

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, November 16, 2021 – 7:00 PM

INVOCATION

PLEDGE TO THE FLAG

1. ROLL CALL

Vice President Colón called the meeting to order. Present were Bryan G. Callahan, Michael G. Colón, Grace Crampsie Smith, Olga Negrón, and J. William Reynolds, 5. Paige Van Wirt and Adam R. Waldron were absent, 2.

Adam Waldron/Paige Van Wirt

Vice President Colón noted Council President Adam Waldron will not be joining us tonight. All of our thoughts are with him as his family mourns the loss of a loved one. As for Dr. Van Wirt all of our best wishes are with her as she supports one of her children playing tonight in a State Soccer semi-final.

Ordinance 9 M postponed/Responsible Contractor Ordinance 9 M

Vice President Colón announced one of the agenda items the RCO, Responsible Contractor Ordinance 9 M will be postponed and we will be making a motion later on to postpone that to the next meeting on December 7, 2021 due to the absence of two of our colleagues from tonight's meeting.

2. APPROVAL OF MINUTES

October 19, 2021

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

Walnut Street Garage

George Kimball, 645 Main Street, informed at the last meeting he brought up the question whether the Walnut Street Garage was being torn down and Mayor Donchez clarified the point that it was being torn down he believes he said in 2023. Also that there was another parking lot that was being built on Third and Polk Street on the south side and he was told he should ask his questions of the Parking Authority. He did go to the Parking Authority and he found out that this month's meeting was cancelled and the next one would be on December 15, 2021. He asked them how many people they had on monthly passes in the garages but they could not answer that. He asked if they had any plans when they take down the Walnut Street Garage where people are going to park. She said they do not have any plans yet but she is sure they will think of something. Then he looked up what your duties as Council are and one of your duties is to

take care of the safety of the people that live in Bethlehem. Mr. Kimball noted if you are a waitress and work in a restaurant here in Bethlehem and you get off of work at 2:00 am where will you park? They cannot walk all the way over to Polk and Third to the south side to park their car. What are you going to do to give those people the safety to go from Main Street all the way to the south side at Third and Polk? That is your responsibility to look out for the safety of the people. They should have some kind of plan where they will put all those cars that cannot park on the street.

Recycling Fee

Bill Scheirer, 1890 Eaton Avenue, noted he is not sure which courtesy of the floor he should speak at but he will abide by your decision. He would like to talk about the recycling fee, the nature and structure of it.

Vice President Colón noted it is not being voted on tonight so go ahead.

Mr. Scheirer remarked that originally he wanted to talk about the stormwater fee but after some conversations on deep background with a member of the Administration he has come to realize that the stormwater fee is a bit of a hybrid. The recycling fee is a good place to start for what is going to be extended series of remarks about the city's tax structure. His understanding is that the recycling fee is called a charge on the bill but it is being presented as a user fee. His main point is that it is not a user fee really, it is a tax and is a regressive tax and it is actually a doubly regressive tax masquerading as a user fee. A regressive tax is when the richer folks pay a lower percentage of their income than the poorer folks. Since the recycling charge is a flat fee and by definition richer folks pay a lower percentage of their income for that. It is doubly regressive because richer folks have more money to spend, they buy more stuff, and they recycle more stuff. So even though they recycle more stuff and put a greater load on the city they still pay the same fee. That is what he calls doubly regressive. It is a tax and not a user fee because it is not linked to the amount of recycling they have so it is not a user fee, it is a tax. In the interest of transparency it should be labeled a tax. Where would you put it? It could be a separate tax. Mr. Scheirer added another reason why it is not a user fee like he said you cannot just measure how much recycling they have, that would be cumbersome. One thing to do is leave it the way it is and have a doubly regressive tax masquerading as a user fee but that is deceptive and it is not transparent and that is a word we have been hearing lately. What alternative would be to fold it into the real estate tax and that would present a problem because it would not apply to businesses because they do their own recycling. You would have to have a two tier real estate tax and that is doable because the system already identifies what is a residence and what is not. There of course would be human cry from the public; you are increasing the real estate tax. That is kind of like the third rail of municipal politics. So try to be transparent and educate the public about what the situation is and that would not be easy. He believes we could just exceed to the simplistic reasoning of the public and continue things the way they are. That is kind of like giving up. So let's make the effort and you have an opportunity now to do it with the budget for next year. As for the political backlash the outgoing Mayor would not have to be as concerned about it and the incoming Mayor could cast a symbolic vote against it. You would need 4 votes on Council to do this and he believes there are 3 members who are outgoing; you would need a fourth to take a stand for transparency and face a possible backlash. Bethlehem would be innovative if it did something like that but let's think about transparency.

