

**MINUTES  
HAZLETON CITY COUNCIL  
REGULAR MEETING  
WEDNESDAY, MARCH 27, 2019**

**Call to Order:** Council met in regular session on Wednesday, March 27, 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 March 13, 2019 Regular Meeting were approved unanimously.

**Presentations/Proclamations/Communications:** None

**Bid Opening: Hazleton Public Transit – Bus Maintenance Garage Ventilation System Project**

1. Yannuzzi, Inc., Hazleton, PA. BID- \$ 79,900. Bid Bond Included.
2. Bognet, Inc., Hazleton, PA. BID- \$ 83,778. Bid Bond Included.
3. Marx Sheet Metal & Mechanical, Inc., Wilkes-Barre, PA. BID- \$ 85,900. Bid Bond Included.

All Bids were read and opened by Atty. Sean Logsdon. He stated these bids will be reviewed by the Hazleton Public Transit Director, Ralph Sharp, and contract awarded at the Hazleton City Council meeting on April 10, 2019.

**Courtesy of the Floor (ON AGENDA ITEMS ONLY):** Dee Deakos, 43 West Mine Street, Hazleton, spoke of Resolution 2019-16- Authorizing the Execution and Delivery of a Street Lighting Infrastructure Upgrade, Tax Free Equipment Lease Purchase Agreement with Related Documents, and a Measurement and Verification Services Agreement. Deakos stated, in the past, Commonwealth Energy had replaced 400 street lights. Deakos said they did not promise savings for the City. She said the Highway Department/Public Works Director did not review the bids. She stated the City replaced regular street lights with LED lights. She said the savings between the two bids was \$25,000. Deakos said all these years, the City was losing “all this money.” She stated there were over 300 lights that the City was not replacing. She said this may be because the City replaced the lights with energy-efficient lights, or the City will actually remove the lights. Deakos stated she reviewed the presentation several times. She stated it is not clear why there is a difference of so many lights. She said the City maybe removing lights. Deakos said an RFP should go out. Deakos stated the City employees should be used to replace the street lights. She stated Commonwealth Energy actually described the 1,400 lights within in the City, i.e.- wattage. Deakos said Smart Watt did not do this. She said city council is voting on something that they do not have all the facts for. Deakos stated Smart Watt is not “the way to go”. She said the City needs more recommendations. She stated the two bids “made no sense”. Deakos said the Commonwealth Energy’s bid made “more sense” because they stated a light would be replaced with a certain wattage specified. Deakos said the savings, for the City, is in the wattage. She said the lumens are for brightness. She said the City street lights need to be bright.

Gavio said the street lighting replacement project concerns were brought to City administration. He said city council will table this resolution until they get all their questions answered. He said city council has concerns which will be addressed.

Deakos stated the City needs to inform PP&L of all the energy saving lights to see the reduction in cost.

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**Old Business:**

**ORDINANCES**

None

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**RESOLUTIONS**

None

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**New Business:**

**ORDINANCES**

**Ordinance 2019-2**

Amending Ordinance 2004-15, Prohibiting the Drinking Of "Alcoholic Beverages" Upon Any Public Access Property, Or In Any Vehicle Being Operated Or Parked Thereon, And To Prohibit Any Person To Have In Such Person's Possession Or In Any Vehicle Under Such Person's Control, Any Open Container Containing Any Alcoholic Beverage; Upon Any Public Access Property; And To Provide Penalties For The Violation Thereof  
**(1<sup>st</sup> READING)**

Presented by Gavio. Seconded by Colombo.

**On the Question:**

Barletta asked if the event, being planned, is a family event, and with anyone under 21 years old attending. Atty. Logsdon said obtaining a permit depends on the event. He said the licensed, blocked-off area would be for 21-year old residents. He said anyone not 21 years-old would not be allowed in the blocked-off area. Atty. Logsdon said "other" things going on would be outside of this. He said he had this, in mind, when drafting this ordinance. He said anyone not 21 years old would not be allowed to go into the licensed portion of the event. Barletta stated \$1,000,000, the amount of liability, is very low. She said she is looking out for the City. She stated if something should happen, \$1,000,000 liability is a little low.

