

**MINUTES**  
**HAZLETON CITY COUNCIL**  
**REGULAR MEETING**  
**WEDNESDAY, JANUARY 17, 2018**

**Call to Order:** Council met in regular session on Wednesday, January 17, 2018 in Council Chambers. The meeting was called to order at 6:00 pm.

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

**Roll Call:** Barletta-present; Colombo-present; Mope-present; Perry-present; Gavio-present

**Minutes of Previous Meetings:** The minutes of the January 2, 2018-Inauguration, January 3, 2018 Special Meeting, and January 10, 2018- Work Session were approved unanimously.

**Proclamations/Communications:** None.

**Bid Opening:** None.

**Courtesy of the Floor (ON AGENDA ITEMS ONLY):** Dee Deakos, 43 West Mine Street, Hazleton, asked with the recent snow storm which snow ban ordinance is in effect. She said council and administration need to get a legal opinion on this matter. David Sosar, 338 West 2<sup>nd</sup> Street, Hazleton, said some of the ordinances, on the agenda, have already been vetoed. He said he reviewed the letters that were received by the city clerk on January 11, 2018, He stated the mayor has 10 days to veto an ordinance. Sosar suggested council review the dates all veto letters were received by the council clerk.

Mark Rabo, 8 West 1<sup>st</sup> Street, Hazleton, spoke of Ordinance 2018-1- Amending Ordinance 2012-15, Regulating Parking within the City of Hazleton During the Snow Season for Snow Removal and/or Plowing and Establishing a Schedule of Fines for Violations Defined in the Various Classifications of Said Regulations. Rabo said he asked, at the previous council meeting, if this ordinance can be enforced, when passed, retroactively. He stated once a law is passed, it can take from 30-90 days to take effect. Rabo suggested seeking the city solicitor's opinion on this matter. Rabo also spoke of Resolution 2018-11- Amended Council Meetings for the Year 2018. He said he agrees with this procedure. Rabo said Luzerne County follows this time-line for their meetings. Rabo also spoke of all ordinances regarding the 2018 budget. He suggested council add the vacant registration ordinance into the budget. He said \$20,000-\$30,000 should be added into the budget. He said any money collected from the old St. Joseph Hospital building should also be included. He said administration needs to collect any past due balances owed to the city. Rabo asked council to consider looking into buildings that have several satellite

dishes. He said Code Enforcement can enforce a fine to the property owners. He said the city of Easton has implemented an ordinance to allow Code Enforcement to charge a fee for these violations.

**Old Business:**

**ORDINANCES**

**Ordinance 2018-1** Amending Ordinance 2012-15, Regulating Parking within the City of Hazleton During the Snow Season for Snow Removal and/or Plowing and Establishing a Schedule of Fines for Violations Defined in the Various Classifications of Said Regulations (**2<sup>nd</sup> READING**)

Presented by Perry. Seconded by Colombo.

**Roll Call:** Barletta-yes; Colombo-yes; Mope-yes; Perry-yes; Gavio-yes

**ORDINANCE PASSES ON 2<sup>nd</sup> READING**

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**Ordinance 2018-1** Amending Ordinance 2012-15, Regulating Parking within the City of Hazleton During the Snow Season for Snow Removal and/or Plowing and Establishing a Schedule of Fines for Violations Defined in the Various Classifications of Said Regulations (**3<sup>rd</sup> READING**)

Presented by Perry. Seconded by Colombo.

**On the Question:**

Perry asked Mayor Cusat if this ordinance will be enforced immediately. Mayor Cusat said once he signs this ordinance, it will be enforceable. Perry said the city needs to inform the public. Mope asked Mayor Cusat if it takes 10 days for an ordinance to become effective. Mayor Cusat said it is “his” ten-day grace period. He said if he signs it immediately, it will be enforced. Mayor Cusat said for 2018, do not park on the blue or yellow sign side. He said for 2019, the yellow sign will not change. He said after 2018, the signs will be red and blue. In 2019, the ban will be for vehicles not to park on red sign side. In 2018, the ban will be for vehicles not to park on blue sign side.

**Roll Call:** Barletta-yes; Colombo-yes; Mope-yes; Perry-yes; Gavio-yes

**ORDINANCE PASSES**

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## RESOLUTIONS

### **Resolution 2018-11** Amended Council Meetings for the Year 2018

Presented by Mope. Seconded by Barletta.