City Water

Stephen Antalics, 737 Ridge Street, 1201 Butztown Road, mentioned the 2021 budget indicates that the city derived \$2.7 million dollars in revenues from water deliverance. But as he understands that \$2.7 million only represents 70% of the water delivered by the city so if you do a small calculation and say if the city delivered 100% of the water the income would be \$3.9 million. There is a \$1.2 million dollar difference between revenues from the 70% of the 100% delivered. The reason he brings this up is that he was also informed that 30% of the water delivered by the city is unaccounted for. If it is unaccounted for it means you do not have an account and if you do not have an account you cannot bill it. The question is that this discrepancy bothers him because if it is accurate then he thinks that \$1.2 million would do quite a bit in terms of the city budget. He finds the troublesome because it represents some form of negligence or whatever but he thinks the public needs an explanation why this possibly has occurred. Mr. Antalics added there is a problem inherent in the organization of the Bethlehem Authority because some years back the city was promised \$5 million dollars-worth of cherry wood from the reservoir area and when they went to forest the trees were not there. So the structure of the Bethlehem Authority needs to be reviewed but more importantly this problem of why is 30% of city water not accounted for. He would appreciate someone looking into it and giving us citizens a reason for that discrepancy.

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

Resolutions

Stephen Antalics, 727 Ridge Street, 1201 Butztown Road, noted continuing and looking at the agenda he is looking at resolutions concerning the water system. These resolutions are voted on by City Council to justify payment of the contracts given out by the water system. He printed out one of the resolutions and it is quite simple because it refers to contract reference WWTP Centrifuge Polymer and that is it. This does not mention any details as to the amount of money to whom the contract is going and how it was awarded. He has never heard in the years he has been coming here where anyone on Council questioned the resolution concerning approval of contracts for the water department. He thinks good business practices would say that if you are going to sign and approve a payment you would like to know more detail rather than a verbal explanation. This is no way to run a business. A business operating that way could bankrupt itself. But we are talking about a city here. What does this bring up? It is not mismanagement it is the idea that it appears that Council is not really concerned about the Bethlehem Authority which owns the water system and leases it to the city. But it is required to approve its bills. The city has other authorities, the Parking Authority, the Housing Authority, the Redevelopment Authority and they differ from the Bethlehem Authority because they are independent authorities. The Bethlehem Authority is a three legged stool, one leg the authority, the other leg City Council, and the third leg is the city. So he referenced before about the loss of the cherry wood and the Mayor admitted at the time that we better take a better look at how the water shed is managed. Here you are approving payment without any detail because the resolutions you receive are simple statements. Mr. Antalics noted he has never heard anyone question how these are awarded. It is a request for a bid, a procedure, or does it go to the lowest bidder, does anyone actually in the city review that bidding process prior to awarding the money. He thinks the structure of the Bethlehem Authority needs to be reviewed and he has talked to a few people who

are knowledgeable and felt the best solution would look upon the Bethlehem Authority as an independent authority. Mr. Antalics has been at the Bethlehem Authority meetings and they are a well-organized group of people and pay close attention to all these issues. But in many of these issues they have no power because the power exists within City Council and the Administration. These discrepancies are not a small piece of change. What could the city have done with \$6 million dollars? There is a very serious problem here and you are contributing to it by your lack of oversight. Whether you do not care or do not get the information he does not know but this is a problem. This deserves attention because we demand it.

5. OLD BUSINESS

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

6. COMMUNICATIONS

A. *Police Captain – Grant – 2021 Local Share Account Northampton & Lehigh Counties*

The Clerk read a memorandum dated November 1, 2021 from Police Captain Ben Hackett with an attached resolution authorizing the police department to execute a 2021 Local Share Account Northampton & Lehigh Counties Grant agreement for up to \$152,438.41 to purchase a license plate reading system, licenses, and associated equipment.

Vice President Colón stated Resolution 10 B is on the agenda.

