

BETHLEHEM CITY COUNCIL MEETING
10 East Church Street - Town Hall
Bethlehem, Pennsylvania
Tuesday, May 21, 2024 - 7:00 PM

PLEDGE TO THE FLAG

1. ROLL CALL

President Colón called the meeting to order. Present were Bryan G. Callahan, Grace Crampsie Smith, Hillary G. Kwiatek, Colleen S. Laird, Rachel Leon, Kiera L. Wilhelm, and Michael G. Colón, 7.

President Colón announced that Council Solicitor Stephanie Steward was out of town this evening. Attorney Steven Goudsouzian would be filling in for her and participating virtually by GoTo Meeting.

CITATIONS

President Colón read a Citation honoring retiring fire Lieutenant Jeffrey A. Stiffinella for his 20 years of service. He added that Citations will be mailed to retiring firefighters Michael J. Zukawski and John T. Palmer and police Sergeant Douglas Nothstein.

2. APPROVAL OF MINUTES

May 7, 2024

3. PUBLIC COMMENT

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

Military Tribute

Resident Mary Jo Makoul provided an audio tribute to all veterans in honor of Military Appreciation Month. She thanked all who have served.

Bill Gaining Support

Resident Mark Will-Weber said the House Bill that he spoke of recently requiring utilities to warn customers of abnormally high water usage is gaining support. Proposed by state Representative Jeanne McNeill, the bill would require notification after one month rather than a customer receiving a surprisingly high water bill at the standard three-month billing cycle. Several other representatives have signed on as co-sponsors. This early warning notification is designed to save customers money by allowing them to fix problems sooner rather than wasting water.

Differing Experiences

Resident Sally Will-Weber said she has become more active in social media use since they have publicized their bad experience with the Bethlehem Water Department. She has seen several online complaints about Bethlehem's Water Department, specifically concerning bad experiences with the installation of the new water meters. Ms. Will-Weber also came across those speaking favorably about their experiences in dealing with other water departments, specifically Easton and Northampton. She again urged Council to create an oversight committee for the City's Water Department.

Census Data

Resident William Scheirer mentioned a recent news article detailing the annual Census Bureau survey. The population of Bethlehem is estimated to have increased by 600 people from 2022 to 2023. He believes this would have required 300-400 new apartments. At this rate, the City's population would hit 80,000 in three years.

Damage by Water Department

Resident Arthur Curatola said the Water Department damaged his concrete about two years while trying to open a valve on his property. The Department has not repaired the damage.

Words Distorted

Resident Valerie Noonan said that she and several friends strongly disagree with the characterization of Martin Luther King, Jr.'s words that were quoted at the last Council meeting by a Council member and members of the public. They wanted to set the record straight. She believes the meaning of these words from the "Letter from Birmingham Jail" has been distorted and weaponized against activists including herself.

Profit Motive Problematic

Resident Harry Faber said on Saturday he was transported by ambulance to a local hospital. On the way, he worried mostly about the debt that he would incur from bills associated with care and the ambulance ride. These are systemic issues that are a direct result of our economic system. He identified the profit motive as the problem. So many people are just barely getting by.

Explanation Requested

Drew Swedberg repeated a request made at the May 7 meeting for an explanation by Council Solicitor Steward. Mr. Swedberg said that Ms. Steward during the March 5 meeting advised that Council could not vote on a public request for Council to pass a Resolution urging a Middle East ceasefire because it was not on the agenda and would violate the Sunshine Act to do so. She supported this statement by reading from the Act, but she did not read from exceptions including Section 712.1(d) that addresses business arising during a meeting "if the matter is de minimis in nature and does not involve the expenditure of funds or entering into a contract or agreement ..." He believes that the Resolution that several in the audience were proposing on

March 5 falls within this exception and could have been voted on that night. He realizes that this cannot be changed now, but he is looking for an explanation as to why this exception was not read and the Resolution considered.

