

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, November 17, 2015 - 7:00 PM

INVOCATION

Councilman Louis N. Stellato 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 R. Waldron, and J. William Reynolds, 7.

2. APPROVAL OF MINUTES

None.

3. PUBLIC COMMENT

None.

4. OLD BUSINESS.

A. Members of Council

None.

B. Tabled Items

None.

C. Unfinished Business

None.

5. COMMUNICATIONS

A. *Director of Public Works - PennDOT Turnback Agreement for South New Street*

The Clerk read a memorandum from Michael Alkhal, Director of Public Works dated November 5, 2015 regarding a draft Resolution for the Turnback Agreement. This is a revised agreement with the Pennsylvania Department of Transportation to transfer ownership of the portion of South New Street from Third Street to Fourth Street. The agreement revises the mileage information to be consistent with PennDOT records. PennDOT requires this Resolution authorizing the Mayor to execute the agreement.

President Reynolds stated Resolution 9 A is on the agenda.

B. *Director of Parks and Public Property - Recommendation for Award - USA Architects*

The Clerk read a memorandum from Ralph Carp, Director of Parks and Public Property dated November 4, 2015 recommending a contract for professional services with USA Architects for architectural and engineering services to renovate the comfort station at Monocacy Park. The estimated completion date is October 30, 2016. The cost of the contract is \$9,250.00.

President Reynolds stated Resolution 9 B is on the agenda.

C. *Director of Community and Economic Development – Recommendation for Award – Republic Services*

The Clerk read a memorandum from Alicia Karner, Director of Community and Economic Development, dated October 13, 2015, recommending an amendment to an existing contract with Republic Services for curbside recycling. The reason for recommendation of the Administration and Council approval is the contract will include the pick-up of Christmas trees and provisions of “My Waste Application.” for use of smart phones. The one year extension is January 1 – December 31, 2016. There is a no increase in cost above the 2015 contract.

President Reynolds stated Resolution 9 C is on the agenda.

6. REPORTS

A. *President of Council*

B. *Mayor*

1. *Administrative Order – Salvatore Verrastro – Codes Board of Appeals*

Mayor Donchez appointed Salvatore Verrastro to membership on the Codes Board of Appeals. This appointment is effective until November, 2018. Mr. Stellato and Ms. Reuscher sponsored Resolution 2015-267 to confirm the appointment.

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

2. *Administrative Order – John Filipos- Bethlehem Revitalization and Improvement Authority*

Mayor Donchez reappointed John Filipos to membership on the Bethlehem Revitalization and Improvement Authority. This appointment is effective until November, 2020. Mr. Stellato and Ms. Reuscher sponsored Resolution 2015-268 to confirm the appointment.

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

3. *Administrative Order – Gene Hoffman – Plumber’s Examining Board*

Mayor Donchez reappointed Gene Hoffman to membership on the Plumber’s Examining Board. This appointment is effective until June, 2019. Mr. Stellato and Ms. Reuscher sponsored Resolution 2015-269 to confirm the appointment.

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

4. *Administrative Order – Lee Snyder – Codes Board of Appeals*

Mayor Donchez reappointed Lee Snyder to membership on the Codes Board of Appeals. This appointment is effective until October, 2018. Mr. Stellato and Ms. Reuscher sponsored Resolution 2015-270 to confirm the appointment.

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

5. *Administrative Order – Jessica Lee – Fine Arts Commission*

Mayor Donchez reappointed Jessica Lee to membership on the Fine Arts Commission. This appointment is effective until December, 2018. Mr. Stellato and Ms. Reuscher sponsored Resolution 2015-271 to confirm the appointment.

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

6. *Administrative Order – Paul Salerni – Fine Arts Commission*

Mayor Donchez reappointed Paul Salerni to membership on the Fine Arts Commission. This appointment is effective until May, 2018. Mr. Stellato and Ms. Reuscher sponsored Resolution 2015-272 to confirm the appointment.

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

South Side Bethlehem Downtown Coordinator Position

Mayor Donchez commented that this afternoon they had an announcement with Lehigh University for Lehigh University's three year commitment of \$100,000 per year for a new position of the South Side Bethlehem Downtown Coordinator. That person will work strictly in South Bethlehem with the businesses and that will include business retention and business recruitment, etc. Mayor Donchez expressed the fact that this is another example of the cooperation between the City and Lehigh University.

