

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

INVOCATION

Reverend Don Garrett, of Unitarian Universalist Church of the Lehigh, 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 Michael G. Colón, Eric R. Evans, Shawn M. Martell, Olga Negrón-Dipini, Adam R. Waldron and J. William Reynolds, 6. Bryan G. Callahan was absent, 1.

2. APPROVAL OF MINUTES

The Minutes of April 19, 2016 and May 3, 2016 were approved.

3. PUBLIC COMMENT

None.

4. OLD BUSINESS.

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

None.

5. COMMUNICATIONS

A. *Police Department – JAG Grant Memo*

The Clerk read a memorandum from Police Lieutenant Scott Meixell, to which is attached a Resolution for the 2016 Edward Byrne Memorial Justice Assistance Grant. The grant in the amount of \$20,854 will be used by the Police Department to continue improvements in computer hardware and software. A public hearing must be held to give interested parties opportunity to comment regarding the funding to be received by the Police Department.

*Motion –Schedule Public Hearing*

President Reynolds stated he will accept a motion to schedule a Public Hearing on June 21, 2016.

Mr. Waldron and Mr. Martell moved to schedule the Public Hearing.

Voting AYE: Ms. Negrón-Dipini, Mr. Waldron, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 6. The Motion passed.

President Reynolds stated the Public Hearing will be held on Tuesday, June 21, 2016.

B. *Recommendation for Award – Allied Environmental Signage*

The Clerk read a memorandum from Darlene Heller, Director of Planning recommending a contract with Allied Environmental Signage for Phase I of the Citywide Wayfinding Signage Program, which consists of fabricating and installing freestanding and pole mounted signs to be installed at various locations throughout the City. The term of the contact is 120 days from the notice to proceed. The fee for the contract for Phase I is \$53,900.

President Reynolds stated Resolution 9 G is on the agenda.

6. REPORTS

A. *President of Council*

B. *Mayor*

1. *Administrative Order – Barbara Pearson – Fine Arts Commission*

Mayor Donchez reappointed Barbara Pearson to membership on the Fine Arts Commission effective through June, 2019. Mr. Martel and Negrón-Dipini sponsored Resolution 2016-121 to confirm the reappointment.

Voting AYE: Ms. Negrón-Dipini, Mr. Waldron, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 6. The Resolution passed.

2. *Administrative Order – Mary Mulder – Fine Arts Commission*

Mayor Donchez reappointed Mary Mulder to membership on the Fine Arts Commission effective through June, 2019. Mr. Martell and Ms. Negrón-Dipini sponsored Resolution 2016-122 to confirm the reappointment.

Voting AYE: Ms. Negrón-Dipini, Mr. Waldron, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 6. The Resolution passed.

2. *Administrative Order – Joy T. Cohen – City Planning Commission*

Mayor Donchez reappointed Joy T. Cohen to membership on the City Planning Commission effective through June, 2021. Mr. Martell and Mr. Waldron sponsored Resolution 2016-123 to confirm the reappointment.

Voting AYE: Ms. Negrón-Dipini, Mr. Waldron, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 6. The Resolution passed.

C. *Committee Reports*

*Community Development Committee*

Chairman Martell stated the Community Development Committee met on Wednesday, May 18, 2016 at 6:00 PM in Town Hall. The Members of the Committee received an update on ArtsQuest from ArtsQuest President Kassie Hilgert. This was for information only and no action was taken by the Committee.

7. ORDINANCES FOR FINAL READING

A. *Bill No. 13 – 2016 – Establishing Article 1162 – Solid Waste Collection and Enforcement*

The Clerk read Bill No. 13 – 2016, Establishing Article 1162 – Solid Waste Collection and Enforcement, on Final Reading.

Voting AYE: Ms. Negrón-Dipini, Mr. Waldron, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 6. Bill No. 13 – 2016, now known as Ordinance No. 2016-14, was adopted on Final Reading.

B. *Bill No. 14 – 2016 – Amend Article 1161 – Health Nuisances*

The Clerk read Bill No. 14 – 2016, Amending Article 1161 – Health Nuisances, on Final Reading.

