

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street – Town Hall
Bethlehem, Pennsylvania
Tuesday, March 15, 2016 – 7:00 PM

INVOCATION

Former Councilman Louis N. Stellato 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-Dipiní, Adam R. Waldron and J. William Reynolds, 7.

President Reynolds announced there is a correction under Agenda Item 6-Reports. The Administrative Order for Seth Cornish is for a reappointment to the Historic Conservation Commission not the Redevelopment Authority.

2. APPROVAL OF MINUTES

None.

3. PUBLIC COMMENT

None.

4. OLD BUSINESS.

A. Members of Council

None.

B. Tabled Items

1. Approving Contract – Maser Consulting, P.C. – Bethlehem Southside Intermodal Site Study - Riverport

C. Unfinished Business

None.

5. COMMUNICATIONS

A. *Director of Public Works – Recommendation for Award – Highway Materials Inc.*

The Clerk read a memorandum from Michael Alkhal, Director of Public Works recommending a contract with Highway Materials, Inc. to furnish bituminous paving materials and sealers for the 2016 calendar year. The contract is valid through December 31, 2016 with the option to renew for four (4) additional one (1) year terms. The price to the City for the initial term is \$524,850 and is based on possible quantities purchased of various items at the bid unit prices.

President Reynolds stated Resolution 9 D is on the agenda.

B. *Director of Public Works – Recommendation for Award – New Enterprise Stone & Lime Co., Inc.*

The Clerk read a memorandum from Michael Alkhal, Director of Public Works recommending a contract with New Enterprise Stone & Lime Co., Inc. to furnish stone aggregate for the 2016 calendar year. The contract is valid through December 31, 2016 with the

option to renew for four (4) additional one (1) year terms. The price to the City for the initial term is \$21,194 and is based on possible quantities purchased of various items at the bid unit prices.

President Reynolds stated Resolution 9 E is on the agenda.

C. *Mayor – Tax Collection Committee Appointment*

The Clerk read a memorandum from Mayor Robert J. Donchez advising of the appointments of Mark Sivak, Director of Budget & Finance, Elizabeth Rosario, Tax Auditor, and Linnea Lazarchak, Director of Financial Services to the Northampton County Tax Collection Committee.

President Reynolds stated Administrative Order 6 B 6 is on the agenda.

D. *Mayor – Park Regulations – Saucon Park and Illick’s Mill/Monocacy Park*

The Clerk read a memorandum from Mayor Robert J. Donchez to which is attached Resolutions for Special Regulation Areas for the 2016 Picnic Season at the Saucon Park Recreational area and the Illick’s Mill/Monocacy Park Recreational area. The Resolutions are very similar to the Resolutions used for the Special Regulation area for parking during Musikfest. These two Special Regulation areas would run from Memorial Day to Labor Day.

President Reynolds stated this will be referred to the Parks and Public Property Committee.

E. *Mayor – Article 941 Revisions*

The Clerk read a memorandum from Mayor Robert J. Donchez to which is attached a copy of proposed revisions to Article 941 entitled Parks.

President Reynolds stated this will be referred to the Parks and Public Property Committee.

F. *City Solicitor – Use Permit Agreement – St. Luke’s University Health Network – 2016 Boutique at the Rink*

The Clerk read a memorandum from City Solicitor William P. Leeson, Esq. for a proposed Resolution and associated Use Permit Agreement for the 2016 Boutique at the Rink. The permittee is St. Luke’s University Health Network and the duration of the use is April 28, 2016 to June 6, 2016. The premise is the Earl E. Schaffer Ice Rink.

President Reynolds stated the Resolution will be placed on the April 5, 2016 agenda.

G. *City Solicitor – Use Permit Agreement – Celtic Fest, Inc. dba Celtic Cultural Alliance – Lehigh Valley HopsFest*

The Clerk read a memorandum from City Solicitor William P. Leeson, Esq. to which is attached a proposed Resolution and associated Use Permit Agreement for the Lehigh Valley HopsFest. The Permittee is Celtic Fest, Inc. dba the Celtic Cultural Alliance. The duration of the agreement is June 9-13, 2016. The location is the grass island bounded on the north by Spring Street, the west by Conestoga Street, the east by Main Street and the south by West Lehigh Street less and excepting railroad property (known as Danny Rice Field).

President Reynolds stated the Resolution will be placed on the April 5, 2016 agenda.