B. *Director of Water and Sewer Resources – Recommendation of Award – Master Mechanical Corporation – WWTP West Influent Pump Room Upgrades HVAC Rebid – HVAC Construction*

The Clerk read a memorandum dated November 10, 2021 from Edward J. Boscola, Director of Water and Sewer Resources recommending a contract with Master Mechanical Corporation for WWTP West Influent Pump Room Upgrades HVAC Rebid – HVAC Construction. The term runs 270 days to substantial completion and 300 days to final completion from the date of the notice to proceed. The cost is \$85,100. There are no renewals.

Vice President Colón stated Resolution 10 C is on the agenda.

C. *Director of Public Works – Recommendation of Award – Grace Industries Inc. – Greenway (Phase V) Saucon Park Ball Fields Connection*

The Clerk read a memorandum dated November 9, 2021 from Michael Alkhal, Director of Public Works recommending a contract with Grace Industries Inc. for the Greenway (Phase V) Saucon Park Ball Fields Connection. The term of the contract is 90 days. The cost is \$659,607.01.

Vice President Colón stated Resolution 10 D is on the agenda.

D. *Director of Public Works – Recommendation of Award – Illinois Avenue Partners/Oakhurst Signs – Wayfinding Signage Program Phase 2*

The Clerk read a memorandum dated November 10, 2021 from Michael Alkhal, Director of Public Works recommending a contract with Illinois Avenue Partners/Oakhurst Signs for the Wayfinding Signage Program Phase 2. The term of the contract is 90 days to completion. The cost is \$83,306.43.

Vice President Colón stated Resolution 10 E is on the agenda.

- E. *Director of Water and Sewer Resources – Recommendation of Award – Polydyne Inc. – WWTP Centrifuge Polymer*

The Clerk read a memorandum dated November 10, 2021 from Edward Boscola, Director of Water and Sewer Resources, recommending a contract with Polydyne Inc. for the WWTP Centrifuge Polymer. The term runs 12 months for calendar year 2022. The cost is \$406,000. There are no renewals.

Vice President Colón stated Resolution 10 E is on the agenda.

7. REPORTS

- A. *President of Council*

- B. *Mayor*

- 1. *Administrative Order – Desiree Strasser – Historic Conservation Commission – South Bethlehem and Mount Airy*

Eric Evans, Business Administrator, read Mayor Donchez' appointment of Desiree Strasser to membership on the Historic Conservation Commission – South Bethlehem and Mount Airy through November, 2024. Mr. Colón and Mr. Reynolds sponsored Resolution No. 2021-207 to confirm the appointment.

Voting AYE: Ms. Negrón, Mr. Reynolds, Mr. Callahan, Mr. Colón, and Ms. Crampsie Smith, 5. The Resolution passed.

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

Eric Evans, Business Administrator, read Mayor Donchez' reappointment of Patrick Herrity to membership on the Recreation Board effective through December, 2026. Mr. Colón and Mr. Reynolds sponsored Resolution No. 2021-208 to confirm the reappointment.

Voting AYE: Ms. Negrón, Mr. Reynolds, Mr. Callahan, Mr. Colón, and Ms. Crampsie Smith, 5. The Resolution passed.

- 3. *Administrative Order – Deborah Sacarakis – Fine Arts Commission*

Eric Evans, Business Administrator, read Mayor Donchez' appointment of Deborah Sacarakis to membership on the Fine Arts Commission effective through November, 2024. Mr. Colón and Mr. Reynolds sponsored Resolution No. 2021-209 to confirm the appointment.

Voting AYE: Ms. Negrón, Mr. Reynolds, Mr. Callahan, Mr. Colón, and Ms. Crampsie Smith, 5. The Resolution passed.

8. ORDINANCES FOR FINAL PASSAGE

None.

9. NEW ORDINANCES

Vice President Colón reminded everyone that there are two votes on the budget just like we do with all ordinances and all the following budget ordinances will have a Second Reading and another vote at the December 21, 2021 City Council Meeting. If any amendments to the budget ordinances are proposed they will be considered at the Final Budget Meeting scheduled for Tuesday, November 30, 2021 at 6:00 PM. Tonight's vote is more procedural than anything and is again a First Reading. There will be adequate time for input and for amendments as we have historically done, he can speak for his 6 years on City Council now. Historically these are voted to pass through as part of the process with any objection saved for when it comes time for amendments or the Second Reading.

Mr. Callahan stated he will be voting no until we get more information. He asked Mr. Evans why we are adding a position in Community and Economic Development.

