

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street - Town Hall  
Bethlehem, Pennsylvania  
Tuesday, February 19, 2019 - 7:00 PM

INVOCATION

Reverend Rick Sergi, Emmanuel E. C. Church, 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, Michael G. Colón, Olga Negrón, J. William Reynolds, Paige Van Wirt, and Adam R. Waldron, 5. Bryan G. Callahan and Shawn Martell, were absent, 2.

*Welcome Boy Scout Troop 302*

President Waldron welcomed Boy Scout Troop 302 to this meeting. The scouts in attendance are working on their Citizenship in the Community Merit Badge. Since we have a few empty seats here one of the Boy Scouts will be joining us, Elijah will be filling in for Mr. Callahan, although he will not be a voting Member of Council.

CITATION

*Honoring Deputy Chief Todd Repsher*

President Waldron stated that the Citation for Deputy Chief Todd Repsher on the occasion of his retirement from the Bethlehem Police Department after 27 years of service will be mailed to him since he was unable to attend this evening.

2. APPROVAL OF MINUTES

None.

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

*Boards and Commissions and Department Heads Presentations/Bethlehem Moment*

Ed Gallagher, 49 West Greenwich Street, stated he is thankful for the meeting being videotaped but he wondered what we are doing to publicize it to make sure people know about this. He spoke at the last meeting about City Council being the hub of City governance. If you paid attention to the City Council Meeting you would learn a lot about what is going on in the City. His modest proposal was that you would invite the Parking Authority and the Bethlehem Authority and other Boards and the Department Heads twice a year, so they could give a report.

Advertise to the public that those people would be here so they could ask questions. Mr. Gallagher found the Budget Hearings to be very interesting listening to the Department Heads as they talked about what they are doing and having Council interact with them. For instance, he picked up at a Budget Hearing what Alicia Karner had handed out to Council and each of the sections has the accomplishments for the past year and the budget requests for this year. He asked on his blog this week about what was happening to the Greenway and he happened to look in this handout on the way in and Phase 5 of the design of the Greenway was completed. That is the kind of thing that should be pushed out to the public more. Mr. Gallagher noted since we are on television now this would make it more inviting for people to listen to the meetings. He is starting to put out feelers for people to do a Bethlehem moment. He has had preliminary contacts with the school district and also wrote to the five developers Mr. Callahan mentioned at a previous meeting. He will also be asking City Council Members if they would want to do a Bethlehem Moment. He sees ArtsQuest is here today and at some point he will be asking them. Mr. Gallagher began his Bethlehem Moment number 6 and stated, on November 13, 1967 a Bethlehem black man had to argue that he was a human being with equal rights with whites. The Bethlehem black man was Malloy Warner, son of the first black trash hauler in the City, founder and president of the Colored Voters Association, president of the Bethlehem Trash Collectors Association, and member of the historic St. John's AME Zion Church. In a bar on Fourth Street Warner was charged several times double the white price for a bottle of beer. He continued to say that Bethlehem was not Mississippi or Alabama, and it was 1967 not '57 or '27 or '97, yet the message was clearly "Whites only." Mr. Warner filed a suit with the State Human Relations Commission. He was not interested in financial reimbursement; rather he was concerned about the principle involved in the matter. Justice was done. Mr. Gallagher remarked The Bethlehem Globe-Times called it a community victory but Fourth Street will never look quite the same after learning of this uniquely brazen example of racism.

*Lehigh County Executive Phillips Armstrong*

Phillips Armstrong, Lehigh County Executive explained he is at this meeting tonight because one of his goals as Lehigh County Executive is to get out to every 25 municipal meetings. He remarked they have been working with Bethlehem, are a proud partner and he appreciates everything that is going on in the City. He has worked well with Kassie Hilgert, CEO of ArtsQuest and will continue to work well together. We are trying to do some things for the Rose Garden. He pointed out Lehigh County is a partner with Bethlehem, and he came to this meeting to let everyone know that, and asked if there are any questions for Lehigh County.

President Waldron believes there are no questions but he thanked Executive Armstrong for joining City Council at this meeting. He added there are a few constituents up here on Council as well.

*Robert's Rules of Order*

Bill Scheirer, 1890 Eaton Avenue, understands that about a month ago there was a little commotion here about Robert's Rules of Order. The argument was advanced that the First Amendment trumps Robert's Rules of Order. So why do we have Robert's Rules and why for that matter do we have Congressional Rules of Procedure which were originally written by Thomas Jefferson and no doubt served as a starting point for Robert's Rules over 100 years ago? He expressed the answer is, and he added as an unofficial and uncertified proud parliamentarian,

he has yet to find an organization that does not have a provision in its constitution, bylaws or in this case, Council Rules, that says "In all other instances Robert's Rules of Order shall apply." The short answer as to why this is, is that it is in order to get something done. Mr. Scheirer stated outside when he deliberates a meeting, the First Amendment does apply; inside the meeting you want to get things done. If you do not have Robert's Rules what you have can be personal attacks, back fighting, nitpicking and it just feeds on itself and then it turns into arguments over procedure because each side will feel that the other side is using procedure as a tactical advantage. Mr. Scheirer explained a few years ago he attended a Bethlehem Area School Board meeting and on that night the issue was raising the Superintendent's salary. He noticed an atrocious lack of procedure. The Solicitor at the time said that Robert's Rules had different versions which were in conflict with each other and that was patently not true. He related there have been successive editions over the years but the newer editions just cover more cases and provide more detail. The worst example that night of bad procedure was when the President ruled that an amendment could not be offered to a motion if the maker of the motion did not agree to the amendment. Mr. Scheirer offered to provide to them older copies of Robert's Rules that he happened to have and they all held up the latest version. At the end of the meeting a gentleman, who he gave a copy to came over and said he wanted to thank him for that copy.

