a reasonable filing is. A reasonable man's standards is absolutely acceptable here in America. Your gift law says and this is the way I read it: all gifts are prohibited, so we will start with the prohibition of gifts, with the following exceptions. First, your exceptions state that if you pay fair market value for something that is exactly that fair market, that is then a constituted gift, and by the way that is not a gift. Second, regarding family members, how can you not have a business being talked about business? Regarding promotional offers or discounts on goods and services offered, he wonders if that is like Modell's. What kind of dollar value will you get? With nominal de minimis, he queried if he should go through the de minimis category in terms of American jurist prudence and then stated that is something that Council would not want him to do. He then posed the question of what is the nominal value as far as food and drink are concerned. Again, it is a word like de minimus and it all depends. Nominal to him is different than nominal to some other people. This is all dependent on the issues here at hand. If in fact there was \$120 on the line for a contract and you gave someone an \$80 gift, that would certainly influence it and change the assessment of it, and you should be arrested for taking an \$80 dollar gift on a \$120 contract. Mr. Krasnick noted a political contribution has to be reported. The reason we gave you our trust is because we voted for you, and any other board above you that was not voted in, is an insult to democracy.

Bill Scheirer, 1890 Eaton Avenue, stated the gift ban Ordinance that is on the agenda to be voted on this evening has improved somewhat from the draft circulated on June 21<sup>st</sup>. However, it still has so many loopholes that you may wish to avoid the numerous necessary amendments tonight and refer this Ordinance to the Committee of the Whole. He is glad to see that the necessity to prove intent has disappeared however it has been replaced by a definition of prohibiting gifts which requires a reasonable person to "infer there has been an actual or attempted effort to influence the employee in the discharge of that employee's duties to benefit the donor or another party with treatment more favorable than accorded the public generally." He noted that employees include elected officials. Mr. Scheirer is not against reasonable people but reliance on a reasonable person is a loophole in this case. For instance he provided a scenario where a developer with a zoning request that is coming up gives \$5,000 to each Council Member that might vote for his request, and suppose also Council Members in question are generally in favor of development. He noted the developer can then justify the gifts as support for their general attitudes towards development. Would a reasonable person infer that the gifts are prohibited? Mr. Scheirer feels the reasonable criteria in the proposed Ordinance is too vague and subject to abuse. He noted that it shows up at least three more times as reasonable interpretation. The only way to solve this is to have an absolute cap on the value of gifts. Mr. Scheirer suggests that also removes the perception of a conflict of interest. He would

suggest a nominal value; say \$10 dollars with a total cap of \$100 dollars in each election cycle. He moved on another point the words "good will" should be deleted from (F) under (d) Exceptions. He asserted good will is precisely what we should be trying to prevent as a result of gifts. Mr. Scheirer stated sub-section (I) is way too loose. If he has a family member on the Council and he has business coming up he should not be allowed to give any money at all to this relative. He stated that is the price of public service. He pointed out that subsection (J) exempts complimentary travel and admissions to public events. He continued as reported in the Philadelphia Inquirer on May 30<sup>th</sup> the State legislator from West Moreland accepted \$5,987 from New Zealand's parliament for a trip, as well as \$2,363 for lodging, transportation, and hospitality from the American Council of Young Political Leaders. All this was quite legal under the equally weak state law. Rather than trying to define what is good and what is not, the unambiguous course is to simply set a monetary cap. Mr. Scheirer informed he does like the City's Controller, but in looking down the road the investigation, enforcement, and penalty section of the Ordinance gives far too much power to the Controller. When it says the Controller shall have the authority to investigate, enforce penalties, issue subpoenas, and compel testimony in any "investigation, enforcement and penalty provision or City Law" he queried whatever happened to the District Attorney? Further in the distant future a Controller could be a political ally of the Mayor or an accused Council Member. This could be true of anyone nominated and selected by Council to handle such matters, which is why the nominations should come from good government groups before selection by the Council, as provided for in the Negrón/Colón Ethics Ordinance, which this Council will not bring out of the Committee of the Whole.

