

Minutes of the Council of the City of Easton, Pa.
April 13, 2011

Easton, Pa
Wednesday
April 13, 2011
6:00 p.m.

City Council met in stated session at the above date and time in the 6th Floor Conference Room of City Hall, One S. Third Street, Easton, Pa. to consider any business that may lawfully be brought before the body and to conduct a hearing regarding the Historic District Commission's recommendation to deny a Certificate of Appropriateness for window replacements at 2 Bennett Court.

The invocation was given by Mayor Panto followed by the Pledge of Allegiance.

Roll Call

Present: Brown, Fleck, Ruggles, Vulcano, Warner, Warren, Panto (7)
Absent: None (0)

Also in attendance were Rita Messa Assistant City Clerk, William K. Murphy, City Solicitor, and Beth Knickerbocker, Assistant City Solicitor. There were forty-two other persons present.

APPROVAL OF AGENDA

On motion of Dr. Ruggles and Mr. Brown the agenda was amended by adding a presentation by representatives of the Easton Area Community Center, by the following vote:

Yeas: Panto, Warren, Warner, Vulcano, Ruggles, Fleck, Brown (7)
Nays: None (0)

On motion of Dr. Warner and Mr. Fleck the amended Agenda was approved by the following vote:

Yeas: Brown, Fleck, Ruggles, Vulcano, Warner, Warren, Panto (7)
Nays: None (0)

ACTION ON MINUTES

On motion of Mrs. Vulcano and Mr. Fleck the March 23, 2011 Council Meeting minutes were approved as submitted by the following vote:

Yeas: Brown, Fleck, Ruggles, Vulcano, Warner, Warren, Panto, (7)
Nays: None (0)

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SWEARING IN OF PROMOTED FIREFIGHTERS

At this time Mayor Panto swore in two promoted Fire fighters; Henry Hennings as Fire Captain and Jeffrey Mutchler as Fire Lieutenant.

Mayor Panto, Mr. Warren, and Fire Chief John Bast, thanked all fire fighters for their service to the City, to the firefighters in attendance for showing their support, the members of the Fire Civil Service Board for their service to the City and its citizens, and wished the best to the two recently promoted firefighters.

CERTIFICATES OF APPRECIATION

At this time Mayor Panto presented A Certificate of Appreciation to Wayne Unangst, a recently retire Firefighter, for his years of service to the City and its citizens.

Mayor Panto and Mr. Brown spoke regarding Mr. Unangst's service to the City and its citizens.

Mr. Unangst thanked the City for the honor bestowed on him and said that he was proud to have been a member of the Fire Department.

CITIZENS RIGHT TO BE HEARD (Agenda Items Only)

There were no remarks from the audience.

REPORTS RECEIVED BY COUNCIL

The following report was received by Council.

- (a) Monthly Fire Report for March 2011.

Mayor Panto accepted the above report on behalf of Council.

REPORTS OF COMMITTEES

Mr. Brown, Chairman of the Finance Committee spoke regarding legislation which would be before Council later in the meeting.

Mrs. Vulcano, Chairman of the Economic Development Committee reported that the City's Main Street Economic Revitalization Committee has been printing and hanging signs in vacant properties to assist in filling those properties. She said that this program has been successful.

Dr. Ruggles, Chairman of the Planning Committee reported that he had attended the Lehigh Valley Planning Commission meeting and reported what had been discussed.

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Mr. Warren, Chairman of the Public Safety Committee spoke regarding legislation that would be before Council later in the meeting.

Dr. Warner, Chairman of the Public Works Committee reported that the City had been awarded two grants from the Department of Conservation and Natural Resources for the City wide Street Tree inventory, the other for shoring up the steep slope on Smith Avenue, and spoke regarding legislation that would be before Council later in the meeting.

Mayor Panto spoke regarding the grant for Smith Avenue

Mr. Warren asked if the Street light brightness was being addressed with the replacement lights. Dr. Warner said that it was.

