

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, June 16, 2020 - 7:00 PM

INVOCATION

PLEDGE TO THE FLAG

1. ROLL CALL

President Waldron called the meeting to order. Present were Bryan G. Callahan, Michael G. Colón, Grace Crampsie Smith, Olga Negrón, J. William Reynolds, Paige Van Wirt, and Adam R. Waldron, 7.

2. APPROVAL OF MINUTES

None

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

Fraternal Order of Police President Comments

Sergeant William Audelo, representing the Fraternal Order of Police then gave his remarks:

"Members of Council, I have come here tonight to discuss several topics regarding our City, our Police Department, and the issues of racial injustice facing our country. As you know the Fraternal Order of Police, Star Lodge #20 is the bargaining unit for the members of the City of Bethlehem Police Department. Our lodge is one of the oldest in the world as we celebrated our 100 year anniversary in 2019 but in reality our lodge is just 5 fathers with 10 children between us who are trying to balance home life, work, and all the other issues that life throws at us. I know my time is limited so I will attempt to state my points quickly. At the June 3, 2020 Council Meeting Councilwoman Van Wirt and Councilwoman Negrón referenced an incident of racial profiling that involved a Hispanic male who made several allegations of misconduct both physical and verbal which he claims were based on racial profiling by a white officer. Since that incident it has been a subject of investigation by Police, City Administration, and Council. It has been written about on local blog websites, social media, and an article by Lehigh University's newspaper which is ironically called The Brown and White. I am here today to say publicly that the allegations concocted by this male are not only false but a work of fiction. The Brown and White article while very well written and articulate was based on a lie. An article on the world being flat would have been more accurate than the account of the interaction between that gentleman and our officer. The insinuation that the traffic stop was based on the male's race was absurd. The officer was parked monitoring an intersection from about seventy-five yards away with no street lights. When the male very clearly drove through the stop sign, it would have made it impossible for anyone to determine the race of the driver. I understand that those who rallied to the gentleman's story had their hearts in the right place. But they were duped. In fact,

the most serious policy violation was when the officer offered to park the man's vehicle so it would not be towed. The officer did park the male's vehicle, though I don't believe anyone here would like to see him punished for it. The male who lives in West Bethlehem told the officer he was just going for a drive and for some reason just decided to drive the back streets of the Yosko Park area, one of our highest crime areas at midnight with burnt blunts under his seat. During the interaction the officer was alerted to an immigration warrant for someone with the male's name and even the same scar on his wrist. During the entire interaction between the police and the male, the officer was professional, polite, and treated the male with the same dignity and respect that I would expect my family to be treated with. This allegation came as a surprise to many of us because the involved officer is one of our finest. The officer just finished three months of field training with one of our newest hires, who was a proud Puerto Rican born American. And I am aware what occurred during this training because I was the training sergeant responsible for the program. When the involved officer was hired, he was also trained by a minority. I know for a fact that he was trained to respect every one of our residents because I trained him. And, you see, I'm the first-born son of a man who came to this country illegally from Mexico with a ninth grade education and a fake green card and no ability to speak the English language, my father moved to this country and found a job washing dishes at a restaurant that didn't ask too many questions. I grew up watching him struggle working two or three jobs at a time. I remember the pride that he had when he became a citizen. I remember being eight years old and spending 12 hours alone in a sleazy motel outside of El Paso, Texas while my father took my sister across the border to get her immigration paperwork fixed. I know what it means to come from nothing, and I know never to underestimate the struggles of a stranger. For these reasons I find myself so angry that the man would fabricate this story and pass it off as true. Since the evening of that male's objectively false allegation there have been multiple investigations on the officer and a number of political figures publicly furthering the false narrative. Personally, I believe the male should be arrested for false reports to law enforcement. There is overwhelming evidence to convict him. I can assure you that if this was another person that did not have the political backing and proceeded to falsely accuse someone of a crime, there would have been charges. Tonight I respectfully request that we work together to rectify this situation. As you know, police officers in our city wear body cameras as well as dash cams. While I don't have the authority to release the footage, I can assure you any concerns regarding the incident can be found in the footage. If you have the opportunity to watch the video and find no issues with the officer's conduct, I ask that you publicly rescind the allegations of racial profiling by the officer. I ask that you condemn the man who made the allegation. There is real racism in our country. We do not need to create events when it is actually occurring. I know that our police as well as members of our city government must be held to a higher standard. The FOP is here for any conversation regarding inequality. Well before the murder of George Floyd we have worked with our community to build a better and stronger Bethlehem. We have proudly sponsored our great NAACP personally and financially for years. I even spoke at this year's Dr. King celebration and I consider it one of my greatest honors as a police officer. Councilwoman Negrón, you've come to me several times for feeding our seniors at the Hispanic Center to donations to the Lynfield Public Housing Community Center. Councilman Colón, we've read Dr. Seuss to the amazing kids at Marvine Elementary for years, and we've seen firsthand the incredible work that school is doing for our young people. Councilman Callahan, when you asked if a police officer would compete in a boxing match to benefit at-risk youth and gun violence, I trained for three months before Covid-19 forced the event to be canceled. And the FOP doesn't just act just when people ask for help. This past winter Officer Shea, who will soon be a mother, met an African American woman who did not have a refrigerator but did have a list of health problems. The FOP purchased one for her

and delivered it to her. I'm sure you didn't read the press release, but that's only because it was kept private. The female stated that her neighbors might not be as appreciative of the police, and she feared retribution. Last year we were dispatched to the Southside Little League garage because someone decided it was worth their time to damage and vandalize the property. I got a call from the officer on the scene who said someone damaged the Little League's stuff and the FOP is going to pay for it. I said okay, consider it done. And, again, you wouldn't have known because we didn't make it public. The money used from these donations comes directly from the paychecks of your city police officers. This is not the police department; these are your police officers. Now I know there is a stigma in our minority communities with the police, just like I know there are social and economic injustices within our minority communities. Our officers cannot come close to healing the pain caused by the murder of George Floyd. Nor can we take responsibility. We can't change certain truths about our city. We can't change the fact that the majority of public housing is made up of our minority residents or the fact that an overwhelming number of our juvenile runaways are minorities. Ask Liberty High School for a breakdown of their expelled students each year by race. Your police officers are the band-aid of society. Councilwoman Van Wirt, last week you stated the only thing necessary for the triumph of evil is for good men to do nothing. I can assure you that I've seen enough evil for several life-times. I've held your loved ones up as my partner cut the electrical cord, holding their lifeless body. I've performed CPR on a 20 -year-old female with a gunshot wound in her head. I knew I couldn't save her. But I also knew that her family would want me to do everything I possibly could. I heard a 5-year-old boy describe his rape as being tickled, because a child doesn't comprehend what's happened to them. Your police carry the memories of these things every day of their lives to the point where we seem to be unaffected by it because it has become our norm. And I hear from the naysayers, well, you signed up for this. No one's forced you to be a cop, and fair enough I have a profession where if someone was threatening to rape my mother, and it's accepted by everybody in this room, that it is just part of my job. And I still love my job. I can't exactly start selling insurance after living this life. We're blessed to have this police department we have. We're blessed to have this city we live in. We've had your support in the past, and I'll continue to try and earn it. I can't promise you perfection. At the end of the day we're just imperfect people like everyone else. But if you want to work together to make our community even stronger, we're here to work with you. The people in this room might not be able to change the country, but we can be an example for other communities. Hard work and a reasonable amount of hope can accomplish great things."

Sergeant Audelo stated he appreciates the opportunity to speak with Council tonight. He did not touch on the marijuana ordinance but as he told President Waldron, he is willing to answer any questions Council might have.

President Waldron thanked Sergeant Audelo for joining us this evening and giving his statement. Clearly there is a lot that goes into being a police officer here in Bethlehem and anywhere in the country. Currently, he can understand there is some tension based on some of the comments you made. He would also understand that Sergeant Audelo would want to clear the record and defend your other members of the police department. Obviously it is not easy to step up here and give your remarks even though we are in a room that is kind of empty, we do have all the Council Members joining us as well as folks that are watching on YouTube. President Waldron will turn to other Members of Council since he is willing to have a conversation. It is important also if you do want to have an honest and fair dialogue he thinks this is a good starting point for that. So thank you for joining us.

Mr. Reynolds mentioned in the first paragraph when Sergeant Audelo was talking what was the line that was said about The Brown and White newspaper.

Sergeant Audelo pointed out The Brown and White newspaper is from Lehigh University which is really what jump started all of this publicly.

Mr. Reynolds asked if Sergeant Audelo used the word ironic.

Sergeant Audelo stated yes, and he understands what Councilman Reynolds is getting at. He does not appreciate the insinuation that what he is saying is anything more than what he said. We are living in a time where racial allegations are made by members and there are some people in our society that are really affected by the police negatively and it is our duty to correct that. At the same time justice for all means justice for all including any allegations made against our police officers. Where he sees Councilman Reynolds going with this he will just cut it off and says he understands what he said. As a brown American Sergeant Audelo knows what he said and he has heard it said by other Council Members who do happen to be Hispanic in the past as well.

Mr. Reynolds remarked he had not asked the question yet but he was just going to ask that with the current state of conversations in this country about interactions between our communities and the police department he was just making sure that he heard correctly that Sergeant Audelo said that this ironically started in the newspaper called The Brown and White.

Sergeant Audelo stated yes.

Mr. Reynolds asked what the statement was that Sergeant Audelo made in the paragraph and he apologies that we are not there and do not have a copy of the statement, but the statement that was made about where our low income communities are, where they are located and who lives there.

Sergeant Audelo remarked he does not recall that and wondered if anybody else can clarify what Mr. Reynolds is getting at. But maybe it was that Yosko Park being a high crime area.

Mr. Reynolds noted there was a paragraph in there, and he might be wrong, where Sergeant Audelo said something about where crime occurs.

Sergeant Audelo believes his statement was that Yosko Park is a known high crime area.

Mr. Reynolds thought there was something else, but he can go back and listen to the tape after this but it was something about it is not the police departments something out of your control about who lives in these areas.

