

MINUTES

HAZLETON CITY COUNCIL

REGULAR MEETING

WEDNESDAY, AUGUST 8, 2018

Call to Order: Council met in regular session on Wednesday, August 8, 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-absent

Minutes of Previous Meetings: The minutes of the July 11, 2018 Regular Meeting were approved unanimously.

Proclamations/Communications: City of Hazleton Street Lighting Replacement- Phase 1 Project- alternate bid package presentation by Barry Isett & Associates & Commonwealth Energy Group. Tom DeAngelo of Barry Isett & Associates said bids were opened at the July 11, 2018 city council meeting for the Phase 1 Lighting Project. He said two bids were received. He stated one bid was an alternative bid package, and one was a normal bid. DeAngelo stated Barry Isett reviewed the alternate bid package that was submitted by Commonwealth Energy Group. DeAngelo stated that Barry Isett representatives and city administration sat down and listened to their presentation. He said Barry Isett thought it was a viable alternative. Mike Shea, representative for Commonwealth Energy Group, handed out the Commonwealth Energy Lighting Replacement proposal for the city of Hazleton. Shea said his company recently performed three local city street light replacements. He said one was for the city of Scranton with 6,720 fixtures replaced, borough of Olyphant with 500 street lights replaced, and borough of Dunmore with 920 street lights replaced. He said this city and boroughs took advantage of this program. He said this is a purchase-power agreement. Shea said the city does not take on any debt. He said it is not shown as a capital expense; it is not a lease or loan against the city. Shea said it is an operational expense. Mope asked if it is for purchasing the lights or for the services. Shea said the city will own the system when completed. He said there are three terms to select from. DeAngelo said the city will not incur any debt. Mope stated it will not affect the city's debt service. Shea agreed. Shea stated Commonwealth Energy and Constellation Energy will hold the project cost. He said Commonwealth Energy would finance over the term selected. Shea stated Commonwealth Energy uses energy savings produced by the lighting project as a principal payment towards the project. Shea said Commonwealth Energy looked at the entire city with 1,750 fixtures. He said Commonwealth Energy is giving the city "more adequate lighting" than the current lighting levels. He said they are basing fixtures at or above what lights what have been purchased if they were new.

Mope asked who would be performing the installation. Shea said Commonwealth Energy would perform the installation. Mope stated the city received an LSA grant for city employees to perform the work. Barletta asked what would happen with the LSA grant for the city. DeAngelo stated if the city would go with this option, he said they would look into the LSA grant and DCED to re-scope the grant to move the funds for other projects. He said the LSA grant would only cover part of the city and only for fixtures. He said city employees would have to be used to perform the work. Mope said this is the LSA grant obtained. Mope stated council was waiting for the city to reapply for another LSA grant for the rest of the work in the city. She said there is a \$200,000 grant, the city is "sitting-on", for two years. She said there was a problem with the electrical company MEM. She said the reason the grant was received was to "brighten up" the city. Shea said if the city decides to opt for their plan, the city would be able to replace the lights at one time. Mope said, in the past, the cost of the installation was an issue. Perry asked if any city employee would need to do any work. Shea said all work would be performed by Commonwealth Energy. He said Commonwealth Energy would provide a full turnkey project. He said there would be a 10 year warranty that will also honor a labor warranty. He said the city will incur zero maintenance for 10 years. Perry asked if these are LED lights. Shea said they are LED lights. He said the LM 70 is 150,000 hours. He said dust to dawn is 38/33 annual. He said most manufacturers give a 5-year warranty, but Commonwealth Energy negotiated with Raab Lighting for a 10-year warranty for materials and labor. Mope said Friedman Electric, in the past, gave different examples of what needed to be done in the city. She stated Broad Street lighting was done with sodium lighting. She said when the project was done, the city's electricity bill increased. Mope said these were different type of "heads" and it was more expense because of the pole that was used. Shea said there are six different style fixtures available. He said Commonwealth Energy would do a fixture swap for the cobra head. He said for the decorative poles, they would do an LED conversion, and keep the decorative head. Mope stated the city lights were installed five years ago and the city was doing the project "in sections". Perry asked if these are the same fixtures that were used in the city of Scranton and Dunmore. Shea said Scranton had a lighting management system and Cooper Lighting Co. was used. He said Scranton needed some lighting service/replacements, and they did not perform the work in a timely manner. He stated Raab Lighting is a smaller company, but this company works harder and offers a warranty. Mope asked where Raab Lighting is located. Shea said they are based in New York. Shea said Commonwealth Energy negotiated a flat 4 cent per kilowatt/hr. rate on LED usage which will lower the cost. Mope asked how Commonwealth Energy gets paid. Shea stated their fee is built "right-in" the project cost and get paid directly through Constellation Energy.