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

President Waldron noted before the Second Public Comment he announced under the agenda this evening the Mayor has appointments but those will be moved to the March 5<sup>th</sup> agenda.

No Public Comment.

5. OLD BUSINESS

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

6. COMMUNICATIONS

A. *First Assistant City Solicitor - Exchange of Real Estate - Little Town, LLC - City of Bethlehem*

The Clerk read a memorandum dated February 7, 2019 from Assistant City Solicitor Edmund Healy, Esq. to which is attached a Resolution for an exchange of real estate, transferring property from Little Town LLC to the City of Bethlehem and transferring other property from the City of Bethlehem to Little Town LLC for right-of-way purposes.

President Waldron stated the Resolution can be placed on the March 5 agenda.

B. *Intermunicipal Liquor License Transfer - 226 East Third Street*

The Clerk read a communication dated February 11, 2019 from Attorney Matthew B. Anderson representing Bethlehem Meat & Produce Corp. requesting approval of an Intermunicipal Liquor License transfer of Retail Restaurant Liquor License R-20144 previously

issued to Valley View Inn and Restaurant, Inc., 794 Sunrise Boulevard, Mount Bethel, Northampton County to 226 East Third Street, Northampton County.

*Scheduling Public Hearing*

Mr. Colón and Dr. Van Wirt moved to schedule a Public Hearing on Tuesday, March 5, 2019 at 7:00 PM in Town Hall.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds and Mr. Waldron, 5. The Motion passed.

President Reynolds stated a Public Hearing has been scheduled for Tuesday, March 5, 2019 at 7:00 PM in Town Hall.

C. *Director of Public Works – Recommendation of Award – Wood Environmental & Infrastructure Development of Storm Water Pollution and Flood Prevention Program*

The Clerk read a memorandum dated February 12, 2019 from Michael Alkhal, Director of Public Works recommending a contract with Wood Environmental & Infrastructure Solutions for Development of a Storm Water Pollution and Flood Prevention Program. The term of the contract is until December 31, 2019. The fee for the contract is \$130,200.

President Waldron stated Resolution 10 E is on the agenda.

D. *Director of Water and Sewer Resources – Recommendation of Award – S. J. Thomas Company – Wastewater Treatment Plant Landscape Project*

The Clerk read a memorandum dated February 11, 2019 from Edward Boscola, Director of Water and Sewer Resources recommending a contract with S. J. Thomas Company for the Wastewater Treatment plant Landscape Project. The term of the contract is from the Notice to Proceed until December 31, 2019. The fee for the contract is \$248,377.14.

President Waldron stated Resolution 10 F is on the agenda.

E. *Director of Recreation – Recommendation of Award – Lehigh Valley Musicians Association – Local 45 – Music in the Park Series*

The Clerk read a memorandum dated February 12, 2019 from Jane Persa, Director of Recreation recommending a contract with Lehigh Valley Musicians Association – Local 45 for the Music in the Park Series. The term of the contract is May 19, 2019 to December 31, 2019 and the fee for the contract is \$21,500.

President Waldron stated Resolution 10 G is on the agenda.

F. *Director of Water and Sewer Resources – Recommendation of Award – Thomas R. Niesen, Esq. – Water Utility Counsel*

The Clerk read a memorandum dated February 13, 2019 from Edward Boscola and City Solicitor William P. Leeson recommending a contract with Thomas T. Niesen, Esq. Thomas, Niesen & Thomas LLC for Water Utility Counsel. The term of the contract is 10 months from March 1, 2019 to December 31, 2019. The fee for the contract is not to exceed \$75,000 and the renewal is up to three renewal terms of twelve months each.

President Waldron stated Resolution 10 H is on the agenda.

- G. *Director of Water and Sewer Resources – Recommendation of Award – Price Increase – LB Industries – Wastewater Treatment plant – Non-Potable Water Systems Upgrade*

The Clerk read a memorandum dated February 14, 2019 from Edward Boscola, Director of Water and Sewer recommending a price increase to a contract with LB Industries for the Wastewater Treatment Plant Non-Potable Water System Upgrades – General Construction. The completion date is June 4, 2019 and the increase in Change Order #1 is in the amount \$35,129.17 and needed to address unforeseen site conditions and interferences found during the installation of yard piping and hydrants. Change Order #2 is in the amount of \$4,648.67 needed to add a bypass line for potable water back-up in the event the new non-potable water system is down for maintenance.

President Waldron stated Resolution 10 I is on the agenda.

- H. *Director of Budget and Finance – Recommendation of Award – Level One – Printing and Mailing Services*

The Clerk read a memorandum dated February 14, 2019 from Mark W. Sivak, Director of Budget and Finance recommending a contract with Level One for printing and mailing services. The term of the contract is three years expiring on December 31, 2021. The estimated annual fee is \$120,000. There are five additional one-year period renewals.

