

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street – Town Hall
Bethlehem, Pennsylvania
Tuesday, December 6, 2016 – 7:00 PM

INVOCATION

Reverend James Harper, Notre Dame of Bethlehem 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, Michael G. Colón, Eric R. Evans, Shawn M. Martell, Olga Negrón-Dipini, Adam Waldron and J. William Reynolds, 7.

2. APPROVAL OF MINUTES

The Minutes of November 15, 2016 were approved.

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

Second Courtesy of the Floor/Invocation

Stephen Antalics, 737 Ridge Street stated he would like to follow up on comments made by Bill Scheirer regarding the Courtesy of the Floor. He expressed if someone has a question on anything that is voted on this evening they will not know until after the second courtesy of the floor. As a result they have to wait two weeks and in that time the interest will disappear. He remarked that this is a disservice. Mr. Antalics suggests to have the first courtesy of the floor on business to be voted on and also other business and a second courtesy of the floor at the end of the meeting on any subject. Mr. Antalics added if they wish to speak on something that occurred during the meeting then they can use it at the second courtesy of the floor which then avails them that opportunity. He appreciates Council's intention of freeing up people to not have to wait until the end of a long meeting to have a comment on non-agenda items. He continued if you have a first courtesy of the floor on both non-agenda and agenda items then that would satisfy most people, and if anyone wishes to have a comment based on what happens in the process of the meeting they can do that at the second courtesy of the floor.

Mr. Antalics remarked it disturbs him a little bit to see what is said in an Invocation. He noted that an Invocation need not be religious. He highlighted the definition of Invocation is a method of inviting people to what they are attending. He does not know when the Invocation took on a religious connotation in the City. Mr. Antalics mentioned we are seeing a very divisive attitude developing in this Country and one of them is on religion. He suggested to either invite people who are non-religious or if they are religious, to be all inclusive for all religions. Mr. Antalics commented perhaps he is too sensitive but he just thinks we should try and show unity and friendship to everybody and not play into divisiveness which is starting to take over this Country.

4. PUBLIC COMMENT (on Ordinances and Resolutions to be voted on this evening - 5 Minute Time Limit)

Resolution 10 A – Wagner Enterprises – Saucon Square Land Development

Julie Wagner-Burkhart, remarked she is at this meeting representing Wagner Enterprises Limited regarding a Resolution that is on the agenda for an extension of the Saucon Square Land Development approval. She remarked that they were before City Council in the summer time to seek a time extension and gave an in depth summary at that time. What has transpired since then in seeking and obtaining that approval was that what they needed to accomplish by the end of this year was the recording of the subdivision and land development plan, and securing the letter of credit which would secure the improvements to be built on that

project, and that they would have by that point, executed the developer's agreement. Ms. Wagner-Burkhart informed it became clear to them as they were organizing to do these things that what actually would be required is that the project be substantially built by December of 2016 with that approval. She continued they were mistaken and should have sought a greater length of time in order to complete the project to substantial completion. She highlighted they are organized and have had all the pre-construction meetings with both the Northampton Conservation District and the City of Bethlehem. Ms. Wagner-Burkhart asserted the application and the process of getting the letter of credit in place before the end of the year is underway. The project has begun and all of the permits in place for this project. Ms. Wagner-Burkhart advised the NPDES permit, which is a permit under the Department of Environmental Protection, is in place and valid for a period of five years. She remarked that unfortunately the December deadline that was obtained initially will not be enough to measure up to substantial completion. In the spring time they will do the larger improvements such as the roadways and once the roadways are installed to the City's standards, they will begin the construction of the buildings. There are 28 unit apartments that are planned to be built on this project and two buildings will each have 14 units. She commented all of the engineering plans need to be redone in order to accommodate a new DEP regulation for a fairly large riparian buffer. This is a little shy of a four acre parcel on the west side of Fire Lane. Ms. Wagner-Burkhart pointed out that everything is in place to continue full speed ahead with the project. She advised they do have a developer agreement that has been fully circulated with the City Planning Department, the Legal Bureau, and with her client, Wagner Enterprises. It is ready to be signed and requires that all improvements for this development will be installed and completed to the satisfaction of the City within a 24 month period.

5. OLD BUSINESS

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

6. COMMUNICATIONS

- A. *Assistant Director of Planning and Zoning – Land Development Time Extension Request – Wagner Enterprises, LTD/Saucon Square Land Development*

The Clerk read a memorandum dated November 11, 2016 from Tracy Samuelson, Assistant Director of Planning and Zoning to which is attached a November 3, 2016 memo from the Planning Bureau recommending the time extension request for the Saucon Square Development to be extended to December 31, 2018, the October 20, 2016 request from Wagner Enterprises for an extension to the Land Development approval time to develop the Saucon Square project, and the October 20, 2016 memorandum in support of extension of approvals for Saucon Square. At the November 20, 2016 meeting the Planning Commission members voted 4-0 to forward a recommendation to approve the extension request to City Council. The project approval expires December 31, 2016 but since this project has commenced and a site work permit has been applied for, the Planning Commission recommends that the extension of time be approved.

President Reynolds stated Resolution 10 A is on the agenda.

7. REPORTS

- A. *President of Council*
- B. *Mayor*

- 1. *Administrative Order – James Schantz – Zoning Board*

Mayor Donchez reappointed James Schantz to membership on the Zoning Board effective through December, 2021. Ms. Negrón-Dipini and Mr. Martell sponsored Resolution 2016-222 to confirm the reappointment.

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

President Reynolds noted that Mr. Schantz is in attendance and thanked him for his service.

2. *Administrative Order – Patrick Herrity – Recreation Board*

Mayor Donchez reappointed Patrick Herrity to membership on the Recreation Board effective through December, 2021. Ms. Negrón-Dipiní and Mr. Martell sponsored Resolution 2016-223 to confirm the reappointment.

