

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, April 3, 2018 - 7:00 PM

INVOCATION

Archbishop Julius L. Licata, D.D., Ph.D., Cathedral Parish of St. Jude, offered the invocation which was followed by the pledge to the flag.

PLEDGE TO THE FLAG

1. ROLL CALL

President Waldron called the meeting to order. Present were Bryan G. Callahan, Michael G. Colón, Shawn M. Martell, Olga Negrón, J. William Reynolds, Paige Van Wirt, and Adam R. Waldron, 7.

PUBLIC HEARING

President Waldron stated prior to the consideration of the regular Agenda items, City Council will conduct a Public Hearing to consider a Street Vacation petition from Holzinger, Harak & Scomillio to vacate a portion of Pyatt Street, abutting the petitioner property at 2116 Covington Avenue on the north side, petitioner property at 2431 Easton Avenue on the south side, and on the eastern side by property owned by Keystone Savings Association.

Communication 6 A - City Planning Commission - Petition to Vacate - Pyatt Street

The Clerk read a memorandum dated March 14, 2018 from Darlene Heller, Director of Planning and Zoning regarding the petition to vacate a portion of Pyatt Street. The Planning Commission voted 4-0 to recommend approval of the petition to vacate a portion of Pyatt Street with two conditions: 1. All of the comments of the February 27, 2018 memo from Matt Dorner, Deputy Director of Public Works shall be met; 2. The Declaration of Covenants protecting the ingress and egress rights of the abutting property owners must be filed in the Recorder of Deeds office of Northampton County and copies shall be submitted to the City.

Communication 6 B - Lehigh Valley Planning Commission - Street Vacation - Portion of Pyatt Street

The Clerk read a memorandum dated March 2, 2018 from Michael Donchez, Senior Transportation Planner with the Lehigh Valley Planning Commission stating the Commission offers no comment on this proposal because it has no regional significance and does not conflict with any transportation improvement plans.

Darlene Heller, Director of Planning and Zoning communicated that this proposal is actually straightforward. This is a piece of street that is about 100 feet long and about 15 feet wide and it dead ends into the back end of Keystone Savings Bank. The two properties on either

side are owned by the same property owners. She denoted that Pyatt Street serves no public service at this point, there is no public access. The closing of the street does not prevent access to anyone who needs to have access. The comment from the Public Works Department is the only pertinent comment and typically we look at whether or not we have utilities underneath and here we do. She continued to say with the utility there is an easement for it existing, and we are just requiring that it continue to exist so that we have access to that utility line in the future. Ms. Heller stated the second condition of the Planning Commission recommendation really came from Edmund Healy as the Solicitor for the Planning Commission, and that is that there should be a declaration of covenants recorded to protect ingress and egress for both abutting property owners. Typically with a street vacation each property owner gets half but in this case they would be sharing access because one half of that street does give access to the back parking lot for a dentist's office. Ms. Heller informed she will answer any questions and added that really she does not see many moving parts to this.

Attorney Derek Richmond explained that the petitioners, Riyaz and Nubina Gangji are present at the meeting and he would defer any questions largely to them. He does not have anything to add that Ms. Heller has already covered, but is happy to answer any questions.

President Waldron affirmed seeing no comment from Council or the Public he will refer this request to the Law Bureau to draft an Ordinance.

President Waldron adjourned the Public Hearing at 7:05 pm.

2. APPROVAL OF MINUTES

None.

