

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

April 13, 2016

Easton, Pa
Wednesday
April 13, 2016
6:00 p.m.

City Council met in stated session at the above date and time, in Council Chambers, located on the third floor of City Hall, 123 S. 3rd Street, Easton Pa., to consider any business that may lawfully be brought before the body and to conduct a Public Hearing regarding supporting a Cooperative Agreement with GEDP for a Commonwealth Keystone Communities Grant.

The invocation was given by Dr. Ruggles followed by the Pledge of Allegiance.

ROLL CALL

Present: Brown, Edinger, Melan, O'Connell, Ruggles, Vulcano (6:23 p.m.), Panto, (by phone)
(7)
Absent: None (0)

Also in attendance were Rita Messa, Assistant City Clerk, and William Murphy, City Solicitor. There were twenty-three other persons present.

APPROVAL OF AGENDA

On motion of Dr. Ruggles and Mr. Melan, the Agenda was approved by the following vote:

Yeas: Brown, Edinger, Melan, O'Connell, Ruggles, Panto (6)
Nays: None (0)

ACTION ON MINUTES

On motion of Dr. Ruggles and Mr. O'Connell the March 23, 2016 Council Meeting minutes, as submitted, were approved by the following vote:

Yeas: Edinger, Melan, O'Connell, Ruggles, Panto, Brown (6)
Nays: None (0)

RESOLUTIONS

The next items on the Agenda were two proposed Resolutions recognizing the deaths of Richard Cunningham and Frank Messa, two former City Employees.

The following Resolution was introduced by Dr. Ruggles:

50-2016

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

Yeas: Brown, Edinger, Melan, O'Connell, Ruggles, Panto (6)
Nays: None (0)

Mayor Panto spoke regarding the Cunningham's family service to the City and its citizens and Dr. Ruggles spoke regarding the excellent condition of the Water Treatment Plant and said that it was a testimony to the workers.

Mr. William Cunningham was presented with a framed Resolution.

Mr. Cunningham thanked the Mayor and Council for recognizing his brother's service to the City and stated that his brother was a lifelong resident of the City.

The following Resolution was introduced by Mr. Melan:

51-2016

The above Resolution was adopted on motion of Mr. Melan and Mr. O'Connell by the following vote:

Yeas: Edinger, Melan, O'Connell, Ruggles, Panto, Brown (6)
Nays: None (0)

Mayor Panto spoke regarding the Messa family, Mr. Messa's help to him when he first was elected Mayor, and expressed his condolences to the Messa family.

Mr. Frank Messa Jr. was presented with a framed Resolution.

PUBLIC HEARING
Supporting a Cooperative Agreement with GEDP for a Commonwealth Keystone Communities Grant.

Mr. Brown opened the Public Hearing and asked for any comments or questions from Council members.

Dr. Ruggles related concerns he had with the oversight of the expenditures of the proposed grant. He said that the document stated that the City was responsible for any funds that were allocated which the state says do not fall within the guidelines of the grant. He asked if the City had any oversight to ensure that those funds were being distributed appropriately so that the City did not have to repay monies. He said that this grant also required a match and wanted to know where the match was coming from.

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Mayor Panto said that the City did have oversight with Tina Roseberry. He said that the City approves the process the applications to make sure that DCED regulations were being followed. He said that the match funds were coming from GEDP.

There were no comments or questions from the audience.

Mr. Brown closed the hearing at 6:30 p.m.

PUBLIC COMMENT **AGENDA ITEMS ONLY**

There were no questions or comments from the audience.

CONSENT AGENDA

On motion of Dr. Ruggles and Mr. Melan, the following items were adopted by the following vote:

Bill 8, (Ordinance 5544) An Ordinance vacating Church Street from North Sixth Street to Hester Street, and repealing Ordinances inconsistent herewith. This Bill authorizes the vacation of a portion of Church Street between N. 6th Street and Hester Street.