*Warehouse Fire/Citizens Speaking*

Stephen Antalics, 737 Ridge Street, spoke about the fire over the weekend at the warehouse. He was taken by the article covering the incident, and he remarked it said that an officer of the Fire Department said the fire was challenging because the water system was not completely finished and we were required to resort to distance fire hydrants. We were also required to bring in water tankers. Mr. Antalics asked if the system was adequate what would be the difference in time for the adequate system to go to a distance fire hydrant. When it was determined that hydrant was not sufficient to contain the blaze they were forced to bring in tankers. He queried if the tankers were not there, would the fire had been put out? He expressed look at the time between finding an axillary fire hydrant and the time to call for a water tanker and asked what affect did it have on the building, and what part of the building was further destroyed. Mr. Antalics asked would that have put the personnel working there or the firemen in jeopardy and will that increase the amount of money the insurance company has to pay out. He stated that he senses bad planning and possibly negligence. The reason he says this is that he attends Bethlehem Authority meetings and an officer of the Water Department attends the meetings and keeps the Authority informed of the financial gains, condition of the water system and also new sources of customers. Mr. Antalics informed his point is that everyone knows what is going to go there and exactly where it will be so one would expect the water supply to that building or site would be completed prior to breaking ground. This occurrence might be prevented in the future if these concerns are looked at and corrected. So what he is saying is that before any person is allowed to break the ground that an Ordinance or whatever needs to say you cannot do that until it is guaranteed that the water system is sufficient to handle any condition that happened over the weekend. Mr. Antalics noted we

should take a closer look to see whether the planning is adequate. It is important for the safety of individuals and also the cost of the loss of property to insurance companies. Mr. Antalics informed he wanted to commend these people who really show love for the City and invest so much time to come here and state their case. He remarked that he sees a number of people that he remembers coming to City Council in the past and asks them why they do not come anymore, and the common answer is that they are not listened to.

Breana Holland, 379 Carver Drive, affirmed she would also like to talk about the gift ban Ordinance. On June 20<sup>th</sup> District Attorney John Morganelli was invited to talk to you about the ethics Ordinance proposed by Olga Negrón and Michael Colón. Although that Ordinance is more restrictive than the State Ethics law, in many areas your District Attorney explained that the existing State Ethics Statute prohibits both seeking and accepting improper influence for the giving of gifts based on the offers or the donor's understanding that the gift would influence official action. Ms. Holland raised this point because the prohibition on gifts in the State statute is the same prohibition written into the proposed Gift Ordinance to be voted on tonight. She pointed out the proposed Ordinance prohibits City employees from soliciting or accepting gifts that a reasonable person would infer are given in an actual or attempted effort to influence a City employee's official action for the purpose of attaining more favorable treatment. She noted the District Attorney stated strong opposition to the Ordinance proposed by Council Members Negrón and Colón because it was "substantially a rewrite of the State law." Ms. Holland communicated that Mr. Morganelli failed to identify all the ways in which the proposed Negrón/Colón Ordinance did go beyond the State statute. She wanted to make sure Council was aware that despite the clarity of the State law they are considering an Ordinance that is substantially a rewrite of the State restrictions on gifts. She would urge Council to amend the Ordinance so that it does not do precisely what the District Attorney recommended against which is just a using different words to rewrite a law that you are already subject to. Ms. Holland stated the State law only prohibits gifts when there is an understanding that the gift is intended to influence official action. The proposed Ordinance before you tonight only prohibits gifts when a reasonable person can infer that the gift is intended to influence official action. She remarked that the language regarding intent to influence is a problem because it allows for plausible deniability that any gift is intended or accepted with the understanding that it will influence official action. Whatever wordsmithing you are trying to do here does not accomplish the District Attorney's recommendation and that recommendation is that you only write local Ordinances if you want to supplement the State Act by adding more restrictive requirements that go above and beyond what the State Act requires. Ms. Holland expressed when considering this point please also be reminded that The Morning Call has already reported that the State Ethics statute is a law that allowed things that you heard tonight, such as a State House Speaker accepting a plane ticket ride to attend a wedding courtesy of a company that is owned by a State Senator in York County. Ms. Holland advised the point is that these kinds of gifts that the State law and proposed Ordinance before Council tonight do nothing to limit the appearance of impropriety and corruption and they are the precisely the kind of thing that produces citizen distrust in government, which she is sure Council would want to avoid. She continued to say that there is an easy way to fix this Ordinance so that it meets the recommendation of the District Attorney to write local Ordinances that are more restrictive rather than the laxed State law. Ms. Holland pointed to a portion of the Reading, PA Ethics Code that she handed to the Members of Council that states "The solicitation or acceptance of Gift(s) shall create a rebuttable presumption that the City Employee or City Official knew or

should have known that such solicitation or acceptance was based on an understanding that his/her official actions or judgments would thereby be influenced.” She expressed this takes out the concern that you have to rely on what a reasonable person would infer. Adopting such a statement in your own Ethics Ordinance on gifts would mean that no person who works in City Hall, in this instance that would be the Controller who obviously lacks independence, would have to determine whether it is reasonable to infer whether a gift is an effort to influence official action. A statement like this in the Ordinance essentially would eliminate the giving of gifts. So if you put that in your Ordinance with whatever other exceptions you are allowing in the proposed Ordinance you will have something that differs from the State statute and is more restrictive. Ms. Holland informed the other way to put some actual teeth in this Ordinance is to simply limit what Council Members can accept in gifts in a given year to a certain dollar amount. She stated this is what the Negrón/Colón Ordinance does; it is what would make Bethlehem a model City in the area of municipal ethics concerning gifts. It would mean to do more than merely perpetuate the status quo while getting political credit for really doing nothing at all except for wordsmithing the language on gifts in the State statute into your own local Ordinance.