Voting AYE: Ms. Negrón-Dipiní, Mr. Waldron, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 6. Bill No. 14 – 2016, now known as Ordinance No. 2016-15, was adopted on Final Reading.

C. *Bill No. 15 – 2016 – Amending General Fund Budget*

The Clerk read Bill No. 15 – 2016, Amending General Fund Budget, on Final Reading.

Voting AYE: Ms. Negrón-Dipiní, Mr. Waldron, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 6. Bill No. 15 – 2016, now known as Ordinance No. 2016-16, was adopted on Final Reading.

D. *Bill No. 16 – 2016 – Amending Sewer Fund Budget*

The Clerk read Bill No. 16 – 2016, Amending Sewer Fund Budget, on Final Reading.

Voting AYE: Ms. Negrón-Dipiní, Mr. Waldron, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 6. Bill No. 16 – 2016, now known as Ordinance No. 2016-17, was adopted on Final Reading.

E. *Bill No. 17 – 2016 – Amending Sewer Capital Fund Budget*

The Clerk read Bill No. 17 – 2016, Amending Sewer Capital Fund Budget, on Final Reading.

Voting AYE: Ms. Negrón-Dipiní, Mr. Waldron, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 6. Bill No. 17 – 2016, now known as Ordinance No. 2016-18, was adopted on Final Reading.

F. *Bill No. 18 – 2016 – Amending Capital Budget for Non-Utilities*

The Clerk read Bill No. 18 – 2016, Amending Capital Budget for Non-Utilities, on Final Reading.

Voting AYE: Ms. Negrón-Dipiní, Mr. Waldron, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 6. Bill No. 18 – 2016, now known as Ordinance No. 2016-19, was adopted on Final Reading.

G. *Bill No. 19 – 2016 – Amending Community Development Budget*

The Clerk read Bill No. 19 – 2016, Amending Community Development Budget, on Final Reading.

Voting AYE: Ms. Negrón-Dipiní, Mr. Waldron, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 6. Bill No. 19 – 2016, now known as Ordinance No. 2016-20, was adopted on Final Reading.

8. NEW ORDINANCES

None.

9. RESOLUTIONS

A. *Authorizing Use Permit Agreement – Bethlehem Chamber of Commerce – Bethlehem's 275<sup>th</sup> Anniversary*

Mr. Martell and Ms. Negrón-Dipiní sponsored Resolution 2016-124 that authorized a Use Permit Agreement with the Bethlehem Chamber of Commerce for Bethlehem's 275<sup>th</sup> Anniversary.

Voting AYE: Ms. Negrón-Dipiní, Mr. Waldron, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 6. The Resolution passed.

*Motion – Considering Resolutions 9 B through 9 F as a Group – Certificates of Appropriateness*

Mr. Martell and Ms. Negrón-Dipini moved to consider Resolutions 9 E through 9 I as a group.

Voting AYE: Ms. Negrón-Dipini, Mr. Waldron, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 6. The Motion passed.

*B. Certificate of Appropriateness – 216 West Third Street*

Mr. Waldron and Mr. Evans sponsored Resolution 2016-125 that granted a Certificate of Appropriateness to install horizontal mullions to casement windows and keep shed roof at 216 West Third Street

*C. Certificate of Appropriateness – 301 Broadway*

Mr. Waldron and Mr. Evans sponsored Resolution 2016-126 that granted a Certificate of Appropriateness to install a signage plaque at the main entrance at 301 Broadway.

*D. Certificate of Appropriateness – 407-409 Vine Street*

Mr. Waldron and Mr. Evans sponsored Resolution 2016-127 that granted a Certificate of Appropriateness to strip and repaint the existing trim and decorative woodwork on the west façade at 407-409 Vine Street.

*E. Certificate of Appropriateness – 25 East Third Street*

Mr. Waldron and Mr. Evans sponsored Resolution 2016-128 that granted a Certificate of Appropriateness to replace tile and install window signs at 25 East Third Street.