Bill 11, (Ordinance 5545) Amending Ordinance 5469, Amending Article III, Traffic Control Map, of Chapter 560, Vehicles and Traffic, of the Code of the City of Easton, Pa. This Bill adds the 900 block of Spruce Street onto the list of parking restrictions on Tuesday between the hours of 8:00 a.m. to 12:00 p.m. for Garbage Pick-Up.

Bill 12, (Ordinance 5546) Repealing Chapter 539, Taxicabs, of the Code of the City of Easton, Pa. This Bill repeals Chapter 539 in its entirety from the City's Codes.

Bill 13, (Ordinance 5547) Providing revenues and appropriating specific sums to be required for the Other Post-Employment Benefits Fund during the Fiscal Year 2016. This Bill provides revenues and appropriating specific sums in the amount of \$25,000 for the Other Post-Employment Benefits Fund for 2016.

Bill 14, (Ordinance 5548) Amending the 2015 General Fund Budget. This Bill amends the 2015 General Fund Budget by increasing revenues and expenditures by \$750,000.00

Bill 15, (Ordinance 5549) Amending the 2015 Health Benefits Fund Budget. This Bill amends the 2015 Health Benefits Fund Budget by increasing revenues and expenditures by \$600,000.00.

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Bill 16, (Ordinance 5550) Amending the 2015 Property Insurance Casualty Fund Budget. This Bill amends the 2015 Property Insurance Casualty Fund Budget by increasing revenues and expenditures by \$125,000.00.

Resolution 52-2016, which approved reappointments and appointments to various Authorities, Boards and Commissions.

Yeas: Panto, Brown, Edinger, Melan, O'Connell, Ruggles (6)

Nays: None (0)

REPORTS RECEIVED BY COUNCIL

There were no reports received by Council.

REPORTS OF COMMITTEES

Mr. Brown, Chairperson of the Finance Committee, spoke regarding legislation which he would have for later in the meeting regarding amending the 2016 Salary and Wage Resolution and approving the Job Description for the Cash Management Supervisor

Mrs. Vulcano, Chairperson of the Economic Development Committee, was not in attendance as of this time.

Mr. O'Connell, Chairperson of the Planning and Code Committee had no report.

Mr. Melan, Chairperson of the Public Safety Committee, spoke regarding legislation which he would have, for later in the meeting, regarding an Ordinance to amend the Traffic Control Map.

Dr. Ruggles, Chairperson of the Public Works Committee reported that a Public Works Committee meeting would be held on Tuesday, May 10, 2016 to present an update to Council regarding multiple projects, which are scheduled through the Public Works Department, for over the summer months.

Mr. Edinger, Chairperson of the Administration Committee, had no report.

Mr. Murphy, City Solicitor, had no report.

Mayor Panto invited all of Council to the ribbon cutting for the opening of the Public Market, 325 Northampton Street, on Friday, April 15, 2016

CORRESPONDENCE

There was no correspondence received.

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UNFINISHED BUSINESS

On motion of Mr. Brown and Mr. Melan, a proposed Resolution, tabled on March 23, 2016, which would approve a Right-of-Way Encroachment Agreement, was brought back before Council by the following vote:

Yeas: Edinger, Melan, O'Connell, Ruggles, Panto, Brown (6)

Nays: None (0)

The following Resolution was introduced by Dr. Ruggles:

53-2016

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

Yeas: Edinger, Melan, O'Connell, Ruggles, Panto, Brown (6)

Nays: None (0)

NEW BUSINESS

Bill 17, Approving a Lease Agreement and an Addendum to the Lease Agreement between the City of Easton and LVL Co., LLC, was introduced by Mayor Panto and ordered processed for adoption.

Dr. Ruggles said that the Agreement listed the old address of City Hall and that the new address should be inserted in the Agreement.

An April 5, 2016 memorandum, regarding Council Agenda Items was received from David Hopkins, Director of Public Works.

