

**MINUTES
HAZLETON CITY COUNCIL
REGULAR MEETING
TUESDAY, OCTOBER 25, 2022**

Call to Order: Council met in a Regular Meeting session on Tuesday, October 25, 2022 in Council Chambers and via ZOOM Teleconferencing. The meeting was called to order at 6:15 p.m.

Silent Meditation and Pledge of Allegiance: A silent moment was taken followed by the Pledge of Allegiance.

Roll Call: Barletta-present; Colombo-present; Mundie-present; Ondishin-present; Perry-present

Minutes of Previous Meetings: The minutes of the October 11, 2022 Regular Meeting were approved unanimously.

Presentations/Proclamations/Communications: None

Bid Opening: None

Courtesy of the Floor (ON AGENDA ITEMS ONLY): None

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

(1ST READING)

Ordinance 2022-12

An Ordinance Authorizing the Erection of a Stop Sign at Arthur Street and 9th Streets (**1st READING**)

Presented by Colombo. Seconded by Ondishin.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Ondishin-yes; Perry-yes

ORDINANCE PASSES UNANIMOUSLY

(2ND AND 3RD READINGS)

Ordinance 2022-8

An Ordinance Amending the Code of Ordinances of the City of Hazleton, Part II, Chapter 162, Business Licenses, and Part II, Chapter 369, Rental Properties (2nd READING)

Presented by Perry. Seconded by Barletta.

MOTION TO REMOVE FROM TABLE:

Presented by Perry. Seconded by Barletta.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Ondishin-yes; Perry-yes

MOTION TO REMOVE FROM TABLE PASSES UNANIMOUSLY

On the Question:

Colombo asked Atty. Logsdon to clarify some of the item's city council discussed with him. Atty. Logsdon said if a resident is living, in a half-double, with a tenant, it would be an exemption, under the ordinance, because it would be under the same deed. Perry asked if the resident still needs to apply for a license fee of \$100.00. Atty. Logsdon said, "that is correct". Atty. Logsdon stated the inspection would occur when there is a change of owner or a zoning issue. He said it would not be an automatic inspection in a "set" period of time. He said the ordinance states the City, reserves the right, to inspect the property, but with the large volume, there would not be a yearly inspection. He said a legacy lease or "life lease" would be exempt. Perry asked if a resident who already, has a business, would pay the license fee as "normal". Mayor Cusat stated nothing is changing in the Business License Ordinance. He said the City is eliminating the rental registration fee. Mayor Cusat said the resident would need to register, their rental building, at the time they apply for a business license. Perry stated all the other items are the same. Barletta asked if it includes one license or multiple licenses. Mayor Cusat said one license and then a registration (*inaudible*). Mundie asked when there is no money "changing hands", and the City is classifying the property, as a business, and stating it could be inspected, at any time, would this be a civil right issue. Atty. Logsdon said if some relative or friend, owns a home, and not charging rent, they are trying to "weigh" this from the "misinformation".

Mundie stated he knows Mayor Cusat wants to raise money and get the City "in order". He said if there is no money "changing hands", there is no consideration. Atty. Logsdon said this could include taking care of children, bills or landscape. Mundie said the ordinance could cause more problems if a resident or the ACLU wants to challenge the ordinance. Mayor Cusat said the tenant would have to "invite" the City to inspect. He said there are, also, an appeal process. Mundie said the appeal process is costly at \$500.00. He said he has some issues with the ordinance. Barletta agrees with Mundie. She said if a resident has six properties, and the resident is renting, they would need to pay a \$100.00 license for each rental. Mayor Cusat said they would pay \$25.00 for each rental. He said about 60% of properties, in the City, are not owner occupied. Mundie said the City needs to have the Code Department "in there" to make sure the properties are safe. Barletta stated some residents will save some money with the amendments. Mayor Cusat said the business license letters are going out next week.

