

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Wednesday, May 22, 2019 - 7:30 PM

INVOCATION

Reverend Joanna M. Herren, offered the Invocation which was followed by the pledge to the flag.

PLEDGE TO THE FLAG

1. ROLL CALL

President Waldron called the meeting to order. Present were, Bryan G. Callahan, Michael G. Colón, Shawn Martell, J. William Reynolds, Paige Van Wirt, and Adam R. Waldron, 6. Olga Negrón was absent, 1.

Ordinances 8A, 8B, 8C, and 8D

President Waldron announced Council will vote to postpone the Final Reading of Ordinances 8B, 8C, and 8D when we reach that portion of the agenda. The vote will be postponed to the Second Reading of the Ordinances to Tuesday, June 18, 2019 to provide sufficient time for Committee review of Ordinance 8A and potential amendments to that Ordinance.

Communication 6 I and Resolution 10 L addition

President Waldron announced a Communication and Resolution related to a contract approval request will be added to the agenda tonight.

The Clerk read a memorandum from Michael Alkhal, Director of Public Works recommending a contract with T & M Associates for Pollutant Reduction Plan Preparation. The term of the contract is three months from the notice to proceed and the fee for the contract is \$59,000.

2. APPROVAL OF MINUTES

The Minutes of May 7, 2019 were approved.

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

South Bethlehem Construction Projects

Louis James, 1420 Stoke Park Road, stated he is President of the South Bethlehem Historical Society and he has a letter he would like to present to Mayor Donchez and to the Members of City Council. The letter asks the Mayor and Council to consider the economic

impacts progress has on the residents of South Bethlehem and the changes to the character of the neighborhoods, which are still as vibrant and diverse as they were when many of our parents, grandparents and great grandparents made their homes here. Mr. James is asking that Mayor Donchez and Council consider the history that is being destroyed in the name of progress and consider the economic impact progress is having on residents of the Southside and also to consider the construction projects that have taken place and will continue to occur.

Campaign Yard Signs

Bill Scheirer, 1890 Eaton Avenue, informed as a member of the Board of the South Bethlehem Historical Society he voted to approve the letter read by Mr. James. He moved on to propose a small revenue producing idea related to placement of campaign signs. He expressed campaign signs on public property serves no purpose. If it is in someone's yard, that is a meaningful statement. Mr. Scheirer pointed out that sometimes one sign blocks another, and in one case he noticed there were two candidates who were friendly to each other but they had one sign blocking the other. Another sign was obliterated by weeds. Mr. Scheirer thinks we should have an Ordinance that says for every sign placed on public property there would be a fine of \$10 dollars to that campaign, and if that campaign was out of money that fine would go to the individual. He feels this would not only raise a lot of money, but it would make the City look better.

Primary Election

Ed Gallagher, 49 West Greenwich Street, remarked yesterday was Election Day and he would like to give a shout out to the winners and losers. He started attending Council Meetings in January of 2018 and one of his goals was to be able to personally vote better, to know the candidates better. He started his blog in September of 2018 and thought he could help people similar to himself vote more intelligently and thoughtfully, not just from the yard signs or someone's name. In the past two months his blog has made a concerted effort to make available information on each of the seven candidates who were running for election. Mr. Gallagher remarked the newspapers are not covering that much anymore. He thought of soundbites that rose to the surface from some of the people who did not win and noted that candidate Will Carpenter stated "It is most important that people are looking when the sunlight is let in." So he kind of put it to us not to sit back and wait for things to happen, you need to look for information and you need to do stuff. Candidate Carol Ritter stated "It is so good to feel comfortable walking our streets." Mr. Gallagher noted that is a gift to us citizens that comes from our Public Safety people; we have a safe City. Mr. Gallagher remarked that candidate Dave Saltzer stated "The myth of public safety workers, everyone goes home." We want those people supported; we do not want to cut the budget in those areas.

Martin Tower Implosion

Stephen Antalics, 737 Ridge Street, remarked the public meeting about the implosion of Martin Tower was interesting because it raised questions about wind velocity. The gentleman in charge implied that everything will stay within projected parameters, but did say later without having addressed the velocity question that the wind is on our side. To him that raised a red flag. Mr. Antalics stated the vantage point from his property gives him a view of the Blue Mountains and he can see the airport control tower. He continued to say that what the gentleman knew and

did not say in that aftermath, is that there are two types of clouds. The large particulates were swept off the sidewalks, which is the lowest percent of the particulates, but there was another particulate, which is the sub-micron particle. He expressed that he could see this cloud beginning to mushroom and checked the cloud performance every 15 minutes for 2 hours because the only health person commenting on the long term effects of the implosion was Dr. Diamond. He noted he clocked this expansion, and before the implosion he had a clear view of the Blue Mountains and a clear view of the control tower. The shape and color of the cloud changed because the large particulates settled down over 15 minutes to a half an hour but the plume of the sub-micron particles could not be seen if you were standing in the area. It went well beyond the implosion site, he would say at least a mile or more. He remarked these particles, being sub-micron, are not affected by gravity, and they stay in the air and that air was over an hour and a half over the City to the east and the west. Mr. Antalics remarked those particles were primarily silica particles from the cement and Dr. Diamond had stated that silica particles are dangerous. He suggests that the City Health Bureau send a letter to people within radius of the implosion site and advise them that they were in an area where they were subjected to fine particulates which could be carcinogenic. He feels the information given to the public was not fair.