Sergeant Audelo remarked for example he will answer that question with anecdotal evidence. He worked for his first 7 years south side night shift and then he switched to the Bethlehem Housing Authority unit, public housing unit where he worked for the last 3 years. If you look at his arrests from the last 3 years you will see about 80% to 90% of his arrests were minorities. Now, does that in and of itself make him a racist or does that in and of itself a reflection of the community he was working in. Yes, we do have a higher Hispanic population in

our housing area but when Hurricane Maria happened and there were so many people displaced that needed hope and needed somewhere to start again, Bethlehem Housing was there. And he is glad that they were and he welcomed them and he hopes they find peace, happiness, and success in our city. It is not a reflection of the police department when your neighborhood has maybe 3 reported crimes a year but other streets and neighborhoods require constant and complete police attention. Sergeant Audelo pointed out you cannot equally patrol the entirety of the city when at the north end of Main Street way past Illick's Mill there is nothing that is happening out there. But the citizens who need us most likely live in a lower income area. That does not necessarily mean that there is a certain percentage of racial makeup, it just means that in the lower income areas they need more help from the police department.

Mr. Reynolds thanked Sergeant Audelo for coming tonight and for being honest with his statement. Mr. Reynolds added there is a lot in there that he personally might disagree with but he does think that some of his comments he will save for later on in the meeting when we hear from Police Chief Mark DiLuzio and we talk about a few things we are proposing as far as the way to move forward.

Mr. Colón thanked Sergeant Audelo for coming out and giving the Fraternal Order of Police point of view. But moving forward, he knows this is just a Council Meeting tonight and he does not know how many people are tuning in from home but he thinks it is important that we continue different discussions whether it is the Public Safety Committee Meeting that we are in the middle of coordinating or as conversations continue it would be important to hear perspectives from the FOP. Also perspectives from our officers and not just the Administration as we discuss different initiatives moving forward and whether we agree, disagree, or are in between he would like to continue to hear from the FOP standpoint and input as we look at working with the Administration on different initiatives. Like we discussed at the last meeting and we will continue to discuss tonight the conversation keeps going and as we keep having these different discussions and conversations and public dialogue and openness it is important to get the police department's perspective also.

Ms. Crampsie Smith thanked Sergeant Audelo for coming tonight and speaking. She knows these are difficult times for everyone and unprecedented in some respects but not in others. She wanted to say thank you and she is hopeful that the police officers in the city are open and willing to engage in the community as we move forward especially with the community engagement initiative that we are proposing. She noted that perfection does not exist pretty much anywhere, she has never seen perfection and there is always room for improvement so she hopes that the police officers are willing to work together collaboratively with the city and with all the community stakeholders to increase the trust and also build collaborative working relationships.

President Waldron thanked Sergeant Audelo for joining us and coming out tonight and giving us the perspective of the FOP. As we move forward in our dialogue and conversation regarding public safety in the City of Bethlehem he hopes we can continue to have an open and productive dialogue.

Sergeant Audelo stated he thanks everyone for letting him be here and speak and please know that he can be reached at any time. We might disagree, but he is absolutely dedicated to work with Council and the Administration for whatever issue we can resolve.

Public Dialogue

Greg Zahm, 224 East Macada Road, explained he lives at this address with his gifted and proud Latina wife who also works on behalf of the young in our schools like he does. He appreciates that you all volunteer your time and service to our City to which he is fortunate to have been born. Like many Americans he is very upset on behalf of our affected black and brown siblings in Bethlehem, the U. S. and of course all over the world as well as all the members of our families. He was raised to respect authority, the police and elected officials. He always tries to demonstrate that. He however is privileged and not for anything he has done or earned necessarily. He has three parts to his comments. The first is our unanswered June 3, 2020 letter that he and his wife wrote to the Mayor in responding to his comments on Minneapolis. Mr. Zahm noted he copied City Council on that email. He asked 6 questions and talked most importantly why has public dialogue not been solicited. He realizes we are in a City Council meeting right now and he does not think it is adequate but he does have questions. What are we doing in our city to insure justice, care and protection of and from Ben Franklin's "unaffected", mentioned by Mayor Donchez, for our affected brothers and sisters who still suffer with incredible resilience. What changes have been instituted since the last time we met after the violent death of a black man at the hands of police in America? What leadership messages are we sending based on our actions within and based on our direct communication to the outside? His point being that he really feels like communication is lacking. Will you ask the "affected" what they need? Will you identify the affected directly? As far as he is aware they remain unnamed. What changes does city leadership recommend now on behalf of our very diverse family? When will leadership speak with all of its people? We are in a Council meeting so this is a very restrictive way of speaking and he really feels something should have been said to the public much more broadly and loudly. He gets the feeling that the city has not expressed urgency on behalf of a large part of our family. It could be demonstrated much better by more public and perhaps virtual dialogue like this. On June 9, 2020 Councilman Reynolds and Councilwoman Crampsie Smith sent a memo to Chief Mark DiLuzio asking for information regarding the police department's policies, training, and techniques. Mr. Zahm has to ask, why were Councilman Colón and Councilwoman Negrón not a party to that June 9, 2020 memo? That is shocking to him. Hopefully they were but he would like to hear that. Why does not Council already have the requested information, why is that information not already available to the public. He saw the answer and read the article but that is still a question that many have. What does city leadership have to say in response to the Bethlehem Gadfly post of Lehigh's Breena Holland? She asked numerous questions regarding the treatment of Bethlehem citizens. He would like to hear those questions answered publicly. Lastly, somewhat related are the city appointments and he understands several are to be announced tonight. He would like to know what minority candidates were considered for those positions. If for privacy reasons, you cannot say who then how many were considered and how many resumes were received. This is a real serious issue and how are they solicited, those resumes and should these not be reconsidered. Mr. Zahm remarked the theme of this is communication; he is stunned as things were unfolding and still are that communication does not seem as important as it really should.

Ed Gallagher, 49 West Greenwich Street, stated he would like to read a Bethlehem Moment:

Bethlehem Moment: April 23, 1997
A Drug Bust Goes Bad

After prior investigation and working with a confidential informant, at approximately 11PM on April 23, 1997, a group of about a half-dozen Bethlehem Police officers attempted to exercise a search warrant at a house on the Southside in which lived a suspected drug dealer, known to be armed, and his girlfriend. Here are the skeletal facts: Officers 1 and 2 were in the front of the house, the rest of the officers in the rear. Officer 2 opened a front window, and officer 1 threw into the living room a flash-bang distraction device that immediately and unexpectedly started a fast-moving fire. Officer 1 entered the house and shot the suspect as he was starting to move up the steps to the 2nd floor. Officer 1, using what is described as a "submachine gun" fired approximately 16 shots, 11 hitting the suspect, all in the back. The suspect's girlfriend was on the 2nd floor, saw the suspect on the steps, and exited the fiery house through a window. The suspect died from the gunshot wounds, and his body was burned beyond recognition in the fire that rendered the house a total loss. Questions about the way police handled this event arose at once. The Pennsylvania state police and the Attorney General's office investigated and in September 1997, 5 months after the event, cleared the police of any wrong doing. The suspect's family sued the city and the officers for breach of the suspect's civil rights and for use of excessive force. A central point of contention at trial was initial interaction between officer 1 and the suspect. Officer 1 said he shot at the suspect because the suspect shot at him. No shell casing from the suspect's gun was found. The suspect's girlfriend said she did not see him with a gun on the steps. The civil suit against the city and the officers began September 2003, 6 1/2 years after the event. The trial took 6 months, ending March 2004. The jury deliberated 9 days. The jury told the judge they were deadlocked at 10-2. Both sides agreed to waive the need for unanimity and to accept the 10-2 verdict whatever it was. The verdict was guilty: officer 1 had violated the suspect's civil rights by using excessive force, and the city failed to properly supervise the officers and had failed to create policies for the Emergency Response Team. Rather than further deliberation before the jury and the prospect of years of appeals, both sides agreed to settle the case before the penalty phase of the trial was to begin. The mutually agreed on terms of settlement were: 1) the city would pay \$7.89 million dollars, 2) seek accreditation with the Commission on Accreditation for Law Enforcement Agencies, 3) hire an independent consultant to make sure that the city's police practices meet national standards, and 4) seek a grant to instruct officers in the constitutional rights of citizens. A key to the settlement without further jury involvement was the city's promise to seek outside help to improve the police force and the offer by Mayor Callahan, in office only two months, to meet privately with the plaintiffs and make an apology. The police, however, did not apologize, and, in fact, officer 1 was given an "Award for Valor" by a police organization. Interviewed afterward, the jurors said the suspect had a right to shoot – if, in fact, he did, which was not clear – because the police provoked the suspect to defend himself by storming in late at night without properly identifying themselves. Their verdict focused on civil rights, they said, not on whether the suspect was using or selling illegal drugs. That was the sentiment of most public comment reported in the Morning Call. There was recognition that the suspect bore some blame for what happened to him, but the police were described as a bunch of ninja's and as commando's that took into their own hands the power to be judge, jury, and executioner. The anti-climax to this long saga was a battle between the Mayor and City Council on how to fund the \$7.89 million dollar payment. The Mayor advanced a plan, Council rejected it. Council put forth a plan, the Mayor vetoed it. And Council overrode the veto. The City finally finished paying off the \$7.89m judgment in 2015. End of story. But the point of this Bethlehem Moment is its relevance to our own cultural moment. Here is an example from Bethlehem's past when lack of proper oversight of the police department caused big trouble. We recognize the dual accreditations that the department now enjoys in large part as a result of this event, and which the Police Chief Mark DiLuzio told us about last meeting,

but we also should not lose sight of the need for continual oversight of the police department and continual improvement of department policies, practices, training, and community involvement.

