

**MINUTES
HAZLETON CITY COUNCIL
REGULAR MEETING
WEDNESDAY, JANUARY 16, 2019**

Call to Order: Council met in regular session on Wednesday, January 16, 2019 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 December 27, 2018 Regular Meeting were approved unanimously.

Presentations/Proclamations/Communications: None

Bid Opening: None

Courtesy of the Floor (ON AGENDA ITEMS ONLY): Antonio Rodriquez, 718 Muir Ave., Hazleton, Spoke of Resolution 2019-1 Appointment to Hazleton City Authority. He said he is interested in this position and wants to place his name for this opening. He said he is well-qualified for this opening. Rodriquez stated there needs to be transparency in the hiring of members to the City of Hazleton Authorities, Boards, and Commissions. He stated he has several degrees, and is a retired school teacher. He said he was a Spanish teacher. Rodriquez said he is an Army veteran who served for 22 years.

Grace Cuozzo, 948 James Street, Hazleton, spoke of Resolution 2019-4-Resolution to Approve Entering Into a Contract with Innotek Computer Consulting, Inc. She asked what it means when the City is in compliance with CoStars pricing guidelines. Dan Lynch, city administrator, stated the vendor has CoStars rates and is compliant. Cuozzo asked if the grant money also includes all Innotek services. Lynch said it includes everything "from top to bottom." He said it includes all services to "take" the City to the appropriate place, IT-wise. Cuozzo said regarding the Boards, Commissions, and Authorities openings that women are just as qualified as men for these positions. She said Hazleton is not only compiled of men. She said the City of Hazleton needs to move forward.

Mark Rabo, 1st Street, Hazleton, spoke of Ordinance 2018-48- An Ordinance Amending Ordinance 2018-37- Modifying Consolidated Plan for CDBG Program Year 2018. He said the money is coming from the sale of vacant lots. Rabo asked where the money is going to and what it will be utilized for. He suggested using the funds for the Blighted Property Review Committee to continue its work. He said it is currently at a "stand still". Rabo said there needs to be appointments to the Blighted Property Committee Review Authority. He also spoke of Resolution 2019-4-Resolution to Approve Entering Into a Contract with Innotek Computer Consulting, Inc. Rabo asked if the grant money will also include computer maintenance. Lynch stated there will be on-going costs for maintenance and support. Rabo asked if the City will hire an IT support employee. Lynch said administration will be talking with Innotek to review the City's options for on-going support including pricing. He said he needs to make sure the City's IT system is properly maintained before making an investment. Rabo also stated that he "echoes" Cuozzo's statement in electing more women to the Boards, Commission, and Authority openings. He said Luzerne County conducts their appointments through public interviews. He said this would be the best approach. He suggested city council perform their process this way.

Old Business:

ORDINANCES

Ordinance 2018-48 An Ordinance Amending Ordinance 2018-37- Modifying
Consolidated Plan for CDBG Program Year 2018 (**2nd READING**)

Presented by Gavio. Seconded by Colombo.

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

ORDINANCE PASSES UNANIMOUSLY ON 2nd READING

Ordinance 2018-48 An Ordinance Amending Ordinance 2018-37- Modifying
Consolidated Plan for CDBG Program Year 2018 (**3rd READING**)

Presented by Barletta. Seconded by Gavio.

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

ORDINANCE PASSES

RESOLUTIONS

None

New Business:

ORDINANCES

None

RESOLUTIONS

Nominations

Hazleton City Authority Vacant Seat (1)

Resolution 2019-1

Appointment to the Hazleton City Authority-

Presented by Gavio. Seconded by Mope.

On the Question:

Perry stated he would like to table all appointments until next week. He stated all prospective candidates need to fill out an application and questionnaire that he modeled from Luzerne County Council. He said, for far-too long, these positions have been cited by outside influences, especially for the HCA. Perry stated friends of majority members of council are elected without knowledge of all city council members. He said they will receive a stipend, sometimes earning more than city council members. He said the "political merry-go-round" needs to stop. He said it gives all citizens an opportunity to be put on a list and voted on by city council. Perry said he is all for change, and looking for people who are honest and trust worthy. He said the City needs young people to fill these positions. Perry said this will also be for future council's, and to modify as such. He said this is a "step forward". He said city council would like to make the appointments in one week. He said the names will be put in a resolution for appointment.

