

**MINUTES
HAZLETON CITY COUNCIL
REGULAR MEETING
WEDNESDAY, JUNE 10, 2020**

Call to Order: Council met in regular session on Wednesday, June 10, 2020 in Council Chambers and via ZOOM Teleconferencing. The meeting was called to order at 6:15 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 26, 2020 Regular Meetings were approved unanimously.

Presentations/Proclamations/Communications: None

Bid Opening: None

Courtesy of the Floor (ON AGENDA ITEMS ONLY): Mark Rabo, 1st Street, Hazleton, spoke of Ordinance 2020-12- Amending Ordinance 2018-15, Regulating Recreational Vehicles Within the City. He asked if transporters of ATV's or motorbikes would be charged if the ATV drivers would be going the "wrong way" on a City street.

Rabo also spoke of 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. He asked if Mayor Cusat and City Administrator (*inaudible*), for the MMO payment for 2020. He also asked if the City received the ordinance for the extension for the penalty, for the face for 2020, for the real estate taxes. He said he does not know if this was passed last month as Luzerne County did pass this.

ORDINANCES AND RESOLUTIONS:

(1ST READING)

Ordinance 2020-12 Amending Ordinance 2018-15, Regulating Recreational Vehicles Within the City (**1st READING**)

Presented by Barletta. Seconded by Sacco.

On the Question:

Mundie (*inaudible*). Atty. Logsdon stated the first sentence states there is a penalty for violation of the ordinance is forfeiture of the vehicle. The second sentence states “shall” be destroyed by the City. He said, at this juncture, and what council is considering, is forfeiture and destruction of the vehicle. Mundie asked if there is an option. Perry stated the City would have to destroy the vehicle.

Perry motioned to take a recess due to audio difficulties.

Perry resumed meeting. Perry said Mundie is asking if the vehicle has to be crushed. Mundie (*inaudible*). Police Chief Schoonmaker suggested there should be one person per room due to audio difficulties. Mayor Cusat said there should be two people per phone. Perry asked Schoonmaker if any of these vehicles were confiscated in the past. Schoonmaker said not that he is aware of. He stated this would be a “first” for the City. Perry asked if the PA State Police confiscates the vehicles. Schoonmaker said in some cases, they would abandon them, just like the City would if there is no ownership or bill of sale. Mayor Cusat said they were towed and confiscated, but the City never took possession of the vehicles. He said he is “all about” making a statement about the vehicles. He said some vehicles would need to be destroyed and may not be worth anything. He stated some will be very valuable and can be sold or be given to other municipalities in certain circumstances. Mayor Cusat said there are a few he would like to destroy, no matter what. He said if “we go and get” a Polaris worth \$30,000, he does not think the City would have to destroy this due to getting decent money for the vehicle. Mundie said this can be sold, and the money can be given to the police department. Mayor Cusat said if the City destroys a vehicle, the City would need to pay the towing company their fee, drain the liquids out, and dispose of the vehicle properly. He asked if the City would incur more cost than what the vehicle is worth. Barletta asked why the City would pay the towing company to do this. She said Mayor Cusat would have a real good relationship with the “ones” that would crush “around here”. She said they would not charge a fee to the City. She said she has spoken to a few and stated they would destroy at no cost. Perry asked if Kress is the only who crushes. Barletta stated there are a few “around town” that do, about four. Mayor Cusat said he would like to crush, the vehicles, himself, but some are too valuable to crush.

Barletta said if city council inserts “may” in the ordinance, she said the City would need to confiscate the vehicle to make sure the City makes the money off the vehicle. She said the City would need to make sure the vehicle is not sold. She said it would need to be in the possession of the City. Atty. Logsdon stated the forfeiture would be to the City with anyone violating the ordinance. He said the City would need to go through the proper channels. He stated the “nuts and bolts” of the thing is the police cite the resident, under this ordinance, vehicle is confiscated, citations are filed, with penalty of forfeiture when “it goes” before through the magistrate. At this point, the City would need to figure out what the process would be if the vehicle was titled, and if not, would have to go through the abandonment processes. He said the City would need to use the abandon vehicle and use a “salver”. He said the City would not want to “turn it over” to a “salver” who can then sell it in the private markets to the exact same person who forfeited the vehicle. Mayor Cusat said the City must take possession of any all-terrain vehicle as defined in the ordinance. Perry said the first sentence states, “the penalty of violation of this ordinance shall be forfeiture”. Mayor Cusat said there is forfeiting it, but the City would need to take possession of the vehicle. Barletta said if there is value of the vehicle, the City could get the money and use it as a tool to get other equipment. Schoonmaker suggested it should state, “shall be forfeited to Hazleton City and not sold to a private person and only sold to a municipal government or state.” He said an additional line can be added to the ordinance. Perry agreed. He said the wording would need to be straightened out.

