

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Wednesday, July 5, 2023 - 7:00 PM

PLEDGE TO THE FLAG

1. ROLL CALL

President Colón called the meeting to order. Present were Grace Crampsie Smith, Wandalyn J. Enix, Hillary G. Kwiatek, Paige Van Wirt, Kiera L. Wilhelm, and Michael G. Colón, 6; absent, Rachel Leon, 1.

2. APPROVAL OF MINUTES

June 20, 2023

3. PUBLIC COMMENT (on any subject not being voted on this evening - 5 Minute Time Limit)

Defending Past Remarks

Resident Arthur Curatola said on May 17 he defended himself against accusations of being anti-Semitic by three Council Members and Mayor Reynolds. He also said that he was the subject of a news article that took his statements out of context that also appeared to be anti-Semitic. These events started with him saying that those living in Bethlehem should set a good example through their conduct because Bethlehem was named for Jesus Christ, and we should follow his teachings. Mr. Curatola said this does not make him a hater of Jews. He next said that militant Jews and their sympathizers support chaos and dissention rather than peace. He cited historic events including his contention that militant Jews prompted Italian organized crime. Mr. Curatola again stated that he will run for the Mayor of this City in 2025 and said that some are trying to paint him as anti-Semitic so that he would appear to be unfit for the position.

Traffic and Flooding Concerns

Resident Paul Fondl again discussed a bad traffic situation at West Broad Street and Hanover and Club Avenues. Although a five-story apartment building is proposed and would worsen traffic conditions, Mr. Fondl said action is needed now to address existing problems. He proposed that the following projects be done as soon as possible: re-install a 25-mph sign on the north side of West Broad Street, install an additional 25-mph sign with a curved arrow on the south side of Hanover Avenue just before the curve, and reactivate the flashing warning light where the LED billboard is located. He said these would be the most immediate requests before additional measures can be added. Mr. Fondl also mentioned a stormwater runoff problem in the area. Allentown has a 5-foot diameter storm drain tied into Bethlehem's 4-foot diameter drain, which causes flooding on Ritter Street during a heavy rainfall. He suggested that an additional 3-foot diameter pipe or larger be installed from Grandview Boulevard to the existing swale at the lower end of Ritter Street. He also said that he has been told that a detention basin should be

added in the area of the former Bennett car dealership. Mr. Fondl predicted major runoff problems if the Hanover Apartments project is permitted to be built without major improvements to address stormwater runoff. He also suggested that Bethlehem notify Allentown of this runoff problem so that this may be taken into account for future neighboring development.

President Colón said that Public Works Director Michael Alkhal is present if Mr. Fondl wanted to discuss these matters following the meeting.

Thanks to the City

Resident Terry Kloiber thanked City Council, the Zoning Hearing Board, Mayor Reynolds, and Assistant Solicitor Matt Deschler for the experience she has had in attending meetings associated with the proposed Hanover Apartments. She said that open space would be a better gateway to this part of the City than the proposed development. She recognized that apartments probably will get build on the former Bennett car lot site, but three stories would be preferable to the proposed five. Ms. Kloiber also agreed with Mr. Fondl's stormwater concerns in the area. She reported seeing a manhole cover pop up as a result of recent flooding and that Ritter Street looked like a stream. She provided photos of the flooding.

More Flooding Concerns

Resident Mary Jo Makoul also addressed the flooding affecting Grandview Boulevard. She also pointed to Allentown's 5-foot diameter pipe converging into Bethlehem's 4-foot diameter pipe as a factor adding to flooding during heavy rains. Ritter Street also is much lower than Grandview Boulevard, so water pools there. Ms. Makoul added that neither state nor federal designations show this area as a floodplain, leading her to believe that the difference in sizes of the cities' pipes is the main cause. She also suggested additional maintenance for the nearby storm drains. She asked that City engineers visit the site to recommend remedies. Ms. Makoul also asked that Grandview Boulevard be resurfaced.