Roll Call: Barletta-no; Colombo-yes; Mundie-no; Ondishin-yes; Perry-yes

ORDINANCE PASSES 3-2

Ordinance 2022-9

An Ordinance Amending the Code of Ordinances of the City of Hazleton, Part II, Chapter 325, Parking (**2nd READING**)

Presented by Perry. Seconded by Barletta.

On the Question:

Perry said they have spoken of the parking fees. Police Captain Anthony White said the ordinance reads, "a vehicle parked on roadway, as a road hazard or obstruction, could be issued a ticket". Barletta said the City could tow the vehicle if it is a road hazard. She asked what would happen if a vehicle would be parked in front of someone's house. White said the police officers could issue a ticket. Barletta said there a few tractor trailers parked, currently, in the City. She said this is enforced, currently, with a \$100.00 ticket. Perry stated the issue of parking school buses, on the City streets, has "brought this issue" out. Barletta asked if a tractor trailer could park, at their home, in the driveway. Mayor Cusat said yes, as long as it is properly zoned. Atty. Logsdon said if any resident wants to park a tractor trailer; they will need to contact the zoning office. Mayor Cusat stated this ordinance is "cleaning up" Ordinance 88-25. Perry stated this ordinance covers anyone living in a recreational trailer.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Ondishin-yes; Perry-yes

ORDINANCE PASSES UNANIMOUSLY

Ordinance 2022-10

An Ordinance of the City of Hazleton, Luzerne County, Commonwealth of Pennsylvania, Amending Part II, Chapter 490, Taxation, of the City's Code of Ordinances by Adding a New Article XIV, Effect of Failure to Receive Real Estate Tax Notice Pursuant to Act 57 OF 2022; Repealing Prior Inconsistent Ordinances and Parts of Ordinances; Providing for a Severability Clause; and Containing an Effective Date (**2nd READING**)

Presented by Barletta. Seconded by Colombo.

On the Question:

Atty. Logsdon said this is pursuant to ACT 57 of 2022. He said all municipal taxing bodies would have to pass this. It allows for a municipality to apply for any additional charges, i.e.- penalties, if they do not receive notice within the taxing year the property was purchased. Atty. Logsdon said it gives the resident the ability to go to the taxing office for a waiver for any penalties or costs against them.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Ondishin-yes; Perry-yes

ORDINANCE PASSES

RESOLUTIONS:

Resolution 2022-72

Appointments to Junior Council

Presented by Perry. Seconded by Colombo.

On the Question:

Perry stated there are quite a few Junior Council members. He named all new members to be inducted.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Ondishin-yes; Perry-yes

RESOLUTION PASSES UNANIMOUSLY

Resolution 2022-73

In Memoriam- Jo-Ann Yannuzzi

Presented by Perry. Seconded by Ondishin.

On the Question:

Perry said city council will vote, and wait, until Joe Yannuzzi, is at the meeting, to present him their City proclamation.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Ondishin-yes; Perry-yes

RESOLUTION PASSES UNANIMOUSLY

Resolution 2022-74

Approve Purchase of Two CNG Buses for Hazleton Public Transit

Presented by Perry. Seconded by Barletta.

On the Question:

Ralph Sharp, Hazleton Transit Authority Director, stated the buses are fully “state-funded”. He said these will be added to the City fleet, bringing the total number of buses to nine CNG buses, two diesel and one gas powered bus. Colombo asked Sharp what the City does with the old buses. Sharp said the City will take any parts that are needed from the old buses.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Ondishin-yes; Perry-yes

RESOLUTION PASSES UNANIMOUSLY

New Business: None.

Old Business: None

Comments from the Audience: Dee Deakos, 43 West Mine Street, asked if the City is still doing road patching. Mayor Cusat (*inaudible*).

