

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street – Town Hall
Bethlehem, Pennsylvania
Tuesday, September 19, 2017 – 7:00 PM

INVOCATION

Reverend Rick Sergi, Emmanuel E. C. Church, offered the invocation 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, Shawn M. Martell, Olga Negrón, Adam R. Waldron and J. William Reynolds, 7.

PUBLIC HEARING

Edward Byrne Memorial Justice Assistance Grant (JAG)

President Reynolds stated prior to the consideration of the regular Agenda items, City Council will conduct a Public Hearing to review and accept public comment on the proposed use of funds to be received under the 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$21,052.00. President Reynolds called the Public Hearing to order.

Deputy Police Chief Todd Repsher stated they applied for the 2017 Edward Byrne Memorial Justice Grant in the amount of \$21,052 dollars. The allocation of those funds at this time include \$15,263 dollars for computer hardware and peripherals, \$2,740 dollars for computer workstation for viewing our City wide camera system, \$11,192 dollars for mobile data terminals and desktop and/or laptop computer data systems, \$1,331 dollars for a 12.9 inch iPad Pro WiFi and Cellular 256GB with two year AppleCare, Logitech attachable keyboard and apple iPad Pro pencil, and \$5,789 dollars for a Software Power DMS document management system annual subscription fee for 150-200 employee agency.

President Reynolds stated the appropriate Resolution will be placed on the October 3, 2017 agenda.

The Public Hearing was adjourned at 7:04 pm.

2. APPROVAL OF MINUTES

President Reynolds stated before turning to Public Comment he would like to mention that there is a Communication with a Resolution to be added to the agenda this evening. In addition, Resolutions to approve Certificates of Appropriateness will be added to the agenda. He will accept a motion later in the agenda under Resolutions to add the Resolutions and he

will accept Public Comment on these matters. President Reynolds asked the Clerk to read Communication 6 F.

6 F. Assistant City Solicitor – Proposed Loan Agreement (City-owned art work)

The Clerk read Communication 6 F, a memorandum dated September 12, 2017 from Assistant City Solicitor, Edmund Healy, Esq. requesting to authorize the loan of a City wide artwork known as the “Sonambient Sound Environment” requested by the Allentown Art Museum.

President Reynolds asked the Clerk to read the additional Resolutions.

10 G. Certificate of Appropriateness – 554-558 Main Street (Sun Inn)

The Clerk read Resolution 10 G to approve a Certificate of Appropriateness to repaint the existing windows, trim & cornice, remove paint at front façade and repair masonry on the north, south and east facades at 554-558 Main Street. (Sun Inn)

10 H. Certificate of Appropriateness – 11 West Market Street (Moravian Academy)

The Clerk read Resolution 10 H to approve a Certificate of Appropriateness to install wall signage and window decals, install wall sconces and replace the stone steps and install a new handrail at 11 West Market Street. (Moravian Academy)

10 I. Certificate of Appropriateness – 500-502 Main Street (Tapas on Main)

The Clerk read Resolution 10 I to approve a Certificate of Appropriateness to install a new vestibule and replace tile on the knee walls at 500-502 Main Street. (Tapas on Main)

10 J. Certificate of Appropriateness – 520-526 Main Street

The Clerk read Resolution 10 J to approve a Certificate of Appropriateness to renovate the existing storefront at 520-526 Main Street.

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

Elected Officials/Salaries

Artie Curatola, 813 Laufer Street mentioned that if by some miracle he would be elected Mayor of Bethlehem he would do the job for free. He expressed that he knows he can do just as good of a job, if not better, than every Mayor. He stated if he would put in \$10,000 and if he did not do a good job the \$10,000 dollars would go to the City. Mr. Curatola does not believe that elected officials should be receiving money from the treasury of the City, State or Federal government. He continued elected officials should not be made better than clergy men who have to pass around plate. They should not be placed better than people that get sponsors for radio shows, they should have the people who are willing to support them, put money in their foundation; it should not be coming out of the taxpayer’s dollars. Mr. Curatola affirmed he is on a low income. He is a musician and does not make that much money but he will do it for free and