H. *City Solicitor – Use Permit Agreement – Star of Bethlehem Festival – Christmas City Wine Festival*

The Clerk read a memorandum dated March 10, 2016 from William P. Leeson, Esq., City Solicitor, to which is attached a Use Permit Agreement for Public Property between the City and Star of Bethlehem Festival for use of the grass island bounded on the north by Spring Street, the west by Conestoga Street, the east by Main Street and the south by West Lehigh Street less and exception railroad property (known as Danny Rice Field) for the Christmas City Wine Festival for the time period May 13 to May 16, 2016.

President Reynolds stated the Resolution will be placed on the April 5, 2016 agenda.

I. *City Solicitor – Gift of Real Estate – Parcel P7-6-1 from Lehigh Valley Industrial Park, Inc.*

The Clerk read a memorandum from City Solicitor William P. Leeson, Esq. regarding a Gift of Real Estate of Parcel P7-6-1 from Lehigh Valley Industrial Park, Inc. Pursuant to Resolution 11,836 adopted May 25, 1993. It is recommended that the City accept the following gift of property. In accordance with Resolution 11,836, it is asked that this request be read into the record during the Communication section of Council's meeting, and that the Council President refer the request to the Parks and Public Property Committee for study and recommendation. The property is a 1.46 acre parcel abutting the south side of the Lehigh River, currently part of LVIP VII, formerly owned by the Bethlehem Steel Corporation and its successors. The property is subject to environmental covenants prohibiting use for, among other things, residential development and public parks. Standard easements exist for PPL Electric Utility infrastructure and Verizon, none of which conflict with the City's usage of the property. The assessment data and application of the CLR multiplier yields a land value of \$13,202. The abutting property owner is Pennsylvania Lines, LLC. The lot is zoned for Industrial use "IN". The condition of title, in the opinion of counsel, is such that Lehigh Valley Industrial Park, Inc. is prepared to convey by special warranty deed and predecessor ownership, with a high level of certainty, rested with the Bethlehem Steel Corporation and its successors for decades preceding. There are no evident adverse claims to title. This opinion is based upon review of title search data provided involving the multi-parcel area including the lot being conveyed to the City. A thorough lot specific search has not been obtained upon advice that such a search would be cost prohibitive, potentially exceeding \$10,000. The City has constructed its CSO project on the lot and there is no reason it should not acquire full rights of ownership of the property.

President Reynolds stated he will refer this to the Parks and Public Property Committee.

J. *Director of Water and Sewer Resources – Resolution Request – PADCED Alternative and Clean Energy Grant Application*

The Clerk read a memorandum from Director of Water and Sewer Resources Edward J. Boscola requesting a Resolution in support of an application to the Pennsylvania Department of Community and Economic Development for an Alternative and Clean Energy grant. If awarded the grant will be used for design and construction of a co-generational plant at the Wastewater Treatment Plant where digester methane gas is burned in a gas engine to produce electricity and heat for plant processes. The amount of the grant requested is \$1,200,000 and will not exceed 30% of total project cost. The term shall not exceed five years. The deadline to file the application is April 1, 2016.

President Reynolds stated Resolution 9 F is on the agenda.

K. *Director of Purchasing – Amending Article 121-Finance and Article 122-Municipal Purchasing Policy*

The Clerk read a memorandum from Director of Purchasing, Sandra Steidel to which are attached two Ordinances to update Article 121, entitled Finance and Article 122, entitled Municipal Purchasing Policy that will allow the Purchasing Bureau to achieve our vision of incorporating best practices in the requisition to pay process, and ensuring the most strategic, efficient and compliant sourcing methods are used. The updates have been reviewed and approved by the Law Bureau and the Controller's Office.

President Reynolds stated the Ordinances will be placed on the April 5, 2016 agenda unless Council would like to have this reviewed in Committee. President Reynolds stated with no comment from Council this will be placed on the April 5, 2016 agenda for First Reading.

6. REPORTS

A. *President of Council*

B. *Mayor*

1. *Administrative Order – Geoff Gehman – Fine Arts Commission*

David Brong, Business Administrator, read Mayor Donchez' reappointment of Geoff Gehman to membership on the Fine Arts Commission effective through February, 2019. Mr. Martell and Mr. Colón sponsored Resolution 2016-050 to confirm the reappointment.

