

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street - Town Hall  
Bethlehem, Pennsylvania  
Tuesday, September 15, 2026 – 7:00 PM

PLEDGE TO THE FLAG

1. ROLL CALL

The meeting was called to order by President Rachel Leon. Present were Justin Amann, Bryan G. Callahan, Michael G. Colón, Jo C. Daniels, Hillary G. Kwiatek, Colleen Laird, and Rachel Leon, 7.

CITATIONS: Peter Kostyk – Public Works/Engineering

2. APPROVAL OF MINUTES

September 1, 2026

3. PUBLIC COMMENT

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

*Mary Jo Makoul*

Ms. Makoul suggested that Council pass a resolution to ensure that taxpayer dollars are spent prudently. She cited the organization of a streets project near her Grandview Boulevard home. She believes the order of making improvements for the roadways surface, handicap ramps, and stormwater runoff should be altered to alleviate wasteful spending. She believes inspections should be conducted to ensure project completion in a more logical and cost-efficient order.

*William Scheirer*

Mr. Scheirer continued past comments suggesting limiting the number of rental units a landlord may own in a given municipality to prevent monopolies. This is now being considered by Congress. He suggested that Council could implement similar legislation and perhaps add that a landlord must live within a 10-mile radius of the City. He acknowledged that these requirements likely would be challenged in court but might make a statement.

*Stephen Antalics*

Mr. Antalics suggested that the City make the Bethlehem Authority an independent agency. He believes that Council has significant other duties to be concerned about and cited tree cutting on the Authority's property years ago and recent Wastewater Treatment Plant violations, both of which Council and the Administration were unaware. He believes the Authority could provide more direct oversight of its operations.

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

*William Scheirer*

Mr. Scheirer said he had concerns about agenda Items 10 B, 10 C, and 10 E.

4. OLD BUSINESS

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

5. NEW BUSINESS

*Mr. Callahan*

Mr. Callahan referred to a recent news article stating that Zachary Cole-Borghi has been charged by the Lehigh County District Attorney's Office with improperly accessing police records while serving as Bethlehem's Open Records Officer. Mr. Callahan said he raised this possibility at the September 25 Council meeting after being told by two City police officers of the allegations. He said he was "brushed off" at that time by the Administration and Solicitor and eventually wrote letters to the district attorneys in Lehigh and Northampton counties suggesting investigation. Mr. Callahan asked why the City did not start looking into these allegations and why City officials did not formally request the district attorneys' offices to investigate until after he sent his letters.

Police Chief Michelle Kott said that matters that led to the records access charges involved an open and active investigation by the Lehigh County District Attorney's Office. During this time, Bethlehem police were cooperating and providing information but they were not a colleague in the investigation. At a certain point, the Lehigh County District Attorney advised the City that he was no longer pursuing charges. At that point, the City asked the Northampton County District Attorney to independently investigate. That is standard procedure when a matter involves a City employee.

Mr. Callahan clarified that his problem in this matter was that there was a seven-month delay in investigating allegations of improper police records access. He believes that the Mayor should have directed the chief to contact the District Attorney's office sooner. He said that all he was asking for was accountability by the Mayor that this employee should not have been hired along with the assurance that steps were being taken to move forward.

Chief Kott repeated that City police were cooperating with Lehigh County's investigation months ago. Solicitor John F. Spirk, Jr. added that the City was "not going to mess with" the county's investigation. He knew that the district attorney would do a thorough job, and the City cooperated when asked to do so. The Solicitor recalled that he said the City would investigate, if asked to do so, when the counties' investigations were complete, but he asked at the time, and wondered again, what good that would do since Mr. Cole-Borghi already has been fired by the City over drug sales allegations.

Mr. Colón assessed that, because an employee was involved, the District Attorney's Office provided an independent investigation. He believed this took a natural and appropriate course.

*Ms. Daniels*

Ms. Daniels followed up her recent questions about the Fire/EMS operations study commissioned by the City. The study's Notice to Proceed is dated February 17, 2026. She asked why this date was about 1 ½ months earlier than the date provided at the September 1 Council meeting.

Business Administrator Eric Evans said he was not prepared for the question during the previous meeting and he provided a guesstimate.

Ms. Daniels asked to see a copy of the draft study. She also asked, and was told, what study areas remain incomplete.

Mr. Evans provided a list of study areas still to be addressed. He also said that drafts of studies are not typically released. A complete report will be presented during the scheduled 5:30 PM October 20 Public Safety Committee meeting.

6. COMMUNICATIONS

A. *Chief of Police – Memorandum – Proposed Fee Increase for Police Records*

Police Chief Michelle Kott recommended a Resolution that would increase certain fees to obtain police records as set forth in the attached Exhibit A. – Item 10 A.

