

Minutes of the Council of the City of Easton, Pa.
February 9, 2011

Easton, Pa
Wednesday
February 9, 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 two Public Hearings regarding appeals of Historic District Commission's recommendations for denial of Certificates of Appropriateness.

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

Roll Call

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

Also in attendance were Thomas A. Hess, City Clerk, William Murphy, City Solicitor, Beth Knickerbocker, Assistant Solicitor, and Glenn Steckman, City Administrator There were approximately seventy-five other persons present.

APPROVAL OF AGENDA

On motion of Dr. Warner and Mr. Warren the agenda was approved by the following vote:

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

ACTION ON MINUTES

On motion of Mr. Fleck and Dr. Warner the January 12, 2011 and the January 26, 2011 Council Meeting Minutes were approved as submitted by the following vote:

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

CERTIFICATES OF APPRECIATION

Certificates of Appreciation were read for the following recent City retirees:

Anthony Castronova, Melissa Corrado, Joseph Handlovic, Carmella Howey, Doris Mendisana, Laurel Rowe, John Myers, and John Walter.

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Melissa Corrado, Joseph Handlovic, and Carmella Howey were in attendance and were presented with framed Resolutions.

All Council members spoke regarding the retirees service to the City and its citizens.

SWEARING IN OF POLICE OFFICERS AND FIRE FIGHTERS

At this time John Piersa and Brett Bindics were sworn in as City Police Officers and Jason Hartpence and Andrew Wuttke were sworn in as City Firefighters by Mayor Panto

PUBLIC HEARINGS

Appealing Historic District's recommendations to deny Certificates of Appropriateness for 140 Bushkill Street and 2 Bennett Court.

At 6:16 p.m., a Public Hearing was held, on a request by Matthew DiGirolamo to appeal the Historic District Commission's recommendation to deny a Certificate of Appropriateness for the replacement of windows at 2 Bennett Court.

Mr. Murphy, City Solicitor, opened the hearing and furnished Council with a background on the appeal process and how the hearing would proceed.

Before any testimony, the following persons were sworn in by Jean Genova Court Reporter.

- Matthew DiGirolamo
- Christine Ussler
- Robert Jacobs

Ms. Isla Luciano Long asked a procedural question which was answered by Attorney Murphy.

Mr. DiGirolamo also asked a question, which he thought might also be a procedural question, which was answered by Attorney Murphy.

Mr. Robert Jacobs, 214 Bushkill Street, Chairman of the Historic District Commission made some introductory remarks regarding what the Commission's duties were, and why it existed.

Ms. Christine Ussler, Historic Consultant presented the Historic District's position for recommending denial of the Certificate of Appropriateness for 140 Bushkill Street.

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Comments were made and questions were asked by Mr. DiGirolamo, and Council members, which were answered by Ms. Ussler and Mr. DiGirolamo, regarding the number of windows visible from the public right-of-way, items that were in the possession of the Historic District Commission at the time of their recommendation, the layout of 2 Bennett Court, the lack of information on the number of windows involved in this recommendation, the wording in the City's Historic District Ordinance, size of the proposed replacement windows, information relayed to Realtor's who sell properties in the Historic District, financial feasibility for property owners to do renovations, if this denial would create a financial hardship on Mr. DiGirolamo, if the City's Ordinance strictly prohibited vinyl windows, if the Ordinance addressed design guidelines, the dedication of the Historic Consultant, the comparison of vinyl and aluminum clad windows, National Park Service Requirements for Historic Districts, if there was any legal recourse that the Federal Government could take against the City if it did not follow their Historic District Guidelines, how many persons have wanted to put in vinyl windows and have been rejected and have installed vinyl windows, how many persons have installed vinyl windows and have had to remove them once the Commission denied their request, the need for City guideline revisions, if the Commission's ruling would have been different if they knew that they only had jurisdiction over one window, and if City Council could remand this back to the Commission so that they could determine what jurisdiction the Commission has on this property.

Ms. Ussler said that she believed that the Commission needed to go back and determine the number of windows that were visible from the public right-of-way.