President Colón said he would follow up with Ms. Steward.

No Trash Found/Council not to Blame

Resident Eddie Rodriguez viewed the area of Cherokee and Pawnee Streets following some complaints of strewn trash and resulting odor. He reported seeing none of this. He visited on Sunday and found orderly empty containers but not loose trash. He also did not witness speeding during his visit. Mr. Rodriguez also said that Council has nothing to do with events in Gaza. Council can do nothing about this situation. He urged the audience not to blame Council for events in the Middle East. Mr. Rodriguez also denounced the lack of decorum and disrespect toward Council shown by some during recent meetings.

City Water Fountains

A man who did not provide his name said he is disabled. He travels on foot. He has found fewer places where he can get drinking water. This is a basic need. Some businesses will deny his requests for free water. He has tried to rely on City facilities to stop for a drink, but the fountains in many of the parks do not work. He asked the City if it can fix more of the water fountains, and he appealed to the businesses to offer free water to those in need.

President Colón said this is something that can be discussed later in the agenda.

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

None.

4. OLD BUSINESS

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

5. NEW BUSINESS

Water Fountains

Ms. Leon said she has been discussing the water availability in the parks with Public Works.

Mr. Callahan asked how many water fountains are offered by the City.

Public Works Director Michael Alkhal said 16. He estimated that five or six work. The rest are in disrepair, as early as 15 to 20 years ago. The situation is a result of difficult or expensive repairs and lack of use. Most have underground piping problems. Vandalism was also a problem.

This is being revisited. A fountain was recently installed at Fairview Park. A meter was included to determine usage.

Mayor Reynolds said this is a legitimate issue to look into. The cost of repair to some may be thousands of dollars. The value may need to be weighed. But, certainly, when new parks or rebuilds are being considered, it is not as expensive to add the feature as it would be to repair something already in place with underground piping complications. The Administration can get Council a systemic answer.

Mr. Alkhal added that an inventory exists. Almost all of those that are not working have extensive and costly problems. Each location would cost at least several thousand dollars to fix. This is why they are weighing the demand.

President Colón noted a movement away from selling single-use water bottles. Because of the environment, it is more expected that many people will bring water in other containers. Still, there is some demand for water from a fountain. He agreed that it would be helpful to know the cost to restore or provide new fountains compared to the demand. He also agreed that it seems wiser to add fountains in new construction circumstances rather than repairing existing ones. He asked Mr. Alkhal to update Council as appropriate.

Mayor Reynolds added that the previous speaker will always be welcome to stop at City Hall for water, as are other members of the public. The water issue is similar to occasional discussion about the City adding public bathrooms downtown. Vandalism can be a problem with those also. Still, these are worthy points to discuss.

Ms. Crampsie Smith asked if grants might be available.

F.A.I.R. Hearing

Ms. Kwiatek announced that the Community Development Committee met earlier this evening to hold the annual Financial Accountability Incentive Reporting Hearing required by Article 349 to review the City's economic development incentive reports. The meeting was for informational purposes only and no votes were taken.

6. COMMUNICATIONS

A. *Director of Water and Sewer Resources – Contract 2022 08R Rev 1 – Lead Line Replacement Project*

The Clerk read a May 8, 2024 memorandum with a proposed Resolution from Director of Water and Sewer Resources Edward Boscola. Mr. Boscola recommends a contract with Michael F. Ronca & Sons, Inc. of Bethlehem to include two change orders to use up all remaining unencumbered funds in the PennVest account to replace as many lead service water lines as possible. The change orders will increase the number of lines being replaced from 200 to 413. The two change orders equal \$286,330.44 and will bring the total project cost to \$2,873,778.44. The contract shall run from the Notice to Proceed until May 30, 2024. There are no renewals.

President Colón stated that Resolution 10 A is on the agenda.