#### **On the Question:**

Mayor Cusat suggested council add a meeting on February 5<sup>th</sup>, 2018. He said due to the budget deadline, and the last meeting date, the meeting needs to be 20 days after the proposed budget is posted. He said council should amend this resolution to add this meeting. Mayor Cusat said if the meeting is added to the meeting schedule then the meeting date does not need to be advertised in the newspaper.

Perry motioned to amend to add meeting date of February 5, 2018 at 6:00 p.m. to schedule.

#### **Motion to Amend:**

Presented by Perry. Seconded by Gavio.

#### **Roll Call (on Motion to Amend council meeting dates to add February 5, 2018):**

Barletta-yes; Colombo-yes; Mope-yes; Perry-yes; Gavio-yes.

### **MOTION TO AMEND PASSES UNANIMOUSLY**

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Presented by Gavio. Mope seconded.

**Roll Call (As amended):** Barletta-yes; Colombo- yes; Mope-yes; Perry-yes; Gavio-yes

### **RESOLUTION PASSES UNANIMOUSLY AS AMENDED**

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#### **New Business:**

## ORDINANCES

**Ordinance 2018-3** 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 2018, Beginning January 1, 2018 and Ending December 31, 2018 (**1<sup>st</sup> Reading**)

Presented by Perry. Seconded by Gavio.

**On the Question:**

Mope asked if this ordinance needs to be amended due to second and third readings date are scheduled for February 1<sup>st</sup>. The next council meeting was rescheduled to February 5, 2018. Mayor Cusat said no. Mayor Cusat said the debt service should be 1.37 based on calculations. He also stated the \$85,000 payment should be built-in which would be .07. Mayor Cusat said the rate was 1.30 in 2015, 2016 and 2017. He said there was \$85,000 added. He said there is a 90% collection rate which would be \$900,000.

Perry made a motion to make the debt service to 1.37 mills. Gavio seconded.

**Roll Call (On Motion to Amend):** Barletta-yes; Colombo-yes; Mope-no; Perry-yes; Gavio-yes

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**MOTION TO AMEND PASSES**

**Roll Call (As Amended):** Barletta-yes; Colombo-yes; Mope-no; Perry-yes; Gavio-yes

**ORDINANCE PASSES ON 1<sup>st</sup> READING**

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**Ordinance 2018-4** Re-Enacting Realty Transfer Tax Provisions Pursuant to Article XI-D of the Tax Reform Code of 1971, and Authorizing the Department of Revenue of the Commonwealth of Pennsylvania to Determine, Collect, and Enforce the Tax, Interest, and Penalties (**1<sup>st</sup> Reading**)

Presented by Perry. Seconded by Colombo.

**Roll Call:** Barletta-no; Colombo-yes; Mope-no; Perry-yes; Gavio-yes

**ORDINANCE PASSES ON 1<sup>st</sup> READING**

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**Ordinance 2018-5** An Ordinance Amending Ordinance 88-14, Re-Enacting the Mercantile and Business Privilege Tax for the Period of January 1, 2018 through December 31, 2018 (**1<sup>st</sup> Reading**)

**NO PRESENTATION MADE- ORDINANCE DIES**

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**Ordinance 2018-6** An Ordinance Amending Ordinances 1878, 1932, 88-52, and 2004-38, Providing for Assessment Levy, and Collection of a Tax for General Municipal Purposes and Imposing Additional Tax for the Sole Purpose of Funding Required Benefits to be Paid to or on

Behalf of Pension Recipients Pursuant to Act 205, known as the Municipal Pension Plan Funding Standard and Recovery Act, which is Directly Related to the Pension Plan of the City of Hazleton (**1<sup>st</sup> Reading**)

Presented by Mope. Seconded by Gavio.

**Roll Call:** Barletta-yes; Colombo-yes; Mope-yes; Perry-yes; Gavio-yes

**ORDINANCE PASSES ON 1<sup>st</sup> READING**

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**Ordinance 2018-7** Re-Enacting Ordinances 1931, 1932, and 1933, which Continue in Force and Effect for the Period January 1, 2018 through December 31, 2018, Imposing the Real Estate Tax, Earned Income Tax, Per Capita Tax, and Resident Tax, Respectively (**1<sup>st</sup> Reading**)

Presented by Gavio. Seconded by Perry.

**Roll Call:** Barletta-no; Colombo-yes; Mope-no; Perry-yes; Gavio-yes

**ORDINANCE PASSES ON 1<sup>st</sup> READING**

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**RESOLUTIONS**

**Resolution 2018-10** Awarding a Contract to Furnish and Deliver Unleaded Gasoline and Diesel Fuel

Presented by Mope. Seconded by Colombo.