Ordinances

Alan Hoppey, 1303 Beverly Avenue, remarked that Council passes a lot of Ordinances but they do not get supported. The one that bothers him relates to maintaining the height of grass. He noted that he walks a lot through west Bethlehem and sees a lot of lawns with high grass. The other Ordinance he wanted to point out regards the parking of vehicles on unpaved surfaces. In a three block area of west Bethlehem he sees five vehicles being parked on unpaved surfaces. He remarked there are people that drive around and work for the City and there are code enforcement officers that live in the area but these issues are being ignored. Mr. Hoppey mentioned someone from Recycling is always out checking to see if people are recycling and could make a notation of the issues too. He feels he should not have to come to a meeting and talk to Council about grass cutting and the parking of vehicles.

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

Administrative Orders

Ed Gallagher, 49 West Greenwich Street, stated he was reminded recently that Council has three very important duties and responsibilities, the passing of Ordinances, the passing of the budget and affirming people on Committees and Boards. Tonight there are Administrative Orders for people who are up for confirmation to serve of Boards. He hopes there is something in the information the Council receives about actual performance on the Boards, Authorities and Commissions. Referencing last year, Mr. Gallagher pointed to the Parking Authority minutes and he could not tell that there was any discussion about matters that to him seemed important and complex. The minutes were very bare and hardly a mention of the name of a person making a comment. As a person from the outside he wanted to know who was saying what. He suggests that the Mayor or someone request that hot button Committees have minutes that are fuller than they are now so that when it comes to reappointments you can tell who was saying what. He pointed out the Parking Authority Meeting was cancelled today because of lack of a quorum, and

if the new appointment for tonight, Mr. Gonzalez, was attending he was going to say to him to make sure he is active and that his voice is heard and the minutes record what you are saying.

Bill Scheirer, 1890 Eaton Avenue, stated he is pleased to see the appointment of Beth Starbuck to HARB. He referenced a Planning Commission Meeting that he attended and thought Mr. Malozi made some very good comments, but he is puzzled about the criteria for appointments, in particular to the Planning Commission and the Zoning Hearing Board. Mr. Scheirer noted that Mr. Malozi is a football coach and former Councilwoman Dolan once remarked whether we really need a paving contractor on the Planning Commission. Maybe expertise is not a requirement, but passion for the subject is.

President Waldron noted that Mr. Scheirer was talking about Mr. Melosky.

5. OLD BUSINESS

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

6. COMMUNICATIONS

- A. *Director of Recreation – Recommendation of Award – Celebration Fireworks, Inc. – July 4th Fireworks Celebration*

The Clerk read a memorandum dated May 3, 2019 from Jodi Evans, Director of Recreation recommending a contract with Celebrations Fireworks, Inc. for the July 4th fireworks. The term of the contract is July 4, 2019. The fee for the contract is \$32,000.

President Waldron stated Resolution 10 C is on the agenda.

- B. *Director of Water and Sewer Resources – Recommendation of Award – T & M Associates – Wastewater Treatment Plant Dike Inspection*

The Clerk read a memorandum dated May 15, 2019 from Edward Boscola, Director of Water and Sewer Resources recommending a contract with T & M Associates for the Wastewater Treatment Plant Dike Inspection and Additional Services. The term of the contract is from Notice to Proceed until December 31, 2019. The fee for the contract is \$5,750. There are 3 renewals pending continued maintenance and activities on the dike.

President Waldron stated Resolution 10 E is on the agenda.

- C. *Assistant City Solicitor – Proposed Ordinance Establishing Article 1719 – Grounds and Procedures for Denying Selected Permits and Authorizations for the Purpose of Promoting Property Revitalization*

The Clerk read a memorandum dated May 16, 2019 from Assistant Solicitor Edmund Healy, Esq., to which is attached a proposed Ordinance establishing new Article 1719 – titled

Grounds and Procedures for Denying selected Permits and Authorizations for the Purpose of promoting Property Revitalization.

President Waldron stated the Ordinance can be placed on the June 4, 2019 Council agenda for First Reading.

