

**MINUTES
HAZLETON CITY COUNCIL
REGULAR MEETING
TUESDAY, DECEMBER 5, 2023**

Call to Order: Council met in a Regular Meeting session on Tuesday, December 5, 2023 in Council Chambers and via ZOOM Teleconferencing. The meeting was called to order at 6:12 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 November 21, 2023 Regular Meeting were approved unanimously.

Presentations/Proclamations/Communications: **Oath of Office for Incoming Junior Council Member.**

Perry installed new Junior Council Member Karlii Laurel.

Bid Opening: None

Courtesy of the Floor (ON AGENDA ITEMS ONLY): Dee Deakos, 43 West Mine Street, Hazleton, spoke of Resolution 2023-77- A Resolution Awarding the SR 0309 Traffic Signal Upgrades – Two Intersections Project (SR 0309 & Diamond Avenue and SR 0309 & 15th Street). She asked if City Council received these bids and were opened in front of council. Perry stated no. He said these bids, as all City bids, are opened separately, because there are too many of them. Atty. Logsdon said he does not know but will find out. Deakos asked where the money was coming from this project. Mayor Cusat said the City received grants. He stated this was bid about three or four times. He said there were two signals installed. Deakos said the building was bought at a price of \$275,000. She asked how the building increased in value by six. She said the ARP money could have been used for the stormwater project. Deakos said this building is gigantic for 20 police officers at one time. Atty. Logsdon stated an ARLE (Automated Red-Light Enforcement) funding program grant was used for this project.

David Fatula, 105 Mark Road, Hazleton, spoke of Ordinance 2023-9- An Ordinance of the City of Hazleton Providing for a Tax Exemption for Deteriorated Areas and Property Pursuant to the Pennsylvania Tax Exemption and Mixed-Use Incentive Program Identified as Act. No. 61 of 2020 (P.L. 631) July 14, 2020; Designating the Area to be Subject to the Program; Providing for an Exemption Schedule; Procedures for Obtaining an Exemption from Real Property Taxation; and Properties Not Eligible for the Exemption. He said, normally, this ordinance would be a tax exemption for industrial buildings. He said for this project, the tax exemption is for residential homes. He said this would cost the City more money to hire more police, fire, DPW and all City services. Fatula said the ordinance states this is deteriorated property. He said this is “virgin” land. He said a person could buy a home and get a tax break, where the other residents do not.

Mark Rabo, 1st Street, Hazleton, spoke of Ordinance 2023-8 -An Ordinance of the City of Hazleton, Luzerne County, Commonwealth of Pennsylvania, Amending Zoning Map Contained with the City's

Zoning Ordinance Amending the Zoning Map Included as Part of the City Zoning Ordinance; Amending the Off-Street Parking Requirements for Multi-Family Dwellings; Providing for a Severability Clause; Repealing Prior Inconsistent Ordinances; Ratifying the Ordinance and Containing the Effective Date.

Rabo asked about the two off-street parking spaces for each house. He said there are other parts in the City, in a similar zone, that require three parking spaces. He stated this would violate the State and Federal 14th Constitutional Amendment. Rabo said under the Planning Code, any zoning amendment needs to be within 30 days, and not 5 days.

Rabo, also, spoke of Ordinance 2023-9- An Ordinance of the City of Hazleton Providing for a

Tax Exemption for Deteriorated Areas and Property Pursuant to the Pennsylvania Tax Exemption and Mixed-Use Incentive Program Identified as Act. No. 61 of 2020 (P.L. 631) July 14, 2020; Designating the Area to be Subject to the Program; Providing for an Exemption Schedule; Procedures for Obtaining an Exemption from Real Property Taxation; and Properties Not Eligible for the Exemption. He stated under the Statue cited, ACT 61 of 2020, it needs to be a designated blighted area. He asked when this area was designated blighted by the Redevelopment Authority. He said this was approved by the Planning Commission. Rabo stated this is why the City needs a Blighted or Redevelopment Authority.