*F. Certificate of Appropriateness – 324 South New Street*

Mr. Waldron and Mr. Evans sponsored Resolution 2016-129 that granted a Certificate of Appropriateness to discuss changes to the proposal and review materials at 324 South New Street.

Voting AYE on Resolutions 9 B through 9 F: Ms. Negrón-Dipini, Mr. Waldron, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 6. The Resolutions passed.

*G. Approving Contract – Allied Environmental Signage*

Mr. Martell and Ms. Negrón-Dipini sponsored Resolution 2016-130 that authorized a contract with Allied Environmental Signage for the Citywide Wayfinding Signage Program.

Voting AYE: Ms. Negrón-Dipini, Mr. Waldron, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 6. The Resolution passed.

10. NEW BUSINESS

*Committee Meeting Announcement*

Chairman Waldron announced a joint Public Safety and Community and Economic Development Committee Meeting which will occur Tuesday, June 21, 2016 at 6:00 PM before the City Council Meeting in Town Hall. We will be discussing and reviewing an Ordinance to establish a new Article 740 which is Anti-Panhandling and also a new Article 742 which is Anti-Graffiti.

11. PUBLIC COMMENT

*2200 Industrial Drive*

John Favere, 5424 Gator Terrace, North Port, Florida, remarked that he wanted to bring 2200 Industrial Drive in Bethlehem to the attention of Council and the Mayor. Robert

Amsterdam is an attorney out of London and he also has an office in Washington, D. C. and he is handling the case against Fethullah Gulen in the United States who is located on Mount Eaton Road in Saylorsburg, Pennsylvania. He is aware that Mr. Favere will be attending tonight's meeting in Bethlehem, Pennsylvania at the Council Meeting and again, he would like to bring some things to the attention of Council. Mr. Favere asked if Bethlehem Council did any investigation on the owner or the people involved with the school at 2200 Industrial Drive. He asked if Bethlehem is aware that Robert Amsterdam filed a lawsuit against Fethullah Gulen on December 7, 2015 in a court of law in Pennsylvania regarding Charter Schools throughout the United States. Mr. Favere noted that last week he spoke with the Bethlehem Zoning Officer and she said that Mr. Gulen has a nice website and the people are very nice. He asked questions about the property at 2200 Industrial Drive. He remarked on May 21, 2016, Mr. Gulen's nephew was arrested in the Country of Turkey. This school should have been looked at more closely before opening in the district of Bethlehem. Mr. Favere stated he has spoken to many Congressmen and State Officials, some FBI agents and others involved in this case throughout the United States and throughout different parts of the world with regard to Fethullah Gulen. He added that he has been threatened, not by his life, but by a situation where they said they would destroy him financially. Mr. Favere will continue to fight against Fethullah Gulen even though he is an alleged terrorist. Keep in mind that they call Fethullah Gulen a clergyman but if he is a clergyman why does he need 24 hour armed guards surrounding his compound on Mount Eaton Road and why do they need to carry semi-automatic weapons? Mr. Favere thinks this school should never have been opened without an investigation knowing that the Charter Schools throughout the United States are under investigation. The only reason why the United States will not put him as a terrorist is because there are too many people involved. Over 200 Congressman are involved and Hillary Clinton took over \$2 million in donations from Fethullah Gulen. He thanked Council for letting him speak tonight.