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

2. *Administrative Order – Seth Cornish – Historic Conservation Commission-South Bethlehem and Mount Airy*

David Brong, Business Administrator, read Mayor Donchez' reappointment of Seth Cornish to membership on the Historic Conservation Commission-South Bethlehem and Mount Airy effective through April, 2019. Mr. Martell and Mr. Colón sponsored Resolution 2016-051 to confirm the reappointment.

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

3. *Administrative Order – Earl Bethel – Redevelopment Authority*

David Brong, Business Administrator, read Mayor Donchez' reappointment of Earl Bethel to membership on the Redevelopment Authority effective through March, 2021. Mr. Martell and Mr. Callahan sponsored Resolution 2016-052 to confirm the reappointment.

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

4. *Administrative Order – Nancy Topping – Sister City Commission*

David Brong, Business Administrator, read Mayor Donchez' reappointment of Nancy Topping to membership on the Sister City Commission effective through March, 2019. Mr. Martell and Mr. Colón sponsored Resolution 2016-053 to confirm the reappointment.

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

5. *Administrative Order – Edmund Healey, Esq. – Assistant City Solicitor*

David Brong, Business Administrator, read Mayor Donchez' appointment of Edmund Healey, Esq. as Assistant City Solicitor. This appointment is effective as of March 15, 2016. Mr. Martell and Mr. Callahan sponsored Resolution 2016-054 to confirm the appointment.

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

6. *Administrative Order – Tax Collection Committee for Northampton County*

David Brong, Business Administrator stated that Act 32 § 505(b) requires the governing bodies of cities to appoint one voting delegate and one or more alternate delegates to be their Tax Collection Committee (TCC) representatives. Mr. Brong then read Mayor Donchez' appointment of Mark W. Sivak, Director of Budget & Finance, as Primary Voting Delegate, Elizabeth Rosario, Tax Auditor, as First Alternate Voting Delegate and Linnea A. Lazarchak, Director of Financial Services as Second Alternate Voting Delegate. If the primary voting delegate cannot be present for a TCC meeting, the first alternate voting delegate shall be the representative at the TCC meeting. If both the primary voting delegate and the first alternate voting delegate cannot be present for a TCC meeting, the second alternate voting delegate shall be the representative at the TCC meeting. These appointments are effective immediately and shall continue until successors are appointed. Mr. Martell and Mr. Colón sponsored Resolution 2016-055 to confirm the appointment.

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

C. *Committee Reports*

Finance Committee

Chairman Callahan stated the Finance Committee met on Wednesday March 9, 2016 at 6:00 pm in Town Hall. The Committee reviewed and recommended that Council adopt Ordinances for the following: Amending the General Fund Budget for the Health Bureau, Amending the Liquid Fuels Fund Budget 2015 year end adjustment, Amending the Non-Utility Capital Budget 2015 year end adjustment, Amending the Sewer Fund Budget 2015 year end adjustment, Amending the Sewer Capital Fund Budget 2015 year end adjustment, Amending the Community Development Budget-CDBG and HOME Program 2015 year-end adjustments. The Committee also received presentations on the following items: The 2015 year end finance review, the Parking Authority financial projections and bond issue, and also the 2014 Draft Audit.

Community Development Committee

Chairman Martell stated the Community Development Committee met on Tuesday, March 15, 2016 at 6 pm in Town Hall. The Committee received a presentation on the 2016 CDBG and HOME Program adjustments. The Committee recommended the allocations of the additional CDBG and HOME Program funds as presented. The Committee also received a presentation on the Wayfinding Program.

7. ORDINANCES FOR FINAL READING

None.

8. NEW ORDINANCES

A. *Bill No. 1 – 2016 – Amending General Fund Budget – Health Bureau*

The Clerk read Bill No. 1 – 2016 – Amending 2016 General Fund Budget, sponsored by Mr. Martell and Mr. Callahan and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2016 GENERAL FUND BUDGET.

President Reynolds informed as Mr. Callahan stated, all of these adjustments 8 A through 8 G were all discussed extensively last week at the Finance Committee Meeting.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipini, and Mr. Reynolds, 7. Bill No. 1 – 2016 was passed on First Reading.