7. ORDINANCES FOR FINAL READING

None.

8. NEW ORDINANCES

A. *Bill No. 39 – 2015 – Intermunicipal Agreement – Allentown – Shared Lane Markings Network*

The Clerk read Bill No. 39 – 2015 – Intermunicipal Agreement – Allentown – Shared Lane Markings Network, sponsored by Mr. Stellato and Ms. Reuscher, and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH
OF PENNSYLVANIA, AUTHORIZING AN INTERMUNICIPAL
AGREEMENT FOR REGIONAL EXPANSION OF SHARED LANE
MARKINGS NETWORK BETWEEN THE CITY OF BETHLEHEM AND
THE CITY OF ALLENTOWN.

Mr. Evans noted that this Ordinance 8 A is with Allentown and the next Ordinance 8 B is with Easton. He asked if Mr. Alkhal could explain these agreements with these two municipalities.

Mr. Alkhal explained that we jointly applied for a TAP Grant to add on delineating shared markings on our roadways. He continued in the last 5 or 10 years we have been putting them on our streets, so we decided to jointly apply because we felt the application would be more successful if the three cities worked together. Mr. Alkhal reported the application was successful and in the City it will take place on Broad Street. The continued shared markings are out towards Allentown and into Allentown on Hanover Avenue and in Easton mainly Third, Fourth and Second Street around the circle. This agreement is just to administratively set the ground rules, making sure that when we bid the job and the contractor is on board, that we have a right of entry to the municipalities and liabilities are covered. Mr. Alkhal added that it was reviewed by our Law Bureau, just to make sure that everyone is protected as we were taking the lead in managing the project.

Mr. Evans queried if the work will be done by our workers.

Mr. Alkhal informed we will hire a contractor and the work will be done with the grant money that was secured for all three municipalities, and we will manage that project.

Voting AYE: Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. Bill No. 35 – 2015 was passed on First Reading.

B. *Bill No. 40 – 2015 – Intermunicipal Agreement – Easton – Shared Lane Markings Network*

The Clerk read Bill No. 40 – 2015 – Intermunicipal Agreement – Easton – Shared Lane Markings Network, sponsored by Mr. Stellato and Ms. Reuscher, and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH
OF PENNSYLVANIA, AUTHORIZING AN INTERMUNICIPAL
AGREEMENT FOR REGIONAL EXPANSION OF SHARED LANE
MARKINGS NETWORK BETWEEN THE CITY OF BETHLEHEM AND
THE CITY OF EASTON.

Voting AYE: Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. Bill No. 40 – 2015 was passed on First Reading.

C. *Bill No. 41 – 2015 – Adopting the 2016 General Fund Budget*

The Clerk read Bill No. 41 – 2015 – Adopting the 2016 General Fund Budget, sponsored by Mr. Stellato and Ms. Reuscher and titled:

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

President Reynolds reminded everyone that this not the final passing of the budget so we can certainly vote on this tonight knowing that if you wish to make Amendments there will be plenty of opportunities to make any Amendments to the budget between now and the second reading of these Ordinances on December 15, 2015.

Voting AYE: Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. Bill No. 41 – 2015 was passed on First Reading.

D. *Bill No. 42 – 2015 – Adopting the 2016 Water Fund Budget*

The Clerk read Bill No. 42 – 2015 – Adopting the 2016 Water Fund Budget, sponsored by Ms. Reuscher and Mr. Stellato, and titled:

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

Voting AYE: Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. Bill No. 42 – 2015 was passed on First Reading.

E. *Bill No. 43 – 2015 – Adopting the 2016 Sewer Fund Budget*

The Clerk read Bill No. 43 – 2015 – Adopting the 2016 Sewer Fund Budget, sponsored by Mr. Stellato and Ms. Reuscher, and titled:

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

Voting AYE: Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. Bill No. 43 – 2015 was passed on First Reading.

F. *Bill No. 44 – 2015 – Adopting the 2016 Golf Course Enterprise Fund Budget*

The Clerk read Bill No. 44 – 2015 – Adopting the Golf Course Enterprise Fund Budget, sponsored by Mr. Stellato and Ms. Reuscher, and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, ADOPTING
THE GOLF COURSE ENTERPRISE FUND BUDGET FOR 2016.

Voting AYE: Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. Bill No. 44 – 2015 was passed on First Reading.