Police Chief Jerry Speziale stated the \$1,000,000 liability, for the City, is for each incident/ event.

Barletta asked if this will be presented again, before city council, if residents want to have a City-sponsored event. She asked who chooses which events "go on", i.e.- city council or administration. Atty. Logsdon stated this would be under the normal permit process. He said City administration would, then, allow this. Mope asked who would be liable in case something would happen. Atty. Logsdon stated there would be a "harmless" agreement that would be part of the permitting process. Barletta asked if the City would be liable. Atty. Logsdon said the City is the permitting agency, and would be named as the insured on their insurance policy. He stated the "harmless" agreement would protect the City.

Perry stated the City is trying to draw people to the City from going to Hazle Township. He said booze parties are not the answer. He said this event is trying to raise some money. He said the Kiwanis Club has their events at the baseball field.

Mope asked if the City was found negligent, could the party come back to file a civil suit. Atty. Logsdon stated if they do have a liquor license, and someone "overserves a person", the liability is on the persons serving alcohol. He said as long as it is not a City-sponsored event, the City would be removed enough where liability would be hard to prove. Mope asked what if it was a City-sponsored event. Atty. Logsdon stated then the City would be liable for the event.

Barletta asked if liquor was added to the Fourth of July celebration then who would be responsible. Atty. Logsdon said if the City had a permitted liquor license to serve alcohol at the Fourth of July fireworks, it would depend on the event and the liquor license.

Daniel Lynch, City administrator, stated he had a discussion, with the City's insurance agent. He stated there is an option called alcohol insurance. He said it is specific as to the City serving alcohol. He said if there was a City event, and there is alcohol sold there, then the City would need this coverage with additional event coverage. He said if the City was sponsoring the event, and a reputable vendor was serving the liquor, and had insurance liability coverage, then this would be covered under the City's policy. He stated the City could get event insurance for a specific event. Lynch said it is very affordable, for a one-day affair, if the City was not serving alcohol at the event.

Barletta asked how much an alcohol insurance policy would be. He said he did not get a quote due to the City not serving alcohol. Lynch said the City could obtain a single-event policy from the insurance carrier. Perry said a single-event is about \$178.00 per \$1,000,000 for a food vendor. Lynch stated the price changes for an alcohol event. He said this would provide another "layer of protection".

Mope stated there is a City department event coming soon. She asked if the City Fire Department has a liquor license, and what liability would the City entail. Colombo stated the Hazleton City Fire Department would have their liquor license and their liability. Fire Chief Donald Leshko stated the Hazleton City Fire Department is not serving alcohol. Leshko said it is being held at the Hazleton Volunteer Fire Company. He said their group would need to get liability insurance. He said one or two volunteer departments do have liquor licenses, and would need to apply for a one-day liquor license. He said they already have liquor liability and have this as part of the license.

Colombo stated the City insurance carrier quoted a policy for \$400.00 for a one-day event.

Gavio said he has been to several events with alcohol. He said other municipalities have no problems with these events. He said as long as they are "controlled" events there should be no problem. Gavio said, given the chance, the City could sponsor a good event.

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

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**ORDINANCE PASSES 3-2 ON 1<sup>st</sup> READING**

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**RESOLUTIONS**

**Resolution 2019 – 16** Authorizing the Execution and Delivery of a Street Lighting Infrastructure Upgrade, Tax Free Equipment Lease Purchase Agreement, With Related Documents, and a Measurement and Verification Services Agreement

**On the Question:**

Gavio motioned to table this resolution. Perry seconded the motion.

**Roll Call on Motion To Table:**

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

**RESOLUTION TABLED**

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**Resolution 2019-20** Recognizing the Month of April, 2019 as Pennsylvania 811 Safe Digging Month

Presented by Mope. Seconded by Colombo.