Rabo, also, spoke of An Ordinance Amending the Code of Ordinances of the City of Hazleton, Part II, Chapter 404, Solid Waste, Article I, Garbage, Rubbish, and Refuse, Amending Section 404-9, Garbage Collection and Disposal Fees. He said there is not enforcement of the garbage ordinance, and asked why the ordinance was on “the books”.

Nathan Lee, Hazleton, said if the City does not raise the tax base, the City needs to raise taxes.

Dan Lynch, City Administrator, spoke of the real estate tax abatements on the new properties. He said there is a valuation of about \$300,000 on the properties. He said their tax bill will be about \$600.00, and when the residents are done with their exemption, their tax bill would be over \$2,000. He said the sale of the plots come back through the real estate taxes, along with EIT taxes when the resident works in the City.

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

(1ST READING)

Ordinance 2023-10

An Ordinance Authorizing and Making a Portion of 14th Street a Two-Way Street between Sherman Court and Alter Street **(1st READING)**

Presented by Perry. Seconded by Ondishin.

On the Question:

Atty. Logsdon said with the new police department, on Church Street, the City felt it would be better for a response time, for the officers, to make these streets two-way. Mayor Cusat said the police officers, currently, exit onto 14th Street. He stated he wants to make this official, as a two-way street, because there is no ordinance stating the two-way.

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

ORDINANCE PASSES UNANIMOUSLY ON 1st READING

Ordinance 2023-11

An Ordinance Authorizing and Making a Portion of 13th Street a Two-Way Street between Vine Street and Laurel Street (**1st READING**)

Presented by Perry. Seconded by Barletta.

On the Question:

Atty. Logsdon said this is the same idea as Resolution 2023-10.

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

ORDINANCE PASSES UNANIMOUSLY ON 1st READING

BUDGET ORDINANCE 2023-12

An Ordinance Providing for the Appropriation of Specific Amounts Estimated as Required for the Various Departments of the Government of the City of Hazleton, Luzerne County, Pennsylvania for and during the Fiscal Year, dating from January 1, 2024 and Ending December 31, 2024 **(1st READING)**

Presented by Perry. Seconded by Ondishin.

On the Question:

Lynch said when the City was putting the 2024 budget together, they knew they had their debt payment coming back. He said there was a “hole”, in the budget, of 1.05 mills already. Lynch said the operation “side” of the budget needs to be balanced, and cut about \$485,000 in expenses and added \$60,000 in revenue. He said people working in the City, in 2024, should see a reduction in their taxes. He said the City has raised taxes 4.93 mills over a 14-year period. Lynch said the City did not go more than two years in raising taxes. He said City Council added \$400,000 in paving funds. He said, over the five years, .46 mills were increased in the City. Lynch said the administration has been diligent in not over taxing and overspending. He stated the City is looking at a challenge in year 2025. The HCA payment will not be received in 2025, and the cops grant will not be received by the City.

Barletta thanked Lynch for all his help with the budget numbers. He said Barletta has been diligent with going “through the numbers”. Mundie said the millage increase, in 2024, will be 17%.

Perry said he spoke with Joe Zeller, Community Development Director, regarding the GIS project. Zeller stated the City would qualify for ARP funds for this project in the amount of \$98,000.

Barletta asked if the City could use the \$98,000 ARP money for the GIS mandate, and the money built into the budget, to lower the City proposed tax increase. Mayor Cusat said the \$98,000 was built into the General Fund increase. He said next year’s payment will be \$600,000. He stated the City could do this, but this would increase the tax increase for 2024. He said the City, in 2024, will not receive the cops grant of \$400,000, the \$472,000 payment from the HCA, and \$277,000 in contractual agreements. Mayor Cusat said if this is done, then the City would need to decide what street will not be paved.

Perry asked why the Rental Property Registration is budgeted lower in 2024. Lynch said it depends on when the City sends out the bills.

Mayor Cusat said the City needs to negotiate three contracts in 2024. He said there could be a large increase in the next year or two when the contracts are agreed upon. He said the City needs to increase the taxes slowly, and make sure the City is not hit, as in the past, when the City needed to go into ACT 47. Barletta said if the City could use some of the ARP and surplus money.