G. *Bill No. 45 – 2015 – Adopting the 2016 Liquid Fuels Fund Budget*

The Clerk read Bill No. 45 – Adopting the 2016 Liquid Fuels Fund Budget, sponsored by Mr. Stellato and Ms. Reuscher, and titled:

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

Voting AYE: Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. Bill No. 45 – 2015 was passed on First Reading.

H. *Bill No. 46 – 2015 – Adopting the 2016 Capital Budget for Non-Utilities*

The Clerk read Bill No. 46 – Adopting the 2016 Capital Budget for Non-Utilities, sponsored by Ms. Reuscher and Mr. Stellato, and titled:

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

Voting AYE: Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. Bill No. 46 – 2015 was passed on First Reading.

I. *Bill No. 47 – 2015 – Adopting the 2016 Capital Budget for Water Utilities*

The Clerk read Bill No. 47 – Adopting the 2016 Capital Budget for Water Utilities, sponsored by Mr. Stellato and Ms. Reuscher, and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, ADOPTING
THE 2016 CAPITAL BUDGET FOR WATER UTILITIES.

Voting AYE: Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. Bill No. 47 – 2015 was passed on First Reading.

J. *Bill No. 48 – 2015 – Adopting the 2016 Capital Budget for Sewer Utilities*

The Clerk read Bill No. 48 – Adopting the 2016 Capital Budget for Sewer Utilities, sponsored by Ms. Reuscher and Mr. Stellato, and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, ADOPTING
THE 2016 CAPITAL BUDGET FOR SEWER
UTILITIES.

Voting AYE: Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. Bill No. 48 - 2015 was passed on First Reading.

K. *Bill No. 49 - 2015 - Adopting the 2016 Community Development Budget*

The Clerk read Bill No. 49 - Adopting the 2016 Community Development Budget, sponsored by Mr. Stellato and Ms. Reuscher, and titled:

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

Voting AYE: Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. Bill No. 49 - 2015 was passed on First Reading.

L. *Bill No. 50 - 2015 - Adopting the 2016 9-1-1 Fund Budget*

The Clerk read Bill No. 50 - Adopting the 2016 9-1-1 Fund Budget, sponsored by Mr. Stellato and Ms. Reuscher, and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, ADOPTING
THE 9-1-1 FUND BUDGET FOR 2016.

Voting AYE: Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato, Mr. Waldron, Mr. Callahan and Mr. Reynolds, 7. Bill No. 50 - 2015 was passed on First Reading.

M. *Bill No. 51 - 2015 - Fixing the 2016 Tax Rate for All City Purposes*

The Clerk read Bill No. 51 - Fixing the Tax Rate for All City Purposes, sponsored by Ms. Reuscher and Mr. Stellato, and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, FIXING
THE TAX RATE FOR ALL CITY PURPOSES
FOR THE YEAR 2016.

Voting AYE: Mr. Evans, Mr. Recchiuti, Ms. Reuscher, Mr. Stellato, Mr. Waldron, and Mr. Reynolds, 6. Voting NAY: Mr. Callahan, 1. Bill No. 51 - 2015 was passed 6-1 on First Reading.

9. RESOLUTIONS

A. *Approving Revised PennDOT Agreement-Highway Turnback Transfer Program*

Mr. Waldron and Mr. Recchiuti sponsored Resolution 2015-273 that approves the agreement to transfer from State to Municipal control the portion of SR 3011 from Segment 10, Offset 0000 to Segment 10, Offset 0500, a distance of 0.094 miles, in accordance with 75 Pa.C.S., Chapter 92 and any necessary amendments to the Highway Turnback Transfer Program agreement previously executed by the City.

Mr. Recchiuti asked what State route SR 3011 is.

Mr. Alkhal replied it is New Street.

Mr. Recchiuti queried if we are getting a portion of this back from the State.

Mr. Alkhal stated yes, essentially from Third up to Fourth Street. It is a State route.

Mr. Recchiuti mentioned we will take that back and maintain it now.

Mr. Alkhal informed that is correct. Mr. Alkhal expressed that fact that if you recall, Fourth Street was a PennDOT project and typically the State has roads that connect to each

other and find that it does not serve any purpose for the State so we are taking it, as well as other reasons why it is turned back to the local municipality.