B. Director of Community and Economic Development – Redevelopment Assistance Capital Program (RACP) Grant – NMIH

The Clerk read a May 14, 2024 memorandum and proposed Resolution from Laura Collins, Director of Economic and Community Development. Ms. Collins requests a Resolution of support in applying to the state for a grant through the Redevelopment Assistance Capital Program. The application seeks more than \$1 million to provide second floor expansion at the National Museum of Industrial History. The City serves as a pass-through agent and no match is required.

President Colón stated that Resolution 10 B is on the agenda.

C. Director of Community and Economic Development – Greenway Trail Gap Development – Grant Memo

The Clerk read a May 14, 2024 memorandum and proposed Resolution from Laura Collins, Director of Economic and Community Development. Ms. Collins requests a Resolution of support in applying for a Pennsylvania Department of Community and Economic Development grant. The grant seeks \$250,000 to assist in development of the Greenway Trail Gap following the acquisition of property.

President Colón stated that Resolution 10 C is on the agenda.

D. Emergency Management Coordinator – Emergency Operation Plan

The Clerk read a May 21, 2024 memorandum with an attached Resolution from Fire Chief Michael Reich. Chief Reich recommends that Council adopt a Resolution updating the City of Bethlehem's Emergency Operations Plan for a declared disaster to be filed with the Pennsylvania Emergency Management Agency. Most of the changes are minor plan and phone contact updates.

President Colón stated that Resolution 10 D is on the agenda.

E. City Solicitor – Use Permit Agreement – Juneteenth LV – 2024 Juneteenth LV Music Festival

The Clerk read a May 14, 2024 memorandum from Solicitor John F. Spirk, Jr. with an attached Use Permit Agreement and a Resolution. The Permittee is Juneteenth Lehigh Valley and the SubPermittee is ArtsQuest to hold the 2024 Juneteenth Lehigh Valley Music Festival. The event date is June 15, 2024 from 11 AM to 7 PM. The duration of the permit is from 8 AM until 10 PM on June 15. The specified premises is 1st Street from Polk Street to the eastern terminus; and Founders Way between 1st and 2nd Streets.

President Colón stated that Resolution 10 E is on the agenda.

F. City Solicitor – Use Permit Agreement – Portuguese American Club – 2024 Portuguese Heritage Day Festival

The Clerk read a May 14, 2024 memorandum from Solicitor John F. Spirk, Jr. with an attached Use Permit Agreement and a Resolution. The Permittee is the Portuguese American Club of Bethlehem and the event is the 2024 Portuguese Heritage Day Festival. Event times are 5-

10 PM on June 7 and 11 AM to 10 PM on June 8. The duration is 1-10 PM on June 7 and 8 AM to 10 PM on June 8. The specified premises is Rink Street from Brodhead Avenue to the end of the Portuguese American Club Parking lot as shown on an attached exhibit.

President Colón stated that Resolution 10 F is on the agenda.

G City Solicitor – Use Permit Agreement – Christmas City Spirits – Vintage Market

The Clerk read a May 14, 2024 memorandum from Solicitor John F. Spirk, Jr. with an attached Use Permit Agreement and a Resolution. The Permittee is Christmas City Spirits, LLC and the SubPermittee is the Redevelopment Authority of the City of Bethlehem. The event is the Vintage Market. The event times are 11 AM to 4 PM on June 1 and July 6. The duration is 9 AM until 5 PM on June 1 and July 6. The specified premises are locations adjacent to the Sun Inn Courtyard as specified in an attached exhibit.

President Colón stated that Resolution 10 G is on the agenda.

H. City Solicitor – Use Permit Agreement – Holy Infancy Roman Catholic Church – 2024 Holy Infancy Cultural Celebration

The Clerk read a May 14, 2024 memorandum from Solicitor John F. Spirk, Jr. with an attached Use Permit Agreement and a Resolution. The Permittee Holy Infancy Roman Catholic Church, and the event is the 2024 Holy Infancy Cultural Celebration. Event times are 5-10 PM on June 14 and noon to 10 PM on June 15. The duration varies from 8 AM until 11 PM June 10 thru Jun 18. The specified premises are Laufer Street between Pierce and Buchanan Streets; and Pierce Street between E. Packer Avenue and E. 5th Street.