**On the Question:**

Colombo asked if council will receive the bid bond from the contractor. Gavio said yes.

**Roll Call:** Barletta-yes; Colombo-yes; Mope-yes; Perry-yes; Gavio-yes

**RESOLUTION PASSES UNANIMOUSLY**

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**Comments from the Audience:** David Sosar, 338 West 2<sup>nd</sup> Street, Hazleton, said he is currently preparing a study on local government with home rule charters and optional plan laws in Pennsylvania and across the country. He said it states the real estate transfer tax is currently 1% for the buyer, and 1% for the seller. Sosar stated it needs to be investigated more closely before approving on second and third readings. He said home rule charter cities have control on

this tax. He said these cities are able to go above 1%. He said if a city is considered under third-class city code, they need to review what the percentage would be. He said he tried to research this on the Department of Revenue-PA website. He said he was unable to obtain the information. Sosar suggested administration investigate this tax rate further.

Mark Rabo, 8 West 1<sup>st</sup> Street, Hazleton, said regarding home rule charters, it does not give “carte blanche” to any city to do “what they want”. He said the state sets the parameters for the city laws. He said no municipality, which has a home rule charter or optional plan, could supersede the laws of the state or the constitution. Rabo said he saw a recent report on the mayor’s meeting on the cities blighted property problems. He said ACT 90 should be utilized by the mayor. Rabo said this is very successful. He said under a provision of ACT 90, it requires a judge to intercede on certain cases. Rabo said there are many safety hazards, with homes being illegally converted, and no fines issued. He said, in the rental registration ordinance, the conversions need to be removed. He said it is in conflict with the zoning ordinance. He asked why the vacant registrations and transfers were not added into the budget. Mope stated it should have been added in as income. She said when the former council prepared the budget, this information was not made available to them. She said currently a transfer would need to be done. Rabo spoke of the prior discussion if whether the EIT tax could be raised. He said with the city being under ACT 47, he said one recommendation from DCED is to raise the EIT tax. Mope said before the administration could raise the EIT, it would first have to go to court. He said this needs to be considered.

**Comments from Mayor:** Mayor Cusat said there is no transfer on revenue received. He said the revenue from the St. Joseph building was collected in 2017. Mope asked how much was received. Mayor Cusat said the total was about \$300,000. Mayor Cusat said a former mayor, in 2012, tried to charge for multiple satellite dishes, on buildings, in the city, but this was ruled unconstitutional. Mope said a satellite dish company threatened a lawsuit. Mayor Cusat agreed. Mayor Cusat said the new boiler is installed. He thanked Anthony Mope for all his work in the installation and working with the street department. Mayor Cusat said Bob Mandak and Ken Zipovsky have retired from the Hazleton Police Department. He thanked them for their 20 years of committed service to the city.

**Comments from Junior Council:** None.

**Comments from Council:** Mope thanked Mandak and Zipovsky for their service. She also thanked Nancy Doyle, Human Resources Coordinator and Tom Pribula, City Administrator, for their service to the city. He wishes them all well in their future endeavors.

James Perry also thanked the streets department, five employees, for plowing the streets in the recent snow storm. He also thanked Tom Pribula and Nancy Doyle for her many years of service. He spoke of a recent PEL distribution breakdown of taxes, received from Gerald Cross, Executive Director of the Pennsylvania Economy League. He said the real estate taxes are only paying 34% of the city budget. Mayor Cusat said property tax brings in \$2,900,000 in current year expenses. He said the police department is over \$5,000,000. He said the entire collection of property tax does not cover the police department. Perry stated 20% comes from the EIT tax, business privilege is 5.7%, licenses and permits is 6.2%. He said the city needs to focus on fine

collection. He said there is 10% received in miscellaneous revenue. He said this information will be available on the city of Hazleton website. Perry stated the residents need to see where their money goes.

Colombo also thanked Bob Mandak, Ken Zipovsky, Tom Pribula, and Nancy Doyle for their service. He also thanked the streets department for doing an outstanding job in the recent snow storm and keeping the citizens safe.

Barletta thanked Bob Mandak, Ken Zipovsky, Tom Pribula, and Nancy Doyle for their service. She said they will be missed.

Gavio said Tom Pribula was good at his job as city administrator. He said he will be missed. He said Nancy Doyle is a valued employee. He also stated Mandak and Zipovsky did a good job as police officers for the Hazleton Police department. He wished them all well and thanked them all for their great service to the city.

**Adjournment:** Gavio motioned to adjourn the meeting. Meeting adjourned.