Perry said a City resident was complaining about the cat issue. He asked what a Vector Control employee would cost the City. Lynch said the total budget, for a Vector Control employee, would be about \$100,000, and this includes health benefits. Mayor Cusat said if the City lays off an employee, the City still pays six months for their health benefits.

Mayor Cusat stated Park Mobile is easier to use, downtown, in the City. He said the revenue has gone up, and the fines have gone down. He said the parking enforcement is working. He stated, currently, the City has one parking enforcement officer on the streets.

Lynch suggested City Council pass the budget on the first reading, and review the potential amendments.

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

ORDINANCE PASSES 4-1 ON 1st READING

Ordinance 2023-13

Re-Enacting Ordinance 1931 which Continues in Force and Effect for the Period January 1, 2024 through December 31, 2024, Imposing the Real Estate Transfer Tax (**1st READING**)

Presented by Perry. Seconded by Ondishin.

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

ORDINANCE PASSES UNANIMOUSLY ON 1st READING

Ordinance 2023-14

An Ordinance of the City of Hazleton Fixing the Tax Rate of Real Estate Located in the City of Hazleton, Pennsylvania, for All City Purposes for the Fiscal Year 2024, Beginning January 1, 2024 and Ending December 31, 2024 (**1st READING**)

Presented by Ondishin. Seconded by Colombo.

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

ORDINANCE PASSES 4-1 ON 1st READING

Ordinance 2023-15

Re-Enacting Ordinance 2021-24 which Continues in Force and Effect for the Period January 1, 2024 through December 31, 2024, Imposing the Payroll Preparation Tax for the City of Hazleton (**1st READING**)

Presented by Perry. Seconded by Barletta.

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

ORDINANCE PASSES 4-1 ON 1st READING

Ordinance 2023-16

An Ordinance Amending the Code of Ordinances of the City of Hazleton, Part II, Chapter 490, Taxation, Article IV Earned Income and New Profits, Providing for Assessment Levy, and Collection of a Tax for Earned Income, Earned or Received, and to Net Profits, Earned or Received for Both Residents and Non-Residents of the City of Hazleton for General Municipal Purposes and to be Paid Pursuant to Act 205, known as the Municipal Pension Plan Funding Standard and Recovery Act, Beginning January 1, 2024 and Continuing in Force on a Calendar year basis **(1st READING)**

Presented by Barletta. Seconded by Colombo.

On the Question:

Barletta asked if this amount is where the City was before ACT 47. Lynch said at 511, the standard is .5%, and the 205 would be reduced to .25% and .625%. Atty. Logsdon said the first one, under Subsection A is the standard .5%, non-resident, and Subsection B is the ACT 205 fund, and the rate was adjusted from 1.25% and is, currently, .625%.

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

ORDINANCE PASSES UNANIMOUSLY 1st READING

(2ND AND 3RD READINGS)

Ordinance 2023-8

An Ordinance of the City of Hazleton, Luzerne County, Commonwealth of Pennsylvania, Amending Zoning Map Contained with the City's Zoning Ordinance Amending the Zoning Map Included as Part of the City Zoning Ordinance; Amending the Off-Street Parking Requirements for Multi-Family Dwellings; Providing for a Severability Clause; Repealing Prior Inconsistent Ordinances; Ratifying the

Ordinance and Containing the Effective Date (2nd Reading)

Presented by Perry. Seconded by Ondishin.

On the Question:

Atty. Logsdon stated Atty. Gundlach representing Allen Ridge Associates is present to speak on this project. He spoke on the housing project.

Colombo suggested tabling the ordinance, and present this to the Zoning Hearing Board. Mayor Cusat said City Council would have to appeal this before it could go to the Zoning Hearing Board. Atty. Logsdon said Allen Ridge is asking for a zoning map and a text amendment, and would not need to go to the Zoning Hearing Board, first, and then come back to council. Atty. Gundlach said the Zoning Hearing Board has jurisdiction only for zoning appeals. He said this is the first step, and they need to go to the Planning Commission, obtain outside permits and planning modules, and road improvements permits from the City. He said this is the best place for this proposed project. Gundlach stated they need to do traffic studies. He said the townhomes, currently, will be built first and are working on the planning modules and the NDPS permits.