Bill 18, An Ordinance Opening and Dedicating to Public Use and Establishing Right-of-Way widths and accepting and dedicating the Storm Water and Sanitary Sewer Collection Systems and the Street lighting system within the area known as Silk Mill Development, was introduced by Dr. Ruggles and ordered processed for adoption.

This Bill would accept Simon Boulevard for public use, accept the storm water collection system and sanitary sewer collection system within the cart-way of Simon Boulevard, and accept the street lighting system within the right-of-way of Simon Boulevard.

Dr. Ruggles said that the City had a blanket easement for all the utilities in that area.

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Bill 19, Amending Article III, Traffic Control Map, of Chapter 560, Vehicles and Traffic of the Code of the City of Easton, Pa. was introduced by Mr. Melan and ordered processed for adoption.

This Bill would remove a "Scooter Parking Only" zone on the 300 block of Church Street and replace it with a "Load/Unload" zone.

The next item on the Agenda was a proposed Resolution which would approve a Settlement Agreement and Full and Free Release of all claims, between the City and Pennsylvania Media, LLC, Abraham Atiyeh and Easton School Development, LP.

The following Resolution was introduced by Mayor Panto:

54-2016

Mr. Murphy said that Council Person Melan contacted him earlier in the day and indicated that the recipient of this agreement was also a campaign contributor in the amount of 10% of his campaign funds, when he ran for office. He said that there was a potential conflict of interest and under the 3rd Class City Code there is a provision that as long as there is a Conflict of Interest brought before Council and disclosed to the public, a vote must be taken by Council members to permit Mr. Melan to abstain from voting.

On motion of Mr. Brown and Mr. O'Connell Mr. Melan was allowed to abstain from voting on the above Resolution by the following vote:

Yeas: O'Connell, Ruggles, Panto, Brown, Edinger, Vulcano (6)

Nays: None (0)

Mr. O'Connell said that he did not know a lot about the Settlement as some of the other members of Council, and felt that what the City was giving up a lot. He said that he was concerned about voting in favor of it, and wanted to hear some comments from other Council members, the Solicitor or the Mayor.

Mayor Panto said that he did not think that anyone on Council was happy with the Settlement. He explained the lawsuit and said that a Settlement with Mr. Atiyeh was agreed to at the hearing with the Federal Judge. He said that the concern was not regarding the damages that could have been levied against the City, but the City could have been liable for all of their legal fees which could have been between \$400,000 and \$500,000 alone. He said that that Mr. Atiyeh originally wanted 20 years, and he got 10 years. He said that it was not money that was costing the City. He said that his only concern was that in the agreement they have until June to get all of their approvals and did not think they would get all of their approvals from the Bridge Commission, Penn DOT or the EPA. He said that if they did not get those approvals it is back to square one. He said that he felt that this was a fair settlement.

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Dr. Ruggles said that Council, at that time, traveled down to Federal Court, sat and discussed this issue, and said, as the Mayor said, there were multiple potential issues that the City might face in the process. He said that this particular Resolution seemed to be at least the most efficient way of handling this issue.

Mr. Brown said that the Federal District Judge was very much on board with this settlement.

Mr. Murphy said that he agreed with everything that had been said. He said that he believed that this was a fair settlement and that the City is not admitting any liability or responsibility under these circumstances and was totally for the settlement and settled negotiations. He said that the agreement did not affect the lease agreement, which was introduced earlier in the meeting, and went hand-in-hand with a settlement in full. He said that there was a contingency that they must get all of the necessary approvals for the posting and the approval from Penn DOT for the Billboard.

Mr. Melan asked if they did not get their approvals who does the City negotiate with.

Mr. Murphy said that would take everything back to the beginning before Federal Court and it begins all over again.

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

Yeas: O'Connell, Ruggles, Vulcano, Panto, Brown, Edinger (6)

Nays: None (0)

Abstain: Melan (1)

An April 1, 2016 memorandum, regarding a Salary Resolution was received from Cassandra Williams, Director of Finance.

