

MINUTES

HAZLETON CITY COUNCIL

REGULAR MEETING

MONDAY, FEBRUARY 5, 2018

Call to Order: Council met for a Special meeting on Monday, February 5, 2018 in Council Chambers. The meeting was called to order at 6:00 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; Mope-present; Perry-present; Gavio-present

Minutes of Previous Meetings: The minutes of the January 11, 2018-Special Meeting, January 12, 2018- Special Meeting, and January 17, 2018- Regular Meeting were approved unanimously.

Proclamations/Communications: None.

Bid Opening: None.

Courtesy of the Floor: Mark Rabo, 8 West 1st Street, Hazleton, spoke of Budget Ordinance 2018-2. He said the city included the city administrator's budget in the 2018 budget. Rabo said, currently, there is an interim city administrator. Rabo said he is paid at an hourly rate. He asked how the salary will be "squared" when the new city administrator is hired. Rabo asked how there can be a significant increase in salaries in the city's Public Works Department in 2018. He asked if these are contracted or non-contracted raises. Rabo asked about the status of the city garage. He asked where the money is from the leasing contracts and the percentage of collection. Rabo asked if there can be an increase in the rates/fees at the Hazleton City Municipal Airport. He also asked about the vacant registration fees. Rabo stated this can be placed in the budget. Rabo said he is in strong support in hiring five new policemen for the Hazleton City Police Department. He said they work long hours and put "their lives on the line". Rabo spoke of Resolution 2018-18- Rules of Council. He stated everyone has a right to free speech. He said it should be under Roberts Rules of Order or modified under council's rules. Rabo wished all the new policemen the best.

Judy Yurcho, 984 North Locust Street, Hazleton, spoke of the 2018 budget. Yurcho stated employee raises should, currently, be "on hold" due to the city being under ACT 47. She spoke of Resolution 2018-18- Rules of Council. She said council represents the citizens of Hazleton. She said residents have a right to speak their mind. Yurcho said if the taxes are increased and employees receive raises, the city will not move ahead. Yurcho said the residents elect council members to their positions. Barletta stated the council rules have been in place since 2012. She said the residents always have three minutes at the podium to state their opinion. She said rule #4 is being adjusted to meet the new council schedule. Police Chief Jerry

Speziale said he wants to clarify the Hazleton Police Department contract and raises. He said the city has been in arbitration. He said the raises are a “win” for the city. He said the new policemen hires will be in a “seven-year step” which will save the city money.

Old Business:

ORDINANCES

Budget Ordinance 2018-2 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, 2018 and Ending December 31, 2018 (**2nd READING**)

Presented by Perry. Seconded by Colombo.

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

ORDINANCE PASSES ON 2nd READING

Budget Ordinance 2018-2 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, 2018 and Ending December 31, 2018 (**3rd READING**)

Presented by Perry. Seconded by Gavio.

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

ORDINANCE PASSES

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 (**2nd READING**)

Presented by Gavio. Seconded by Perry.

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

ORDINANCE PASSES ON 2nd READING

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 (**3rd READING**)

Presented by Perry. Seconded by Gavio.

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

ORDINANCE PASSES

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 (**2nd READING**)

Presented by Perry. Seconded by Gavio.

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

ORDINANCE PASSES ON 2nd READING

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 (**3rd READING**)

Presented by Gavio. Seconded by Colombo.

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

ORDINANCE PASSES

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 (**2nd READING**)

Presented by Mope. Seconded by Barletta.

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

ORDINANCE PASSES ON 2nd READING

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 (**3rd READING**)

Presented by Colombo. Seconded by Mope.

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

ORDINANCE PASSES

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 (**2nd READING**)

Presented by Gavio. Seconded by Colombo.

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

ORDINANCE PASSES ON 2nd READING

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 (**3rd READING**)

Presented by Colombo.