President Waldron stated Resolution 10 J is on the agenda.

7. REPORTS

- A. *President of Council*

- B. *Mayor*

*Open Data Report*

Eric Evans, Business Administrator, thanked President Waldron for this opportunity to present progress on an Open Data Report. He wants to explain how we got here, what we are working on from the Administration's perspective, and where we are headed going forward. This program and the progress he is about to explain tonight certainly is not final; it is a work in progress and will be for some time. This program will develop over time and be used more and more both internally through the Administration and all different levels of our organization but also externally for our citizens and residents. Mr. Evans explained Ordinance No. 2017-34 established an Open Data Program and an Open Data Online Portal and passed through Council

on November 8, 2017, it was signed the next day by the Mayor and became law. The idea behind Ordinance 34 is that it is designed to increase government accountability, transparency, accessibility and foster greater civic engagement and participation in government. In the Ordinance Section One has the definitions; Section Two explains the fact that the Ordinance states the City shall develop an open data program pursuant to the Ordinance and to accomplish the following policy objectives. These include number one, to proactively release high quality publishable data and metadata, making it freely available in the public domain. Number two, to establish and maintain directly or through a third party an open data web portal that provides a central location for the open data. Number three; minimize limitations on the disclosure of otherwise public information while appropriately safeguarding public safety, confidentiality, protective information, and sensitive information and while ensuring that any published Open Data complies with applicable law and policy. Mr. Evans continued with Section Three that gives us governance for the Open Data Program. It did establish that an Open Data Program will be managed by a Chief Data Officer, who is Sandy Steidel, and she will give an update on some of the timelines we have in place. The Ordinance stated within 90 days of the effective date of the Ordinance that the Mayor shall designate that Chief Data Officer who shall report to the City Business Administrator. Ms. Steidel was selected by Mr. Evans predecessor, David Brong and she does a great job and has been a great champion for this project. Mr. Evans noted that along the way Mark Sivak has been a terrific help. The first part of this Open Data has been to launch our financial information. There is more information coming from different avenues, and Mr. Sivak, being the Director of Budget and Finance, was able to work with OpenGov, the group that was selected to be our party to handle the portal. There has been a lot of information and communication back and forth to make sure all of our points are working and that the Open Data Portal will be effective. Mr. Evans also wanted to thank the working group that is also in attendance tonight that helped to establish this. When we got set up, between November 17<sup>th</sup> when the Ordinance was approved and February 5<sup>th</sup> of last year when he started as Business Administrator, the decision was made that OpenGov would provide the portal and Ms. Steidel was selected as the Chief Data Officer. He turned the presentation over to Ms. Steidel and remarked part of her responsibility was to submit an Open Data Program implementation plan that will include detailed departmental action items and timelines for developing and implementing processes, policies and procedures necessary to support the Open Data Program.

Ms. Steidel explained we had put together an Open Data Team based on the Ordinance from City Council. Referring to the Power Point presentation, she pointed out that everything in green means that we have completed that and part of this was to understand what type of information the citizens want to see. We got a great advocate in Councilman Reynolds who was on our team and Mark Sivak has done a great job pulling in all of the financials. She continued to say that we have a system called CentralSquare. It is the backbone of the financial system, the Community Plus, our permitting, payroll, taxes, everything. What we have done is to integrate all the financial data, the chart of accounts that Mr. Sivak worked on to pull it in automatically into this platform called Open Data. Ms. Steidel noted what we have done is made this an automatic process so every night all of the financials are pulled over into this platform. We pulled an Open Data team together so every department had a member that was selected to be on the Open Data team. Ms. Steidel expressed they needed to look at what types of information, not only within the City we wanted to show, but also what did the people outside in the community want to talk about. We heard different comments at City Council Meetings and we saw different postings and talked to people internally. She added her other job is the Director of Purchasing and right down the hall is the Solicitor's office that manages the Right-to-Know requests. So part

of this is also to eliminate as many Right-to-Know requests as we can. The requests we get a lot are who do we spend money with as far as vendors and how much and a lot of it is Police data that we have to retract. Some of the data reporting will not be conducive to here. People ask who we use for permitting and who the different contractors are, so we pulled together a team to see what kind of story is it we want to tell for the City of Bethlehem. We went through all of that during the past year and we are now at the analysis, the analytics of what is it that we want to convey to the public. Ms. Steidel emphasized we have some reports that Mr. Sivak and Mr. Evans have worked hard on trying to pull in to show you an example of some of the data that is so transparent that anyone on City Council and anyone outside the community and internally can take a look at without having to come here and try to understand. She has heard a lot of comments already tonight about transparency so she thinks will be a great platform for everyone. We have some decisions to make on the communication. We have a new website and Mr. Evans will talk about that. We need to talk about how we will communicate this because that is something else she heard tonight. We will show some of the reports that have been established and Mr. Evans will speak more about the difference between the financials, what we currently have and where we want to go with more of the data out of Community Plus.

