

# **Minutes of the Council of the City of Easton, Pa.**

**April 7, 2009**

Easton, Pa.  
Tuesday  
April 7, 2009  
6:00 P.M.

City Council met in stated session, at the above time, in the Gold Room of the Grand Eastonian Suites Hotel, 140 Northampton Street, to consider any business that may lawfully be brought before the body.

The invocation was given by Mr. Brown followed by the Pledge of Allegiance

## **ROLL CALL**

Present: Kenneth Brown  
Pamela Panto  
Roger Ruggles  
Sandra Vulcano  
Elinor Warner  
Jeffrey Warren  
Salvatore J. Panto Jr. (7)

Absent: None (0)

Also in attendance were Thomas A. Hess, City Clerk, William Murphy, City Solicitor, Joel Scheer, Assistant City Solicitor, and Glenn Steckman, City Administrator. There were approximately 100 persons present in the audience.

## **APPROVAL OF AGENDA**

Dr. Warner said that several Council members had not seen the proposed contract with andropogon. The City Clerk said that he received the proposed contract on Monday, and had placed it on Council member's desks.

Mayor Panto addressed the background of this matter and explained that the City had just received the contract on Monday, said that the Solicitor had reviewed it.

There was a discussion on removing the proposed Resolution from the Agenda so that Council members could review the contract and take action at the April 22 2009 Council meeting.

From that discussion it was decided that the Agenda would be amended to add a recess on the Agenda right before Item (i) under New Business to allow Council members time to review the proposed contract.

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On motion of Dr. Warner and Dr. Ruggles the Agenda was amended by adding a recess to review the proposed contract with andropogon, on the Agenda before the vote on Item (i) under New Business by the following vote:

Yeas: Brown, P. Panto, Ruggles, Vulcano, Warner, Warren, S. Panto (7)

Nays: None (0)

On motion of Dr. Ruggles and Mrs. Panto the amended Agenda was approved by the following vote:

Yeas: S. Panto, Warren, Warner, Vulcano, Ruggles, P. Panto, Brown (7)

Nays: None (0)

## **ACTION ON MINUTES**

The March 25, 2009 Council meeting minutes were approved as submitted on motion of Dr. Warner and Mrs. Vulcano by the following vote:

Yeas: P. Panto, Ruggles, Vulcano, Warner, Warren, S. Panto, Brown (7)

Nays: None (0)

## **PUBLIC'S RIGHT TO BE HEARD (Agenda Items Only)**

William Marley, 24 N. 2<sup>nd</sup> Street, questioned if andropogon would be paid for the work that they have done so far.

Mayor Panto said that the City would pay for a contract that would begin on April 7, 2009 for work done forward from that date.

## **UNFINISHED BUSINESS**

Action on Legislative Bills

Bill No. 50, (Ordinance 5196) An Ordinance to Amend the Code of the City of Easton, Pa., Chapter 123 thereof, entitled Police Department, by deleting and repealing §123-7 through §123-10 was adopted on motion of Mr. Warren and Mrs. Panto by the following vote:

Yeas: Brown, P. Panto, Ruggles, Vulcano, Warner, Warren, S. Panto (7)

Nays: None (0)

Ordinance 5196 repeals §123-7 through §123-10 in their entirety from the City Code.

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Bill No. 51, (Ordinance 5197), An Ordinance to Amend the Code of the City of Easton, Pa., Chapter 123 thereof, entitled Police Department, by deleting and repealing §123-5 was adopted on motion of Mr. Warren and Mrs. Panto by the following vote:

Yeas: P. Panto, Ruggles, Vulcano, Warner, Warren, S. Panto, Brown (7)

Nays: None (0)

Ordinance 5197 repeals section §123-5 in its entirety from the Code of Easton.

Bill No. 52, (Ordinance 5198), Approving the transfer of funds from the State Special Revenue Grant Fund to the 2008 Combined Capital Fund, was adopted on motion of Dr. Warner and Mr. Warren by the following vote:

Yeas: Ruggles, Vulcano, Warner, Warren, S. Panto, Brown, P. Panto (7)

Nays: None (0)

Ordinance 5198 approved the transfer of \$12,741 from an account number contained in the state Special Revenue Grant Fund to revenue and expenditure account numbers in the 2008 Combined Capital Fund.

### **CORRESPONDENCE**

The following correspondence was received by Council:

(a) Mayor, Executive Order regarding future City action at the Hub Cap Store.