8 Can't Wait

Maggie Urbenwalla, 808 North New Street, informed her comment is regarding the 8 Can't Wait proposal and instead she proposes the 8 to Abolition which has been reported by the Black Lives Matter movement as the 8 Can't Wait proposal has not. The 8 Can't Wait proposal depends on police oversight as which we have seen in some of the places that have a majority of those proposals in place does not work. Choke holds being banned are part of the 8 Can't Wait proposal in New York where Eric Garner was choked to death and that was actually enforced there. In places like the LAPD the Chicago PD they have 7 out of 8 and 6 out of 8 of those proposals in place and yet still have the highest rate of police brutality. Since the Black Lives Matter movement is at the forefront of the movement that we are currently seeing today she thinks that their proposal should be the one that we are looking at. She encourages City Council to look at the 8 to Abolition proposal instead of focusing on the 8 Can't Wait which has not been supported by the Black Lives Matter movement.

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. *Councilman Reynolds/Councilwoman Crampsie Smith - Police Use of Force Directives and Community Engagement Initiative*

The Clerk read a memorandum dated June 9, 2020 from Councilman J. William Reynolds and Councilwoman Grace Crampsie Smith to Police Chief Mark DiLuzio requesting information on police use of force directives. The memo also discusses the creation of a citywide community engagement initiative that would involve a broad coalition of residents, police officers, representatives from our schools, social justice organizations, and other entities and individuals.

President Waldron stated this item is for informational purposes only. Potential resolutions will be discussed at a future meeting.

- B. *Director of Financial Services - Records Destruction Request*

The Clerk read a memorandum dated June 5, 2020 from Linnea Lazarchak, Director of Financial Services, requesting Council to consider a resolution for the Destruction of Financial Services Records from what is listed on the attached exhibit. The director has reviewed the

Municipal Records Retention Act and the records fall within categories where destruction is permitted.

President Waldron stated the Resolution can be placed on the July 7, 2020 Council agenda.

- C. *Director of Water and Sewer Resources – Recommendation of Award – Orlando Diefenderfer Electrical Contractors, Inc. – Mountaintop Pump Station Renovation Project – Electrical Construction Contract*

The Clerk read a memorandum dated June 11, 2020 from Edward Boscola, Director of Water and Sewer Resources, recommending a contract with Orlando Diefenderfer Electrical Contractors, Inc. for electrical construction work related to the Mountaintop Pump Station Renovation Project. The term of the contract runs 210 days from the Notice to Proceed. The cost is \$197,980. There are no renewals.

President Waldron stated Resolution 10 B is on the agenda.

- D. *Director of Water and Sewer Resources – Recommendation of Award – Zimmerman Environmental – Mountaintop Pump Station Renovation Project – Electrical Construction Contract*

The Clerk read a memorandum dated June 11, 2020 from Edward Boscola, Director of Water and Sewer Resources, recommending a contract with Zimmerman Environmental for general construction work related to the Mountaintop Pump Station Renovation Project. The term of the contract runs 210 days from the Notice to Proceed. The cost is \$354,000. There are no renewals.

President Waldron stated Resolution 10 C is on the agenda.

- E. *Director of Community and Economic Development – Recommendation of Award – Greater Lehigh Valley Chamber of Commerce*

The Clerk read a memorandum dated June 11, 2020 from Alicia Miller Karner, Director of Community and Economic Development recommending a contract with the Greater Lehigh Valley Chamber of Commerce. The Chamber provides marketing to the City through its management and operation of the Bethlehem Chamber Board and coordination with the Downtown Bethlehem Association. The term of the contract runs from January 1, 2020 through December 31, 2020. The cost is \$75,000. There is a potential \$75,000 dollar renewal term.

President Waldron stated Resolution 10 D is on the agenda.

7. REPORTS

- A. *President of Council*
- B. *Mayor*

Parklet Planters/COVID-19/Police

Mayor Donchez informed he wanted to take the opportunity to thank Michael Alkhal, Director of Public Works and his staff and Alicia Karner, Director of Community and Economic Development and her staff for doing an excellent job in a very short period of time to help small businesses throughout the City. He believes the parklet planters look great and we have had tremendous feedback and positive feedback. This is something he will consider doing again next year. The response has been positive on both sides of town. They made 100 parklet planters and put out about 80-85. This has been a positive for the businesses and also something he will consider doing again next year.

Mayor Donchez continued with an update on the City of Bethlehem COVID-19 cases and as of June 15, 2020 we have had 1,008 positive cases in the City of Bethlehem and 69 deaths.

Mayor Donchez noted in response to Councilman Reynolds and Councilwoman Crampsie Smith's request we did provide a memorandum to City Council dated June 15, 2020 which will go out on the city's website tomorrow. We responded to the 8 points. He stressed the Bethlehem Police Department is a highly trained and very professional department. As his memo indicates and Mr. Gallagher made reference to it, the Hirko case was a turning point in Bethlehem's history with the police department. It made the Bethlehem Police Department evaluate itself and many of the recommendations that came from that event have been incorporated along with the state and national accreditation. We do not intend this as a statement that there are no deficiencies, that every officer conforms at all times or that untoward events do not occur as perfection is aspired but not achieved here or elsewhere to his knowledge with the force the size of Bethlehem. We could always get better and we are trying to strive to get better and critique ourselves. But as Mr. Gallagher said, and Mayor Donchez stated he was on City Council at the time, it was a turning point in the Bethlehem Police Department because it made us do a self-evaluation and it made us get the state accreditation and the national accreditation. So many of the points we are talking about we have incorporated because of that event. We always have to strive to get better and constantly critique and have self-reflection. As to the memo to City Council which will go on the website tomorrow we do address the use of force directives of choke holds, required de-escalation, required warnings before shootings, exhaust all alternatives before shootings, duty to intervene, ban shooting of vehicles, require use of force continuum, and required comprehensive reporting. Mayor Donchez stated he had issued a directive to Chief DiLuzio and Deputy Chief Scott Meixell, and to the City Solicitor William Leeson to review all the policies and to make as much public as possible. We decided that our use of force policy, which we are one of the few departments in the Lehigh Valley, we presented it to City Council and it will go on the website tomorrow for the public to review. As to the use of force policy, we signed off on it and reiterated it will be on the website tomorrow and Council has a copy of that. We are reviewing other information to try to put as much information as we can on the website pertaining to the Police Department. Mayor Donchez informed he is reviewing this as is the City Solicitor, the Police Chief, Police Deputy Chief, and Business Administrator Eric Evans. In addition we certainly want to work with City Council as we move forward and have a dialogue. As a follow up NAACP vigil representatives from the local chapter of the NAACP, the Mayor, the Police Chief, the Deputy Chief and the President of the FOP met with the leaders of the NAACP to discuss police community issues. It was agreed that a citizen's advisory committee, a suggestion of NAACP President Esther Lee, be comprised of community leaders would be established to address police and community issues. There would be community leaders from education,

healthcare, social agencies, etc. and we all hope and agree to do a press release and a mission statement next week. Mayor Donchez reported that Ms. Lee feels very strongly from her leadership role and from the national organization and the local chapter of the NAACP that this is something she wants to be involved in. We certainly want to work with her and be part of the citizen's advisory committee. In addition, Mayor Donchez decided and will do a press release on it, that the City of Bethlehem will have fireworks on the Fourth of July. We will issue a release and hopefully people will practice social distancing but the fireworks will go on. Tomorrow City Hall will be open to the public. Mayor Donchez reported that Emergency Management Director Robert Novatnack has done an excellent job with marking everything. People will come in the front door on the Church Street side and come into the lobby and there will be people to guide them. We are going to try to do as much business in the lobby area as possible so people do not have to go up to the third, fourth, or fifth floor. The security system is almost complete in City Hall for elevator access, we just have a few items to get repaired and then we will be in good shape with that. We do have a follow up meeting tomorrow with the two local representatives of Black Lives Matter. They have asked to reach out to Dr. Roy, Superintendent of the Bethlehem School District to discuss education issues because that was one of their main concerns when we met two weeks ago. We will be meeting with Dr. Roy tomorrow afternoon to discuss education and various other issues of their concern. Mayor Donchez pointed out they did open the parks and it is his intention that when we go green, hopefully next Friday that this will lead to the putting back the basketball hoops so we can play basketball.

1. *Administrative Order – Anna Affleck Smith – Bethlehem Human Relations Commission*

Mayor Donchez reappointed Anna Affleck Smith to membership on the Bethlehem Human Relations Commission effective through March, 2023. Ms. Crampsie Smith and Mr. Colón sponsored Resolution No. 2020-095 to confirm the reappointment.

Dr. Van Wirt informed when she first joined Council she was shocked at the process that was in place of how people got onto authorities, boards and commissions otherwise known as ABC's. It seemed like it was just a rubberstamp by Council to approve anyone that the Mayor put forward. Indeed this has been the argument for many Council people continuing to approve appointments to authorities, boards, and commissions for people who have been on for years and decades. One of the first things she asked for was that resumes of people who are coming forward from the Mayor be included in our packets so we could actually vet somebody and see if they have the background, the insight, the determination to be on these Boards. We still do not have attendance given for reappointments but overall there is this ongoing notion in Bethlehem that this is the Mayor's prerogative but she is pushing back against that. She feels that the reason City Council was given the vote, instead of just the Mayor appointing whoever he wanted was so that we as representatives of the citizens of Bethlehem could ensure that our authorities, boards, and commissions had people on it that actually represented the citizens. These are people who look like the citizens, who come from different areas of the city, who come from different income levels with different perspectives. That is the point of City Council to her. She brings this up for the first Administrative Order because last time this came up with the Parking Authority she had the same objection. One of the suggestions that were made by President Waldron was that we invoke term limits. Dr. Van Wirt thought a lot about this as well because with any term limit discussion there are pros and cons to the approach. The problem she had with it was that our authorities, boards, and commissions are all very vastly different. Some have way more power and influence on day to day lives, some use our tax dollars, some leverage the borrowing capacity

