

BETHLEHEM CITY COUNCIL MEETING  
10 East Church Street - Town Hall  
Bethlehem, Pennsylvania  
Tuesday, July 2, 2024 - 7:00 PM

PLEDGE TO THE FLAG

1. ROLL CALL

Vice President Leon called the meeting to order. Present were Bryan G. Callahan, Grace Crampsie Smith, Hillary G. Kwiatek, Rachel Leon, and Kiera Wilhelm, 5; absent were Michael G. Colón and Colleen Laird, 2.

CITATIONS:

Four retirees were recognized for their service to the City. Gregory Moser was present to receive his citation. He retired from the Department of Public Works and Grounds after 20 years of service. Mr. Moser said it has been a privilege to work for the City. He thanked his supervisors and co-workers, several of which were present, from the several departments that he worked in over his two decades of service. Citations will be mailed to those not in attendance who were as follows: Ross Dartouzos for 31 years of service to the Department of Public Works and Facilities, Robert Novatnack for 45 years of service to the Fire, Service Center, and Emergency Management Departments, and Herbert Strohl for 36 years provided to the Department of Water and Sewer Resources.

2. APPROVAL OF MINUTES

June 18, 2024

3. PUBLIC COMMENT

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

*Motor Bikes/Fireworks/Trees*

Resident Mary Jo Makoul noted recent concerns regarding excessive noise and the unsafe driving of motor bikes. She suggested that a meeting be held to discuss solutions. Ms. Makoul also asked for a crackdown on illegal fireworks which annoy others and are unsafe. She called for more police patrols. Ms. Makoul also noted the City's general plans to have tree-lined streets but pointed to last week's severe storms that greatly damaged trees and caused power outages. She suggested underground utilities as a partial solution.

*Affordable Housing Suggestions*

Resident William Scheirer discussed the current proposal for First Presbyterian Church to build affordable housing on its campus. He suggested that some of the units might be designated

for homes for police officers, employees of Kirkland Village, and those of local churches. All would benefit. This would allow employees to walk to work, eliminating the need for vehicles.

#### *Concerns Repeated*

Resident Angela Mitchell thanked City workers and the utility companies for efforts to clean up debris and restore power resulting from last week's damaging storm. She repeated the need for several measures: 1. create a housing court, 2. better regulate and enforce trash disposal for tenants and landlords, 3. determine appropriate stop signs and stop lights at busy intersections, 4. control speeding perhaps with speed bumps, and 5. clarify the use of parking meters and kiosks.

#### *Crime Statistics Sought*

Resident Robert Virgilio renewed his appeal for City police to provide public information about serious crimes including general locations of events. He has spoken on this topic over the last several months and has been directed to the state's website for this information; however, he does not find this website helpful. Mr. Virgilio provided a copies of information provided on the state website and encouraged Council to judge the usefulness for itself. He again asked the City to provide information to the public.

#### *Main Street Extension Safety Concerns*

Resident Dennis Douvanis lives along the Main Street Extension and says there is more traffic than ever on this roadway, including tractor-trailers. Many drive fast and recklessly. The Extension includes speed humps, but these are not as effective as they once were. Mr. Douvanis met this week with Public Works and the Police Department in search of solutions. This may lead to increased police presence, repainted road markings, and raising the humps to their original level to promote slowing traffic. He believes that GPS devices and the Waze driving app direct more traffic to this area to avoid congested roads.

#### *Additional Safety Concerns*

Resident Kim Stofanak is an Extension neighbor. She supported Mr. Douvanis' safety concerns and encouraged solutions. She recounted accidents and near-misses.

#### *More Power for People*

Resident Harry Faber said that within the past 10 days, the U.S. Supreme Court has determined that the President can commit crimes, bribery is legal, agencies have no authority, and that the homeless can be imprisoned for the crime of not having a home. He believes that change is needed to give the people more power.

