

Minutes of the Council of the City of Easton, Pa.
November 24, 2009

Easton, Pa.
Tuesday
November 24, 2009
6:15 P.M.

City Council met in a rescheduled session, in Council Chambers, Room 514, 5th floor of City Hall, One South Third Street, to consider any business that may lawfully be brought before the body, and to conduct a Public Hearing regarding Television Franchises. .

The invocation was given by the Mayor Panto, and a moment of silence was observed because of the death of Joseph Azzalina, a former downtown business owner, 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 Hess, City Clerk, William Murphy, City Solicitor, and Beth Knickerbocker, Assistant City Solicitor. There were nineteen other persons in attendance.

APPROVAL OF AGENDA

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

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

Nays: None (0)

ACTION ON MINUTES

The November 9, 2009 and November 11, 2009 Special Council meeting and Council meeting minutes were approved, as submitted, on motion of Dr. Warner and Dr. Ruggles by the following vote:

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

Nays: None (0)

Minutes of the Council of the City of Easton, Pa.
November 24, 2009

PUBLIC HEARING – Television Franchises

At this time a Public Hearing was held regarding Television Franchises. (See separate minutes).

CITIZENS RIGHT TO BE HEARD (Agenda Items Only)

The following persons spoke regarding the proposed amending of the College Hill Residential Parking Permit Program that would prevent March School Staff from parking in available parking spaces surrounding the school.

1. Susan Joseph, 101 Woodlyn Road
2. Judith Steinberg, 1250 Pine Grove Drive, Palmer Pa.
3. Amy Fowler, 1938 Georgia Drive
4. Curt Ehly, 305 W. Monroe Street, Easton, Pa.
5. Deidre Dugdale, 989 Buck Drive, Nazareth Pa.
6. Lisa Curry, 815 Miller Street, Easton, Pa.

Council members made comments and asked questions, concerning the number of teachers at the school, the number of vehicles that were added to the parking in the neighborhood by teachers, the possibility of parking on the playground at the school, parking space availability in the neighborhood, etc., which were answered by the above persons, and other Council members.

REPORTS RECEIVED BY COUNCIL

No reports were received by Council:

REPORTS OF COMMITTEES

Mr. Brown, Chairperson of the Administrative Committee spoke regarding legislation that would he would have for Council later in the meeting.

Mrs. Vulcano, Chairperson of the Economic Development Committee said that she felt that the Public Informational Meeting, regarding the Simon Silk Mill, held at the Gold Room of the Grand Eastonian was very informative.

Mrs. Panto, Chairperson of the Planning Committee, spoke regarding legislation that she would have for Council later in the meeting.

Minutes of the Council of the City of Easton, Pa.
November 24, 2009

Mr. Warren, Chairperson of the Public Safety Committee, commended the Fire Department and all personnel involved in the fighting of the most recent fire on N. 11th Street.

Dr. Warner, Chairperson of the Public Works Committee spoke regarding legislation that would she would have for Council later in the meeting, reminded everyone of the Tree Lighting Ceremony and festivities on Friday, November 27, 2009, and of the Easton Environmental Advisory Council's pot luck dinner on December 1, 2009 in the Gold Room at the Grand Eastonian.

Dr. Ruggles, Chairperson of the Strategic Planning Committee had no report.

Mr. Murphy, City Solicitor reported that before the meeting, Council met in an Executive Session and had discussed 447's and Fire Fighter's negotiations and arbitration.

Ms. Knickerbocker, Assistant City Solicitor had no report.

Mayor Panto reported that Larry Holmes Drive would be opened on November 25, 2009, thank the Fire Department and surrounding municipalities' fire departments for their actions at the most recent fire on N. 11th Street, and the community organizations that have and are assisting the residents who lost their apartments due to the fire. He also reminded everyone of the Tree Lighting festivities, and reported that the List for Firefighters promotions to Lieutenant and Captain was certified and that promotions would be forthcoming. He reported that at the December 8, 2009 Council meeting the Administration would present Council with a proposed budget for 2011.

UNFINISHED BUSINESS

There was no unfinished business

CORRESPONDENCE

The following correspondence was received by Council.

