

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street – Town Hall  
Bethlehem, Pennsylvania  
Tuesday, June 16, 2015 – 7:00 PM

INVOCATION

Father Anthony P. Mongiello, Pastor of St. Anne’s Church, offered the invocation which was followed by the pledge to the flag.

PLEDGE TO THE FLAG

1. ROLL CALL

President Reynolds called the meeting to order. Present were Bryan G. Callahan, Eric R. Evans, Michael D. Recchiuti, Cathy Reuscher, Louis N. Stellato, Adam Waldron, and J. William Reynolds, 7.

2. APPROVAL OF MINUTES

The Minutes of June 2, 2015 were approved.

3. PUBLIC COMMENT

*Impervious Coverage*

Albert Bernotas, 1004 Johnston Drive, remarked he hopes the vote tonight is 7-0 in favor of the Impervious Coverage. He inquired if anyone on Council was following up on donation drop boxes and the pods that we see in the City. He knows that Mr. Evans raised some concern about that.

President Reynolds noted that would be a topic for the second courtesy of the floor.

*Mayor’s Administrative Order*

Stephen Antalics, 737 Ridge Street, queried if Council would entertain any comments on the Mayor’s Administrative orders since they will be voting on them tonight.

President Reynolds replied yes.

Mr. Antalics mentioned the Administrative Order reappointing Beth Starbuck to the Historic Conservation Commission – South Bethlehem and Mount Airy and stated he takes strong exception to this reappointment. Mr. Antalics feels her behavior concerning the project on Fourth Street was not in the best interest of the people of the South Side. He referenced Ms. Starbuck’s opinion that the project was inappropriate but justified it on the basis of the building of Hotel Bethlehem in 1922. Mr. Antalics noted that Certificates of Appropriateness were not required when the hotel was built. He stated historic preservation did not enter in her rationale; rather there was an economic concern. He feels this was a violation of the Commission. For those reasons he feels this individual does not qualify to continue on the Commission.

4. OLD BUSINESS.

A. Members of Council

None.

B. Tabled Item

None.

C. Unfinished Business

None.

5. COMMUNICATIONS

A. *Director of Public Works – Vendor License Renewal – Easy Weenies*

The Clerk read a memorandum dated April 1, 2015 from Michael Alkhal, Director of Public Works, requesting a Resolution for a Sidewalk Vendor Application Renewal submitted by Chris Morales, Easy Weenies, for a sidewalk vending cart located at 15 West Fourth Street with proposed business hours of 10AM-6PM, 12AM-4AM Monday/Tuesday-Saturday/Sunday for the renewal period of March 20, 2015 to March 20, 2016. The Application Renewal Fee of \$400 has been paid, and the Renewal Application meets the requirements that include, but are not limited to, right of way permit, insurance, health, business privilege, etc. There appears to be no changes from the previous application.

President Reynolds stated Resolution 9 D is on the agenda.

B. *Director of Water and Sewer – Recommendation for Award – Pennoni Associates*

The Clerk read a memorandum from Edward Boscola, Director of Water and Sewer recommending a contract with Pennoni Associates Consulting Engineers, for the design, permitting, and construction of the 16" diameter water main and associated appurtenances along Rte. 512 between Jandl Boulevard in Hanover Township and Silver Crest Road in East Allen Township. The term of the contract is from the Notice to Proceed to December 31, 2017. The fee for the contract is \$159,900.

President Reynolds stated Resolution 9 E is on the agenda.

C. *Police Chief – Special Event Parking Fines - Musikfest*

The Clerk read a memorandum dated June 9, 2015 from Mark DiLuzio, Chief of Police, requesting consideration of a proposed Resolution and boundary map approving increased parking fines for Special Event Parking during Musikfest 2015. The time period covered will be from 12:00 PM on Friday, August 7, and last through 11:59 PM on Sunday, August 16, 2015. The Special Events Parking Districts will need to remain the same as last year, including the extension into the South Side.

President Reynolds stated the Resolution can be listed on the July 7, 2015 agenda.

D. *Mayor – Request to fill Vacancy – Custodian*

The Clerk read a memorandum from Mayor Robert J. Donchez requesting to fill the position of a Custodian I in the Parks and Public Property Department. The budgeted salary is \$39,353.

President Reynolds stated the Resolution can be listed on the July 7, 2015 agenda.