D. Director of Community & Economic Development – Records Destruction – Community & Economic Development Department

The Clerk read a memorandum dated May 16, 2019 from Alicia Karner, Director of Community & Economic Development requesting Council to consider a Resolution for the Destruction of Records from the Community & Economic Development Department listed on the attached exhibit. Director Karner has reviewed the Municipal Records Retention Act and the records fall within categories where destruction is permitted.

President Waldron stated the Resolution will be placed on the June 4, 2019 agenda.

E. Director of Community & Economic Development – Recommendation of Award – Urban Research and Development Corporation – Zoning/Housing Ordinance Amendment Professional Services

The Clerk read a memorandum dated May 16, 2019 from Alicia Karner, Director of Community and Economic Development recommending a contract with Urban Research and Development Corporation for researching issues regarding Zoning/Housing Ordinance Amendments. The term of the contract is 18 months from date of contract and the fee for the contract is not to exceed \$10,000.

President Waldron stated Resolution 10 F is on the agenda.

F. City Solicitor – Use Permit Agreement – ArtsQuest – FIFA World Cup Viewing Event

The Clerk read a memorandum dated May 16, 2019 from City Solicitor William P. Leeson, Esq. to which is attached a proposed Resolution and Associated Use Permit Agreement. The permittee is ArtsQuest and the event is the FIFA World Cup Viewing Event. The duration of the agreement is June 11, 16, and 20, 2019 and potential dates may be June 22-25, 2019, June 27-29, 2019, July 6, 2019 and July 7, 2019. The location is First Street from Polk Street to the Eastern Terminus; and Founders Way between First Street and Second Street.

President Waldron stated the Resolution can be placed on the June 4, 2019 agenda.

G. City Solicitor – Use Permit Agreement – ArtsQuest – Amendment – Musikfest

The Clerk read a memorandum dated April 11, 2019 from City Solicitor William P. Leeson, Esq. to which is attached a proposed Resolution and amendment to an Associated Use Permit Agreement related to Streets at Musikfest. The duration of the agreement is July 28 through August 14, 2019. The agreement covers various street locations.

President Waldron stated the Resolution can be placed on the June 4, 2019 agenda.

H. *Director of Community and Economic Development – Resolution Request – Greenways, Trails and Recreation Program (GTRP) Grant Application*

The Clerk read a memorandum from Alicia Karner, Director of Community and Economic Development with an attached Resolution to support a grant request in the amount of \$250,000 for a Pennsylvania Greenways, Trails and Recreation Program grant. The funds will improve and upgrade the Monocacy Way Trail Connection between the Delaware & Lehigh National Heritage Corridor trail and the Schoenersville Road grade crossing to the north.

President Waldron stated Resolution 10 G is on the agenda.

7. REPORTS

A. *President of Council*

President Waldron announced the Committee of the Whole met tonight at 6:00 pm before City Council and received an update on the City's Pension Plans. President Waldron informed that the Committee Meeting lasted longer than expected and delayed the start of the City Council Meeting.

B. *Mayor*

1. *Administrative Order – Jane Persa – Recreation Board*

Mayor Donchez appointed Jane Persa to membership on the Recreation Board to fill the unexpired term of Jodi M. Evans effective through August, 2019. Mr. Colón and Mr. Martell sponsored Resolution No. 2019-120 to confirm the appointment.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Resolution passed.

2. *Administrative Order – Beth Starbuck – Board of Historical and Architectural Review*

Mayor Donchez appointed Beth Starbuck to membership on the Board of Historical and Architectural Review to fill the unexpired term of Jennifer Rowe Hawk effective through February, 2024. Mr. Colón and Mr. Martell sponsored Resolution No. 2019-121 to confirm the appointment.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Resolution passed.

3. *Administrative Order – Eugene Gonzalez – Bethlehem Parking Authority Board*

Mayor Donchez appointed Eugene Gonzalez to membership on the Bethlehem Parking Authority Board to the seat formerly held by Diana Morganelli whose term expired May, 2019. The appointment is effective through May, 2024. Mr. Colón and Mr. Martell sponsored Resolution No. 2019-122 to confirm the appointment.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Resolution passed.

4. *Administrative Order – Matthew B. Malozi – Bethlehem Planning Commission*

Mayor Donchez reappointed Matthew Malozi to membership on the Bethlehem Planning Commission effective through May, 2024. Mr. Colón and Mr. Martell sponsored Resolution No. 2019-123 to confirm the reappointment.

Mr. Callahan thanked Mr. Malozi for coming to this meeting, and highlighted Mr. Malozi has always been very thorough in his discussions and review of everything that comes before the Planning Commission. He noted at the last City Council Meeting someone stated that they guaranteed that the owners of the Martin Tower building would not be at the implosion but Mr. Callahan corrected that information. He continued to say that in openness and fairness to everyone when things are said during public comment that are untrue and incorrect it is incumbent on us to try to correct the record. A few moments ago a gentleman incorrectly state that Mr. Malozi did not have any certification or other qualifications other than being a football coach, but that is not true. Mr. Callahan asked Mr. Malozi if he is a certified planner.