(a) Ryan T. Conrad, letter regarding suggested amendments to the proposed "Newsrack" Ordinance.

NEW BUSINESS

Bill No. 84, Providing Revenues and Appropriating specific sums to be required for the purposes of City Government, hereinafter set forth during the Fiscal Year 2010, General Fund was introduced by Mr. Brown and ordered processed for adoption.

Minutes of the Council of the City of Easton, Pa.
November 24, 2009

This Bill would approve the Revenues and Expenditures for the 2010 General Fund Budget.

Bill No. 85, Providing Revenues and Appropriating specific sums to be required for the State Highway Aid Fund during the Fiscal Year 2010 was introduced by Mr. Brown and ordered processed for adoption.

This Bill would approve the Revenues and Expenditures for the 2010 State Highway Aid Budget.

Bill No. 86, Providing Revenues and Appropriating specific sums to be required for the Debt Service Fund during the Fiscal Year 2010 was introduced by Mr. Brown and ordered processed for adoption.

This Bill would approve the Revenues and Expenditures for the 2010 Debt Service Fund Budget.

Bill No. 87, Providing Revenues and Appropriating specific sums to be required for the Short Term Capital Fund Budget during the Fiscal Year 2010 was introduced by Mr. Brown and ordered processed for adoption.

This Bill would approve the Revenues and Expenditures for the 2010 Short Term Capital Fund Budget.

Bill No. 88, Providing Revenues and Appropriating specific sums to be required for the Alpha Building Operating Fund Budget during the Fiscal Year 2010, was introduced by Mr. Brown and ordered processed for adoption.

This Bill would approve the Revenues and Expenditures for the 2010 Alpha Building Operating Fund Budget.

Bill No. 89, Providing Revenues and Appropriating specific sums to be required for the Recreation Budget for the Fiscal Year 2010 was introduced by Mr. Brown and ordered processed for adoption.

This Bill would approve the Revenues and Expenditures for the 2010 Recreation Budget.

Bill No. 90, Providing Revenues and Appropriating specific sums to be required for the Health Benefits Fund during the Fiscal Year 2010 was introduced by Mr. Brown and ordered processed for adoption.

This Bill would approve the Revenues and Expenditures for the 2010 Health Benefits Fund.

Minutes of the Council of the City of Easton, Pa.
November 24, 2009

Bill No. 91, Providing Revenues and Appropriating specific sums to be required for the General Insurance Fund Budget during the Fiscal Year 2010 was introduced by Mr. Brown and ordered processed for adoption.

This Bill would approve the Revenues and Expenditures for the 2010 General Insurance Fund Budget.

Bill No. 92, Providing Revenues and Appropriating specific sums to be required for the Unemployment Insurance Fund during the Fiscal Year 2010 was introduced by Mr. Brown and ordered processed for adoption.

This Bill would approve the Revenues and Expenditures for the 2010 Unemployment Insurance Fund.

Bill No. 93, Providing Revenues and Appropriating specific sums to be required for the Workers Compensation Fund Budget during the Fiscal Year 2010 was introduced by Mr. Brown and ordered processed for adoption.

This Bill would approve the Revenues and Expenditures for the 2010 Workers Compensation Fund Budget.

Bill No. 94, Providing Revenues and Appropriating specific sums to be required for the Wastewater Treatment Plant Budget during the Fiscal Year 2010 was introduced by Mr. Brown and ordered processed for adoption.

This Bill would approve the Revenues and Expenditures for the 2010 Wastewater Treatment Plant Budget.

Bill No. 95, Setting the Tax Rate for 2010 was introduced by Mr. Brown and ordered processed for adoption.

This Bill would set the Tax Rate for 2010.

Bill No. 96, Amending Sections 399-17, Purpose, and 399-18, Jurisdiction, of Article III, College Hill Parking Permits of the Code of the City of Easton, Pa., was introduced by Elinor Warner and ordered processed for adoption.

This Bill would add a section of College Hill to the Residential Parking Permit program.

A November 16, 2009 memorandum, dated November 16, 2009 regarding City Council Agenda Items was received from David Hopkins, Director of Public Works.