#### *Status of City Water Fountains?*

Resident Valerie Noonan asked for an update on the public drinking fountains throughout the City. It was mentioned several meetings ago that only five or six out of 19 drinking fountains currently work. Water from several that are functioning does not taste good. The recent heat wave

suggests more need for functioning water fountains. She asked for action toward fixing these fountains.

*Water Quality/Salaries of Nonprofit Leaders*

Resident Arthur Curatola said he had his water tested on Thursday by a professional water company. He said results showed the water is not safe to drink, specifically that it is high in copper and pollutants. Mr. Curatola also suggested that there should be a ceiling on salaries for leaders of nonprofit organizations. He additionally suggested that if such organizations raise a certain amount of money, they should have to give an amount to help homeless people.

*Storm Cleanup/Vandalism*

Resident Eddie Rodriguez encouraged quick storm cleanup. Residents should not be charged for the removal of debris. Mr. Rodriguez also asked to meet with Chief Kott because his vehicle has been vandalized seven times in recent weeks while parked at Holy Family Apartments.

*Complimentary of Clean-up Effort*

Resident Jordan Bold believes that City workers did a good job cleaning up after the storm. He suggested that City workers cannot be all places at once and called on residents to “be a part of the City” and “all make it happen.”

*South Side Mistake*

Resident Stephen Antalics said that because of more than 100 years of abuse, the South Side can no longer be looked upon to offer a solution to the housing crisis. The City must look elsewhere. He said that things really got away from the City with the conversion of single and double homes to multi-unit student lodging. This began with Birkel Avenue and spread throughout the South Side. These blocks are nearly 100 percent student housing. Were these students living in campus housing, there would be far more affordable housing units available for residents, but the loss of what was affordable housing came about through the negligence of prior Administrations and City Councils.

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

*Questions Records Destruction*

Resident Harry Faber was curious about the process of destroying public records. Some records recently listed for destruction were from 2016, fewer than 10 years ago. He surmised that there might be a storage issue, but asked for an explanation.

*Supports Firearms Sales to Officers*

Resident Stephen Antalics noted the sale of two duty firearms to officers on tonight’s agenda. He said the issuance of weapons by the City to officers implies that this is done in the

interest of the welfare of the community. To offer the weapon for sale to the retiring officers also implies that continued possession by these officers will maintain this welfare assist by making cities safer. He asked why would anyone object to this procedure.

4. OLD BUSINESS

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

5. NEW BUSINESS

*Ms. Leon*

Ms. Leon, as Chairwoman of the Public Safety Committee, said that dates are being considered to hold a Committee meeting to discuss recent complaints about dirt bikes and Chief Kott's related proposed Ordinance.

*Ms. Crampsie Smith*

Ms. Crampsie Smith asked for an update on repairs to public water fountains.

Public Works Director Michael Alkhal said the situation has not changed since being discussed several weeks ago. Usage is being evaluated. However, low past usage and costly repairs is how we got to this point. Vandalism is another reason. Some were fixed several times and vandalized again. Fixing these would likely bring more vandalism. He estimated that each location would cost \$5,000 to \$10,000 to repair and involve underground pipes. Water fountains have or will be added at Friendship and Fairview parks.

Mayor Reynolds added that Council has approved a Department of Conservation and Natural Resources parks study. Water fountains can be an aspect of this study.

Ms. Crampsie Smith also asked for clarification on records destruction. Others confirmed that records remain digitally. Only paper copies are being destroyed.

Ms. Crampsie Smith also asked how often City water is tested.

Director of Water and Sewer Resources Edward Boscola said the water is tested "hundreds if not thousands of times every year." City water has met all state and federal guidelines for quality consistently.

*Mr. Callahan*

Mr. Callahan knows the City's water system is tested annually. He believed the City regularly receives awards for water quality.

Mr. Boscola confirmed that Bethlehem regularly wins the Area-Wide Optimization Program awards for producing quality water. This has been received for an estimated 14 consecutive years, including the most recent year.