Bruce Haines, 63 West Church Street, informed he wanted to stand up and support his neighbors and especially the discussion about a reasonable person. What he would consider reasonable certainly would be different than what a CEO of a Fortune 500 Company that lives in New York City with the cost of living being totally different. That is similar to what he thinks is a reasonable number which might be completely different than what one of his bellmen at the Hotel Bethlehem would think is a reasonable number. Mr. Haines has no problem with breaking down the ethics into pieces. He noted that is fine and more manageable. He continued to say that as you deal with each piece put meat on the bone, make it be something that you can be proud of as opposed to just passing something that almost is just superficial. The point is made, whether it is \$100 dollars in a year, or something that does not leave the reasonable test in the air for people of different reasonable definitions. Mr. Haines stated you need to pass some good Ordinances one by one. He looks forward to when we get to the recusal Ordinance.

5. OLD BUSINESS

- A. Members of Council
- B. Tabled Items
- C. Unfinished Business

6. COMMUNICATIONS

- A. *Director of Water and Sewer Resources – Recommendation of Award – Zimmerman Environmental LLC*

The Clerk read a memorandum dated August 1, 2017 from Edward Boscola, Director of Water and Sewer Resources recommending a contract with Zimmerman Environmental LLC for the Bethlehem Water Filtration Plant Flocculator Replacement Project. The term of the contract is 270 days from the Notice to Proceed. The fee for the contract is \$272,815.36.

President Reynolds stated Resolution 10 C is on the agenda.

B. *City Solicitor – Highway Safety Project Grant – Community Traffic Safety Project*

The Clerk read a memorandum dated August 9, 2017 from William P. Leeson, Esq., City Solicitor to which is attached a copy of the Highway Safety Project Grant Proposal and Budget Summary to be submitted by the Bethlehem Health Bureau to the Pennsylvania Department of Transportation. A Resolution authorizing the grant to be submitted is a requirement of the grant application.

President Reynolds stated the Resolution can be placed on the September 5, 2017 agenda.

C. *City Solicitor – Use Permit Agreement – Greater Lehigh Valley Chamber of Commerce by and through its Downtown Bethlehem Association – 2017 Harvest Fest*

The Clerk read a memorandum dated August 10, 2017 from William P. Leeson, Esq., City Solicitor to which is attached a proposed Resolution and Associated Use Permit Agreement with the Greater Lehigh Valley Chamber of Commerce by and through its Downtown Bethlehem Association for the 2017 Harvest Fest. The duration of the agreement is October 7, 2017 and the location is Main Street from Broad Street to Church Street and Nevin Place adjacent to the Sun Inn Courtyard.

President Reynolds stated the Resolution can be placed on the September 5, 2017 agenda.

D. *City Solicitor – Records Destruction – Police Department*

The Clerk read a memorandum dated August 10, 2017 from William P. Leeson, Esq., City Solicitor, requesting Council to consider a Resolution for the Destruction of Records from the Police Department listed on the attached exhibit. Solicitor Leeson has reviewed the Municipal Records Retention act and the records fall within categories where destruction is permitted.

President Reynolds stated the Resolution can be placed on the September 5, 2017 agenda.

7. REPORTS

A. *President of Council*

B. *Mayor*

Mayor Donchez emphasized he wanted to thank the City employees for doing an outstanding job during Musikfest, especially Police, Fire and EMS lead by the Chiefs. He also noted the great cooperation and partnership that we have with ArtsQuest and Kassie Hilgert,

Director of ArtsQuest. We had great cooperation of all the merchants, and he thanked everybody.

C. *Public Safety Committee*

Chairman Waldron stated the Public Safety Committee met tonight, Tuesday, August 15, 2017 at 6:00 PM in Town Hall. The members of the Committee received an update regarding the 9-1-1 funding as well as a review of Musikfest 2017.

8. ORDINANCES FOR FINAL READING

A. *Bill No. 29 - 2017 - Intermunicipal Agreement between the City of Bethlehem, the Bethlehem Authority, and Upper Saucon Township Related to Water Service*

The Clerk read Bill No. 29 - 2017 - Intermunicipal Agreement between the City of Bethlehem, the Bethlehem Authority, and Upper Saucon Township Related to Water Service, on Final Reading.

Voting AYE: Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans and Mr. Reynolds, 6. Bill No. 29 - 2017 now known as Ordinance No. 2017-29 was adopted on Final Reading.