Minutes of the Council of the City of Easton, Pa.
November 24, 2009

The next item on the Agenda was a proposed Resolution which would approve a Sidewalk Snow Removal Agreement with Two Rivers Landing for the 2009-2010 winter season.

The following Resolution was introduced by Dr. Warner:

212-2009

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

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

Nays: None (0)

The next item on the Agenda was a proposed Resolution that would approve a Temporary Right of Entry Agreement with Norfolk Southern Railway Company.

The following Resolution was introduced by Dr. Warner

213-2009

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)

The next item on the Agenda was a proposed Resolution that would approve a Grant Agreement with the Delaware & Lehigh National Corridor, Inc.

The following Resolution was introduced by Dr. Warner:

214-2009

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)

The next item on the Agenda was a proposed Resolution that would approve an Agreement with the Delaware Joint Toll Bridge Commission for reimbursement for the installation of a new sewer line.

Minutes of the Council of the City of Easton, Pa.
November 24, 2009

The following Resolution was introduced by Dr. Warner

215-2009

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

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

Nays: None (0)

A November 17, 2009 letter, regarding Certificates of Appropriateness was received by Christine Ussler, AIA.

The next two items on the Agenda were proposed Resolutions that would approve Certificates of Appropriateness for 35 South Third Street and 506 Northampton Street.

The following Resolution was introduced by Mrs. Panto:

216-2009

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

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

Nays: None (0)

The following Resolution was introduced by Mrs. Panto:

217-2009

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

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

Nays: None (0)

Mayor Panto reported that at the December 8, 2009 Council Conference meeting the Administration would be presenting the proposed 2011 City Budget.

CITIZEN'S RIGHT TO BE HEARD

Salvatore Pugliese, 2225 Hackett Avenue, spoke regarding a parking problem on the east side of North 13th Street between Butler and Elm Streets.

Minutes of the Council of the City of Easton, Pa.
November 24, 2009

Mayor Panto said that he would speak with the Police Department on this matter.

Susan Joseph, 101 Woodlyn Road, requested that Council person Warner meet with March school teachers to discuss further amendments to the proposed Bill to amend the area of the College Hill Residential Parking Permit Program.

Council members addressed Ms. Joseph's comments.

Mark Jones, 110 N. 7th Street, asked why the yellow zones on S. 7th Street, from Northampton south, were changed from the 20 feet that PennDOT requires, to 12 feet.

Mayor Panto said that he would look into this matter.

Richard Hieshetter, 304 W. Monroe Street, commended the Fire Department for their efficient and professional actions at a fire two years ago, asked to listen to the tapes of the Council meetings, spoke regarding the establishment of a "rainy day fund", and suggested that the Council try a trial period on the proposed parking amendments around March School and to not make it law, at this time, until it was all worked out.

Council members responded to Mr. Hieshetter's remarks.

Chris Heagele, 801 Cattell Street, asked if the College Hill Presbyterian Church was spoken to regarding the amending of parking around March School.

Dr. Warner said that all of the Church's concerns were addressed.

Curt Ehly, 305 W. Monroe Street, spoke regarding how the amended parking district was established.

ADJOURNMENT

With no further business, the meeting was adjourned at 7:54 p.m. on motion of Dr. Ruggles and Mr. Warren by the following vote:

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

Nays: None (0)

Thomas A. Hess, City Clerk

Minutes of the Council of the City of Easton, Pa.
November 24, 2009

Easton, Pa.
Tuesday
November 24, 2009
6:16 P.M.

City Council met in a rescheduled session, at the above hour in the Council Chambers, Rm. 514, 5th floor of City Hall, One South Third Street, Easton, Pa. to conduct a Public Hearing to receive citizen input prior to the City beginning negotiations for Cable Television Franchises.

ROLL CALL

Present: Kenneth Brown
Pamela Panto
Roger Ruggles
Sandra Vulcano
Elinor Warner
Jeffrey Warren
Salvatore Panto Jr. (Mayor) (7)
Absent: None (0)

Also in attendance were Thomas A. Hess, City Clerk, William Murphy City Solicitor, and Beth Knickerbocker, Assistant City Solicitor. There were nineteen other persons present in the audience.