Mr. Evans stated not tonight, that is for discussion at the Second Budget Hearing on Monday. He does not have any information and is not prepared to get into that. These meetings have been set up for decades. This is a procedural vote without prejudice. We have three Budget Hearing set up, Council set up the meetings. This vote is on the agenda that was set up by the Council so until we get there he will not open up that conversation tonight.

Mr. Callahan asked if that is a simple question to answer right now.

Mr. Evans stated no, it is more complex than that. The Second Budget Hearing will have the Community and Economic Development portion of it that will be discussed then.

Mr. Callahan noted it is part of the general budget and it is part of the discussion which he is allowed to question.

Mr. Evans stated Mr. Callahan can question but he will defer it and not get into it. He will hold his response until Monday and hope the rest of Council will vote without prejudice which is what this is set for. We have a full evening planned for the Community and Economic Development Department and that is not on tonight's agenda and we are not prepared to respond to that question tonight.

Mr. Callahan thinks that someone should have reached out to all of Council, someone from the Administration and gave us a heads up and say that we are trying to add another position and the reasoning why. He is hearing a lot of rumors of why and he is shocked this is being done. We talk about transparency and this is probably the most non-transparent move he has seen in a long time.

Vice President Colón commented that we will have another budget hearing. We hold budget hearing independently reviewing each department's budget. These are public hearings and everyone is welcome to attend. We invite public comment and we would actually invite greater public comment during the budget process. There will be ample opportunity at the mentioned Second Budget Hearing coming up on Monday, November 22, 2021 to dive into the particulars as it relates to any departments being reviewed that day or any subsequent budget hearings.

Ms. Crampsie Smith related she has concerns because she does not feel comfortable voting for budgetary issues until she has all the specifics on the budget. Especially this year we have a lot more budget considerations with the American Rescue Plan Funds. She is considering voting no because she feels it is vital to have transparency and all the information we have before we vote on anything even if it is procedural.

Mr. Reynolds noted this needs 4 votes and maybe Solicitor Spirk could explain the process as to why we vote on the budget now and then take a meeting off and then vote on it again, the reason why this has traditionally been done.

Solicitor Spirk explained you have to adopt the budget by the end of the calendar year. The date for adoption of the budget is December 21, 2021 before we get into the holidays. So it has to play out this many weeks in advance in order for all the necessary procedural steps to get accomplished so that we do not have to adopt a budget on Christmas Day or something of that nature. Specifically it has to be approved at a First Reading and a Second Reading. Historically, as long as he has been around and before this first vote on all the various budgets was always considered as the procedural necessity to kick off the process. Also mandated by State Law to have individual hearings on individual aspects of the budget and to allow time for amendments to come out of that process and amendments to be considered in a timely fashion so that all Council Members have a chance to review them so there is nothing last minute. Then historically by that December 21, 2021 meeting there were not gotchas, no last minute sudden amendments that caught people flat footed. It just has been spread out over these several weeks working backwards from that deadline imposed by State Law. It has always been the expectation and custom that this initial procedural vote was nothing more than the formal beginning of the process. There has usually been 7 Council persons present at the First Council Meeting for First Reading and there were some symbolic no votes and they would pass First Reading by 6-1. But historically because of the procedural nature of having to get everything done by the end of the year he thinks it was considered to be a procedural vote that was really necessary to enable the entire process to go forward according to State Law.

Mr. Reynolds remarked with ordinances it is a situation where an ordinance needs 4 votes and we only have 5 Council Members at this meeting. It would be a situation where if they would not receive 4 votes tonight is the process to bring back the ordinances for the budget the same for any ordinance, where you would need the people who did not vote in the affirmative.

Solicitor Spirk recommends waiting until the soccer game is over and get your fourth vote that way. That would be the easiest way to proceed, if only 3 people voted. If it was clear that only 3 people were going to vote of those who are present now he recommends that you defer your vote until the soccer game ends for Dr. Van Wirt. That is the most practical way.

Mr. Reynolds then asked if we could postpone the votes on the budget ordinances.

Solicitor Spirk stated you could do that as long as you had a first vote some time before December 21, 2021.

Mr. Reynolds remarked the next Council Meeting is December 7, 2021. It seems like the alternative because we only have 5 Council Members and we do not have the option if 2 people are going to vote against any one of these it would then create the situation that they would need to vote in the affirmative to bring it back in the future. He asked if that is correct.

Solicitor Spirk stated yes and that is assuming you do not get the 4 votes from the 5 Council Members that are here.