Landfill Concerns

Lower Saucon Township resident Russ Sutton discussed the effluent that comes from the landfill in Lower Saucon and is treated at the City's Waste Water Treatment Plant. He said he hoped that the polyfluoroalkyl substances (PFAS), also known as "forever chemicals," would be treated if present. These are a threat to the Lehigh Valley and beyond if they enter the underground drinking water supply. Mr. Sutton updated City Council that Lower Saucon has proposed rezoning as Light Industrial an area stretching to Route 33 and the length of the Lehigh River. The area would be 10 times the current area zoned for this. This land is currently zoned Residential. Mr. Sutton said neighbors are concerned because the landfill owners own much of this land. He said the owners are asking to expand the dump by 1.7 acres, but he anticipates that this would fill up quickly. They own the whole mountain, so neighbors believe they will be looking for more expansions. Mr. Sutton said the rezoning proposal has not yet been approved. Neighbors are opposing these plans, but he predicted an environmental disaster if the landfill is allowed to continue to expand. He additionally urged the City to limit and monitor the leachate coming from the landfill.

President Colón said that an update on the Waste Water Treatment Plant permit that relates to this matter would be covered during the Mayor's Report portion of this meeting.

Permit Vigilance/Conglomerates Driving Up Housing Prices

Resident Brian Lucas cited a recent environmental class-action lawsuit filed against the state of Montana. He said this kind of "radical courage and radical thinking" is needed in helping to defend against the landfill pollution. He encouraged not assigning permits to the maximum allowable limits. More caution is needed. Since the City has a say in this permitting process, he asked that officials be as proactive as possible and well-prepared to defend environmentally safe positions. Mr. Lucas also addressed the affordable housing crisis. He considers this an anti-trust issue whereby the housing market is artificially inflated to drive up prices. Mr. Lucas said that huge corporate housing conglomerates have been able to buy many houses in a very short amount of time in college towns. He suggested being more aggressive and considering more radical ideas to defend against this situation in which local residents can no longer afford to live here. Bethlehem is not the only city experiencing this situation.

Council Should Have Taken More Time

Resident Stephen Antalics commented on the outcome of last meeting's failed support of a Memorandum of Understanding for the City to join a task force to combat human trafficking. The task force was initiated by the Northampton County District Attorney and included a relationship with Homeland Security and Immigration and Customs Enforcement. He said he finds the City police chief and the County district attorney to be trustworthy and has high regard for their opinions to join this task force. Mr. Antalics noted that there were four negative votes and three in favor. He said that he is not aware that any of three of those voting against the measure has any law enforcement background. Instead, he believes, their votes - at least to some degree - were personal and emotional. A fourth negative voter said they were unable to intelligently vote because of a lack of information. Given these circumstances, Mr. Antalics believed it would have been proper for a vote to table the matter. He believed this fourth negative voter would have supported this measure had they had more information. He based this assertion on previous voting patterns.

Landfill Expansion Update

Lower Saucon resident Victoria Opthof-Cordero said that Township Council has proposed rezoning the land area that was previously rezoned and is the subject of a court case. The new proposal will be discussed on Tuesday. It appears that Lower Saucon intends to rezone the three large parcels that the landfill owns but also all of the properties that are north on Applebutter Road up to Interstate 78 and then all the way east to the Williams Township line. The boundaries would be I-78, Route 33 and the Lehigh River. This would make all of this area Light Industrial as a permitted use by right rather than requiring more scrutiny if conditional use proceedings were to be required. Ms. Opthof-Cordero offered information on out-of-state garbage being accepted at the landfill from the Lower Saucon Township Landfill Committee meeting notes, available on the township website. For October of 2022, 24,302 tons of garbage represented 71 percent from out of state; November 67 percent; December 69.7 percent; January of 2023 59.8 percent; February 64 percent; and March 57.1 percent. She was hopeful that Council would watch the Waste Water Treatment Plant permit process and would require stringent requirements that would include

frequent PFAS testing and monitoring. She suggested quarterly, independent testing. Ms. Opthof-Cordero noted the current 300,000-ton-per-day limit on leachate that Bethlehem can accept. She urged the City to never increase this limit. If eventual plans would be to quadruple the size of the landfill rather than double it, she was certain that the landfill owners would come looking to renegotiate conditions of this permit.

4. PUBLIC COMMENT (on ordinances and resolutions to be voted on by Council this evening - 5 Minute Time Limit)

Supports Gun Purchases by Retired Officers

Resident Stephen Antalics pointed out Resolution 10 B on tonight's agenda, the firearm purchase of Officer DeFrank. On two previous occasions, Council voted 6-1 to approve similar purchases. The same Council Member voted nay based on "personal feelings", according to Mr. Antalics. He cited the example of a retired officer who prevented a probable robbery when he showed apparent robbers that he was carrying a gun. They left the store without incident. He asked whether it would be better for a trained former officer to have this gun or have it sit somewhere not being used. He said he was "at a loss" for why these votes are not unanimous in favor of allowing retired officers to purchase their guns.