Donald Mason, 195 Wilson Drive, Hazleton, said he was unable to attend the last city council meeting. He asked if there is any change to the Noise Ordinance. Barletta said the City has a Noise Ordinance, currently, in place, and could be enforced at any time, off the boundary line. Mason asked before 10 p.m. Barletta stated anytime. Mason asked if this was written in the code. Barletta said it is, actually, in the City Code, Ordinance 2020-13. Mason asked Police Captain White what the police department is doing about the noise complaints. He asked what their plan of action is. White stated that this is up to the discretion of the police officers. He said, sometimes, after the noise offense, the ticket is issued. He said the officers are patrolling, most of the areas, where they see the noise issues. Mason asked if the police officers are “fitted” with decibel meters to take readings. White said, currently, the police department is “short-staffed”. Mason said the City residents are upset about all the noise. White (*inaudible*). Mason asked if the City has an ordinance regarding parades that get “out of control”. He said, then, these organizations would not be able to get another permit for a parade because of all the resident complaints.

Mason spoke of the City crushing ATV’s versus auctioning off for funds for the City. Barletta said if the City auctions off the ATV’s, they go right back on the roads, and is a headache for the residents. Mason said by Lehigh Valley Hospital, by the park, the ATV’s and motorcycles are “flying unrestrained” in this area, and someone will get hurt. He said the City could get \$500-\$600.00 per ATV. Mayor Cusat said

one reason why the City is not crushing the ATV's is they would need to pay compensation to the tower. He said the City is working out an agreement. He said the tower has been holding about 70 vehicles for up to three years with no compensation. Mayor Cusat stated the agreement would be "some of the ATV's the City would get, and some of the ATV's the tower would get, and dispose, of them, from this point". Mayor Cusat said the City has a lot of options with the ATV's. He said they need to, currently, go through the Luzerne County Court. He said a lot of ATV's are getting challenged, going through the City Recreational Vehicle Board of Appeals, hearing. Barletta asked how the City seized these ATV's, for three years, and nothing was done. She said the ordinance wording was changed to "shall" crush. Atty. Logsdon stated it was, then, changed back to "may". Mayor Cusat said the City needs to hold the ATV's until it goes through the appeals board. He stated they need to get compensation for holding them. Barletta stated if the City sells the ATV's, they will, then, be back on the streets. Mayor Cusat said the ordinance states the ATV's could be disposed of, and not as a whole unit. He said the ATV's could be sold to a parts dealer.

Linda DeAndrea, North Lee Court, Hazleton, spoke of the attorney sign on Church and Spring Streets. She said most motorists have to go out into Church Street to see if there is any traffic, coming down the road, before turning left. She said Mayor Cusat stated the zoning regulations have changed.

DeAndrea, also, spoke of the City's Paper Shredding Event that will be held, during the day, on October 26th from 1- 4 p.m. She said it is hard, for most people who work, during the day, to attend this event. Mayor Cusat stated this was scheduled when the vendors were available. He said, in the past, they have tried to do these events on the weekends, but this causes a lot of overtime.

DeAndrea spoke of the garbage issue in the City. She said the residents were told to separate their garbage from their recyclables, but the truck dumps everything, together, when picking it up. Mayor Cusat said the Hazleton City Authority is in charge of all of this. He said their contract is up at the end of 2022. He said the City will be negotiating a contract at this time. He said the City pays more to get rid of the recycling than the regular garbage.

DeAndrea spoke of a single house, 198 North Laurel Street, that has turned into a 10-men house. She said they park on the sidewalk with many out-of-state license plates. DeAndrea said they were reported for loud music, and this has stopped. They, also, have roosters and chicks on the property. Barletta said she is not sure if the City has changed the rule on how many people could live in a home. DeAndrea stated, when winter comes, this will be a problem. Mayor stated (*inaudible*).

Rose LaRocca, 806 Alter Street, Hazleton, spoke of speeding vehicles on Alter and 15th Streets. She said turning onto 15 Street, people are "cutting" into the left lanes. She said she is surprised there are not many accidents. Mayor Cusat said the City just got paint for line painting, and has discussed lines, on Alter Street, today. She said there is a sign posted there, but they do not pay attention to it. She said cars are going up Alter Street all the time.