Atty. Sean Logsdon asked Perry if he wants to set a deadline for the applications and how residents can return their application. Perry stated the applications can be faxed, emailed, or mailed. He said this will be put online. He said city council needs enough time to review the applications. Mope stated their needs to be hard copies. Perry said if the forms are faxed, emailed, or mailed that these are all hard copies.

Barletta stated this is something that she wanted to change. She stated people need to know what seats are up and to be transparent. She said this is a really big step for council.

Perry said this process is transparent as "could be". He said if they are paid then the residents would want to fill this out. He said the deadline should be either Monday or Tuesday before the next city council meeting.

Gavio said the application is a basic, simple form. He said the process, in 2020, will be started earlier. He said the deadline should be for the meeting of February 13, 2018. Perry suggested canceling city council meeting for January 23, 2019. Mayor Cusat said he has nothing on the city council agenda for the January 23, 2019 meeting. Mope said the applications need to be reviewed carefully. Gavio suggested cancelling the January 23, 2019 meeting.

Motion to Table:

Presented by Perry. Seconded by Barletta.

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

RESOLUTION TABLED

Nominations

Health Services Authority Vacant Seat (1)

Resolution 2019-2

Appointment to the Health Services Authority-

Motion to Table:

Presented by Perry. Seconded by Barletta.

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

RESOLUTION TABLED

Nominations

Sewer Authority Vacant Seat (1)

Resolution 2019-3

Appointment to the Sewer Authority

Motion to Table:

Presented by Colombo. Seconded by Mope.

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

RESOLUTION TABLED

Resolution 2019-4

Resolution to Approve Entering into a Contract with
Innotek Computer Consulting, Inc.

Presented by Gavio. Seconded by Perry.

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

RESOLUTION PASSES UNANIMOUSLY

Comments from the Audience: Ted Sherrock, 67 Franklin Street, Hazleton, asked if the present members of the Boards, Commissions, and Authorities are “still-on” until they are appointed or replaced. He said there is a Health Services meeting on January 17th, and a Greater Hazleton Sewer Authority meeting next week. Perry said yes.

Jairo Estrella, 330 East Juniper Street, Hazleton, said a parking enforcement officer “showed-up” at his house on Saturday, January 12, 2019 at 1:00 a.m., to tow his deceased father’s car due to a missing inspection sticker. He said his brother, Ronald, inherited the car, but needs to work Monday thru Friday to make “ends meet”. He stated the car was towed away. He said he was summoned by the code officer, but unable to get the car inspected until Saturday. He said his brother did pay the fine. He said the officer showed up a few hours before the inspection appointment. He said this is appalling that the car was towed and the officer is a coward. He said he has seen inspection stickers on vehicles, from 2016, in the City, and feels he was targeted. Estrella said if the parking enforcement officer does not work better for the betterment of the community then he should not work for the City.

Mark Rabo, 1st Street, Hazleton, said he is glad city council is emulating Luzerne County Council process in the appointments of the authorities. He suggested posting the applicants names on the City of Hazleton's website. Mope said the applications will be time stamped. Rabo also said the review and appointments for the positions should be done at a work session. He said the public needs to give their input. He also spoke of the Storm water fee. He said this problem also exists in the Wyoming Valley. He said there is some misinformation about the EPA mandate for storm water management. He said this is to deter pollutants going into the Chesapeake Bay. He said this does not include all rivers and streams. Rabo said all streams and creeks that empty into a river and empties into the Chesapeake Bay needs to be taken care of by the City of Hazleton. Rabo said he finds it disconcerting that the fee is put on the homeowners, and feels they are "singled-out". He said the storm water fee calculations were all flawed. He said the original plan did not make sense. He said they were collecting a fee and not telling the residents how storm water would be maintained. He asked how a fee can be imposed, on the residents, when the lines are not owned by the City. Rabo said the combined lines are owned by the Greater Hazleton Sewer Joint Authority. He said the City maintains the inlets. He said in the Wyoming Valley, 32 municipalities "turned" this over to their sanitary authority because they maintain them with their combined and separated lines. He asked why the City of Hazleton is so "gung-ho" trying to impose the storm water fee when it does not have the ability to separate or maintain the lines. Rabo said the City cannot collect the fee when they do not know how to make the calculations. He said the waterways and streams pass through Hazle Township, Cranberry Creek and Black Creek, and empty into the Nescopeck Creek and then into the Susquehanna River. He said most waterways go into the Lehigh River. He said because of this, Hazleton is not obligated to impose the fee, and are in compliance.