Mr. Murphy said that Council could remand this issue back to the Historic District Commission because there was an initial question as to what the jurisdiction was of the Commission over the number of windows.

Mr. DiGirolamo requested that Council not vote on remanding this request back to the Commission, and gave his reason why he made the request.

Mr. DiGirolamo related what had happened

After hearing testimony from the Mr. DiGirolamo, Ms. Ussler and Mr. Michael Sekinsky, Mayor Panto closed the hearing.

Councilman Fleck made a motion to overturn the Historic District's recommendation for disapproval of a Certificate of Appropriateness for replacement windows at 2 Bennett Court, and to approve the application. The motion died for lack of a second.

Councilwoman Warner made a motion to remand this application back to the Historic District Commission for further review at their February 14, 2011 meeting which was seconded by Mrs. Vulcano, the motion was approved by the following vote:

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There was a discussion between Council members on the motion, and regarding referring a review of the existing Historic District Ordinance to the Planning and Code Committee.

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

At 7:30 p.m. a recess was taken.

At 7:36 p.m. Mayor Panto called the meeting back to order.

At 7:30 p.m. a Public Hearing was held regarding an appeal on the Historic District Commission's recommendation to deny a Certificate of Appropriateness for window replacements at 140 Bushkill Street.

Mayor Panto called the meeting to order.

Mr. Murphy informed Council that Ms. Isla Luciano Long, a member of the Easton Area Neighborhood Center Board had raised a procedural question which should be addressed.

Ms. Luciano Long explained that it was their understanding that when the Historic District Commission recommends disapproval of a Certificate of Appropriateness the Neighborhood Center that they would receive written notice as to the basis of the denial and stated that they never received a notice, and felt that the Center's representative were at a disadvantage to respond to anything the Historic District would say at the hearing, but indicated that the Center's representatives would waive the conceived defect.

A this time the following persons were sworn in by Jean Genova, Court Reporter:

Christine Ussler
Terry Roman
Isla Luciano Long

The following item were entered into exhibits:

Copy of Chapter 318 of the Historical Preservation Section
Design guidelines set forth in Sections 318-9 and 318-11 of the Historical Preservation

Ms. Christine Ussler, Historic Consultant presented the Historic District position for recommending denying the Certificate of Appropriateness for 140 Bushkill Street.

Council made comments and asked questions regarding the number of windows, the number of windows that the Commission had jurisdiction over, the application itself, why the Center and the Commission did not meet to discuss the windows before the Center bought the windows,

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the size and type of the windows, the requirements of the Secretary of Interiors guidelines, comments made by a previous Code Enforcement Officer, timeline for the use of funds received by the Center for the replacement windows, information given to the Commission regarding the spending of the funds, the reason for the Commission's denial of the windows, if the decision would be different because this process was begun before the establishment of the Historic District, the use of the already purchased replacement windows and the requirement of new windows for other parts of the building, which were answered by Ms. Ussler, Ms. Roman, Ms. Luciano Long, and Mr. Murphy.

Ms. Luciano Long asked questions regarding the number of applicants who has replaced windows in the past and had replaced them on properties that were purchased after the establishment of the Historic District Ordinance was enacted, which were answered by Ms. Ussler.

Ms. Luciano Long explained why she asked the questions.

There was a discussion regarding a motion that would be made by Mayor Panto.

After testimony the following motion was made by Mayor Panto seconded by Mr. Brown and was adopted by the following vote:

“NOW THEREFORE BE IT RESOLVED, that the recommendation of the Historic District Commission regarding 140 Bushkill Street be denied with the provision that the windows that were purchased can be used on all elevations, but the front 8 front elevation windows be remanded back to the Historic District Commission for new design, provided that additional funds can be secured within the next ninety (90) days.”

Yeas: Brown, Fleck, Vulcano, Warren, Panto (5)

Nays: Ruggles, Warner (2)

Mayor Panto closed the hearing.