Mr. Malozi stated he is an engineer, and he took the classes that were offered by the Lehigh Valley Planning Commission.

Mr. Callahan mentioned as did Mr. Melosky.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Resolution passed.

5. *Administrative Order – Barbara Kozero – Fine Arts Commission*

Mayor Donchez appointed Barbara Kozero to membership on the Fine Arts Commission to fill the expired term of Theresa Shalton effective through September, 2021. Mr. Colón and Mr. Martell sponsored Resolution No. 2019-124 to confirm the appointment.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Resolution passed.

6. *Administrative Order – Leonard A. Perrett III – Fine Arts Commission*

Mayor Donchez appointed Leonard A. Perrett III to membership on the Fine Arts Commission to the position formerly held by Barbara Pearson effective through May, 2022. Mr. Colón and Mr. Martell sponsored Resolution No. 2019-125 to confirm the appointment.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Resolution passed.

7. *Administrative Order – Janet B. Pressler– Fine Arts Commission*

Mayor Donchez appointed Janet B. Pressler to membership on the Fine Arts Commission to replace Bob Blum whose term expires November, 2020, effective through November, 2020. Mr. Colón and Mr. Martell sponsored Resolution No. 2019-126 to confirm the appointment.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Resolution passed.

Martin Tower Implosion

Mayor Donchez remarked Emergency Management Director Robert Novatnack will give Council a short summary at the end of his report. Mayor Donchez informed he received a memorandum from Northampton County Executive Lamont McClure on May 17, 2019 that stated "On behalf of Northampton County it gives me great pleasure that Robert Novatnack has been chosen as the 2018 outstanding municipal employee for Bethlehem City, Northampton County. He has been selected because of his outstanding performance and contributions that have gone beyond his job requirements." Mayor Donchez noted that Mr. Novatnack will be given an award this Saturday, May 25th in Easton. Mayor Donchez wanted to take the opportunity to thank all of the City personnel that were involved in the planning for many, many weeks for the implosion of Martin Tower.

Wind Creek Casino/Seminar/Primary Election

Mayor Donchez reported the Gaming Board has set up a special meeting for this coming Thursday, May 29th at 1:00 for Wind Creek and the Sands. He will be going with Eric Evans, Business Administrator and Alicia Karner, Director of Community and Economic Development to this meeting in Harrisburg along with the representatives from Wind Creek that will be there. We are hoping that everything will be approved on May 29th and that closing of the sale of the casino will take place within a few days. He expressed his thanks thank the Gaming Board for setting up this special meeting, and pointed out it is very important to get this agreement finalized before May 31, 2019. There was an announcement that they are very serious about putting in an indoor water park, so that would be a second hotel, the indoor water park that would have 400 rooms, and you are looking at a total of 1,000 rooms, basically three hotels. Mayor Donchez informed they are working on four other projects that they will make public in the future.

Mayor Donchez added that Solicitor Leeson and Police Chief DiLuzio organized a seminar that was attended by approximately 50 to 60 Police Officers and representatives from ArtsQuest and Celtic Fest dealing with soft targets, crowd control and protests.

Mayor Donchez congratulated the winners of the Primary Election.

Martin Tower Implosion

Mr. Novatnack informed he was in contact with the developers of the Martin Tower property and he asked for the results from the air monitoring. He pointed out he received an email reply today. It is not the official document in writing, but they did some preliminary releases. He read "no detectible concentrations of lead were found in the air monitoring." This is from the independent agents that were contracted by the owners, not the DEP. "There were no

detectable concentrations of asbestos, however the one sampling location in the northeast area by the Eaton Avenue gate was overloaded by particulate matter, thus it could not be analyzed. They expect a full report in approximately two weeks." As we said, we will get the full report from them when that is completed. Mr. Novatnack added that our Health Bureau Director, Kristin Wenrich sent him an email today at 12:20 pm and that states "there have not been any significant changes to the number of visits or conditions pre or post Martin Tower. They went to everyone from 18018 and 18017 addresses and checked ER visits and there has been no spike in any type of respiratory ailments at this time." Mr. Novatnack stressed that no one was injured during the Martin Tower implosion. We are still in the process with law enforcement to make sure that no one enters the property. It has been posted with No Trespassing signs around the perimeter. Some news reports have shown some people trying to get in there, and Police Chief DiLuzio's Police Officers went out there right away and they will enforce no trespassing. The workers on site are reporting anyone that comes into that property, and this is for safety reasons. The building came down and no one got hurt during the implosion, but the worst that could happen now is someone could get into that demolished building and get injured. So far things have been going well; we have no report from the implosion or anyone getting in there at this time.