put an extra \$10,000 dollars in if by any chance he is slipping in his job. He knows he can really make this City work. He believes there should not be a situation where there are homeless people, or where people are doing without so elected officials can get about \$100,000 dollars a year. Mr. Curatola noted that is over double to what Police Officers and Firemen get who put their lives on the line every day and elected officials get better benefits. He believes that elected officials should have their own money; people should be willing to put in money to a foundation for the elected officials, and not be paid out of the City treasury. Mr. Curatola stated he knows that many of elected officials are not for him on this, but he would like to know how to get a petition together to get the people to go behind this, if at all possible.

Fountain Hill Fire Hydrants

Stephen Antalics, 737 Ridge Street, recalled in Pennsylvania municipal tort law protects municipal governments from being sued for malfeasance. The law protects the municipality but excludes if there is negligence, if negligence can be proved. Certain events happened recently in Fountain Hill which caught his attention and caused his concern based upon this municipal tort law, protecting the City from lawsuits with the exception of negligence. Mr. Antalics stated about two months ago Fountain Hill Council Member Philip Trabel thanked the Fire Department for arriving within two minutes of smoke being spotted. They had to rely on tanker trucks until the next hydrant could be opened. Fountain Hill rents the fire hydrants from Bethlehem for \$1,000 dollars a month. Mr. Antalics mentioned there was a fire on Benner Avenue and the fire hydrant did not function properly. Two families were displaced but there were no fatalities. The Fountain Hill Council was outraged that the City of Bethlehem had not stepped up and fixed the problem with the fire hydrants. He reported the borough's Executive Administrator has asked Bethlehem for maintenance reports but has not received them yet. Their Solicitor suggested giving Bethlehem a deadline to have necessary repairs and tests done on the fire hydrants. Mr. Antalics reported that Fountain Hill pays \$17,000 dollars a year and Bethlehem is responsible for maintenance of the fire hydrants. Mr. Antalics reported he has a property on Ridge Street; his neighbor on the south side of his property is South Mountain which is Lehigh property. He is concerned whether he can rely on the hydrant near his house. Based upon the comments to the people at Fountain Hill, if he went to City Hall and asked for what is going on with the hydrant at Ridge Street, he would be told he would need to go through the right to know law. He believes this should be public information. Mr. Antalics stated there is a serious problem. If there were a fatality then the owner of the fire hydrant would be subject to criminal negligence. He noted he pays his water bill and he deserves to know the condition of the hydrant in front of his house. Mr. Antalics stressed this is putting the welfare of the citizen at stake. He questioned, are these shortcuts within the City to save money? If so, can these shortcuts be justified on putting people at stake in terms of their welfare in case of a fire?

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

Artie Curatola, 813 Laufer Street, noted that last week in relation to the gift ban and ethics law he asked if that is being voted on this evening.

President Reynold affirmed to Mr. Curatola that is not being voted on this evening and that he can speak about this at the first courtesy of the floor at the next meeting.

5. OLD BUSINESS

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

6. COMMUNICATIONS

A. *Director of Budget and Finance – 2018 Preliminary Budget Estimate - Pensions*

The Clerk read a memorandum from Mark W. Sivak, Director of Budget and Finance, dated September 8, 2017, regarding the 2018 Preliminary Budget Estimate for Pensions. Act 205, the pension reform law, requires the Chief Administrative Officer to submit for 2018 budget purposes, the financial requirement of the Plans and the minimum municipal contribution to the Plans of the governing body of the City by September 30, 2017. As of this date, we have not received the allocation for the 2017 General State Aid or the final calculation of the amount required by the Pennsylvania Municipal Retirement Board. The estimates will be adjusted, if necessary, when a final budget is submitted to Council.

President Reynolds stated this is for information only.