5. OLD BUSINESS

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

6. COMMUNICATIONS

- A. *Chief of Police - Resolution - Retirement of Blaze - Police K9*

The Clerk read a memorandum dated June 15, 2023 from Police Chief Michelle Kott with an attached Resolution. "Blaze", a Dutch shepherd, was purchased in 2016 with a donation as an expert Patrol & Narcotics Detection K9 with the Police Department. The Police Department is seeking approval to properly retire "Blaze" according to Third-Class City Code regulations and transfer ownership to his handler, Robby Hoppes.

President Colón stated Resolution 10 A is on the agenda.

- B. *Chief of Police - Resolution - Firearm Purchase - DeFrank*

The Clerk read a June 16, 2023 memorandum with an attached Resolution and Agreement for the purchase of a duty weapon by a retired Officer of the Bethlehem Police Department. Pursuant to the Third Class City Code, retired officers may purchase their duty firearms at fair market value.

President Colón stated Resolution 10 B is on the agenda.

C. *Director of Water and Sewer Resources – Recommendation of Award – Barrasso Excavation, Inc. – Broadway Sanitary Sewer Replacement*

The Clerk read a June 27, 2023 memorandum with a proposed Resolution from Edward Boscola, Director of Water and Sewer Resources, recommending an agreement with Barrasso Excavation, Inc. of Oley. The cost is \$1,899,328 for replacement and upgrade of approximately 1,500 feet of sanitary sewer collection pipe along East 3rd Street, Brodhead Road, and Broadway, plus the replacement and relocation of the interconnection metering chamber at the border with Fountain Hill. This project was identified in the City's Act 537 Plan and will be partially funded by a \$525,000 H2O PA Grant. The term of the contract is 180 days. There are no renewals. **(Editor's Note: Brodhead Road was corrected during the meeting to Brodhead Avenue.)**

President Colón stated Resolution 10 C is on the agenda.

D. *City Solicitor – Use Permit Agreement – Bradbury Sullivan – 2023 Lehigh Valley Pride*

The Clerk read a memorandum dated June 29, 2023 from City Solicitor John F. Spirk, Jr. with an attached Resolution and Associated Use Permit Agreement. The Permittee is the Bradbury Sullivan LGBT Community Center and the event is 2023 Lehigh Valley Pride. The SubPermittee is ArtsQuest. The Agreement is from 9:00 AM to 12:00 Midnight on August 20. The Agreement covers 1st Street from Polk Street to the eastern terminus; and Founders Way between 1st and 2nd Streets.

President Colón stated Resolution 10 F is on the agenda.

E. *City Solicitor – Use Permit Agreement – ArtsQuest – 2023 Women's World Cup Viewing*

The Clerk read a June 29, 2023 memorandum from City Solicitor John F. Spirk, Jr. with an attached Resolution and Associated Use Permit Agreement. The Permittee is ArtsQuest and the event is the 2023 Women's World Cup Viewing Event. The Agreement is from 5:00 PM on July 26 until 1:00 AM on July 27. The Agreement covers 1st Street from Polk Street to the eastern terminus; and Founders Way between 1st and 2nd Streets.

President Colón stated Resolution 10 G is on the agenda.

7. REPORTS

A. *President of Council*

B. *Mayor*

Fireworks

Mayor J. William Reynolds thanked all in the City's public safety departments for assisting in another successful fourth of July fireworks show last night. He also thanked some of the public safety personnel who responded to fireworks reports in the neighborhoods. He said discussion will occur with plans for next year to try to minimize the illegal use of fireworks. The Mayor said there really is nowhere where it is safe and legal to use fireworks in the City based on a prohibition on setting off fireworks less than 150 feet from a structure.

Upcoming Event

Mayor Reynolds also announced that Bernie Fritz Night will be held Wednesday from 6:00 to 8:00 PM.

