

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, March 7, 2023 – 7:00 PM

PLEDGE TO THE FLAG

1. ROLL CALL

President Colón called the meeting to order. Participating were Grace Crampsie Smith (via GoTo Meeting), Hillary G. Kwiatek, Rachel Leon, Paige Van Wirt, Kiera L. Wilhelm, and Michael G. Colón, 6. Wandalyn J. Enix was absent, 1.

CITATIONS HONORING RETIREES

Five retirees were recognized for their service to the City. They were Daniel Burnside, Joseph Horwath, Robert Kieffer, Sean O'Hearn, and Brendan Schlegel. Certificates will be mailed to the retirees who were not present. All were recognized for many years of dedicated service to the City.

2. APPROVAL OF MINUTES

February 21, 2023

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

Grant Requirement Questioned

Resident Mary Toulouse, representing the Mount Airy Neighborhood Association, said it came as a shock that their application to the Community Recovery Grant Program was disqualified. They had hoped for funding toward lighting at the Rose Garden Park. Improved lighting was one of the recommendations of the Chris Brown Restoration Plan for the park. The element that disqualifies them is that the amount requested cannot exceed 50 percent of the organization's total expenses for the project year. She added that the Mount Airy organization is not a large nonprofit with a huge budget. However, it does much good and has value that cannot be monetized. This should be taken into consideration as well. She said the monetary requirement should not be an impediment to their application and asked that this be changed. She also suggested that – if changed – this should not just apply to the Mount Airy application, but for other nonprofits of similar value as well.

Parking Plea Continues

Alex Hirsch has reached 235 days since he has been permitted to park near his Center Street home under the Residential Permit Parking Program. He cited comments from tonight's earlier Community Development Committee meeting about "anti-fragile systems." He asked Dr. Van Wirt, as liaison to the Bethlehem Parking Authority, to share that concept with the Parking Authority director. Comments were made during the earlier committee meeting that some

parking requirements may need to be loosened in order to help solve the housing shortage. This would help his situation as well.

Police Complaint

Resident Maureen Porter said she is having a problem with some City police officers harassing her, particularly those associated a pro-Trump law enforcement group. Ms. Porter volunteers for Democratic causes. She complained of a frequent police presence in her block and sirens regularly being used outside her home. She said she emailed Chief Michelle Kott to complain some months ago. It got quiet for a time after that. Activity started up again last fall. She said she was followed by police officers on her way to a political event. She said there were Trump signs on their vehicles. She said the frequency of sirens has returned when she turns on her lights in the middle of the night. There are balloons left on her porch and her trash is disturbed. Ms. Porter called this “gas-lighting behavior.” She said this is “rogue police behavior” and said there is a liability to the City. She wanted to make a public record of her accusations.

Promotional Video Encouraged

Resident Arthur Curatola again asked Council to promote Bethlehem during the September 21, 2023 “Wake Up, Rise Up, Live for Peace” online streaming event. The international event involves musicians. Mr. Curatola wants to promote the Lehigh Valley in general and Bethlehem specifically. He encouraged the City to get involved in having a promotional video made for inclusion in this event.

Women Veterans Group

Jenny Pacanowski is the founder and director of Women Veterans Empowered and Thriving. She outlined the Bethlehem organization’s efforts. It has an exhibit running at the Banana Factory with a closing reception from 2-4 PM on March 18. Events will include ritual storytelling. She said that storytelling is important for returning veterans to reintegrate into society, and the opportunity is not normally done in America. Another event will be held at noon on April 29 at SteelStacks, which will address military sexual trauma.

Rose Garden Support/Landfill Expansion Opposition Encouraged

Resident Al Wurth supported the comments of Ms. Toulouse and the efforts and activities involving the Rose Garden. He hoped that a “technicality” would not stand in the way of financial support to continue these efforts. He asked the City to reconsider its grant participation requirements. Mr. Wurth also said he had hoped to hear that the City would formally oppose the proposed landfill expansion, but he assumed it would not be doing so because he does not see it listed on tonight’s agenda. He pointed out that a successful landfill expansion would nearly double its size and increase its operation for an estimated 30 years despite the use of antiquated technology. Mr. Wurth attended the recent Conditional Use Hearing in Lower Saucon Township, but he was not granted standing by the hearing officer. He encouraged the City to seek party status because its wastewater treatment plant will receive an increased volume of leachate from the landfill. Mr. Wurth said those surrounding the landfill will suffer from the impact on the environment, especially the Lehigh River. He noted that other communities are stating their opposition.