*Bella Vista Drive/Public Access*

Donald Miller, 245 Bella Vista Drive, Hanover Township, thanked the Mayor for addressing their recent concerns and Council for the time to speak. He mentioned that he is a representative for the residents at Bella Vista Drive in Hanover Township. We are here because Hanover Township and our community are speaking about the fact that we need a public road. We have had no public road access to the 13 homes within Bella Vista Acres. Hanover Township told us they will not meet with us about discussing building a road. They have made a commitment to build a road, but they will not do that until Bethlehem City sits down and agrees to join in that meeting. Mr. Miller thinks that this is a Hanover Township issue and he takes it from the letter from the Mayor that you also think this is a Hanover Township issue and you would believe and support the notion that Hanover Township build us a road without any conversations from Bethlehem. Mr. Miller stated they are at this meeting to ask your indulgence to maybe come to a meeting with Hanover Township, send your Solicitor to meet with our Solicitor to satisfy them because it is a serious public safety issue. He mentioned over many years and mostly the last 11 years our community has had no public access or no safe access or egress in or out of our neighborhood. We have spoken with Hanover Township about this and initially it had to do with bridge repair and driving across the bridge to get to Center Street. The real need is the fact that we need public access. The interior road of our Community is managed and owned by Hanover Township and they maintain that but we are the only segment of any of the streets within the Township that is not directly joined to other township roads. Every day people must either go out by Center Street or as Hanover Township has now told us we can use this road that they told us we could not use for the past 11 years, now they say go ahead, go this way. We have had disputes about if they are authorized to have us use such access because it is not a public road. It is an emergency road that was constructed in the aftermath of Hurricane Ivan and it sits on personal property. Mr. Miller stated they are asking for the City to indulge us, come to this meeting, get Hanover Township off the dime so we can make some progress and satisfy this very serious public safety issue. Over the years there were many accidents with damage to automobiles. There have fortunately been no injuries but that could happen any day. Mr. Miller reiterated that it has been 11 years and 30 plus people in this community are going in and out at their peril every day. He is asking for help.

Gerry Sylvester, 200 Bella Vista Drive, Hanover Township, stated he feels funny saying he lives in Hanover Township and has to come to Bethlehem to get some kind of cooperation on a road that is not even in the jurisdiction of Bethlehem. Mr. Sylvester stated he has been attending many meetings with representatives and he appreciates all of the time that all of you put in to lead the municipality that you work at. Tonight's meeting was quick, fun and well run

and he commends Council for that. He also wanted to commend the Mayor. He has read the Mayor's letter and he senses that it was clear, concise and supportive, and we agree on all the points. Mr. Sylvester does not understand why a road in Hanover Township has to have your attendance at a meeting, but he has been told by Supervisors in the Township that they have been instructed by their Solicitor that they will not do anything regarding a road. They have the resources and will do this, but they will not do this on their own. They want to do this in agreement with the City of Bethlehem. All he can think is that everyone wants to get lawyered up, they are looking for money and looking for problems and trying to get everyone to come together and the citizens are the ones who have to carry the water. He does mean what he says most sincerely in that Bethlehem does run a good shop. He is a small businessman and knows how people all have different opinions and you have to serve them. Mr. Sylvester noted that they need to share the Mayor's letter with the Township and the Supervisors and he has told Council and the Township that the road is completely in the Township. He does not understand how the City has to be involved. The Township has said that they have the resources but will not move until the City sits down with them and helps them deal with what they need to deal with. Mr. Sylvester stated unrelated to their road but related to safety is he got three and a half ton load of gravel delivered to his driveway today, and he had to meet the drive at the top of the road at Center Street because he could not drive that weight over the bridge and needed to have him use the emergency access road. Mr. Sylvester noted that he was at the Center Street location for 20 minutes and felt like he was at a speedway. The cars coming from Route 22 were absolutely flying on that street. There were no busses because it was the middle of the afternoon, and so it was cars and vans on the road. He recalled when the Police Department would come out to address the issue. Mr. Sylvester said he is sensitive to this because his daughter-in-law was sitting at the traffic light a few years ago and her car was totaled just sitting at the red light. The person going up Center Street did not stop, they were just flying up Center Street. Mr. Sylvester informed that he has mentioned this to the Chief of Police and the officers have been there. He would be scared to go up there on Center Street and try to control traffic. He would like them to come back to help us with the speed on Center Street.