Mr. Callahan next complimented the Police Department but received confirmation that they have approximately 10 vacancies. He noted two shootings in June. He believes that it is necessary to fill these vacancies to further deter crime and that Council needs to do what it can to fill the 10 vacancies and add more officers to avoid future shortages. He also pointed to his previous comments about engine revving and other noise on Main Street and said that New Hope has two patrol officers in a similar business district and an ordinance to deter this type of nuisance.

Chief Kott said that Bethlehem uses “directed enforcement” on Main and Broad Streets and South Side areas at times. Motorcycle officers were able to catch some playing loud music or revving engines excessively. These targeted enforcements will continue. She added that enforcement is difficult because police must catch drivers in the act.

Ms. Leon said this could be part of the discussion during the upcoming Public Safety Committee meeting.

Mr. Callahan also asked Chief Kott for information related to the request by Mr. Virgilio regarding statistics on shootings in the City and their general locations.

Chief Kott said she would do so and added that she has been working with the Solicitor’s Office toward creating a daily media release that would provide information to the public about crimes that would be helpful but not provide sensitive demographic information.

Mr. Callahan asked for data for 2023 and the first six months of 2024 involving more serious crime.

Mayor Reynolds addressed police recruiting. The problem is the same as other municipalities have encountered: Not enough applicants are taking the test. There are far fewer candidates than there were years ago, and most area departments are competing to hire them. He reminded that Bethlehem recently received a grant to offer signing bonuses to candidates. This has helped, but maintaining the full complement of 154 officers has been challenging.

Mr. Callahan said that Bethlehem may have to re-evaluate its starting salary to gain a competitive edge.

Mayor Reynolds said that is one consideration, but Bethlehem is gaining an edge based on its reputation and ability to offer officers professional growth and a variety of specialties within the force.

Mr. Callahan also referred to an email today from Director of Community and Economic Development Laura Collins about spotlights not lighting the SteelStacks. He believes that, like the decorative tree lights on Main Street, these lights should be lit year-round as a hallmark of Bethlehem that enhance its atmosphere and vibrancy. Mr. Callahan believes it is important to

correct both situations. He hoped that someone from the City would discuss this concern with Wind Creek Casino representatives.

Mayor Reynolds said the Administration agrees that it wants the SteelStacks lights to be on. But Wind Creek owns the lights and is responsible for them. He has heard the cost to relight or repair would be several hundred thousand dollars to \$1 million. Conversations already have occurred. ArtsQuest also has participated. This is a question of how the City can encourage this to happen. Wind Creek representatives have said they are looking at different options.

Mr. Callahan asked if there was upkeep language in a contract when Wind Creek purchased the facility from the Sands.

Mayor Reynolds said this could be researched but, generally, requirements fall under what is controlled by the Pennsylvania Gaming Control Board. He was unsure that lights on the SteelStacks would be expressly stated in a contract. Meanwhile, the City is eager to see progress regarding the redevelopment of the rest of the site. The City continues to offer its assistance.

*Ms. Kwiatek*

Ms. Kwiatek thanked the Department of Public Works for storm cleanup efforts and believes employees did a tremendous job.

*Ms. Wilhelm*

Ms. Wilhelm similarly offered her thanks and asked Chief Kott about her zero-tolerance policy on fireworks.

Chief Kott said that zero tolerance has been the stated policy in the past, but that she wants this enforced this year on consumer fireworks. They are legal to possess, but they are not legal to be ignited in the City. Specifically, they may not be ignited within 150 feet of a structure, which results in very few places in Bethlehem where it would be legal.

*Ms. Leon*

Ms. Leon asked Chief Kott to include indications of random crime and that of a domestic nature when data is pulled for the past 18 months, as Mr. Callahan requested. Ms. Leon also suggested that the Community Traffic Advisory Council could be a forum to discuss traffic concerns such as the Main Street Extension situation discussed earlier. This forum allows for a more back-and-forth discussion that could lead to solutions. She also asked City Solicitor Spirk to talk about public records requirements.

