

Final observations on 2 W. Market – Part 5: the favoritism factor (78)

The Bethlehem Gadfly 2 W. Market St., Gadfly's posts, Serious Issues December 30, 2018
(78th in a series of posts on 2 W. Market St.)

The 2nd round of supporting statements on 2 W. (69)

One more observation about the 2 W. Market proceedings before we move to 306 S. New.

One more observation that will, in fact, be a bridge to discussion of 306 S. New.

An observation about charges of

- Favoritism
- rubber-stamping
- pay-to-play
- developer pockets

Heavy duty charges. We must be very careful about such charges. We must not throw them around lightly.

Gadfly has only had his wings three months. He has no history, no personal knowledge about such activity involving Mr. Rij or other investors/developers. He is a clean slate as far as stupid or unethical or criminal behavior of this type between elected officials and business people is concerned.

But you heard Mr. Clean Slate (or you can hear him for the first time by accessing the video in post #68) express worry December 18 over fairness, impartiality, and objectivity in the 2 W. Market decision – explicitly referencing CM Callahan's very warm regards for Mr. Rij, very eager desire to please investors, and what felt like a chummy reference to petitioner attorney Preston's boss "Jimmy" Broughal, who has been described to Gadfly as a power player in local politics..

Gadfly found such remarks perhaps innocently spontaneous but totally insensitive to a situation in which CM Callahan was acting as judge. The optics and the otics (good SAT word that I just learned) were bad even if there were no bad behavior.

In Gadfly's opinion – Ha! speaking boldly as if he knew something about lawyering – Mr. Rij and the whole train of character testimony that followed him over the course of the three marathon meetings had absolutely no relevance to the core issue. If Jack the Ripper (retired) owned the property at 2 W. Market, the case should have been handled in exactly the same way! Justice is blind. To Gadfly, the character of the owner is irrelevant. If the opposition brings suit, I doubt the character of Mr. Rij will be considered at all in legal deliberations up the court chain of command.

CM Reynolds cut Mr. Rij out of his decision-making process – rightly so, Gadfly thought – and called for others to do so, but Mr. Rij-the-person factored in 3 of the 4 yes votes.

The optics and the otics (have you looked this word up yet?) were not good.

Let's listen to the passionate voices of CW Van Wirt and CM Callahan December 18 on either side of this issue of favoritism. (Remember that you actually can and should listen to them in the flesh – there's nothing like "being there" – by following the link at the top and the bottom of this page.)

CW Van Wirt:

I left the most previous City Council meeting feeling absolutely just sick in my heart, and it was because our Council meeting was capped off by a vote that allowed an illegal terrace on a restaurant in South Bethlehem [306 S. New: we'll discuss this in the next post]. . . . There is a constant to decisions that have been made by this Council now and before my time, and it's based on a woefully outdated concept that any



development is good development. We have been told that the building at 3rd and New St. is better than a vacant lot, as if that's all the choice we have. . . . The rules in Bethlehem have become muddy. We give \$800,000 grants to developers inappropriately. We let developers build an illegal terrace when they knew exactly what was allowed. We gave them 11 variances on the Armory project with no safeguards that the Armory would ever be protected and built. . . . So on this road where one or two developers get to blow out the red lights, we are in control, not the developers, and good community developers, people who want to invest in our city, stay away because the rules are ever changing, because the rules favor a few investors — be they developers, businesses, or home buyers, they want to know that the rules are clear, applied equally, and that their investment will be safe from changing rules. This Council and the administration has created an environment in which investors stay away due to exactly the thing we are talking about tonight, breaking the rules for a connected guy with the Benner terrace vote or the 2 W. Market vote. . . . This is our limited, parochial, swampy future we are creating here by eviscerating the rules that keep us on the road. We don't have to accept just what the developers hand us; we can build our tax base by giving them straight rules to follow.

CM Callahan (combining selected parts from his two Dec. 18 comments):

The thing that's upsetting me is that every time we have a debate or discussion there's always people that have the opposite opinion and the thing that I find offending is that there's accusations that we are rubber stamping, municipal ethics are being violated, that Mr. Rij is violating something, that he's doing something illegal. . . . We got a letter from a resident saying it was pay-to-play. I barely know Mr. Rij, I've never taken a dime from him, nor would I, especially after this. But I'm making this decision based on what I see. . . . Nothing shady's happened, there's not this pay-to-play scheme that everybody's trying to present. . . . There are some developers in the city. We are very fortunate that we have about six of them. I know Mr. Pektor, Mr. Ronca, Mr. Benner, Mr. Petrucci, Mr. Perucci — they're two different people — and another developer with a property on Center and Dewberry [Atiyeh]. We don't



rubber-stamp like some people assume we do. Or accuse us of doing. We try to look at every single development on its own merits. And to accuse us of being in the pockets, or this was illegal. . . . We've tried to do our best with Mr. Rij's property. . . . I think it's a shame that developers are being attacked, Council people are being attacked, we're on the take, there's pay-to-play going on. . . . Stop it. It's nonsense.

Claims of unethical or criminal behavior by elected officials may indeed be nonsense. And such claims, even innuendoes, should not be made capriciously.

But it is not nonsense – it is far from nonsense – to be wary of a vigorously stated position that could look or sound (optics and otics!) like it is willing to do just about anything to favor investment/development, using increased tax dollars as rationale. It comes down to examination of behavior in specific cases. Gadfly was ill-at-ease with the optics and otics (I've fallen in love with my new word) of the investor-friendly behavior in 2 W. Market. Now let's look at 306 S. New.

The actual words from the December 18 meeting on which these observations are based can be found in [The 2nd round of supporting statements on 2 W. \(69\)](#). Gadfly always suggests that you go to the unmediated source and make your own observations. Gadfly's reflections on the first round of supporting statements can be found in [Critiquing the votes \(65\)](#)