9. NEW ORDINANCES

A. *Bill No. 30 - 2017 -Amending Article 117 - Officers and Employees - Adding Restriction on Acceptance of Gifts*

The Clerk read Bill No. 30 - 2017 - Amending Article 117 - Officers and Employees - Adding Restriction on Acceptance of Gifts, sponsored by Mr. Callahan and Mr. Evans and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA,  
AMENDING ARTICLE 117 OF THE CODIFIED  
ORDINANCES OF THE CITY OF BETHLEHEM TITLED  
OFFICERS AND EMPLOYEES

Ms. Negrón thanked everyone for the comments made tonight. She remarked she spent a lot of time putting an Ordinance together and glad that we are trying to pass some pieces of her proposed Ethics Ordinance. However, Dr. Holland had mentioned something that is important, and even District Attorney Morganelli said and that is why the need to duplicate a lot of what the State is doing. Ms. Negrón stated her biggest concern of course is with the gifts. She can only pass proposed Ordinance if there is going to be either a restriction of the amount of gifts or what Dr. Holland presented. She remarked instead of saying a conflict of interest or the intent, be more specific just like the change she showed today. Ms. Negrón continued to say that under Exceptions (d)(1)(J) regarding complementary travel, that should be totally

eliminated. She then referred to the review committee, and queried how an Administration can be the checks and balances of its own. Ms. Negrón will recommend that we change this into having an independent body. She knows that the Ethics Commission is something that only she and Mr. Colón liked to have, so maybe we could look into other bodies not part of the Administration, but a separate body. Then perhaps have a piece that includes hiring an independent investigative attorney because this can allow even what Mr. Callahan mentioned, which is the frivolous complaints. Ms. Negrón expressed it is such a weak process we have in here and unless we have these changes she cannot support the proposed Ordinance. Ms. Negrón will even recommend a suggestion she heard tonight to send this to a Committee of the Whole just like we did with our Ethics Ordinance, and be able to work on this. Hopefully she is not the only one who feels that there needs to be changes in here so we have a little more time to talk about this.

President Reynolds highlighted that he had conversations with Mr. Callahan and Solicitor Spirk and he would say just a few of her thoughts, including the fact that he understands the concern about the definition of prohibited gifts; is a conversation we can have. He noted the language that Ms. Negrón used in her Ethics Ordinance about the close proximity to the time when a gift is received, and remarked that might not be the best language. President Reynolds noted with the review committee, as has been discussed before, much that was determined in this proposed Ordinance came from Mayor Donchez' gift policy. The Ordinance includes ideas that came forward from his Administration regarding things they were already doing. He continued to say regarding the review committee many times we have City employees in different departments that might be looking somewhere for advice. They might say they are going into this particular situation, a certain meeting or conference, and wonder if that is okay for them to do or not do so. Much of that internal discipline occurs with the Legal Bureau or Human Resources. The idea of a review committee is if someone has a question he or she has somewhere to go for advice. President Reynolds stated that is the proactive education piece of this Ordinance. Beyond that, if there is a complaint, he believes the Controller's office currently has a hotline to allow for complaints and allows for City employees to call in to discuss an issue. President Reynolds advised beyond that if it is a situation if someone thinks somebody did something wrong or accepted something wrong, it is then turned over to the proper authorities with the District Attorney if it goes beyond what the Controller can do. The idea is that if something is determined criminal or in a violation they always have that opportunity. President Reynolds would ask Solicitor Spirk for the reason or rationale behind the definition of prohibited gift as far as when gifts were made, when a reasonable person would infer that there was an actual attempted effort. He pointed out that he is also not against some type of flat limit such as \$100 dollars. He believes when you look at that definition that was included in Ms. Negrón's draft Ordinance, "gifts worth more than \$100 dollars in aggregate per calendar year or any gifts of money from any person who is seeking official action from that Council member or officer who has a financial interest at the time, or in close proximity to the time the gift is received" this happens with the law as well. If it is the will of Council to use a flat amount here with maybe \$100 dollars he does not have a problem with that. The idea about the reasonable person inferring an actual or attempted effort to influence the employee in the discharge of that employee's duties to benefit the donor or another party with treatment more favorable than accorded the public generally is that it takes out that idea of close proximity. He queried what is the definition of close proximity? It could be a week, it could be two months, it could be six months, and he is not sure. Once again, he is not against the idea of coming up

with some type of flat limit or changing the definition, but we need to be careful with the language. If we just cut and pasted what was in Ms. Negrón's Ordinance, it would create a different problem. If someone gives a gift two years before or gives a gift two years or four years after, we can say it is not the close proximity. President Reynolds thinks that is difficult to determine. If people are more worried about that and want to go to a flat limit, ultimately he does not have a problem with that, but he will turn to Solicitor Spirk to discuss where the original prohibited gift came from.