President Colón stated that Resolution 10 H is on the agenda.

I. DCED Business Manager – Contract 2024 31 – Greenway Acquisition Environmental Work – HDR Engineering, Inc.

The Clerk read May 15, 2024 memorandum with a proposed Resolution from DCED Business Manager Tiffany Wismer. Ms. Wismer recommends a contract with HDR Engineering, Inc. of Bethlehem which will use a research firm to provide a regulatory database search as well as other research methods to determine whether environmental contamination is present on a desired site involving the Greenway and surrounding properties. The cost is \$7,500. The work is to be done by June 30, 2024. There are no renewals.

President Colón stated that Resolution 10 M is on the agenda.

7. REPORTS

A. President of Council

7A1. Curative Amendment Hearing – Hanover Apartments (6 PM June 11 – confirmed)

President Colón announced that Council will continue a Curative Amendment Hearing at 6 PM on Tuesday, June 11 in Town Hall. This hearing was requested by BAHX, LLC., which is the equitable owner of property proposed for development as the Hanover Apartments. The Curative Amendment requests removing any building length limitation from the CL District. The First night of this hearing was held on April 30.

B. *Mayor*

Update on Arrest

Mayor Reynolds asked Police Chief Michelle Kott to outline a recent arrest and the firing of a police officer.

Chief Kott said Costas Alestas was arrested last week following allegations that he had inappropriate contact with a minor. He was assigned as the School Resource Officer at East Hills Middle School. Upon receiving a report of misconduct from BASD, City police initiated both a criminal and internal investigation. Sufficient evidence was gathered from the criminal investigation to warrant the arrest. As a result of the internal investigation, his employment was terminated. Chief Kott said that allegations of misconduct are taken seriously. She added that the actions of one officer do not reflect those of all in the Department.

Mayor Reynolds added that the Administration will continue to look within the Police Department and work with BASD to review related internal procedures to do all that it can to make sure that nothing like this happens again.

President Colón said he would entertain questions from Council but cautioned that there is an ongoing investigation and a criminal trial could be pending, so there are certain sensitivities here. He thanked Chief Kott for her report and swift action. He also thanked BASD, the District Attorney's Office, and the Police Department for an arrest and intervention. He agreed that the situation should be examined to determine if policies and procedures related to that job need to change.

Mr. Callahan thanked BASD, the Chief, and the Administration for its transparency.

Ms. Laird asked if a new resource officer has been assigned to the school.

Chief Kott said no. A new officer will be trained over the summer.

Ms. Laird also asked if there is outreach being offered by anyone to those affected.

Chief Kott said that BASD Superintendent Jack Silva has told her that the District is offering support to the students, faculty or anyone affected by these alleged actions.

The Mayor believed that counselors have been available and will continue to be. The District also is planning some guidance for parents on how to talk to their children about this. He added that broken trust is at issue.

Ms. Crampsie Smith said her heart goes out to the victim, families, students in the district and the rest of our police officers.

Recent and Upcoming Events

Mayor Reynolds reported that a new health van was unveiled on Friday at Madison Park. This will offer preventative care, health screening, vaccinations, etc. On Wednesday, the second quarterly Opening Doors meeting was held. This included discussing progress on Choice Neighborhoods, Gateway on Fourth, eviction prevention, and the pilot project on alley houses. This included partners in these programs including North Penn Legal Services and CADCD. Bike to Work was held on Thursday that focused on biking and walking. There was also a return over the weekend of the basketball 3 on 3 tournament. The Mayor also noted the Memorial Day Parade will be held at 9 AM on May 27.