Seek Party Status

Victoria Opthof-Cordero of Citizens for Responsible Development grew up near the landfill. She said easements from 1994 name the Delaware and Lehigh National Heritage Corridor as the reason why the property should remain undisturbed. She added that the City sold the landfill and surrounding land to a private corporation, but still had the protective easements. That is now being challenged with a request to change the zoning in Lower Saucon. Ms. Opthof-Cordero also recalled Mayor Reynolds' words during his 2022 'State of the City' address in which he said the City would face challenges head on. She urged the City to do that on this issue. She cited several organizations and municipalities who have gone on record in opposition and who have asked for party status. She said the City could do this during the next Conditional Use Hearing on Thursday.

Plea for Support

Lower Saucon resident Mark Ozimek implored that at least one City representative seek party status regarding the landfill expansion. He believes the City should be concerned about its liability for leachate treated at the sewer plant. He believes the cost of potential damages caused by the landfill far outweigh potential benefits. He also raised concern about 2525 Applebutter Road, an old tank farm. He said the rumor is that this will become a compressor station. These are loud and transfer gas. Mr. Ozimek does not know if these plans are known. He recalled that Mayor Reynolds at the February 21 Council meeting said he disagreed with the actions taken decades ago by the City that have led to this situation today, but he said that "actions speak louder than words" and he asked the City to join the fight in opposition to the expansion.

Maintain Single-family Housing

Resident William Scheirer agreed with prior comments made about the landfill expansion opposition and the grant request involving the Rose Garden. He also defended single-family housing. He said there is a trend toward migration into major cities. He asked where is it written that the cities – Bethlehem in particular – must make room for all of these people? Instead, the mandate should be that a City offers a place where people want to live and feel connected to the community, care about it, and become involved in city affairs. Mr. Scheirer cited his own change in outlook when he moved from a rental apartment to a row home that he owned. He gained additional connection when he moved to a single home with a yard. Mr. Scheirer said he believes that the people living in single-family, detached homes are the anchor of a community. He did not believe others should be excluded, but there needs to be a balance. He said there is an emerging problem. Mr. Scheirer cited two recent examples of single-family homes being bought, demolished and replaced by garden apartments. He suggested addressing sooner rather than later before single-family homes begin to disappear.

South Side History

Resident Stephen Antalics said that the comments about housing brings the South Side's history to mind. He said the South Side was this desirable type of community, known as one of "smokestacks and steeples." The core of the South Side was single-family homes, but that is gone now.

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. *Director of Water and Sewer Resources – Recommendation of Award – D’Huy Engineering, Inc. – WWTP Main Control Building Space Configuration Construction Phase Services*

The Clerk read a memorandum dated February 23, 2023 with an attached Resolution from Edward Boscola, Director of Water & Sewer Resources, recommending a contract with D’Huy Engineering, Inc. The amendment is to add construction administration services to final design of renovations to the Main Control Building at the WWTP, which was contracted for in July of 2022. The amendment also will add \$115,800 to the project cost and will extend the completion deadline to June 30, 2024. There are no renewals.

President Colón stated Resolution 10 B is on the agenda.

- B. *Director of Water and Sewer Resources – Recommendation of Award – D’Huy Engineering, Inc. – WWTP Electrical Repairs Engineering Services*

The Clerk read a memorandum dated February 23, 2023 with an attached Resolution from Edward Boscola, Director of Water and Sewer Resources, recommending a contract with D’Huy Engineering, Inc. The contract is to provide design, bidding and construction administration services for electrical repairs at the WWTP including sub-station upgrades and low voltage feeder replacements. The cost is \$49,300 and the completion deadline is February 29, 2024. There are no renewals.

President Colón stated Resolution 10 C is on the agenda.

- C. *Deputy Director of Economic Development – Redevelopment Assistance Capital Program (RACP) - Grant – Goodman Building*

The Clerk read a memorandum dated February 23, 2023 with an attached Resolution from Alicia Miller Karner, Deputy Director of Economic Development, recommending participation in the Redevelopment Assistance Capital Program to assist Collaboration 3 LLC in obtaining \$2 million in grant money toward the Goodman Building project. The City will serve as a pass-through entity and has no liability. Council previously approved a Resolution for this grant award; however, additional funding is now available and a new Resolution is required.