Solicitor Spirk mentioned he may be biased having spent 40 years reading 200 years-worth of cases talking about the reasonable person. That probably means something different to him based on his background than it might to anyone else reading it. The way he reads the State law is you have to prove that there was an understanding, a deal, and that to him sounds like you have to prove what was actually going on inside their head. There could be a situation where someone says, that was not my understanding at all, and that might make it difficult to prove. Solicitor Spirk informed to him that is different from the proposed Ordinance which says not so much what was subjectively in your head that you really have an understanding, but more of what a reasonable person would say, looking at factors, this timing, and these words. You may say you subjectively did not have an understanding that you had a deal, but the test is not that; the test is more what would a reasonable person think. The hypothetical reasonable person has been around the law for a long time. Solicitor Spirk advised when he reads the comprehensive Ordinance proposed by Councilwoman Negrón one element of what needs to be proven is was the person seeking action. You could look at that as something subjective. A person could say they were not seeking anything, I was just being friendly, but you have to prove they were actually seeking; you have to prove what was going on inside their head. So as he looks at the several proposed Ordinances, there are certainly different approaches. The State law he thinks is more of a subjective, and that is what was their actually understanding. The proposed Ordinance tonight in his mind is a more objective test of, look at what they did and what would a reasonable person conclude from that rather than what did they actually think. Solicitor Spirk thinks the comprehensive Ordinance has the seeking part, which to him sounds like what was actually in his head, what was he really doing, was he seeking. Then there is a second part to it though that he thinks cleans that up in the comprehensive Ordinance was, or no matter what they were seeking, did the person who gave the gift have a financial stake in what was going on at or about that time. He remarked that to him is more objective. That is the way he reads this.

President Reynolds remarked this does have to pass Council twice, now and two weeks from now. So with that language we could maybe find a way to combine the two or tie the two together or get a flat dollar amount which makes people more comfortable. He is open to that. President Reynolds advised he would just ask one question of Ms. Negrón and that is regarding the complimentary travel in subsection (d)(1)(J). Ms. Negrón mentioned that was something that she had a problem with and wanted that taken out of the proposed Ordinance. He noted this is also not something he is against, but in the Ordinance that is before us it says "(J) Non-pecuniary awards publicly presented, in recognition of public service, and occasional non-pecuniary gift of nominal value, complimentary travel for official purposes and/or admission to charitable, civic, political or other public events." Comparing the proposed Ordinance to the proposed comprehensive Ordinance he highlighted that in Ms. Negrón's Ordinance Section on Restricted Activities, one of the exceptions reads " Payment or reimbursement of a public

official or City employee's reasonable expenses for admission, travel, lodging, or food and beverage relating to attendance at an event, convention, conference, seminar, fact finding trip, that will benefit the City and is reasonable related to the public official, City employee's official duties of expertise." President Reynolds communicated he was just wondering what her feelings were between what is in her comprehensive Ordinance and what is in the proposed Ordinance before us.

Ms. Negrón queried what page this is on.

President Reynolds stated this is at the bottom of Page 13 of her Ordinance.

Ms. Negrón informed here is the difference and she thinks this will actually match up with what Solicitor Spirk just said. The biggest difference is there is a \$100 dollar amount. Whether it is seeking or there is intent, there is an amount of money. We are talking about an amount of money; we are saying nothing over \$100 dollars, whether it is a concert or a football game or a trip. She is okay with that, everything else can stay like it is, but there has to be a number, nothing over that amount of money.

President Reynolds noted in your Ordinance that is not included in the \$100 dollars. This is one of the exceptions. There are 13 different exceptions in the draft comprehensive ordinance where it says "A public official or City employee may accept, but not solicit, the following gifts, notwithstanding the person giving the give may be seeking official action from that official or employee or may have a financial interest the official or employee receiving the gift is able to substantially affect through official action." The definition in there is one of the exceptions that was included for something that is allowed.

Ms. Negrón stated yes, once we have a limit amount of money that we can accept as a gift then yes, we can accept this and this, but nothing can go over \$100 dollars because we have it as part of the Ordinance, it is included in a limit amount of gifts.

President Reynolds reiterated he started this conversation with \$100 because he agrees with her as far as the limit.

Ms. Negrón informed that is the only difference. If we change this Ordinance and include or add an amount then what is stated in subsection (J) can stay, but we have to have a limit amount.

President Reynolds stated but what is in your Ordinance is that this particular exception that you have here, one of the 13 that is in there, the \$100 dollars is not connected to that. So then in the past as far as this being something important, that is not connected to the \$100. So if we were going to pass your Ordinance and you wanted the \$100 dollars to reflect that particular one, it does not currently say that now.

Ms. Negrón pointed out she does not see it the same way.