City Solicitor Spirk said a state law delineates what records must be kept and for how long. A municipality can keep records longer than designated by the state, and in some instances the City does. The City also backs up most records with digitization.

## 6. COMMUNICATIONS

### A. *Chief of Police – Handgun Purchase for Retiring Lieutenant Jon Buskirk*

The Clerk read a June 17, 2024 memorandum from Police Chief Michelle Kott with an attached Resolution and Agreement for the purchase of a duty weapon by a retired Officer of the Bethlehem Police Department. Pursuant to the Third Class City Code, retired officers may purchase their duty firearms at fair market value.

Vice President Leon stated that Resolution 10 A is on the agenda.

*B. Chief of Police – Handgun Purchase for Retiring Sergeant Jeffrey Lutte*

The Clerk read a June 17, 2024 memorandum from Police Chief Michelle Kott with an attached Resolution and Agreement for the purchase of a duty weapon by a retired Officer of the Bethlehem Police Department. Pursuant to the Third Class City Code, retired officers may purchase their duty firearms at fair market value.

Vice President Leon stated that Resolution 10 B is on the agenda.

*C. Director of Water and Sewer Resources – Contract 2024 19 Trench Restoration Project Phase 3 – Great Western Services*

The Clerk read a June 19, 2024 memorandum with an attached Resolution from Edward Boscola, Director of Water and Sewer Resources. Mr. Boscola recommends a contract with Great Western Services, Inc. to provide materials and labor to restore water and sewer utility trenches at various locations within the City of Bethlehem. The cost of the contract is \$184,644. There are no renewals. Two bids were received and Great Western was the lowest responsible and qualified bidder.

Vice President Leon stated that Resolution 10 C is on the agenda.

*D. Director of Community and Economic Development – 2024 CDBG/HOME Annual Action Plan*

The Clerk read a June 26, 2024 memorandum from Director of Community and Economic Development Laura Collins with an attached Resolution. The memorandum requests authorizing the Administration to submit the City's 2024 CDBG and HOME Annual Action Plan documents to the U.S. Department of Housing and Urban Development. Public Hearings were held to discuss a draft of this plan.

Vice President Leon stated that Resolution 10 D is on the agenda.

*E. Director of Community and Economic Development – CDBG/HOME Substantial Amendments*

The Clerk read a June 26, 2024 memorandum with a proposed Resolution from Laura Collins, Director of Community and Economic Development, proposing four Substantial Amendments involving prior program action plans for the Community Development Block Grant and Home Investment Partnerships Program. These proposed amendments were the subject of a Public Hearing held by Council on June 18. Ms. Collins recommends that these

amendments be approved by Council and submitted to the U.S. Department of Housing and Urban Development for final approval.

Vice President Leon stated that Resolution 10 E is on the agenda.

*F. City Solicitor – Settlement Agreement – COB/Redevelopment Authority/Christmas City Hotel*

The Clerk read a June 26, 2024 memorandum from City Solicitor John F. Spirk, Jr. with an attached proposed Resolution and associated Settlement Agreement. The proposed Agreement would confirm and resolve existing usage of and access to portions of City and Redevelopment Authority properties for parking and vehicle access purposes in a location that experienced frequent transfers of ownership of multiple parcels during the urban renewal era of the mid-20<sup>th</sup> century.

Vice President Leon stated that Resolution 10 F is on the agenda.

*G City Solicitor – Fee Agreement Kessler Topaz – GoodRx Holdings*

The Clerk read a June 26, 2024 memorandum from Assistant City Solicitor Matthew J. Deschler with an attached Fee Agreement and Resolution. Attorney Deschler recommends a Fee Agreement retaining the law firm of Kessler Topaz Meltzer & Check, LLP to represent the City as trustee of the Bethlehem Pension Fund in a class-action lawsuit seeking damages against GoodRx Holdings, Inc. for losses incurred in the City's Pension Fund.

