

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street - Town Hall  
Bethlehem, Pennsylvania  
Tuesday, June 20, 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, Rachel Leon, Paige Van Wirt, Kiera L. Wilhelm, and Michael G. Colón, 7.

*Executive Session*

President Colón announced that Council held an Executive Session with the Administration at 5:30 PM today to discuss personnel matters.

2. APPROVAL OF MINUTES

June 6, 2023

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

*Request to Modify Permit*

Victoria Opthof-Cordero of Lower Saucon Township offered an update on the proposed Bethlehem landfill expansion. The judge granted the appeal by some Township residents challenging the underlying zoning that the Lower Saucon enacted that would allow the expansion. That decision has been appealed by the landfill owner, but has not yet been heard by Commonwealth Court. Two related proceedings have been delayed until this appeal is ruled upon. Meanwhile, leachate continues to flow from the landfill to Bethlehem's Waste Water Treatment Plant. Ms. Opthof-Cordero said that she and other members of Citizens for Responsible Development are asking City Council to review the Waste Water Treatment Plant permit, which is up for review on June 30. She said the Environmental Protection Agency at times updates its testing standards. She specifically urged the City to include the updated standards for polyfluoroalkyl substances (PFAS), also known as "forever chemicals", in its permit requirements. She said that we cannot know what substances or their potency levels come out of the landfill unless we test for them.

*Tractor-trailer Restriction Requested*

Resident Steve Nalevanko complained about the noise from increased traffic on Linden Street but especially the tractor-trailers carrying the overseas containers going to the inter-modal drop yard in the industrial park. Instead of using the major highways of Routes 33 and 78, these trucks are cutting through town using Linden Street between 4:30 AM and 8:00 PM. He said a

friend lent him some sound testing equipment to record the noise levels. He said that PennDOT considers a reading above 66 decibels to be unacceptable requiring the installation of sound walls. He is not suggesting placing sound walls along Linden Street, but he wanted to demonstrate the amount of noise associated with his testing on April 25, 2023. Many of the readings were above 66 decibels with many much higher. He added that Linden Street is not appropriate for trailers that are 53 feet long. Mr. Nalevanko also noted that there is talk that more warehouses may be built, and he asked that signs be placed along Linden Street to prohibit this truck traffic.

#### *Clarifications*

Resident Arthur Curatola raised several issues. He first said that elected officials are not being paid to provide their personal views or paid to promote any ethnic group or other type of group by expressing "your personal hurt feelings upon something that a citizen may have said." "You're being paid by the citizens of that area to represent the citizens. Anti-Christian remarks, racist remarks, feminist remarks, homophobic remarks, anti-semitic remarks from citizens needs to be overlooked," he said. Mr. Curatola also denied saying that only Christians should live in Bethlehem. He said that his remarks were that we should all set a good example for all other cities in everything that we do, because these were the teachings of Jesus Christ. Mr. Curatola's third point was that those coming to live in Bethlehem should pay a higher tax than current residents and be prepared to show how they will help this city become even greater. It would be up to Council to vote on their admission. Mr. Curatola added that taxes should not be raised for existing residents. Finally, Mr. Curatola said Bethlehem should not be required to accept people who it will have to support. This should be the philosophy of all cities in the United States.

#### *Dumping at Collection Containers*

Resident Eddie Rodriguez provided a photograph of dumped debris left outside of Stefko Shopping Center. He said this has since been cleaned up, but it should have been handled much sooner. Mr. Rodriguez said this is a dangerous situation. Homeless people are rummaging through the piles. He said he has spoken to some of the business owners. Part of the problem is that containers provided to receive used clothing and shoes are high and block a camera intended to deter improper dumping. This same activity also occurs at other locations in the City, including by PetSmart on Pennsylvania Avenue. Mr. Rodriguez said that the homeless often search these piles, take what they can use and leave behind a mess of empty boxes and other refuse. He asked the police to patrol these areas. Mr. Rodriguez changed topics to say that speeding continues on Linden Street and he asked for enforcement. He also asked for enforcement of scooters that are darting in and out of traffic and unsafely changing lanes.

#### *Disappointment Expressed*

Resident Brian Lucas expressed disappointment over Bethlehem's lack of participation at the Conditional Use Hearing concerning the proposed landfill expansion. He said he wanted to ask each member of Council why they did not attend. He said he attended and so did many others. He also said that four nearby municipalities got involved as well.