Response to Earlier Comments

Mayor Reynolds also addressed Mr. Curatola's remarks earlier in the meeting. He identified these as anti-Semitic and added that it is important that each time such comments are made that we, as a City, should reject them. During his administration, he has made it a point to emphasize that each time we hear anti-Semitic remarks, we call them out as we hear them. Mayor Reynolds said we have seen in recent years when people just ignore them. He admitted that people have a First Amendment right to say what they want during public comment, but "We have the microphone as well." Mayor Reynolds said that failure to call out these comments and those who make them has allowed these remarks to gain some "public normalization" in the last several years. Simply ignoring these remarks has not worked. He recognized that this is City Council's meeting, not the Administration's, but he said his administration will call out inappropriate remarks when they are made.

Discharge Permit Update

At the Mayor's request, City Solicitor Spirk spoke about the Waste Water Treatment Plant permit that was discussed at the June 20 Council meeting and earlier in this meeting. Solicitor Spirk recalled advising Council perhaps in February that the City had given up most of its rights involving the landfill about 30 years ago when it sold the facility and an option to a private entity. Around the same time, Director of Water and Sewer Resources Edward Boscola suggested that the City's focus should not be on what it could no longer control but should be on areas directly impacting the City, specifically the Waste Water Treatment Plant. This included the upcoming discharge permit renewal and any future state and federal permitting that would be required if there were any landfill expansion. This includes flow control, especially during wet weather events when the plant can get overwhelmed. One major way to address this would be to include in the permit some requirements for flow control from the landfill so that they can regulate the amount that comes to us and when. Other efforts include ongoing improvements to the plant itself.

The second part of the effort is in dealing with the PFAS levels. Quarterly testing is done for a number of chemicals associated with the existing permit. This is paid for by the landfill owner. The City also is looking to implement testing for the PFAS chemicals. This is not just a matter of looking at the landfill. There are other users as well. This also will better position the City in the event that state and federal regulations would impact us.

Solicitor Spirk added that all current permits have a provision that says that in the event that federal or state regulations become added, those provisions become part of the permit. There is no need to pass a new ordinance or wait until the next renewal of the permit. He said there are no state or federal regulations involving PFAS yet.

Mayor Reynolds clarified that if PFAS regulations come about, the landfill and other users automatically would have to comply. He also confirmed with Solicitor Spirk that requirements under the existing permit remain in place until a renewal is signed.

President Colón noted that the landfill owner pays for the quarterly testing, but he asked who conducts these tests.

Mr. Boscola said that most of the City's permits require a shared responsibility for sampling. The City and the permittee alternate the responsibility for testing. The City may sample for the first quarter, then the permittee for the second and back to the City for the third quarter. This is called self-monitoring and is included in the federal regulations. Test results are sent to the City and the permittee, and the City files those results with the Environmental Protection Agency.

President Colón asked what happens if results exceed permit limits.

Mr. Boscola said that where actual limits are set, fines are imposed on an increasing scale for multiple offenses. In the case of PFAS, data may be obtained regarding levels, but the process is so new that limits have not yet been set.

Dr. Van Wirt asked about a situation in Emmaus where chemicals have been found in drinking water with the source identified as nearby fire training grounds.

Mr. Boscola said there are no regulations in place involving PFAS, although DEP regulations for drinking water will go into effect in 2024. That is the Emmaus situation that Dr. Van Wirt was talking about. The City will begin monitoring its drinking water next year.

Dr. Van Wirt asked whether the City would be able to identify the source if high PFAS levels are coming into the Waste Water Treatment Plant from any of the 37 industrial waste permittees that it serves.

Mr. Boscola said that is what EPA is trying to regulate. EPA will be wanting to gather data on how bad the problem is and determine whether remedies would be to treat contaminants at the source (permittee), a landfill, or at the Waste Water Treatment Plant.

Dr. Van Wirt said the source of the PFAS can be very important and returned to the out-of-state trash statistics provided earlier by Ms. Ophhof-Cordero. Whether it is the trash or the resulting leachate, if that trash originated from a state that does not have what Pennsylvania considers necessary regulations, we may be subject to pollutants resulting from what we consider prudent safety requirements.

Ms. Kwiatek asked what Mr. Boscola meant by penalties.

He said financial penalties. Amounts are defined in the ordinance and would be about \$1,000 for a first offense and increasing based on the number of repeat offenses.

Ms. Kwiatek said she was glad to hear that there are alternating responsibilities for testing, noting that comparisons should maintain integrity for the process.

It was noted that DEP regulations are being developed and regulatory standards appear to be near. However, since they are not yet in place, Ms. Kwiatek asked what would happen if the landfill owners would not agree to adapt to meet new standards.