President Waldron thanked Mr. Novatnack and added he was near Mr. Novatnack on Sunday morning during the demolition and from his perspective it seemed like everything was going as planned. It was spectacular to see, but from a planning and event point of view everything seemed to go off as it should have. He asked Mr. Novatnack if he had any comments or thoughts on the process and how everything was rolled out.

Mr. Novatnack remarked this was new territory for every one of us in Public Safety. This was a big project with a lot of planning going into it with Police, Public Works, Health Department, Water Department, Fire, and EMS. Everyone got involved early and this was a joint effort from the City folks and the County folks, both Northampton and Lehigh Counties. There were no real snags except a small delayed start, it did not go off at 7:00 am because there were a few folks that violated the exclusion zone around Ralston Road and needed to be removed. That is why there was a delay until 7:04 am. All of the government agencies that were involved did an outstanding job.

Mr. Callahan thanked Mr. Novatnack for the planning and in coordinating all of the City and County departments and the FAA. He has talked to the developers and owners and they have the utmost praise for Mr. Novatnack in the job he did. He expressed his appreciation to Mr. Novatnack for what he has done with the 9-1-1 transfer to Northampton County and the handling of Martin Tower. The planning to him seemed flawless. Referring to the Martin Tower implosion, Mr. Callahan remarked there was a dust cloud, and noted a speaker talked tonight about cement particulates, but he wanted to remind everyone we probably have a dozen cement companies and factories that have been blowing dust particulate in the air for about 60 years. Mr. Callahan remarked it is great news that there were no injuries and no reports of people going to the hospital.

Mr. Novatnack pointed out it was a team effort with all the City departments.

Mr. Colón remarked all involved with this should get some rest and have a great holiday weekend. He congratulated Mr. Novatnack on his recognition from the County.

Dr. Van Wirt thinks her objections to some of the ways this was rolled out are well noted. She does think that Mr. Novatnack handled a difficult situation, particularly at the Nitschmann Middle School meeting with grace and patience, and she thanked him for the great job he did for that. She did want to acknowledge a few things. She asked if those air sampling results will be posted online for the citizens to see.

Mr. Novatnack noted the information he received today was that in two weeks they will make them available, so he would say so.

Dr. Van Wirt would just like to confirm that those will be publicly available on the City website or some other easy to access point for the citizens.

Mr. Novatnack reported they are trying to do the right thing here and we are holding people to the task. We said we are trying to get them and that is what we did, and questions we could not answer we wanted the experts to answer. Besides the independent testing, the one he received today, the DEP will have theirs and whether that needs to be discovered by a Right-To-Know he does is sure how that will work, that is not their department. He thinks what the DEP sends will be sent to the Department of Health and it will come out of that department.

Dr. Van Wirt remarked we had two conflicting answers. Mr. Wagner sitting here said they would be made public, but then during the Nitschmann meeting the DEP representative said that we would have to file a Right-To-Know to obtain that information. She would like to somehow make sure that the air sampling results are available to the people. Dr. Van Wirt noted based on the meeting at Nitschmann when Mr. Wagner reassured us that nobody had complained about the breaching of any barriers that had been put up for catching debris, a woman said that we are just reliant on casual observation to determine whether or not the Monocacy Creek has been harmed by any debris overflow, and he basically said yes. Dr. Van Wirt pointed out that Mr. Novatnack has been very responsive all of the time to her concerns regarding this. She did want to say the following day she walked the stairs to Burnside and she looked at that low point in the parking lot where clear storm water washout had taken leaves and everything else and pushed them over the curb down to the Monocacy Creek. Her greatest concerns probably were born out, but she was not able to access the site. She remarked this amazing amount of dust and debris, which was almost impossible to clean up within the 12-hour period following the demolition, was followed by a huge gully-washer, and she is quite sure that there was cement debris that was swept into the Monocacy Creek. She expressed we did not monitor the quality of the water before hand and we are not monitoring it after. She pointed out that this is not on Mr. Novatnack, but she thinks that when we have enormous projects like this it is clear that our dependence on State agencies to provide the oversight we need for our area was not there. She stated we have to do this better next time. This is not Mr. Novatnack doing it better; rather we as a community have to understand the impacts and talk about it way beforehand and get that data out; that is what we need to do to protect our resources. Dr. Van Wirt remarked that Dr. Diamond is a forensic pathologist; he is a physician and Dr. Van Wirt stated she is also a physician. She pointed out that imploded cement particulate from a cured concrete like that at Martin Tower is incredibly different than what is spewed out from our cement plants. She noted that micro-particles that hang in the air for a very long time are not what are coming out of our cement plants so you cannot compare apples to oranges there. She really does admire how Mr. Novatnack handled all of this and how he handled her concerns. This was a difficult process and she hopes we can learn from these things and why she brings

these things up. She thanked Mr. Novatnack for his patience and with helping the citizens understand what is happening here.