Atty. Logsdon said this ordinance is for the zoning map and text amendment for parking.

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

ORDINANCE PASSES 4-1

Ordinance 2023-9

An Ordinance of the City of Hazleton Providing for a
Tax Exemption for Deteriorated Areas and Property Pursuant to the
Pennsylvania Tax Exemption and Mixed-Use Incentive Program

Identified as Act. No. 61 of 2020 (P.L. 631) July 14, 2020; Designating the Area to be Subject to the Program; Providing for an Exemption Schedule; Procedures for Obtaining an Exemption from Real Property Taxation; and Properties Not Eligible for the Exemption (**2nd Reading**)

On the Question:

Gundlach said the mixed-use LERTA Ordinance would allow reduced taxes for a period of time.

Perry asked Gundlach about the ordinance stating deteriorated. Gundlach said the statute defines an area by limited access, a bighted residential, and consists of underutilized land, particularly Wilson Street. He said there are storm pipes that are rotting and leaking. He stated there are homes on Club Forty Road that are blighted.

Gundlach said his client is looking to build homes in the spring of 2024. He said they will start replacing the old sewer pipes with clay pipes. They will, also, place trees.

Barletta asked how many homes they will build right away. Gundlach said about 78-80 will be built in Phase 1.

Barletta asked how Gundlach determined the earned income tax. Gundlach handed out the information to all City Council members and reviewed the numbers.

Mundie said no sheds or pools might hurt their home sales. Gundlach said there will be a “top” lot with a dog park, play fields and walking trails.

Barletta stated City Council needs to protect their residents and the City budget.

Mundie asked if the LERTA Ordinance did not pass, tonight, if the ordinance could be passed in January. Atty. Logsdon said yes.

MOTION TO TABLE:

Presented by Mundie. Seconded by Colombo.

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

ORDINANCE TABLED

RESOLUTIONS:

Resolution 2023-77

A Resolution Awarding the SR 0309 Traffic Signal Upgrades – Two

Intersections Project (SR 0309 & Diamond Avenue and SR 0309 & 15th Street)

Presented by Ondishin. Seconded by Barletta.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2023-77

A Resolution Awarding the SR 0309 Traffic Signal Upgrades – Two Intersections Project (SR 0309 & Diamond Avenue and SR 0309 & 15th Street)

Presented by Ondishin. Seconded by Barletta.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2023-78

A Resolution Approving the Annual Action Plan for Fiscal Year 2024

Presented by Ondishin. Seconded by Barletta.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2023-79

A Resolution Approving the Sewage Facilities Planning Module for the Butler Schiavo 95 New Industrial Facility

Presented by Perry. Seconded by Barletta.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2023-80

Approving the Settlement Stipulation in Relation to the Tax Appeal of Immanuel Christian School for Tax Year 2022

Presented by Perry. Seconded by Colombo.

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

RESOLUTION PASSES UNANIMOUSLY

New Business: None.

Old Business:

Ordinance 2023-7 An Ordinance Amending the Code of Ordinances of the City of Hazleton, Part II, Chapter 404, Solid Waste, Article I, Garbage, Rubbish, and Refuse, Amending Section 404-9, Garbage Collection and Disposal Fees
(1st READING)

Presented by Colombo. Seconded by Barletta.

MOTION TO REMOVE FROM TABLE:

Presented by Colombo. Seconded by Mundie.

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

MOTION TO REMOVE FROM TABLE PASSES UNANIMOUSLY

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

ORDINANCE PASSES 4-1 ON 1st READING

Comments from the Audience: Dee Deakos, 43 West Mine Street, Hazleton, asked how many EDU's are available from the Hazleton Sewer Authority. Mundie said the builder has approval from the Hazleton Sewer Authority.

Deakos asked, under the ARP money, there was a Brown Field grant submission by Ammo Environmental. She asked which part of the City this is located in. Mayor Cusat said they evaluated multiple properties in the City. He said one was up by Kama. He stated, out of the ARP money, the City paid \$25,000 to write the grant, the City was awarded \$500,000 for the grant, and all the money will come back.