Mr. Reynolds related he is just going by what he just heard from Councilwoman Crampsie Smith and Councilman Callahan. He asked how many votes a Bill would need to be postponed.

Solicitor Spirk stated a majority.

Mr. Reynolds stated a majority but not 4.

Solicitor Spirk stated a majority of who is present, not 4 and that 3 to 2 would postpone.

Mr. Reynolds believes it would make sense to postpone those votes with only 5 Council Members. So anyone that votes 3-2, that creates the incentive for those two people to bring it back in the affirmative to bring back a future budget Bill.

Solicitor Spirk stated yes.

Mr. Reynolds asked if he could make a motion putting all of these ordinances together.

Solicitor Spirk informed Mr. Reynolds could do that by one motion to postpone, you can postpone more than one item in a single vote as presumably is going to happen later when the postpone the consideration of the Responsible Contractor Ordinance.

Mr. Reynolds stated for procedural reasons he made the motion to postpone new Ordinances 9 A through 9 K until the next Council Meeting on December 7, 2021 and Ms. Negrón seconded the motion.

Ms. Negrón asked if we are allowed to make comments on this motion.

Solicitor Spirk stated yes, it is not tabled, you can comment.

Ms. Negrón thanked Mr. Reynolds for making this motion. It is completely unnecessary. We have a duty to pass the budget and this has been done at least for the years she has been on Council and she knows the first time she voted she felt like she did not want to vote but after going through the budget process so many times this is incredibly important. We have a duty to pass the budget before the end of the year and we have so much time in between the two votes so this is just a procedure. She cannot believe we are here and this is happening.

Vice President Colón echoes what Councilwoman Negrón stated and while he understands to a degree some thoughts of other Members of Council he reminded that there will be adequate input for the different department budgets if not reviewed already in the upcoming budget hearings. We will continue to move through the process.

Mr. Callahan understands it is procedural but he also understands everyone is talking about transparency and every time it comes to transparency there is no transparency. It would be very easy right now for the Administration and there are other people on Council right now that know what is going on and why this position is being created. He does not know why it cannot be talked about out in the public right now. This is just another example of keeping it quiet, do not say anything and then bring it up at another time and at the night of the final vote. Just be honest, what is going on and why is it being added. Mr. Callahan asked Mr. Evans what is so hard about just talking about it now.

Mr. Evans explained he has nothing in front of him and is not prepared to speak about this. That is what the Second Budget Meeting is for on Monday, November 22, 2021. It is not the final vote, it is the hearing and we will talk it all out then and everyone can talk about it then.

Mr. Callahan remarked you are trying to say it is procedural but it is procedural but it is fair for him to ask a simple question, why is that position being created. He knows why and it will come out. He knows what is going on but why cannot we just be honest about it now.

Vice President Colón remarked that Mr. Evans has answered Mr. Callahan's question and he does not think for the good of the order here in the room we will get any further than we have gotten already.

Voting AYE on the motion to postpone Ordinances 9 A through 9 K until the next Council Meeting on December 7, 2021: Ms. Negrón, Mr. Reynolds, and Mr. Colón, 3. Voting NAY: Mr. Callahan and Ms. Crampsie Smith, 2. The Motion passed 3-2.

- A. *Bill No. 33-3032 – Adopting the 2022 General Fund Budget – Postponed*
- B. *Bill No. 34-2021 – Adopting the 2022 Water Fund Budget-Postponed*
- C. *Bill No. 35-2021 – Adopting the 2022 Sewer Fund Budget-Postponed*
- D. *Bill No. 36-2021 – Adopting the 2022 Golf Course Enterprise Fund Budget-Postponed*
- E. *Bill No. 37-2021 – Adopting the 2022 Liquid Fuels Fund Budget-Postponed*
- F. *Bill No. 38-2021 – Adopting the 2022 Capital Budget for Non-Utilities-Postponed*

- G. *Bill No. 39-2021 – Adopting the 2022 Capital Budget for Water Utilities-Postponed*
- H. *Bill No. 40-2021 – Adopting the 2022 Capital Budget for Sewer Utilities-Postponed*
- I. *Bill No. 41-2021 – Adopting the 2022 Community Development Block Grant Budget-Postponed*
- J. *Bill No. 42-2021 – Adopting the 2022 Storm Water Fund Budget-Postponed*
- K. *Bill No. 43-2021 – Fixing the 2022 Tax Rate for All City Purposes-Postponed*
- L. *Bill No. 32-2021 – Amend Policies and Regulations for Determination of Stormwater User Fee Credits and For Appealing Stormwater User Fee Determination*