7B1. Administrative Order – 2024-24 – Michael C. Reich – Fire Chief

Mayor Reynolds said that he was recommending the appointment of Michael Reich as Fire Chief, but he first wanted to thank Warren Achey for his more than 30 years in the City's Fire Department, including those served as Chief. The Mayor noted that Chief Reich has been involved in the fire service for 36 years, 24 of which have been with the City. He called him a man of integrity with a passion for service to the City. He has been impressed by his professionalism and excitement toward the job. Chief Reich introduced himself and outlined his background.

Mayor Reynolds appointed Michael C. Reich as Fire Chief effective May 21, 2024. Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2024-112 to confirm the appointment.

All Council members welcomed Chief Reich and noted that he was suitably qualified. Ms. Kwiatek asked about the Communication 6D involving the title of Emergency Management Coordinator with Chief Reich's name assigned to it. She asked if this position is being blended into the role with the Fire Chief.

Mayor Reynolds said yes. This title is consistent with other Third Class cities. This position is being redeveloped.

President Colón echoed the words of the Mayor concerning outgoing Chief Achey. He thanked him for his decades of service to the City.

Voting AYE: Ms. Laird, Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, and Mr. Colón, 7. Resolution passed.

7B2. Administrative Order – 2024-23 – Thomas Ardizzone – Fine Arts Commission

Mayor Reynolds appointed Thomas Ardizzone to the Fine Arts Commission effective May 21, 2024 through December of 2026. Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2024-113 to confirm the appointment.

Voting AYE: Ms. Laird, Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, and Mr. Colón, 7. Resolution passed.

8. ORDINANCES FOR FINAL PASSAGE

A. *Bill No. 16-2024 – Bill No. 16-2024 Budget Adjustments – 2024 Capital Budget for Non-Utilities*

The Clerk read Bill No. 16-2024 Budget Adjustment – 2024 Capital Budget for Non-Utilities sponsored by Ms. Leon and Ms. Crampsie Smith and titled:

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
THE 2024 CAPITAL BUDGET FOR NON-UTILITIES.

Voting AYE: Ms. Laird, Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, and President Colón, 7. Bill No. 16-2024, now known as Ordinance 17-2024, passed on Final Reading.

9. NEW ORDINANCES

None.

10. RESOLUTIONS

A. *Approve Resolution – 2022 08R Rev 1 – Lead Line Replacement Project*

Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2024-114 that authorized to execute all documents and agreements with Michael F. Ronca & Sons, Inc. to replace additional lead service water lines.

Mr. Callahan said he would recuse himself from this vote. He has known the Ronca family for decades. He also received a \$500 campaign contribution from Michael F. Ronca & Sons, Inc.

Voting AYE: Ms. Laird, Ms. Leon, Ms. Wilhelm, and Ms. Crampsie Smith, Ms. Kwiatek, and Mr. Colón, 6; ABSTENTION: Mr. Callahan, 1. The Resolution passed. (Ethics Form submitted to the Clerk.)

B. *Approve Resolution – Redevelopment Assist Capital Program (RACP) – Grant – NMIH*

Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2024-115 that authorized to execute such other agreements and documents as are deemed to be necessary and/or related thereto.

President Colón asked if this is the application or award for the grant.

Ms. Collins said the Commonwealth already has awarded the grant to the City.

President Colón said he has toured the museum and knows that more space was need. It is encouraging to see significant state dollars come through City Hall and going into the community.

Voting AYE: Ms. Laird, Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, and Mr. Colón, 7. The Resolution passed.

C. *Approve Resolution – Greenway Trail Gap Development – Grant*

Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2024-116 that authorized and directed to execute all agreements and documents necessary for the \$250,000 grant through the Pennsylvania Department of Community and Economic Development.

Ms. Laird noted that there have been several recent agenda items concerning the Greenway Gap. She is happy to see that closing this gap is moving forward.

Ms. Leon said the Greenway has been “an economic powerhouse” for the South Side and has been an incredible asset to the City. Closing the gap will allow access down to Saucon Park.