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

BRIA/CRIZ Minutes/Public Comment

Ed Gallagher, 49 West Greenwich, communicated that he tips his hat to Mayor Donchez and Alicia Karner, Director of Community and Economic Development and Ms. Heller for getting back to him about minutes that he spoke of at the last Council Meeting. He sees that the BRIA and CRIZ minutes are up to date and other ones are in progress. He has chatted a bit about the value of a central calendar and he noted that on Thursday it looked like the Zoning Hearing Board and the EAC Meeting are happening at the same time. He would like to go to both meetings and maybe others would like to as well. He is seeing more and more Committee Meetings and noted it might be hard to keep them all apart with people who are volunteers and have tight schedules. Mr. Gallagher stressed to him that is a shame that both of those meetings are at the same time. He would like to clarify one of his suggestions from the last meeting in regard to public participation at this meeting. His suggestion was to have public comment at the end as well as the beginning; not one or the other. At one point Council had public comment at the end and people had to wait through the entire meeting to make comments. He would ask that you consider public comment at both spots. For instance, the nights that Ordinances are being read, the First Reading of an Ordinance, he heard each on Council give their position on an Ordinance. It would be nice to have the public be able to comment on your positions and your

comments before the Second Reading. Mr. Gallagher stated this seems like a logical follow up. This would also maybe give people during this public comment to say Council is doing a good job but especially for people who you say no to. He commented that last chance to say they disagree or wished Council voted another way would be important. Sometimes in meetings like this when people are said no to, they leave the meeting at that point and they huddle outside and chatter among themselves. Mr. Gallagher expressed that these things should come out at the meeting.

Public Comment/South Bethlehem

Stephen Antalics, 737 Ridge Street, stressed that Mr. Gallagher is on target and added that many other people have mentioned to have public comment at the end of the meeting so we can speak about what Council has voted on. A few people have mentioned to him that Council is in a very responsible position because how you decide your votes will determine the well-being of the community. The more you know, the better you can judge, and will allow you to be able to make an intelligent statement in the best interest of the community when matters such as zoning changes and holding developers at bay. That is the key when to decide in their favor would not be in the best interest of the community. Mr. Antalics remarked many of Council have a sense of the history, but the question is what sense of the history do you have, the real history of Bethlehem or the revised version. He mentioned that Bethlehem, unlike Philadelphia was never a City of Brotherly Love, quite the contrary. At one point there was one borough in Bethlehem, which went back to 1700 and then as the south side became developed it became a borough in 1865 and grew dramatically. Mr. Antalics stated he has a 105 year old original of the Semi-Centennial Souvenir History of the Borough of South Bethlehem founded in 1865 and celebrated in 1915. It had a major University, a major Hospital and Steel Company and other industry. It was a thriving community and dramatically over shadowed the Borough of Bethlehem. There was a name for the Borough of Bethlehem which was Gemeinschaft, which means society and south Bethlehem was called Gesellschaft which is a term for a business which is a clash because the borough of Bethlehem was founded around the Moravian Church. Prior to the incorporation you had to belong to the church to own property in North Bethlehem. Mr. Antalics stated there was animosity between the two boroughs. The people in south Bethlehem were considered foreign invaders. His parents were greenhorns, living in shanty town, as it was called. The borough of south Bethlehem applied for and was granted a Third Class City status leaving the borough of Bethlehem way behind, but that Third Class status was revoked because they did not have the proper time between the application and the voting on the south side, so they reversed it back to the borough. Mr. Antalics closed by saying that before they could reapply for the Third Class status, Charles Schwab who ran the City, forced the two boroughs to become a City against the wishes of south Bethlehem. Mr. Antalics stated he will continue his statement at the next meeting.

4. PUBLIC COMMENT (on ordinances and resolutions to be voted on by Council this evening - 5 Minute Time Limit)

None.

5. OLD BUSINESS

- A. Members of Council
- B. Tabled Items

C. Unfinished Business

6. COMMUNICATIONS

C. *Assistant City Solicitor – Appointing Alternate Members to the Zoning Hearing Board*

The Clerk read a memorandum dated March 22, 2018 from Assistant City Solicitor Edmund J. Healy, Esq. advising the Administration's desire to appoint three alternates to serve on the Zoning Hearing Board. The alternates will serve as members if and only if a vacancy among the regular members occurs in any specific meeting. The Pennsylvania Municipal Code permits the alternates to serve a three year term and they may participate in any proceeding or discussion but shall not be entitled to vote as a member nor compensated unless designated as a voting alternate pursuant to Section 906. The alternates are appointed by the Mayor with the advice and consent of City Council by way of City Council Resolution.