E. *Director of Planning and Zoning – DCED Grant Application Resolution Request*

The Clerk read a memorandum from Darlene Heller, Director of Planning and Zoning, requesting a Resolution in support of a grant application to the Department of Community and Economic Development for Trail Connections between the Delaware and Lehigh National Heritage Corridor and Monocacy Way. The grant request is for \$250,000 for completion of design, engineering and construction of the trail connections.

President Reynolds stated Resolution 9 F is on the agenda.

F. *City Solicitor – Use Permit Agreement – Hot Air Balloon Take Off*

The Clerk read a memorandum dated June 11, 2015 from William P. Leeson, Esq., City Solicitor, to which was attached a proposed Resolution and Use Permit Agreement between Richard Scott Kelley and Has Anyone Seen My Balloon?, Inc. and the City of Bethlehem for use of the listed City properties for a Hot Air Balloon Take Off for the time period June 1, 2015 to December 31, 2015, according to the Agreement.

President Reynolds stated Resolution 9 G is on the agenda.

G. *City Solicitor – Use Permit Agreement – BMX Bike Event*

The Clerk read a memorandum from William P. Leeson, Esq., City Solicitor attached to which is a proposed Resolution and associated Use Permit for the BMX Event at ArtsQuest. The duration of the agreement is July 11, 2015. The location is First Street from Founders Way to the eastern terminus.

President Reynolds stated the Resolution can be put on the July 7, 2015 agenda.

H. *City Solicitor – Use Permit Agreement Yuengling Summer Concert Series.*

The Clerk read a memorandum from William P. Leeson, Esq., City Solicitor attached to which is a proposed Resolution and associated Use Permit for the Yuengling Summer Concert Series at ArtsQuest. The duration of the agreement is July 12, July 20, and September 25, 2015. The location is First Street from Ruins East Driveway to the eastern terminus and Founders Way from First Street to Second Street.

President Reynolds stated the Resolution can be put on the July 7, 2015 agenda.

6. REPORTS

A. *President of Council*

1. *Councilmanic Appointment – Jane Gill – Library Board*

President Reynolds appointed Jane Gill to membership on the Library Board to fill the unexpired term of Kathy Weil who resigned. This appointment is effective until January, 2017. Mr. Stellato and Mr. Evans sponsored Resolution 2015-135 to confirm the appointment.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato and Mr. Reynolds, 7. The Resolution passed.

2. *Councilmanic Appointment – Kalyna Procyk – Environmental Advisory Council*

President Reynolds appointed Kalyna Procyk to membership on the Environmental Advisory Council to fill the unexpired term of Anne Felker who resigned. This appointment is effective until January, 2018. Mr. Recchiuti and Mr. Stellato sponsored Resolution 2015-136 to confirm the appointment.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato and Mr. Reynolds, 7. The Resolution passed.

B. *Mayor*

1. *Administrative Order –Thomas Barker– City Planning Commission*

Mayor Donchez reappointed Thomas Barker to membership on the City Planning Commission effective through May, 2020. Mr. Recchiuti and Mr. Stellato sponsored Resolution 2015-137 to confirm the reappointment.

Mr. Evans reported he will be supporting all three Administrative Orders for the Historic Conservation Commission. He remarked that he attended several meetings this year and saw how well the work. They were well prepared and engaged in debate with attention to details. Mr. Evans noted he is impressed by what he has seen and hopes they all will be approved tonight.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato and Mr. Reynolds, 7. The Resolution passed.

2. *Administrative Order –Dale Sensenig– Plumber’s Examining Board*

Mayor Donchez reappointed Dale Sensenig to membership on the Plumber’s Examining Board effective through June, 2019. Mr. Recchiuti and Mr. Stellato sponsored Resolution 2015-138 to confirm the reappointment.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato and Mr. Reynolds, 7. The Resolution passed.

3. *Administrative Order –Philip A. Roeder– Historic Conservation Commission – South Bethlehem and Mount Airy*

Mayor Donchez reappointed Philip A. Roeder to membership on the Historic Conservation Commission – South Bethlehem and Mount Airy effective through April, 2018. Mr. Evans and Mr. Recchiuti sponsored Resolution 2015-139 to confirm the reappointment.

President Reynolds stated he wanted to add to Mr. Evans' comments regarding the reappointments to the Commission. He too will be supporting all three reappointments to the Historic Conservation Commission – South Bethlehem and Mount Airy. President Reynolds informed he is happy to see all three being reappointed and believes that all have served the City well as members of the Commission. He added, they understand their role on the Commission well, and take into account the needs of the Historic Conservation Commission and the needs of the neighborhood.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato and Mr. Reynolds, 7. The Resolution passed.