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

**RESOLUTION PASSES UNANIMOUSLY**

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**Comments from the Audience:** Dee Deakos, 43 West Mine Street, Hazleton, said the City needs to utilize the City of Hazleton's website a little more. She said the Zoning meetings need to be announced. She stated the announcement is only in the Standard Speaker for one day.

Joe Stanavage, 216 West Birch Street, Hazleton, said he always wants to say something positive. He said he has an idea and a suggestion. Stanavage stated Seltzer Insurance will insure anything in the City. The insurance agent is Justine Naag and they are located on Route 661 in Pottsville, Schuylkill County. He said no one says they are "sorry" when an accident happens. He said even \$2,000,000 of insurance is not enough. Stanavage said he is 70-years old and if injured, he would not heal overnight. He said

he likes everything city council and administration is doing for the City. He said any event he is involved with, in the City, he always presents proof of insurance. Stanavage said he can only say positive things about food trucks. He said if anyone sues, it is not for one dollar (\$1.00). He said \$1,000,000 is not enough. He asked if the food trucks have a license. He stated the food trucks need to present proof of insurance.

**Comments from Mayor:** None.

**Comments from Council:** Colombo commended Fire Chief Leshko on the recent structure fire. He also commended him for his grant work for the City. He also commended Police Chief Speziale for all his hard work and dedication to the City. He also thanked the residents for believing in the City.

Mope had a recent conversation with Dave Sosar, Hazleton City Authority-Water Department board member. She said he stated a cell provider company is looking to put antennas on the McKinley Street tanks. She said this is part of the Master Service Agreement with the City of Hazleton. She said the payment would be about \$3,000/month. Mope said this has not been voted on yet, but would be tentative income coming into the City.

Mope said she received an e-mail and telephone call from Ed Shoepke, President of Hazleton Little League. He stated during a severe storm last year, the Hazleton Little League had a significant amount of damage on the Minor League & Challenger Division field. He said two of 40-foot light poles were struck by lightning, and one was split in half, and fell onto the field. Mope said the damage is significant. She said she has pictures from the fields and will bring them when printed. She said they were able to get everything cleaned up. She said both poles and lights were replaced. Mope stated the final cost was over \$10,675. She said Hazleton Little League is looking to see if the City would be willing to help them. She said they still need to pay for this mishap. She said their Challenger Division was one of the two teams chosen to play in the World Series. She said it was a big expense for the league. The Hazleton Little League attached their bill along with pictures of the damage. Mope said it was requested to have the company name be blocked out of the bill. She said it cost them \$70,000 to send the kids to Williamsport.

Mope said with the contingency to have this passed by the Hazleton City Water Department, if the City would be able to help them out. Mope stated it would take three months of payments. She said this is money that the City does not have in the budget, and would not affect the budget overall. Mope said there would be a five-year lease with the cell towers. She said this needs to be verified with PEL. She said the Hazleton Little League is a very important part of the City. She said for them to go "in the hole", it would not only hurt little league, but it would hurt the children. Mope asked city council, administration, and PEL to think about this situation. She said their bill is due shortly, but contingent on the decision by the Hazleton City Water Authority.

Barletta said she is against the liquor ordinance, and back in August, 2018, when this was discussed. She said it is nothing personal. She said a family event with kids should not have liquor at the event. Barletta stated this can cause a problem.

Barletta stated, recently, city council members were invited to the Birch Knoll Estates, by their residents, regarding a new development which is taking place. She said they were invited because the resident's issues and concerns were not being heard. She said this is city council's job, as elected officials, to come and listen to the residents to see if they can help them. Barletta said she and the residents feel as they were "attacked" in a recent Standard Speaker article of March 24th. She said everyone needs to get on the same page to move forward. Barletta read the news quote to the audience. The following are the quotes from Mayor Cusat- "The mayor was not aware of the meeting in Birch Knoll. City Council members have complained, in the past, about transparency and the same opportunity as anyone has to come to City Hall and review plans that developers submit to the City. If anyone wanted to look at the plans, they are here. When I was on council, I did not have to wait for other council members or the