Mope asked Shea what the city needs up front. Shea said nothing. Barletta asked how long the pricing would be effective. Shea said the only thing that would expire would be the rebate number depending on when the city would sign the contract and funds available.

Mope stated PEL would need to advise the city on this project. Perry asked what the savings would be over 5 years. Shea said the 256/182 added on to the bill cannot be recouped by energy savings alone. He stated the balance would be "washed" with the energy savings on wattage alone. Shea said the timeline for the project is eight weeks.

Bid Openings:

1. Former Bingo Building Renovations- Phase II, Hazleton Launchbox, 13 West Broad Street, Hazleton, on behalf of the Downtown Hazleton Alliance for Progress- **NO BIDS PRESENTED**

2. Beech Street Tennis Court Reconstruction Project- **NO BIDS PRESENTED**

3. 2018 Laurel Street Reconstruction Project-

- 1. Franzosa Trucking, Inc., Hazle Township, PA. Base Bid- \$229,912.000. Bid Bond included.
- 2. M&J Excavation, Inc. Bloomsburg, PA. Base Bid- \$165,517.020. Bid Bond included.
- 3. Robert C. Young, Inc., Mifflinville, PA. Base Bid- \$259,219.036. Bid Bond included.
- 4. Pennsy Supply, Inc., Pittston, PA. Base Bid- \$159,819.060. Bid Bond included.

All bids were read by Atty. Sean Logsdon.

Courtesy of the Floor (ON AGENDA ITEMS ONLY):

Dee Deakos, 43 West Mine Street, Hazleton, said she proposed an LSA grant, in the past, for replacing half the street lighting with LED lights. She said the city received a \$200,000 grant. She said Mayor Cusat stated council prevented him from using this grant. She stated council did not prevent him from using the LSA grant. She said the light fixtures have been replaced with the LED lights. Deakos said the purpose of this is to save the city money. She said this grant would be under Co-stars. She said there should have been a second grant pursued, but was this was never done.

Antonio Rodriguez, 718 Muir Ave., Hazleton, said the city does not need more lights on Broad Street or Church Street. He said the city needs more lights on Alter Street, Wyoming, South Pine, East Diamond Ave, and at the playgrounds where the criminals are hiding. He said we need to “clean-up” the city. He asked council to approve Ordinance 2018-23, Ordinance 2018-24, Ordinance 2018-25, Ordinance 2018-26 & Ordinance 2018-30. He also said Resolution 2018-66 needs to be approved. He said the Hazleton City Police Department has an “uphill battle” against criminals, especially gang members. He said there is a lot of garbage on Alter Street. He also said there are prostitutes in the city. He said these people are not from Hazleton. He said the city has homeless and poor people.

Mark Rabo, 1st Street, Hazleton, spoke of Ordinance 2018-25- Regulating Mobile Food Service Establishments. He said Section 5 stated it needs to go to the Planning Commission and needs a public hearing due to regulating the hours for the food vendors. Atty. Sean Logsdon said the ordinance regulates where the food vendors can operate and in what zones. He said if it needs an opinion from the Zoning Board, it would not need a public hearing. Rabo said if a regulation is added, it needs to be included in the city zoning ordinance. Atty. Logsdon said if someone is cited, it would be under this ordinance. Rabo said if there is an appeal to zoning, it needs to be included with zoning. He said the mobile food vendors need to have “their say”. Barletta said a few food vendors have come to past city council meetings to voice their concerns. She said their questions were taken care of by city council. Barletta asked Atty. Logsdon to look into Rabo’s concerns. He also spoke of 2018-26- Establishing A Registration and Licensure Program for all

Residential Rental Properties, All Institutional Occupancies, and Daycare Facilities, Section 7, Subsection b. Rabo said if the city allows for a fee schedule and to be enforced, then the zoning ordinance needs to compliment for the conversions to be charged.

Grace Cuozzo, 948 James Street, Hazleton, spoke of Ordinance 2018-30- An Ordinance Rescinding Ordinance 2009-16, and Amending a Portion of the Pennsylvania Uniform Construction Code (PA UCC) Act. No. 45-1999. She stated before exceeding the UCC codes, residents need to fix-up their homes. She asked if Mayor Cusat has a time frame to veto an ordinance. Atty. Logsdon said yes. Mope said if any ordinance states it would go into effect immediately that this should be stricken from the ordinance. She said this takes away Mayor Cusat's "right" to veto an ordinance. Cuozzo stated a resident cannot be fined if an ordinance was not advertised properly. She also spoke of Ordinance 2018-24 An Ordinance of the City of Hazleton to Require Permits for Yard Sales, to Regulate the Number of Yard Sales Permissible to Establish a Time of Removal of Yard Sale Signs, and to Provide Penalties for Violations Thereof. Cuozzo asked how the permit holder would be responsible for adequate parking, noted in Section 7. She said this needs to be reviewed and "spelled-out" properly.