B. *Director of Public Works – Recommendation of Award – Gaver Industries dba Barker & Barker Paving*

The Clerk read a memorandum dated September 6, 2017 from Michael Alkhal, Director of Public Works recommending a contract with Gaver Industries dba Barker and Barker Paving for mill and overlay of North New Street between Raspberry Street and Elizabeth Avenue, and Levering Place, and the associate work related to curb ramps, gutters, tree replacement and pavement markings and striping. The term of the contract is 75 days from the Notice to Proceed and the fee is \$563,273.00.

President Reynolds stated Resolution 10 B is on the agenda.

C. *Director of Public Works – Vendor License Application – Easy Weenies*

The Clerk read a memorandum dated September 13, 2017 from Michael Alkhal, Director of Public Works to which is attached a Resolution to approve the sidewalk vendor license submitted by Christopher Morales of Easy Weenies. The application fee has been paid and the application meets all of the requirements. There appears to be no changes from the previous application, but since this application was initially submitted after the previously issued license expired, it is being treated as a new application. The recommended expiration date for the license is November 2018 to coincide with the annual expiration of the health license.

President Reynolds stated Resolution 10 C is on the agenda.

D. *Director of Planning and Zoning – PennDOT TASA Grant for South Bethlehem Corridor Connections*

The Clerk read a memorandum dated September 14, 2017 from Darlene Heller, Director of Planning and Zoning to which is attached a Resolution in support of a grant application with PennDOT in the amount of \$500,000 for the improvement of sidewalks, pedestrian lighting and improved crosswalks on various north/south streets in South Bethlehem.

President Reynolds stated Resolution 10 D is on the agenda.

E. *Health Bureau Director – Records Destruction*

The Clerk read a memorandum dated September 13, 2017 from Kristen Wenrich, Health Bureau Director requesting Council consider a Resolution for the Destruction of Records from the Health Bureau listed on the attached exhibit. Ms. Wenrich has reviewed the Municipal Records Retention act and the records fall within categories where destruction is permitted.

President Reynolds stated Resolution 10 E is on the agenda.

7. REPORTS

A. *President of Council*

B. *Mayor*

8. ORDINANCES FOR FINAL READING

A. *Bill No. 31 – 2017 – 2011 Guaranteed Lease Revenue Bond - Refinancing*

The Clerk read Bill No. 31 – 2017 – 2011 Guaranteed Lease Revenue Bond - Refinancing, on Final Reading.

President Reynolds noted that Scott Shearer, of PFM Financial Advisors is in attendance if there are any specific questions.

Mr. Martell queried if there were any major changes in terms of our assumptions, targets, timelines, Bond market status or anything like that since the last time we talked about this at our Finance Committee Meeting.

Mr. Shearer reported since discussions few months ago we have seen some ups and downs in the market but overall we are still basically at the same net savings level as when we presented to the Finance Committee. That was in the \$700,000 dollar range net of all fees. The parameters Ordinance has a floor of \$500,000 dollars so basically everything is proceeding as planned and assuming affirmative approval this evening we hope to enter the markets in about two weeks or early October. Mr. Shearer advised everything is on course.

Mr. Martell commended Mr. Shearer and the Administration for taking this up matter. We did see some good results last time going down a similar road and this looks the same.

Voting AYE: Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. Bill No. 31 – 2017 now known as Ordinance No. 2017-31 was adopted on Final Reading.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Authorizing Use Permit Agreement – Runner’s World – Runner’s World Half Marathon and Festival*

Ms. Negrón and Mr. Martell sponsored Resolution No. 2017-181 that authorized the execution of a Use Permit Agreement between the City of Bethlehem and Runner’s World for use of First Street from Polk Street to City’s Terminus, Founders Way between Second Street and First Street for the Runner’s World Trail Run and Runner’s World Half Marathon and Festival for the time period October 20 through October 22, 2017, according to the terms of the Agreement.

Voting AYE: Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. The Resolution passed.