Mr. Evans mentioned when you look at the City website there are a number of quick links on the left side and most of us are familiar with that. Across the top we might want to put our link to OpenGov in here. The days of this current website are numbered and we do not want to spend the time or money having to design a new website and go back and reconfigure this. The new website, which is on its way, will have a link to OpenGov. He then showed an example of the Town of Mansfield, Connecticut website and in the future ours might look something like their website. The left side shows a pie chart and something called Open Mansfield, so on Bethlehem's website in the next month or two we would have Open Bethlehem. If we click on Open Mansfield it takes us to a page with a number of featured questions. We will have our own questions for our OpenGov page. As for Open Mansfield they also include an educational component. They are also responsible for the education system. If you look at their feature questions, one is "How are my tax dollars spent?" Mr. Evans then clicked on that question and it then takes him to OpenGov. He pointed out he has left Mansfield, Connecticut page and went to OpenGov and it shows how their tax dollars are spent and it shows a pie chart. There are different ways to do this with a pie chart or a bar chart. Mr. Evans went back to Bethlehem's website and you can imagine the future with our new site and somewhere early on we have the OpenGov link and when he clicks on that it can show a number of different reports. He showed the General Fund annual report which is our revenues and expenses. If he clicks on the Bethlehem link and clicks on OpenGov it will go to a page still on Bethlehem's website that shows Bethlehem's annual revenue and expenses each year. If you chose that and linked to that you would end up on the page of OpenGov. It shows from 2012, 2013 and 2014 and you can see the growth. Sometimes early on our expenses exceed our revenue and through the last few years we were fortunate enough that our revenues have exceeded our expenses. You will see this data group will get updated every single night, so we know that it is up to date and that it is accurate because it is coming right from Finance Plus, our financial management software that we use in the City for reporting and all of our transactions. Mr. Evans mentioned when he gets to 2018 and 2019 the budget that was approved by Council it shows the \$78 million budget. It even includes the 2018 actual numbers. So we are racing out ahead in revenues because we collect real estate taxes right away, so any year in the beginning it looks like we are off to a great start. We will certainly catch it as the real estate collections slow down and the revenues begin to add up. Mr. Evans continued with the presentation and showed our General Fund revenues and the next

question on Bethlehem's website might say "How does Bethlehem collect their funding." This then shows a chart that has a breakdown and it looks like almost all of it comes from real estate tax and you can say that does not make sense. If he would go to how much we budgeted and goes back to 2018 to another slide you would see how the funding was allocated on the website. From what we budgeted at the end of last year, 37% the largest part of the pie is real estate taxes but all of the other numbers are brought out as well. He mentioned the Host Fee that we collect is at 12.6% and that is a big number for us and if he slides back he will notice that in 2014 the Host Fee was a larger percent. It was almost 14% of our budget and because the Host Fee is not growing it becomes a smaller percentage of our budget each year. He can see how each segment of our revenue allocations are growing or shrinking. The same goes for how Bethlehem spends its money every year; they can have a chart that shows that. If you would look at the 2019 budget, we had a long discussion at the budget hearings and you can notice that 74% is personnel costs, then we have a long term debt, purchase services which is mostly contracts and then the materials and supplies and equipment as well. He can also click on personnel expenses and see how personnel expenses are broken up. He informed our personnel expenses are 52% of salary but there are other parts, temporary help, pensions and also medical insurance. So this is a real informational chart that people can look at on our website and collect a lot of information about what we are doing here in the City.

Mr. Evans, referring to the Power Point presentation on the screen, continued to say the other items we might want to share include a chart that shows the Casino Host Fee and how much Bethlehem collects from that. People might expect that to grow but we know that is mostly a set fee. We can see why this has become less of a percentage of our overall budget through the years because it is not growing. We can see from the last couple of years as a result of the growth of our fund balance and cash balance, we had a few years ago when we were paying bank fees and we had negative interest. He pointed out as we have grown and had some surplus and are able to put some cash away a few things have happened. Number one, we had the improvement in our Bond Rating and at the same time we can look at the difference we made this past year in 2018, \$328,000 dollars of interest income and just a few short years ago that was in the negative. Mr. Evans expressed that we budgeted \$300,000 for this year and we hope and expect to beat that but we try to be as conservative as we can with the budget. We could put a question and a story on OpenGov like recycling and maybe draw some questions about recycling. We have recycling both curbside and at the recycling center. What this story tells is how our recycling is being sold and the sale of materials is way down. The volume is growing but the price we are getting paid is much lower so this is not what it used to be. A few years ago we could count on for the General Fund around \$348,000 into the General Fund and in this past year we budgeted \$175,000 of the same materials because of the supply and demand and the movements with China. Mr. Evans added that people can also look at the snow operations. We selected to create filters and figured out what accounts are used that make up snow operations. This comes out of the Liquid Fuels budget; one is the removal of snow, another is the overtime that is associated with it, and one is contracts, because sometimes we are not able to do all the snow plowing internally. If you look at this through the years you can probably track the weather and amount of snowfall each year. We know in 2014 we had a lot of snow and in 2014 we spent a total of \$900,000 dollars, almost a million dollars to remove snow. In a lighter year it is \$314,000 dollars. This year it shows \$70,000 and this is from the first storm we had which did not add up to a lot but it did cost the City \$70,000. Mr. Evans remarked you will see in 2014, because it was a large amount some of it was contracted because we could not do it all ourselves and had to bring in contractors to help. He pointed out that 2016 is a different story. It was not nearly as much snow but we used contractors.

That is a year we had one storm but that storm itself was 33 plus inches and so much came so fast that we needed help to get people back to work and back to school so we did need the contractors and we spent \$400,000 dollars on that one storm alone. Mr. Evans highlighted the fact this would be something that residents will find interesting to use.

