

**Minutes of the Council of the City of Easton, Pa.**  
**September 27, 2011**

Easton, Pa  
Tuesday  
September 27, 2011  
6:00 p.m.

City Council met in stated session at the above date and time at St. Paul's Lutheran Church, 610 W. Berwick Street, to consider any business that may lawfully be brought before the body, and to conduct a Public Hearing on a request for support for an application for an Economic Development Liquor License.

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

**Roll Call**

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

Also in attendance were Thomas A. Hess, City Clerk, William Murphy, City Solicitor, Joel Scheer, Assistant City Solicitor and W. Glenn Steckman, City Administrator. There were thirty-seven other persons present.

**APPROVAL OF AGENDA**

On motion of Mr. Brown 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 Mrs. Vulcano and Dr. Warner the September 14, 2011 Council Meeting minutes were approved, as submitted, by the following vote:

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

**RESOLUTION**

The next item on the Agenda was a Resolution recognizing the death of Frances H. Ketchen a former employee of the Redevelopment Authority.

The following Resolution was introduced by Mrs. Vulcano:

122-2011

**Minutes of the Council of the City of Easton, Pa.**  
**September 27, 2011**

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

Mayor Panto, Mr. Brown and Mrs. Vulcano spoke of Mrs. Ketchen's service to the City and to its citizens.

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

Nays: None (0)

**PUBLIC HEARING**  
**Economic Development Liquor License**

At 6:11 p.m., Mayor Panto called the Public Hearing on a request for Council's support for an application for an Economic Development Liquor License for a proposed restaurant at 134 N. 2<sup>nd</sup> Street, and turned the hearing over to Mrs. Vulcano, Chairperson of the Economic Development Committee:

Mrs. Vulcano read the following:

"This hearing was requested by Karina and Brian Turtzo.

The Turtzo's are in the process of opening a restaurant at 134 North 2<sup>nd</sup> Street, to be known as Casera and are requesting Council's support for an application for an Economic Development Liquor License.

Mr. James Schantz, from Senator Boscola's office is present and will address Council on the Economic Development Liquor License process. After he and the Turtzo's have addressed Council and answered any questions Council may have, the audience will be given a chance to address Council on this issue."

Mr. Schantz, read the following:

"I would like to take this time to thank you for the opportunity to appear before you this evening. My name is James Schantz, and I serve in the capacity of Legislative Assistant to State Senator Lisa Boscola.

On behalf of the Senator, I am before this esteem body tonight to offer assistance with a request for consideration to obtain an Economic Development Liquor License from the Pennsylvania Liquor Control Board. This meeting is the very first step in this process. I am here on behalf of our office this evening to offer a technical help, advice and guidance regarding the unique nature of this request. Our office is ready to offer assistance in the application process this license will require.

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

### **September 27, 2011**

The concept, as developed by the LCB, is a fairly new one. Only 26 licenses have been issued by the LCB to date. I am very proud to say that our office assisted with the process for the 26<sup>th</sup> license issued, the Mint in Bethlehem. I would like to take a moment to explain some of the details of this license.

Act 141 of 2000 and Act 10 of 2002 amended the Liquor Code to allow the LCB to issue a restaurant or eating-place retail dispenser license for the purpose of economic development. The LCB can grant up to 2 licenses per county per year. Before issuing such a license, the LCB has a few basic requirements. Those requirements are as follows:

1. A license will be issued when an applicant has demonstrated that is has exhausted reasonable means of acquiring a license in the county. The question I am here to help answer is regarding the availability of current licenses.
2. Economic development license may only be issued to premises that are located in an enterprise zone, a Keystone Opportunity zone, or in a municipality where the municipality has voted to grant the issuance of such a license for the purpose of economic development, and
3. According to Section 462(6), this is a non-transferable license that is issued by the LCB with regard to ownership and location. The cost of the application is \$50,000 (about the same rate as the average transfer was when this legislation was enacted). A possessor of this license cannot turn around and sell the license for a quick profit. The licensee must operate under a strict guideline regarding the percentage of food sales versus alcohol sale. That percentage figure must be maintained at a 70% food, 30% alcohol ration. If the ratio falls below that 70% food mark, the LCB has the right to recall the license.

With regard to the questions of availability at a reasonable rate, Northampton County has experienced a roller coaster in the cost of the average liquor license. The current market value for a transferred license is between \$85,000 and \$90,000, and several are being held onto seeking a rate that begins at \$100,000.