Mr. Novatnack remarked regarding the storm sewers, he had the DEP on site within an hour, and they looked at what Dr. Van Wirt was speaking about and other locations and they said they were only required to have the silk nets up closer to the building, which is what they considered the demolition zone for the annexes and other buildings. That area there was not required by the DEP. He also walked down to the creek with Mr. Wagner and three or four other workers to see where it was going. The DEP was taken down there while he was there as a follow up.

Dr. Van Wirt appreciates that and what she learned was that the DEP water guy said that was the air guy and the air guys said that was the water guy. She does not think this happened the way it should have, in the way she sees it. This just tells her what we need to do sometimes to think about our own land and our own creeks and our own air.

President Waldron thinks in a very challenging position this went as well as it could have for the first time around whereas he does not think we will be facing a project like this again in our lifetime. The communication from early on and the plan was something he thought where a little more that could have been done, not on our end specifically, but again as Dr. Van Wirt stated, in the community with more discussion. We were all doing this for the first time so there will be some balls left in the air. From the City's perspective, as well as Mr. Novatnack's point of view, everything went off as it should have that day and that was due to all the planning that was done in advance of the event.

Mr. Callahan queried if Mr. Wagner took pictures of the run off coming from the property into the Monocacy Creek.

Mr. Novatnack stated they went down and took photographs with numerous people.

Mr. Callahan noted from what he has seen and what he has heard, it was perfectly clear, and in fact, the Monocacy Creek was dirtier from the dirt run off than the water run off that was coming from the demolition. He does not know if Dr. Van Wirt is aware but Casilio Concrete Company is 100 yards downstream and they crush cement at their plant. They have been there for dozens of years and have been crushing cement on site. Mr. Callahan remarked the angst in his tone right now is that there is a big difference between being a resident and speaking and putting out falsehoods and stoking fear in people, than being a public official. He respects everyone's opinions and everyone's right to ask questions, but feels it is incumbent upon us as elected officials to ask the questions before you stoke fear in people. If you then go and ask questions of Mr. Novatnack and all of the other departments, County, City and State, and you are still fearful or afraid that questions were not answered then present them to the public. He concluded saying that to not ask anybody and throw out these questions as if someone is hiding something and stoke fear in people prior to asking questions is wrong.

President Waldron stated because of such a tremendous job Mr. Novatnack has done, City Council has prepared a citation that extends the special thanks and sincere gratitude of the Members of City Council, of the residents of Bethlehem, and of the entire City for his government

service and role in the historic moment of the demolition of Martin Tower. President Waldron read the Citation and presented it to Mr. Novatnack on behalf of the Members of City Council.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 19-2019 – Establishing New Article 961 – Special Events Activity Permits*

The Clerk read Bill No. 19-2019 – Establishing New Article 961 – Special Events Activity Permits, on Final Reading.

President Waldron stated he will refer this to the Public Safety Committee for further discussion. A meeting is being scheduled and the date will be posted on the City's website.

B. *Bill No. 20-2019 – Amending Article 721 – Streets and Sidewalks*

The Clerk read Bill No. 20-2019 – Amending Article 721 – Streets and Sidewalks, on Final Reading.

President Waldron announced he will accept a motion and a second to postpone the Final Reading of Bill No. 20-2019 to Tuesday, June 18, 2019.

Mr. Reynolds and Mr. Colón made the motion.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Motion passed.

C. *Bill No. 21-2019 – Amending Article 941 - Parks*

The Clerk read Bill No. 21-2019 – Amending Article 941 - Parks, on Final Reading.

President Waldron announced he will accept a motion and a second to postpone the Final Reading of Bill No. 21-2019 to Tuesday, June 18, 2019.

Mr. Reynolds and Mr. Colón made the motion.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Motion passed.

D. *Bill No. 22-2019 – Amending Article 951 – Pedestrian Mall*

The Clerk read Bill No. 22-2019 – Amending Article 951 – Pedestrian Mall, on Final Reading.

President Waldron announced he will accept a motion and a second to postpone the Final Reading of Bill No. 22-2019 to Tuesday, June 18, 2019.

Mr. Reynolds and Mr. Colón made the motion.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Motion passed.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Authorizing Use Permit Agreement – Arts Quest – Steel Stacks Grant Prix*

Mr. Colón and Mr. Martell sponsored Resolution No. 2019-127 that authorized to execute a Use Permit Agreement with ArtsQuest for the Steel Stacks Grant Prix event on June 14 – 16, 2019 according to the agreement.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Resolution passed.