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

B. Approving Contract – USA Architects

Mr. Waldron and Mr. Recchiuti sponsored Resolution 2015-274 that authorized to execute a contract between the City of Bethlehem and USA Architects for the Monocacy Park comfort station.

Mr. Evans queried about the nature of the work being done. It does state comfort station, but he was wondering what this deals with.

Mr. Carp stated this is for renovations of the bathrooms at Monocacy Park.

Mr. Evans asked if this is gutting the bathrooms or will the structure still stay.

Mr. Carp informed it is using the existing shell and refurbishing both bathrooms, which are exceptionally dated.

Mr. Evans knows they have had conversations and received a few calls this summer again about the current condition of those bathrooms. So this is for the architectural fees to get this work done.

Mr. Carp replied yes; it is to put together all of the architectural drawings and things, and we can put it out for bid.

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

C. Approving Contract – Republic Services

Mr. Waldron and Mr. Stellato sponsored Resolution 2015-275 that authorized to execute a contract between the City of Bethlehem and Republic Services for curbside recycling.

Mr. Recchiuti remarked that he sees Michael Conway, Recycling Director at this meeting and maybe this question he has would be directed to him. Mr. Recchiuti mentioned they had the discussion last week at the budget meeting regarding this contract and recycling in general. He was reading and saw a report that he guesses Allentown is looking at changing the way they do recycling and they were talking about single stream recycling. It is saving \$600,000 a year. Mr. Recchiuti queried how they could save that amount and can we take advantage of something similar.

Mr. Conway remarked they will save it in the way it is collected. It is just that everything is in one container. They have different types of trucks which are just single bin trucks instead of the trucks we have. We have dual bins so that it is collected in a dual stream collection in the City of Bethlehem. We keep it separate. We were given that option of going single stream the last time we wrote this contract and we decided to keep it dual stream because the recycling is a much cleaner product. Mr. Conway informed much of the recycling in single stream. They are finding it being thrown out and Allentown will find that they will be paying a lot more to get rid of their recycling than if they were to collect it in a dual stream fashion. It will end up costing them a lot.

Mr. Recchiuti mentioned Allentown had a budget meeting and they had a discussion about this and in fact one of their former employees spoke at the meeting, the former Community Development Director spoke against it. She said she worked for Greenstar Recycling and they throw out more single stream recycling than dual stream. Mr. Recchiuti queried with the commodities market down is this something we can look at for a possible temporary savings until the commodities market comes back, and is the market projected to come back.

Mr. Conway stressed in the long run that is one of the main reasons that we are actually focusing on cleaning up our curbside recycling right now and keeping a lot of the unwanted contaminated material out of it. That is also costing us right now. The cleaner we can get it, the better it will be for us with the possibility of getting paid for the curbside recycling. Mr. Conway added that the more trash we have in, the less money we get paid. We actually have to pay some money to get rid of it. That is one of the features of having a single stream and we are using Greenstar in Northampton County for quite a while before Waste Management bought them out. So a lot of our collection was not as clean as it had been over a period of about seven years. The focus was not on the cleanliness of our curbside collection.

Mr. Recchiuti commented that Mr. Conway mentioned at our budget meeting that at one point we were doing single streaming.

Mr. Conway stressed we never did single stream.

Mr. Recchiuti clarified that we collected in a single stream manner.

Mr. Conway noted they collected in a dual stream but when they dumped it up at Greenstar, they dumped it in one pile and Greenstar sorted it from there because they had a machine that sorted it anyway. Otherwise, the truck would have actually would have been up there for about 3 hours, dumping it, and weigh it each separate time. They weigh it in when they go in, weigh when they dump the paper and weigh again when they dump. It so it just took them so long. Mr. Conway noted that Greenstar said they did not want to tie up their yard, go ahead and dump it and we will pay you 60/40 split on what we are getting. That is why Greenstar is no longer in business.

Mr. Recchiuti remarked with this contract this is the third year.

Mr. Conway stated this is the third extension on this contract.

Mr. Recchiuti asked how many more extensions we have.

Mr. Conway informed we have two more possibilities.

Mr. Recchiuti queried if we explored and whether this is still a good price.

Mr. Conway stated it is a very good price and has been down. Last year we got a reduction of 3% and this one is exactly what we paid this year except we are getting extra features this time. We are getting the Christmas tree pickup this year for the first time ever, we will do a curb side Christmas tree pickup at the end of January and they are also going to give the availability of the "My Waste" application for the use of Smart Phones.