CITIZENS RIGHT TO BE HEARD (Agenda Items Only)

There were no remarks from the audience.

REPORTS RECEIVED BY COUNCIL

There were no reports for Council.

REPORTS OF COMMITTEES

Mr. Brown, Chairman of the Finance Committee had no report.

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Mrs. Vulcano, Chairman of the Economic Development Committee, reported that a meeting regarding the 600 block of Northampton Street was scheduled for Thursday, February 10, 2011 at 6:00 p.m.

Dr. Ruggles, Chairman of the Planning Committee had no report.

Mr. Warren, Chairman of the Public Safety Committee reported that a Public Safety meeting would be held on February 22, 2011 at 6 p.m. in the 6th floor Conference Room.

Dr. Warner, Chairman of the Public Works Committee had no report.

Mr. Murphy, City Solicitor, had no report.

Mayor Panto showed the color scheme that would be used in the new Council Chambers.

UNFINISHED BUSINESS

There was no unfinished business.

CORRESPONDENCE

A letter informing the City of the City's application for a permit from the Department of Environmental Protection regarding the Glendon Hill Road Bridge Project was received from McTish, Kunkel & Associates.

NEW BUSINESS

A January 28, 2011 memorandum regarding an amendment to the Snow Emergency Ordinance was received from Police Chief Lawrence Palmer.

Bill No. 1, Amending Section 56-34, Snow Emergency Routes Designated, of Article IX, Snow and Ice Emergency, of Chapter 560, Vehicles and Traffic of the Codes of the City of Easton, Pa., was introduced by Mr. Warren and ordered processed for adoption.

This Bill would eliminate Parsons Street, between Cattell Street and Porter Street, Reynolds Street, between Wilkes Barre Street and Line Street, Union Street, between Washington Street and Ferry Street and Walnut Street, between Ferry Street and Northampton Street as Snow Emergency Routes.

A January 21, 2011 memorandum regarding an amendment to the 2011 General Fund Budget was received from Police Chief Lawrence Palmer.

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Bill No. 2, Amending Ordinance No. 5291, 2011 General Fund Budget was introduced by Mr. Brown and ordered processed for adoption.

This Bill would amend the 2011 General Fund Budget by increasing Revenues and Expenditures by \$19,280.00.

The next item on the Agenda was a proposed Resolution which would appoint Councilman Roger Ruggles as Easton's and Bethlehem's representative to the Lehigh Valley Planning Commission for 2011.

The following Resolution was introduced by Mayor Panto:

16-2011

The above Resolution was adopted on motion of Mayor Panto and Dr. Warner 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 a settlement and payment regarding the Rosa Lockhart vs. the City of Easton Court Civil Case.

The following Resolution was introduced by Mr. Brown:

17-2011

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

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

Nays: None (0)

A February 1, 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 Resolution for the approval of an Agreement for Professional Services with McTish, Kunkel & Associates.

The following Resolution was introduced by Dr. Warner:

18-2011

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

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

A Resolution, regarding the denial of a Certificate of Appropriateness for 140 Bushkill Street which was tabled on December 22, 2010 was brought back before Council on motion of Dr. Ruggles and Mr. Brown by the following vote:

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

The proposed Resolution was amended by changing the Now Therefore Be It Resolved to read as follows on motion of Dr. Warner and Mr. Warren by the following vote:

“that the recommendation of the Historic District Commission regarding 140 Bushkill Street be denied with the provision that the windows that were purchased can be used on all elevations but the front eight elevation windows be remanded back to the Historic District Commission for new design provided that additional funds can be secured within the next ninety (90) days.”

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

The following amended Resolution was adopted by the following vote:

19-2011

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

CITIZENS RIGHT TO BE HEARD

There were no comments at this time.

ADJOURNMENT

With no further business, the meeting was adjourned at 8:47 p.m. on the motion of Mayor Panto and Mr. Warren by the following vote:

Yeas: Panto, Warren, Vulcano, Ruggles, Fleck, Brown (6)
Nays: Warner (1)

Thomas A. Hess, City Clerk