President Waldron stated Administrative Order B 4 and B 5 are on the agenda.

D. *Director of Recreation – Resolution Request – DCNR Grant Application – Memorial Pool Renovation*

The Clerk read a memorandum dated March 22, 2018 from Jane Persa to which is attached a Resolution in support of a grant application to the Department of Conservation and Natural Resources for the renovation of Memorial Pool. A grant is being requested in the amount of \$1 million dollars.

President Waldron stated Resolution 10 B is on the agenda.

E. *Director of Water and Sewer Resources – Recommendation of Award – Buchart Horn, Inc.*

The Clerk read a memorandum dated March 23, 2018 from Edward J. Boscola, Director of Water and Sewer Resources recommending a contract with Buchart Horn for a disinfection alternatives evaluation for the Water Filtration and Waste Water Treatment Plant. The term of the contract is from the Notice to Proceed until December 31, 2018. The fee for the contract is \$39,930.

President Waldron stated Resolution 10 C is on the agenda.

F. *Director of Water and Sewer Resources – Recommendation of Award – Keystone Engineering Inc.*

The Clerk read a memorandum dated March 23, 2018 from Edward J. Boscola, Director of Water and Sewer Resources recommending a contract with Keystone Engineering Group for the SCADA System Engineering evaluation. The term of the contract is from the Notice to Proceed until September 30, 2018. The fee for the contract is \$9,000.

President Waldron stated Resolution 10 D is on the agenda.

G. *Director of Water and Sewer Resources – Recommendation of Award – Cherry, Weber and Associates, PC – Annual Dam Inspections*

The Clerk read a memorandum dated March 23, 2018 from Edward J. Boscola, Director of Water and Sewer Resources recommending a contract with Cherry, Weber and Associates, PC for the annual dam inspections and instrumentation report. The term of the contract is from the Notice to Proceed until March 31, 2019. The fee for the contract is \$30,000.

President Waldron stated Resolution 10 E is on the agenda.

H. *Director of Water and Sewer Resources – Recommendation of Award – Cherry, Weber and Associates, PC – Wild Creek and Penn Forest Dams*

The Clerk read a memorandum dated March 23, 2018 from Edward J. Boscola, Director of Water and Sewer Resources recommending a contract with Cherry, Weber and Associates, PC for Wild Creek Dam 10-Year work Plan, a Full Incremental Breach Analysis, and update to the Emergency Action Plan. The term of the contract is from the Notice to Proceed until December 31, 2018. The fee for the contract is \$38,000.

President Waldron stated Resolution 10 F is on the agenda.

I. *Skyline West, LLC – Rezoning I to CL District – Parcel bordered by Conestoga Street, Other lands of the RDA, PA Route 378, and 143 West Broad Street*

The Clerk read a communication from Jeffrey A. Parks, Member of Skyline West, LLC to which is attached a petition on behalf of Skyline West and the Redevelopment Authority for the rezoning of a certain property in the City of Bethlehem, Lehigh County, for the purpose of advancing the redevelopment plan subject to the Agreement of Sale between the Authority and Skyline West. The undeveloped parcel is bordered on the east by Conestoga Street, on the south by other lands of the Redevelopment Authority, on the west by PA Route 378 and on the north by 143 West Broad Street.

President Waldron stated he would accept a motion and a second to schedule a Public Hearing for the rezoning for Tuesday, June 5, 2018 at 7:00 pm in Town Hall.

Mr. Callahan and Ms. Negrón moved to schedule the Public Hearing.

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

President Waldron stated the Public Hearing will be held at the Council Meeting on Tuesday, June 5, 2018 at 7:00 pm in Town Hall.