Rabo asked city council president and Mayor Cusat how this will be implemented on the City residents.

Perry stated the City was fined \$2,500 in the past and will face a \$30,000 fine in the future if this fee is not implemented. Gavio said the City meets with state officials on a regular basis.

Rabo said there are legitimate problems with the calculations of the storm water fee and who is responsible for paying the fee. He said also the land mass and areas were also questioned. Rabo said this cannot be "rushed into". He said there needs to be an entity that can do the work and calculate the fee.

Gavio suggested Rabo email his concerns to each city council member.

Rabo said this was a court mandate.

Antonio Rodriquez, 718 Muir Ave., Hazleton, agreed tabling the Authority, Board, and Commissions appointments. He asked for a questionnaire. Perry gave him one. He said age should not be a factor when filling these positions. He said the applicant does not need to state their age. Rodriquez said personal qualifications and experience need to be reviewed, and not a person's skin color, female or male, nationality or sexual preference.

Grace Cuozzo, 948 James Street, Hazleton, asked Gavio if city council is reorganizing. Gavio stated that he spoke with Atty. Sean Logsdon and stated if city council "is on board" with the current president and vice-president, there does not need to be a reorganization meeting. Atty. Logsdon said under the Third Class City Code there always needs to be a reorganization after a municipal election. Mope said the mayor has a four-year term and was not sure if it held true for city council.

She also asked if the storm water fee was a problem with the City's plan. Mope said the plan was rejected by the DEP. Mope stated this is where the fine came from. Mayor Cusat said the fine was negotiated from \$30,000 down to \$3,000. He said it was due to incompliance with a permit. Cuozzo said the City needs to look at Luzerne County plans. She said their plan is for new construction. Cuozzo stated to look at a similar plan before charging a fee. Cuozzo asked if this has changed. Mope said no.

Cuozzo said the City never submitted a corrected plan. She said prior city council members were not notified that the original plan was not accepted and were unaware of the fine. She said the Luzerne County plan was accepted, and this needs to be followed.

Fred Kudlick, 28 Laurel Hill, Hazleton, said he is still hearing the loud noise coming from the railyard near his home by the Elk Lodge. He said the problem exists from 4:00 p.m. on Fridays, and goes until 11:00 on Sundays. Atty. Logsdon said he spoke with a PUC representative, Mr. Bastain. He said Mr. Bastain was under the assumption that the problem was solved. Atty. Logsdon said if the problem is reoccurring that he needs to know. Mr. Kudlick said he spoke with David Kalman, an operating practices inspector for the Pennsylvania Public Utilities Commission. He said Mr. Kalman spoke with a supervisor in Allentown, with the railroad company, and spoke with the supervisor in Hazleton. He said it was decided the engines would be moved to a different location. He said the engines were never moved. Kudlick said he spoke with the supervisor. He said the supervisor told him it was up to the railroad company to move the engines. Kudlick said the engines idle from 7:30 a.m. until 1:00 pm., Monday thru Friday. He said he does not hear this noise but only can hear it if he is by the gas station. He said the noise is constant on the weekends.

Mope asked if the engines are moved back on the weekends. Kudlick said the engines are always there. Mope asked Atty. Logsdon if he can send another letter. Colombo said Mr. Kalman stated the engines would be moved.

Gavio stated Atty. Logsdon will send out another letter. Kudlick asked Atty. Logsdon if he filed a complaint with Tarah Tohill's office. Atty. Logsdon said he filed a complaint with the PUC. Kudlick said this complaint is finished because it is was an informal complaint. He was told a formal complaint needs to be filed with the PUC. Atty. Logsdon said filing a formal complaint "is like litigation". Atty. Logsdon suggested Kudlick file this complaint. Atty. Logsdon said he may have to consult an attorney. Kudlick asked Atty. Logsdon if he can do this. Atty. Logsdon stated he needs to get permission from city council to do this. Atty. Logsdon said he can only file on behalf of the City. Perry and Gavio said this affects all the neighbors by the railyard. Mope asked Atty. Logsdon if Kudlick can file a class action suit. Kudlick said Mr. Kalman stated if a formal complaint was filed, this would "do something". Kudlick said other neighbors do not want to get involved, and he needs to get "used" to the noise. Kudlick said this has been ongoing since November 4th, 2018. He said the constant idling, on the weekends, is a problem.