*Asking for Bethlehem's Support*

Resident Russell Sutton identified himself as a longtime nurse. He said he is very interested in ecology and does not want the area contaminated. He also noted the June 30 expiration of the Waste Water Treatment Plant permit. Mr. Sutton said he has been fighting the landfill for more than 20 years, claiming that it has poisoned the water. He also cited the Lehigh River as being listed as the seventh-most polluted river in the country. Mr. Sutton next observed that several surrounding municipalities joined the fight to oppose expansion of the landfill; however, Bethlehem did not. He asked for Bethlehem's support and predicted that this would become "a giant EPA site if nobody does anything." Mr. Sutton said that effluent from the landfill dumps directly into the Lehigh with a 2-inch or more rainfall. He said that testing of treated water is necessary to ensure proper treatment because forever chemicals remain in the body once ingested.

*Put Conditions on Permit Renewal*

Bilal Khan of Lower Saucon Township is a professor of public health at Lehigh University. He urged Bethlehem to "do the right thing" regarding the Waste Water Treatment Plant permit. He believes that negative long-term consequences are clear. He also said it is incumbent on Council as elected officials to be informed about ramifications now rather than "managing your liabilities" after the fact. Harmful substances are not now being removed from the discharged treated water. The treatment process "is doing the absolute minimum and it's doing that in order to cut costs." The side effects of renewing without more stringent requirements may not be manifest within Council Members' terms, but successors will be saddled with litigation springing from decisions made by Council now. Mr. Khan added that a vote to renew is a vote for the status quo. This is not a non-statement. It is a statement that would say that everything that has happened so far is fine. To renew the permit as is would allow harm to continue and ignore that there may be better technology available to reduce harmful discharges.

*Protect Against PFAS*

Breena Holland is a City resident and professor in environmental politics and policy at Lehigh University. Ms. Holland encouraged Council to include some specific conditions on the industrial discharge permit. It is imperative that the permit have the requirement to test for chemicals contained in the leachate. Additionally, a statement should be included requiring the landfill owner to implement whatever actions are necessary to remove whatever harmful chemicals are found. Ms. Holland said that PFAS remain in the human body. Even small amounts can have significant negative health impacts such as decreased fertility, developmental delays in children, abnormal hormone function, and increased risks of various cancers such as prostate, kidney and testicular cancers. Research shows that leachate is a primary source of PFAS. The answer is to remove these chemicals from the water that is treated and discharged into the Lehigh River. It is known that the Lehigh runs into the Delaware River, which is the source of Philadelphia's public water supply. Ms. Holland said that she has volunteered as a committee member for the City's Climate Action Plan (CAP). This has been talked about for more than five years, which is when the CAP was first introduced. She urged the City to start "moving from vague goals and educating the public and encouraging better environmental behavior to some concrete actions that are actually going to improve environmental protection and environmental

equity. We can do that by simply putting some conditions on this permit that is about to come up for renewal.”

#### *Campaign Contribution Limitations*

Resident William Scheirer agreed that something should be done concerning regulating the leachate from the landfill. He also suggested designating at least one additional disabled parking space near the library. Mr. Scheirer next referenced information from Common Cause recommending campaign contribution limitations. A measure in California would prohibit local officials from receiving and a special interest operating at the local level from giving a campaign contribution of more than \$250 “when that special interest has a license, permit or other entitlement for use, including most contracts, in front of that local elected official.” Mr. Scheirer referred to a failed attempt several years ago by Bethlehem Council to pass a 30-page ethics law. Mr. Scheirer believes that a more appropriate amount today pertaining to Bethlehem City Council would be \$400.

#### *Defense of Comments*

Resident Stephen Antalics recalled that at the last meeting he stated that single families who own their homes are the most stabilizing groups living on the South Side. He also said he views college students as transient residents because they live in the City nine months of the year. He next quoted a Council Member who said they welcome new renters and people to our city and reject the use of disparaging terms for those living here for shorter periods. Mr. Antalics read the definition of “transient” and said it is not disparaging but merely means “temporary or not permanent.” He said he is free to express his opinion.

#### *Expiring Permit Gives New Opportunity*

Resident Al Wurth supported requirements regulating PFAS, as discussed by Ms. Holland. He said the landfill owner is from Texas and operates about 300 landfills. He also said that the landfill in Lower Saucon accepts more trash from out of state than comes from Pennsylvania, not just the Lehigh Valley. He recalled a failed regional trash incinerator proposal for the Lehigh Valley of many years ago. Mr. Wurth said this proposal failed because ultimately leaders asked why we would want to accept trash from all over the country “so that we can burn it and breathe it”? He urged Bethlehem to do its part in fighting the landfill expansion, as several neighboring municipalities have done. This is an expiring permit. There is an opportunity to do something about it and make a change.