Mr. Boscola said this is a good question. If, under the permit regulations, they are required to monitor for PFAS and they do not monitor, they would be fined. But, these regulations have not yet been well developed. On the other hand, the owners understand that PFAS regulation is coming and that landfills are seen as a likely source. They understand that to be a “good partner” in this situation, they should cooperate. It is not a big burden to sample for this particular set of chemicals quarterly. “They have basically agreed, at least verbally, that they will comply with that,” Mr. Boscola said. He added that if the PFAS language were to be added in the permit, it would give the City some leverage if required testing were not done. Mr. Boscola added that this language at this point would be about monitoring, not yet treating if high levels were to be found.

Ms. Kwiatek asked whether treatment is available.

Mr. Boscola said there has been study to this point, but there does not seem to be a clear choice. This is still developing.

Mayor Reynolds said that this is a two-part question. The first will be a testing requirement. The second would be eventual remediation if necessary. On the local level, we are just enforcing the DEP or EPA guidelines. He reminded that this is why requirements set in permits can change as DEP or EPA change their requirements.

Ms. Kwiatek added that the City can be more restrictive, but not more lenient, in its requirements than DEP or EPA.

Ms. Kwiatek said she saw some areas in the related ordinance where she might suggest adjustments. She asked whether Council could do anything for the Administration in terms of review or potential amendments. If not, she wanted to extend the offer of a willingness to work together.

Mayor Reynolds believed review would be good, at least include Solicitors Brian Panella and Spirk.

Ms. Crampsie Smith asked about the rotating monitoring. She asked whether the employees of these permittees are performing these tests or whether an independent testing firm is used.

Mr. Boscola said that permittees must follow the same procedures as the City. A certified lab must do the testing. This way all the data is comparable.

Ms. Crampsie Smith also asked the status of the permit with the landfill.

Solicitor Spirk said the updated permit language must be finalized to update issues that have been discussed tonight. Meanwhile, the old permit remains in effect.

Mayor Reynolds said that the good news is that the old permit is in effect until a new one is signed by both parties. There is no deadline or regulations that expire.

Six-month Financial Update

Business Administrator Eric Evans provided a financial update for the first half of 2023. He noted some increases in revenue in 2022 including Earned Income Tax and deed transfers. Conversely, interest income last year was rather low. Permit fees began to rebound. In terms of expenses, medical costs went over budget. Additionally, gasoline was extremely high and required several budget transfers.

In 2023, Mr. Evans said the year is off to an even better start. Real estate taxes and the host fee are reliable and consistent sources of income and are projected to meet the budgeted amount. He also highlighted five budget items that are exceeding expectations. Last year's rise in EIT meant that anticipated revenue was set even higher. Despite this action, even more money is being collected than anticipated. Last year's midpoint figure was \$5.5 million. This year, we are at \$6.4 million. Mercantile tax also is up from \$2.2 million to \$2.9 million. Permitting revenues are \$100,000 ahead of last year. Interest income also has improved. Interest income for 2022 was \$24,000 compared to \$555,000 so far this year. Deed transfers have slowed because of increased interest rates. Recycling also is running behind as the price of the resale of these materials has decreased. The mid-year resale income this year is \$25,000 compared to last year's \$54,000 at the same point. The other drop comes in ambulance fees. Last year's income at this point was \$1.45 million compared to \$1.6 million. This is an increase, but budgeted income was higher. It is believed that a lag in receiving the approved Medicare increase will tighten this figure up before the end of this year.

Mr. Evans said there have been a lot of savings from personnel, specifically more than \$750,000 in vacancy factor. This comes about because of time needed to hire new employees. This is often unavoidable and not desirable from a productivity standpoint, but it does result in savings. Gasoline prices are much better than last year. Spending in this area is down by \$20,000 compared to this time in 2022. Finally, medical costs are at \$3.01 million compared to \$4 million at this time last year.

Mr. Evans summarized that this has been a very good first two quarters. They will remain vigilant to try to ensure that this becomes a solid year.

Mayor Reynolds reminded that his philosophy is to budget conservatively so that they will be pleasantly surprised rather than caught short. It is important to separate one-time expenditures and one-time revenues from sustainable expenditures and sustainable revenues. The goal is to have your sustainable revenues to outpace your sustainable expenditures. He credited the Administration for proposing the budget and Council for passing it. He said the City still budgets conservatively and benefits when goals are exceeded. This philosophy has put Bethlehem on a successful track. He reminded that Bethlehem has the best bond rating around, and it has been able to pay off \$100 million in debt within the past few years. As long as the City can continue on its debt payment schedule, this will continue to put the City in a strong financial position, "but it comes from the idea that we budget honestly and we budget conservatively." Thanks for this is due to this City Council and administration as well as those in these positions in the recent past.