The next item on the Agenda was a proposed Resolution which would amend the Salary and Wage Resolution by changing the title of Chief Cash Management Supervisor and the salary of \$72,102 to Cash Management Supervisor with a salary of \$50,000.

The following Resolution was introduced by Mr. Brown:

55-2016

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

Yeas: O'Connell, Ruggles, Vulcano, Panto, Brown, Edinger, Melan (7)

Nays: None (0)

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The next item on the Agenda was a proposed Resolution which would approve the job description for the Cash Management Supervisor:

The following Resolution was introduced by Mr. Brown:

56-2016

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

Yeas: Ruggles, Vulcano, Panto, Brown, Edinger, Melan, O'Connell (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would approve a cooperation agreement between the City of Easton and the Greater Easton Development Partnership.

The following Resolution was introduced by Mrs. Vulcano:

57-2016

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

Yeas: Vulcano, Panto, Brown, Edinger, Melan, O'Connell, Ruggles (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would approve an Interlocal Participation Agreement with the National Purchasing Cooperative.

The following Resolution was introduced by Dr. Ruggles:

58-2016

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

Yeas: Panto, Brown, Edinger, Melan, O'Connell, Ruggles, Vulcano (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would authorize the application for a Department of Conservation and Natural Resources grant.

The following Resolution was introduced by Dr. Ruggles;

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59-2016

The above Resolution was adopted on motion of Dr. Ruggles and Mr. O'Connell by the following vote:

Yeas: Brown, Edinger, Melan, O'Connell, Ruggles, Vulcano, Panto (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would approve an Agreement between the City and the Easton Suburban Water Authority for a License for Special Connection – for an Interior Automatic Sprinkler System.

The following Resolution was introduced by Dr. Ruggles:

60-2016

The above Resolution was adopted on motion of Dr. Ruggles and Mr. O'Connell by the following vote:

Yeas: Edinger, Melan, O'Connell, Ruggles, Vulcano, Panto, Brown (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would waive Parking Meter fees for on street metered parking spaces and surface lots on April 15, 16 and 17, 2016.

The following Resolution was introduced by Mayor Panto:

61-2016

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

Yeas: Melan, O'Connell, Ruggles, Vulcano, Panto, Brown, Edinger (7)

Nays: None (0)

PUBLIC COMMENT
(On any item)

Matthew Marks, 1805 Briarwood Drive, Bethlehem, Pa., the Government Affairs Director for the Greater Lehigh Valley Realtors, spoke to Council regarding the Buyer Notification Inspection process that is conducted by the Codes Department. He said that more than Health and Safety issues were being addressed which turned potential buyers away from the City. He said that his organization was willing to work with the City to address this problem.

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Stephen Nowroski, Director of Codes said that the Buyer's Notification Inspection had been a part of the City's Code Program since the early 1980's. He said that the program was amended in 2014 as far as what was inspected. He said that it was very hard for his people to go and do inspections and overlook violations of the Code. He said that he has reviewed inspections reports from Allentown and Bethlehem and spoke regarding their reports. He said that he was willing to work with the program.

Mayor Panto and Councilmembers spoke regarding Mr. Marks concerns, Mr. Nowroski's comments, the inspections and the Inspection program itself, and felt that a sit down meeting, with all concerned, was necessary to hear all sides and to make some needed decisions and or amendments to the City ordinances.

Rich Hieshetter, 301 W. Monroe Street, spoke to Council regarding the possibility of lead contamination in the City's water pipes and wanted to know what the City was doing to address this problem.

Council members and Mayor Panto addressed Mr. Hieshetter's concerns and regarding the condition of the City's water.