PUBLIC HEARING
Cable Television Franchises

At this time a Public Hearing was held to receive citizen comment on the Cable Television franchises.

Mayor Panto said that the hearing was required by the telecommunications act of 1996 which regulates the Cable Television Franchises renewals and what is allowed for negotiations. He said that it also required a part hearing at the beginning and at the end of the negotiations to receive the public's input. He said that cable rates were not regulated by the franchise discussions. He said that Council would discuss issues such as;

- The granting of the actual franchises to companies
- Compensation to the City, which could be no higher than 5% in gross sales
- System construction and operations management
- Cable systems specifications,
- Services to the City, such as a government channel

Minutes of the Council of the City of Easton, Pa.
November 24, 2009

- Services to community facilities
- Grants
- Regulation reporting requirements such as being able to audit the companies financial records on a quarterly or yearly basis
- Business privilege tax
- Franchise violations
- Insurance, transfer and renewal of their licenses
- Removal of old equipment
- Level of services to different sections of the City

He said that Council would not discuss issues such as;

- Satellite dishes, which were no covered by the franchise at this time.
- Charges for a cable box

Mr. Heagele, City Finance Director said that the City was in the process of renegotiating the City's franchise agreements with both RCN and Service Electric. He said that the Administration had called both companies to allow a representative to attend the hearing, and it was his understanding that a representative from Service Electric had elected to be present and said that RCN had declined the invitation.

Mayor Panto asked Council members for any comments or questions.

Dr. Warner said that she would ask providers of cable service to provide coverage of government events such as the televising of City Council meetings and explained why she would ask for that service.

There was a short discussion on the request between Council members and Mr. Heagele.

Dr. Warner presented an e-mail that she had received from Noel Jones, a city resident, who could not attend the hearing, into the record. (See attachment).

Mayor Panto said that the City was in possession of a copy of the draft franchise agreement, and reported that the City had retained a Pittsburgh law firm, who specialized in cable franchise agreements, and said that in the draft an educational and governmental channel was addressed. He also spoke regarding the e-mail from Ms. Jones that he had also received, and explained that the City would have to provide the funding for the type of channel that Ms. Jones was suggesting and explained why and what the costs would be for, and the difference between a Governmental and Educational Channel and a Public Access Channel.

Minutes of the Council of the City of Easton, Pa.
November 24, 2009

Dr. Ruggles said that he would like to see, in the negotiations, the monitoring, servicing, and or removal of old or unused equipment such as cable wires that are hanging from the poles throughout the City.

Dr. Ruggles asked if there was a time line for the negotiated franchises.

Mayor Panto said that it was for five (5) years.

Dr. Ruggles said that it thought that the five year time frame was a good idea and explained why.

Mr. Warren said that he agreed with Dr. Warner's request for a Government Access Channel and explained why.

Dr. Ruggles explained that the City required that Businesses, that do business within the City, pay a certain percentage, each year, of their gross revenue, and depending on how a business classified itself depended on how the revenue was given to the City. He said that this is known as the Business Privilege Tax and was the same rate for all businesses.

Mayor Panto explained that one of the cable companies was deducting their franchise fee from their Business Privilege Tax and only paying the net of that amount, and that was also addressed in the new proposed agreements.

Mayor Panto asked for any comments or questions from the audience.

Michael Fleck, 1121 Lehigh Street, spoke regarding the broadcasting of City Council meetings, and to allow citizens to participate in dialogue with Council through the internet.

Tim Himmelwright, a representative of Service Electric, spoke regarding the ongoing upgrade of their cable service system throughout the Lehigh Valley including Easton. He spoke how the Borough of Emmaus broadcasts its Council meetings.

There was a discussion between Council members and Mr. Himmelwright regarding a Government Access Channel, cable boxes, the removal of old equipment from City streets, etc.

Mayor Panto asked if there were any further comments or questions from Council members or the audience.

There were none.

Mayor Panto closed the Hearing at 6:48 p.m.

Thomas A. Hess
City Clerk