#### *Right to Clean Natural Resources*

Resident Jada Gonzalez cited freedoms guaranteed under the Pennsylvania Constitution including the right to clean air, pure water, and the preservation of the environment. These guarantees are to apply to future generations. She urged Council to bring more “focus and attention” to this issue.

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

None.

5. OLD BUSINESS

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

6. COMMUNICATIONS

A. *Chief of Police – Resolution – Musikfest 2023 Special Event Parking*

The Clerk read a June 8, 2023 memorandum and proposed Resolution from Police Chief Michelle Kott regarding Special Event Parking during Musikfest 2023. The time period would be from 12 PM on Friday, August 4 through 11:59 PM on Sunday, August 13. Northside and Southside provisions are proposed and are detailed on a map that is included as an attached exhibit.

President Colón stated Resolution 10 B is on the agenda.

B. *Director of Public Works – Recommendation of Award – LB Construction Enterprises, Inc. – Craig Avenue Swale Improvements*

The Clerk read a June 12, 2023 memorandum with an attached Resolution from Michael Alkhal, Director of Public Works, recommending an Agreement with LB Construction Enterprises, Inc. of Spring House. The cost is \$63,590 to regrade and repair the Craig Avenue swale. Work is to be completed within 60 days of the Notice to Proceed.

President Colón stated Resolution 10 C is on the agenda.

C. *City Solicitor – Use Permit Agreement – ArtsQuest – 2023 Taco Fest*

The Clerk read a June 14, 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 Taco Fest. The agreement is for 9:00 AM to 9:00 PM on July 9, 2023. 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 D is on the agenda.

D. *City Solicitor – Use Permit Agreement – ArtsQuest – Just Born 100<sup>th</sup> Anniversary Employee Celebration*

The Clerk read a June 14, 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 Just Born 100th Anniversary Employee Celebration. The agreement is for 6:00 AM to 6:00 PM on July 30, 2023. 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 E is on the agenda.

E. *City Solicitor – Use Permit Agreement – NAM Knights Lehigh Valley Chapter– 2023 Vet Fest*

The Clerk read a June 14, 2023 memorandum from City Solicitor John F. Spirk, Jr. with an attached Resolution and associated Use Permit Agreement. The Permittee is the NAM Knights Lehigh Valley Chapter and the SubPermittee is ArtsQuest. The event is the 2023 Vet Fest. The agreement covers 8:00 AM to 7:00 PM on both July 15 and 16 of 2023. The agreement covers 1st Street from Polk Street to the eastern terminus.

President Colón stated Resolution 10 F is on the agenda.

F. *Chief of Police – Resolution – Retirement of Silver – Police K9*

The Clerk read a memorandum dated June 15, 2023 from Police Chief Michelle Kott with an attached Resolution. “Silver”, a Labrador retriever, was purchased in 2018 by State Farm Insurance as an accelerant detection K9 and gifted to the Police Department to assist in fire investigations. The Police Department is seeking approval to properly retire “Silver” according to Third-Class City Code regulations and transfer ownership to her handler of five years, Douglas Nothstein.

President Colón stated Resolution 10 G is on the agenda.

7. REPORTS

A. *President of Council*

B. *Mayor*

*Permit Efforts*

Mayor Reynolds noted that the permit associated with the Waste Water Treatment Plant would involve the existing landfill facility not the potential expansion. He added that the Law Bureau has been working with Water and Sewer Resources Director Ed Boscola for months on this permit and what legal language may be included. The Mayor said that some of the suggestions offered tonight are being considered. He cited flows and testing as examples. He added that they are mulling future requirements now being discussed by the DEP and EPA. Mayor Reynolds added that “we are not sympathetic to trash or to anything going there.” “It is just about what we are able to do... [The Law Bureau] is trying to put anything as stringent as they can legally into that document.”

*New Police Officers*

Mayor Reynolds also said that he and Chief Kott a few weeks ago attended the police graduation for six new officers. There has been a shortage of City officers, so these new officers will help to add to the ranks. The Civil Service Board also has approved seven more positions for the academy class for the coming 6-month training session.