Vice President Leon stated that Resolution 10 G is on the agenda.

*H. Director of Financial Services – Memo – Records Destruction*

The Clerk read a June 18, 2024 memorandum with a proposed Resolution from Sophia Vitoroulis, Director of Financial Services, requesting the Destruction of Records from her department. Ms. Vitoroulis has reviewed the Municipal Records Retention Act, and the records listed on the exhibit accompanying the memo fall within the categories where destruction is permitted.

Vice President Leon stated a Resolution will be placed on the July 16, 2024 Council agenda.

**7. REPORTS**

*A. President of Council*

*B. Mayor*

Mayor Reynolds commended Mr. Alkhal and Public Works for their efforts in cleaning up following the storm. He believes the City did as well as it could under the circumstances. These powerful storms are more frequent, and he believes some new planning should be done to help deal with them. He appreciated Mr. Bold's earlier comment that large cleanup efforts like this benefit from residents doing what they can to clean their own property when possible.



The Mayor also said that driving by some continues to be a problem. The police do what they can when they see safety infractions, but they cannot be everywhere. He suggested that an additional approach has to do with culture and that all of us should let those breaking these rules let them know that it is not okay to do so.

C. *Finance Committee*

Chairwoman Crampsie Smith reported that a Finance Committee meeting has been scheduled for 6 PM on Tuesday, July 16 in Town Hall. Several proposed budget adjustments will be discussed.

8. ORDINANCES FOR FINAL PASSAGE

None.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Approve Resolution – Lieutenant Buskirk 2024 Disposition of Police Handgun*

Ms. Kwiatek and Ms. Wilhelm sponsored Resolution No. 2024-147 that authorized to execute an Agreement to effectuate the transfer of the City-issued handgun assigned to Lieutenant Jon Buskirk, a retired City police officer.

Mr. Callahan agreed with Mr. Antalics' earlier statement that police handguns should be sold at market rate to officers as mementos of their career.

Voting AYE: Mr. Callahan, Ms. Crampsie Smith, Ms. Wilhelm, and Ms. Leon 4; NAY: Ms. Kwiatek, 1. The Resolution passed.

B. *Approve Resolution – Sergeant Lutte 2024 Disposition of Police Handgun*

Ms. Kwiatek and Ms. Wilhelm sponsored Resolution No. 2024-148 that authorized to execute an Agreement to effectuate the transfer of the City-issued handgun assigned to Sergeant Jeffrey Lutte, a retired City police officer.

Voting AYE: Mr. Callahan, Ms. Crampsie Smith, Ms. Wilhelm, and Ms. Leon, 4; NAY: Ms. Kwiatek, 1. The Resolution passed.

C. *Approve Resolution – Contract 2024 19 Trench Restoration Project Phase 3 – Great Western*

Ms. Kwiatek and Ms. Wilhelm sponsored Resolution No. 2024-149 that authorized to execute all documents and agreements with Great Western Services, Inc. to provide labor and materials to restore water and sewer utility trenches at various Bethlehem locations.

Voting AYE: Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Wilhelm, and Ms. Leon, 5. The Resolution passed.

*D. Approve Resolution – 2024 CDBG/HOME Annual Action Plan*

Ms. Kwiatek and Ms. Wilhelm sponsored Resolution No. 2024-150 that authorized to approve for submission to HUD by the Mayor along with required assurances and certifications.

Voting AYE: Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Wilhelm, and Ms. Leon, 5. The Resolution passed.

*E. Approve Resolution – CDBG/HOME Substantial Amendments*

Ms. Kwiatek and Wilhelm sponsored Resolution No. 2024-151 that authorized that four Substantial Amendments to prior program CDBG/HOME action plans are hereby approved for submission to HUD by the Mayor.