Mr. Evans continued to say we talk about street overlays and we would like to spend more on those. In this current budget we are hoping to spend more and that \$2 million is the goal. We are looking to spend a lot in 2019. We are attempting to catch up, not all at once, and this will not take care of all of it but it will go a long way. We also know from those on Council who approved the budget last year that part of this amount is spread over two years because it is included in the bond borrowing that we will be taking out this year. The other item is that this number is budgeted that if the Casino sells and the transfer deed funding moves then we will do that. Mr. Evans stated another area is how much we spend on Pensions. The number we needed to deal with and did deal with the 2019 budget was a significant jump. This pulls in Police, Fire Pensions, PMRS, and the O & E which is timing out. This graph shows it broken up and so the total Pensions is \$10.6 million and last year it was \$8.3 million. Mr. Evans added we can look at energy expenses and tell a good new story that energy expenses normally grow through time and we can see our carbon footprint and we can see that five or six years later we are paying less than we did back in 2013 both in gas and electric, that is through our efforts to improve our carbon footprint. Mr. Evans continued to say that we run a 9-1-1 system in Bethlehem, but the State, through a law four years ago, told us our 9-1-1 system will end. So we could say "How much does Bethlehem pay for its 9-1-1 System?" and everyone could see that back in 2013 and 2014 we were spending over and above the State payment to run the 9-1-1 system, \$1.1 million dollars. That is what it costs the City of Bethlehem to have our own system. The system needed some upgrades in 2015 and we spent \$2 million; the last few years we have been spending \$1.5 million. This year because the system is moving to Northampton County by requirement and that number will be dropping and will no longer be associated with 9-1-1. It will be our Public Safety Center but there will be much lesser cost. Mr. Evans communicated those are some of the early ideas we came up with and we thought Council will have a number of ideas they might want to share and we can add and build those and put them out on the website. He explained each of those filters will have a picture with a question below it and then a link right to the graph. At the same time if anyone wants to go through and build their own reports like the ones we build, once you get the hang of it that can be done and this will provide a lot of information for people now and in the future. Mr. Evans advised the hope they have is when our website is launched we will be looking back to Council. We can choose internally as we build these which ones we want to make outward facing and when we get to that point we can track to see how much this is being used and how many visitors we are getting because there is a cost to this. Mr. Evans pointed out this is a third party software that sets up and will be able to take care of this for us and Council can make the decision if the value is there but with the transparency he thinks this is a great tool. Mr. Evans added that this ties to our Finance Plus system, the one that is most requested and the easiest one to do. We will be putting everything out there in regards to our financials. We do that every year during the budget process anyway and during our audit so now in between and day to day, anyone can pull up that information and see and check exactly what we budgeted and to track it. He added Phase 2 will be connecting to Community Plus that takes care of all of our inspections and it has all of our units and parcels. He noted it tracks our real estate, permits, and other items. We need to be careful because it does have some personal information that may require some redacting, so our Solicitor will be involved once we include Community Plus. Mr. Evans stated Phase 3 would be to build a connector, which will either cost money or some time if

we have our IT, to our third application, which is New World, our public safety software. There is value and interest in that because that will allow us to post within parameters a number of safety reports, crime reports, what crimes are happening and where. That would then be New World and a large amount of New World is moving to the County as part of the 9-1-1 process so we will have to be working with the County when we get to that point. Because of the timeframe this will all be in phases. During Phase 1 when the new website goes up all of the financial information be immediately available under that link.

President Waldron asked the timeline on Phase 1 with the website.

Mr. Evans stated he, Mr. Sivak and Wayne Wastler from our IT Department are going to meet with KSA&D tomorrow. They have a wire frame built now, which is kind of a skeleton of our different landing pages. We will inspect that to see how it is coming along and we will have an update for Council at the next meeting. It will probably be a few more months before it is ready, we expect in the spring of 2019.

Mr. Reynolds thanked the Administration and added when he proposed the idea of Bethlehem building an Open Data site two years ago, Mr. Brong and Mayor Donchez were nothing but helpful in saying this was a good idea and something we needed to do. Mr. Reynolds added since Mr. Evans has taken over for Mr. Brong he has also been enthusiastic about this as well. He wanted to say thank you because it could have been something that could have been taken as this is just another thing for us to do. They did not add any more staff; they did not ask for any more money. They looked at this as a positive thing for Council and the Administration to work on together. In all of the conversations he has had through this process with other members of the Administration he had not heard anything negative about it. Mr. Reynolds communicated this takes a lot of work and it is one thing for us to pass an Ordinance and say we want to do this but that takes real employees and real work and real problems. Those integrations issues with the various systems are not easy. We have had those systems for a long time and so even if you say one day you want to do this and spend the money, it is not something that is not going to happen overnight. Much of this comes down to functionality and how are we going to create something people want to use. Mr. Reynolds stated this is fantastic and noted we are not breaking new ground on Open Data. There are other cities that have had Open Data programs for a couple of years and you would be amazed at some of the partnerships between institutions of higher learning. He added Lehigh and Moravian are currently looking at Data Analytic Masters Programs and Doctorate Programs. You can look at how health care providers partner with cities. They are doing this in Pittsburgh with UPMC and the City of Pittsburgh about how the City can make public data that is necessary in trying to help social service providers and public health providers. There is much data in here that is helpful to entrepreneurs. Mr. Reynolds noted this all takes time and that nothing is done well quickly. He knows it is one more thing for the Administration to work on but he just wants to say thank you because this is really coming along and he appreciates the spirit of cooperation.