Mr. Colón advised he sees good things in this Ordinance and he also thinks there was merit in the things brought up today by speakers at the lectern and by Council Members. As

President Reynolds referenced this is the First Reading of this Ordinance. He remarked he has not spoken to anyone on Council about the will of any amendments, but he thinks there are some things that could be amended to tighten this up a little bit. He believes there are five Tuesday's in August so we are on a three week recess which during that three weeks he looks forward to reviewing how some of those amendments will read. Mr. Colón noted we should look to see what we can do to incorporate some of these ideas that were brought up.

President Reynolds informed he agrees.

Mr. Evans stated he would like to ask for some clarity on the idea of prohibited gifts. On the bottom of page one there is a definition of a Gift. That includes cash, food or drink and other things listed and then it talks about prohibited gifts. Mr. Evans understands what Solicitor Spirk said regarding a reasonable person. He queried what would it do to this Ordinance if we deleted the prohibited gifts definition and we just said this is what a gift is and then the gift restriction would prohibit from soliciting or accepting gifts, but not saying prohibited, just say we cannot accept them unless we pay for them, such as cookies, a promotional or nominal value. He wondered if that makes it stronger, weaker or simpler or are there any unintended consequences. Mr. Evans just thinks that may be a cleaner way for this to read.

Solicitor Spirk replied yes, you have taken intent out of it, you have taken reasonable person out of it, just say you cannot receive gifts except these kind.

Mr. Evans mentioned this really restricts. He knows that there is nothing there unless you are taking home a whole lot of cookies; they are small items. He thinks it simplifies it.

Solicitor Spirk expressed you would not have to look to see if there was an understanding like the State law says, you would not have to look to see if anybody was seeking influence like the comprehensive Ordinance says. You would not have to look as to whether somebody has a financial interest in close proximity to the gift, you would not have to look at what it would look like to a reasonable person, and you just could not do it except under these circumstances. He believes that is what Mr. Evans is suggesting.

Mr. Evans stated yes. That was his one question. He agrees with what we heard tonight from both sides of the table about the subsection (d)(1)(J) regarding travel for official purposes. He thinks that we can move that out. From time to time we have opportunity to travel across the State for different conferences and that is sometimes put in the Council budget. That is one that can go down a slippery slope and could add up and create a possible loophole for us. Other than that he thinks that is a good use of the Controller. He is independent and is not part of the Executive branch. The Controller stands alone, has no boss, and does a number of different investigations on financial matters and this is along those same lines.

President Reynolds asked if Mr. Evans wanted to make a motion.

Mr. Evans explained he will not make a motion tonight. He continued that he was curious, and at this point he was thinking about just removing that paragraph and the five

words about the travel, and pulling out the definition of prohibited gifts. This is something he will look to do in writing at the next meeting.

President Reynolds communicated that might be easiest when we are talking about the different ways to define that. It might be the simplest way to do it as far as an amendment is concerned.

Mr. Waldron would also definitely entertain a number value with a maximum amount for the year. He remarked \$100 dollars would be a good starting point to see if that is a number that would stick in the next few weeks before the second vote. He is agreement with paragraph (J) regarding the travel. He did have a question in the Exceptions under (d)(1)(A). He mentioned that one of the speakers brought this up earlier. It is an exception that allows allowed for you to accept a gift that has a clear market value, such as a concert ticket, sporting event or meal, as long as you pay for it. If he is reading that correctly that is a bit confusing to him. Mr. Waldron mentioned so you can accept the meal or the ticket provided that you pay for the meal or the ticket. He does not understand how that could be considered a gift.

Solicitor Spirk believes that came from the Mayor's policy.

Mr. Waldron stated this seems confusing and/or redundant so maybe that is something we can look at in the next few weeks. He does think this does a lot to get us in the right direction so that not only the City employees, but also the elected officials, are held to the same standard so there is no question as to what is different and maybe some of these changes might be reconsidered by the Administration so all of the City employees, whether they are elected officials or employees, would have the same standard applied to them. Mr. Waldron thinks there is a little tweaking that can be done in the next few weeks but generally he will be supporting this as proposed.

Mr. Evans noted there is support for the \$100 dollar cap or whatever that number might be. He wondered how that would fit with paragraph (C) where it talks about gifts from family members and friends with the \$100 dollar cap. He wonders how that ties together and if we need to address that.

Ms. Negrón just wanted to say if we deleted the prohibited gifts as suggested she thinks as long as we add the gift to include the \$100 dollar amount for example, if that is the number that we want to use; it will mean that that is the amount that would be allowed for any gift from anybody.

Mr. Evans then mentioned that he cannot then get gifts from his family at Christmas or holidays that are over \$100 dollars.

Ms. Negrón stated she is not use to receiving gifts from her family for \$100 dollars.

Mr. Evans related this is something we need to work on.