President Colón stated Resolution 10 D is on the agenda.

D. Health Bureau Director – Records Destruction – Health Bureau

The Clerk read a memorandum dated February 22, 2023 with an attached Resolution and exhibit from Kristen Wenrich, Health Bureau Director, requesting the Destruction of Records from the Health Bureau. The Director has reviewed the Municipal Records Retention Act, and the records listed on the exhibit fall within the categories where destruction is permitted.

President Colón stated the Resolution can be placed on the March 21, 2023 Council agenda.

E. Director of Water and Sewer Resources – Recommendation of Award – Cowan Associates, Inc. – Country Squire Estates Well Rehabilitation

The Clerk read a memorandum dated February 27, 2023 with an attached Resolution from Edward Boscola, Director of Water & Sewer Resources. The memorandum recommends a contract with Cowan Associates, Inc. to provide engineering and geotechnical services to investigate, recommend, and plan well rehabilitation activities for the Country Squire Estates Well Rehabilitation Project in East Allen Township. The cost is \$34,470. The contract shall run from the Notice to Proceed until December 31, 2023. There are no renewals.

President Colón stated Resolution 10 E is on the agenda.

F. Director of Public Works – Recommendation of Award – Barry Isett & Associates – Friendship Park Survey

The Clerk read a memorandum dated February 28, 2023 with an attached Resolution from Michael Alkhal, Director of Public Works, recommending a contract with Barry Isett & Associates of Allentown. The contract is for \$5,276 for the firm to conduct a boundary and topographic survey of Friendship Park and produce a CAD drawing in anticipation of future design activities to occur later this year. Completion is expected by April 30, 2023. There are no renewals.

President Colón stated Resolution 10 F is on the agenda.

G. Director of Community and Economic Development – HOME-ARP – Allocation Plan Memo and Resolutions

The Clerk read a memorandum dated March 2, 2023 with two attached Resolutions from Laura Collins, Director of Community and Economic Development. The memorandum outlines actions related to Bethlehem's HOME Investment Partnerships Program – American Rescue Plan Program allocation plan to the U.S. Department of Housing and Urban Development. The first Resolution authorizes submission of the Allocation plan to HUD. The second Resolution authorizes a procedural amendment to the City's 2021 CDBG HOME Annual Action Plan to recognize the program year of the HOME-ARP Grant, which originated through enactment of federal legislation in 2021.

President Colón stated Resolutions 10 G and 10 H are on the agenda.

H. *City Solicitor – Lease Agreement – ECTB Holdings, LLC – Use of Saucon Softball/Baseball Fields for Baseball*

The Clerk read a memorandum dated March 2, 2023 from City Solicitor John F. Spirk, Jr., Esq., with an attached proposed Resolution authorizing execution of a Lease Agreement for use of Saucon softball/baseball fields for baseball use by ECTB Holdings, LLC.

President Colón stated Resolutions 10 I is on the agenda.

I. *City Solicitor – Use Permit Agreement – Northwest Youth Athletic Little League – Athletic Association’s Sanctioned Baseball/Softball*

The Clerk read a memorandum dated March 2, 2023 from City Solicitor John F. Spirk, Jr., Esq., with an attached Resolution and associated Use Permit Agreement. The Permittee is Northwest Youth Athletic Little League which will use the Buchanan and Spring Street fields for sanctioned baseball and softball games from March 5 through December 31, 2023.

President Colón stated Resolutions 10 J is on the agenda.

A. *President of Council*

B. *Mayor*

1. *Administrative Order – Rachelle J. Wehden – Bethlehem Human Relations Commission*

Mayor Reynolds appointed Rachelle J. Wehden to the Bethlehem Human Relations Commission effective through March, 2024. Dr. Enix and Ms. Leon sponsored Resolution No. 2023-032 to confirm the appointment.

President Colón said he continues to serve on this commission. He knows that Ms. Wehden has attended a few meetings as a member of the public and showed interest in its work. He thanked the Mayor’s Office for bringing this appointment forward as the committee continues to look for volunteers to fill openings.

Ms. Crampsie Smith said she supported the appointment and asked whether there is a vacancy.