Comments from Mayor: Mayor Cusat said Potholes @ cityofhazleton.org is still an active email address to report any potholes in the City. He said this goes directly to the DPW Department. He said, residents, could, also call Ext. 4916 to report them. Mayor Cusat said an answering machine will answer the calls.

Mayor Cusat stated the Chestnut Street traffic light is back on.

Mayor Cusat said the Paper Shredding Event will be held on October 26th from 1-4 p.m.

He stated the recent City of Hazleton Recycling Event brought in 41,000 pounds of electronics. He stated it cost the City \$32,000 with \$7,000 collected the same day. The City received a \$10,000 grant and the HCA will pay the remaining balance.

Mayor Cusat said the City has been sending out more of the CODE RED messages. He said any resident could sign up to receive these notices, that include, any City recreation event, traffic updates, snow ban information, etc. He said it will come as a text, email or phone call.

He said this Sunday, October 30th, the Trail of Treats will be held at City View Park from 5- 8 p.m. He said there are, currently, 26 stations. He stated Safe Trick or Treating will be on Monday, October 31st throughout the City. He said there will be extra police officers patrolling the streets.

Barletta congratulated Captain White for his promotion to police captain. Barletta asked if there were any other promotions throughout the police department. Mayor Cusat state one police officer was, also, promoted to corporal.

Comments from City Administrator: None- absent

Comments from Council: Mundie spoke of the Rental Ordinance. He asked if someone lives in a double home, and the other side is vacant, do they need to follow this ordinance. Mayor Cusat said if it is registered as a separate deed, they need to register as a vacant property. Mundie said these residents want to heat their buildings with water. He said they will need to pay this fee. Mayor Cusat said if they are on the same deed, they would be exempt. Mundie said the residents would, also, have to provide their name, address and telephone numbers of all the tenants. Mayor Cusat said yes. He said they will need to provide their insurance information.

Ondishin spoke of the on-going speeding problem between the Beltway and Buttonwood Streets. Barletta asked if the City inquired about a flashing/warning light in this area. She asked if the City could write to PENN DOT for this. Mayor Cusat said the City could make a suggestion.

Ondishin said there is an accumulation of garbage up by Hazleton City Authority. Colombo said when the residents would see the \$200.00 littering fine, they will not do it.

Colombo welcomed back Joe Stanavage.

Colombo said the City is working on some issues that was discussed with Charlie Pedri, including the BYOB Ordinance. Atty. Logsdon said they are working on some amendments to the City Zoning Ordinance that will need to go before the county and local Planning Commissions. He said there is quite a "big list".

Colombo invited all to the Trick or Treating Event at City View Park on Sunday.

Barletta said she is not a very "big fan" of the Business Ordinance, but it has some good points to it.

Barletta asked if the City license plate reader is working. Captain White said good. He said the reader takes snapshots of the license plate and transmits it into data.

Barletta asked where the City is at with crushing ATV's. Barletta stated it seemed to help. Mayor Cusat said there were a few cases that went to the Appeals Court. Atty. Logsdon asked city council members if they want the City Recreational Vehicle Board of Appeals should be a one or four-year term for board members. Perry said four-year terms. Barletta stated this would be easier. Atty. Logsdon said the Recreational Board had a recent meeting discussing leaving the board in place. He said they are in the process of passing some amended by-laws for the ATV board, as well. Perry asked if there are over 70 vehicles confiscated by the City. Mayor Cusat said there about 27 vehicles, currently, in storage.

Perry asked Sharp regarding the new parking meters in the downtown. Sharp stated they are working properly, and everyone is getting accustomed to them. He said his department checks them daily. Sharp said they will be putting up new signs.

Perry said the DPW Department is putting up the City Christmas lights today.

Adjournment: Perry motioned to adjourn the meeting. Meeting adjourned at 7:11 p.m.