B. *Director of Budget and Finance – 2026 35 Cost Allocation Plan – Maximus U.S. Services, Inc.*

Budget and Finance Director Linnea Lazarchak recommended executing a three-year agreement with Maximus U.S. Services, Inc. to prepare the Fiscal Year 2026, 2027, and 2028 Full Cost Allocation Plans for the City of Bethlehem. The cost for all three years is \$41,700. – Item 10 B.

C. *Chief of Police – Memorandum of Understanding – Homeland Security Investigations*

Police Chief Michelle Kott recommended entering into an Intergovernmental Memorandum of Understanding with the U.S. Immigration and Customs Enforcement Homeland Security Investigations to work collaboratively on some investigations. Chief Kott emphasized that this agreement would not involve immigration enforcement. – Item 10 C.

D. *Director of Health – 2025 50 Health Bureau Strategic Plan – Amendment 1*

Health Director Kristen Wenrich recommended Amendment 1 to an Agreement with Capacity for Change, LLC to prepare a communication plan in addition to the original contracted work at an added cost of \$49,000. – Item 10 D.

E. *Director of Public Works – 2026 40 Linden Street Two-Way Construction Inspections*

Public Works Director Michael Alkhal recommended an Agreement with Greenman-Pedersen, Inc. (GPI) to provide engineering and construction inspections for the Linden Street Two-Way Conversion Project at a cost of \$197,144.62. – Item 10 E.

F. *City Solicitor – Use Permit Agreement – ArtsQuest – 2026 Oktoberfest*

City Solicitor John F. Spirk, Jr. recommended executing a Use Permit Agreement with ArtsQuest for the 2026 Oktoberfest. – Item 10 F.

G. *City Solicitor – Use Permit Agreement – Pennsylvania Running Company – 2026 Bethlehem Running Festival*

City Solicitor John F. Spirk, Jr. recommended executing a Use Permit Agreement with the Pennsylvania Running Company, as permittee, and ArtsQuest, as sub-permittee, for the 2026 Bethlehem Running Festival. – Item 10 G.

H. *Assistant City Solicitor – Memorandum – Amending Article 1733 – International Property Maintenance Code*

Assistant City Solicitor Matthew Deschler recommended amending Article 1733 by adopting the 2021 version of the International Property Maintenance Code, with certain City-specific modifications. – Item Ordinance 9 A.

7. REPORTS

A. *President of Council*

President Leon announced that the Committee of the Whole will meet at 6 PM on October 6 in Town Hall to review the 5-Year Capital Plan.

B. *Mayor*

No report.

C. *Committee Chairs*

7 C1. Ms. Kwiatek announced that the Community and Economic Development Committee met at 6 PM this evening in Town Hall to hear proposed zoning text amendments regarding buffer yards. The result was to move this proposed ordinance to Council without a recommendation.

8. ORDINANCES FOR FINAL PASSAGE

8A. *Bill No. 26-2026 – List Cartway and Right-of-Way Widths for Certain City Streets*

Sponsors: Kwiatek, Leon. The Clerk read the Bill titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, LISTING CARTWAY AND RIGHT-OF-WAY WIDTHS FOR CERTAIN CITY STREETS.

AYE: Daniels, Kwiatek, Laird, Amann, Callahan, Colón, Leon, 7. Bill No. 26-2026, now known as Ordinance No. 2026-26, passed on Final Reading.

9. NEW ORDINANCES

9A. *Bill No. 27-2026 – Amending Article 1733 – International Property Maintenance Code*

Sponsors: Leon, Kwiatek. The Clerk read the Bill titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING ARTICLE 1733 OF THE CODIFIED ORDINANCES OF THE CITY OF BETHLEHEM, TITLED “INTERNATIONAL PROPERTY MAINTENANCE CODE”.

AYE: Daniels, Kwiatek, Laird, Amann, Callahan, Colón, Leon, 7. Bill No. 27-2026 passed on First Reading.

10. RESOLUTIONS

A. *Approve Resolution – Proposed Fee Increase for Police Records*

Sponsors: Leon, Kwiatek; Authorized an increase to police records fees listed in Exhibit A effective January 1, 2027.

Mr. Amann recognized the need to raise some fees in light of increasing costs for services but he asked about the proposed fee of \$125 associated with video recordings.

Chief Kott said this fee is consistent with what other local law enforcement agencies are charging. This includes footage for body cameras, in-car cameras, and street cameras. In addition to retrieving requested videos, an officer must watch all associated videos for appropriateness and potential redaction prior to release.

Mr. Amann said he understood. He was hoping this higher fee would not dissuade individuals from making requests.