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

3. *Administrative Order – Hillary Rose Harper – Fine Arts Commission*

Mayor Donchez reappointed Hillary Rose Harper to membership on the Fine Arts Commission effective through December, 2019. Ms. Negrón-Dipiní and Mr. Martell sponsored Resolution 2016-224 to confirm the reappointment.

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

C. *Finance Committee*

Chairman Callahan announced that the Finance Committee met on Tuesday, December 6, 2016 in Town Hall at 5:30 pm. The members of the Committee unanimously approved the expenditure of the Excess Gaming Revenue in the amount of \$112,039 to be used towards Fire Overtime. The Clerk will send a memo to the Administration and the Controller. The Members of the Committee voted to recommend that Council approve a Resolution to transfer funds to purchase a new cardboard baler for the Theis/Cornfeld Recycling Center.

D. *Human Resources and Environment Committee*

Chairman Colón stated the Human Resources and Environment Committee met on Tuesday, December 6, 2016 at 6:00 pm in Town Hall. The Committee reviewed the Proposed 2017 Budget – Personnel change and the early retirements. The meeting was for information and review only at this time.

8. ORDINANCES FOR FINAL READING

A. *Bill No. 34 – 2016 – Intermunicipal Agreement - City of Bethlehem/Borough of Hellertown – Traffic Signal*

The Clerk read Bill No. 34 – 2016 – Intermunicipal Agreement – City of Bethlehem/Borough of Hellertown – Traffic Signal, on Final Reading.

Voting AYE: Ms. Negrón-Dipiní, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. Bill No. 34 – 2016 now known as Ordinance 2016-34 was adopted on Final Reading.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Authorizing Time Extension – Wagner Enterprises, LTD – Saucon Square Land Development*

Mr. Evans and Mr. Colón sponsored Resolution 2016-225 that authorized approval of the request of Wagner Enterprises, developer of the Saucon Square project, for an extension of time

through December 31, 2018 in which to apply for, and thereafter obtain, the requisite approvals to construct and initiate its multi-family dwelling uses in the subject zoning district.

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

Motion – Considering Resolutions 10 B through 10 F as a Group – Certificates of Appropriateness

Mr. Callahan and Mr. Colón moved to consider Resolutions 10 B through 10 F as a group.

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

B. Certificate of Appropriateness – 337 Vine Street

Ms. Negrón-Dipiní and Mr. Martell sponsored Resolution 2016-226 that granted a Certificate of Appropriateness to install a hanging sign at 337 Vine Street.

C. Certificate of Appropriateness – 129 West Fourth Street

Ms. Negrón-Dipiní and Mr. Martell sponsored Resolution 2016-227 that granted a Certificate of Appropriateness to restore the façade on the building at 129 West Fourth Street.

D. Certificate of Appropriateness – 26 East Third Street

Ms. Negrón-Dipiní and Mr. Martell sponsored Resolution 2016-228 that granted a Certificate of Appropriateness to install signage at 26 East Third Street.

E. Certificate of Appropriateness – 306 Broadhead Avenue

Ms. Negrón-Dipiní and Mr. Martell sponsored Resolution 2016-229 that granted a Certificate of Appropriateness to replace the existing sign content at 306 Broadhead Avenue.

F. Certificate of Appropriateness – 334 Thirteenth Avenue

Ms. Negrón-Dipiní and Mr. Martell sponsored Resolution 2016-230 that granted a Certificate of Appropriateness to install a generator at 334 Thirteenth Avenue.

Voting AYE on Resolutions 10 B through 10 F: Ms. Negrón-Dipiní, Mr. Waldron, Mr. Callahan, Mr. Colón, Mr. Evans, Mr. Martell, and Mr. Reynolds, 7. The Resolutions passed.

G. Transfer of Funds – Non-Utility Capital Budget – Salt Storage Facility – Recycling/Compost Equipment

Mr. Evans and Mr. Colón sponsored Resolution 2016-231 that approved the transfer of \$66,435 in the Non-Utility Capital Budget from Account 62013-66188 – Salt Storage Facility to Account 62013-66106 – Recycling/Compost Equipment to purchase a cardboard Baler to replace the inoperable Cardboard Baler at the Theis/Cornfeld Recycling Center.

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

11. NEW BUSINESS

Final Budget Meeting – Monday, December 12, 2016

President Reynolds informed that the Final Budget Meeting will be held Monday, December 12, 2016 at 6:00 pm in Town Hall.

Mr. Evans queried if there is a timeline to make any possible amendments to the Clerk's Office in order to be distributed by Friday so when we arrive Monday we would all be informed of what might be proposed.

President Reynolds believes that we sent a memo to Council that those amendments should be in at the Clerk's Office by Friday, December 9th so we would have the opportunity to review them before the meeting on Monday, December 12th. He noted that changes can also be made at the December 20 Council meeting prior to voting on the Ordinances. He continued traditionally if Council Members know they want to propose something it is easier to do it at the Final Budget Meeting because when we are getting to ready to vote on the budget on December 20th, doing things on the fly sometimes takes some math and it is harder to do things on the fly if you are moving money. Certainly that is not a reason not to do something at that meeting, but if Council Members know they are going to propose something, it is easier to do it at the Final Budget Meeting on December 12th, which will be a full eight days before the passing of the budget. Mr. Callahan remarked that the date on the memo to Council is Thursday, December 8 and queried if it is now Friday, December 9th. President Reynolds informed that the City Clerk, Ms. Kelchner stated it can be Friday, December 9th but earlier in the day.

12. ADJOURNMENT

The meeting was adjourned at 7:26 p.m.

ATTEST:

City Clerk