Mayor Panto said that the Executive Order was issued for the protection of the City's Police and Firefighters but would now extend to all City employees and within a matter of weeks he hoped to extend it to the entire public including the owner of the property. He said that a structural analysis had been completed on the building and the result indicated that the building was in such bad repair that the engineer, doing the study, would not go back into the building and did not think that anyone should be allowed in the building.

Mayor Panto distributed a memorandum, entitled 2008 Budget Transfer – Mid Year Adjustments to all of Council members and read the memorandum in its entirety.

### **NEW BUSINESS**

Introduction of Legislative Bills:

Bill 53, An Ordinance providing that Exhibit A of the 1976 Agreement, as amended by the 1988 Agreement, by and between the Easton Area Joint Sewer Authority and its member municipalities is hereby amended to include as common use facility the

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following sewer line: Adamson Street Sewer Line between forethought alley (Mary's Alley) and the intersection of Keystone Avenue and Seventh Street was introduced by Dr. Warner and ordered processed for adoption.

This Bill would include Adamson Street Sewer Line between Mary's Alley and the intersection of Keystone Avenue and Seventh Street in the original 1976 Agreement with the Easton Are Joint Sewer Authority.

Bill No. 54, Amending Section 410-2, Peace Nuisances, of Chapter 410, Peace and Good Order, of the Code of the City of Easton, Pa., was introduced by Mr. Warren and ordered processed for adoption.

This Bill would amend Section 410-2 of the City's Code by establishing a sub-section to place an age ban on Centennial and Vandevere playgrounds.

A March 26, 2009 memorandum, regarding a Phillips Street Sanitary Sewer Extension was received from Joseph Mauro, City Engineer.

The next item on the Agenda was a proposed Resolution which would approve an Improvements Agreement with P.T.S. Holding Co. Inc.

The following Resolution was introduced by Dr. Warner:

52-2009

Dr. Warner said that the cost would be paid by the Developer and not by the City.

The above Resolution was adopted on motion of Dr. Warner and Mrs. Vulcano by the following vote:

Yeas: Vulcano, Warner, Warren, S. Panto, Brown, P. Panto, Ruggles (7)

Nays: None (0)

A March 27, 2009 memorandum, regarding Curb Ramp Replacements was received from Joseph Mauro, City Engineer.

The next item on the Agenda was a proposed Resolution that would approve an Easement Agreement, between the City and the 100 North Third Street Development L.P.

The following Resolution was introduced by Dr. Warner:

53-2009

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The above Resolution was adopted on motion of Dr. Warner and Mr. Warren by the following vote:

Yeas: Warner, Warren, S. Panto, Brown, P. Panto, Ruggles, Vulcano (7)  
Nays: None (0)

A March 26, 2009 memorandum, regarding a Stormwater Management Agreement was received from Joseph Mauro, City Engineer.

The next item on the Agenda was a proposed Resolution that would approve a Storm Water Runoff Control Facilities and Maintenance Agreement with William McConlogue.

The following Resolution was introduced by Dr. Warner:

54-2009

Mayor Panto asked if the handwritten changes made to the proposed agreement had to be initialized by the developer.

Mr. Murphy said that the developer made those changes, and that the City would be voting on the Agreement with the changes made by the developer.

Dr. Warner said that this was a homeowner that was having problems with stormwater runoff into his residence, and has paid for the problem to be solved.

The above Resolution was adopted on motion of Dr. Warner and Dr. Ruggles by the following vote:

Yeas: Warren, S. Panto, Brown, P. Panto, Ruggles, Vulcano, Warner (7)  
Nays: None (0)

The next item on the Agenda was a proposed Resolution that would approve a one year office building lease agreement with Collegiate Empowerment Company Inc.

The following Resolution was introduced by Mr. Brown:

55-2009

The above Resolution was adopted on motion of Mr. Brown and Mr. Warren by the following vote:

Yeas: S. Panto, Brown, P. Panto, Ruggles, Vulcano, Warner, Warren (7)  
Nays: None (0)

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A March 31, 2009 memorandum, regarding City Council Agenda Items was received from David Hopkins, Director of Public Works.

The next item on the Agenda was a proposed Resolution that would authorize the City to apply for a Department of Conservation and Natural Resources Grant.

The following Resolution was introduced by Dr. Warner:

56-2009

Dr. Warner explained what the grant funds would be used for at Heil Park.

The above Resolution was adopted on motion of Dr. Warner and Dr. Ruggles by the following vote:

Yeas: Brown, P. Panto, Ruggles, Vulcano, Warner, Warren, S. Panto (6)

Nays: None (0)

The next item on the Agenda was a proposed Resolution that would approve Swimming Pool Fees for the 2009 Season.