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

Mayor Donchez reappointed Beth Starbuck to membership on the Historic Conservation Commission – South Bethlehem and Mount Airy effective through April, 2018. Mr. Evans and Mr. Recchiuti sponsored Resolution 2015-140 to confirm the reappointment.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato and Mr. Reynolds, 7. The Resolution passed.

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

Mayor Donchez reappointed Gary A. Lader to membership on the Historic Conservation Commission – South Bethlehem and Mount Airy effective through April, 2018. Mr. Evans and Mr. Recchiuti sponsored Resolution 2015-141 to confirm the reappointment.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato and Mr. Reynolds, 7. The Resolution passed.

*911 Emergency Communication Center, Citizens Academy*

Mayor Donchez stated that he believes that the Senate this afternoon passed legislation ensuring the continued existence of 911 emergency communications centers in Bethlehem and Allentown. Mayor Donchez noted we are half way there, so now it will go to a Conference Committee.

Mayor Donchez informed they will be advertising the Citizens Academy on our web page this week or the following week. It is anticipated that the program will run from September through October.

C. *Finance Committee*

Mr. Recchiuti, Chairman of the Finance Committee, presented an oral report of the meeting that was held prior to the City Council Meeting at 6:00 PM in Town Hall. The Committee voted to recommend for approval the following: Transfer of Funds – Non-Utility Capital Budget – Emergency Response Truck, Transfer of Funds – Non-Utility Capital Budget – Salt Storage Facility, Amending General Fund – City Health and Escrow, Amending Non-Utility Capital Budget – Northampton County Gaming Grant – Fire Apparatus Replacement plan, Ambulance, and Greenway/Hobart Connection, Amending Water Capital Fund – 2014 Bond Issue, Transfer of Funds – Service Line New/Renewal – Replace Rehabilitate Distribution System, and Parking Authority Debt Refinancing.

7. ORDINANCES FOR FINAL READING

None.

8. NEW ORDINANCES

A. *Bill No. 26 – 2015 – Amending Section 1318.28 of the Zoning Ordinance – Tree Conservation*

The Clerk read Bill No. 26 – 2015 – Amending Section 1318.28 of the Zoning Ordinance – Tree Conservation, sponsored by Mr. Callahan and Ms. Reuscher and titled:

AN ORDINANCE AMENDING SECTION 1318.28 OF THE ZONING  
ORDINANCE OF THE CITY OF BETHLEHEM, PENNSYLVANIA,  
AS AMENDED ENTITLED TREE CONSERVATION

Voting AYE: Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato and Mr. Reynolds, 7. Bill No. 26-2015 was passed on First Reading.

B. *Bill No. 27 – 2015 – Amending Article 1347.10 – Subdivision and Land Development Ordinance*

The Clerk read Bill No. 27 – 2015 – Amending Article 1347.10 – Subdivision and Land Development Ordinance, sponsored by Mr. Recchiuti and Mr. Callahan and titled:

AN ORDINANCE AMENDING ARTICLE 1347.10 OF THE  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE  
OF THE CITY OF BETHLEHEM, PENNSYLVANIA AS  
AMENDED, ENTITLED RECREATION LAND AND FEES

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato and Mr. Reynolds, 7. Bill No. 27-2015 was passed on First Reading.

C. *Bill No. 17 – 2015 – Amending Section 1306.01 (a) – Zoning Ordinance – Impervious Coverage*

The Clerk read Bill No. 17 – 2015 – Amending Section 1306.01 (a) – Zoning Ordinance – Impervious Coverage as amended, sponsored by Mr. Recchiuti and Mr. Stellato and titled:

AN ORDINANCE AMENDING ARTICLE 1306.01 (A) OF THE  
ZONING ORDINANCE OF THE CITY OF BETHLEHEM,  
PENNSYLVANIA, AS AMENDED, ENTITLED DIMENSIONAL  
REGULATIONS FOR THE R-R RESIDENTIAL DISTRICT,  
CREATING A MAXIMUM IMPERVIOUS COVERAGE IN THE  
R-R AND R-S DISTRICTS

Amendment 1 – Bill No. 17 – 2015

The Clerk read Amendment 1 to Bill No. 17, sponsored by Mr. Evans and Ms. Reuscher, as follows:

SECTION 1. That current Section 1306.01.a of the Zoning Ordinance, as amended, shall be amended to include the following:

1306.01.a. Dimensional Regulations for Residential Districts.

