

**MINUTES
HAZLETON CITY COUNCIL
REGULAR MEETING
TUESDAY, MAY 26, 2020**

Call to Order: Council met in regular session on Tuesday, May 26, 2020 via ZOOM Teleconferencing. The meeting was called to order at 6:02 pm.

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

Roll Call: Barletta-present; Colombo-present; Mundie-present; Sacco-present; Perry-present

Minutes of Previous Meetings: The minutes of the May 13, 2020 Regular Meetings were approved unanimously.

Presentations/Proclamations/Communications: None

Bid Opening: None

Courtesy of the Floor (ON AGENDA ITEMS ONLY): None

ORDINANCES AND RESOLUTIONS:

(1ST READING)

Ordinance 2020-11

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 **(1st READING)**

Presented by Perry. Seconded by Sacco.

On the Question:

Mundie asked Atty. Sean Logsdon "what are we doing here". Atty. Sean Logsdon said he is presenting this ordinance, for first reading, and council's permission, to advertise the ordinance for three consecutive weeks. He said the first week's advertisement will be on Thursday, May 28, 2020. The second week advertisement will be around June 3, 2020. Then the EIT hearing petition is on June 4, 2020 which was "pushed back" due to the courthouse being closed. He said we will be able to get "in there" next Thursday with Judge Gartley at 10:30 a.m. and get permission to do "what we are doing here" to adjust the earned income tax rate. He stated the third week advertisement is

projected to be around June 10, 2020 with the next city council meeting on June 10, 2020. He said the second and third readings will need to be at a special meeting once the City has the judge's order. He said he is not sure when the court will issue that order, but if estimating, will be after June 14, 2020. He said this is, procedurally, what the City is trying to do.

Mundie asked what the rate will be adjusted to. Atty. Logsdon said the rate is lowering but not making it "too complicated", it will be lowered for everybody. He said for residents, the City is above what they are allowed to do, and still needs to get the courts permission to do it. He said from 2019 to 2020, the ACT 47 EIT resident tax rate is going from .60 to .25. The EIT resident ACT 205 rate is going from .65 to .1, which is being raised. The ACT 47 rate is getting lowered, even though it is being lowered, the City will be above the rate. The EIT non-resident ACT 47 rate is going from .20 to 0 in 2020. The non-resident EIT rate, currently, is going to be at or below the permissible rate and the City does not need to get court approval to do this. He said the City is bringing down the ACT 47 EIT rate from .60 to .25 for residents and going from .20 for non-residents to 0. He said this is what the City is seeking court approval to do. He said there will be one special meeting, before July 1st, with council's approval, and hopefully, this will all go into effect.

Mundie asked, overall, what the increase, will be, for the citizens of Hazleton in ACT 205. Atty. Logsdon said the 2020 EIT resident ACT 205 is being increased from .65, in 2019, to 1, according to our plan, the ACT 47 comes down, and the ACT 511 rate stays the same. Atty. Logsdon said for non-residents, the ACT 205 rate is being raised, as well, from .65 in 2019, to 1. The ACT 205 rate for both residents and non-residents is being raised to 1.0 but the ACT 47 rates are going down.

Perry asked if the City is shifting to the pension (ACT 205) by paying more EIT tax. He asked if this is what is normally "supposed to happen" in our plan. Atty. Logsdon said yes; the figures are on Page 11-8, Schedule A, in the ACT 47 plan for resident and non-resident EIT tax rates, for 2018 thru 2022. He said this is what the City's consultants have laid out for what the City needs to do for the EIT rate for 2020. Atty. Logsdon stated, in 2020, the ACT 47 amount does come down but goes up for ACT 205. Perry asked if the City would return to the normal rate once "out of" the ACT 47 Plan. Atty. Logsdon said yes. He said, hopefully, the City will "be out" of the plan in their timeframe. Atty. Logsdon said city council will do a first reading and this is to obtain council's permission to advertise for three consecutive weeks. Perry said this was fine.

Mundie asked why the City is doing this now; is it timing. Atty. Logsdon said what the City has done, the first year, was making it effective on July 1st of each year. He said he is keeping it consistent. Mundie said the City will need to send out notices to the tax offices notifying them of the change. Dan Lynch, City Administrator, said yes, this is what the City will do. Lynch said the City went into ACT 47, in June, 2018, and the first effective EIT change was July, 2018. He said the City sent out notifications, ahead of time, to Berkheimer Tax Offices, who will then notify the employers. He stated timing is critical because it effects the taxpayer at tax time. He said the City was delayed the first year and this created an issue for people come tax time. Perry asked if the courthouse timing was changed and was this when the City was "supposed to do it". Atty. Logsdon said the City is "ahead of the game" this year. He said everything was ready to go and originally was scheduled for early May.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Sacco-yes; Perry-yes.

ORDINANCE PASSES ON 1st READING

(2ND AND 3RD READINGS)

None

RESOLUTIONS

Resolution 2020-47

Authorizing an Amendment to the Police Civil Service
Commission Rules Age Requirements

Presented by Perry. Seconded by Colombo.