ADJOURNMENT

With no further business, the meeting was adjourned at 7:20 p.m., on motion of Mrs. Vulcano and Mr. Melan by the following vote:

Yeas: Melan, O'Connell, Ruggles, Vulcano, Brown Edinger (6)

Nays: None (0)



Rita Messa, Assistant City Clerk



CITY OF EASTON

PENNSYLVANIA

April 7, 2016

MEETING NOTICE

The meeting of Easton City Council has been scheduled for Wednesday, April 13, 2016, for general business and to conduct a Public Hearing regarding supporting a Cooperative Agreement with GEDP for a Commonwealth Keystone Communities Grant.

The meeting will be held in Council Chambers, located on the 3rd Floor of City Hall, 123 S. 3rd Street, Easton, Pa. and will begin at 6:00 p.m.

All meetings of City Council are open to the Public and are accessible to persons with disabilities.


Thomas A. Hess
City Clerk

CITY COUNCIL
AGENDA

Stated Session
Wednesday
April 13, 2016
6:00 P.M.

1. CALL TO ORDER
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL
5. APPROVAL OF AGENDA
6. ACTION ON MINUTES – March 23, 2016 Council Meeting Minutes
7. RESOLUTION – Recognizing the deaths of
 1. Richard J. Cunningham.
 2. Frank Messa
8. PUBLIC HEARING- Supporting a Cooperative Agreement with GEDP for a Commonwealth Keystone Communities Grant.
9. PUBLIC COMMENT (Agenda Items Only)
10. CONSENT AGENDA
 1. Bill 8, An Ordinance vacating Church Street from North Sixth Street to Hester Street, and repealing Ordinances inconsistent herewith.
 2. Bill 11, Amending Ordinance 5469, Amending Article III, Traffic Control Map, of Chapter 560, Vehicles and Traffic of the Code of the City of Easton, Pa.
 3. Bill 12, Repealing Chapter 539, Taxicabs, of the Code of the City of Easton, Pa.
 4. Bill 13, Establishing the Other Post-Employment Benefits Fund Budget.
 5. Bill 14, Amending the 2015 General Fund Budget.
 6. Bill 15, Amending the 2015 Health Benefits Fund Budget.
 7. Bill 16, Amending the 2015 Property & Casualty Insurance Fund Budget.
 8. Resolution approving Appointments and Reappointments to ABC's.
11. REPORTS RECEIVED BY COUNCIL
12. REPORTS OF COMMITTEES
 - (a) Finance (Kenneth Brown)
 - (b) Economic Development (Sandra Vulcano)
 - (c) Planning and Code (David O'Connell)
 - (d) Public Safety (Peter Melan)
 - (e) Public Works (Roger Ruggles)
 - (f) Administration (James Edinger)

-OVER-

- (g) Report of City Solicitor (Attorney William Murphy)
- (h) Report of Mayor (Salvatore J. Panto Jr.)

13. CORRESPONDENCE

14. UNFINISHED BUSINESS

- (a) Resolution approving a Right-of-Way Encroachment Agreement.

15. NEW BUSINESS

- (a) Introduction of Legislative Bills

1. Bill 17, Approving a Lease Agreement and an Addendum to the Lease Agreement between the City of Easton and LVL Co. LLC.
2. Bill 18, Opening and dedicating to public use and establishing right-of-way widths and accepting and dedicating the Storm Water and Sanitary Sewer Collections Systems and the street lighting system within the area know as Silk Mill Development.
3. Bill 19, Amending Article III, Traffic Control Map, of Chapter 560, Vehicles and Traffic of the Code of the City of Easton, Pa.

- (b) Resolution approving a Settlement Agreement and Full Release of All Claims.

- (c) Resolution amending the 2016 Salary and Wage Resolution.

- (d) Resolution approving the Cash Management Supervisor Job Description.

- (e) Resolution approving a Cooperation Agreement.

- (f) Resolution approving an Interlocal Participation Agreement.

- (g) Resolution authorizing application for a DCNR Grant.

- (h) Resolution approving a License for Special Connection Agreement with ESWA.

- (i) Resolution waiving parking meter fees.

16. PUBLIC COMMENT – (Any Matter)

17. ADJOURNMENT