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

ORDINANCE PASSES

RESOLUTIONS

None

New Business:

ORDINANCES

None

RESOLUTIONS

Resolution 2018-12 Approving the Memorandum of Understanding between the City of Hazleton and the Fraternal Order of Police Power City Lodge #18

Presented by Mope. Seconded by Barletta.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2018-13 Approving and Hiring Police Officer in Accordance with Police Civil Service Rules- Milagros Attagracia Holguin-Ramos

Presented by Mope. Seconded by Colombo.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2018-14 Approving and Hiring Police Officer in Accordance with Police Civil Service Rules-Eric Hernandez

Presented by Gavio. Seconded by Barletta.

Roll Call: Barlettta-yes; Colombo-yes; Mope-yes; Perrry-yes; Gavio-yes

RESOLUTION PASSES UNANIMOUSLY

Resolution 2018-15 Approving and Hiring Police Officer in Accordance with Police Civil Service Rules- Jonathan Leonard

Presented by Mope. Seconded by Gavio.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2018-16 Approving and Hiring Police Officer in Accordance with Police Civil Service Rules-Christopher Zubris

Presented by Gavio. Seconded by Perry.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2018-17 Approving and Hiring Police Officer in Accordance with Police Civil Service Rules-Ryan Mariano

Presented by Colombo. Seconded by Mope.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2018-18 Rules of Council (Amended)

Presented by Barletta. Seconded by Gavio.

On the Question:

Mope stated she agrees with Barletta in changing the time period the items are to be placed on the council agenda. She said there are also items, in the rules of council, she does not agree with. Perry made a motion to amend this resolution. He stated the individual who places an item on the agenda needs to attach their name to it. Perry said only that individual can remove the item. He said then council can table it. Perry said the president should not have the right to “arbitrarily” remove an agenda item.

Gavio stated he would not remove anything, on the agenda, that an individual places on the agenda. Perry said any ordinance or resolution can be tabled at any time. Mayor Cusat said by removing an item, it is a “suppression of the minority”. She stated council cannot be withheld by seeking any outside information from any source. She said the original rules of council limits council, and this is why she does not agree with the rules. Perry said any council member, at any time, can seek information. Mope read, from Rules of Council, Rule 13- Item- B: “ Requests for information from a Council Member to any public or private organization, corporation, company, department, board, authority, commission or any other such entity not operated by or under the immediate direction of the City of Hazleton, on behalf of Council as a whole, at the direction of the majority of Council, and pertaining to Council business, shall be directed to the Council Clerk for completion. Upon receipt of the requested information, said information should be made readily available to every Council member, if he or she so desires.”

Mayor Cusat suggested council remove this section. Gavio said council will sit down and discuss the changes needed in the rules.

Presented by Perry. Seconded by Colombo.

Roll Call: (MOTION TO AMEND): Barletta-no-; Colombo-yes; Mope-no; Perry-yes; Gavio-no.

MOTION TO AMEND FAILS

Presented by Mope. Seconded by Barletta.

Roll Call: (MOTION TO TABLE): Barletta- yes; Colombo-no; Mope-yes; Perry-no; Gavio-yes.

RESOLUTION TABLED

Resolution 2018-19 A Resolution Approving a Right of Way Grant with Verizon Pennsylvania, LLC.

Presented by Gavio. Seconded by Barletta.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2018-20 Appointment to the Zoning Hearing Board- Sunny Patel

Presented by Colombo. Seconded by Gavio.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2018-21 Appointment to the Hazleton Housing Authority –Anthony Colombo, Sr.
Presented by Mope. Seconded by Gavio.

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

RESOLUTION PASSES 4-0

Resolution 2018-22 Appointment to the Zoning Hearing Board- Scott Lecher
Presented by Gavio. Seconded by Colombo.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2018-23 Appointment to the Civil Service Commission- Rocco Formica
Presented by Perry. Seconded by Gavio.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2018-24 Appointment to the Sewer Authority-John Zola
Mope nominated John Zola. Barletta seconded.

Colombo nominated Pat Fay. No other nominations were presented.