C. *Finance Committee Meeting*

Mr. Colón stated the Finance Committee met Tuesday, February 12, 2019 at 6:00 pm in Town Hall. The Committee voted to recommend that City Council Adopt Ordinances for the following: Amending the General Fund, Non-Utility Capital Improvements Fund, Water Capital Fund, Sewer Capital Fund, and CDBG/HOME Fund. The Ordinances are on the agenda for First

Reading tonight. The Committee also received an overview by Mr. Evans and Mr. Sivak of the 2019 Bond for Non-Utility Capital Improvements. Mr. Scott Shearer and Mr. Chris Bamber of PFM will be available at the March 5 City Council Meeting, the night of the First Reading of the Bond Ordinance to answer any questions Council may have at the time.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill 01-2019 – Intergovernmental Cooperation Agreement – City of Bethlehem and Northampton County – Transfer of Ownership of a Trunked Radio Network and Operation of Network*

The Clerk read Bill No. 1-2019 - Intergovernmental Cooperation Agreement – City of Bethlehem and Northampton County – Transfer of Ownership of a Trunked Radio Network and Operation of Network on Final Reading.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5. Bill No. 01-2019 now known as Ordinance No. 2019-01 was passed on Final Reading.

9. NEW ORDINANCES

A. *Bill 2 - 2019 – Amending Treasurer’s Salary*

The Clerk read Bill No. 2 - 2019 – Amending Treasurer’s Salary, sponsored by Mr. Colón and Mr. Reynolds and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA,  
ESTABLISHING THE SALARY OF THE TREASURER

Mr. Colón communicated he heard if this was not changed that this would then be in the negative, he wondered if that was correct.

Mr. Sivak reported if Council Members remember we did this a few years ago, and per Third Class City Code if we need to change a salary of an elected official we need to do it before the election. He pointed out this is an election year for the Treasurer, and noted the Treasurer’s salary goes to fund the employee contributions for healthcare and dental. Based on what employees are paying right now, if we do not increase it there is a chance in 2020 or 2021 where it would go negative and the Treasurer would have to owe us or reimburse us back money, because there was not enough to pay those monthly contributions.

President Waldron queried what the proposed increase is to the Treasurer’s salary.

Mr. Sivak advised it is going from \$1,800 dollars annually to \$2,200 dollars annually and that will be good then for the next four years.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5. Bill No. 2 - 2019 was passed on First Reading.

B. *Bill No. 3 – 2019 – Amending General Fund – General Fund Adjustments*

The Clerk read Bill No. 3 – 2019 – Amending General Fund – General Fund Adjustments, sponsored by Mr. Colón and Mr. Reynolds and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
THE 2019 GENERAL FUND BUDGET

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5. Bill No. 3 - 2019 was passed on First Reading.

C. *Bill No. 4 – 2019 – Amending Non-Utility Capital Improvement Fund – 2018 Year End Adjustments*

The Clerk read Bill No. 4 – 2019 – Amending Non-Utility Improvement Fund – 2018 Year End Adjustments, sponsored by Mr. Colón and Mr. Reynolds and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
THE 2019 CAPITAL BUDGET FOR NON-UTILITIES

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5. Bill No. 4 - 2019 was passed on First Reading.

D. *Bill No. 5 – 2019 – Amending Water Capital Fund – 2018 Year End Adjustments*

The Clerk read Bill No. 5 – 2019 – Amending Water Capital Fund – 2018 Year End Adjustments, sponsored by Mr. Colón and Mr. Reynolds and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
THE 2019 CAPITAL BUDGET FOR WATER UTILITIES

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5. Bill No. 5 - 2019 was passed on First Reading.

E. *Bill No. 6 – 2019 – Amending Sewer Capital Fund – 2018 Year End Adjustments*

The Clerk read Bill No. 6 – 2019 – Amending Sewer Capital Fund – 2018 Year End Adjustments, sponsored by Mr. Colón and Mr. Reynolds and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
THE 2019 CAPITAL BUDGET FOR SEWER UTILITIES

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5. Bill No. 6 - 2019 was passed on First Reading.

F. *Bill No. 7 – 2019 – Amending Community Development Block Grant/HOME Fund – 2018 Year End Adjustments*

The Clerk read Bill No. 7 - 2019 - Amending Community Development Block Grant/HOME Fund - 2018 Year End Adjustments, sponsored by Mr. Colón and Mr. Reynolds and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
THE 2019 COMMUNITY DEVELOPMENT BLOCK GRANT  
BUDGET

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5. Bill No. 7 - 2019 was passed on First Reading.

10. RESOLUTIONS

A. *Authorizing Agreement of Sale – 9-1-1 – Sale and Acquisition of Communications Equipment*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-037 that authorized to execute an agreement of sale, and such other agreements and documents with Northampton County, doing business through the Northampton County Emergency Management Services, for the sale and acquisition of communications equipment as specified in the Agreement of Sale, and according to the terms and conditions indicated therein and made a part hereof.

Mr. Colón mentioned in the Agreement of Sale under item number 7, System Inspection, he knows the County has the right to inspect everything, but queried if they if that has been done already or are going to, and would that hold anything up.