of the city and these are ones that need particular scrutiny. That is because that is where power is held, power in the city is held in the authorities, boards, and commissions and by not having a voice in that on Council we allow the Administration to have one blanket approach to how things are done and it does not represent the city. For example, the first Administrative Order is for the Human Relations Commission and she would hate to institute term limits for a commission that we have trouble filling the spots on it. That would not be a helpful thing to have an order for the Human Relations Commission. She thought that maybe they should just apply it to our powerful commissions, or the commissions that affect day to day life. She is thinking the Bethlehem Parking Authority, the Zoning Hearing Board, the Bethlehem Planning Commission that we are voting on tonight, and the Bethlehem Revitalization Improvement Authority (BRIA). Also in some circumstances the Bethlehem Redevelopment Authority, although right now they are not as active. Dr. Van Wirt stressed she wants to have an open dialogue with Council about these feelings. The first speaker during public comment tonight brought up this haphazard approach we have to stacking our authorities, boards, and commissions. Often what we hear from the Administration is that they cannot find the people to staff this; the resumes are just not out there. But we are cloaked; we have no way of knowing who has submitted their resumes unless they have also submitted it to Council. Some people do not do that. We do not know how the Mayor goes about finding people to go on the authorities, boards and commissions and how does he vet it. She does understand it is his prerogative to put people forward but it is also our prerogative and indeed our duty as people who represent the citizens of Bethlehem to make sure that our ABC's look like Bethlehem. That is the main thing she wanted to say tonight. Dr. Van Wirt still thinks that this is a huge responsibility of Council and clearly if current events have taught us anything it is that the way things have been done in the past is not always the right thing to do right now. Circumstances change, cities change, and we are a reflection of the city so she hopes that we can consider a different way of approaching how we put people on these authorities, boards, and commissions.

Ms. Negrón thanked Dr. Van Wirt for her words. She knows this is something that she and Dr. Van Wirt have been vocal about for the last year. Because of this conversation we had last year she actually wrote an article in the Morning Call back in August where she was asking the people wherever they were reading the paper to be actively engaged and be civically engaged and be part of this movement. Being an elected official is one way but being on one of the authorities, boards, and commissions is another. After that article she received phone calls from members of the community, from members of the Latino community and has many that show interest. They ask the process and she said to look at the authorities, boards, and commissions and if there is anything there that interests you send a resume to the Mayor. Many of them said why bother sending an email, the Mayor is not going to appoint me, maybe because we look different than anyone on those authorities, boards, and commissions. Ms. Negrón challenged them. Last Thursday she sent Council an email and forwarded the email an hour after the Clerk sent us the list of appointments, sharing an email we were asked from a member of our community that back in February sent the resume to the Mayor requesting interest to be part of the planning commission and here we go again with a list of 3 appointments. After this she actually reached out again to some people who called her and they had forgotten about it. She said that the Mayor cannot appoint somebody if he does not have the resumes, we need to get involved. There is interest and she has been talking to people that want to be part of the authorities, boards, and commissions. With 76,000 people in the City of Bethlehem you cannot tell her that we cannot find someone to serve. Like she said in the email she sent to everyone on Thursday when her members of the Latino community said why bother sending my resume if I

am not going to be appointed. Unless it would be for the Latino Advisory Council then that is all we can qualify for. It is disappointing because again we as Members of Council are the checks and balances, we are not being the checks and balances because where are these people. She is tired of hearing this professionally and at all levels because people say they have to hire a white person because no person of color sent a resume or that qualified for the job. Ms. Negrón pointed out that her three daughters were raised on the south side of Bethlehem and they have Masters Degrees and Doctorates and they do not want to come back to Bethlehem. That is because why would you want to come back to a place where they will not hire to you and look down to you and treat you differently and they are not the only three. We have to really think this is the right time to speak about what is our role as Members of Council, checks and balances that is what we are supposed to be doing.

President Waldron remarked to Mayor Donchez that there is a little bit of frustration because this is same conversation we had last year about what is the process to reappoint someone based on their level of service and interest and if they have a track record that is generally positive and when do you decide to tap someone new who might be interested. It is kind of a closed process so we do not know what that level of interest is. Clearly, some of the boards are struggling to find a full roster of folks because there are not enough people who are interested in volunteering for these specific roles but some of the other ones it seems like there may be more interest. We did get that resume from Ms. Negrón last week, he thinks it was Mr. Burgos and there was a little back and forth dialogue that we had seen from the Mayor's Office about that resume and his availability as well. He was not sure if Mayor Donchez was interested in talking about this. There might be 10 or so different authorities, boards, and commissions in the city and all of them are different from each other but what is the general roster that he has of folks that are interested and what is that process to keep them on hand or vet them?

Mayor Donchez reported generally when we see that a term is coming to an end he does have someone in his office reach out to see if they are interested in possibly being reappointed. He is not one that believes that if you get appointed to a board that you are there for one term or two terms, these are volunteers, they give their time to the community and that is number one. Number two, if they are interested then he checks and sees what their attendance is, what their input is, and are they really being involved in the process. If we take Anna Smith, she is very involved in the community and in south Bethlehem for example. In his opinion she deserves reappointment. Under our form of government it is the Mayor's prerogative to give a recommendation to City Council and it is City Council's prerogative to either vote up or vote down. If they vote down he then submits another name. Mayor Donchez related that is under our Mayor and Council form of government. There have been times when he has removed people that he has not reappointed; there were one or two on the Planning Commission that he remembers. It is a process, if they are interested he evaluates them and if he thinks they deserve another term then he brings those names to City Council. He would say of the 15 to 18 boards that we have there are not that many that have vacancies, there are a few but most of them are close to being 100%. Some are definitely more difficult than others and he does agree with Dr. Van Wirt, the main ones are the ones that she makes reference to. Mayor Donchez has no problem sitting down with the Councilwoman and reviewing the schedule for the rest of the year. He has not looked at this past this month to be honest because we have been so busy with everything else all around us. He would have no problem with sitting down with Councilwoman Van Wirt and go over the appointments for the balance of the year.

President Waldron remarked another point is do our boards, authorities, and commissions represent the people of Bethlehem. What is the gender split, what is the geographic split from different parts of the city, what is the racial split among those boards? Also is it representative of the city. It is a rhetorical question but he knows the answer to that is no. At some point you could either take a passive role and say these are the people who applied or maybe there is some effort that the Administration can work with Council on to reach out to different groups that might be interested in serving but have not been tapped to ask if they are interested in serving. Just that question to start that dialogue might be helpful to have a little bit more diversity on some of those boards.

Mayor Donchez stated he would support that.

President Waldron related it is challenging though to do it at this point when we have it on the agenda already and then another name comes up as a potential replacement to someone who maybe being reappointed or appointed for the first time as a response to what you have. It is his thought that this conversation should happen beforehand that Mayor Donchez alluded to, sitting down with Members of Council to say these are the ones coming up for the rest of the calendar year and what is your feeling on some of these appointments. Is there a way we could maybe shuffle things around where people may be still interested in serving but we could move them to a different role and use their experience in the city and not turn our backs on them and empower them in a way that they can serve in a different role and open something up to bring in a new person who has not served before as well. President Waldron noted when we get to the idea of term limits that is pretty challenging as well to potentially push people away who are qualified and willing to serve and are doing a good job to say that they cannot longer serve because they have been there too long. Some of the boards like BRIA he knows those appointments are staggered anywhere from five to one year so that gets tricky when you say you have a two term limit but only a one year appointment versus a two term limit for a five year appointment, that can be a decade. So there are a lot of nuances to all these different things that we have to sit down and have some consideration about.

Dr. Van Wirt pointed out something that was brought to her attention during this whole process over time before she was on Council and after she was appointed was that to have the authorities, boards, and commissions meet after 5:00 pm so that working people can attend. Her perspective has always been about the citizens, if they cannot get to a Parking Authority meeting at 4:00 pm because they work until 5:00 pm. That is regular people who cannot leave their job to go sit in on a meeting that they really want to attend. Not only did it strike her during this whole vetting of applicants, one of the reasons that the applicant that expressed interest in the Planning Commission in February was ultimately offered the Blighted Property Review Board and he had to say no because he is a working person and works until 5:00 pm. Some commissions refused the Mayor's request to hold their meetings after 5:00 pm and we have cut out an entire portion of the electorate who are willing to serve that cannot meet at 4:00 pm because they have normal working jobs. So once again it draws this issue into the idea that our ABC's are these cloistered venues of power that are only accessible to a certain political class. Dr. Van Wirt thinks we need to really consider how we change this dynamic so that all of our citizens can participate with those boards and can come to those meetings to speak their minds. It is important and she does not want this to be dropped.

Ms. Negrón stated she wants the Mayor to know that she is here and she has said this before, she knows individuals that have shared interest in all of the boards, authorities, and commissions. She will keep trying and maybe if some get in others will send in resumes. Because of right now they do not think they will be appointed. She will gladly continue to reach out to individuals and from now on she will make sure that they are not only sending their resume to the Mayor but to Council as well so all can see there is interest from other sides of the community. It is time.

President Waldron noted he has not had anyone reach out to him directly about being on any boards, authorities, and commissions. So obviously as Council people we have much different orbits that we are in and Ms. Negrón has her finger on the pulse of the Hispanic community so that is why many of those folks he thinks we should try to get involved are reaching out to her. He would ask her to act as a liaison to try to include more people.

Ms. Negrón informed she would be delighted to do that and she will make sure that everyone sends their resumes to Council and the Mayor. She will encourage her community to do so. She also has heard from non-Latino's about the process and they are questioning what to do and how to qualify. So there is interest, she is reaching out to her community but her community is not just the brown and black, she represents everyone in the city and many that do not look like her have also asked the question. We all have a role to play in the role of being the checks and balances and the role of representing everybody in our community.

Mr. Colón remarked he Chairs the Human Relations Commission and we have a number of vacancies on the HRC and he does not know which authorities, boards, and commissions are Council appointed and have vacancies but now is a good time to start getting an inventory together. He can do that for the HRC, get an inventory of what from Council's perspective, what they can see that are on that commission and other various boards that would be Councilmanic appointments. Then we could start there amongst ourselves, try to fill some of these with the individuals that Councilwoman Negrón was talking about and others that try to get vacancies filled using our appointments that are open.