President Colón noted the discussed vacancy factor and asked whether we are seeing a noticeable change in applications in light of the recognized labor shortage.

Mr. Evans said the City is receiving more applications, but some of its talented workforce has been hired away, making for a challenging time. It is a competitive marketplace, although he believes the City offers competitive wages and benefits, including the pension plan.

Mayor Reynolds said they have had the most challenges with Public Works and Water and Sewer, especially with entry-level positions. There are more good entry-level positions in the Lehigh Valley than there used to be.

President Colón asked how the overtime budgets look.

Mr. Evans said this would mostly apply to police and fire. The police account at the six-month point is just under budget. Fire is running a little higher than last year. This is in part because fire openings occurred after the academy class for the year. The other side of this issue is that if the City is paying for overtime because of vacancies, the primary wages not being paid become a source for paying for some of the overtime expense.

C. Community Development Committee Meeting (Dr. Van Wirt)

Dr. Van Wirt said The Community Development Committee met on Tuesday, June 27, 2023 at 5:30 PM, in Town Hall. The Committee discussed the following agenda items: the 2023 F.A.I.R. Hearing and the Community Health Needs Assessment Report. First, the Committee held the annual Financial Accountability Incentive Reporting (F.A.I.R.) Hearing required by Article 349 and reviewed economic development incentive reports submitted by the Administration. Second, Health Director Kristen Wenrich outlined the Community Health Needs Assessment Report. Both matters were for informational purposes, and no actions were taken.

D. Finance Committee Meeting (Dr. Enix)

Dr. Enix said the Committee met earlier this evening at 6:00 PM in Town Hall and discussed seven agenda items. The Committee voted to recommend placement of appropriate Bills and Resolutions on this evening's Council meeting agenda.

8. ORDINANCES FOR FINAL PASSAGE

None.

9 NEW ORDINANCES

9A. *Bill No. 27-2023 – General Fund Adjustments – 2023*

The Clerk read Bill No. 27-2023 – General Fund Adjustments-2023, sponsored by Dr. Enix and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE 2023 GENERAL FUND

Voting AYE: Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, Ms. Wilhelm, and Mr. Colón, 6. ABSENT: Ms. Leon, 1.

9B. *Bill No. 28-2023 – Non-Utility Capital Budget – Adjustments – Vehicle*

The Clerk read Bill No. 28-2023 – Non-Utility Capital Budget – Adjustments – Vehicle, sponsored by Dr. Enix and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE 2023 CAPITAL BUDGET FOR NON-UTILITIES

Voting AYE: Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, Ms. Wilhelm, and Mr. Colón, 6. ABSENT: Ms. Leon, 1.

9C. *Bill No. 29-2023 Non-Utility Capital Budget – Adjustments – East Broad Street Corridor*

The Clerk read Bill No. 29-2023 – Non-Utility Capital Budget – Adjustments – East Broad Street Corridor, sponsored by Dr. Enix and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE 2023 CAPITAL BUDGET FOR NON-UTILITIES

Voting AYE: Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, Ms. Wilhelm, and Mr. Colón, 6. ABSENT: Ms. Leon, 1.

9D. *Bill No. 30-2023 Non-Utility Capital Fund Budget – Adjustments – Greenway Rail Line*

The Clerk read Bill No. 30-2023 – Non-Utility Capital Fund Budget – Adjustments – Greenway Rail Line, sponsored by Dr. Enix and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE 2023 CAPITAL BUDGET FOR NON-UTILITIES

Voting AYE: Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, Ms. Wilhelm, and Mr. Colón, 6. ABSENT: Ms. Leon, 1.

9E. *Bill No. 31-2023 Community Development Block Grant (CDBG-HOME) Budget Adjustments*

The Clerk read Bill No. 31-2023 – Community Development Block Grant (CDBG-HOME) Budget Adjustments, sponsored by Dr. Enix and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND
NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE 2023
COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET

Voting AYE: Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, Ms. Wilhelm, and
Mr. Colón, 6. ABSENT: Ms. Leon, 1.