Frank Martin, 235 Bella Vista Road, Hanover Township, thanked Council for the time to listen and mentioned that he has a somewhat related issue, not the future development but the roads as they exist now. He looked at the tax map for PennDot, for Municipal Liquid Fuels and it is his experience that only reason the City will not claim mileage on qualifying streets is that they do not own the streets. Mr. Martin drew a small map of five streets in the area that seem to be identified as private. He is curious as to the policy of the City of Bethlehem with maintenance on private streets, or what seem to be private streets. These streets include Pine Top Trail, Biery's Bridge Extension to the west of Center Street, and of course, Bella Vista Drive. He would like to know if the policy is to treat all of the streets uniformly in terms of maintenance of potholes, snow plowing, and so forth. He checked online and cannot find any Ordinance for this. He assumes these streets are private because he cannot think of any reason why you would not claim a portion of the PennDot Municipal Liquid Fuels.

President Reynolds noted that Michael Alkhal, Director of Public Works can have that conversation with Mr. Martin after the meeting.

#### *Parking near Stop Signs*

Arthur Curatola, 813 Laufer Street, mentioned that he is a taxpaying citizen and noted that he has been complaining about the dangerous parking issues that we have in the City. If there is anyone who is for this City being something, he is for it. He had a Night of the Arts at Northampton Community College in 1977 promoting artists and it was played on Twin County Cable. The thing is that if we want to make this an artistic town and bring people in our City we need to make it safe. The Parking Authority is condoning illegal parking. They even have meters on Morton Street that are 25 feet from the stop sign but the person who parks right by the stop sign is away from the parking meter. Mr. Curatola stated he had pictures that he showed to several people and nothing was done. He has pictures of Lehigh students that park illegally and are too close to the stop sign, they get no tickets and they do not get booted or towed. Mr. Curatola suggested that they should be towed, pay for their own towing, and fine them for \$150 dollars for parking illegally. He has not been in an accident in 20 years except for a fender bender there, which was not his fault. He was on Webster Street and he had the right of way. If people are parked close to that stop sign no one can see who is coming up Webster Street and there are other areas where this is happening. Mr. Curatola talked to Mr. Livingston about the fact that Lehigh students get away with things that we as citizens do not get away

with, especially handicapped senior citizens. Mr. Curatola noted that he got a ticket parked by the Library for 2 hours in the handicapped zone and Mr. Livingston told him in Bethlehem he could only park up to 2 hours. Mr. Curatola informed that he would like Mr. Livingston's job and he would do it for free for a year and pay three thousand dollars to the City if he does not do a better job than Mr. Livingston. He has other people that are handicapped like him that will do other jobs such as give the tickets to the people that need to be given tickets. The City will save a lot of money and bring in a lot of money.

*Campaign Donations/Conflict of Interest*

Stephen Antalics, 737 Ridge Street, stated he would like to follow up on his comments made at the May 3<sup>rd</sup> meeting that concerned contributions to campaigns. Accepting campaign donations implies an obligation. The average donor expects good government while the other type of donor is a developer and they may reflect personal interest. A survey was done by a roving reporter on the street and they contacted a number of private citizens and asked them how they felt about donations to a campaign made by a donor and one hundred percent said there are strings attached. Mr. Antalics noted that fact has fostered the new phrase pay-to-play and we have seen locally how that has played out. Recently a citizen from this podium questioned a donation to a member of this Council since that person was voting on a zoning variance for that developer. The private citizen who had a right to ask that question was responded in a very harsh way. He feels that this raises the issue of what he would call conflict of interest. There are two kinds of conflict of interest; real conflict if abused can cause a person their position, and the other is the appearance of a conflict of interest. He thinks that in the spirit of transparency that if any Member of Council would be voting on a variance or some other request of a developer, who has accepted money from the developer should do one of two things. They should recuse themselves or say they are voting on an issue and have accepted money from a developer and to proceed. Mr. Antalics mentioned that would encourage confidence in a private citizen that those sitting there were put there as our public servants. We see how this has gotten out of hand at the national level. The best way to start reform is to start at the ground roots level, the City Council, the most fundamental form of represented government. Mr. Antalics would urge that any person in the future voting on an issue for a developer either recuse themselves or admit that they have accepted monies and that they will be voting in the best interest of the citizens, not the developer.

12. ADJOURNMENT

The meeting was adjourned at 7:45 p.m.

ATTEST:

City Clerk