Old Business:

ORDINANCES

Ordinance 2018-23 An Ordinance Establishing a Permit Program For The Moving of Household Goods in Bulk in the City (**2nd READING**)

Presented by Barletta. Seconded by Colombo.

On the Question:

Barletta said she has a few concerns when a resident moves on the weekend. She asked what would happen if they do not have a moving permit. She said they would then be fined. She is unsure of how the process will work. She said there was to be a list at city hall, but city hall is closed on the weekend when most residents move. She said residents should not have another fee to pay. Mope said this is a problem if a resident is evicted and needs a moving permit on a weekend. Mope said there needs to be discussion on enforcement of this ordinance. Perry said this ordinance is to regulate residents "coming and going" in the city. He said education is the "key". Perry said residents move quiet often. He said the city realtors need to know this ordinance.

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

ORDINANCE FAILS

Ordinance 2018-23 An Ordinance Establishing a Permit Program For The Moving of Household Goods in Bulk in the City (**3rd READING**)

ORDINANCE FAILS

Ordinance 2018-24 An Ordinance of the City of Hazleton to Require Permits for Yard Sales, to Regulate the Number of Yard Sales Permissible, to Establish a Time of Removal of Yard Sale Signs, and to Provide Penalties for Violations Thereof (**2nd READING**)

Presented by Barletta. Seconded by Mope.

On the Question:

Barletta said she noticed how many residents have yard sales in the city. She said it is going to cost the city more money to enforce a yard sale permit. She asked how the city would track the resident's first three yard sales. Barletta asked Atty. Logsdon if a police officer can enforce a permit, or is it the code department's responsibility. Atty. Logsdon stated a police officer can enforce a local ordinance. Barletta stated there are "bigger" issues, in the city, besides yard sales. Perry said it is trying to deter residents from daily yard sales. Mope stated if residents are having daily/weekly yard sales then the residents would need to produce a business license or permit. Perry said this is to control yard sales in the city.

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

ORDINANCE FAILS

Ordinance 2018-24 An Ordinance of the City of Hazleton to Require Permits for Yard Sales, to Regulate the Number of Yard Sales Permissible, to Establish a Time of Removal of Yard Sale Signs, and to Provide Penalties for Violations Thereof (**3rd READING**)

ORDINANCE FAILS

RESOLUTIONS

None

New Business:

ORDINANCES

Ordinance 2018-25 Regulating Mobile Food Service Establishments (**1st READING**)

Presented by Barletta. Seconded by Mope.

On the Question:

Mope asked Atty. Logsdon to review if this ordinance needs to be presented to the Planning Commission and have a public meeting. Atty. Logsdon said he would look into this issue. Barletta asked if this would need to be advertised for a public hearing. Mope asked if this ordinance should be tabled. Atty. Logsdon said there is no problem voting on the first reading. Atty. Logsdon stated the Planning Commission can be notified this passed on first reading, and if they have any comments.

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

ORDINANCE PASSES 4-0 ON 1st READING

Ordinance 2018-26 Amending Ordinance 2012-25 Establishing a Registration and Licensure Program for All Residential Rental Properties, All Institutional Occupancies, and Daycare Facilities, Section 7, Subsection b (Fees) (**1st READING**)

Presented by Colombo. Seconded by Perry.

On the Question:

Mope asked if this needs to be reviewed by the Planning Commission. Atty. Logsdon said council can vote on the first reading. He said this is only an amendment. Barletta said it is a flat fee, not a percentage.

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

ORDINANCE PASSES 4-0 ON 1st READING

Ordinance 2018-30 An Ordinance Rescinding Ordinance 2009-16, and Amending a Portion of the Pennsylvania Uniform Construction Code (PA UCC), Act No. 45-1999 (**1st READING**)

Presented by Barletta. Seconded by Colombo.

On the Question:

Barletta stated she has some questions for Code Enforcement Manager Charles Pedri, but is absent at the meeting. Mope stated she also has a few questions. She stated the city is trying to get the city residents to repair their homes. She said there is a big blighted property issue. She said these rules are passed, but not followed by residents on the weekend.

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

ORDINANCE FAILS

RESOLUTIONS

Resolution 2018-62 A Resolution Awarding Contract for the former Bingo Building Renovations, Phase II, Hazleton LaunchBox, 13 West Broad Street, Hazleton, on behalf of the Downtown Hazleton Alliance for Progress, LSA funds

FAILED DUE TO LACK OF PRESENTATION

Resolution 2018-63 A Resolution Awarding Contract for the Beech Street Tennis Court Reconstruction Project

FAILED DUE TO LACK OF PRESENTATION

Resolution 2018-64 A Resolution Awarding Contract for the 2018 Laurel Street Reconstruction Project

Presented by Mope. Seconded by Barletta.