Deakos spoke of the old post office on Cedar and Broad Street. She said Rinaldi has rented out this building for a while. She asked how long the lease will go on. Mayor Cusat said he does not know how long the lease is, but the City is looking to re-acquire this building, and move three more tenants in this building.

Mark Rabo, 1st Street, Hazleton, stated he serves on the Luzerne County Redevelopment board. He said this "pitch" by Atty. Gundlach stated this area is considered blight. He stated, under statute ACT 61 of 2020, the definition for blight states the property needs to be tax delinquent. Rabo said this property was not tax delinquent. He asked City Council to consider a deferral, and not an exemption. He said the City would then need to do this for every other contractor or developer in the City.

Atty. Logsdon stated Rabo's point regarding the definition is valid. He stated he and City Council need to talk about this.

David Fatula, 105 Mark Road, Hazleton, spoke of the building development on Wilson Street and Club Forty Road. He said he does not know if any other municipality gives a tax break to new developers. Fatula said the City expenses are not going away. He said this development will increase traffic.

Robert Collado, 242 South Fulton Court, Hazleton, said the City of Hazleton is no longer the same as 20 years ago. He said the City population will double. Collado said it would benefit the City to take projects as this home development. Collado said the City needs these projects to keep growing.

Comments from Mayor: Mayor Cusat said the Hazleton Police Department has moved out of City Hall. He said the police records department and “walk-ins” will be here for a while, and the Parking Department will be moving next week to the Hazleton Transit Station. He said the new Hazleton Police Department, at 780 North Church Street, had an appraisal of \$1,900,000. Mundie requested the appraisal report from Mayor Cusat. He said he will send this to him.

Mayor Cusat said the SR Route 309 Traffic upgrade project was from 2020. The City applied in 2021, and awarded in late 2022.

Mayor Cusat said he will have an update on Luzerne County offices moving into City Hall, either by the next City Council meeting or the January meeting.

Mayor Cusat stated he reached out to Senator Argall and Yudichak, today, who sponsored the bill on the residential mixed- use LERTA Ordinance.

Mayor Cusat asked if City Council members reviewed the information on Resolution 2023-80. Barletta said it was appealed and went to Luzerne County who approved this. Mayor Cusat said Luzerne County approved this, but the City does not have to approve it.

Atty. Logsdon asked if City Council had the stipulation with the resolution. Barletta said no. Atty. Logsdon said he did send over the stipulation to City Council.

Mayor Cusat said, yesterday, was the City's 132nd birthday. He said on December 6th there will be a Tree Lighting Event at City Hall. Mayor Cusat said the Santa parade will be held on December 10th.

Comments from City Administrator: Lynch said with City Council passing the proposed 2024 City budget first reading, they could come up with a goal. He said he has some ideas and could review these with Council members.

Comments from Council: Mundie said all leading indicators are predicting a recession. He said the City will, in time, need to get more police, fire, and all City services.

Mundie wished Mayor Cusat a Happy Birthday.

Colombo said this is not fair to the City residents that the new development would get a tax break, and the other City residents will not.

Mundie asked Mayor Cusat if he will be putting signs out for the new Hazleton Police Department. Mayor Cusat stated the City has signage. He said once the Hazleton Police Department is fully “in” the building, he will be notifying everyone.

Ondishin asked Sharp how the new Hazleton Bus facility is coming. Sharp said the new facility should be completed this month.

Perry thanked Frank Vito and all the DPW workers in putting up all the Christmas lights.

Perry asked when the Memorial Park party will be held. Mayor Cusat said it be held on December 10th & 17th with the Unico Living Nativity to be held on December 17th.

Comments from Junior Council: Paul Neyhart said the City needs this building project. Neyhart said the ideas discussed made him think of who could afford these homes. Gundlach stated their target groups would be college students, nurses and doctors. Ondishin said if there are two incomes, in a family, the price of the homes would not be bad. He said the City will receive EIT taxes from them. Lynch said, also, there will be a transfer tax when the land developer sells it to the builder.

Adjournment: Perry motioned to adjourn the meeting. Perry adjourned the meeting at 8:16 p.m.