*Community Connections Update*

The Mayor also updated the Community Connections program, which pairs social workers with police in assisting with mental health matters. He reminded that City Council supported the addition of two part-time counselors. The Community Connections program is busier than it has ever been. The number of interactions has doubled. More people are looking for help and referrals. This has been successful in outcomes, but the demand is increasing. This is an update. He has had several meetings internally to discuss the progress and future of the program. Several grants have been obtained along with the City funds. He said the City may invest even more given the success of the program and the needs demonstrated. He thanks City Council for their support.

*LANTA Service Expanded*

Mayor Reynolds also noted that the Lehigh and Northampton Transportation Authority is expanding its blue and green routes where Bethlehem and Allentown meet. This is a big deal to say that 15-minute service is achieved. This has been a goal for many years.

*Street Paving*

The Mayor next asked Public Works Director Michael Alkhal to explain the City paving system as it relates to UGI's program to replace piping and repave streets and why a delay of sometimes several months can occur.

Mr. Alkhal said that UGI is on a very aggressive program to update its piping system. Mr. Alkhal said that a lot of the complaints that the City receives about streets involve these projects that are related to utility work. Mr. Alkhal said that a typical street repaving job does not take long and is done block by block. However, there are a lot of steps and contractors involved in utility work. After the utility work is done, the utility will use different contractors to restore the street. They might try to coordinate work to maximize the resources of doing nearby streets. That could mean waiting a bit until both areas are ready. At times the utility might pay the City to do the work because it is more cost-effective to have the paving coordinated with a City project. Mr. Alkhal also cited "timing" as a potential reason for delay. A street that is ready for paving just prior to Musikfest would have to wait. Mr. Alkhal said that these circumstances can cause parking inconvenience, temporary equipment parking, delays, and poorer temporary road conditions despite coordination between the utilities and the City.

Mayor Reynolds said a gas explosion in Allentown several years ago resulted in the Public Utility Commission pushing utilities to speed up pipe replacement causing more simultaneous projects. Despite the inconvenience, the fact that a nearby road gets repaved is of benefit including cost savings to the City.

Ms. Crampsie Smith said she gets a number of complaints about the streets being in poor condition for lengthy periods related to the utility work. She asked if there is anything that the City can do to try to speed up the process and decrease the period of inconvenience.

Mr. Alkhal said that is part of the challenge. There likely are reasons for the delay or agreements that permit delay for understandable logistical reasons that benefit all parties

including the City. It was agreed that Council Members could contact Mr. Alkhal with street names of specific concern to learn specific circumstances and estimated work dates.

*Digitizing Records Process*

Laura Collins, Director of Community and Economic Development, provided an update on the Scantek Informational Services contract that Council approved at its last meeting. Ms. Collins said that this will allow her office to digitize files and plans to improve efficiency and some permit processing. This will require an investment of time to collect the information involved. This will necessitate a temporary office closure for walk-ins. A memo will be sent to provide details. This could entail one afternoon a week for perhaps six to eight weeks.

Mayor Reynolds added that this process should have been done years ago, but the investment of time will be worth it in increased efficiency.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 21-2023 – Amending and Restating Article 1703 Titled Requirements and Qualifications to Obtain Licensing to Perform Electrical Work within the City of Bethlehem*

The Clerk read Bill No. 21-2023 – Amending and Restating Article 1703 Titled Requirements and Qualifications to Obtain Licensing to Perform Electrical Work within the City of Bethlehem, sponsored by Dr. Enix and Ms. Leon and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND RESTATING ARTICLE 1703 OF THE CODIFIED ORDINANCES OF THE CITY OF BETHLEHEM, TITLED “REQUIREMENTS AND QUALIFICATIONS TO OBTAIN LICENSING TO PERFORM ELECTRICAL WORK WITHIN THE CITY OF BETHLEHEM”

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, and Mr. Colón, 7. Bill No. 21-2023 now known as Ordinance 2023-20 was passed on Final Reading.

B. *Bill No. 22-2023 – Amending and Restating Article 1705 Titled Requirements and Qualifications to Obtain Licensing to Perform Plumbing Work within the City of Bethlehem*

The Clerk read Bill No. 22-2023 – Amending and Restating Article 170 Titled Requirements and Qualifications to Obtain Licensing to Perform Plumbing Work within the City of Bethlehem, sponsored by Dr. Enix and Ms. Leon and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND RESTATING ARTICLE 1705 OF THE CODIFIED ORDINANCES OF THE CITY OF BETHLEHEM, TITLED “REQUIREMENTS AND QUALIFICATIONS TO OBTAIN LICENSING TO PERFORM PLUMBING WORK WITHIN THE CITY OF BETHLEHEM”



Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, and Mr. Colón, 7. Bill No. 22-2023 now known as Ordinance 2023-21 was passed on Final Reading.