B. *Authorizing Use Permit Agreement – Arts Quest – Sabor Event*

Mr. Colón and Mr. Martell sponsored Resolution No. 2019-128 that authorized to execute a Use Permit Agreement with ArtsQuest for the Sabor event on June 21- 23, 2019 according to the agreement.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Resolution passed.

C. *Authorizing Contract – Celebration Fire Works, Inc.*

Mr. Colón and Mr. Martell sponsored Resolution No. 2019-129 that authorized to execute an agreement with Celebration Fire Works, Inc. for the Celebration July 4th Fireworks.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Resolution passed.

D. *Appointing City Clerk – Robert G. Vidoni*

Mr. Colón and Mr. Martell sponsored Resolution No. 2019-130 that appointed Robert G. Vidoni as City Clerk effective June 1, 2019.

President Waldron remarked Mr. Vidoni is here this evening and we look forward to him stepping up to fill some big shoes. President Waldron thanked Louise Kelchner for her many years of service to the City, and her knowledge, expertise, thoughtfulness and patience will be missed.

Mr. Reynolds added that he wanted to welcome Mr. Vidoni as well. He pointed out everyone here appreciates the staff we have, Mr. Vidoni, Ms. Kelechava and Ms. Kelchner. Often times they deal with sometimes complex logistical issues and getting everybody on board for schedules and meetings. He added we have a high degree of confidence in Mr. Vidoni.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Resolution passed.

E. Authorizing Contract – T & M Associates

Mr. Colón and Mr. Martell sponsored Resolution No. 2019-131 that authorized to execute an agreement with T & M Associates for the Wastewater Treatment Plant Dike Inspection

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Resolution passed.

F. Authorizing Contract – Urban Research and Development Corporation

Mr. Colón and Mr. Martell sponsored Resolution No. 2019-132 that authorized to execute an agreement with Urban Research and Development Corporation for Zoning/Housing Amendment services.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Resolution passed.

G. Authorizing Grant Application – Greenways, Trails, and Recreation Program (GTRP).

Mr. Colón and Mr. Martell sponsored Resolution No. 2019-133 that authorized the Mayor and Controller to execute all application forms necessary to apply for the Greenways, Trails, and Recreation Program grant.

President Waldron asked for some more information about what specifically will be done with this grant.

Ms. Karner explained this is a funding source that we are able to apply for on an annual basis. Last year we received funding for the section between Monocacy Park and south to this location on Schoenersville. Ultimately, these are trail improvements, but we have not identified exactly what will be done with the funding, if received. It is largely what is outlined in our trail study that was released about two years ago.

President Waldron queried if they will be focusing specifically on that crossing.

Ms. Karner replied no, it will be mostly on the trail section itself and improving that trail section. Right now it is very basic, you can get through there depending on the time of year, but there have been no improvements that have been done to it.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Resolution passed.

Motion – considering Resolutions 10 H through 10 K as a group

Mr. Callahan and Dr. Van Wirt moved to consider Resolutions 10 H through 10 K as a group.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Motion passed.

H. *Certificate of Appropriateness – 8 West Church Street*

Mr. Colón and Mr. Martell sponsored Resolution No. 2019-134 that granted a Certificate of Appropriateness to change the paint color of the wood trim elements at 8 West Church Street

I. *Certificate of Appropriateness – 72 East Market Street*

Mr. Colón and Mr. Martell sponsored Resolution No. 2019-135 that granted a Certificate of Appropriateness to remove door and window and replace with a new door and screen door on side of property at 72 East Market Street

J. *Certificate of Appropriateness – 131 East Church Street*

Mr. Colón and Mr. Martell sponsored Resolution 2019-136 that granted a Certificate of Appropriateness to replace a wood fence with a brick wall at 131 East Church Street.

K. *Certificate of Appropriateness – 512 Main Street*

Mr. Colón and Mr. Martell sponsored Resolution 2019-137 that granted a Certificate of Appropriateness to remove existing signs and replace with new signage at 512 Main Street.

Voting AYE on Resolutions 10 H through 10 K: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Resolutions passed.

President Waldron asked for a motion to add Resolution 10 L to the agenda.

Mr. Callahan and Mr. Colón made the motion.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Motion passed.

L. *Authorizing Contract – T & M Associates*

Mr. Colón and Mr. Martell sponsored Resolution No. 2019-138 that authorized to execute an agreement with T & M Associates for the Pollution Reduction Plan Preparation.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Mr. Martell, Mr. Reynolds, and Mr. Waldron, 6. The Resolution passed.

11. NEW BUSINESS

City Clerk Louise Kelchner Retirement

Mr. Martell stated he shares the sentiment of Mr. Reynolds and will be looking forward to having Mr. Vidoni working in this capacity as City Clerk. He added to Ms. Kelchner he gives her a

sincere thank you for everything she has done. When you get on Council there is a lot to learn and she was extremely helpful in that capacity and a wealth of knowledge, very patient and kind. He looks to Ms. Kelchner as a mentor and teacher. He also thanks her for her service to the City; she has many years of dedication and service to the City of Bethlehem. The City is better off for that effort. He wishes her the best in retirement.