Mr. Yasso recognized that Council has more talking to do about this and that this is not the Final Reading of this Ordinance. Obviously it has been made clear that there is a level of

interpretation that can be reduced throughout the whole thing, you all agree on that. Mr. Yasso thought Mr. Scheirer made a good and valid point regarding the interpreted level of power given to the Controller and to the Mayor, which in this case is he and Mayor Donchez. You also made the point, what is wrong with the District Attorney.

Mr. Yasso stated the way he interprets this is that if something is brought to his attention, whether it be through someone coming to see him directly or through the Controller's hotline, he then does an investigation. He pointed out the hotline is listed and is an anonymous hotline; it is not answered by a person and it goes to an answering machine directly in his office at his desk. If it is something that has to do with a City employee he would refer that to the Mayor as the Mayor is in charge of all City employees. If it had to do with an outside vendor, or something he thought was a criminal action, he would pursue someone with the District Attorney's office. However, as Mr. Schierer said it is not just he and Mayor Donchez, it is all future Mayors and Controllers that this will apply to so that interpreted level, that power that is given to the Mayor and Controller he thinks is something that you need to take seriously. Going forward this will be well past Mr. Yasso and Mayor Donchez. Mr. Yasso continued to say that under subsection (f)-Debarment, where the Mayor shall have the authority to debar a contractor, vendor, professional or other party, he thinks that needs to be clearer in terms of either limits to that debarment. He queried are there reinstatement provisions for that debarment or can the Mayor just say someone in your company made a mistake and you are done doing business with the City. Mr. Yasso thinks that needs to be made clearer; the review committee needs to be made clearer. Other than that he thinks this is on the right track.

President Reynolds thanked Mr. Yasso and noted from the different comments tonight there will be amendments forthcoming with tightening this up.

Mr. Callahan communicated the genesis of this Ordinance was when we looked at the comprehensive plan by Ms. Negrón and Mr. Colón the consensus was that there were things in there that should not have been in there. As Ms. Negrón had stated, she copied and pasted from different cities, so he does not think it was in an Ordinance form and was not ready. Mr. Callahan thinks that if you listen to a majority of Council there was a will to attack some of these issues that were in her comprehensive proposed Ordinance. The reason it is being done piecemeal is because some of the comments that were made by several Council Members and District Attorney Morganelli that it was a hodgepodge with many inconsistencies in it and open to challenges and was a bureaucratic mess and problematic. There were also a lot of things that were duplicated with the State, duplicating the powers of the State Ethics Board along with the District Attorney's office. Mr. Callahan thinks all we are trying to do is move forward some things from the comprehensive Ordinance by Ms. Negrón and Mr. Colón. He does not want to sit here a year or two years from now and still be talking about a 36 page Ordinance which has a lot of faults in it. Waiting any longer is not a good thing and the Mayor and his Administration came up with a gift ban policy which he thought was a good thing but it did not apply to Council. If the will of Council is to add amendments he is all for it. Mr. Callahan just wanted Council to have some type of a gift ban that we would have to abide by also. He went to the Mayor and talked to President Reynolds and he got both Solicitors' involved. He wanted to thank Solicitor Leeson and Solicitor Spirk for going through this thoroughly to get it into Ordinance form. He could not have done this without them. Mr. Callahan expressed that he is not trying to tear apart the Negrón/Colón Ordinance. He thinks that the Ethics Training

Ordinance was a good thing to do. Mr. Evans is correct that when you become a City Councilman and you get sworn in there is no manual you are given. So to have ethics training that is a good thing. Why that was not unanimous, he has no idea. Mr. Callahan believes that ethics training is a healthy thing for any governmental body. He would hope that this proposal of a gift ban would also be unanimous. Everyone can agree even though you do not get everything you want in an Ordinance, it is important to have a gift ban for public offices. Mr. Callahan appreciates any recommendations on amendments to it in the coming weeks. He is not sure the \$100 dollar value is generally fair. Mr. Callahan mentioned that a reporter called him up the other day and asked him about tickets. He noted that he gives his brother more Bruce Springsteen tickets than he has ever given him. So if his brother would give him one ticket for a Bruce Springsteen concert Mr. Callahan guesses it would be illegal. He is not sure if \$100 should be the limit or not, but maybe \$200. That is something that can be discussed at a later date; it could end up being \$50 or \$10. Mr. Callahan thinks we need to get this on the books so that it is not so cumbersome.

Ms. Negrón wanted to clarify that the Negrón/Colón Ordinance was presented to Council in a draft format and yes, she did copy and paste a lot, but that was from best practices. Once we had the first Committee of the Whole it was sent to Solicitor Spirk and he set it up in an Ordinance format so you have to stop saying it was not presented to us as in Ordinance format because the first time it was a draft and the second time it was presented as an Ordinance. It is structured as an Ordinance and was copied and pasted by best practices and supported by many ethics attorneys throughout the State. In addition she remarked the gift should not be \$100 dollars, it should be \$25.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, and Mr. Reynolds, 5.  
Voting NAY: Ms. Negrón, 1. Bill No. 30 - 2017 was passed on First Reading.