Roll Call (For John Zola): Barletta-yes; Colombo-no; Mope-yes; Perry-no; Gavio-yes

RESOLUTION PASSES

Gavio stated the reason why the Hazleton City Water Authority nominations were removed from the agenda is because Mayor Cusat questioned the ethics of Gavio voting on a nominee for the authority. He said he has voted, for the past two years, for nominees for the Hazleton City Water authority. He read an opinion from city solicitor, Atty. Sean Logsdon, when this was brought up 1 ½ years ago:

“I do not think it is a conflict of interest for Bob, as defined under the ethics act. Bob may want to avoid the appointment as long as his abstention does not “deadlock” the council.”

Gavio stated he will be retiring, from the Hazleton Water Authority, in two weeks. He stated he does not have any financial gain. Gavio stated said no one appointed to the Hazleton Water Authority, by him, was financially or politically motivated. He said he will take the opinion, by Mayor Cusat, and abide by this. He said he would abstain, in voting, if left on the agenda. Gavio said he will go to the ethics committee and await their opinion. Gavio said he is under contract, with the water authority, for the past 47 years.

Mayor Cusat said he is not questioning Gavio’s ethics. Mayor Cusat said two council members presented their concern to him. Mayor Cusat said it was also brought up by the press. He stated what Atty. Logsdon said is not a legal opinion; it is an ethics issue. Mope stated Gavio’s votes, in the past, and with the attorney’s opinion, have no effect on the votes that were made. She said the nominees were appointed properly. She said they were passed by a majority.

Atty. Logsdon said Gavio voting in the past two years, with three Hazleton City Water Authority appointments, that he did not see a conflict of interest. He said he found a memo, with an opinion, in the State Ethics database, and brought this in front council. Logsdon stated with the conflict of interest, council can assess this issue. Mope stated this “memo/opinion” came up a “day late” and a “dollar short.” Mope said Atty. Logsdon did not come up with this opinion two years ago when Gavio had voted in the past. Mope said the ethics laws do not change in two years. Atty. Logsdon said he “found” an opinion, from the Ethics Committee, which was previously written. Atty. Logsdon stated he can obtain a written opinion from the ethics council. Mayor Cusat said he would never challenge Gavio’s ethics. Mayor Cusat said Gavio is the most “honest” guy he has met. He said this year’s appointments are a little more controversial. He said the two appointments for the water authority are “very-contested” seats. Mayor Cusat said someone will contest Gavio on his vote. Mope said Atty. Logsdon should have checked with the Ethics Commission in the past. Perry said Gavio could have voted and then made a ruling on his vote. He said council should not have to wait 30-days until Gavio finds out his answer. Barletta said it takes 14 days to receive an answer from the Ethics Committee. Mope said this is a “rarity”. Perry said this goes on all the time. Mayor Cusat said it is a lot more common. Colombo said council will await the opinion from the Ethics Committee.

Comments from the Audience: Ken Zipovsky, 3 El Camino Road, Hazleton Police Department, FOP Lodge 18, said he is speaking as a citizen. He thanked council and the mayor for voting for the FOP memorandum of understanding between the City of Hazleton and FOP Lodge #18. He said it puts to “rest” the arbitration. Zipovsky stated the police can now move

forward. Zipovsky said he feels more comfortable with the five new policemen hiring's, as a citizen of Hazleton.

Mope congratulated Zipovsky on his new position.

Mark Rabo, 8 West 1st Street, Hazleton, spoke of the budget ordinance being passed with the 30% tax increase. He stated Hazleton is #10 in Pennsylvania counties with the most foreclosures. Rabo asked if the residents are taxed too little or taxed too much. He said administration and council need to consider the economy when preparing a budget. Rabo said the surrounding downtown neighborhoods need to bring in good-paying jobs. Rabo said the city needs to attract businesses to the city. He said the city needs to move "things forward". Rabo said the Blighted Property Committee was good for the city of Hazleton, but Mayor Cusat stated it is a duplicate committee. He said every other municipality and third class city has a Blighted Property Committee. Rabo said the city needs to be "open-minded" to other ideas and not so "rigid".