Mr. Evans noted stated they visited the site and you can see on the Ordinance that was just approved 8A, Bill No. 1-2019 that there is quite extensive list of equipment both with the sales agreement and the tower lease that is included, so they have been on site.

Robert Novatnack, Emergency Management Director stated Northampton County and Motorola has been down to the Communications Center numerous times, and every party that has been involved has been through the Center with permission, and us escorting them, to look at our equipment.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5. The Resolution passed.

B. *Authorizing Lease – 9-1-1 Communication Sites Lease – Existing Towers*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-038 that authorized to execute a Communication Sites Lease Agreement, and such other agreements and documents

with Northampton county, doing business through the Northampton County Emergency Management Services, for the purpose of leasing portions of certain City-owned or City-leased properties and granting permission to Northampton to install and/or operate radio communications equipment, all as described and specified in said Communication Sites Lease Agreement, and according to the terms and conditions indicated therein and made a part hereof.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5.  
The Resolution passed.

C. *Records Destruction – Fire Department*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-039 that authorized the disposition of the public records in the Fire Department as stated in the attached Exhibit A.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5.  
The Resolution passed.

D. *Records Destruction – Law Bureau*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-040 that authorized the disposition of the public records in the Law Bureau stated in the attached Exhibit A.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5.  
The Resolution passed.

E. *Authorizing Contract – Wood Environmental & Infrastructure Solutions*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-041 that authorized to execute an agreement with Wood Environmental & Infrastructure Solutions for development of a storm water pollution and flood prevention program.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5.  
The Resolution passed.

F. *Authorizing Contract – S. J. Thomas Co., Inc.*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-042 that authorized to execute an agreement with S. J. Thomas Co. for the Wastewater Treatment Plant Landscape Project.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5.  
The Resolution passed.

G. *Authorizing Contract – Lehigh Valley Musicians Association – Local 45*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-043 that authorized to execute an agreement with the Lehigh Valley Musicians Association – Local 45 for the Music in the Park Series.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5.  
The Resolution passed.

*H. Authorizing Contract – Thomas T. Niesen, Esq.*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-044 that authorized to execute an agreement with Thomas, Niesen & Thomas for Water Utility Counsel.

President Waldron queried about where this money is going and what it will be used for.

Mr. Boscola informed they have retained an attorney 30 years, maybe longer. The attorney we had in the past has retired and so we went out for an RFP this past fall. We solicited proposals and did interviews and hired this attorney. Most of these PUC attorneys have offices in Harrisburg because that is close to the PUC and they have clients all over the Pennsylvania. They handle all matters for the water utility before the PUC, such as rate cases, customer complaints, intermunicipal agreements and things like that.

President Waldron asked if they always perform work for the City within the calendar year, are their services utilized for Bethlehem.

Mr. Boscola stated yes and again it will vary from year to year and usually in a time when we are not pursuing a general rate case, the fees will be lower. He added, when we get into a rate case, then the fees will be a little bit higher.

President Waldron asked if that is on the docket in the next few years.

Mr. Boscola informed probably in the year 2020.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5.  
The Resolution passed.

*I. Authorizing Contract – Price Increase – LB Industries*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-045 that authorized to execute a contract change order with LB Industries for the Wastewater Treatment Plant non-potable water system upgrades – General Construction.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5.  
The Resolution passed.

*J. Authorizing Contract – Level One*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-046 that authorized to execute an agreement with Level One, LLC for Printing and Mailing Services.

Dr. Van Wirt guesses this is a renewable contract every year and two thirds of each annual payment of \$120,000 is for postage. She was under the impression we have some initiatives underway to encourage online payment of bills and she would anticipate some serious decrease

in that percentage as well as just the overall cost. Dr. Van Wirt mentioned this not an exact payment, this is something where it will be adjusted according to how much you have to send out.

Mr. Sivak informed that is correct. It is an estimate based on what happens today as we go through time and hopefully that does happen with the online payments. The postage will go down and we will also not have to pay for things like envelopes and the paper stock to send the bills out. It is just estimated based on what is happening today but over time we hope to see that cost go down.

Dr. Van Wirt denoted if we do budget all of that money and it is not used, what will happen to that.

Mr. Sivak noted in theory if all else was equal it would go into cash balance and again that amount is split between the General Fund and then Water and Sewer Funds. The bulk of that \$120,000 dollars including postage is with the Water and Sewer invoices because they go out monthly and quarterly. It is a much smaller piece for the real estate taxes.

Dr. Van Wirt queried if she is correct that there are initiatives underway to encourage online payment of the sewer and water bills.

Mr. Sivak acknowledged that is correct and we are starting to put notes on the bills that we send out to customers to let them know that those payments can be made online or that they can request their bill electronically.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5. The Resolution passed.

*K. Certificate of Appropriateness – 331 Broadway*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-047 that granted a Certificate of Appropriateness to replace a box sign and to install a new bracket and projecting sign at 331 Broadway (Service Code Fashions).

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5. The Resolution passed.

*L. Certificate of Appropriateness – 310-322 East Third Street*

The Clerk stated Resolution 10 L has been withdrawn at the request of the property owner.