C. *Bill No. 23-2023 – Amending Article 1731 Titled Inspections*

The Clerk read Bill No. 23-2023 – Amending Article 1731 Titled Inspections, sponsored by Dr. Enix and Ms. Leon and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING ARTICLE 1731 OF THE CODIFIED ORDINANCES OF THE CITY OF BETHLEHEM, TITLED “INSPECTIONS”

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, and Mr. Colón, 7. Bill No. 23-2023 now known as Ordinance 2023-22 was passed on Final Reading.

D. *Bill No. 24-2023 – Amend 2023 Non-Utility Capital Budget – Saucon Park Pavilions*

The Clerk read Bill No. 24-2023 – Amend 2023 Non-Utility Capital Budget, sponsored by Dr. Enix and Ms. Leon 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

President Colón said that there had been concerns raised about conditions at Saucon Park. He believed that people would be relieved to see the attention being given to the park that will repair some of the pavilions there.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, and Mr. Colón, 7. Bill No. 24-2023 now known as Ordinance 2023-23 was passed on Final Reading.

E. *Bill No. 25-2023 – Amend 2023 Capital Budget for Sewer Utilities – Funding Sewer Capital Projects*

The Clerk read Bill No. 25-2023 – Amend 2023 Capital Budget for Sewer Utilities, sponsored by Dr. Enix and Ms. Leon and titled:

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

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, and Mr. Colón, 7. Bill No. 25-2023 now known as Ordinance 2023-24 passed on Final Reading.

F. *Bill No. 26-2023 – Amend 2023 Sewer Fund Budget – Funding Sewer Capital Projects*

The Clerk read Bill No. 26-2023 – Amend 2023 Sewer Fund Budget, sponsored by Dr. Enix and Ms. Leon and titled:

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

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, and Mr. Colón, 7. Bill No. 26-2023 now known as Ordinance 2023-25 was passed on Final Reading.

9 NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Approve Resolution – Police – Homeland Security – Combat Human Trafficking*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-119 that authorized to execute an Intergovernmental Understanding pursuant to 53 Pa.C.S.A. § 2307 by and between the City of Bethlehem Police Department and U.S. Immigration and Customs Enforcement Homeland Security Investigations.

Ms. Kwiatek noted the Public Safety Committee meeting previously held on this topic. She added that Chief Kott was present and offered information about human trafficking incidents that have occurred in the City over the past seven or so years. Ms. Kwiatek explained that this Memorandum of Understanding would allow Bethlehem to join a task force initiated by the Northampton County District Attorney and would include a relationship with Homeland Security and Immigrations and Customs Enforcement. One City officer would become a task force officer on an as-needed basis. The memorandum specifies that the task force officer would not be empowered to enforce administrative immigration matters. Ms. Kwiatek was pleased to hear of a strong relationship that City police have built with the Federal Bureau of Investigation over the past seven or eight years associated with human trafficking cases. These matters can involve victims who are very vulnerable for a number of reasons. She commended City officers for doing great work.

Ms. Kwiatek noted that the relationship that would be created under this new task force would include Homeland Security and Immigrations Customs Enforcement. In looking at the City police's track record of dealing with the State Police, other municipalities, and the FBI, she questioned the need to have to add new partners. While the memorandum states that the task force officer would not be involved in the immigration matters, that does not mean that ICE

would not be involved in it and assure that the “streams would not cross.” She is additionally concerned with the “chilling effect” that this relationship would have in our communities of color in particular. Whether documented or undocumented, she said it could be assumed that some are undocumented leading to people being unnecessarily stopped. Trust that has been built between the community and our Police Department, and she worried that partnering with Homeland Security and ICE could do harm to that relationship. For this reason, she will be voting against signing the Memorandum of Understanding.

Ms. Crampsie Smith asked Chief Kott whether she supports the MOU and if so, why? How will it fight against anti-human and sex trafficking?

