

306 S. New St: fault-finding (5)

The Bethlehem Gadfly 306 S. New St., Gadfly's posts, Serious Issues December 31, 2018

(5th in a series of posts on 306 S. New St.)

Fault-finding.

The blame game.

Who's at fault here? Who's to blame?

The Zesters? or the City?

As Prez Waldron said, "Somewhere along the way, somebody dropped the ball."

Who? the City?

- The city official threw herself on her sword. She appreciated suggestions by CW Van Wirt and CM Colon that there was shared blame. But she did not duck. She accepted accountability. The "mistake is on us." She felt a "sense of responsibility." It was a "highly unusual situation." A half-dozen people missed it. The closest she came to an excuse was the quantity of work — 2500 or so such files to go through. Seems no doubt the city did mess up.
- The city official pledged to review the process with the goal of improving it. I think Council is owed a detailed report on her evaluation and changes that have been instituted to prevent such a thing from happening again. And a public report — public perception of city fairness was wounded here and needs to be repaired. We need to be assured that concrete steps have been taken to avoid this kind of thing happening again.

Who? the developer?

- At the very beginning of the meeting, the HCC chair, quoting minutes from the Nov. 19 HCC meeting, says that the approval of the 6th floor was "predicated" on the set-back. Predicated. No weak word. Meaning the foundation, the basis. The developer will go on to make light of the HCC stipulation, when, in fact, it is the essence of the HCC decision.
- The developer makes it sound as if this is the first time he's hearing of the HCC stipulation and that he must depend on the HCC chair's explanation to understand it. He talks of reading the correspondence from HCC to whomever. As if he/his company were never directly notified of the HCC ruling and got a copy of it. And when he understands the stipulation through the HCC chair's explanation, he doesn't understand it. He questions HCC thinking. But could he not have been aware of this from the beginning? I was barely paying attention to city matters in 2015 and

2016, but even I knew the height of the building was a problem just from the newspaper coverage.

- There were 4-5 meetings with the HCC apparently prior to approval in which the compromises and negotiations for final approval were worked out. Was the developer there at those meetings? Who *was* at those meetings? I won't know unless minutes can be obtained. But even if he wasn't, he's the boss, and it's hard to believe he didn't receive a detailed report of everything, especially since changes had to be made to gain approval. So it's very, very hard to accept his feigning ignorance, and it is not his place at this moment to question that original judgment of the HCC.
- And the developer passes the buck to his leasing/management agent. Why weren't all relevant details transmitted to his agent? Does Council have something like subpoena power? I'd like to have served one on the agent and heard his "sworn" story. Why wasn't he at the meeting with Council to answer questions? But, in any event, the boss can't pass the buck. If your "agent" made a mistake, you made a mistake.
- It's also hard to believe that somewhere, sometime the restaurateur didn't talk to the developer about what would be a highlight of his business – that dining area with a fabulous view. It may just be "the" special place in the room. It had to come up.
- So it seemed to me that the developer was playing Council. And I would like him to pay a price of some sort. To be held accountable. If only it is a kind of public reprimand that he should have known better, which, actually, Prez Waldron came close to giving him when answering his "we didn't know" about the stipulation with HCC's belief that he should have known. He should have known.