10. RESOLUTIONS

A. *Approve Resolution – Retirement of Blaze – Police K9*

Dr. Enix and Ms. Crampsie Smith sponsored Resolution No. 2023-128 that authorized pursuant to 11 Pa.C.S. §12402.1 of the Third Class City Code to dispose of personal property by sale or otherwise upon approval by City Council via Resolution. Now, therefore, be it resolved by the Council of the City of Bethlehem that the following personal property is hereby approved to be transferred by the Bethlehem Police Department: K9 “Blaze” to his handler, Robby Hoppes.

Voting AYE: Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, Ms. Wilhelm, and
Mr. Colón, 6. ABSENT: Ms. Leon. The Resolution passed.

B. *Approve Resolution – Firearm Purchase – DeFrank*

Dr. Enix and Ms. Crampsie Smith sponsored Resolution No. 2023-129 that authorized to execute an Agreement to effectuate the transfer of the city-issued handgun to Thomas DeFrank, a retired City Police Officer.

Voting AYE: Ms. Crampsie Smith, Dr. Enix, Dr. Van Wirt, Ms. Wilhelm, and Mr. Colón, 5.
NAY: Ms. Kwiatek, 1. ABSENT: Ms. Leon, 1. The Resolution passed.

C. *Approve Resolution – Barrasso Excavation, Inc. – Broadway Sanitary Sewer Replacement*

Dr. Enix and Ms. Crampsie Smith sponsored Resolution No. 2023-130 that authorized to execute an Agreement with Barrasso Excavation, Inc. to replace and upgrade approximately 1,500 feet of sanitary sewer line and replace and relocate an interconnecting metering chamber at the border with Fountain Hill.

Ms. Kwiatek noted that supporting agenda material listed “Brodhead Road” as one of the areas of work. She wondered whether that should be “Brodhead Avenue” instead.

Mr. Boscola said the area for work is in front of the Comfort Suites, so Ms. Kwiatek is correct that materials should read Brodhead Avenue.

Voting AYE: Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, Ms. Wilhelm, and
Mr. Colón, 6. ABSENT: Ms. Leon, 1. The Resolution passed.

D. *Approve Resolution – Transfer of Funds – General Fund*

Dr. Enix and Ms. Ms. Crampsie Smith sponsored Resolution No. 2023-131 that authorized that \$19,407 in the General Fund Budget be transferred in the amount of \$17,367 from Account

No. 0301-40001 - Salaries and \$2,040 from Account No. 0301-40002-Longevity to the following: \$17,367 in Account No. 0203-40001-Salaries and \$2,040 in Account No. 0203-40002-Longevity. The transfer is to account for a City employee transferring from the Department of Community and Economic Development (Administration) to the Department of Administration (Financial Services). The net effect on the 2023 budget is zero dollars.

Voting AYE: Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, Ms. Wilhelm, and Mr. Colón, 6. ABSENT: Ms. Leon, 1. The Resolution passed.

E. Approve Resolution - Transfer of Funds - General Fund to Non-Utility Capital Fund

Dr. Enix and Ms. Crampsie Smith sponsored Resolution No. 2023-132 that authorized that \$58,535 in the General Fund Budget be transferred from Account No. 0601-40001-Police-Salaries to \$58,535 in Account No. 0801-42083-Transfer to Non-Utility. The transfer would come from the Police Department's salaries account to purchase a replacement police truck.

Voting AYE: Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, Ms. Wilhelm, and Mr. Colón, 6. ABSENT: Ms. Leon, 1. The Resolution passed.

F. Approve UPA - Bradbury Sullivan - 2023 Lehigh Valley Pride

Dr. Enix and Ms. Crampsie Smith sponsored Resolution No. 2023-133 that authorized to execute a Use Permit Agreement with the Bradbury Sullivan LGBT Community Center and SubPermittee ArtsQuest for 2023 Lehigh Valley Pride.

Voting AYE: Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, Ms. Wilhelm, and Mr. Colón, 6. ABSENT: Ms. Leon, 1. The Resolution passed.

G. Approve UPA - ArtsQuest - 2023 Women's World Cup Viewing

Dr. Enix and Ms. Crampsie Smith sponsored Resolution No. 2023-134 that authorized to execute a Use Permit Agreement with ArtsQuest for the 2023 Women's World Cup Viewing Event.