There was a discussion between Council members regarding the street light brightness issue. Mayor Panto said that the changing of the street light bulbs would save the City 600,000 kilowatt hours of electricity per year.

Mr. Fleck, Chairman of the Administration Committee reported that the proposed Same Sex Benefits ordinance was discussed at the April 12, 2011 Council Committee meeting and said that he would be meeting with the City Solicitor to review needed changes to the proposed Ordinance so that Council could take action on the Bill. He spoke on the Chansonnette Fringe Fest, and apologized for his recent parking ticket situation.

Mr. Murphy, City Solicitor reported that he had been working with Mr. Brown and the Codes Department on a complaint by a City landlord.

Ms. Knickerbocker, Assistant Solicitor, had no report.

Mayor Panto had no report.

PUBLIC HEARING
2 BENNETT COURT

At 6:21 p.m. a Public Hearing was held regarding the Historic District Commission's recommendation to deny a Certificate of Appropriateness for window replacements at 2 Bennett Court.

Mr. Murphy, City Solicitor, presented a brief overview of what happened and what had been decided on January 10, 2011 at the Historic District Commission meeting, at the February 9, 2011 City Council Public Hearing, and spoke regarding items that were presented to Council, by Mr. DiGirolamo, owner of 2 Bennett Court on February 23, 2011.

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He said that at tonight's hearing Council would find out if Bennett Court was a private or public road and to hear any additional new testimony or to receive any new submissions which may be entered by the City or Mr. DiGirolamo.

There were no questions or comments made by Council members to Mr. Murphy.

Christine Ussler, Historic Consultant for the Historic District Commission said that it was determined that Bennett Court was a public right-of-way and that the Commission had jurisdiction over twelve windows, which could be seen by the public. She said that at the February 14, 2011 Commission meeting this application was readdressed and that the proposed vinyl windows were not historically appropriate for the Historic District and the application was denied.

There were questions asked and comments made by Council members regarding testimony given by Mr. DiGirolamo at the February 14, 2011 Commission meeting, the existing City Ordinances, alternative windows, reviewing process, and window applications received by the Commission, which were answered by Ms. Ussler.

Council members asked questions regarding home owners, in the Historic District, replacing windows with vinyl windows and being made to replace them, regarding how the City confirmed that Bennett Court was a public thoroughfare, and if there were any building lots near or next to 2 Bennett Court, which were answered by Cindy Cawley, Chief Codes Administrator.

Mr. William Dohe, a member of the Historic District Commission spoke regarding the insight and the feelings of the Commission on any case dealing with windows and the Commission's flexibility, standards that were followed, and how this case applied to other decisions that were made in the past, and spoke regarding the City's energy efficiency program.

Mayor Panto asked Mr. DiGirolamo if there was anything he wished to present.

Mr. DiGirolamo declined to testify or offer any evidence.

On motion of Dr. Warner and Dr. Ruggles the Agenda was further amended by moving the vote on Item 16 (i) to this time in the meeting as opposed to later in the meeting, by the following vote:

Yeas: Panto, Warren, Warner, Vulcano, Ruggles, Fleck, Brown (6)
Nays: None

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

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Yeas: Brown, Fleck, Ruggles, Vulcano, Warner, Warren, Panto (7)
Nays: None

The following Resolution was introduced by Dr. Ruggles:

40-2011

Mr. Warren said that he felt that the Historic District Ordinance should be amended to deal with situations such as this.

Dr. Ruggles said that he had attended the April 11, 2011 Historic District Commission meeting and said that he was impressed with the way the Commission worked with individuals on their applications and individual cases.

Dr. Warner said that Commission was created by law, passed by City Council after a great deal of discussion, that the law must be upheld and exceptions should not be created.

Mayor Panto said that we have a beautiful City, that it the buildings that have historical value must be protected, and that new buildings should represent the 21st Century with good street design and that the Historic District Commission has done that.

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

Yeas: Vulcano, Warner, Warren, Panto, Brown, Fleck, Ruggles (7)
Nays: None (0)

Mayor Panto closed the hearing at 6:52 P.M.