Voting AYE: Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Wilhelm, and Ms. Leon, 5. The Resolution passed.

*F. Approve Resolution – Settlement Agreement – COB/Redevelopment Authority/Christmas City Hotel*

Ms. Kwiatek and Ms. Wilhelm sponsored Resolution No. 2024-152 that authorized to execute a three-party Settlement Agreement and such other agreements and documents as are deemed by the City Solicitor to be necessary and/or related to the three-party Agreement between the City of Bethlehem, Redevelopment Authority of the City of Bethlehem, and Christmas City Hotel, LLC, d/b/a Hotel Bethlehem.

Ms. Kwiatek noted the Parking Settlement portion of the agreement, Section 4(b)(ii), and asked about the easement being released from covenants governing the Historic District. She asked for clarity.

City Solicitor Spirk said that state and federal funds that were often used by municipalities to buy up land for urban renewal often came with certain conditions involving future use. This is what was referenced rather than release from Historic District restrictions. To change Historic District restrictions, a person would have to approach the state Museum Commission and the City would have to pass an Ordinance.

Vice President Leon thanked City Solicitor Spirk for creating this agreement. She recalled that related concerns have existed since she joined Council in 2022.

Voting AYE: Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Wilhelm, and Ms. Leon, 5. The Resolution passed.

*G. Approve Resolution – Fee Agreement Kessler Topaz – GoodRx Holdings*

Ms. Kwiatek and Ms. Wilhelm sponsored Resolution No. 2024-153 that authorized to execute a Fee Agreement with Kessler Topaz to represent the City in a class-action lawsuit against GoodRx Holdings, Inc.

Ms. Crampsie Smith asked for an explanation of this action and how much money was lost.

City Solicitor Spirk did not know the amount lost, but said the City's Pension Board has retained the recommended law firm for several years to watch over the investments and see if there were ever any losses incurred that might be attributable to any Securities and Exchange Commission violations. The firm has identified an area where there could be some recovery. The Pension Board voted to proceed. However, the law firm believes the City is the trustee of the fund and needs Council's authorization to proceed.

Ms. Kwiatek was told she was correct in assuming that this case would be on a contingency basis. No legal fees would be required unless a monetary verdict is awarded.

Voting AYE: Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Wilhelm, and Ms. Leon, 5. The Resolution passed.

Vice President Leon said she would accept a motion and a second to group consideration of three Certificates of Appropriateness, 10 H through 10 J. Ms. Wilhelm made a motion, seconded by Mr. Callahan, to consider the COAs as a group.

Voting AYE: Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Wilhelm, and Ms. Leon, 5. The Motion passed.

Vice President Leon asked the Clerk to read 10 H through 10 J and call the roll.

*H. Certificate of Appropriateness – 128 Rink Street*

Ms. Kwiatek and Ms. Wilhelm sponsored Resolution No. 2024-154 that granted a Certificate of Appropriateness to replace the existing asphalt roof sheathing with GAF Slateline asphalt shingles and to paint all previously painted surfaces, including the stucco masonry façade, window trim and eaves;

*I. Certificate of Appropriateness – 130 Rink Street*

Ms. Kwiatek and Ms. Wilhelm sponsored Resolution No. 2024-155 to replace the existing slate roof sheathing with GAF Slateline asphalt shingles and to paint all previously painted surfaces, including the stucco masonry, window trim and eaves; and

*J. Certificate of Appropriateness – 311 East Third Street*

Ms. Kwiatek and Ms. Wilhelm sponsored Resolution No. 2024-156 to install a new large wall sign and other new signage for a newly constructed mixed-use structure.

Voting AYE: Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, Ms. Wilhelm, and Ms. Leon, 5. The Resolutions passed.

11. ADJOURNMENT

The meeting was adjourned 9:05 PM.

ATTEST:

Tad J. Miller  
City Clerk