B. *Bill No. 2 – 2016 – Amending Liquid Fuels Fund Budget – 2015 Year End Adjustments*

The Clerk read Bill No. 2 – 2016 – Amending 2016 Liquid Fuels Fund Budget, sponsored by Mr. Martell and Mr. Callahan and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2016 LIQUID FUELS FUND BUDGET.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipini, and Mr. Reynolds, 7. Bill No. 2 – 2016 was passed on First Reading.

C. *Bill No. 3 – 2016 – Amending Capital Budget for Non-Utilities - 2015 Year End Adjustments*

The Clerk read Bill No. 3 – 2016 – Amending 2016 Capital Budget for Non-Utilities sponsored by Mr. Callahan and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2016 CAPITAL BUDGET FOR NON-UTILITIES.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipini, and Mr. Reynolds, 7. Bill No. 3 – 2016 was passed on First Reading.

D. *Bill No. 4 – 2016 – Amending Sewer Fund Budget - 2015 Year End Adjustments*

The Clerk read Bill No. 4 – 2016 – Amending 2016 Sewer Fund Budget sponsored by Mr. Callahan and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2016 SEWER FUND BUDGET.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipini, and Mr. Reynolds, 7. Bill No. 4 – 2016 was passed on First Reading.

E. *Bill No. 5 – 2016 – Amending Sewer Capital Fund Budget - 2015 Year End Adjustments*

The Clerk read Bill No. 5 – 2016 – Amending 2016 Sewer Capital Fund Budget sponsored by Mr. Callahan and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2016 SEWER CAPITAL FUND BUDGET.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipini, and Mr. Reynolds, 7. Bill No. 5 – 2016 was passed on First Reading.

F. *Bill No. 6 – 2016 – Amending Water Capital Fund Budget - 2015 Year End Adjustments*

The Clerk read Bill No. 6 – 2016 – Amending 2016 Water Capital Fund Budget sponsored by Mr. Callahan and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2016 WATER CAPITAL FUND BUDGET.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipini, and Mr. Reynolds, 7. Bill No. 6 – 2016 was passed on First Reading.

G. *Bill No. 7 – 2016 – Amending Community Development Budget - 2015 Year End Adjustments*

The Clerk read Bill No. 7 – 2016 – Amending 2016 Community Development Budget sponsored by Mr. Callahan and Mr. Waldron and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2016 COMMUNITY DEVELOPMENT BUDGET.

Ms. Negrón-Dipini stated she needs to abstain from voting on this Ordinance because

she is a Board Member for CACLV and her husband is a Board Member for North Penn Legal Services; therefore she will abstain on this vote.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 6. Ms. Negrón-Dipini abstained, 1. Bill No. 7 – 2016 was passed on First Reading.

9. RESOLUTIONS

A. *Authorizing Certificate of Approval – Vendor License Renewal – Easy Weenies*

Mr. Martell and Mr. Callahan sponsored Resolution No. 2016-056 that authorized a Sidewalk Vendor Renewal Application for the Easy Weenies sidewalk vendor cart and operation for the renewal period of March 20, 2016 to March 20, 2017.

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

B. *Approving Fourth Amendatory Agreement – Silk Mill Apartments, L.P. Peron Silk Mill, L.P. and Redevelopment Authority*

Mr. Martell and Mr. Reynolds sponsored Resolution 2016-057 that approved the execution of a Fourth Amendatory Agreement between the Redevelopment Authority of the City of Bethlehem and Silk Mill Apartments, L.P. and Peron Silk Mill, L.P. The Redevelopment Authority is authorized to execute the Agreement, and the several agreements and transfers of title regarding development of the Silk Mill site since the time of the original agreement dated December 6, 2004 and recorded in the Office of the Recorder of Deeds in and for the County of Northampton at Easton, Pennsylvania in Deed Book 2005-1, Page 254147 on July 8, 2005 (hereinafter called “Redevelopment Agreement”), are hereby ratified.

Mr. Callahan stated he will not be voting on Agenda item 9 B due to a possible conflict with the company that his brother works for; therefore he will be abstaining on this vote.

Voting AYE: Mr. Waldron, Mr. Colón, Mr. Evans, Mr. Martell, Ms. Negrón-Dipini, and Mr. Reynolds, 7. Mr. Callahan abstained, 1. The Resolution passed.

C. *Authorizing Use Permit Agreement- Work to Live, LLC d/b/a Run Lehigh Valley – Brew to Brew Run*

Mr. Martell and Mr. Callahan sponsored Resolution No. 2015-58 that authorized a Use Permit Agreement for public property with Work to Live, LLC d/b/a Run Lehigh Valley for Nevin Place for the Brew to Brew Run Event April 16, 2016.