Today, in Northampton County, there are 24 restaurant licenses listed on the Safekeeping list as provided by the LCB. The safekeeping list is a listing of licenses currently not in use by the holder. Reasons that licenses are placed in safekeeping include establishments that have temporarily or permanently closed; by code, any establishment that closes for longer than 15 consecutive days is required to place their license in safekeeping, and others that are pending opening or further development. Currently, in Northampton County, there are 5 pending transfers, 4 of which are listed on the safekeeping list.

One of the elements that makes Easton a tremendous place to live and work is the diversity of the economy of the city. This project is a key to the city's business area, with the opportunity to serve visitors to the City, students and faculty at Lafayette College, along with residents not

**Minutes of the Council of the City of Easton, Pa.**  
**September 27, 2011**

only of the city but also Forks and Palmer as well. Katrina and Brian Turtzo are present and will be glad to speak of the prospect of the proposed restaurant.

With this in mind, I would like to once again thank you for your consideration of this request.”

Mrs. Katrina Turtzo provided Council with a brief overview of their plans for the proposed restaurant.

Council members made comments and asked questions, regarding the exact location of the restaurant, the proposed size of the restaurant and parking needed, which were answered by Mrs. Turtzo.

Council members commended the Turtzo’s for attempting to establish their restaurant in the City and wished them well in their endeavor.

Mrs. Vulcano asked for any comments or questions from the audience.

There were none.

Mrs. Vulcano read the following received from Gretchen Longenbach.

“I write to inform Council of my support of an economic development liquor license application by the Turtzo’s for their restaurant concept in Downtown Easton called Casera. I, along with representatives of Small Business Development Center and LVEDC have reviewed the business plan and am confident in both its potential and the Turtzo’s ability to make it a successful business. It is also clear that Karina and Brian desire to become an active part of Easton’s community both as residents and business owners. The Turtzo’s have also applied for a loan from GEDP and the Lehigh and Northampton County Revolving Loan Pool. These applications are currently pending due to changes in the business plan and financials as a result of the inclusion of the sale of alcohol. In summary, I fully support the passage of the Resolution before Council this evening offering support of the Turtzo’s application to the PLCB.

Sincerely  
Gretchen Longenbach”

Mrs. Vulcano said that later in the meeting a Resolution would be introduced and a vote would be taken on this matter.

The Public Hearing was closed 6:31 p.m.

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

**Minutes of the Council of the City of Easton, Pa.**  
**September 27, 2011**

There were no remarks from the audience.

**REPORTS RECEIVED BY COUNCIL**

The following report was received by Council.

- (a) Fire Department Monthly Report for August 2011.

**REPORTS OF COMMITTEES**

Mr. Brown, Chairman of the Finance Committee spoke regarding legislation that he would have for later in the meeting, regarding a Loan to the Redevelopment Authority, approve a Lease Agreement for office space on the 8<sup>th</sup> floor of City Hall, MMO's for the City's Pension Plans, and Reduced Amortization for Pension Funds.

Mrs. Vulcano, Chairman of the Economic Development Committee spoke regarding legislation that she would have for later in the meeting, regarding support of an application for an Economic Development Liquor License.

Dr. Ruggles, Chairman of the Planning Committee, spoke regarding legislation that he would have for later in the meeting regarding Certificates of Appropriateness, and an agreement for demolition of buildings in downtown.

Mr. Warren, Chairman of the Public Safety Committee reported that the Public Safety Committee meeting would be held on October 11, 2011, that the Keeping of Animals Ordinance would be discussed and how the City could begin the process of keeping Traffic Speed down on City streets. He also reported that he had received an e-mail regarding the professionalism of the Police Department when they responded to a vehicle accident.

Dr. Warner, Chairman of the Public Works Committee spoke regarding legislation that would be before Council later in the meeting regarding an amendment to a Letter Agreement for repairs to the Bushkill Street Bridge.

Dr. Warner also reported that a bar code sticker had been placed on her recycling can.

Mayor Panto spoke regarding the City's recycling program.

Mr. Fleck, Chairman of the Administration Committee was not present.

Mr. Murphy, City Solicitor, reported that before the meeting Council met in Executive Session and had discussed two matters of litigation; Walter vs. The City of Easton, and Leech vs. The City of Easton and Police Personnel.

Ms. Scheer, Assistant Solicitor had no report.

**Minutes of the Council of the City of Easton, Pa.**  
**September 27, 2011**

Mayor Panto spoke regarding the following; milling and repaving of streets, dedication of Council Chambers on October 12, 2011, a parking study meeting at 7:30 P.M., the Garlic Festival, and the Movies at the Mill.

Lawrence Malinconico, Director, Technology Clinic, at Lafayette College and students, Andrew Chun, Hamish MacPhail, and Anne Bond, spoke regarding the College's Urban Art as a Form of Urban Ecology program.