J. *Director of Public Works – Recommendation of Award –Gaver Industries, Inc. d/b/a Barker and Barker Paving*

The Clerk read a memorandum dated March 27, 2018 from Michael Alkhal, Director of Public Works recommending a contract with Gaver Industries d/b/a Barker and Barker Paving for the 2018 City Hall Layby Reconstruction Project. The term of the contract is for 60 calendar days from the Notice to Proceed. The fee for the contract is \$132,376.44.

President Waldron stated Resolution 10 G is on the agenda.

7. REPORTS

A. *President of Council*

B. *Mayor*

1. *Administrative Order – Gary A. Lader – Historic Conservation Commission – South Bethlehem and Mount Airy*

Mayor Donchez reappointed Gary A. Lader to membership on the Historic Conservation Commission-South Bethlehem and Mount Airy effective through April, 2021. Mr. Martell and Mr. Colón sponsored Resolution No. 2018-062 to confirm the reappointment.

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

2. *Administrative Order – Phillip A. Roeder – Historic Conservation Commission – South Bethlehem and Mount Airy*

Mayor Donchez reappointed Phillip A. Roeder to membership on the Historic Conservation Commission-South Bethlehem and Mount Airy effective through April, 2021. Mr. Martell and Mr. Colón sponsored Resolution No. 2018-063 to confirm the reappointment.

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

3. *Administrative Order – Beth Starbuck – Historic Conservation Commission – South Bethlehem and Mount Airy*

Mayor Donchez reappointed Beth Starbuck to membership on the Historic Conservation Commission-South Bethlehem and Mount Airy effective through April, 2021. Mr. Martell and Mr. Colón sponsored Resolution No. 2018-064 to confirm the reappointment.

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

4. *Administrative Order – Lynn Rothman – Zoning Board*

Mayor Donchez appointed Lynn Rothman to membership on the Zoning Hearing Board as an alternate effective through April, 2021. Mr. Martell and Mr. Colón sponsored Resolution No. 2018-066 to confirm the appointment.

President Waldron noted that Council will unanimously support both of the appointments here and we are glad that both Lynn Rothman and Carol Ritter are staying involved.

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

5. *Administrative Order – Carol Ritter – Zoning Board*

Mayor Donchez appointed Carol Ritter to membership on the Zoning Hearing Board as an alternate effective through April, 2021. Mr. Martell and Mr. Colón sponsored Resolution No. 2018-065 to confirm the appointment.

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

Wind Creek Hospitality

Mayor Donchez explained for informational purposes that he, Ms. Karner and Eric Evans, Business Administrator met a few weeks ago with representatives of Wind Creek Hospitality, who are looking to acquire the Sands Casino, and they had a very productive meeting. They had a frank discussion, and obviously the regulatory process will take nine to twelve months. They will be back in town in the future and we will be meeting with them again, but we had a very positive 45 minute meeting.

C. *Finance Committee Meeting*

Chairman Callahan stated that the Finance Committee met on Tuesday, April 3, 2018 at 6:30 pm in Town Hall. The Committee voted to recommend that City Council adopt Ordinances for the following: Amending the General Fund Budget and amending the Liquid Fuels Fund Budget.

8. ORDINANCES FOR FINAL PASSAGE

None.

9. NEW ORDINANCES

A. *Bill No. 10 – 2018 – Amending 2018 General Fund Budget – City Health – Chronic Disease Edu. – Tobacco Program*

The Clerk read Bill No. 10 – 2018 – Amending the 2018 General Fund Budget – City Health – Chronic Disease Edu. – Tobacco Program, sponsored by Mr. Martell and Mr. Colón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2018 GENERAL FUND BUDGET.

Voting AYE: Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. Bill No. 10 – 2018 was passed on First Reading.

B. *Bill No. 11 – 2018 – Amending 2018 Liquid Fuels Fund Budget – 2017 Year End Adjustments.*

The Clerk read Bill No. 11 – 2018, Amending the 2018 Liquid Fuels Fund Budget – 2017 Year End Adjustments, sponsored by Mr. Martell and Mr. Colón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2018 LIQUID FUELS FUND BUDGET

Voting AYE: Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. Bill No. 11 – 2018 was passed on First Reading.