Mr. Recchiuti asked if they looked at other companies and none of them competed with this contract, or did we do an RFP.

Mr. Conway stated as soon as you do an RFP you start getting all different legal teams involved with the research department. You will end up having to pay for the research everyone will do to put together a package. Generally it pays off just going straight forward with an extension as long as you get a decrease or you stay the same.

Mr. Evans stated he had a question about the Christmas tree pick up service that was added to this contract. He noted that he did read about it, but he is asking about what the plan is to roll out the information to let all the neighbors know about the service, and when and how will it be done.

Mr. Conway stated we will be doing a press release shortly. He has put it on the Recycling Facebook page and they will try to get this out by word of mouth as much as they can. Also they will be letting people know that go to the Compost Center. Mr. Conway advised it will work just like the Yard Waste pick up that is provided in spring and fall. The Christmas Tree pick up date will be the week opposite of our regular recycling pickup and will take place during the third and fourth week of January. We are just trying to let people know and he can forward the actual chart of when this will be done to City Council.

Mr. Evans mentioned it will be impossible to get the information to everyone. There is an education process and many people will be happy to know, if they know, of this new service. The timing sounds right, late January to allow people to finish their holidays and put it out. Mr. Evans asked if the Compost Center will still accept Christmas Trees.

Mr. Conway stated yes, we will still accept Christmas trees because many people like to do that themselves.

Mr. Evans remarked about the pile of Christmas trees that gather at Illick's Mill, in the parking lot.

Mr. Conway explained that started about 15 or 20 years ago. The Boy Scouts would collect them down there and put them in the creek for fish beds. They stopped doing that years ago but we still continue to see Christmas trees put in the parking lot at Monocacy. The City crews just bring it up to the Compost Center.

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

D. Certificate of Appropriateness – 19 East Third Street

Mr. Waldron and Mr. Recchiuti sponsored Resolution 2015-276 that granted a Certificate of Appropriateness to change the projecting sign at 19 East Third Street.

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

E. Certificate of Appropriateness – 321 East Third Street

Mr. Waldron and Mr. Recchiuti sponsored Resolution 2015-277 that granted a Certificate of Appropriateness to install a fence along the west side of 321 East Third Street.

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

F. Certificate of Appropriateness – 81 West Broad Street

Mr. Stellato and Mr. Recchiuti sponsored Resolution 2015-278 that granted a Certificate of Appropriateness to replace the awning on the first floor storefront window at 81 West Broad Street.

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

G. Certificate of Appropriateness – 437 Main Street

Mr. Stellato and Mr. Recchiuti sponsored Resolution 2015-279 that granted a Certificate of Appropriateness to install three new antennas at 437 Main Street.

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

10. NEW BUSINESS

Setting Date for Adoption – 2016 Budget

President Reynolds stated he will accept a motion to set the date of the adoption of the 2016 budget for Tuesday, December 15, 2015 at 7 pm in Town Hall.

Mr. Callahan made the motion and Mr. Evans seconded the motion.

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

Announcement - Third Budget Hearing

President Reynolds announced the Third Budget Hearing scheduled Thursday, November 19, 2015 at 6:00 p.m. in Town Hall on the following budgets: Parks and Public Property, Golf Course Enterprise Fund, Public Works Department, Liquid Fuels Fund, and Non-Utility Capital Fund.

Announcement - Fourth Budget Hearing

President Reynolds announced the Fourth Budget Hearing scheduled Monday, November 23, 2015 at 6:00 p.m. in Town Hall on the following budgets: Water Fund Revenue and Expenses, Water Capital Budget, Sewer Revenue and Expenses, and Sewer Capital Budget.

Announcement - Final Budget Hearing

President Reynolds announced the Final Budget Hearing scheduled Thursday, December 3, 2015 at 6:00 p.m. in Town Hall.

Announcement - Parks and Public Property Committee Meeting

Chairman Reuscher announced a Parks and Public Property Committee Meeting on Tuesday, December 1, 2015 at 6:30 pm in Town Hall. The subject of the meeting is a Gift of Real Estate regarding a portion of property around 1830 Main Street.