AYE: Daniels, Kwiatek, Laird, Amann, Colón, Leon, 6; NAY: Callahan, 1. Resolution 2026-154 passed.

B. *Approve Resolution – 2026 35 Cost Allocation Plan – Maximus U.S. Services, Inc.*

Sponsors: Leon, Kwiatek; Authorized an agreement with Maximus U.S. Services, Inc. to prepare the Fiscal Year 2026, 2027, and 2028 Full Cost Allocation Plans for the City of Bethlehem.

AYE: Daniels, Kwiatek, Laird, Amann, Callahan, Colón, Leon, 7. Resolution 2026-155 passed.

C. *Approve Resolution - Memorandum of Understanding - Homeland Security Investigations*

Sponsors: Leon, Kwiatek; Authorized an Intergovernmental Memorandum of Understanding with U.S. Immigration and Customs Enforcement Homeland Security Investigations and that the Mayor and Controller and/or such other City officials as deemed appropriate by the City Solicitor are authorized to execute this MOU on behalf of the City and its Police Department.

Chief Kott acknowledged that there is a distrust by some regarding Homeland Security Investigations (HSI) and similar federal agencies. She noted that a previous MOU with HSI failed to gain support by Council. She asked for renewed consideration because there is an active investigation that requires multi-jurisdictional needs and financial and specialty resources that this MOU could bring. She added that the MOU clearly states that this agreement would not give City police officers the ability to enforce immigration law. Instead, this agreement would provide collaboration involving human trafficking, child exploitation, drug smuggling, financial fraud, and export violations. Chief Kott added that there is a protection in which either party could opt out after giving 30 days' notice. She also said that the task force officer from the City would not leave the City. She added that certain approvals for participation in activities would have to be made by her.

Ms. Kwiatek noted that the MOU states that the City-hired Task Force Officer would have an HSI or U.S. Immigration and Customs Enforcement (ICE) email account, suggesting the level of authority that HSI will have over this position. This concerns her. This is broader than the MOU that previously was rejected. Her mistrust of ICE and HSI has only grown. She believes that Task Force Officers could "be dragged into things" and put in a bad position by being ordered to make an arrest or take actions contrary to the intentions of this agreement.

Ms. Laird made a motion, seconded by Ms. Kwiatek, to table consideration of this resolution, pending the outcome of the Chief's ability to further negotiate this MOU to include an end date of its effectiveness. AYE: Daniels, Kwiatek, Laird, 3; NAY: Amann, Callahan, Colón, Leon, 4. The motion failed.

Ms. Laird next made a motion to authorize the Chief to seek the addition of an end date that would not extend beyond the current City Administration. The motion died without a second.

Seeing no other motions, President Leon asked the Clerk to call the roll on the resolution: AYE: Amann, Callahan, Colón, Leon, 4; NAY: Daniels, Kwiatek, Laird, 3. Resolution 2026-156 passed.

*D. Approve Resolution – 2025 50 Health Bureau Strategic Plan – Amendment 1*

Sponsors: Leon, Kwiatek; Authorized an agreement with Capacity for Change, LLC. to prepare a communication plan in addition to the original contracted work. AYE: Daniels, Kwiatek, Laird, Amann, Callahan, Colón, Leon, 7. Resolution 2026-157 passed.

*E. Approve Resolution – 2026 40 Linden Street Two-Way Construction Inspections*

Sponsors: Leon, Kwiatek; Authorized an agreement with Greenman-Pedersen, Inc. (GPI) to provide engineering and construction inspections for the Linden Street Two-Way Conversion Project. AYE: Daniels, Kwiatek, Laird, Amann, Callahan, Colón, Leon, 7. Resolution 2026-158 passed.

*F. Approve Use Permit Agreement – ArtsQuest – 2026 Oktoberfest*

Sponsors: Leon, Kwiatek; Authorized a Use Permit Agreement with ArtsQuest for the 2026 Oktoberfest. AYE: Daniels, Kwiatek, Laird, Amann, Callahan, Colón, Leon, 7. Resolution 2026-159 passed.

*G. Approve Use Permit Agreement – Pennsylvania Running Company – 2026 Bethlehem Running Festival*

Sponsors: Leon, Kwiatek; Authorized a Use Permit Agreement with the Pennsylvania Running Company, and sub-permittee ArtsQuest, for the 2026 Bethlehem Running Festival. AYE: Daniels, Kwiatek, Laird, Amann, Callahan, Colón, Leon, 7. Resolution 2026-160 passed.

11. ADJOURNMENT

The meeting was adjourned at 9:33 PM.

ATTEST:

Tad J. Miller  
City Clerk