Chief Kott supports the efforts. She said we need all the tools that we can get to actively pursue these criminals who are exploiting children and engaging in trafficking. She knows that a partnership would provide additional resources to Bethlehem police, increased training, and help with communication between agencies. Crime is transient. She pointed to poor communication leading up to 911 that can allow major events to occur. Chief Kott added that she is very much aware of the stigma of ICE and said safeguards are in place to provide proper separation. She does not want, nor will she allow, the relationship to be ruined with the community. She said picking the right detective to serve as the task force officer is incredibly important and has been done. This is someone who understand the proper separation. Other safeguards include a yearly review of the task force.

Ms. Crampsie Smith asked Chief Kott if she sees any drawbacks to participation.

Chief Kott said no. This would not take a position away permanently. It is not full time. This would be as needed. This detective would be working on a human trafficking matter if it arose anyway. Participation also would allow the City to charge someone federally, strengthening the penalties. Chief Kott acknowledged Ms. Kwiatek’s concern that some community members may be concerned about the involvement of ICE, but Chief Kott suggesting minimizing these possibilities if the Department would have open dialog with the community to quell most of those concerns.

Ms. Crampsie Smith also asked the Chief to explain the circumstances of the 287(g) program that was discussed at the Committee meeting.

Chief Kott said they are not participants in the 287(g) program, which would have allowed the Department to engage in immigration enforcement. City police declined that participation years ago and would do so again today.

Ms. Crampsie Smith said that, as a school counselor, she encounters students who are afraid of ICE. She knows that some have fled their native countries because they were not safe. She also has been assured by the District Attorney that this task force has nothing to do with ICE. This is about taking on the trafficking of women and children who are being exploited. She has been told that the Lehigh Valley is the hub of trafficking because of the interstates’ proximity between Philadelphia and New York. Ms. Crampsie Smith said she pressed the District Attorney on prosecution, and he said that only the perpetrators of the trafficking will be prosecuted. Victims are granted a UV visa and are granted to crime victims. This provides the pathway to obtain legal citizenship in the United States. She will be supporting this legislation.

Dr. Van Wirt said her concerns mirror those of Ms. Kwiatek. She believes that participation would give ICE very broad access to Bethlehem's information. She trusts City police to block this, but she does not trust ICE to find ways to get information. This has happened in other cities. When she looks at the risk versus benefit analysis, she cannot support this. She fears the harm that this could do to the undocumented people is going to be greater than the narrow focus.

Ms. Wilhelm said one thing that she left the Public Safety Committee meeting with was that Bethlehem has done an excellent job in enforcing trafficking laws. She noted Ms. Crampsie Smith's research, but something that she cannot get past is that the word "ICE" may just stick with someone who might otherwise assist police. She does not believe that City police will be able to convince everyone who is afraid of ICE that those fears are unfounded. She also will not support this MOU.

Ms. Leon asked the Chief about the visas mentioned by Ms. Crampsie Smith.

Chief Kott said there are several types of visas. In addition to the aforementioned U visa, there are other types of visas and programs. These permit non-citizens to stay in this country at least for a period if they are working with police. This can apply to immediate family members also.

Ms. Leon said she still does not see a reason to rush this decision. She would like to understand more, including jurisdiction. Also, there is a concern about ICE, but they could come to town anytime. But, she understands the hesitation in the community. She said that, if she has to make a decision right now, she does not know enough to support this MOU.

President Colón said he did not attend the Public Safety Committee meeting, but he read the minutes from that session. He wanted to confirm that, with written notice, there is a 30-day opt out of the program.

Chief Kott agreed.

President Colón asked whether Bethlehem could opt in at a later date if this resolution does not pass tonight.

Chief Kott believed that Homeland Security wants the City to partner with them, so she believes that Bethlehem will be asked in the future if it would participate.

President Colón said he understands the raised concerns, but he believes there is a net benefit to participation. This is not only a department that values community engagement but has excelled at community engagement. He believes that the community outreach can allay most community fears, and the 30-day opt out always would be a back-up if participation were found to be undesirable at some point. At the very least, the human trafficking training would have been a benefit. Given all of that, he will support this measure.

Ms. Kwiatek asked for a clarification on the visa programs. She asked Chief Kott whether these visa programs are available to victims through other means, not just this Homeland Security collaborative effort. The Chief confirmed that was correct.

Mayor Reynolds said he has asked the Chief many of these same questions. Much for him comes down to who will be tasked with the primary responsibilities of making this collaboration work. He believes that the people in the positions of influence are well suited to carry out the duties.