President Colón said that an email received by Council said that the opening was the result of a resignation because a member no longer had the time to volunteer.

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

Flag-raising Ceremonies

Mayor Reynolds also noted several upcoming flag-raising ceremonies. These will include the Irish flag-raising on March 17 at 11 AM, the Greek Independence Day ceremony on March 25 at noon, and the Transgender Day of Visibility at 9 AM on March 31.

Housing Strategy Study Advances

Mayor Reynolds thanked City Council, Director of Community and Economic Development Laura Collins, and Deputy Director of Community Development Sara Satullo for their work associated with the Housing Strategy Study and related presentation during a committee meeting earlier this evening. He appreciated the questions and thoughtfulness. One thing that is clear is that there are people on all sides of this issue. There are no easy solutions. There will be tradeoffs. The work will be to educate people on what the tradeoffs are and determine what will be the best approach.

Citywide Equity Plan

The Mayor also said that, earlier this week, the City internally kicked off the Citywide Equity Plan. Director of Equity and Inclusion Janine Santoro, Business Administrator Eric Evans, Human Resources Director Michelle Cichocki, and the Mayor put together a team to bring people together from the different departments to review how we deliver services and how those services should be allocated fairly throughout the City.

Solicitor's Explanation

Solicitor Spirk addressed several issues related to the City's position on the proposal to expand the landfill in neighboring Lower Saucon Township. The first question is why would the City sell land last year for \$10,000 to help with the expansion. This goes back to 1998. The City Administration at that time sold an option to the owner of the landfill to at any time buy this land for \$10,000. When the owner last year exercised this option, the City had no choice but to sell. The next question was why does the City not enforce its easements on the property. Solicitor Spirk said this answer goes back to 1994 when the City gave the easements and the rights that went with them to Lower Saucon Township. The reason for doing so was that in 1990, DEP closed the landfill, which was owned by the City at that time. In an agreement to re-open the landfill, Lower Saucon said the City had to turn control over to the Township as to what happens on the land buffering the landfill. The final question is that, if you cannot control what happens to the land with easements, why would you not seek party status to try to help determine the outcome. Solicitor Spirk next explained that "party status" is not simply participation in a rally. It entitles the party to present witnesses, cross-examine witnesses, and appeal in court if desired. Those who have party status have a personal investment in the proposal, such as the Heritage Corridor.

Solicitor Spirk said the Township Council has already determined that the expansion of the landfill would be not adverse to the public interest. What must be shown at a Conditional Use Hearing is that the landfill expansion proposed at this location would cause greater harm than an average landfill. Things such as downstream concerns become important. The City's position that has been suggested by some is the leachate that it must treat at the wastewater treatment plant. However, in 1998, the City entered into a leachate wastewater agreement with the landfill that promised that the City would accept up to 300,000 gallons of leachate per day from the landfill for as long as the landfill operates.

Solicitor Spirk said, from a legal standpoint, the City is not in the same position as surrounding municipalities to seek party status in the landfill expansion. This is because of a long and tangled history involving the landfill. Solicitor Spirk predicted that if the City were to become

a party, testimony would show that the 1998 contract obligates the City to accept up to 300,000 gallons of the leachate daily and that the landfill is well under its maximum output. This is not a good use of City resources and would not strengthen the objectors' case against the expansion. He believed that Ms. Crampsie Smith's conclusion last meeting was correct that City Council could draft a position statement and anyone is free to attend the hearing. From a legal perspective, he recommended against the City trying to obtain party status.

Mayor Reynolds said the Law Bureau has spent a lot of time researching this issue. The Administration's position is not based on the City's wishes, but based on the advice of the Legal Bureau based on the law and contractual obligations.

C. *Community Development Committee Meeting*

Dr. Van Wirt announced that the Committee met at 5:30 PM today in Town Hall. The Administration provided Part 2 of the Comprehensive Housing Strategy update.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 07 – 2023 – Amending 2023 General Fund – General Fund Adjustments*

The Clerk read Bill No. 07-2023 – Amending 2023 General Fund – General Fund Adjustments 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 GENERAL FUND BUDGET

Voting AYE: Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Leon, and Mr. Colón, 6. Bill No. 07-2023 now known as Ordinance No. 2023-07 was passed on Final Reading.