President Waldron asked Mayor Donchez if his office would be willing to do a total inventory of all the authorities, boards, and commissions and let us know a full roster of what is unfilled and which ones will be coming up for reappointment by the end of the year.

Mayor Donchez stated absolutely, we will do that and we will also give you the booklet of all the authorities, boards, and commissions and the members that serve.

Mr. Reynolds informed that we need to understand that because of traditional structures in our city you have had certain groups of people in certain areas of the city that have been under represented. He stated the sooner that we get that on the forefront of our all of our minds and getting not only the list of the authorities, boards, and commissions but the dates that they are up so we can see those. He pays close attention to many things in the city but he does not know exactly when everyone is up for reappointment often times until he gets the agenda. It is a conversation we need to have about how do we get as many people as possible involved because people do bring different experiences. In the email that Ms. Negrón had sent about Mr. Burgos and his potential interest in the Planning Commission is if that is the case and what he is interested in the next appointment would be October or November. So there should be an

opportunity for the Mayor and his Administration to have that conversation to see whether or not he is a good fit for that board or not. Mr. Reynolds remarked in general we need to do a better job of trying to get as many people as possible involved in these conversations especially when some of these conversations affect communities that have been traditionally underrepresented on these boards in the decision making, whether it is the Parking Authority or whatever it might be. That is really important when we talk about the Community Engagement Initiative with the police going forward. We need to include more types of experience throughout the city and more history throughout the city onto these authorities, boards, and commissions. That is on all of us to help find those people and he applauds Councilwoman Negrón and others that have sent those resumes over. We need to get more representation there.

Ms. Crampsie Smith remarked as the newest Member of Council she has to say that this has been one of the most frustrating aspects of serving on Council. She finds it difficult that she just get information for a reappointment on Friday for a Tuesday meeting. Usually there is no conflict but when there is a conflict it makes it more challenging to reach out and learn and speak to the people who are being proposed who are already on the commission and try to back them. She would recommend and she has already spoken to the Mayor regarding this and suggested if we could get more of an inventory for Council as well as more notice. It is difficult to get the information regarding a person a few days before a meeting. She feels like with the Planning Commission appointee tonight, that is last minute and that the other person considered was not a resident so that was all for naught. She hopes that we can streamline this whole process so it works out in a better fashion.

Mr. Callahan informed he would not agree with terms limits for any of the boards because he would not want to limit people who are doing a good job. Some of the authorities, boards, and commissions that we have are very difficult to find people for. If Mr. Borgos is interested, no matter whom it is that you get to try to get any type of authority, board, or commission, it does not matter if it is a lower level board or what Dr. Van Wirt is calling the more powerful boards, the main thing is to get your resume in for when there are openings. Mr. Callahan thinks whether it is BRIA, Planning or Zoning, those are important because they are influential boards; they get people that have a background in those areas. We need to keep those types of people who are on Zoning and Planning that are on already and he added that he could not go on the Zoning Board right now because he does not know about zoning. Many of the people who are on there have been doing this for 20 to 25 years and they are very professional at it. If he wanted to join zoning someday after being on Council he would have to take classes in zoning. He encourages people to go to classes on municipal planning and zoning because that would be a great thing to put on a resume to get on those boards. He does not know if there are any classes you could take to become more knowledgeable about parking but it took him 5 or 6 years before he understood all the finer points of the parking system. You just cannot go into the Zoning, BRIA, Planning, Parking Authority, or the Water Authority and just jump in, you need some background on it. He is trying to get an equal pay ordinance passed and one of the things that happened was that the Human Relations Commission said they were short people and could not help us. He did talk to some people from the Northampton County Bar and they are telling him that when you pass an ordinance most businesses, the Human Relations Department of those companies realize this is the new law so there are not going to be a lot of violations. When these 4 or 5 cases that we might have he will say that we send those to the Bethlehem Human Relations Commission and let them deal with it although it may not even be 4 or 5. That equal pay ordinance is to allow people a whole year of a grace period to get up to speed so all of these businesses can get up to speed on

this ordinance. If there is a violation we can then move it to the Human Relations Commission. He is supportive of this although he does not know the process of it. If there are only 4 or 5 people on the Bethlehem Human Relations Commission he would be more than happy to add another 5 positions to that commission and his sure that Mr. Borgos or anyone else that would want to be on it, we do have an opening and that would be a great place to start.

President Waldron noted that we are having a little bit of a problem with hearing Mr. Callahan and with the connection on his end.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

2. *Administrative Order – Anna Affleck Smith – Blighted Property Review Committee*

Mayor Donchez reappointed Anna Affleck Smith to membership on the Blighted Property Review Committee effective through March, 2024. Ms. Crampsie Smith and Mr. Colón sponsored Resolution No. 2020-096 to confirm the reappointment.

Ms. Negrón commented that Anna Affleck Smith is a great individual and that she knows her personally and she is glad that even though she is a new mother that she still wants to serve and be involved in these committees. She is a perfect example of a great person to have in there and for the Blighted Property Review she is a great candidate as she was with the Bethlehem CADCB working with issue of housing and especially housing on the south side. She has done a huge amount of research and work and she is an ideal candidate for that position. However, she will also say that she talked to two other individuals that would be great for that position and you will be getting their resume because in the future hopefully they will be involved in that too, business owners and homeowners that were born in Bethlehem. They will be sending their resumes but she gladly supports Anna Affleck Smith for this reappointment.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

3. *Administrative Order – Anthony M. Silvoy – Historic Conservation Commission-South Bethlehem and Mount Airy*

Mayor Donchez reappointed Anthony M. Silvoy to membership on the Historic Conservation Commission-South Bethlehem and Mount Airy effective through April, 2023. Ms. Crampsie Smith and Mr. Colón sponsored Resolution No. 2020-097 to confirm the reappointment.

Ms. Negrón remarked that Mr. Silvoy is a business owner on the south side and is a great candidate and perfect for that position. She has talked to many other residents, one that had moved and left the city but there are others and they are also interested in being part of this and will send their resume in the future and hopefully they will be appointed in the future. She supports this reappointment.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

4. *Administrative Order – Thomas H. Barker – City Planning Commission*

Mayor Donchez reappointed Thomas H. Barker to membership on the City Planning Commission effective through May, 2025. Mr. Colón and Mr. Waldron sponsored Resolution No. 2020-098 to confirm the reappointment.

Dr. Van Wirt remarked that Mr. Barker was appointed to the Bethlehem Planning Commission in 2013 so this would extend his tenure through 2025 which will be over 12 years without freeing up this seat for anyone else to come in and give a different point of view. Perhaps there could have been a non-male or a non-white point of view would be nice thing. She hopes that Council will take this seriously. There is an opportunity right now to walk the walk and that means pushing the Administration to find someone new to bring in new opinions and new ideas into this seat. She is asking Council to think of that tonight.

Ms. Negrón informed she was a member of the Planning Commission when Mr. Barker was a member of the Planning Commission a long time ago. That is why again she is insisting that we need member of the community to provide their resume so we do not have the same individuals on boards for decades. That is why she was excited that at least from the six people she talked to they were excited about it and sent in their resume back in February. She is definitely is not going to support the reappointment of Mr. Barker, it is time for new individuals to have the chance and opportunity and this is the chance right now.

Voting AYE: Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Mr. Reynolds, and Mr. Waldron, 5. Voting NAY: Dr. Van Wirt, and Ms. Negrón, 2. The Resolution passed.

President Waldron queried if Chief Mark DiLuzio would like to make any comments.

Mayor Donchez reported that Chief DiLuzio would make a presentation if Council wishes.

Chief Mark DiLuzio Remarks

President Waldron knows there was a memo that came forth last week from Mr. Reynolds and Ms. Crampsie Smith to Chief DiLuzio and we received the response yesterday. He asked if that has been public yet.

Mayor Donchez stated the information will be placed on the website tomorrow morning, the response to Council's memorandum and the Use of Force Policy will be made public on the website tomorrow.

Chief DiLuzio explained he received the memorandum from Councilman Reynolds and Councilwoman Crampsie Smith and looked at all 8 parts of it and the initiative to continue more community police programs. He met with Mayor Donchez on this and Monday he handed him our use of force policy and we reviewed it together. There is nothing in it that he would not want the public to read, it is transparent. We both agreed on it and there is nothing wrong with what you are requesting, most of the things we already do. We are an accredited department and we have been doing these things for years. If you would like to look at our paperwork and directive, you are welcome to come down there as City Council anytime, his office is always open to City

Council and you have heard that for 7 years from him. So there is nothing we are hiding down there so if you have any question on any directive or any activity or any tactics that we use, everything is documented. We have to document it, we are a dual accredited agency and we take a lot of pride in that and in serving the citizens. Maybe we have issues and can reform help us, Chief DiLuzio believes it can help every police department in the country. Criminal justice reform is needed around this country we have an outdated criminal justice system. Is there racism in it? Yes, but there is also racism in every type of occupation from police to doctors to politicians to teachers. It is there and it is imbedded in our society. If we are going to do this, let's do it correctly and let's put everything on the table and let's look at it and do everything right. Chief DiLuzio stressed he has no issue with Council coming down here and asking any questions on the police department, he never has.

President Waldron thanked Chief DiLuzio for his remarks and added that he does not think anyone is going to ever criticize you for not being transparent in your role here.

Chief DiLuzio informed he does not have a problem with being criticized, if he deserves it, he deserves it.

President Waldron will let Councilman Reynolds and Councilwoman Crampsie Smith speak on the memo they wrote. He does not think their intention was no directives for the police department to adapt, there has been a lot of talk nationally made about 8 Can't Wait but he thinks the intention was for you to let us know what is already being used and any feedback on any additional things.

Chief DiLuzio reported that they did respond back with a small answer to each of them and we can expand upon that at the Public Safety Meeting with the Mayor, he and his Deputy Chief Scott Meixell and a Training Captain. The 8 things that 8 Can't Wait, honestly he supports all of them and has no problem with them.