UNFINISHED BUSINESS

Bill No. 5, (Ordinance 5304) Amending Section 56-58, Meter Zones, of Article XI, On-Street Metered Parking, of Chapter 560, Vehicles and Traffic of the Code of the City of Easton, Pa. was adopted on motion of Mr. Warren and Dr. Warner by the following vote:

Yeas: Brown, Fleck, Ruggles, Vulcano, Warner, Warren, Panto (7)
Nays: None (0)

Ordinance 5304 established a new Meter Zone on the south side of Larry Holmes Drive from S. 3rd Street to Northampton Street.

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Bill No. 6, (Ordinance 5305) Amending Section 285-29, B, Stopping, standing and parking, Part 3, Parking meter zone rates, of Chapter 285, Fees, of the Code of the City of Easton, Pa. was adopted on motion of Mr. Warren and Dr. Ruggles by the following vote:

Yeas: Fleck, Ruggles, Vulcano, Warner, Warren, Panto, Brown (7)

Nays: None (0)

Ordinance 5305 established a charge of \$.50 per hour/ 10 hour parking limit for the meters on the Southside of Larry Holmes Drive from S. 3rd Street to Northampton Street.

CORRESPONDENCE

Council received no correspondence.

NEW BUSINESS

An April 1, 2011 memorandum regarding the next Council meeting was received from W. Glenn Steckman, City Administrator.

The next item on the Agenda was a proposed Ordinance which would approve a 1st amendment to a Collocation Agreement with T-Mobile Northeast LLC.

Dr. Ruggles asked if T-Mobile was adding hardware up on the roof of City Hall and if they were would this impede on other communication systems on the roof.

Mayor Panto said that they were, but did not know the answer regarding the impedance of other communication systems.

Bill No. 7, Approving a 1st Amendment to a Collocation Agreement between the City of Easton and Omnipoint communications Inc., now T-Mobile Northeast LLC. was introduced by Mr. Brown and ordered processed for adoption.

This Bill would approve an Amendment to a Collocation Agreement with T-Mobile Northeast LLC.

An April 6, 2011 memorandum regarding City Council Agenda Items was received from David Hopkins, Director of Public Works.

The next item on the Agenda was a proposed Bill which would amend fees in the fee schedule for Chapter 520, Streets and Sidewalks Ordinances.

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Bill No. 8, Amending sections 285-23, Streets and Sidewalks, and 285-24, Subdivision and Land Development, Chapter 520, of the Code of the City of Easton, Pa., was introduced by Dr. Warner and ordered processed for adoption.

This Bill would change fees, in the fee schedule, for items in Chapter 520, Streets & Sidewalks Ordinances.

The next item on the Agenda was a proposed Bill which would amend Sections in 515, Streets and Sidewalks, of the Code of the City of Easton, Pa.

Bill No. 9, Amending Sections in Chapter 515, Streets and Sidewalks, of the Code of the City of Easton, Pa., was introduced by Dr. Warner and ordered processed for adoption.

This Bill would amend different sections in Chapter 515 Streets and Sidewalks of the Code of the City.

The next item on the Agenda was a proposed Resolution which would authorize the disposition of 2 Cubic Feet of past Financial Reports older than 2000.

The following Resolution was introduced by Mr. Brown:

41-2011

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

Yeas: Ruggles, Vulcano, Warner, Warren, Panto, Brown, Fleck (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would approve appointments and reappointments to the City's numerous Authorities, Boards, and Commissions.

The following Resolution was introduced by Mayor Panto:

42-2011

Dr. Warner commented that the Board of Ethics, required by the City Charter has never had members appointed.

Mayor Panto said that the Board was being worked on and said that the Human Relations Commission members have all but disbanded.

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Dr. Ruggles said that he would prefer to see non-city employees on the various Authorities, Boards and Commissions.

Mayor Panto said that some Ordinances require City employees, and spoke further on this matter. .