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

D. *Authorizing Contract – Highway Materials Inc.*

Mr. Waldron and Mr. Evans sponsored Resolution 2016-059 that authorized to execute an agreement with Highway Materials Inc. for bituminous paving materials and sealers.

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

E. *Authorizing Contract – New Enterprise Stone & Lime Co., Inc.*

Mr. Callahan and Mr. Waldron sponsored Resolution 2016-060 that authorized to execute an agreement with New Enterprise Stone & Lime Co., Inc. for stone aggregates.

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

F. *Authorizing Grant Application – PADCED Alternative and Clean Energy Grant*

Mr. Martell and Mr. Callahan sponsored Resolution 2016-061 that authorized the application of an Alternative and Clean Energy grant of up to \$1,200,000 from the Commonwealth Financing Authority to be used for engineering and construction of a digester gas cogeneration facility at the City's Wastewater Treatment Plant.

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

G. *Certificate of Appropriateness – 127-129 East Third Street*

Mr. Callahan and Ms. Negrón-Dipiní sponsored Resolution No. 2016-062 that granted a Certificate of Appropriateness to install signs at 127-129 East Third Street.

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

H. *Certificate of Appropriateness – 502 East Fourth Street*

Mr. Callahan and Ms. Negrón-Dipiní sponsored Resolution No. 2016-063 that granted a Certificate of Appropriateness to do interior renovations and building code improvement; install a new exterior canopy, ADA ramp and stairs and restore exterior façade where required at 502 East Fourth Street.

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

I. *Certificate of Appropriateness – 31 East Church Street*

Mr. Callahan and Ms. Negrón-Dipiní sponsored Resolution No. 2016-064 that granted a Certificate of Appropriateness to install a fence in the rear yard on the side property lines at 31 East Church Street.

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

J. *Certificate of Appropriateness – 234 East Market Street*

Mr. Callahan and Mr. Waldron sponsored Resolution No. 2016-065 that granted a Certificate of Appropriateness to replace windows and construct an enclosed porch at the rear of the house at 234 East Market Street.

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

10. NEW BUSINESS

Committee Meeting Announcement

Chairman Evans announced two meetings for the Parks and Public Property Committee. The first will be Monday, March 28, 2016 at 4:00 pm in Town Hall and the subjects will be: Proposed Special Regulations for Saucon Park, and Illick's Mill Monocacy Park recreation areas as well as amendments for Article 941 which covers Parks. The second meeting will be Tuesday, April 19, 2016 at 6:30 pm in Town Hall and the subject will be a gift of real estate from LVIP.

Chairman Waldron announced on Tuesday, April 5, 2016 at 5:30 pm before the City Council Meeting there will be a Public Safety Committee Meeting. They will be discussing the 911 study that was recently completed and received by the City.

Chairman Martell announced there will be a Community Development Committee Meeting on Thursday, March 31, 2016 at 6:00 pm in Town Hall. The subject will be the Bethlehem Parking Authority parking demand and feasibility study.

11. PUBLIC COMMENT

City of Bethlehem Employees who live in Bethlehem

Alan Hoppey, 1303 Beverly Avenue, mentioned that we now have a new Assistant City Solicitor and asked if this was advertised or appointed. He wondered if we do not have any qualified people that live in the City of Bethlehem to handle a job like this.

President Reynolds noted that would be a question for the Administration, if they choose to answer it. This is an hire of the Administration; not City Council. Solicitor Leeson can answer this question after Mr. Hoppey's time to speak.