Atty. Logsdon stated he will look into this problem, and report back to city council.

Dan Lynch, city administrator, said he does not have finalized reports for city council yet. He said city council will be receiving these. He said on December 19th, 2018, the City paid the healthcare payment of \$251,000 for November, 2018. Lynch said the bank balance then was \$30,000. He said the loan owed back to the ACT 205 fund was \$370,000. He said the ledger balance on December 20th was negative \$330,861. He said the City closed its lease revenue note on December 21st for \$1,024,275. He said, at that time, there was one more payroll payment to make for \$240,000. On December 31, 2018, the ledger balance was \$497,933. He stated there was one more healthcare payment to make, for December, for \$241,549. There was a reimbursement to be transferred out of the highway aid fund into the general fund of \$117,000. There was about \$138,000 remaining of this money. The City closed on the TAN note on January 2, 2019 for \$ 979,916. Lynch said to date, there was \$123,000 paid for 2018 bills. He said the lease revenue note allows the City to relieve the deficit that the City was carrying. Lynch said the TAN note is operating for 2019 expenses and will be paid back in 2019 to minimize the interest the City pays.

Perry asked if the City owes any bills for 2018. Lynch stated the City is starting 2019 "fresh". He said there will still be some payables "trickling" through. He said the difference from what was paid and what was "still sitting there" is \$15,000. He said revenue expenses for 2018 was \$10,535,149. He said this was taking out revenue received from the Hazleton City Authority, in November, 2018, which was 2019 revenue. He said this was .9% over budget revenue. He said expenses, currently, are \$10,289,369. This is 1.5% under budget expenses.

Mope asked Lynch how the new purchase order system is going. Lynch said so far, so good. He said the City's commitment to purchase happens when the purchase order is signed. Lynch stated it will alleviate these cash issues. He said, on December 31st, the City will know how much is committed to spend in the year.

Comments from Mayor: None.

Comments from Council: Perry thanked everybody for looking at the appointment application process. He said this can always be streamlined as the City moves forward. He also commended the five new firefighters hired for the Hazleton Fire Department.

Colombo also commended adding five new fire fighters to the outstanding fleet of fire fighters on the Hazleton Fire Department. He also commended the DPW at the recent fire on Diamond Avenue and Cleveland Street. He also commended Ralph Sharp on the acquisition of new buses which are more "friendly" to the environment. He also thanked everyone for coming out to the meeting.

Mope thanked everyone for coming to the meeting. She said city council will always have transparency. Mope stated city council will review all applications to decide who is best for the positions. She said she agrees with Rabo on the storm water issue with a lot of problems in the past. Mope said there was money brought in and put into the general fund. She said this issue needs to be corrected. Mope said the Hazleton Sewer Authority has been doing MS-4 projects for the City throughout Heights Terrace and for the Buttonbock project with contacting residents, mapping, smoke testing, and sending disconnection letters. She said this was a "big help" for the City of Hazleton. Mope said storm water is something that is "volatile". Mope said the Hazleton Sewer Authority has a better capacity to do it with their machinery and man power, and being in ACT 47. She said the inlets are combined. She said the authority has all the equipment to conduct the work that the City cannot.

Mope said the City did receive a fine, in the past, with the City's plan being rejected, by DEP, due to language being left out. She said there was not another plan submitted. There was another plan submitted, to DEP, and then, finally, accepted. She said the City is, currently, in fine standing.

Barletta thanked everyone for coming to the meeting. She reminded all residents to adhere to the snow ban for the upcoming snow storm. She stated she is very "excited" that city council worked as a team for deciding on the application and interview process. Barletta said there always needs to be transparency and communication.

Gavio said the new board nomination undertaking was a "team effort" by all city council members. He stated the eight residents interested, for the current openings, are all good people. He said city council received many applications for the city clerk position. He commended the city clerk in all her work for city council.

Comments from Junior Council: None.

Adjournment: Gavio motioned to adjourn the meeting. Meeting adjourned