President Waldron asked if those directives are on paper in the city.

Chief DiLuzio stated yes.

Mr. Reynolds thanked Chief DiLuzio and the Administration for getting back to us on the use of force and thinks it is notable that the sharing of that document is not something that has happened in the past. He believes other cities have not shared this and have not shared it even after right-to-know requests. It is worth a thank you to Chief DiLuzio and the Administration for sharing that information. The memorandum grew out of conversations he had with Councilwoman Crampsie Smith and others about where we go from here. He is happy to hear that the Mayor talked about his advisory council but he does think this is a time for a much bigger conversation. He had spoken to Mr. Colón about the idea of a Public Safety Committee Meeting. One of the things he thinks we need to do and the idea of the Community Engagement Initiative is that we need to expand these conversations and he agrees with President Waldron that if he ever calls Chief DiLuzio and asks a question he has always been 100% transparent and he appreciates that. What we are hearing publicly and what we have heard from different people is that they want a public space for this conversation. It is not just about getting a meeting with the Mayor or a meeting with the Police Chief but a consistent public space and venue for discussion and action items on systemic racism, discrimination and social injustice. Different

priorities for an engagement initiative and he sees a way for us to bring together our thoughts with what the Mayor has proposed here but we need to have ongoing conversations about different awareness, discussion, systemic racism in our community and involve law enforcement. We also need to have a public conversation about the priorities for the allocation of resources within the police department. This is not the first time that we have gone down this road. A few years ago when he released Bethlehem 2017 he proposed the idea of not filling one vacancy in one year and taking those \$75,000 or \$80,000 dollars whatever the cost was for an officer and putting it towards community engagement and putting it towards trust building and putting it towards efforts that the community wants. We hear a lot about systemic racism and we talk about this different stuff but we really do not have the solutions. He does not think it is something where he can bring something forward and say we should do this or we should do that. It has been clear in the past few years that we need to listen and we need to create space for the different groups in our community to have that opportunity. Mr. Reynolds also thinks there should be a public conversation within this initiative about organizing these non-enforcement events in neighborhoods and communities. We heard a lot about how there are good things we do but at the same time he is not sure and this comes partly from public comments made from the Chief and others that everybody necessarily in the police department buys in to the value of these non-enforcement engagement trust building activities. Public conversations about the intersection of race, homelessness, mental health, poverty, law enforcement, that we need to have those conversations publicly and then talk about how we use our resources and how we allocate our resources within the police department. Mr. Reynolds remarked that other police departments throughout the country are realizing that not only could you but you should have employees in your police department that are not traditional police officers, it makes those officers jobs easier. Many of us are teachers and we understand that sometimes you do not add more teachers to a school; you need to add mental health professionals, guidance counselors, and other people. We really need to take a look at how we are organizing law enforcement and also we need to find ways to expand the amount of people that have a voice. Mr. Reynolds certainly appreciates and always felt that he could call Mayor Donchez and always felt that he could call Chief DiLuzio. But he does think it is more powerful if we have regular monthly get togethers, meetings with citizens, human service organizations, school leaders, social justice organizations, police officers, and not just the leadership of the rank and file, any organization that wants to be involved that has an opportunity to talk about what is going on in their neighborhood, this is our experience with the police department. They can speak about what they need and what they would like to see as far as interaction with law enforcement and the City of Bethlehem and all of these other organizations. The power we have on City Council is to help set the structure and space by which these groups have a voice and that is what the Community Engagement Initiative is all about. His plan was that when there is the Public Safety Committee Meeting is to draft up a resolution that outlines all of these different points and ideas about what we are looking to create. He has had many different people already contact him and say this is a great idea to have these public conversations. Mr. Reynolds is happy to hear that the Mayor is planning something similar. There is really an opportunity for us to bring these two ideas together but at the same time everyone on City Council needs to take a look at the idea that we are the ones that set the budget, we are the ones that allocate the resources within the city budget on a year to year basis. There is a lot of room here and the people of the city want us to have a conversation about how are we spending this money in public safety, not necessarily reducing the money but whether or not it does make sense to allocate resources other ways. How exactly that looks Mr. Reynolds does not know at this time but he thinks as we watch other cities he is hoping to continue these conversations with the Police Chief, he is hoping to continue these conversations with our police

department if there are ways for us to invest in public safety in this city and in ways that we have not done before but that the community and citizens want at this important point in our history.

Chief DiLuzio understands what Mr. Reynolds is saying and he agrees with it. He noted that Mr. Reynolds made a comment saying where do we go from here and Chief DiLuzio stated that we move forward, we do not go backwards. A lot of the things in the memo that was sent, like he said he agrees. If he was on Council he would second that resolution that he talked about. Chief DiLuzio believes that community policing is very important and community policing is what we should be getting back to in this country.

Mr. Reynolds related it is not just the idea of community policing, it is also teaching our police officers about the intersection of all of these different issues, whether or not it is poverty or mental health and bringing that conversation together into a conversation where we get a better picture of what people are going through. He knows they have had that conversation a lot and Chief DiLuzio is always publicly willing to have those conversations. Part of the challenge is getting a complete buying from everybody within our police department. Mr. Reynolds appreciates Chief DiLuzio's interest in having that conversation.

Chief DiLuzio remarked with police social services, everybody needs to be involved in this for those problems that Mr. Reynolds indicated. He added that he 100% agrees with Mr. Reynolds.

Ms. Crampsie Smith thanked Chief DiLuzio for his response to the questions in the memo and for all the data. He raised a few points in talking about racism and that being everywhere and certainly that is unfortunately true. She has said many times in the past that she supports our police and she has an interesting perspective because she lived with a police chief for 21 years and she saw how policing has evolved over those years, in many ways not good and in some ways good. She remembers her father and he was a true community police officer and was the kind of guy if someone got in trouble or got out of jail he would go get them a job and not try to harass and re-arrest them. Those days are gone in many ways but we really need to get back to some level of community policing. Ms. Crampsie Smith certainly hears about racism being everywhere she thinks that the people have spoken and the people of the City of Bethlehem spoken. Within one week's time we had 3 rallies and marches and at two of them we had 1,500 to 2,000 people present, that says a lot. The people have spoken and they want change, they are demanding change, and we need change. While there are many things within the police department that do not need to be changed as was said in the memo and Sergeant Audelo said that perfection does not exist and there is always room for improvement, she hopes we can all work together for that. Ms. Crampsie Smith thanked Chief DiLuzio for being willing to move forward with the Community Engagement Initiative and to review the use of force. It seems like we are already implementing the 8 Can't Wait initiative, so that is good plus. She just had a few questions clarification regarding the use of force and asked if it was okay to do that now.

Chief DiLuzio stated if she wants to or during the Public Safety Meeting or just call him.

Ms. Crampsie Smith mentioned she will ask now just so this can be food for thought and something to think about. Number one is the ban on choke holds; she asked if there is truly a ban on choke holds in the City, it is not to be used unless it is a matter of life and death.

Chief DiLuzio stated we do not teach it, we do not endorse it, nor do we utilize it anywhere in the City. It is in our use of force directive. The only case would be if the officer is fighting for his life and that is a final last alternative. Meaning, he is going to die if he does not use a choke hold. That would be it and he does not think anybody would criticize him to save his own life against an assailant at that point. But that is it. That type of call would be made by the District Attorney or the Attorney General's office; they would investigate that assault on the officer or the use of that choke hold. That is an extreme case. To use the word ban takes it completely away, you might have that one out of one in one million cases where it is used, meaning the officer is on his way out basically and the only thing he can do to save his life is use a choke hold, you cannot deprive the officer of that. This would be the only case and honestly in his 40 years he has never seen one used.

Ms. Crampsie Smith understands if it is a matter of saving the officer's life but can you speak to the fact that many cities throughout the country are banning choke holds so how are they handling that.

Chief DiLuzio noted many of them and in Los Angeles they are using the same vocabulary, only as a final last resort, if you actually look at their use of force. He believes it was Los Angeles that is using those words like a lot of other cities are.

Ms. Crampsie Smith may be mistaken but are their cities that are banning choke holds totally, that they are just banning them.

Chief DiLuzio reported they are banning them but only in a rare life existence type of situation.

Ms. Crampsie Smith queried if he is saying that they are stating in their policy that they are banning them except that they can be used if it is a matter of life or death.

Chief DiLuzio remarked if someone is assaulting you and the only thing you can do to survive is to put a choke hold on that person or somehow reach up and try to choke him, otherwise you are going to die, you have to give someone that option. He would not take that away from a citizen if that is the only option. So the word ban is not utilized and not endorsed by us, we just do not use it but there could be that very, very rare occasion.

Ms. Crampsie Smith noted it is a vague gray area because it seems like that is the buzz word right now, banning choke holds. She has heard it being passed through other police departments. She certainly understands the stance of Chief DiLuzio but it is something that maybe we could look into the language of what other police departments are using regarding choke holds.

Chief DiLuzio would say look at some of their use of force policies and look at the language, look at their policy in that city and then look at the language in that city or cities you are looking at. He reiterated that he would not take that away from a citizen to save his or her own life and he could not take that away from an officer but you have to put restrictions on it and the restrictions are the main part of that.

Ms. Crampsie Smith then had another question relevant to the George Floyd death. The one thing was the duty to intervene and the controversy regarding the other police officers not intervening. It is a plus that Chief DiLuzio said he added language to compel officers to intervene if force is being used beyond that which is reasonable. She is thinking that compelling means to encourage or convince, she wondered if we could consider stronger wording like require or mandate to intervene. She knows that police officers have stated that it is a network and they have been very hesitant to intervene because they will go back to the precinct and they will be hassled. She is thinking if we use stronger words that might give those officers that feel the need to intervene a stronger sense of support within their ranks.

Chief DiLuzio stressed we use the word shall in our directive and shall makes it mandatory because that language came from the legal Department. We do not say compel because there is exceptions to that, we use the word shall which makes it mandatory. If an officer sees an unlawful use of force he shall intervene, he has to.