Mr. Hoppey added that he has something that really bothers him. It is a request that he made under the Right to Know Law. He made a request and it was said that his request was that there are approximately 610 employees for the City of Bethlehem but he wanted to know how many are not a resident of the City. Mr. Hoppey informed that the response he received was "the City does not maintain records responsive to your request; therefore we must deny your request. The Pennsylvania Right to Know Law supports this under 67.705 -Creation of a Record." Mr. Hoppey noted its says when responding to a request for access the agency shall not be required to create a record for which it does not currently exist or comply, maintain, format or organize a record. He queried are these people telling him we are sending checks out to municipalities and we do not keep a record of it, or the number of people we are sending it out to? He added that for five years in a row he has tracked the non-residents who work for the City of Bethlehem. We had money going to State College, Northern New Jersey and Columbia. We know that people do not live there but people are using these as their residences and that is where their Earned Income Tax is going. Mr. Hoppey queried if the City realizes how many thousands of dollars a year in Earned Income Tax goes out of the City for people who work for the City and are not residents. He remarked all you people do is preach about jobs to the City, they are not to the City, it does not help us taxpayers; it helps other municipalities. Then we turn around and we give ridiculous raises and give them cars to travel back and forth. If we keep going the way we are going, it will not be in his lifetime, but it will be in a few years you will end up with a Mayor from Freemansburg.

Solicitor Leeson stated he would be happy to answer the question with respect to the screening process for the Assistant City Solicitor. He noted it was well advertised; we published for a couple of weeks in seeking candidates. We received applications from candidates from as far as Pittsburgh and Washington, D. C., from Monroe County and the immediate area. Solicitor Lesson informed the primary qualifications were related to looking for people with experience, hands on experience serving at the Solicitor's will and performing Solicitor's tasks. We were not looking for people right out of law school who are seeking entry level work. Unfortunately, the predominant nature of the responses they receive were people looking for entry level jobs. Solicitor Leeson stated they had a few very qualified candidates and the candidate that was hired was by far the most qualified and we are happy to have Mr. Healy join us.

Water Problem by Handicapped Curb

Osama Attieh, 2004 Pinehurst Road, noted there is a handicapped curb in this area and when it rains all of the water gushes to the handicapped curb to his driveway and to the next door neighbor and sometimes it takes grass along with it. Mr. Attieh stated this is a problem when dirt gushes down and he would like to get this situation fixed. He stated he has pictures of the problem if Council would like to see them.

President Reynolds stated these pictures can be part of the record and Michael Alkhal, Director of Public Works would be able to speak to him after the meeting.

Mr. Attieh added that this water and dirt gushes down the curb from Pinehurst and sometimes this comes halfway up to his garage.

Mr. Attieh noted a few years ago he fixed this curb himself but then someone came with a jackhammer and told him they were putting in a handicapped curb but that caused problems for him.

Martin Tower Complex Plans

Stephen Antalics, 737 Ridge Street, stated he posed a question at the Community Development Committee meeting earlier tonight. The question was whether there has been any action or plan on the Martin Tower complex. He was told there was no new plan submitted but probing further he was told there were discussions between the Community Development Department and the developer. Mr. Antalics wondered if there is action on the project he would assume that the rationale would indicate that if the plan should be involve any variation that would imply a new plan. He remarked if there is no new plan then what is the nature of the discussions. Mr. Antalics noted this has been a very thorny issue in the past and it touches on transparency so the question is if there is no new plan then what is the reason to have discussions with the developer, what is the topic? He queried if Alicia Karner, Director of Community and Economic Development would answer that now, he looks forward to that. If they desire not to answer he would think that a member of Council would be interested because as our elected officials you are responsible to get answers for us. Mr. Antalics stated that just might be a legitimate question and at the next Council Meeting you could let us know what you found out. Mr. Antalics said he would appreciate that.