Voting AYE: Ms. Crampsie Smith, Dr. Enix, and Mr. Colón, 3. NAY: Ms. Wilhelm, Ms. Kwiatek, Ms. Leon, and Dr. Van Wirt, 4. The Resolution failed.

*B. Approve Resolution – Police – Musikfest 2023 Special Event Parking*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-120 that during the period 12:00 Noon, Friday, August 4, 2023 through 11:59 PM on Sunday, August 13, 2023, and in connection with the 2023 Musikfest festival, all violations of the provisions of Article 531, Parking Generally, and the subsections specified in the Resolution shall carry the modified fines as specified in the Resolution.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, and Mr. Colón, 7. The Resolution passed.

*C. Approve Resolution – LB Construction Enterprises, Inc. – Craig Avenue Swale Improvements*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-121 that authorized to execute an Agreement with LB Construction Enterprises, Inc. to regrade and repair the Craig Avenue swale.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, and Mr. Colón, 7. The Resolution passed.

*D. Approve UPA – ArtsQuest – 2023 Taco Fest*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-122 that authorized to execute a Use Permit Agreement with ArtsQuest for the 2023 Taco Fest.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, and Mr. Colón, 7. The Resolution passed.

*E. Approve UPA – ArtsQuest – Just Born 100<sup>th</sup> Anniversary Employee Celebration*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-123 that authorized to execute a Use Permit Agreement with ArtsQuest for the Just Born 100<sup>th</sup> Anniversary Celebration.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, and Mr. Colón, 7. The Resolution passed.

*F. Approve UPA – NAM Knights Lehigh Valley Chapter – 2023 Vet Fest*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-124 that authorized to execute a Use Permit Agreement with the NAM Knights Lehigh Valley Chapter for 2023 Vet Fest.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, and Mr. Colón, 7. The Resolution passed.

*G. Approve Resolution – Retirement Silver – Police K9*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-125 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 approved to be transferred by the Bethlehem Police Department: K9 “Silver” to her handler, Douglas Nothstein.

Ms. Wilhelm said she was hoping that Silver would be here to receive the Resolution.

Ms. Leon said she appreciated Silver’s service to the City.

President Colón asked Chief Kott if there are plans to replace Silver as a K9.

Chief Kott said not with an arson detection dog. The program has run its course. Police are able to use area departments’ accelerant detection dogs, such as the State Police and Alcohol, Tobacco and Firearms agency, and those from other local municipalities.

Voting AYE: Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, and Mr. Colón, 7. 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. Wilhelm made a motion, seconded by Ms. Crampsie Smith, to consider Resolutions 10 H through 10 J as a group.

Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, and Mr. Colón, 7. The Motion passed.

*H. Certificate of Appropriateness – 51 East Wall Street*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-126 that granted a Certificate of Appropriateness to re-roof the standalone two-car garage with GAF Slateline shingles in the English gray color at 51 East Wall Street.

*I. Certificate of Appropriateness – 17 East Church Street*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-127 that granted a Certificate of Appropriateness to replace the previously demolished, non-original chimney and non-functioning fireplace with a four-panel sliding glass door at 17 East Church Street.

*J. Certificate of Appropriateness – 99 West Broad Street*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-128 that granted a Certificate of Appropriateness to repair and paint all woodwork on the building at 99 West Broad Street.

Voting AYE on Resolutions 10 H through 10 J: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, and Mr. Colón, 7. The Resolutions passed.

11. NEW BUSINESS

*Rescheduling First Meeting in July*

President Colón noted that the first Tuesday in July coincides with the Independence Day holiday. He said he would accept a motion and a second to reschedule the first Council meeting in July to Wednesday, July 5 at 7:00 PM in Town Hall.

Ms. Kwiatek made a motion, seconded by Dr. Van Wirt, to reschedule the first Council meeting in July for 7:00 PM on Wednesday, July 5 in Town Hall. Voting AYE: Ms. Wilhelm, Ms. Crampsie Smith, Dr. Enix, Ms. Kwiatek, Ms. Leon, Dr. Van Wirt, and Mr. Colón, 7. The Resolutions passed.

*Upcoming Community Development Meeting*

Dr. Van Wirt said the Committee will meet on June 27, 2023 at 5:30 PM in Town Hall. Two items will be on the agenda: 1. The annual F.A.I.R. Hearing, and 2. The Community Health Needs Assessment Report.