mayor to wait and send me information. It is easy to sit here, ridicule, and point fingers. When it comes time to make progress and tough decisions, it is far and few between.” Barletta asked Mayor Cusat if city council can come anytime and get information. Mayor Cusat responded yes. Barletta said she has a hard time, and is trying to work with everyone. Barletta stated she has a “bunch of e-mails” from January 31<sup>st</sup>. She tried to send information out, to a City worker, asking to get information on what the City is mandated to have in regards to the storm water fee and the City’s storm water plan recently submitted. She said the response back was, “I am under the direction and supervision of the mayor and require authorization to respond. Upon approval from the mayor, I will comply with your request.” She stated it was then okay to send these two items. Barletta said city council is trying to get information, but is always stopped, and gets attacked in the newspaper. She said as a council member she is trying to get everyone to work together to come up with a solution. She said this is a very important issue, as is the ambulance situation. She sent an e-mail on December 26<sup>th</sup>, and she wants to work together to come up with a solution. The response back was, “When I make a decision, I will let council know.” She is still waiting, as of February, and sent another e-mail. She said there were meetings with other groups, and with Lehigh Valley. Barletta said city council does not know where these issues stand. She said she is still waiting for an answer for the change that was made on the dental and vision insurance plans. She sent numerous e-mails, and no response on who made these changes, and why it did not come in front of council. She stated she is trying to move the City forward, and have an “open-door policy”. Barletta said there is no team here. She said administration needs to work with city council and the residents to come up with solutions. She said the City will be “stuck”. She said she wants everyone to be on the same, exact page. Barletta stated there is no transparency. Barletta asked Mayor Cusat if there is anything else going on, and if city council can get involved in to try to help. Mayor Cusat responded no.

Barletta asked if LIVE PD will be in the City of Hazleton filming. Mayor Cusat said yes. She asked if there is a cost, if the City needs liability insurance, or if the City will be receiving any fee. Mayor Cusat said there is no cost to the City. Barletta said she does not like finding out, from residents, what is going on. She said city council needs to be open to the same information everyone else gets.

Mope said she has had problems over the years. She stated it has gotten better, but had to fight battles to get information. She stated Mr. Lynch has been accommodating to city council. She stated it has been tough, in the past. Mope stated the city cannot move forward with getting in arguments over obtaining information. She said she had to fight for monthly reports.

Barletta asked when LIVE PD will be aired. Mayor Cusat said this Friday, March 29<sup>th</sup>, on A&E @ 9:00 p.m.

Perry commended Donald Leshko on the \$500,000 in grants he has obtained for the City. He said there will be \$600,000 “worth” of paving done in the City. He stated new businesses are coming downtown. Perry said the Grateful Café, which will be leasing downtown, and the owner does not live in the City. He quoted the owner saying, “The downtown looks great, and is only getting better. One night after visiting a space, before we signed a lease, we were driving down Broad Street, heading to Interstate 81. I noticed how the trees were all lit up with lights, not just downtown, but all the streets. Things like this show the City’s pride. I am proud to be a new business in this revitalizing City.” Perry said this is someone “outside, looking in”. Perry said this is amazing.

Perry thanked the citizens of Birch Knoll for listening to city council. He said the contractors are encroaching on their land. He said this facility can make a financial impact with jobs and revenue. Perry said this can reduce citizen’s taxes. He said the benefits outweigh the cost. He thanked Mayor Cusat for “pushing this through”. He said this has not happened since the Duplan building. He said this can generate hundreds of jobs.

Mope made a correction on the amount requested by Hazleton Little League. She stated the amount is \$10,675, the amount they are “in the hole for”. Perry said, maybe, the Hazleton Water Authority can fund

some of the Hazleton Little League costs. He said he would like to see Hazleton Water Authority make a resolution that they want to spend some money on little league.

Gavio stated city council will get more information from everybody.

David Sosar responded to this issue. (*inaudible*).

**Comments from Junior Council:** None.

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