City Council responding to the Public during Public Comment

Mr. Callahan mentioned that two years ago when he was elected and prior to that he was coming to many meetings, he would wonder as people were making public comment why City Council never responded back to people with some of the questions during Public Comment. Mr. Callahan reported that he does not know if there are any City Council rules or if there is anything in the Pennsylvania Municipal Code that prohibits Council from answering the citizens during Public Comment. He knows that the past few weeks they have had a number of people that had stood up and asked questions. Mr. Callahan noted that Mr. Stephen Antalics is always asking questions of Council as do a number of other people on a regular basis. Mr. Callahan mentioned that some people come and speak to try to make a point but sometimes there are legitimate questions that need to be answered. He is asking if there is something in the municipal code or in the rules of City Council that does not permit us to respond back to them.

President Reynolds explained the rules that have been in place and the precedent that has been followed since he has been President of Council, and when Mr. Evans and Mr. Donchez were President of Council is that this is an opportunity from someone at the podium to speak and for us to hear. If someone has a question about where to go and who to talk to regarding a matter, President Reynolds stated he will try to show them the way. He knows that each Administration has always been more than willing to have someone with a question speak to them after the meeting. It has not been the design of the Courtesy of the Floor in the past for it to be a back and forth between Council and people that are speaking. While it has not been a precedent to respond if someone brings up a point at the podium, there is nothing that, as an independent elected official, prohibits you from answering or making a comment.

Mr. Callahan asked Solicitor Spirk if he had any background on prior history or why we are at where we are with prior Administrations. Mr. Callahan knows at some point in the City's history, in the past, people that came up for public comment had the courtesy of being responded back to. Mr. Callahan is not sure at what point this started, and he wondered if there is a background on this.

Solicitor Spirk remarked, as President Reynolds stated, there is nothing in the State law or City rules that forbids it. He knows that Councilman Gordon Mowrer was very much of the mind and tried to influence his colleagues that this was an opportunity to hear from the people and not to hear from Council. Solicitor Spirk stated in terms of that ever being the rule or anything like that, never.

Mr. Callahan queried if Mayor Donchez has any input regarding this subject since he has had more experience as a City Council Member. He asked Mayor Donchez if he recalls at any time when City Council came up with a proposal or some type of rule with regard to responding to the public during public comments. Mr. Callahan recalls at some point they did respond back to people with public comment, but then it stopped. He does not know why, how or what the scenario was and asked if the Mayor could shed any light on this matter.

Mayor Donchez stressed that he would agree with the summary given by President Reynolds. He has been coming to these meetings since he was in high school. It was always for the most part that Members of Council would listen to the public and not really get into a debate with the public. Mayor Donchez asserted this was an opportunity for the public to speak, which is now for 5 minutes. We do have the Rules of City Council. The last time they were revised, Councilwoman Dolan was Chairman of that Committee and there was a revision on the Rules of Council. Mayor Donchez recalled for at least the last 15 years it has been more or less the tradition of Council to listen to the public, and perhaps Council or the Administration could meet with citizens after the meeting, rather than getting into a give and take and possibly a dialogue becoming adversarial.

Mr. Callahan stated he appreciates these comments. He asked if it is possible to get the Rules of City Council forwarded to us.

President Reynold stated certainly.

Mr. Evans remarked that being President of Council and having two years of experience, he thinks it is important that we answer, especially if it is a concern where someone that needs some immediate help in a particular department. Mr. Evans remarked we have seen different things, whether it is animals in homes or other situations that need immediate attention. We should look at this as a case by case basis. Mr. Evans thinks it is more important and noted that President Reynolds and Mayor Donchez expressed how to handle these situations, and that is the need to put them into direct contact with the appropriate department they need to speak to resolve their issue. He added it can be a slippery slope if we engage in dialogue where he can recall as being President of being baited, and noted it can be dangerous for Council to start debates across the aisle. He thinks debates belong up and down this table, but he thinks if we enter into a yes or no, or why are you doing this or that, this will take away from the public comment. Mr. Evans pointed out that we will listen to anything the public has on their minds; we owe that to the residents. I know Council feels the same way that Council business starts in full transparency. We conduct Council business as we go through the agenda and the second Courtesy of the Floor opens for the public to give feedback or other questions. He always pointed out when he was President of Council that we are always available when the meeting concludes and we are all available by our phone numbers and email addresses that are listed on the City website. Mr. Evans remarked that most of us on Council are here before the meetings begin and almost all of us are here until this room is almost empty at the end of the meeting. There are always opportunities, but he does think that 5 minutes for the public to speak is special. That was told to him by several people who he greatly respects. Mr. Evans stressed that Council can listen carefully but it is just best to listen. It is the point of that last Courtesy of the Floor to listen and not debate, and to answer questions or direct the public to whichever department could help them. As a far as the Rules of Council, Mr. Evans remarked he has a copy in front of him and it says "Public comment is extended for individuals to address the Chair of the City Officials on problems and issues of relevance to operate the City Government. Public Comment will not be extended for personal insults or personal attacks on any individual, name calling or other behavior that is inconsistent with the purpose and intent of Public Comment." Mr. Evans reported that is all this says to that as far as Council rules.