Snakes and Mice Smell from 125 East Third Street

Joe Pearl, stated he and his partner bought the old Martins Furniture building on the south side on East Third Street. They also bought the building two doors down. He stated they have spent over \$1.5 million dollars to renovate those two buildings, to bring them back to what the Historic South Side wanted them to do. Back in August he filed a complaint with the Health Bureau on a stench that was very bad coming from 125 East Third Street. They did not respond to him for at least four weeks. Mr. Pearl stated he called back and raised a little concern and they did send two inspectors out. At that point those two inspectors really did not do much of anything even though they agreed they smelled that smell. The smell was coming from 125 East Third Street which is where Dr. Gary Heckenberger raises snakes and mice in the basement. This has been going on since August so Mr. Pearl went back in January and they finally sent one of the inspectors regarding the odor. The inspector agreed that the smell is atrocious. Mr. Pearl stated he has students living in the upstairs; the Martins are moving into half of their old building. He also has a Chinese Restaurant on the left side and his partner and he are opening George's Light Lunch, which they purchased and are moving to the south side. Mr. Pearl stressed that the stench is unbearable; he is getting complaints. He will be opening up a deli, and the Martins are going to open their business at any point here for operations. The City gave him an answer that they sent Dr. Heckenberger a letter stating he had a week or two weeks to do something but nothing was done. He claimed he put some air fresheners in but the smell is as bad as it was before. Mr. Pearl found out this past week that the Health Bureau gave him 60-90 days to find a new location and that he had definitely cut down on his use of the snakes. This is the same person that 22 years ago told the City that he was working for Lehigh University with the snakes when in fact he had no contract with Lehigh. Mr. Pearl informed that he actually built Dr. Heckenberger's house, so it is not as if he has a vendetta against him. The problem is that we have businesses on the south side that we spent a lot of money to renovate. He continued the City is always looking for people to come in and renovate properties that are blighted; we have done this. All we are asking for is a little cooperation from the City. Mr. Pearl noted this is a nuisance which falls under an Ordinance for smell and noises. He noted that nothing is being done. The City is giving Dr. Heckenberger 60-90 days, which he thinks is ridiculous. He stated 30 days is enough time to shut this operation down and move the snakes or dispose of the snakes. Mr. Pearl added that he has people living there now and complaining to him about the situation. If people move out of these apartments and do not come to his businesses he will lose these rents and all the money he put into the south side will be useless. The problem they said to him was what can they do, these are living and breathing animals, but he has living and breathing human beings that are living in these buildings on both sides. This is not an appropriate place for these snakes and has not been and his response is that no one complained for 22 years but for 22 years these were blighted buildings that no one occupied. The Martins had their leftover furniture sitting in the old showroom. Mr. Pearl would really like to find out what City Council can do to resolve this issue quicker than 60-90

days. This has been going on since August and he does not think this is fair to his partner and him because they have invested a lot of money into these buildings.

Ms. Karner informed that she learned about this today. She does not have a lot of information regarding this matter at this time. It is a 60-day timeframe and the rationale from the Health Bureau was that usually when we are dealing with animals if it is not an immediate health issue or a problem with the animal we give them time to relocate. She does understand that initially he had agreed to put in a ventilation system that would have had an impact.

Mr. Pearl stated that is not true.

Ms. Karner advised that is what she was told. It is her understanding that the tenant has agreed to move the snakes outside of the City at this point.

Mr. Pearl stated his objection is that he has 60-90 days and this has been going on since August when he first registered a complaint with the Health Bureau.

President Reynolds queried if Mr. Pearl has spoken to Ms. Karner individually.

Mr. Pearl informed he has spoken to Kristen who is the head of the Health Bureau and Jessica has been the inspector. She is the one who told him that they just cannot kick living and breathing animals out of the building after 60-90 days. Mr. Pearl would like to know if the Health Bureau has gone back to the property. He does not believe they have since he has been told to put in ventilation or to move the animals. They told him that the tenant reduced the animals by 50% but does not know if anyone has verified that information.

President Reynolds suggested that Mr. Pearl have a conversation with Ms. Karner. The Health Bureau falls under her Department. President Reynolds thinks starting a dialogue and having a conversation with Ms. Karner would be easier for her to get that kind of timeline of events as well as letting him know if the inspector went out to the property and how they talked to him. They could have a conversation after this meeting with the opportunity to get that information.

Mr. Pearl stated he got the Right to Know so he does know the conversations and he knows how many times they have been there and it has been twice. No one has been back in that building since the inspector was there in January. The tenant has been notified to take care of the smell. Mr. Pearl advised he called Mr. Heckenberger and he told him why did he not put some ventilation in the hallways to get rid of the smell, but he did not create this problem and the City is allowing this to continue. Mr. Pearl knows what President Reynolds is saying and he will open up a dialogue with Ms. Karner.

President Reynolds mentioned sometimes situations like this occur by which the Administration is dealing with a current Ordinance or Resolution and if it is something where there needs to be an adjustment to what we have on the books, in the future, he would encourage Ms. Karner and the Health Department to look into this.

Ms. Karner stated that would be exactly what they are dealing with, to put us in a position where we would have a little more power. We certainly do not want to see snakes and more animals disrupt what would be a number of viable businesses in the downtown. Ms. Karner noted they are on the same page when it comes to that.

President Reynolds related that Ms. Karner will speak to Mr. Pearl after the meeting.

12. ADJOURNMENT

The meeting was adjourned at 7:51 p.m.

ATTEST:

City Clerk