Voting AYE: Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Dr. Van Wirt, Ms. Wilhelm, and Mr. Colón, 6. ABSENT: Ms. Leon, 1. The Resolution passed.

President Colón said he would accept a motion and a second to consider 10 H through 10 J as a group.

Ms. Crampsie Smith made a motion, seconded by Ms. Wilhelm, to consider Resolutions 10 H through 10 K as a group.

Voting AYE: Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, and Mr. Colón, 6. ABSENT Ms. Leon, 1. The Motion passed.

H. *Certificate of Appropriateness – 507 East Fourth Street*

Dr. Enix and Ms. Crampsie Smith sponsored Resolution No. 2023-135 that granted a Certificate of Appropriateness to install new window signage at 507 East Fourth Street.

I. *Certificate of Appropriateness – 114 West Fourth Street*

Dr. Enix and Ms. Crampsie Smith sponsored Resolution No. 2023-136 that granted a Certificate of Appropriateness to construct an addition to the second floor on the west side of the existing Grace Mansion, enclose the rear 2-story porch, relocate the existing garage along with new construction to the overall design and improvements to the courtyard area at 114 West Fourth Street.

J. *Certificate of Appropriateness – 3 East Fourth Street*

Dr. Enix and Ms. Crampsie Smith sponsored Resolution No. 2023-137 that granted a Certificate of Appropriateness to install window signage and a new blade sign at 3 East Fourth Street.

K. *Certificate of Appropriateness – 125 East Third Street*

Dr. Enix and Ms. Crampsie Smith sponsored Resolution No. 2023-138 that granted a Certificate of Appropriateness to renovate the front façade at 125 East Third Street.

Voting AYE on Resolutions 10 H through 10 K Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, Ms. Wilhelm, and Mr. Colón, 6. ABSENT: Ms. Leon, 1. The Resolutions passed.

11. NEW BUSINESS

Tribute to Richard “Bucky” Szulborski

Dr. Enix announced the passing of former City Councilman Richard “Bucky” Szulborski on June 30. She summarized many accomplishments and noted that he served twice as Northampton County’s interim controller. Dr. Enix also read several tributes offered to her by friends and associates. These tributes spoke of his love of Bethlehem, its people, and its history. “He was Mr. Bethlehem at the best,” said Dr. Enix before asking those present to share in a moment of silence in his memory.

Condolences/West Side Meeting/Stormwater Runoff

Ms. Kwiatek offered her condolences to Mr. Szulborski’s family and added that he was a true promoter of Bethlehem.

She also announced that she and President Colón have been invited by West Side neighbors to host a town hall meeting to discuss West Side issues. This will be held at 7:00 PM on July 20 in the D.A.R. House in the Rose Garden.

Ms. Kwiatek referred to pictures shown earlier from the June 27 rainstorm that blew the manhole cover from its place on Ritter Street. She called it an incredible storm and saw at least four other manhole covers that were displaced on various streets. She said she had not seen this

before, but apparently it occurs during extreme storms. She knows that stormwater work is being done at areas of the City and hopes that this will prevent such occurrences.

More Szulborski Tribute/Yosko Park Cleanup/Public Comment Assessment

President Colón also offered his condolences to the family of Mr. Szulborski. He said he did not know him well, but found him to be supportive and encouraging at important times when he did come in contact.

Noting that Councilwoman Leon could not attend tonight, President Colón passed along a reminder on her behalf that the Yosko Park cleanup is scheduled for 10:00 AM on Saturday.

President Colón also addressed comments made during Public Comment tonight and further referenced during the Mayor's Report. President Colón said that Public Comment gives the public an opportunity to offer opinions. Often these may include comments that are critical of Council or City actions. He understands that this is feedback aimed at representatives of those being served. But, "public comments as they relate to using historical stereotypes, using inflammatory language, using language that - I don't know what the motivations are, I'm not going to attempt to assign motivations to them - but if it's looking for sympathy or support, that is not coming from anyone that sits up here; or, I'm guessing, from any seats here in Town Hall." All who come here "should be able to move about freely in search of peace and joy just like we all do." "And to face attacks in a public forum, or any forum, is really just unfair." He added that he does not believe "that those words are reaching their goals." People will continue to be afforded this opportunity, but he confidently said that he believed they would be lost to the atmosphere once stated.

12. ADJOURNMENT

The meeting was adjourned 8:58 PM.

ATTEST:

Tad J. Miller
City Clerk