B. *Bill No. 08 – 2023 – Amending 2023 General Fund – General Fund Adjustments*

The Clerk read Bill No. 08-2023 – Amending 2023 General Fund – General Fund Adjustments 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 GENERAL FUND BUDGET

Voting AYE: Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Leon, and Mr. Colón, 6. Bill No. 08-2023 now known as Ordinance No. 2023-08 was passed on Final Reading.

C. *Bill No. 09 – 2023 – Amending 2023 Capital Budget for Non-Utilities – Adjustments*

The Clerk read Bill No. 09-2023 – Amending 2023 Capital Budget for Non-Utilities – Adjustments 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.

Voting AYE: Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Leon, and Mr. Colón, 6. Bill No. 09-2023 now known as Ordinance No. 2023-09 was passed on Final Reading.

D. *Bill No. 10 – 2023 – Amending 2023 Capital Budget for Water Utilities – Adjustments*

The Clerk read Bill No. 10-2023 – Amending 2023 Capital Budget for Water Utilities – Adjustments 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 WATER UTILITIES.

Voting AYE: Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Leon, and Mr. Colón, 6. Bill No. 10-2023 now known as Ordinance No. 2023-10 was passed on Final Reading.

E. *Bill No. 11 – 2023 – Amending 2023 Capital Budget for Sewer Utilities – Adjustments*

The Clerk read Bill No. 11-2023 – Amending 2023 Capital Budget for Sewer Utilities – Adjustments 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: Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Leon, and Mr. Colón, 6. Bill No. 11-2023 now known as Ordinance No. 2023-11 was passed on Final Reading.

F. *Bill No. 12 – 2023 – Amend CDBG/HOME Budget – Adjustments*

The Clerk read Bill No. 12-2023 – Amending 2023 CDBG/HOME Budget-Adjustments 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 COMMUNITY DEVELOPMENT BLOCK GRANT
BUDGET

Voting AYE: Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Leon, and Mr. Colón, 6. Bill No. 12-2023 now known as Ordinance No. 2023-12 was passed on Final Reading.

G. *Bill No. 13 – 2023 – Amend 2023 Stormwater Fund Budget – Adjustments*

The Clerk read Bill No. 13-2023 – Amending 2023 Stormwater Fund Budget–Adjustments 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 STORM WATER FUND BUDGET

Voting AYE: Dr. Van Wirt, Ms. Wilhelm, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Leon, and Mr. Colón, 6. Bill No. 13-2023 now known as Ordinance No. 2023-13 was passed on Final Reading.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Approve Records Destruction – Community and Economic Development Department*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-033 that authorizes the disposal of the public records in the office of Community and Economic Development, as stated in Exhibit A.

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

B. *Approve Contract – D’Huy Engineering – WWTP Main Control Building Space Configuration Construction Phase Services*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-034 that authorized to execute an agreement with D’Huy Engineering for the WWTP Main Control Building Space Configuration Construction Phase Services.

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

C. *Approve Contract – D’Huy Engineering – WWTP Electrical Repairs Engineering Services*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-035 that authorized to execute an agreement with D’Huy Engineering for the WWTP Electrical Repairs Engineering Services.

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

D. *Approve Grant – Redevelopment Assistance Capital Program (RACP) – Goodman Building*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-036 that authorized to execute all application forms necessary to apply for the \$2 million grant which will be passed through the City of Bethlehem to Collaboration 3, LLC for the purposes of their project;

AND BE IT FURTHER RESOLVED that the Mayor and Controller be authorized to enter into a Cooperation Agreement with Collaboration 3, LLC for the project administration of said project; AND BE IT FUTHER RESOLVED that the City of Bethlehem has been assured by Collaboration 3, LLC that it will assume the full local share of the project costs, which will be in excess of the \$2 million grant, and also assume responsibility for the project’s ongoing operating and maintenance costs;

AND BE IT FURTHER RESOLVED THAT THE City Clerk of the City of Bethlehem is directed to execute a certificate attesting to the adoption of this Resolution and furnish a copy of the Resolution to the Commonwealth of Pennsylvania.

Ms. Crampsie Smith asked for an update on this project.

Ms. Collins said the project is under construction. There is both rehabilitation of the building and some new construction. New construction is underway including footers and foundations. There is no timeline. Much depends on the availability of materials and contractors. They are actively working on that.