The following Resolution was introduced by Dr. Warner:

57-2009

Dr. Warner explained that the general fees remained the same as 2008 but that a new discounted fee was added for persons using the pool after 4:30 p.m.

The above Resolution was adopted on motion of Dr. Warner and Mrs. Vulcano by the following vote:

Yeas: S. Panto, Warren, Warner, Vulcano, Ruggles, P. Panto, Brown (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would authorize W. Glenn Steckman, to execute for an in behalf of the City FEMA forms.

The following Resolution was introduced by Mayor Panto:

58-2009

The above Resolution was adopted on motion of Mayor Panto and Mr. Warren by the following vote:

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Yeas: P. Panto, Ruggles, Vulcano, Warner, Warren, S. Panto, Brown (7)

Nays: None (0)

At 6:26 p.m., Council took a recess to review the proposed Contract with andropogon.

At 6:35 p.m. Mayor Panto called the meeting back to order.

The next item on the Agenda was a proposed Resolution that would approve a Professional Services Agreement with andropogon.

The following Resolution was introduced by Mrs. Panto:

59-2009

Dr. Warner asked a question regarding Phase VI of the Agreement and the cost for that Phase, which was answered by David Hopkins, Director of Public Works, and Carol Franklin a representative from andropogon.

The above Resolution was adopted on motion of Mrs. Panto and Mr. Warren by the following vote:

Yeas: Ruggles, Vulcano, Warner, Warren, S. Panto, Brown, P. Panto (7)

Nays: None (0)

Mayor Panto explained that he and his staff have been working on the KOZ matter and said that it needed to be place back on Council's Agenda because what Council did at the last Council meeting, and what he presented to the School Board, was not approved by the State. He said that the State would not allow a menu of options. He said that it was their law or no law. He said that the City would have to revert back to the original Resolutions that all members had received. He said that the City had selected, what they felt, were the two most important sites to be extended and the two most important sites to be added.

The next item on the Agenda was a proposed Resolution which would approve a ten year extension for the Riverwalk Project and the Marquis Theatre in the KOZ Zone.

The following Resolution was introduced by Mrs. Vulcano:

60-2009

Mrs. Vulcano made comments concerning the need for a Keystone Opportunity Zone.

All other Council members made comments on the KOZ matter and Dr. Warner explained why she would be voting no for the extension resolution.

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The above Resolution was adopted on motion of Mrs. Vulcano and Mr. Warren by the following vote:

Yeas: Brown, P. Panto, Ruggles, Vulcano, Warren, S. Panto, (6)

Nays: Warner (1)

The next item on the Agenda was a proposed Resolution for a new KOZ Zone.

The following Resolution was introduced by Mrs. Vulcano:

61-2009

The above Resolution was adopted on motion of Mrs. Vulcano and Mr. Warren by the following vote:

Yeas: S. Panto, Warren, Warner, Vulcano, Ruggles, P. Panto, Brown (7)

Nays: None (0)

**CITIZEN'S RIGHT TO BE HEARD**

Zeke Zelker, 253 Patterson Walk, Forks Township, spoke regarding his concerns with removing properties from the Keystone Opportunity Zone around the Waterfront Project Area.

Mayor Panto said that 118 Northampton Street was not taken off the KOZ, it was just not extended.

Richard Adams 20 Chestnut Ridge Circle, spoke to Council regarding what had been happening on Wall Street in the past sixteen months.

William Marley 64 N. 2<sup>nd</sup> Street, made remarks regarding the KOZ and the extension.

Randy Dellavechia, 100 Northampton Street, and 42 S. 11<sup>th</sup> Street, spoke regarding perceived City roadblocks regarding the selling of a property at 42 S. 11<sup>th</sup> Street.

Mayor Panto said that he and Ms. Bradley would check on this matter and meet with her.

Ms. Dellavechia spoke on her concerns with making Larry Holmes Drive one lane in either direction from Northampton Street to South Third Street.

Marie Tipton, 140 Northampton Street spoke regarding her concerns with two vacant properties on the 100 block of Northampton Street.

Mayor Panto replied on what the City had been doing and would do concerning those properties.

Steve Heyman, 140 Northampton Street asked questions on how long a property owner could do no repairs or updates to a building that he/she owns, which were answered by Mayor Panto.

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**ADJOURNMENT**

With no further business, the meeting was adjourned at 6:59 p.m. on motion of Mrs. Vulcano and Dr. Ruggles by the following vote:

Yeas: Brown, P. Panto, Ruggles, Vulcano, Warner, Warren, S. Panto (7)

Nays: None (0)

Thomas A. Hess, City Clerk