B. *Authorizing Contract – Gaver Industries dba Barker & Barker Paving*

Mr. Waldron and Mr. Evans sponsored Resolution No. 2017-182 that authorized to execute an agreement with Gaver Industries dba Barker and Barker Paving for 2017 Street Overlays and Curb Ramps.

Voting AYE: Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. The Resolution passed.

C. *Authorizing Vendor Application – Vendor License – Easy Weenies*

Ms. Negrón and Mr. Martell sponsored Resolution No. 2017-183 that granted a Sidewalk Vendor Application for the Easy Weenies sidewalk vendor cart and operation for one year from the date of the issuance of the license.

Voting AYE: Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. The Resolution passed.

D. *Approving PennDOT TASA Grant for South Bethlehem Corridor Connections*

Mr. Martell and Mr. Waldron sponsored Resolution 2017-184 that authorized the grant documents for the PennDOT Transportation Alternative Set-Aside Program for a grant for the South Bethlehem Corridor Connections.

Voting AYE: Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. The Resolution passed.

E. Approving Records Destruction – Health Bureau

Mr. Martell and Mr. Waldron sponsored Resolution 2017-185 that authorized the disposition of the public records as stated in the attached Exhibit A for the Bethlehem Health Bureau.

Voting AYE: Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. The Resolution passed.

Motion – Adding Resolutions 10 F through 10 J to the agenda

Mr. Martell and Mr. Callahan moved to add Resolutions 10 F through 10 J to the agenda.

Voting AYE: Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. The Motion passed.

F. Authorize Loan of Article of Art Work

Mr. Martell and Mr. Waldron sponsored Resolution 2017-186 that authorized to execute a Contract and such other agreements and documents as are deemed necessary and/or incidental thereto by the City Solicitor for the purpose of loaning the “Sonambient Sound Environment” artwork to the Allentown Art Museum for the uses, duration, and condition described in the Memorandum of the Assistant City Solicitor dated September 12, 2017.

Voting AYE: Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. The Resolution passed.

Motion – Considering Resolutions 10 G through 10 J as a group – Certificates of Appropriateness

Mr. Callahan and Mr. Colón moved to consider Resolutions 10 G through 10 J as a group.

Voting AYE: Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. The Motion passed.

G. Certificate of Appropriateness – 554-558 Main Street (Sun Inn)

Ms. Negrón and Mr. Martell sponsored Resolution No. 2017-187 that granted a Certificate of Appropriateness to repaint the existing windows, trim & cornice, remove paint at front façade and repair masonry on the north, south and east facades at 554-558 Main Street. (Sun Inn)

H. *Certificate of Appropriateness – 11 West Market Street (Moravian Academy)*

Ms. Negrón and Mr. Martell sponsored Resolution No. 2017-188 that granted a Certificate of Appropriateness to install wall signage and window decals, install wall sconces and replace the stone steps and install a new handrail at 11 West Market Street. (Moravian Academy)

I. *Certificate of Appropriateness – 500-502 Main Street (Tapas on Main)*

Ms. Negrón and Mr. Martell sponsored Resolution No. 2017-189 that granted a Certificate of Appropriateness to install a new vestibule and replace tile on the knee walls at 500-502 Main Street. (Tapas on Main)

J. *Certificate of Appropriateness – 520-526 Main Street*

Ms. Negrón and Mr. Martell sponsored Resolution No. 2017-190 that granted a Certificate of Appropriateness to renovate the existing storefront at 520-526 Main Street.

Voting AYE on Resolutions 10 G through 10 J: Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. The Resolutions passed.

11. NEW BUSINESS

Committee Meeting Announcements

Chairman Callahan announced a Finance Committee Meeting will occur on Tuesday, September 26, 2017 in Town Hall at 6:00 pm. The subject will be the 2016 Audit and Budget Adjustments.

Chairman Evans announced a Parks and Recreation Committee Meeting will occur on Tuesday, October 10, 2017 in Town Hall at 7:00 pm. The subject will be the Municipal Golf Course.

12. ADJOURNMENT

The meeting was adjourned at 7:31 p.m.

ATTEST:

City Clerk