

**Minutes of the Council of the City of Easton, Pa.**  
**December 22, 2010**

Easton, Pa  
Wednesday  
December 22, 2010  
6:00 p.m.

City Council met in stated session at the above date and time in the 6<sup>th</sup> Floor Conference Room of City Hall, One S. Third Street, Easton, Pa. to consider any business that may lawfully be brought before the body.

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

**Roll Call**

Present: Brown, Ruggles, Vulcano, Warner, Warren, Panto (6)  
Absent: Fleck (1)

Also in attendance were Rita M. Messa, Asst. City Clerk, William Murphy, City Solicitor, Joel Scheer, and Assistant Solicitor. There were twenty (20) other persons present.

**APPROVAL OF AGENDA**

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

Yeas: Panto, Warren, Warner, Vulcano, Ruggles, Brown (6)  
Nays: None (0)

**ACTION ON MINUTES**

On motion of Dr. Warner and Mr. Brown the December 8, 2010 Council Meeting Minutes were approved as submitted by the following vote:

Yeas: Brown, Ruggles, Vulcano, Warner, Warren, Panto, (6)  
Nays: None (0)

**CITIZENS RIGHT TO BE HEARD (Agenda Items Only)**

Mr. Joel Scheer commented on his personal dealings with Berkheimer and stated that the contract, that Council had on tonight's agenda, had nothing in it regarding customer service and that it should have something requiring Berkheimer to at least respond to citizens inquiries.

There was a brief discussion on this issue.

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Mr. Robert Johnson, 705 Weygadt Street spoke briefly, in favor of, the Resolution on tonight's agenda supporting the City of Pittsburgh adoption of its Community Protection from Natural Gas Extraction Ordinance.

Mr. Dennis Lieb, 1208 Chidsey Street spoke briefly, in favor of, the Resolution supporting the City of Pittsburgh adoption of its Community Protection from Natural Gas Extraction Ordinance. He stated that the production of this gas product will cause massive air pollution and the cost of extraction will be billions of dollars.

Dr. Warner stated that she was proposing the Resolution because she believed that local governments should be supporting neighboring cities.

Mr. Paul Sanders, 1327 Woodland Circle, Bethlehem, Pa. stated that the danger of this extraction was being exaggerated. He also stated that there had only been one (1) accident in Pennsylvania regarding this issue. He stated that the company was fined, they corrected the problem and D.E.P. had increased their inspections. He also stated that before the Resolution was passed the City should get all the factual information from experts.

Mayor Panto stated that his concern was that there was no severance tax for the companies that performed this kind of work.

Mr. Warren stated that he would be supporting this Resolution and that the people of Pennsylvania are not the ones who are benefiting from this extraction.

There was further brief discussion on this issue.

Ms. Laura Accetta from Weed and Seed stated that she wanted to speak regarding the Resolution on tonight's agenda regarding 140 Bushkill Street.

Mayor Panto stated that he was not prepared to hear testimony on this issue and that this item may be tabled and a hearing would be scheduled.

Ms. Noel Jones, 800 Ferry Street stated that she wanted to thank Council for putting forth the Resolution supporting the City of Pittsburgh. She spoke briefly on this issue.

Mr. Steve White, 933 Ferry Street also addressed Council regarding this issue. He stated that maybe someday a severance tax would be in place and that there is no rush to perform this kind of work. He spoke briefly on this issue.

**REPORTS RECEIVED BY COUNCIL**

The following report was received by Council:

- (a) Monthly Fire Report for November 2010.

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**ACCEPTING REPORTS ON BEHALF OF COUNCIL**

Mayor Panto accepted the report on behalf of Council.

Dr. Ruggles asked if the Fire Departments old Ladder Truck has been sold. Mayor Panto stated that it was advertised, however, the City received no offers so the City was looking into what it would be worth if scrapped and the possibility of advertising with a clause for best offer.

Dr. Ruggles asked whether the two Rescue Boats were being used. Mayor Panto stated that there were times when both rescue boats were used but it depended on the incident.

**REPORTS OF COMMITTEES**

Mr. Brown, Chairman of the Finance Committee spoke regarding legislation that would be before Council later in the meeting. Mr. Brown also stated that he would be moving to table the Ordinances approving agreements with Pegasus and Open Range Communications.