Mr. Colón noted when we came on to Council we received these Welcome to Council binders that the office put together and he still references that sometimes. Someone had asked him if there is an orientation you get when you get on City Council, but he did not think so until he got this binder that the office took a lot of time to put together and he was grateful for that. He expressed we look forward to working with Mr. Vidoni; he has all of our support. Mr. Colón added it has been a pleasure working with Ms. Kelchner and getting to know her professionally and personally these last few years. We have shared a lot of good conversations up in the second floor office. He wishes Ms. Kelchner and her family all the best in retirement, we have been fortunate to have you.

Mr. Reynolds thanks Ms. Kelchner for her service. He is trying to think of an analogy that sums up her relationship with all of us. There is a piece of it that is almost parental. Often times we make decisions, and he feels the same way about the City Staff and professionals, we make decisions or say this is the way this should be done and we go to our day jobs and we just expect it to happen. Often times it involves a lot of phone calls and emails, and when he was President of Council for four years, and he was teaching it was hard for him to talk to Ms. Kelchner until the end of the day. She would then have a list of things she wanted to talk about and there was never a complaint. He will always be appreciative of the fact that when Ms. Kelchner was relaying information and knew she was right there was a certain tone she had, it was a general lack of confidence in her answer, but she knew she was right. Mr. Reynolds always thought that was a very successful way to persuade someone and let them know what the information was. This is a bittersweet day because Ms. Kelchner always handled herself with grace and poise and integrity; that is something you do not see in a lot of places. We have been lucky to have you and the City has been lucky to have you. Mr. Reynolds thanked Ms. Kelchner both as a Council Member and as a citizen for her service to the City of Bethlehem.

Mr. Callahan congratulated Mr. Vidoni in his new job as City Clerk. He pointed out that Ms. Kelchner worked for Mayor Cunningham, and became his brother, John's right hand person. When you sit at the desk outside the Mayor's Office you are controlling the flow of everything in the Mayor's Office. He can also remember the tone; he has heard that a few times and it is more like a motherly tone from someone who has had a lot of wisdom and experience. He will miss that. Mr. Callahan noted that Mr. Reynolds was the President of Council when Cindy Biedenkopf retired. There were many people who were worried about that job, because the Clerk's office does an enormous amount of work for the Council and the City. Mr. Callahan pointed out that Mr. Reynolds called him and suggested Ms. Kelchner for City Clerk and that was one of the most brilliant things he has heard Mr. Reynolds say. When Mr. Reynolds suggested that he was 100% on board and his concerns then eased about who was going to replace Cindy because she had been here so long and had done an unbelievable job. Mr. Callahan remarked Ms. Kelchner has earned everything she will be getting in the next 30 years of life and he hopes she enjoys everything that goes with retirement. He expressed his thanks to Ms. Kelchner for her service to the City of Bethlehem.

President Waldron explained when Ms. Kelchner told him she was retiring he was the first person to know back in February. He explained he panicked but she had the solution which was right in front of us. That was to promote from within and he thinks the training started the next day, but it had really been going on for the four years prior when we had both Judy and Robert in the office, and Judy even before that, bringing a lot of institutional knowledge. There are some very large shoes to fill here, but this training to make this as seamless as possible has been three months in the making. Our staff is well prepared, and he thinks there may be a little bit of a learning curve there but not nearly as steep as what Ms. Kelchner had to deal with stepping into a really challenging and unique position. He thanks Ms. Kelchner for her years of service both to City Council and the City entirely. President Waldron added she will be retained a little bit longer to help with the transition and will be available for a few months to answer phone calls and come in and help point our new staff, in their new roles, in the right direction. This will be her last Council meeting as Clerk.

False Statements

Mr. Callahan remarked he was going to bring up his usual business item but in the spirit of kindness to Ms. Kelchner he will refrain from that tonight. But, he does want to say that he has decided in the last couple of months, and he does not want anyone to take anything personal, that there are some on Council that have disagreements, and some more than others. About two months ago we had citizens coming to Council who spoke and stated false facts. He decided at some point things have to be corrected. He thought from this point on during New Business he will use that time to hopefully correct the record and that may challenge people who come here and speak to be more accurate in what they say. Mr. Callahan believes that is true for us on Council too. He welcomes debate and instead of having phone calls behind the scenes, we should debate. We do have disagreements and if he is saying something not factual, he would like to know as well. Mr. Callahan feels it is better for the City that Council has discussions here in the open versus behind the scenes with phone calls.

12. ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

ATTEST:

City Clerk