## 10. RESOLUTIONS

### A. *Authorizing Use Permit Agreement - Celtic Fest, Inc. d//a Celtic Cultural Alliance - 2017, 2018, 2019 Celtic Classic Highland Games and Festival*

Mr. Evans and Mr. Callahan sponsored Resolution 2017-160 that authorized the execution of a Use Permit Agreement between the City and Celtic Fest, Inc. d/b/a/ Celtic Cultural Alliance for use of certain public properties, streets and Sand Island West for the Celtic Classic for 2017, 2018 and 2019, according to the Agreement.

Voting AYE: Ms. Negrón, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, and Mr. Reynolds, 6. The Resolution passed.

### B. *Authorizing Use Permit Agreement - McCarthy's Irish Pub, Inc. - McCarthy's Irish Pub Celebration*

Mr. Evans and Mr. Callahan sponsored Resolution No. 2017-161 that authorized the execution of Use Permit Agreement between the City and McCarthy's Irish Pub, Inc. for the McCarthy's Irish Pub Celebration.

Voting AYE: Ms. Negrón, Mr. Waldron, Mr. Colón, Mr. Callahan, Mr. Evans, and Mr. Reynolds, 6. The Resolution passed.

C. *Authorizing Contract – Zimmerman Environmental LLC*

Mr. Evans and Mr. Callahan sponsored Resolution No. 2017-162 that authorized to execute a contract with Zimmerman Environmental LLC for the Bethlehem Water Filtration Flocculator Replacement Project.

Voting AYE: Ms. Negrón, Mr. Waldron, Mr. Colón, Mr. Callahan, Mr. Evans, and Mr. Reynolds, 6. The Resolution passed.

D. *Certificate of Appropriateness – 132 East Market Street*

Mr. Evans and Mr. Callahan sponsored Resolution No. 2017-163 that granted a Certificate of Appropriateness to install a privacy screen in the rear of the property at 132 East Market Street.

Voting AYE: Ms. Negrón, Mr. Waldron, Mr. Colón, Mr. Callahan, Mr. Evans, and Mr. Reynolds, 6. The Resolution passed.

E. *Certificate of Appropriateness – 438 Center Street*

Mr. Evans and Mr. Callahan sponsored Resolution No. 2017- 164 that granted a Certificate of Appropriateness to install a new window on the south wall at 438 Center Street.

Voting AYE: Ms. Negrón, Mr. Waldron, Mr. Colón, Mr. Callahan, Mr. Evans, and Mr. Reynolds, 6. The Resolution passed.

*Motion – Adding Resolution 10 F- Authorizing Contract – J. P. S. Construction Co.*

Mr. Waldron and Mr. Evans moved to add Resolution 10 F to the agenda.

Voting AYE: Ms. Negrón, Mr. Waldron, Mr. Colón, Mr. Callahan, Mr. Evans, and Mr. Reynolds, 6. The Motion passed.

F. *Authorizing Contract – J. P. S. Construction Co.*

Mr. Evans and Mr. Callahan sponsored Resolution No. 2017-165 that authorized to execute a contract with J. P. S. Construction Co. for the Fire Lane Bridge Rehabilitation Project.

Voting AYE: Ms. Negrón, Mr. Waldron, Mr. Colón, Mr. Callahan, Mr. Evans, and Mr. Reynolds, 6. The Resolution passed.

11. NEW BUSINESS

*Main Street/Delivery Trucks*

Mr. Callahan asked about Main Street and related it seems that every day there are delivery trucks that are double parked. He does know they need to do this for deliveries for food and other items. He remarked as a drive education teacher he has had experiences when he would be making a right onto Guetter Street from Broad Street and saw people are not obeying the stop sign at intersection at Guetter and Walnut Streets. He sees that happening all the time. His thought is to close off Walnut Street and make that a walking and pedestrian mall area with the possibility of if there are delivery trucks, a little area to the right or left could be used for the delivery trucks from FedEx and UPS instead of them double parking on Main Street. He expressed it really poses a safety issue for people who are crossing the street. The drivers are supposed to yield to pedestrians but they do not always do that when people are walking out of restaurants and trying to cross the street with a truck on Main Street. He cannot say how many times he has seen pedestrians almost get hit. He does not know if there is a reason why we could not do this, maybe there are safety reasons. Mr. Callahan is asking to do some type of study on this just to close off that little area and leave it for pedestrians and for deliveries.

12. ADJOURNMENT

The meeting was adjourned at 8:45 p.m.

ATTEST:

City Clerk