The following new column shall be added to the RR and RS Residential District Categories:

Maximum Impervious Coverage

The following amount shall be added to the uses in the ~~RR~~ and RS Residential District Category:

75%

Shall be amended to read as follows:

1306.01.a. Dimensional Regulations for Residential Districts.

The following new column shall be added to the RR and RS Residential District Categories:

Maximum Impervious Coverage

The following amount shall be added to the uses in the RR Residential District Category:

50%

The following amount shall be added to the uses in the RS Residential District Category:

75%

President Reynolds noted this reflects the change that was sent to the Planning Commission.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato and Mr. Reynolds, 7. Bill No. 17-2015 was passed on First Reading.

9. RESOLUTIONS

A. *Authorizing Use Permit – ArtsQuest – Sabor Event*

Mr. Stellato and Mr. Evans sponsored Resolution No. 2015-142 that authorized a Use Permit Agreement with ArtsQuest for the Sabor Event June 19, 2015 from 5:00PM to 12:00 midnight and June 20, 2015 from 5:00PM. to 12:00 midnight.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato and Mr. Reynolds, 7. The Resolution passed.

B. *Authorizing Use Permit – ArtsQuest – July 4<sup>th</sup> Celebration*

Mr. Stellato and Mr. Evans sponsored Resolution No. 2015-143 that authorized a Use Permit Agreement with ArtsQuest for the July 4<sup>th</sup> Celebration July 4, 2015 from 3:00 p.m. to 12:00 midnight.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato and Mr. Reynolds, 7. The Resolution passed.

C. *Authorizing Use Permit – ArtsQuest – Musikfest – Streets*

Mr. Stellato and Mr. Evans sponsored Resolution 2015-144 that authorized the execution of Amendment No. 1 to the Use Permit Agreement for Streets between the City of Bethlehem and ArtsQuest for Musikfest, according to the Agreement.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato and Mr. Reynolds, 7. The Resolution passed.

D. *Approving Vendor License Renewal – Easy Weenies*

Mr. Stellato and Mr. Evans sponsored Resolution No. 2015-145 that granted approval of a Sidewalk Vendor Renewal Application for a sidewalk vendor cart for Christopher Morales, Easy Weenies, at 15 West Fourth Street, for the hours of 10:00AM – 6:00PM, 12:00AM – 4:00AM, Monday/Tuesday through Saturday/Sunday, for the renewal period March 20, 2015 to March 20, 2016.

Mr. Recchiuti queried if Mr. Morales has been operating for three months without a permit because this is backdated to March 20<sup>th</sup>.

Michael Alkhal, Director of Public Works does not believe he is but not certain at this time. He remarked he has not sent an inspector to check if he is out there or not, so he cannot say whether he has been or not operating the vendor cart.

Mr. Recchiuti noted this is the second or third year in a row that a renewal for this has been well after the permit expired. He queried whether this is the fault of Mr. Morales or the City.

Mr. Alkhal noted Mr. Morales has to come in for this permit and we did remind him. He continued, it does take a while for him to get in to renew his permit. The process includes the fact that he does have to get various approvals and the timing did not line up perfectly this year. Mr. Alkhal added that we are still struggling trying to get all the approvals in the same timeframe and we finally have done that now.

Mr. Evans remarked he does have the same concerns as to whether this is a process or a vendor issue. He noted if it is related to the process maybe we can help if there are any changes we can make. We only have one street vendor. It does seem to be that this is always a few months late. If it is a

vendor issue then maybe someone from the Department could speak with him so this does not become a habit where he is not following the rules that we have set. Mr. Evans stated this is just the concern he has regarding this matter.

Mr. Alkhal reported they have discussed this with the vendor repeatedly each year.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato and Mr. Reynolds, 7. The Resolution passed.

E. *Authorizing Contract – Pennoni Associates Consulting Engineers*

Mr. Evans and Mr. Recchiuti sponsored Resolution No. 2015-146 that authorized the execution of a contract with Pennoni Associates Consulting Engineers for the water main extension along Route 512.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato and Mr. Reynolds, 7. The Resolution passed.