On the Question:

Mundie asked what “we are doing here”. Atty. Logsdon said this came in from the Civil Service Commission. He said this is set up where the applicants had to be 21-years old prior to application submission. He said it is a simple change. Atty. Logsdon said in order to attract and bring in new officers that have not attained the age of 21, this is opening up where the applicant that has reached the age of 20, either man or woman, can submit an application, have a physical, and partake in examinations. He said before the candidate is sworn in and council approval, they need to be 21 years old. Perry asked if this would increase the City’s candidate list. Atty. Logsdon said this would be the goal. He stated as long as they are 20 years old, they would be ready to be sworn in by the age of 21. Barletta asked what the age is, currently, to submit an application. Atty. Logsdon said the age is 21. Perry said it is still 21 years old, but the City will accept applications from people who are 20 years old. Atty. Logsdon said this is not a “crazy” change. He stated the candidates would, then, be able to apply by age 20. Colombo stated the Police Civil Service Commission did have their meeting and approved this.

Brian Schoonmaker, Hazleton Police Chief, said it will “open it up” and will have more of a pool of candidates to apply. He said the only change is that they would not be able to be hired until 21 years old.

Mayor Cusat said the City wants to get more applicants. He said a lot of kids are under 21 when they do graduate. He said the City does one test a year, if not every second year. He stated he wants people the ability to apply as often as they can to get them on the list. He said Luzerne County stated people needed to be 21 years old to apply. He said then people would miss the whole thing. He said he wants to get more people on the list.

Perry stated there is, currently, 41 police officers on the force and are looking to increase the roster to 44. Mayor Cusat said yes; the force is at 41 but are losing another officer in late June. He said the City should have enough money to hire up to 44 officers with negotiations in the last contract. He said there should be enough money, budgeted, to hire more officers. He said this is the plan going into the police contract. He said he is looking to get a large class to take the next test and

hire four to five more officers.

Roll Call: Barletta-yes; Colombo-yes; Mundie-yes; Sacco-yes; Perry-yes.

RESOLUTION PASSES UNANIMOUSLY

New Business: None.

Old Business: None.

Comments from the Audience: Mark Rabo, 1st Street, Hazleton, said the current COVID-19 curfew has ended and Luzerne County is scheduled to open, in the yellow phase, on May 29, 2020. He said the City should look into, exploring, during the fall and winter, if there will be another wave and more people coming to the City, from out of state, and causing another health problem.

Rabo asked what is being done to enforce the fireworks ordinance for the Fourth of July. He said residents do not need to hear fireworks after this day. He said the police chief needs to be in on this.

He also spoke of the City's budget. He said \$290,000 owed, to the City, should be requested from the County Community Development office since they are keeping ownership of the Broad Street Exchange Building. He said the Luzerne County Community Development office should pay the \$290,000 since they have \$14,000,000 sitting in an account. He said Perry and Mayor Cusat should get a "letter over" with Mr. Zeller to talk with his former boss, Mr. Reilly, on this.

Rabo said regarding the WORK SESSION meeting, the City needs to look at the Quality of Life ordinance, under definitions, for alleys and courts. He stated this is very vague as far as blocking the alley ways and courts. He said it may be under definitions and to "do something" with this.

Donald Leshko, Hazleton Fire Chief, responded to Rabo's firework issue. Leshko said the City can do the best that they can, but we need to ask Governor Wolf when he will change the fireworks law in the state of PA. He said Governor Wolf, signed into law, a few years ago, a lot of fireworks that are legal now. He said it is tough to enforce the law.

Rabo said Philadelphia legislators got the law changed and he went after him. He said Leshko and the Wilkes-Barre fire chief "led the charge" against this law.

Leshko said he and his association lobbied heavy against this and getting a change afterwards. He said with various senators, nothing has been moving forward due to the coronavirus pandemic.

Perry asked Police Chief Schoonmaker if there were any problems with fireworks this weekend. He said the police force received one or two calls last night with a multitude of noise complaints. He said people are, again, spending time with family and friends.

Perry said residents are allowed to buy as many fireworks as they can. He said it will be hard to enforce this. He said the guys will take care of this as much as they can.

Perry said the City will be better prepared if there is a second COVID-19 pandemic wave. He said Mayor Cusat had hotels ready, in the first wave, if any self-quarantining was needed out of their family population.

He said regarding the budget, the City will be looking at this in August or September.

Perry said regarding the \$290,000 owed to the City, he does not know the answer. He said the City has been "asking and asking" for this. He said this needs to be "put to rest" one way or another. He said this goes back to Mayor Joe Yannuzzi's term. Atty. Sean Logsdon said he will look into this for the City. He needs to research some information.

Perry stated city council will be discussing alley and court parking. He said Barletta had brought this issue up after a few incidents this weekend.

Comments from Mayor: None.

Comments from City Administrator: Lynch said he sent some monthly reports today but are not fully where they should be and will send some supplemental reports within the next few days.

Comments from Council: Colombo stated he received a letter from Charlie Parsons, St. Peter's Episcopal Church. Colombo said there was a check written out for \$349.50. He said he was in the parking lot the day he gave the check out for \$349.50. Mr. Parsons said the check was never received by the City. Charlie Pedri, Code Enforcement Officer, said he is checking on this. He stated he has not received this check in his office. Pedri said he will check with administration and return the money. Colombo stated Bruce Shafer did write the check out.

Perry expressed his condolences to Ralph Sharp on the recent death of his mother. All city council members concurred.

Comments from Junior Council: None.

Adjournment: Perry motioned to adjourn the meeting. Meeting adjourned at 6:46 p.m.