Mrs. Vulcano, Chairman of the Economic Development Committee had no legislation for tonight's meeting. She stated that she would be voting against the Resolution approving an Agreement with Berkheimer later in the meeting. She stated that she, and others, have had problems with their customer service.

Dr. Ruggles, Chairman of the Planning Committee spoke regarding legislation that would be before Council later in the meeting. Dr. Ruggles also stated that there was a Tourism Committee Meeting and that work was moving forward.

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 spoke regarding legislation that would be before Council later in the meeting. Dr. Warner spoke briefly about the Tree Inventory Grant.

Mr. Murphy, City Solicitor and Joel Scheer, Assistant City Solicitor had no reports.

Mayor Panto reported that the City's Bond Rating had improved (report attached), and spoke on this issue. He thanked the City's staff for all of their hard work in doing more with less. Mayor Panto spoke about the Steep Slope Stabilization Grant on the agenda for tonight's meeting. He stated that the City would like to plant wildflowers on the slope along Smith Street Hill. He stated that with the train station having been cleaned up and the planting of the flowers would make a nice entrance into the South Side.

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**UNFINISHED BUSINESS**

Bill No. 56, (Ordinance No. 5295) Amending Article III, Traffic Control Map of Chapter 560 was adopted on motion of Mr. Warren and Dr. Warner by the following vote:

Yeas: Brown, Ruggles, Vulcano, Warner, Warren, Panto (6)  
Nays: None (0)

Ordinance No. 5295 authorizes the removal of Load/Unload signs.

Bill No. 57, Approving a Tower Site Option and Ground Lease Agreement with Pegasus Tower Company was moved by Mr. Brown and seconded by Dr. Warner.

After a brief discussion a motion was moved by Mr. Brown and seconded by Dr. Warner to table this bill. The bill was tabled by the following vote:

Yeas: Ruggles, Vulcano, Warner, Warren, Panto, Brown (6)  
Nays: None (0)

Bill No. 58, Approving a Site Agreement for a Cell Antenna with Open Range Communications was moved by Mr. Brown and seconded by Dr. Warner.

After a brief discussion, a motion was moved by Mr. Brown and seconded Dr. Warner to table this bill. The bill was tabled by the following vote:

Yeas: Vulcano, Warner, Warren, Panto, Brown, Ruggles (6)  
Nays: None (0)

**CORRESPONDENCE**

There was no correspondence.

**NEW BUSINESS**

Bill No. 59, Approving a "Load/Unload" zone in the 600 block of Northampton Street was introduced by Mr. Warren and ordered processed for adoption.

The Bill would approve a Load/Unload zone in front of 645 Northampton Street.

Bill No. 60, Approving an amendment to the 2010 Recreation Fund Budget was introduced by Mr. Brown and ordered processed for adoption.

The Bill would approve an amendment to the 2010 Recreation Fund Budget.

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Bill No. 61, Amending Chapter 110, Pension, of the Code of the City of Easton was introduced by Mayor Panto and ordered processed for adoption.

The Bill would amend Article III, Chapter 110, Pension, of the Code of the City of Easton.

Dr. Ruggles stated that he did not like the wording in the Pension Ordinance and after a brief discussion it was decided that the wording would be reviewed and possibly changed before the next Council meeting when the amendments would be voted on.

The next item on the agenda was a proposed Resolution expressing the City's support of the City of Pittsburgh's adoption of its Community Protection from Natural Gas Extraction Ordinance.

The following Resolution was introduced by Dr. Warner:

212-2010

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

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

Nays: None (0)

The next item on the agenda was a proposed Resolution which would authorize the City Administrator and/or the Director of Public Works to sign a purchase Agreement with Constellation NewEnergy.

The following Resolution was introduced by Mr. Brown:

213-2010

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

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

Nays: None (0)

The next item on the agenda was a proposed Resolution which appoints Berkheimer as its exclusive delinquent tax collector for Per Capital Taxes.

The above Resolution was moved by Mr. Brown and seconded by Mayor Panto.

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Dr. Ruggles stated that he would like an explanation of the compensation clause in this contract and he would also want this issue to be brought before the Finance Committee, which will meet on Tuesday, January 25, 2010. He stated again that he would like contracts to be signed before they come to Council for a vote.

After a brief discussion a motion was moved by Mr. Brown and Dr. Warner to table this Resolution. The Resolution was tabled by the following vote:

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

Nays: None (0)

The next item on the agenda was a proposed Resolution authorizing Berkheimer to impose and retain costs of collection on delinquent taxes.