Mr. Callahan mentioned if someone of the public would have a question, it is the right of any City Councilman to answer that question or answer back.

President Reynolds noted his record as President as followed previously Mr. Evans and Mayor Donchez, that is when someone from the public speaks and they have a specific question related to a specific Department, he will turn to the Administration and allow one of the Department Heads to answer that question. President Reynolds added that for the most part each Department Head or a representative attends these meetings and there is always someone to turn for those specific questions. Beyond that, there is nothing in the Council rules that prohibits answering. The one thing is that he would ask that to wait until someone is done

speaking. He does not want to get into a situation by which the City Clerk is starting and stopping the clock. President Reynolds advised that if someone was to make a statement and any Member of Council wanted to respond at the conclusion of that person speaking, he will not prohibit that from happening. President Reynolds mentioned if someone says something and a Council Member wants to make a statement in response, there is nothing that prohibits that from happening; that is certainly your right.

Mr. Callahan stated the genesis of his question is that over the past few weeks, there has been some frustration on the part of the public who have showed up for to speak during Public Comment. He understands people sometimes are here to grandstand and instigate an argument with Council but there are many times there are thoughtful and reasonable questions outside of asking where they should go for information. Mr. Callahan noted if a City Councilman wanted to respond, he thinks they should be given the opportunity without having us just sit here and stare back at the public.

President Reynolds thinks there has not been an opportunity when someone wanted to speak in which he has not let them, as did Mayor Donchez and Mr. Evans. If someone wanted to speak they were certainly able to. As it was stated before, especially when it comes to voting on a particular issue, sometimes there are questions as to why we voted on a certain issue. Often times, we go through our reasons in a debate, and at that point we vote and move on. President Reynolds stated if someone says something and you wish to respond to it, or give your personal feelings on why you vote a certain way or how you feel about something, there is nothing in the rules that prohibits that and he would not stop that if that is your desire.

Mr. Callahan thanked President Reynolds.

11. PUBLIC COMMENT

Conflict of Interest

Stephen Antalics, 737 Ridge Street, stated that since his name was mentioned he wanted to comment that he hoped to maintain objectivity and the motive being welfare of the community. We all know the term squeaky clean, sometime ago it was that state of cleanliness, but squeaky clean has taken on a new meaning, a more commonly used interpretation and it involves people seeking public office. Mr. Antalics informed the term squeaky clean is associated to a person who seeks public office and refuses to accept monies from a developer because there might be strings attached and it is wrong. We also have true conflict and an appearance of conflict of interest. True conflict is generally resolved by a Grand Jury but to avoid the appearance of a conflict of interest, that is generally handled by a person recusing themselves, with potentially a conflict. Mr. Antalics noted the Benner Development and Martin Tower raise a series of questions because in the Benner incident, the President of the Historic Society said the request was inappropriate. He added that City Council violated its own Ordinance to prove it. Regarding Martin Tower, a precedent was set where the Administration asked for a zoning change. These issues were perceived by the general public and it created an impression within the general public. Mr. Antalics stressed that the public expressed that concern at this podium. When the question was raised by a citizen about conflict of interest, everyone was quite concerned with the violence of the rebuttal of that fact. Mr. Antalics stated so what is the proper way to proceed to recuse to avoid the appearance of conflict. When you have that strong of a reaction, it creates the impression of smoke. Mr. Antalics advised that hopefully for the best interest of the community let's hope that smoke is not generated by a fire.

12. ADJOURNMENT

The meeting was adjourned at 7:52 p.m.

ATTEST:

City Clerk