The Clerk read Bill No. 32-2021 - Amend Policies and Regulations for Determination of Stormwater User Fee Credits and For Appealing Stormwater User Fee Determination sponsored by Mr. Colón and Mr. Reynolds and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
PENNSYLVANIA, AMENDING THE POLICIES AND
REGULATIONS FOR THE DETERMINATION OF
STORMWATER USER FEE CREDITS AND FOR
APPEALING STORMWATER USER FEE
DETERMINATIONS

Voting AYE: Ms. Negrón, Mr. Reynolds, Mr. Colón, and Ms. Crampsie Smith, 4. Voting NAY: Mr. Callahan, 1. Bill No. 32-2021 was passed on First Reading.

- M. *Bill No. 31-2021 – Establish Article 124 – Responsible Contractor Ordinance (RCO)-Postponed*

Vice President Colón mentioned as he alluded to earlier given the absence of 2 of our fellow Members of Council he will accept a motion and a second to postpone consideration of both agenda items Ordinance 9 M as well as the accompanying resolution 10 A to the City Council Meeting for December 7, 2021.

Mr. Reynolds and Ms. Crampsie Smith made the motion to postpone Ordinance 9 M until the next Council Meeting on December 7, 2021.

Vice President Colón thanked Councilwoman Crampsie Smith and the Administration as he recognized earlier the significance of this legislation and the Members of Council that would not be present tonight for reasons beyond their control and timing. He appreciates the graciousness of Councilwoman Crampsie Smith. He knows this has been something that has been talked about in committee in length and we have been eager to get this voted on. He does

think that postponing this until the next meeting still gives us the opportunity to have it voted on by our full complement of Council. It still gives this ordinance for the two votes to be voted on by this current Council and then we can get the first and second votes both on the December agendas to then take it to a vote.

Voting AYE on the motion to postpone Ordinance 9 M until the next Council Meeting on December 7, 2021: Voting AYE: Ms. Negrón, Mr. Reynolds, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, 5. The Motion passed 5-0.

Vice President Colón remarked agenda items Ordinance 9 M along with Resolution 10 A have been moved to the next Council Meeting agenda on December 7, 2021.

M. *Amendment No. 1 to Bill No. 31-2021 – Administration Amendment No. 1 – See attachment-Postponed*

M. *Amendment No. 2 to Bill No. 31-2021 – Administration Amendment No. 2 – See attachment-Postponed*

M. *Amendment No. 3 to Bill No. 31-2021 – Administration Amendment No. 3 – See attachment-Postponed*

M. *Amendment No. 4 to Bill No. 31-2021 – Administration Amendment No. 4 – See attachment-Postponed*

10. RESOLUTIONS

A. *Approve Resolution – Companion Resolution to RCO Bill-postponed*

B. *Approve Resolution – 2021 Local Share Account Northampton & Lehigh Counties Grant*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2021-210 that authorized to execute a grant award document for funds to be received under the 2021 Local Share Account Northampton & Lehigh Counties Grant in the amount of up to \$152,438.41. The grant will be used by the Bethlehem Police Department under the direction of Chief Michelle Kott and/or her designee, to purchase a stationary license plate reading system as well as the needed licenses and associated equipment.

Voting AYE: Ms. Negrón, Mr. Reynolds, Mr. Callahan, Mr. Colón, and Ms. Crampsie Smith, 5. The Resolution passed.

C. *Approve Contract – Master Mechanical Corporation – WWTP West Influent Pump Room Upgrades HVAC Rebid – HVAC Construction*

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2021-211 that authorized to execute a contract with Master Mechanical Corporation for the WWTP West Influent Pump Room Upgrades HVAC Rebid – HVAC Construction.

Voting AYE: Ms. Negrón, Mr. Reynolds, Mr. Callahan, Mr. Colón, and Ms. Crampsie Smith, 5. The Resolution passed.

D. Approve Contract – Grace Industries Inc. – Greenway (Phase V) Saucon Park Ball Fields Connection

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2021-212 that authorized to execute a contract with Grace Industries Inc. for the Greenway (Phase V) Saucon Park Ball Fields Connection.

Voting AYE: Ms. Negrón, Mr. Reynolds, Mr. Callahan, Mr. Colón, and Ms. Crampsie Smith, 5. The Resolution passed.