Ms. Leon lives near this site, and said it is beneficial to see activity and have an idea that something positive is coming in the future.

Ms. Kwiatek added that progress is exciting to see, and she is glad that this funding can go toward an adaptive re-use project and that there will be infill on the empty lot.

President Colón asked the award status of the funding.

Ms. Collins said the money has been awarded. The award was initially \$1.5 million. An additional \$500,000 was awarded roughly in May. Collectively, the funding now totals \$2 million and a new application is made. Pennsylvania is the source of the \$2 million. The City is the pass-through vehicle.

President Colón said that the Goodman Building has had a very long timeline. The Law Bureau had a very publicized encounter with the previous owner. President Colón was happy that the state supported the project financially.

Mayor Reynolds echoed President Colón's statement about the number of years that it has taken to get to this point. He credited the previous administration for making sure that the Goodman Building would be maintained, saved, redeveloped, re-used, and revitalized. He added that the public support has been important. But, seeing the footers and other work beginning to happen is really impressive to see that the collective public and private sector was able to come together to save that building. He called the collaboration a success story.

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

E. Approve Contract – Cowan Associates, Inc. – Country Squire Estates Well Rehabilitation

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-037 that authorized to execute an Agreement with Cowan Associates, Inc. for the Country Squire Estates Well Rehabilitation.

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

F. Approve Contract – Barry Isett & Associates – Friendship Park Survey

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-038 that authorized to execute an Agreement with Barry Isett & Associates for the Friendship Park Survey.

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

G. Approve Resolution – HOME-ARP Allocation Plan

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-039 that granted the City of Bethlehem, Pennsylvania \$1,404,987 in American Rescue Plan Program funding that may be used for the acquisition and development of a non-congregate shelter and the City Administration prepared a HOME-ARP allocation plan to fund such activity and wishes to submit the plan to HUD for their consideration and approval; and

WHEREAS, the City held public hearings on the Allocation Plan on November 1, 2022, and February 16, 2023, and made the Allocation Plan available for public display and comment, including without limitation at www.bethlehem-pa.gov, during the following public comment periods: October 27, 2022, through November 11, 2022, and February 16, 2023, through March 3, 2023.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BETHLEHEM:

1. That the City's proposed Allocation Plan is hereby approved and authorized for submission to HUD; and
2. That the Mayor is hereby authorized to provide the necessary assurances and certifications to submit the Allocation Plan to HUD.

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

H. Approve Resolution – HOME-ARP Amendment Resolution

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-040 that granted the City of Bethlehem, Pennsylvania \$1,404,987 in American Rescue Plan Program funding that may be used for the acquisition and development of a non-congregate shelter; and

WHEREAS, on behalf of the City Administration, the Department of Community and Economic Development prepared a HOME-ARP Grant allocation plan that would allocate the grant funds to costs related to the future acquisition and development of a non-congregate shelter and wishes to submit such plan to HUD; and

WHEREAS, in order for the Administration to submit the Allocation Plan to HUD, it must also submit a procedural Substantial Amendment to the City's program year 2021 Community Development Block Grant and HOME Investment Partnerships Program Annual Action Plan to assign the federal grant funds to a program year based on the legislative origin year of the funding; and

WHEREAS, the Administration prepared an Amendment to its 2021 Action Plan to enable the submission of its Allocation Plan to HUD and held a public hearing on the Amendment on February 9, 2023 and made the Amendment available for public display and comment, including without limitation at www.bethlehem-pa.gov, during the following comment period: December 30, 2022 through January 29, 2023.

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

I. Approve Lease Agreement – ECTB Holdings, LLC – Use of Saucon Softball/Baseball Fields for Baseball

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-041 that authorized to execute a Lease Agreement with ECTB Holdings, Inc. for of Saucon softball/baseball fields for baseball.

Ms. Kwiatek said she was pleased to see the formalization of the South Side Little League element of this lease. An informal relationship had been discussed at the Housing Authority through their Recreation Committee. She was pleased to see that this has come to fruition.

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

J. Approve Use Permit Agreement – Northwest Youth Athletic Little League – Athletic Association's Sanctioned Baseball/Softball

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-042 that authorized to execute a Use Permit Agreement with Northwest Youth Athletic Little League for the use of Buchanan and Spring Street fields for sanctioned baseball and softball games.