Ms. Crampsie Smith stated what she reads is that officers are taught to intervene and directives also compel officers to report witness violations.

Chief DiLuzio stated we use the word shall and you can check with Solicitor Spirk on that and the definition of the word shall when use in a legal document or a policy or a contract.

Ms. Crampsie Smith noted in referencing it says language has been added to add directives compelling intervention, so that is what she is referencing. She feels like we need strong wording because she knows officers have spoken that they feel if they intervene against another officer they will get it when they get back to the precinct.

Chief DiLuzio remarked that is under training and that depends on the department they work in but we do use the word shall in our directives when we make something mandatory and then the officer knows exactly what he has to do.

Ms. Crampsie Smith then talked about training. She looked at a graph and that nationally police recruits get a majority of training on firearms, and defensive tactics and a small percentage of training on de-escalation, crisis intervention, and communication skills. As we said it is unfortunate that police officers have to know everything, they have to be the social worker, the therapist, the domestic relations mediator, drug and alcohol therapist, so it is important if we can look at what percentage of training are we giving in certain areas and maybe we need to heighten the training in the areas like de-escalation and communication skills. She thought maybe we could look at something like that through our community initiatives. She knows there are bills proposed at the state level regarding training and also our Congresswoman Susan Wild is proposing a bill for funds towards crisis intervention teams to help with police in the community. Hopefully we will have some guidance and some funding and resources at the state and federal level regarding this issue.

Chief DiLuzio remarked with the training question the chart Ms. Crampsie Smith is looking at is probably police academy training. In the police academy they do a lot of physical fitness and firearms. They should be teaching more de-escalation. After you graduate from the police academy and you come here to Bethlehem, he can only speak of our training, we re-train them in firearms, and we re-train them in first aid, because we want them to do it our way which

is higher than the standard in the academy that is because of our accreditation process. We train de-escalation twice a year in spring use of force training and fall use of force training, it is a continued training every year with a Bethlehem police officer. The training in the police academy is controlled by MPOETC, Municipal Police Officers Training and Education Commission out of Harrisburg. That is something where you as politicians could look at MPOETC and change that training; he does not how you would do it that is a Harrisburg question. He would like to see more mental health training in there, more de-escalation training; he would like to see a bunch of different training that he does not think they put enough hours into. The state makes the syllabus and if we can change it lets change it. That is part of criminal justice reform and you will hear that from a bunch of Police Chief's.

Ms. Crampsie Smith knows it was for the recruits and training but she is more focused on what our police department gets as far as training, maybe we can look at that, the percentage of training and are we getting enough. Again, we may be getting enough now but she knows working in the mental health field that instances of individuals with mental health issues is on the rise, especially since COVID-19. It is important that our officers have as much training and especially on de-escalation. There was an article about an incident with someone who suffers from mental illness last night and it appeared that the officers handled that very well and it could have been a deadly situation like what happened in Atlanta recently but it was not. So that was a plus. She just wanted to make sure that our officers have enough quality training at their disposal on a frequent enough basis.

Chief DiLuzio stressed we are doing training and if we can do more we could and we will. His professional standards unit is preparing a training report since that was one of your questions on how many hours of training and what goes into training. You will get that within the next two weeks and that will give you every officer and what we train on and what we specialize in. That may answer some of your questions for the different topics. He pointed out that training across the country has to be improved.

Ms. Crampsie Smith thanked Chief DiLuzio and added it is a real plus that he and the department are willing to participate in the Community Engagement Initiative. She can speak from a different perspective in that she has a lot of law enforcement people in her family but she also for almost 40 years and has advocated for people of color and systemic racism does really exist and she has seen it with the people she works with and she has seen it with many of her friends. She can see both sides of the issue here and she thinks that is why it is really important that we have community engagement where we get everyone at the table, all the stakeholders so we can put everything out there and work to build a greater trust within the police, the city, and the community. Most importantly we can give the community a voice because that is the right and necessary thing to do. Ms. Crampsie Smith again thanked Chief DiLuzio for always being available and for responding to our memo.

Mr. Colón remarked that the Public Safety Meeting in all likelihood will take place prior to our next Council Meeting because our next Council Meeting will not for three weeks. He would like to have that Public Safety Committee Meeting sooner rather than later. He appreciates that Mr. Vidoni has reached out to try to set a date and coordinate with Liberty High School to have this meeting. He will make sure that the Administration posts this on the city website, reach out to all the community members that have already been in contact with us and do our best with the Clerk's Office and the city to make sure that we are properly notifying everyone when we have

the confirmed date and time for that meeting so that everyone interested in attending can come out to it.

Dr. Van Wirt remarked she is going to stay on theme tonight and added that she is learning an awful lot. She did have rose colored glasses on about a lot of different dynamics and she is learning a lot mostly through media but also through Chief DiLuzio about how police departments function, how training works, and how community engagement works. One of the things she would like to talk about at the Public Safety Meeting, which she is really looking forward to is also our Civil Service Board which is appointed by the Mayor. She queried how does the Civil Service Board engage, although she does not need the answers right now, but it is something we can discuss, she wondered how they are involved with complaints against officers and how are those complaints against officers vetted. Also, who is on the board and how do we make sure that board as well is a reflection of the community that the police serve. She just wanted to put that out there as a potential topic. Dr. Van Wirt thanked Chief DiLuzio for coming out and talking to us.

Chief DiLuzio reported if Council has any other questions they can contact him any time or bring them up at the Public Safety Committee run by Mr. Colón.

Mr. Callahan thanked Chief DiLuzio for all he has done. He did not want to repeat what everyone stated as far as community policing and racism. He noted that racism is all over the place and in every facet of society. He would agree that a large majority of police officers are great, well intended people but it is the small percentage of the ones that are out of line that shed a bad light on the rest of the police officers. One of the things that Bethlehem can be proud of is our police force. After the Hirko situation we went through a national accreditation process he thought was a great thing for the city. Part of that was that our police department went through extensive training. Also in the years past with the introduction of dash cams and body cameras on the police officers he thinks it is not only a great thing for the police department because it protects them but it also protects the residents of our city. Mr. Callahan believes what happened in our country right now is something similar as to what a lot of teachers went through probably in the mid to late 1980's. In his generation in the late 1960's and 1970's, he will put Solicitor Spirk and Mayor Donchez in there, if you were messing around and throwing snowballs a teacher would maybe slap your hand and now times have changed where now you cannot touch a student for any reason other than to protect yourself, if they touch you. Over the last 15 to 20 years because some of our crimes became more abusive and many criminals are using higher gauge weapons our police force became more weaponized. The police forces got a lot more equipment. If a police officer is in danger they do have the right to defend themselves but what happened in Atlanta last week he does not think anyone is questioning that the individual was intoxicated and should have not resisted arrest but...

President Waldron noted that the connection is too poor for Mr. Callahan and we are unable to understand what he is saying. At this point we will not be able to continue to take your comments. He pointed out that Mr. Callahan can just call in to give his comments.

Chief DiLuzio stated if Council has any more questions just send him a memo or send the Mayor a memo and he will gladly get back to Council with the information requested.

President Waldron remarked that for Members of Council as well as members of the public there has been a discussion about a Public Safety Committee Meeting that we will have in a format and hopefully we will be in the green phase by then and we can allow public back in and we are going to try to do that in a space that is larger than this room so we can have adequate social distancing. That way we can have people in the room who are able to give their comments in person and start what is the beginning of a dialogue between members of the community, the Administration, and the police department.

Chief DiLuzio informed they look forward to it and the police department will be there.

President Waldron thanked Chief DiLuzio for his response to this and he is sure that many folks will be looking forward to the posting of the information that Chief DiLuzio talked about.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 13-2020 – Amending 2020 General Fund – Adjustments*

The Clerk read Bill No. 13-2020 – Amending 2020 General Fund –Adjustments, on Final Reading.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 13-2020 now known as Ordinance No. 2020-13 was passed on Final Reading.

9. NEW ORDINANCES

A. *Bill No. 14-2020 – Amending Article 121.12 – Relating to Finance – Bond Issues, General Obligation Notes, and Lines of Credit*

The Clerk read Bill No. 14-2020 – Amending Article 121.12 – Relating to Finance – Bond Issues, General Obligation Notes, and Lines of Credit, sponsored by Ms. Crampsie Smith and Mr. Colón and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM, PENNSYLVANIA,
AMENDING ARTICLE 121 OF THE CITY OF BETHLEHEM CODIFIED
ORDINANCES RELATING TO FINANCE.

Mr. Evans commented this did move its way through the Finance Committee on June 3, 2020 and he will take any questions from Council if there were any who were not able to attend, if they have any questions about the reasons that we proposed this amendment or if they would like examples.

Mr. Callahan is in favor of this but asked if the city will still have to come back to Council to spend bond money.

Mr. Evans stated yes. He used the example at the Finance Committee that the reason for the step in this process is well down the line and there are a few reasons why we have talked

about this for a long time. The example he had at the Finance Committee was with a fire truck. The city is looking to replace a fire truck and they believe it to be \$1 million dollars. The first thing we do is to ask Fire Chief Warren Achey to get some estimates and early quotes and once we are comfortable with that number then we come to Council with that in the fall. Let's say it is the fall of 2019 and in that budget Council needs to vote and Council has done that many times. So there would be \$1 million dollars for a fire truck, public work projects, and public safety purchases and on and on. Once it is vote on it becomes part of the budget and becomes official in January of the next year.

Mr. Callahan mentioned that on Fridays they get notifications of bond invoices but we already voted on those bonds and he does not remember anyone having a question about paying the bond invoices to pay off the bond. His question is when we float the municipal bonds every two years for \$5 million; he asked if that is correct.

Mr. Evans noted that is always our goal, it is always around that. We have kept it at that standard for some time although it is getting more difficult to do but that is what we shoot for the \$5 million.