10. RESOLUTIONS

A. *Authorizing Records Destruction – Waste Water Treatment Plant*

Mr. Martell and Mr. Colón sponsored Resolution No. 2018-067 that authorizes the disposition of the public records in the Department of Water and Sewer Resources – Wastewater Treatment Plan as stated in the attached Exhibit A.

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

B. *Authorizing Grant Application – DCNR – Memorial Pool*

Mr. Martell and Mr. Colón sponsored Resolution No. 2018-068 that authorized the desire to undertake renovation of Memorial Pool and the desire to receive from the DCNR a grant for the purpose of carrying out this project.

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

C. *Authorizing Contract – Buchart Horn, Inc.*

Mr. Martell and Mr. Colón sponsored Resolution No. 2018-069 that authorized to execute a contract with Buchart Horn, Inc. for the Disinfection Alternatives Evaluation.

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

D. *Authorizing Contract – Keystone Engineering Group, Inc.*

Mr. Martell and Mr. Colón sponsored Resolution No. 2018-070 that authorized to execute a contract with Keystone Engineering Group Inc. for the SCADA system Engineering Evaluation.

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

E. Authorizing Contract – Cherry, Weber & Associates, PC

Mr. Martell and Mr. Colón sponsored Resolution No. 2018-071 that authorized to execute a contract with Cherry, Weber & Associates, PC for the Wild Creek Dam 10-Year Work Plan, a Full Incremental Breach Analysis and an Update of the Emergency Action Plan.

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

F. Authorizing Contract – Cherry, Weber & Associates, PC

Mr. Martell and Mr. Colón sponsored Resolution No. 2018-072 that authorized to execute a contract with Cherry, Weber & Associates, PC for the Annual Dam Inspections and Instrumentation Report.

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

G. Authorizing Contract – Gaver Industries Inc., d/b/a Barker & Barker Paving

Mr. Colón and Mr. Callahan sponsored Resolution No. 2018-073 that authorized to execute a contract with Gaver Industries Inc., d/b/a Barker & Barker Paving for the City Hall Layby Reconstruction Project.

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

Motion – Considering Resolutions 10 H through 10 K as a group

Mr. Callahan and Mr. Colón moved to consider Resolutions 10 H through 10 K as a group.

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

H. Certificate of Appropriateness – 241 East Market Street

Mr. Colón and Mr. Callahan sponsored Resolution No. 2018-074 that granted a Certificate of Appropriateness to install new roof, gutters, garage doors, rails on flat roof, storm windows and wood exterior trim at 241 East Market Street.

I. Certificate of Appropriateness – 530 Main Street

Mr. Colón and Mr. Callahan sponsored Resolution No. 2018-075 that granted a Certificate of Appropriateness to install vinyl lettering on the storm door at the entrance and to install an awning above the storefront at 530 Main Street.

J. Certificate of Appropriateness – 700 Evans Street

Mr. Colón and Mr. Callahan sponsored Resolution No. 2018-076 that granted a Certificate of Appropriateness to retain new logo and message that have been placed over top of existing exterior sign at 700 Evans Street.

K. *Certificate of Appropriateness – 817 East Fourth Street*

Mr. Colón and Mr. Callahan sponsored Resolution No. 2018-077 that granted a Certificate of Appropriateness to install a new sign to the exterior façade of the building at 817 East Fourth Street.

Voting AYE on Resolutions 10 H through 10 K: Mr. Colón, Mr. Martell, Ms. Negrón, Mr. Reynolds, Dr. Van Wirt, Mr. Callahan, and Mr. Waldron, 7. The Resolutions passed.

11. NEW BUSINESS

None.

12. ADJOURNMENT

The meeting was adjourned at 7:35 p.m.

ATTEST:

City Clerk