*M. Certificate of Appropriateness – 25 West Third Street (Banana Factory)*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-048 that granted a Certificate of Appropriateness to demolish portions of the existing building and construct a new community cultural arts center at 25 West Third Street. (Banana Factory)

President Waldron expressed this is a big project and acknowledged ArtsQuest CEO Kassie Hilgert in attendance at this meeting and he thanked her coming to the City Council Meeting. President Waldron had the opportunity, as the rest of Council last summer, to sit down with Kassie to hear about the plan and the vision for the Banana Factory. It was an overwhelmingly positive meeting with the vision of how that space is going to be reenergized and reused in the 21<sup>st</sup> Century and try to unite all of those missed matched buildings. They knew this was going to be a bit of a hurdle to get through as it is in the Historic Conservation District and try to be sensitive to what that building use to be and how it can be used in the future. President Waldron thinks this is a great compromise where they had to give and take and this is a good example of when people are willing to work together you are able to get a great outcome like this. As we move it forward through, one of the last hurdles, at least in the design phase, the rest will be up to you to make it happen but you will have our full support as we move forward.

Mr. Reynolds stated he wanted to echo what President Waldron has said. This is an important project. He had the pleasure of going over to Touchstone Theatre with their press event having to do with the festival they are planning in October and hearing all these different arts partners talk about what the arts mean for the City. The City is in a big transition as all cities are, but especially on the cultural level. When you look at what brings people together in the City, other than our school district, we have our churches and institutions but the arts brings people together from all corners of the City. Mr. Reynolds noted ArtsQuest has played a role there and he thanks them for their investment this important project for the City and the south side. He also would echo the comments by President Waldron because this was not a simple process to go through; there was some give and take. In addition, Ms. Hilgert and her staff were always open to feedback and different ideas that came forward about different ways they were able to do things and they handled themselves with class and dignity and were respectful with requests. This Certificate of Appropriateness did not have a unanimous vote with the Historic Board but he also knows that everyone looked at this from the point of view as how can we make this the best project it can be. This was done respectfully and he thinks that is something that everyone on all sides of the table should look at and say this is the way these projects should be done. Mr. Reynolds stated he will be voting in support of this.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5.  
The Resolution passed.

*N. Certificate of Appropriateness – 202-204/206-208 East Third Street*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-049 that granted a Certificate of Appropriateness to repair and replace windows and doors in-kind, to demolish an abutting 1-story building, to construct a new rear addition and to make miscellaneous exterior repairs to the buildings at 202-204/206-208 East Third Street (Webster Place).

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5.  
The Resolution passed.

*Motion – Considering Resolutions 10 O through 10 V as a group*

Ms. Negrón and Dr. Van Wirt moved to consider Resolutions 10 O through 10 V as a group.

Voting AYE: Dr. Van Wirt, Mr. Colón, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 5.  
The Motion passed.

O. *Certificate of Appropriateness – 225 East Wall Street*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-050 that granted a Certificate of Appropriateness to install a new freestanding garden shed at the northeast corner of the rear of the property at 225 East Wall Street.

P. *Certificate of Appropriateness – 428-444 Main Street (Moravian Bookstore)*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-051 that granted a Certificate of Appropriateness to replace the windows at 428-444 Main Street (Moravian Bookstore).

Q. *Certificate of Appropriateness – 428-444 Main Street (Moravian Bookstore)*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-052 that granted a Certificate of Appropriateness to replace exterior tile at 428-444 Main Street (Moravian Bookstore).

R. *Certificate of Appropriateness – 428-444 Main Street (Moravian Bookstore)*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-053 that granted a Certificate of Appropriateness to install tenant signage (entry doors) at 428-444 Main Street (Moravian Bookstore).

S. *Certificate of Appropriateness – 428-444 Main Street (Moravian Bookstore)*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-054 that granted a Certificate of Appropriateness to install tenant signage (building signs) at 428-444 Main Street (Moravian Bookstore).

T. *Certificate of Appropriateness – 428-444 Main Street (Moravian Bookstore)*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-055 that granted a Certificate of Appropriateness to stain all the exterior wood entry doors at 428-444 Main Street (Moravian Bookstore).

U. *Certificate of Appropriateness – 428-444 Main Street (Moravian Bookstore)*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-056 that granted a Certificate of Appropriateness to eliminate door hardware on the north side of the entrance alcove at 428-444 Main Street (Moravian Bookstore).

V. *Certificate of Appropriateness – 428-444 Main Street (Moravian Bookstore)*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2019-057 that granted a Certificate of Appropriateness to change the awning fabric color at 428-444 Main Street (Moravian Bookstore).

Mr. Reynolds queried as Member of the Moravian College Board of Trustees would it be appropriate for him to recuse himself from these Certificates of Appropriateness.

Council Solicitor Spirk mentioned as a Board Member and a Trustee you are affiliated with an organization that would benefit financially from this so you should recuse yourself.

Voting AYE on Resolutions 10 O through 10 V: Dr. Van Wirt, Mr. Colón, Ms. Negrón, and Mr. Waldron, 4. Abstain: Mr. Reynolds, 1. The Resolutions passed.

11. NEW BUSINESS

*Committee of the Whole Meeting*

President Waldron announced there will be a Committee of the Whole Meeting on Wednesday, May 22, 2019 at 6:00 pm in Town Hall. The subject will be an overview of the City's Pension Fund.

12. ADJOURNMENT

The meeting was adjourned at 8:21 p.m.

ATTEST:

City Clerk