F. *Approve - DCED Grant Application Resolution Request*

Mr. Evans and Mr. Recchiuti sponsored Resolution 2015-147 that authorized a Resolution in support of a grant application to the Department of Community and Economic Development for Trail Connections between the Delaware and Lehigh National Heritage Corridor and Monocacy Way. The grant request is for \$250,000 for completion of design, engineering and construction of the trail connections.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato and Mr. Reynolds, 7. The Resolution passed.

G. *Authorize Use Permit Agreement – Has Anyone Seen My Balloon?*

Mr. Evans and Mr. Recchiuti sponsored Resolution No. 2015-148 that authorized a Use Permit Agreement with Richard Scott Kelley and Has Anyone Seen My Balloon?, Inc. and the City of Bethlehem for use of the listed City properties for a Hot Air Balloon Launches for the time period June 1, 2015 to December 31, 2015, according to the Agreement.

Voting AYE: Mr. Waldron, Mr. Callahan, Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato and Mr. Reynolds, 7. The Resolution passed.

10. NEW BUSINESS.

None.

11. PUBLIC COMMENT.

*Impervious Coverage, Zoning/Law/Code Enforcement, Streaming of Meetings*

Albert Bernotas, 1004 Johnston Drive, stated he would like to thank Mr. Recchiuti for catching the 50% on the impervious coverage and added we will miss having a lawyer on Council. Mr. Bernotas stated he was hoping that the donation drop boxes and pods were not forgotten about. He believes in the past Mr. Evans has asked Planning to take a look at that issue. He was not certain if it would be appropriate at this moment to respond to this matter.

President Reynolds stated Mr. Bernotas should ask Planning after the meeting. This is something Council has reached out to the Administration about before but he does think that someone from the Administration would be able to tell him after the meeting.

Mr. Bernotas noted there are a few things he would like to see in the City. He would like to emphasize zoning enforcement, law enforcement and code enforcement. He believes that everyone has probably already heard the terminology of the broken windows concept in that you need to fix the small problems to make sure the big problems do not become an issue. Mr. Bernotas mentioned he had heard there were to be Police Officers on the south side on bicycles. He thinks that is a terrific measure so they are in a place where crime is taking place and enabling them to quickly respond. Mr. Bernotas noted that the Police Department publishes a crime report everyday which he does read just about every day, even if he is out of town because it is on the web. There are a few things the City does not publish which he would like to see. He would like to see zoning enforcement publish what zoning complaints occurred and how they were resolved. He continued he would also like to see code

enforcement published, hopefully on a daily basis, the code violations that occurred and how they were resolved. Mr. Bernotas mentioned permit publishing is occurring now but it is occurring 15-20 days after the close of the month. He added, you cannot appeal a permit after 30 days, although he is not sure of the law. Mr. Bernotas spoke about streaming of these meetings which came up years ago. Mr. Bernotas hopes that Council would take a look at maybe some potential for streaming Council meetings, zoning meetings and other meetings without it costing too much. There are times when he cannot make these meetings and he would love to be able to stream these meetings or maybe look at a tape.

*Public Comment/Five Minute Rule*

Stephen Antalics, 737 Ridge Street, stated he wanted to continue his campaign to bring back interaction between Council and the citizens. Mr. Antalics feels the five minutes rule for the public comment and lack of comments by Council is disrespectful. He referenced a non-profit owing the City funds and receiving free utilities while having events, and violating the use of City property. He continued this went to a Grand Jury, reflecting that the citizens were raising the issue and should have received answers. He added, a conclusion could be that Council does not care or it was following its policy of no comments if an issue is sensitive, and since the person involved with the non-profit was a member of Council, perhaps Council was protecting one of their own.

Mr. Antalics remarked it seems that citizens are important every four years, when they receive phone calls and mailers during the election campaign. Mr. Antalics noted after the candidates are elected, they then become a member of the club. Mr. Antalics thinks that Council needs to review their policies; eliminate the five minute public comment rule and use the gavel for control. He feels each Member of Council should be independent of the other six members and act accordingly based upon the needs of the citizens and comments they might make. Mr. Antalics noted that not interacting with the citizens is not democratic and a violation of public meetings. Mr. Antalics advises those running for Council to pay attention to this and do not fall into that trap. Mr. Antalics then asked if he could have 15 more seconds.

President Reynolds stated no and that we have a five minute time limit. He added all Council Members are available after the meeting.

Mr. Antalics stated President Reynolds just proved his point.

President Reynolds reiterated we are all available after the meeting if he would like to come up to have a conversation with us.

12. ADJOURNMENT

The meeting was adjourned at 7:40 p.m.

ATTEST:

City Clerk