E. Approve Contract – Illinois Avenue Partners/Oakhurst Signs – Wayfinding Signage Program Phase 2

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2021-213 that authorized to execute a contract with Illinois Avenue Partners/Oakhurst Signs – Wayfinding Signage Program Phase 2.

Voting AYE: Ms. Negrón, Mr. Reynolds, Mr. Callahan, Mr. Colón, and Ms. Crampsie Smith, 5. The Resolution passed.

F. Approve Contract – Polydyne Inc. – WWTP Centrifuge Polymer

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2021-214 that authorized to execute a contract with Polydyne Inc. for the WWTP Centrifuge Polymer.

Voting AYE: Ms. Negrón, Mr. Reynolds, Mr. Callahan, Mr. Colón, and Ms. Crampsie Smith, 5. The Resolution passed.

G. Certificate of Appropriateness – 99 West Broad Street

Mr. Colón and Mr. Reynolds sponsored Resolution No. 2021-215 that granted a Certificate of Appropriateness to apply window decals on the storefront.

Voting AYE: Ms. Negrón, Mr. Reynolds, Mr. Callahan, Mr. Colón, and Ms. Crampsie Smith, 5. The Resolution passed.

H. Certificate of Appropriateness – 223 East Church Street – Denial

Mr. Colón and Ms. Crampsie Smith sponsored Resolution No. 2021-216 that denied a Certificate of Appropriateness to replace the existing wood porch floor with Azek Porch Vintage Collection Coastline composite material and remove the existing wood porch railings and spindles.

Vice President Colón remarked before we get into a discussion he will turn to the Administration. We are joined tonight by Marsha Fritz, Vice Chair of the Board of the Historical and Architectural Review (HARB) also. He will turn to the Administration to whoever would

want to make comments. It is not often that these denials come in front of Council so any feedback or comment would be appreciated.

Alicia Karner, Director of Community and Economic Development noted they asked Ms. Fritz to attend this evening to answer any questions that Council may have so she will ask her to step in.

Marsha Fritz, 818 West Market Street stated our procedure for making decisions is pretty straightforward. First of all we determine whether the building under question is what we call a contributing building to a historic district. That is, is it a significant building that adds to the historicity of Bethlehem and in this case the building under question is definitely so. It is one of the outstanding buildings in the district. Two, we follow up our decision making process which is based on what is called the Secretary of Interior Standards. She believes you all should have a copy of that and if you do not, she could request that you be given a copy. It is 10 standards for following any kind of decision that has to do with the historic building. Third, we look at the guidelines that are enforced in Bethlehem. In the case of significant elements like porches we ask, is this a significant part of this historic building, does it contribute to the unique character of each and every building. In the guidelines there is a section that deals specifically with maintaining porches. Ms. Fritz noted those are the basis on which we make our decision. Our finding is that the Secretary of Interior Standards, she believes that you each have a copy of the ones that were deemed significant in the resolution you received from Mr. Phillips. It details what each of those standards is. She will not read them because she assumes they are part of the record since they are part of the resolution. We also then appeal to the guidelines, particularly to the sections as she mentioned that deal with porches. The guidelines and the Secretary of Interior Standards make it very clear that significant elements particularly the porch railings should be repaired and not removed. That is straight forward. The second part of that application is more difficult. As we all know construction has changed a lot over the last 20 years. She has been doing construction design since the 1980's and she has seen a lot of changes over the years. Among the most troublesome changes is the difficulty of getting good quality wood. The quality of wood we have on the market now is simply unlike what we used to have. That brings up the question, do we or do we not permit substitute, usually composite materials to be used in place of the original in this case, wood floor. We turned this motion down because we advised our staff, the historic officer to go back to the Pennsylvania Historic and Museum Commission. This difficult project problem is coming up throughout the State of Pennsylvania and throughout the entire United States. They are the full time professionals on this. We asked them to give us some feedback. If they should come back and say the Azek material that was suggested for substitution is agreeable with them and it meets the revised definition of appropriate materials, then by all means we would encourage the applicant to come back and resubmit their application so we can consider it again. We have no idea at this point, it has only been a week, how the Pennsylvania Historic and Museum Commission is going to respond to our request. That is why we turned the two things down, one very straightforward and the other more complicated.

Vice President Colón thanked Ms. Fritz for the background on this and thank you for joining us this evening. He asked how often it happens where you advise an applicant or the HARB itself seeks an opinion from that state body.