**UNFINISHED BUSINESS**

Bill No. 31, (Ordinance 5328), Approving a Loan to the Redevelopment Authority of Easton, Pennsylvania to finance the purchase of real property located at 129 Northampton Street, Easton, Pa. was amended by adding the following to the Bill on motion of Mrs. Vulcano and Mr. Warren by the following vote:

“at the imputed rate of interest as determined by the IRS for five (5) year instruments.”

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

Amended Bill No. 31 (Ordinance 5328), was adopted on motion of Mr. Brown and Dr. Warner by the following vote:

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

Ordinance 5328 authorizes a loan of \$62,000 to the Redevelopment Authority of Easton for the purchase of real property known as 129 Northampton Street.

Bill No. 32, (Ordinance 5329), Approving a Lease Agreement between the City of Easton and EPS Financial was adopted on motion of Mr. Brown and Dr. Warner by the following vote:

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

Ordinance 5329 approves a lease agreement between the City and EPS Financial for units designated as Suites 800 and 801 One South Third Street.

**CORRESPONDENCE**

There was no correspondence received.

**NEW BUSINESS**

**Minutes of the Council of the City of Easton, Pa.**  
**September 27, 2011**

A September 20, 2011 letter, regarding Certificates of Appreciation was received from Christine Ussler, AIA.

The next two items on the Agenda were proposed Resolutions approving Certificates of Appropriations for 20 N. 3<sup>rd</sup> and 54 S. 4<sup>th</sup> Streets.

The following Resolutions were introduced by Dr. Ruggles:

123-2011

124-2011

There being no objections from Council, both above Resolutions were voted upon by one vote, on motion of Dr. Ruggles and Dr. Warner 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 support an application for an Economic Development Liquor License.

The following Resolution was introduced by Mrs. Vulcano:

125-2011

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

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

Nays: None (0)

A September 21, 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 which would approves an amendment to a letter agreement regarding an increase in cost for the Bushkill Bridge reconstruction.

The following Resolution was introduced by Dr. Warner:

126-2011

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

**Minutes of the Council of the City of Easton, Pa.**  
**September 27, 2011**

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

The next item on the Agenda was a proposed Resolution which would approve an Agreement for Site Preparation for the demolition of the former Perkins Restaurant and the Majestic Theater buildings on S. 3<sup>rd</sup> Street, with Miller, Miller & McLachlan.

The following Resolution was introduced by Dr. Ruggles:

127-2011

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

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

A September 23, 2011 memorandum, regarding 2012 MMO's for City Pensions was received from Chris Heagele, Director of Finance.

The next item on the Agenda was a proposed Resolution which would recognize the 2012 Minimum Municipal Obligations for the City managed Pension Funds.

The following Resolution was introduced by Mr. Brown:

128-2011

The above Resolution was adopted on motion of Mr. Brown and Mrs. Vulcano 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 recognize the 2012 Minimum Municipal Obligations for the PMRS managed Pension Funds.

The following Resolution was introduced by Mr. Brown:

129-2011

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

**Minutes of the Council of the City of Easton, Pa.**  
**September 27, 2011**

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

The next item on the Agenda was a proposed Resolution which would adopt the reduced amortization for the Easton Consolidated Firefighters Pension Plan for the 2012 Minimum Municipal Obligations

The following Resolution was introduced by Mr. Brown:

130-2011

The above Resolution was adopted on motion of Mr. Brown 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 adopt the reduced amortization for the Police Association Pension Plan for the 2012 Minimum Municipal Obligations.

The following Resolution was introduced by Mr. Brown

131-2011

The above Resolution was adopted 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 would adopt the reduced amortization for the Officers and Employees Retirement and Pension System for the 2012 Minimum Municipal Obligations.

The following Resolution was introduced by Mr. Brown:

132-2011

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

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

**Minutes of the Council of the City of Easton, Pa.**  
**September 27, 2011**

Nays: None (0)

**CITIZENS RIGHT TO BE HEARD**

Braden Skinner, 1231 Washington Street asked about the repaving of Butler Street.

Mayor Panto said that the Handicapped ramps must still be completed and then the street would be milled by the end of October.

Nola Skinner, 1231 Washington Street, asked if the City could look into pedestrian violators who cross streets against the walk don't walk lights and against the traffic signals.

Mayor Panto and Mr. Warren said that they would look into this complaint.

**ADJOURNMENT**

With no further business, the meeting was adjourned at 6:59 p.m. on the motion of Dr. Warner and Mr. Warren by the following vote:

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

Nays: None (0)

Thomas A. Hess, City Clerk