*Landfill Follow-up*

Ms. Kwiatek thanked those who spoke tonight about the landfill with particular focus on the Waste Water Treatment Plant permit renewal. She appreciated the public input and told Mayor Reynolds that she was glad to hear that the City is attempting to add increased protection for public safety. Ms. Kwiatek said she needed to learn a bit more as to what Council's role may be in the oversight process and approval of this permit, but she pledged that she would provide the level of oversight that Council is authorized to do. Ms. Kwiatek said she understood that this permit pertains to the existing landfill, but she said there is no reason that we should "rubber stamp" the procedure since it is known that the expansion is intended.

*Deadline Confirmation*

Ms. Crampsie Smith wanted to confirm that the existing Waste Water Treatment Plant permit expires on June 30. Mr. Boscola nodded yes.

*Council's Role?*

Dr. Van Wirt noted that the Waste Water Treatment Plant permit is a renewal. She asked Council Solicitor Panella whether Council has oversight in this matter, believing that Council had involvement in the permit that is now in place.

Solicitor Panella said he would consult with City Solicitor John Spirk on Wednesday to determine this question. He said he was not familiar enough with the matter at this time to provide an answer on the spot.

Dr. Van Wirt asked what would happen if the City would not renew the contract. And, if it did not in time to meet the June 30 deadline, would the existing language of the permit allow

the Waste Water Treatment Plant to be able to continue to operate on a month-to-month basis until something gets worked out?

Mr. Boscola said the permit, like all industrial waste permits, would get administratively extended, technically indefinitely, until the new permit goes into effect.

Dr. Van Wirt said it sounded as if the City could go on a month-by-month basis while the City does due diligence in finding out what it needs to know. Dr. Van Wirt said the scrutiny of this permit is not about the potential landfill expansion but is about understanding PFAS and their effects on health and the environment as well as what the City can do to protect these. Dr. Van Wirt also was interested in an answer asked earlier from the audience as to how much of the trash going into the landfill in Lower Saucon comes from City residents. Dr. Van Wirt additionally asked whether Council could suggest that the Administration not sign the permit paperwork until Council has a good understanding concerning the legal options involved in this. She believed that Council would want to understand the long-term impacts of PFAS on future generations and our current health status.

Mr. Boscola reiterated that internal discussions are being held as to the City's options "both practically and within regulatory regime to impose appropriate either monitoring or restrictions to the landfill relative to its leachate release." He noted that PFAS is undergoing regulatory review, so Administration will take that input into consideration as it considers renewing the permit.

Dr. Van Wirt clarified that she is asking that Council be advised of the findings prior to any signing of the renewal. She said if it is necessary to delay the signing if these answers are not available by June 30, she would rather put it in "this operational limbo" rather than commit to old standards for at least another year. She said this would provide more time to gather data and make an informed decision.

Mayor Reynolds said this discussion could begin on Wednesday. Some considerations likely would include justification for reductions if any are recommended. This may include future guidance from DEP and EPA.

Dr. Van Wirt emphasized the question of whether there is harm in not signing by June 30 or whether this is most prudent until all other questions are answered.

Mayor Reynolds said that is a legal question that will be discussed on Wednesday. However, one direct question that he could answer was that it would be hard to say how much trash is going to the landfill from City customers. The current system that allows City customers to choose their own haulers does not track this.

*Thanks Offered*

Ms. Leon thanked that Administration for IT upgrade in City Hall. She referred to the Scantek contracts and efforts to digitize and streamline records and workflow. Ms. Leon said this should help in trying to monitor aspects such as rental regulations. She also thanked Ms. Collins



for the meeting of last week about concerns over trash on the South Side. Whether the concern is leachate or trash being put out at the curb, trash will continue to be a topic of conversation.

*More Thanks*

Ms. Kwiatek thanked Mr. Alkhal and Greg Cryder, the City Electrician, for changing the pedestrian signal at the north end of the Fahy Bridge. This greatly improves pedestrian safety.

Dr. Van Wirt noted that the same change was made to signalization at the south side of the Minsi Trail Bridge. She also offered her thanks for the improved safety measure.

*Welcome to New Assistant Clerk*

President Colón welcomed Bettina Bubba as the new Assistant City Clerk, replacing the retired Judy Kelechava.

*Bethlehem Among Top 100 Places to Live*

He also noted a recent article that again recognized Bethlehem as one of the 100 best places to live in the United States. There are ways to improve, but he said there are times to accept the recognition as a job well done.

12. ADJOURNMENT

The meeting was adjourned 9:14 PM.

ATTEST:

Tad J. Miller  
City Clerk