Ms. Fritz stated not very often, usually it has been pretty well laid out but in this case it is a new material and we do not really have a lot of long term information about how it will hold up

over 20 years. Going back in her history there was a period of time when there was a lot of interest in finding substitute slate materials for roofs, some were approved and they turned into a disaster and cost our applicants thousands of dollars across the country. We do not want to put Bethlehem in that position. That is why we are being careful about this.

Vice President Colón queried if there is any expectation of when you might get an answer.

Ms. Fritz remarked she did not make the call; Mr. Phillips did so she does not know where the conversation is. We have a good relationship with the Pennsylvania Historic and Museum Commission. There is an individual that is designated to respond to Bethlehem questions and he is prompt so she thinks by the next meeting we should get a good read on it. Then we can discuss it among ourselves.

Mr. Reynolds asked if the applicant will come back then after a response by the State Historic Commission.

Ms. Fritz stated they are welcome to come back. Where we left it at the end of the meeting was that it was a COA denial and we would go to the higher authorities at the state level to get a read to help us work through this situation.

Mr. Reynolds asked if the HARB will contact the applicant.

Ms. Fritz noted they did not make that decision but she does not see any reason why not.

Ms. Crampsie Smith thanked Ms. Fritz for giving her time and talent through the HARB and also coming tonight and explaining everything to us.

Ms. Fritz remarked our doors are always open to Members of Council, you are always welcome. We meet here in Town Hall at 5:00 pm the first Wednesday of every month and always have a nice discussion.

Vice President Colón remarked in terms of the process of the application, the HARB voted and we have a recommendation of denial in front of us and he guesses that is triggered because even though there is potential for the applicant to reapply, once it is voted on it is sent to Council for a vote. He asked if there are costs associated for them reapplying to HARB.

Ms. Fritz stated no.

Vice President Colón noted it would just be a matter of some paperwork and then going before HARB again.

Ms. Fritz remarked they would not have to resubmit their paperwork they have already submitted. She will say this is an unusual situation, she cannot recall this happening before. We decided to err on the side of caution in this and partly of having had difficult experiences in the past.

Vice President Colón reminded Members of Council before we vote and the Clerk calls the roll that because it was a denial from HARB a vote in the affirmative, a vote of aye is approving

the denial and a vote in the negative, a vote of nay is essentially deciding to approve the Certificate of Appropriateness.

Voting AYE: Ms. Negrón, Mr. Colón, Ms. Crampsie Smith, 3. Voting NAY: Mr. Reynolds and Mr. Callahan, 2. The Resolution passed.

11. NEW BUSINESS

Vice President Colón reminded everyone as it relates to the busy budget season the following budget meetings:

Monday, November 22, 2021 - 6:00 PM

Second Budget Meeting

1. Police Department
2. Community and Economic Development Department
3. Community Development Block Grant Fund

Monday, November 29, 2021 - 6:00 PM

Third Budget Meeting

1. Golf Course Enterprise Fund
2. Administration
3. Council, Mayor, Treasurer, Controller, Law Bureau
4. General Fund Revenue
5. General Expenses
6. Civic Expenses
7. Debt Service

Tuesday, November 30, 2021 - 6:00 PM

Final Budget Meeting

(This meeting will only occur if necessary)

Tuesday, December 7, 2021 - 7:00 PM

City Council Meeting

First Reading of 2022 Budget Ordinances

Tuesday, December 21, 2021 - 7:00 PM

City Council Meeting

Final Reading of 2022 Budget Ordinances

Question

Mr. Callahan apologized to Mr. Evans for catching him off-guard for asking that question about the new Community and Economic Development Department position but he would think that after all the time you had putting this budget together that you would have an answer for that. He does not know why we do not have an answer for it and why it could not be discussed tonight. It is obviously already been discussed at your level along with other people which he will not name tonight. It was discussed because it was added to the budget. He is sure by the time we get to talk about it the verbiage will change on it but he cannot understand why we would demote someone

and then create a position because they are being demoted and we want to retain them for some reason. He hopes that when we do discuss it the particulars of it are discussed also. Who is taking the position? He knows there is already a name there, also why are we doing it. You do not have to tell him that, you should be telling the city taxpayers and the residents of the city why we are doing it.

12. ADJOURNMENT

The meeting was adjourned at 8:15 pm.

ATTEST:

Robert G. Vidoni, Esq.
City Clerk