Voting AYE: Ms. Laird, Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, and Mr. Colón, 7. The Resolution passed.

D. *Approve Resolution – Emergency Management Coordinator – Emergency Operations Plan*

Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2024-117 that authorized to adopt the City of Bethlehem Emergency Operations Plan, dated May 21, 2024.

Voting AYE: Ms. Laird, Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, and Mr. Colón, 7. The Resolution passed.

Ms. Laird made a motion, seconded by Mr. Callahan, to consider Use Permit Agreement 10E through 10H as a group.

Voting AYE: Ms. Laird, Ms. Leon, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, and Mr. Colón, 7. The Motion passed.

E. *Approve Use Permit Agreement – Juneteenth LV – 2024 Juneteenth LV Music Festival*

Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2024-118 that authorized to execute a Use Permit Agreement with Juneteenth Lehigh Valley for the 2024 Juneteenth Lehigh Valley Music Festival.

F. *Approve Use Permit Agreement – Portuguese American Club – 2024 Portuguese Heritage Day Festival*

Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2024-119 that authorized and directed to execute a Use Permit Agreement with the Portuguese American Club of Bethlehem for the 2024 Portuguese Heritage Day Festival.

G. *Approve Use Permit Agreement – Christmas City Spirits – Vintage Market*

Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2024-120 that authorized and directed to execute a Use Permit Agreement with Christmas City Spirits, LLC for the Vintage Market.

H. *Approve Use Permit Agreement – Holy Infancy Roman Catholic Church – 2024 Holy Infancy Cultural Celebration*

Ms. Kwiatek and Ms. Leon sponsored Resolution No. 2024-121 that authorized and directed to execute a Use Permit Agreement with Holy Infancy Roman Catholic Church for the 2024 Holy Infancy Cultural Celebration.

Voting AYE: Ms. Laird, Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, and Mr. Colón, 7. Resolutions 10E through 10H passed.

President Colón said he would accept a motion and a second to group consideration of four Certificates of Appropriateness, 10 I through 10 L. Ms. Leon made a motion, seconded by Ms. Wilhelm, to consider the COAs as a group.

Voting AYE: Ms. Laird, Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, and Mr. Colón, 7. Resolutions 10I through 10L passed.

I. *Certificate of Appropriateness – HARB – 422 Heckewelder Place*

Ms. Kwiatek and Ms. Leon sponsored Resolution 2024-122 to repair and replace masonry joints as necessary, replace roof materials, and repaint all surfaces.

J. *Certificate of Appropriateness – HARB – 424 Main Street*

Ms. Kwiatek and Ms. Leon sponsored Resolution 2024-123 to replace slate shingle roofing.

K. *Certificate of Appropriateness – HARB – 450 High Street*

Ms. Kwiatek and Ms. Leon sponsored Resolution 2024-124 to tie existing backyard fencing into new fencing at rear of house. The fence will be aluminum in a color that matches the house.

L. *Certificate of Appropriateness – HARB – 424 Main Street*

Ms. Kwiatek and Ms. Leon sponsored Resolution 2024-125 to replace the sign above the front window.

Voting AYE: Ms. Laird, Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, and Mr. Colón, 7. Resolutions 10 I through 10 L passed.

M. *Approve Resolution – Contract 2024 31 – Greenway Acquisition Environmental Work – HDR Engineering, Inc.*

Ms. Kwiatek and Ms. Leon sponsored Resolution 2024-126 to execute an agreement with HDR Engineering, Inc. to perform research on the environmental history of property.

Voting AYE: Ms. Laird, Ms. Leon, Ms. Wilhelm, Mr. Callahan, Ms. Crampsie Smith, Ms. Kwiatek, and Mr. Colón, 7. The Resolutions passed.

11. ADJOURNMENT

The meeting was adjourned 8:48 PM.

ATTEST:

Tad J. Miller
City Clerk