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

Yeas: Vulcano, Warner, Warren, Panto, Brown, Fleck, Ruggles (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would approve a Management Agreement with the YMCA to manage the City's Swimming Pools for the 2011 season.

The following Resolution was introduced by Dr. Warner:

43-2011

Dr. Ruggles said that the Agreement did not state anything regarding the new Spray Park at Heil Pool.

Mr. Murphy said that the Park was part of Heil Pool and would be covered and did not have to be stated implicitly in the Agreement.

On motion of Dr. Warner and Mr. Fleck the above Resolution was adopted by the following vote:

Yeas: Warner, Warren, Panto, Brown, Fleck, Ruggles, Vulcano (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would authorize the changing of street lights along Pine Street, between 3rd and 4th Streets.

The following Resolution was introduced by Dr. Warner:

44-2011

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

Yeas: Warren, Panto, Brown, Fleck, Ruggles, Vulcano, Warner (7)

Nays: None (0)

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The next item on the Agenda was a proposed Resolution which would approve an Agreement with Pennoni Associates, Inc., for design review and construction consultation for the S. 3rd Street PCTI project.

The following Resolution was introduced by Dr. Warner:

45-2011

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

Yeas: Panto, Brown, Fleck, Ruggles, Vulcano, Warner, Warren (7)

Nays: None (0)

The next item on the Agenda was a proposed Resolution which would authorize the application for a DCNR Grant for the construction of a new trail that will attempt to bypass the 13th Street Interchange and link the Silk Mill along 13th Street to Wood Avenue in the area of Hackett Avenue.

The following Resolution was introduced by Dr. Warner:

46-2011

Dr. Ruggles said that the grant required a 100% match and asked where the funds would come from.

Mayor Panto said that the match line item in the City's Budget was depleted. He said that Governor Corbett had upheld the City's \$2,000,000 additional R-Cap fund for the Silk Mill and the Karl Stirner Arts Trail and if the City was awarded the above grant, the City would use part of the \$2,000,000 for the match or use Capital funds.

Dr. Ruggles said that he never knew how much was in this fund.

Mayor Panto and Mr. Heagele, Finance Director said that there is nothing left in the account and reiterated that this match would be covered by the R-Cap Grant funds by Capital Funds or by Parks and Recreation Impact fees.

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

Yeas: Brown, Fleck, Ruggles, Vulcano, Warner, Warren, Panto (7)

Nays: None (0)

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An April 8, 2011 memorandum regarding a Resolution to approve a Memorandum of Agreement with the U.S. Fish & Wildlife Service was received from Brian Gish, AICP, Chief Planner.

The next item on the Agenda was a proposed Resolution which would approve a Memorandum of Agreement with the U.S. Fish & Wildlife Service for the operation of a seasonal shad hatchery in Hugh Moor Park.

The following Resolution was introduced by Dr. Ruggles:

47-2011

On motion of Dr. Ruggles and Mr. Fleck the above Resolution was adopted by the following vote:

Dr. Warner said that it was her understanding that this had already started.

Mayor Panto said that it had not.

Dr. Ruggles pointed out that the City contact would be Mr. Steckman.

Yeas: Fleck, Ruggles, Vulcano, Warner, Warren, Panto, Brown

Nays: None (0)

CITIZENS RIGHT TO BE HEARD

At this time the following representatives from the Easton Area Community Center gave a presentation to City Council regarding the Center, its programs, and what it provided for Community residents. Mrs. Anita Mitchell introduced the Community Center's Board of Directors.

Joseph Melendez

Cathy Presto

Anita Mitchell

Council members made comments and asked questions, regarding the age of the building, the United Way Foundation, and the Center's programs, which were answered by Mrs. Mitchell

ADJOURNMENT

With no further business, the meeting was adjourned at 7:30 p.m. on the motion of Mr. Fleck and Mr. Warren by the following vote:

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Yeas: Panto, Warren, Warner, Vulcano, Ruggles, Fleck, Brown (7)
Nays: None (0)

Thomas A. Hess, City Clerk