The above Resolution was moved by Mr. Brown and seconded by Mr. Warren.

After a brief discussion, a motion was moved by Mr. Brown and seconded by Mr. Warren to table this Resolution. The Resolution was tabled by the following vote:

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

Nays: None (0)

The next item on the agenda was a proposed Resolution repealing Resolutions 206-2010 and 207-2010 which approved cleaning contracts for Urocorp Maintenance and Executive Building. These resolution were approved at the November 23, 2010 Council Meeting.

The following Resolution was introduced by Mayor Panto:

214-2010

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

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

Nays: None (0)

A memorandum was received from Christine Ussler, Historic District Consultant regarding the approval of seven (7) Certificates of Appropriateness's and one (1) denial.

NOTE: On a previous opinion of Mr. Murphy, City Solicitor, it was decided that the following Resolutions could be introduced as individual Resolutions but could be voted on with one vote as long as all of Council was in agreement.

The following Resolutions were introduced by Dr. Ruggles:

215-2010, 216-2010, 217-2010, 218-2010, 219-2010, 220-2010, 221-2010

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

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

Nays: None (0)

The next item on the agenda was a proposed Resolution which would disapprove a Certificate of Appropriateness for the Easton Area Neighborhood Center for 140 Bushkill Dr.

The above Resolution was moved by Dr. Ruggles and Mrs. Vulcano.

Mayor Panto had previously stated that he was not prepared to hear testimony regarding this issue and that a hearing to discuss this issue would be held at a later date.

After a brief discussion on this issue a motion was moved by Dr. Ruggles and Mrs. Vulcano to table this Resolution. The Resolution was tabled by the following vote:

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

Nays: None (0)

The next item on the agenda was a proposed Resolution which would approve an Agreement with the Easton Women's Softball League to utilize Hackett Park Baseball fields.

The following Resolution was introduced by Dr. Warner:

222-2010

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

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

Nays: None (0)

The next item on the agenda was a proposed Resolution which would approve an Agreement with the Men's Senior Baseball League to utilize the Hackett Park Hardball Field.

The following Resolution was introduced by Dr. Warner:

223-2010

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

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Yeas: Panto, Brown, Ruggles, Vulcano, Warner, Warren (6)  
Nays: None (0)

The next item on the agenda was a proposed Resolution which would approve a Sidewalk Snow Removal Agreement with Two Rivers Landing

The following Resolution was introduced by Dr. Warner:

224-2010

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

Yeas: Brown, Ruggles, Vulcano, Warner, Warren, Panto (6)  
Nays: None (0)

The next item on the Agenda was a proposed Resolution which would authorize Met-Ed to provide street lighting located within phase one of the HOPE VI project.

The following Resolution was introduced by Dr. Warner:

225-2010

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

Yeas: Ruggles, Vulcano, Warner, Warren, Panto, Brown (6)  
Nays: None (0)

The next item on the agenda was a proposed Resolution which would approve an Agreement with Signal Service, Inc.

The following Resolution was introduced by Dr. Warner:

226-2010

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

Yeas: Vulcano, Warner, Warren, Panto, Brown, Ruggles (6)  
Nays: None (0)

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The next item on the Agenda was a proposed Resolution which would authorize an application for a Delaware & Lehigh National Heritage Corridor Tree Inventory Grant.

The following Resolution was introduced by Dr. Warner:

227-2010

Dr. Ruggles stated that he would like to receive the information regarding how much money is in the Capital Match Fund.

After a brief discussion on this issue, Mr. Heagele stated that he would get that information for Dr. Ruggles.

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

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

Nays: None (0)

The next item on the agenda was a proposed Resolution which would authorize an application for a Delaware & Lehigh National Heritage Corridor Steep Slope Stabilization Grant.

The following Resolution was introduced by Dr. Warner:

228-2010

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

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

Nays: None (0)

The next item on the agenda was a proposed Resolution which would approve a Professional Services Agreement with McTish., Kunkel & Associates.

The following Resolution was introduced by Dr. Warner:

229-2010

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

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

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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 7:12 p.m. on the motion of Mayor Panto and Mr. Warren by the following vote:

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

Nays: None (0)

Rita M. Messa, Asst. City Clerk