Mr. Callahan remarked if a department head wanted to spend money on something or some of the money from that \$5 million dollar bond you would still have to come back, this is not wiping out City Council's knowledge of spending of that \$5 million dollar bond that is his concern. We float a bond for \$20 million or refinance a bond and we have to make the payments, we already voted on that but he is talking about any other spending this is not negating Council in being notified about the spending on those types of bonds where we are floating money.

Mr. Evans stated no, what you are seeing is something like once that fire truck is approved then Chief Achey goes out and gets a requisition and the requisition has to go to Controller, an independent elected separate branch of government. Our Controller is George Yasso who has reached out to a number of Council Members and does support this proposal as well. He looks at that requisition before it is even turned into a purchase order and he and his office looks and checks if the \$1 million dollar fire truck is approved by Council and is it for a fire truck, does that match up. Once it matches up then it turns into a purchase order and then the purchase order is given to the fire company and the fire company builds the fire truck which takes 6 to 8 months. Then 6 to 8 months down the road when the truck is ready the deliver an invoice and arrange delivery. That invoice is what you see. By the time you see it we are way down the road and the truck has been built so there are several implications. One is what if it comes to Council and it is voted no, there are legal issues with the fire company, they will say they have a purchase order to say build this thing and it is time to get paid and that is where Council is seeing it under this part of the ordinance. That is why we would like to remove this section only. It does not make sense to be there at that point, it does not serve the purpose it was intended to do. Mr. Evans related the person who put this in was Councilman David DiGiacinto and Mr. Evans was on Council at the time as was Councilman Reynolds and Mayor Donchez. It was put in on 2011 and sometime after that Mr. DiGiacinto was elected to be the Controller and chose not to run for reelection for Council and as Controller he instituted a really good process that now rests again with another elected official to take on this part of the oversight of the purchasing of the City of Bethlehem and that is what Mr. Yasso does and he has explained his role which is not once but twice. Once the invoice comes and the check is cut the check and invoice go to the Controller a second time where they look at it to make sure it lines up before the check can be mailed out to the vendor to

complete the purchase. So it shows up twice and this also this step does take a significant amount of time with three employees every Friday when our accounts payable looks at all the invoices to be paid by a bond payment and they are moved up to Mark Sivak, Director of Budget and Finance who scans them in and develops an email and sends it to the City Clerk's Office and the City Clerk's Office prepares their email and send that to Council. So there is quite a bit of time every week for a number of weeks for a number of years that is why we thought it was important to remove this part. Mr. Evans also said that there are many parts in Article 121 that provide oversight that we support and that we follow and we are keeping in place.

Mr. Callahan related that he just does not want money being spent out of that \$5 million dollar bond that we float every two years. If we agree to spend money on something and then we do not and then spend it on something else, he would hope that the Administration would come back to Council for approval.

Mr. Evans stated with the Controller it is impossible to do that, George Yasso will not even allow that check to go through his office. If that invoice does not match up to something that was authorized by Council in the budget he will not sign it and it will not go anywhere.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. Bill No. 14-2020 was passed on First Reading.

10. RESOLUTIONS

A. *Approve Records Destruction – Purchasing Bureau*

Mr. Colón and Ms. Crampsie Smith sponsored Resolution No. 2020-099 that authorized the disposition of the public records held by the Department of Administration, Purchasing Bureau, as stated in Exhibit A.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

B. *Approve Contract – Orlando Diefenderfer Electrical Contractors, Inc. – Mountaintop Pump Station Renovation Project – Electrical Construction Contract*

Mr. Colón and Ms. Crampsie Smith sponsored Resolution No. 2020-100 that authorized to execute an agreement with Orlando Diefenderfer Electrical Contractors, Inc. for electrical construction work related to the Mountaintop Pump Station Renovation Project.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed

C. *Approve Contract – Zimmerman Environmental – Mountaintop Pump Station Renovation Project – General Construction Contract*

Mr. Colón and Ms. Crampsie Smith sponsored Resolution No. 2020-101 that authorized to execute an agreement with Zimmerman Environmental for general construction work related to the Mountaintop Pump Station Renovation Project.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

D. Approve Contract – Greater Lehigh Valley Chamber of Commerce

Mr. Colón and Ms. Crampsie Smith sponsored Resolution No. 2020-102 that authorized to execute an agreement with the Greater Lehigh Valley Chamber of Commerce for marketing services.

Voting AYE: Dr. Van Wirt, Mr. Callahan, Mr. Colón, Ms. Crampsie Smith, Ms. Negrón, Mr. Reynolds, and Mr. Waldron, 7. The Resolution passed.

11. NEW BUSINESS

Finance Committee Meeting

Chairman Reynolds announced a Finance Committee Meeting will be held on Tuesday, July 7, 2020 at 6:00 PM in Town Hall. The agenda item is the proposed refinance of the Water Authority PennVest Note.

Parklets/Police

Mr. Callahan remarked he wanted to thank the Mayor and his Administration for all the parklets and the great job they did on Main Street. He talked to the Mayor the other day about possibly keeping those year round that would be a great idea. It is not slowing down traffic and would be a great idea to have on a yearly basis in the summer time. It is one extra thing that makes Bethlehem such a beautiful place to visit. He commends the Public Works Department for the planters with the flower in them. He does not know how much was missed with his comments before with Chief DiLuzio. Like everyone else said there is racism all over the world in every different part of society. There is also a large majority of our police that are great cops. He thinks Bethlehem has a great police force and a lot of that benefited from the Hirko case. It was a big mess on the part of the city police department and after that trial the city went through the National Accreditation process and as the Chief said it is an ongoing thing. The police department is better off with going through that process. Mr. Callahan pointed out if you look at the last 3 or 4 years there also have been additional things whether it was the dash cameras on the police cars or the body cameras on the policemen, all these things are good changes. It is not only good for the police officers in protecting them but it is a great thing for the citizens in protecting them against those one or two policemen that are stepping over the line. Mr. Callahan noted in this day and age with all the cameras around what is also happening with the national movement is that when he grew up in the 1970's and 1980's it was not uncommon if you were messing around for a teacher to grab you and sometimes give you a little slap if you were throwing snowballs or something like that. Somewhere in the mid and late 1980's things changed. Now, at no time is a teacher allowed to touch a student unless the student touches the teacher. That is probably where we are moving to in the police departments and it will probably be a good thing because under no circumstances should a police officer use physical aggression on any type of an individual or resident unless it is equal to or proportionate to what the individual is doing. Mr. Callahan does not think anybody questions that the individual was over the limit with a breathalyzer and the fact that he resisted arrest but the thing in Atlanta that is evident is that the police already had his license and they knew where he lived.

They already had his vehicle and at that point because he resisted arrest probably the best thing was to just let him run off and go over there the next day and pick him up and arrest him for resisting arrest but using deadly force on that individual when he was running away was wrong. What we need to do in our country is to have our police force never using more than what is absolutely necessary. It is evident in many things that have happened in the last month that those individual cases were where individual police officers used unnecessary force against an individual when it really was not needed. In the long run Mr. Callahan believes the police department, community, residents, and the taxpayers of all of our cities will be better off for the changes that are coming. He explained that is what he wanted to say before and apologizes for the audio breaking up.

Ms. Negrón noted she is glad that Councilman Callahan mentioned the parklets. She added what a beautiful sight it was just to drive around and see everybody out safely eating. She would not sit out there yet herself, she will order and pick up curbside but she is glad that business is increasing and that people are daring to be out and about. Ms. Negrón pointed out she sent an email to Ms. Karner saying bravo and thank you. It is not just the parklets themselves and she also thanks Public Works for building them but she saw that Ms. Karner and her department were thinking completely out of the box. They listened to the downtown businesses and talked about how to make this work. Under other circumstances restaurants that wanted to have tables out and use parking spaces had to pay for that use and get permits and get insurance and other things they had to go through in order to have some tables outside or closing parking spots. Ms. Negrón stressed that Ms. Karner made that happen without all of those loops. Ms. Negrón really appreciates the thinking out of the box and working together with the downtown business association and with the chamber and all the businesses. It was a lot of effort and work but she saw really wowed. Ms. Negrón asked if there is a process and Councilman Callahan mentioned this also, all the great things that we have accomplished with the police department and the cameras are helpful and good to have, not just the body cameras but also the vehicle cameras. It was mentioned that this protects the officers and the citizens and that made her think how is that really helping the citizens and is there a process in which citizens can request the footage of the body camera or the vehicle camera when they have been stopped.

Mayor Donchez does not believe he is qualified to answer that but he will have Solicitor William Leeson and Chief DiLuzio give a response tomorrow.

Police Body Cameras/Vehicle Cameras

Ms. Negrón stated that is fine and added that she hears people say good, the police department has vehicle and body cameras and that will protect everybody because we can see both sides of the story, it will protect everybody's point and she agrees. But how is that protecting the people if people do not know. She would like to see the footage of a few individuals that have said to her that they have been stopped and what transpired when they were stopped. If what she has been told is a lie she will be the first one to say, you know what when I saw the footage, I apologize because he was lying to me. She has heard too many stories saying otherwise and she thinks it would be important that we have some kind of mechanism whether it is a right-to-know request or something else so that footage can be used to be a better thing for both, the police officer so he can be accountable and it is shown that maybe he did nothing. Right now with all this that is happening we see through videos, we see the videos of killing of people of police officers killing people. Not that the first time this has happened but it is the first time that we see it with our own eyes. Ms. Negrón noted we really need to take a look at

that camera footage just like we request a police report for a car accident, to be able to request footage of both the vehicle and the body camera from a police officer. As a Council person she hears stories and what is she to say to someone who is lying, that is not true but she would like to then ask the Mayor for the footage for this day and this time because someone told me something and she would like to see if it is true. This will hold everybody accountable, people could not then come and lie to her and make up stories of cars being searched without asking permission and that kind of stuff and also keep our officers accountable because whatever they do when they go out there and stop someone will be recorded and people will be able to watch it. She would like to have this conversation continue because she wants to know, it is important to have access to it.

12. ADJOURNMENT

The meeting was adjourned at 9:26 pm.

ATTEST:

Robert G. Vidoni, Esq.
City Clerk