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

K. *Certificate of Appropriateness – 132 West Fourth Street*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-043 that granted a Certificate of Appropriateness to add window graphics.

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

L. *Certificate of Appropriateness – 113 East Third Street*

Dr. Enix and Ms. Leon sponsored Resolution No. 2023-044 that granted a Certificate of Appropriateness to add lettering signage.

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

11. NEW BUSINESS

Executive Session

President Colón announced Council has scheduled an Executive Session on Tuesday, March 21, 2023 at 5:30 PM for its annual update on pending litigation matters.

Finance Committee Meeting

President Colón announced that the Finance Committee will meet on Tuesday, March 21, 2023 at 6:00 PM to discuss the 2021 audit.

Greenway Recognition

President Colón recognized Ms. Collins for being featured in the Pennsylvania Municipal League Reporter for an article that was written promoting Bethlehem's Greenway.

Landfill Position Summary

President Colón has heard a lot from people opposed to the landfill expansion. He thanked those who have come to the last two meetings to express their views. He also thanked Solicitor Spirk for the history and additional background that goes into forming the City's position. This is not a simple process. We are talking about agreements that go back to the 1990s that bind the City today. This was a time when the City was in a different financial position. He was certain that the City did what it thought it had to at the time. That being said, the City will continue to monitor the situation and do what it can do.

Landfill Hearing Questions

Ms. Leon asked Mr. Boscola several questions that have arisen during the landfill hearing. She began by asking what leachate is.

Mr. Boscola said it is water runoff from the landfill.

She next asked when the water gets tested.

Mr. Boscola said there is an Industrial Waste Discharge with the landfill. It gets tested at a manhole right after the leachate discharges into the City's treatment system.

She next asked what draft analytic method is used. Ms. Leon said there was a recommendation, so she first wanted to know what method the City uses.

Mr. Boscola said this probably refers to any number of chemical analyses that are done on wastewater in general. The City follows analytical methods that are approved by EPA or DEP. They are common in the industry so that the results can be verified and relied upon. Depending on the contaminant that is being tested for, it could be any number of things. Solicitor Spirk alluded to a couple of them earlier: BOD, which stands for biochemical oxygen demand and is a measure of how much organic waste is in those liquids – it is a typical way of measuring the strength of wastewater. Each industry that would discharge into the plant has a permit. The landfill is one of those industries. It has a laundry list of things that are tested for and get reported to the state.

Ms. Leon also asked about forever chemicals and PFAS (poly- and perfluoroalkyl substances). She asked how we test for these and what standards are used.

Mr. Boscola said that, as of now, there are no standards methods for testing PFAS in wastewater. That is still being developed. DEP just came out with a program for testing drinking water for PFAS. Those methods and regulatory limits take effect in 2024. It generally takes years for DEP to research and develop new regulations. He added that the City's drinking water source is from the Poconos. There would be no potential for industrial contamination up there. That water has been tested for PFAS and it is all below detective levels.

Ms. Leon asked whether there is a circumstance in which a level of contamination would allow the City to override the existing contract. Simply put: If there were unsafe runoff from the landfill, could this allow the contract to be overridden?

Mr. Boscola said yes. The waste discharge permit includes language that allows for testing. Fees or surcharges can be applied based on the strength of the runoff. Companies that produce a higher level of strength in their waste get charged more for the more thorough treatment. So, depending on test results, the City has the ability to charge more for treatment or to fine a user that violates the terms of the permit. He added that the landfill has a history of not violating the permit. The leachate is "nasty stuff", but it is not comparable to effluent coming from a chemical factory or a producer of higher strength chemicals that are received. It is basically runoff from garbage. "There is no history of the landfill violating the terms of the permit at least in the past five to 10 years," he said.

Liability Questions

Dr. Van Wirt said she wanted to understand Bethlehem's potential legal exposure. She asked if anyone knows what percentage of Bethlehem's garbage ends up in that landfill.

Mr. Boscola said he believed that data is available, but he does not know what it is.

Dr. Van Wirt asked if this information could be provided to Council. If it is not available, she asked if that could be embedded in the haulers' contracts so that this information could be obtained.

Mr. Boscola said that since landfills are regulated by the state, she should be able to go online and a database should provide the source of the garbage.

Mayor Reynolds reminded that City residents use private haulers. He does not believe that the City can mandate what landfill must be used because these matters are private. He said this simply may limit records that the City might have.