Harry Reimold, Hazleton, stated he has been calling the Code Department with no response to his calls. He stated there is a garage on Perry Court, between 9th & 10th Street, which is falling down. He said there are broken windows, garbage, removed roof, and animals in the building. He said this building is falling down. Reimold said he has been calling the Code Department for the past seven months. He said Charlie Pedri, Code Enforcement Director, stated he does not have his calls on record. He said Deb Metz, from the Code Department, told him she would "handle" the situation. Metz told Reimold the owner has been cited. Reimold said two months went by and no one returned his calls. Mope asked Mayor Cusat to address this situation. Mayor Cusat said there has been new code officers hired this week. Reimold said the city is not "doing" anything for the residents. He said this is why the residents are bitter. Mayor Cusat said the city is working on the Cedar Street blighted building that burned five years ago. He said the water line has to be protected, by the water authority, before demolition. Mayor Cusat said 199 South Church Street property is currently in front of a magistrate. Mayor Cusat said he has a meeting on February 20th, with the district attorney, to set up ACT 90. Reimold said he has been trying to fight this for seven months. Mayor Cusat said he would need to go to the magistrate.

Barletta asked Leshko if he can look into this matter. Fire Chief Donald Leshko said he understands it is a long and tedious process. Leshko said the Code Enforcement Department is currently understaffed. He said some of the code enforcement employees are part-time. He said the city is doing "all it can". He said he will speak with Charles Pedri, Code Enforcement Manager. Leshko said this property goes back about 30 years for blighted issues. He said if it goes to a court-of-law, the process may need to start "all over again".

Mope suggested Reimold get Leshko's e-mail to keep him updated on this issue. Mope said council members get a lot of calls, from residents, about all issues. Mope said council does intercede. She stated there needs to be a line of communication. She said without any communication, the residents feel "let down". Leshko said there have been other blighted properties, in the city, that were brought before the district attorney. Leshko said he will see where the code department stands with this property.

Judy Yurcho, 948 North Locust Street, Hazleton, said she wanted to clarify her comment on employee raises. She said she did not mean the police department. Yurcho stated she has been complaining about a blighted property for two years. She said the Code Department does not have a record of her complaints.

Comments from Mayor: Mayor Cusat thanked council for passing the 2018 budget. He stated the tax bills will be going out on February 6, 2018. Mayor Cusat said they should be printed and mailed by February 9, 2018. He said with the five new policemen hiring's, it brings 42 policemen back to the Hazleton Police force.

Comments from Junior Council: None.

Comments from Council: Perry congratulated the new police officers. He also thanked Frank Vito and his highway department crew.

Colombo wants to welcome the five new policemen. He also thanked the police, fire, and highway departments for the great job they do every day. Colombo said he believes Hazleton is still a "diamond".

Mope thanked everyone for coming. She also congratulated the five new policemen. She said she is happy that the arbitration was stopped and a decision was made with the policemen.

Barletta said the Fraternal Order of Police agreement is a very fair agreement and will help the police officers with a seven-year tier step process. She said she would like the future appointments to be advertised and interviewed. She said the city needs to get the best qualified candidates for these positions. Barletta also congratulated the five new police officers. She asked Mayor Cusat how the new snow ban ordinance is working. Mayor Cusat stated there were 79 tickets written on Diamond Avenue with 400 total tickets by the end of the day. He said the residents are stating the new ordinance clearly states where people can park in a snow storm (color-coordinated).

Yurcho asked Mayor Cusat if the ordinance matches the code rules. Mayor Cusat said yes.

Gavio welcomed the five new police officers. He also thanked the fire, police, transit and highway departments on a job well done. He also wished Ken Zipovsky the best on his new job.

Adjournment: Gavio motioned to adjourn the meeting.