On the Question:

Tom DeAngelo, Barry Isett & Associates, stated upon review of the bids, he said the low bid of Pennsy Supply of \$159,819.060 is the lowest bidder, and he would recommend them to be awarded the contract. Barletta asked Atty. Sean Logsdon if this resolution needs to be amended to add Pennsy Supply and amount. He said yes. Atty. Logsdon said it is noted there were no alternates.

Motion to Amend:

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

MOTION TO AMEND PASSES 4-0

Roll Call (As Amended): Barletta-yes; Colombo-yes; Mope-yes; Perry-yes; Gavio-absent.

RESOLUTION PASSES 4-0 AS AMENDED

Resolution 2018-65 A Resolution of the City of Hazleton, Approving the Request of the Greater Hazleton Chamber of Commerce to conduct a Fireworks Display during the City’s Funfest Event

Presented by Mope. Seconded by Barletta.

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

RESOLUTION PASSES 4-0

Resolution 2018-66 A Resolution Authorizing the Application for the Edward Byrne Memorial Justice Assistance Grant (JAG) and for the Mayor to enter into the appropriate agreement

Presented by Mope. Seconded by Colombo.

On the Question:

Mope said this is for special saturation patrols. She said it allows the police to be in the areas, in the city, considered more dangerous. Colombo said it will allow the police department to do their job better.

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

RESOLUTION PASSES 4-0

Comments from the Audience: Mark Rabo, 1st Street, Hazleton, said he reviewed the city’s zoning ordinance. He said under Article 9, Section 3.4- Procedure for Amendment, #3- No action to amend or change this ordinance shall become effective until after a public hearing to which parties of interest and citizens shall have an opportunity to be heard. Rabo said there needs to be a public hearing, but advertised within 15 days of the next ordinance reading. Rabo also spoke of the pension crisis. He stated the unfunded pension surpasses the GED of Japan of 5 trillion dollars. He said Pennsylvania’s unfunded pension liability amount is 60 billion dollars. He said the city’s unfunded pension fund is 34 million. He also spoke of ACT 47. He said the city of Harrisburg came together: mayor, council, police and fire departments, citizens, and stated if the exit plan would be passed that this would be “the end” of Harrisburg. He said government needs to come up with a strategy for a municipality to keep their alternative taxation plan. Rabo said he agrees with the mayor of Harrisburg. He said his plan allows the local service tax increase to be kept. He said the mayor suggested collecting a commuter tax in addition to increasing the EIT tax. He said the state needs to allow for an alternative method of taxation.

Grace Cuzzo, 948 James Street, Hazleton, said she does not understand the proposal for the city lighting replacement. She said, in the past, the city borrowed 1.8 million for the city street lights. She said the city needs to check, legally, if something is advertised and is then changed. She said the city may have trouble with other bidders and how the original bid was advertised. She said the city may need to advertise a RFP.

Dee Deakos, 43 West Mine Street, Hazleton, spoke of the street lighting project. She said she wrote the grant due to the city being in financial trouble. She said she wanted to lower the city's expenses. Deakos said the LSA money is to purchase street lighting fixtures. She said the city needs to purchase the lights. Deakos said the city may lose this money. She said council did not prevent Mayor Cusat from using this grant. She said the city parking garage is not properly painted. She said the contractors are not being observed. Mope said this work was not done correctly.

Antonio Rodriguez, 718 Muir Ave, Hazleton, said there is no more All American city. He said the majority of the residents are from outside the city. He said the original residents are minorities. Rodriguez said these people do not care about the American flag.

Joseph Stanavage, 216 West Birch Street, Hazleton, said residents need to respect the American flag. He said his first job was a food truck driver at 16 years old. He said he comes to city council and school board meetings to voice his concerns. He said people can be part of the solution, not part of the problem.

Comments from Mayor: None-absent.

Comments from Council: Mope thanked everyone for coming to the meeting. She said she hopes all the projects work out for the city. She said work, currently underway, for a building on a former Poplar Street school is incomplete. She said this was a dilapidated building. She said there is a lot of blighted properties. Mope said investors were interested in coming into the city, but these buildings are run down.

Perry said there is progress in the city. He said there is currently a clean-up at the old St. Joseph Hospital building and on a condemned building on Wyoming Street. He also thanked Dan Lynch for all his information that he gives to city council.

Colombo thanked everyone for coming to the meeting. He also thanked Dan Lynch for his reports.

Adjournment: Barletta motioned to adjourn the meeting. Meeting adjourned