Dr. Van Wirt said her concern about legal exposure deals with PFAS. She believes that the EPA is coming out with regulations for the water that the City would be dumping into the Lehigh River. Her concern is that the Lehigh and the Delaware River, which the Lehigh flows into, are used for drinking water by communities downstream. Dr. Van Wirt was concerned that the City either will have to pay more to treat the wastewater to meet the new standards and that it could be legally liable if the standards are not met.

Mr. Boscola said that the next downstream water user is about 30 miles away in Bucks County and eventually Philadelphia. PFAS chemicals are ubiquitous, being used in all sorts of household products. He said this is a reason why regulators are having a hard time trying to control it, so he believes they began with regulations on drinking water. Municipalities using the water can test what they are receiving. However, measuring the levels at the waste stream level is a whole other level of complexity. Identifying the source of high-level effluent is harder to pinpoint as to whether the City is responsible or a particular business, home, etc. Mr. Boscola said this will be a whole other level of regulatory concern.

Dr. Van Wirt asked how much the landfill pays the water treatment plant for treatment of the leachate and would that amount cover the cost of additional scrubbing of the leachate if that becomes mandated by EPA or does the City have the ability to charge more to cover the cost?

Mr. Boscola said the landfill now pays the City about \$200,000 a year for its sewage bill. There is a permit in place and they have been meeting the permit. If in the future there are stricter demands put in place by regulators, then we will have to cross that bridge when we come to it in terms of passing on additional cost or what the landfill owners would have to do in order for the City to accept it.

Dr. Van Wirt summarized to say that what Lower Saucon's actions are doing is obligating the City to clean the leachate for another 30 years.

Mr. Boscola said yes, as long as the landfill is open, whether it is the current size or an expansion.

Leachate Volume Concern

Ms. Crampsie Smith asked Mr. Boscola if the added leachate produced by an expanded landfill could overwhelm the City's wastewater treatment system.

Mr. Boscola said no. He noted that current flow from the landfill is about 70,000 gallons per day. The permit that Solicitor Spirk alluded to grants the owners capacity up to 300,000 gallons per day. There is a lot of room there for growth. Also, the 70,000 gallons per day is less than 1 percent of the flow to the plant. So, even if it doubles, it is a manageable volume.

Ms. Crampsie Smith told those who attended tonight to urge the City to oppose the expansion plan that Council hears their pleas. The City Solicitor is looking into what Council can do, if anything, regarding the expansion. She thanked them for coming to be heard and inform Council.

Grateful for Public Participation

Ms. Wilhelm thanked fellow Council Members for their input and also thanked residents who spoke tonight. She also said she wanted to speak to Ms. Toulouse after the meeting about the Rose Garden grant. She added that this will not be the only round of grant applications. This is the first opportunity of several. She said it is possible that different requirements will be applied to different opportunities, but she would still like to discuss the circumstances after this meeting. Ms. Wilhelm also thanked Ms. Pacanowski for the Women's Veterans Empowered and Thriving for her work and informing the public of the upcoming activities. She also responded to the earlier comment that single-family homeowners are more connected to their community. She reminded that she is a renter yet serves her community as a Council Member. "That is one way to be deeply connected and committed to your community," she said.

President Colón added the he, too, was a renter for his first five years on Council.

Community Commitment

Ms. Kwiatek added that she is not a renter, but it is one of her "pet peeves" that some people perceive that those who do not live in single-family homes are not as committed to their community. There are many ways to become a part of your community. She added that if we really are going to be that welcoming city that we say we are going to be, that means including everybody. She reminded that, generally speaking, the City's population figure has remained the same for about 50 years. Today, people are still struggling to make ends meet and afford to be able to live somewhere. We are struggling to try to address this. She thanked Ms. Collins and Ms. Satullo and others working so hard on the Strategies for Housing and Affordability in the City and beyond. She also thanked those who came out to speak about the landfill. Ms. Kwiatek recognized that the answer probably was deeply unsatisfying, but this is the answer that Solicitor Spirk has arrived at and "it is deeply rooted in the history of how this all came to be." She repeated the earlier comment that Council will continue to discuss what is within its purview.

12. ADJOURNMENT

The meeting was adjourned 9:00 PM.

ATTEST:

Tad J. Miller
City Clerk