Atty. Logsdon said he has spoken with Police Chief Schoonmaker and there are a few things “to play with” before the second reading of this ordinance. He stated the Police Chief, brought to his attention that not all vehicles, that the City is having a problem with, are three- or four-wheel vehicles. He said the ordinance, as written, states three-or four-wheel vehicles. He said trail bikes are two-wheeled and would eliminate any two-wheel vehicle. He said this would need to be updated, are minor issues, and can be taken care of.

Perry stated Mundie made a motion to change “may” and add forfeiture of the vehicle to the City of Hazleton. He asked if this all can be made in one motion. Atty. Logsdon said yes; this can be made in one motion. He stated the verbiage will be changed from “shall” to “may”, in terms of the destruction of the vehicle, but the “shall” portion should be forfeited to the City.

Donald Leshko, Hazleton Fire Chief, said the whole “crushing part” is off the table. He said there will be a cost, to the City, for any fluid disposal. Barletta said she has spoken to a few “crushers” that would take care of this. She stated they have all the permits for the disposal of the fluids. Leshko said this is perfect. He said the City does not want to get into the “crushing” business. Barletta said there will be no cost to the City.

Sacco asked what fine the resident would incur when the resident is pulled over. Atty. Logsdon stated the penalty is forfeiture. Sacco asked if the resident forfeits the vehicle if there would be a fine. Mayor Cusat said the police officers can cite the resident for multiple offenses. Police Chief Schoonmaker said yes; there are a “slew” of motor vehicle violations, that go along with this, and, some cases, even trespassing. Sacco asked if the fine for \$500.00 for first offense, and \$1,000 for the second offense is for a resident at the fueling station caught “fueling up”. Atty. Logsdon said yes.

Perry said the motion is to change the penalty for violation, of this ordinance, shall be forfeiture to the City of Hazleton, in Section 4- Penalties, and the all-terrain vehicles or ATV’s may be crushed or destroyed by the City after forfeiture. He asked if this is correct. Mundie agreed. Perry said these minor adjustments should be ready for the next city council meeting. Atty. Logsdon concurred.

Perry asked Atty. Logsdon when city council has their special meeting if this can be voted on. Atty. Logsdon said there would be enough time at the special meeting.

Motion to Amend:

Presented by Mundie. Seconded by Barletta.

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

MOTION TO AMEND PASSES UNANIMOUSLY

Roll Call (As Amended):

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

ORDINANCE PASSES ON 1ST READING AS AMENDED

(2ND AND 3RD READINGS)

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 **(2ND READING)**

Presented by Barletta. Seconded by Sacco.

On the Question:

Perry stated this is only the second reading. Atty. Logsdon said he wants to get this ordinance passed, by July 1st, 2020, because this is when the ordinance goes into effect. He stated the City had their hearing last week and got the order back from the court. He said everything went very well. He said Judge Gartley issued an order on June 8, 2020. He said the City has the order from the court, and will be "plugged into" the ordinance. He said it has been advertised for three consecutive weeks. He said he and the city clerk have a final advertisement that needs to be seven days before the third reading and before the next special meeting. He said he needs permission, from city council, for the final advertisement and needs to set-up a special meeting date. Atty. Logsdon said the special meeting needs to be the week of June 22nd. Perry stated the special meeting will be on June 24th, 2020 at 6:00 p.m. All agreed.

Perry said he does not know if the question, on the pension issue, was addressed. He asked Atty. Logsdon if anything is affected by this. Perry said Rabo had a question about MMO's and the pensions. He said the City is just "moving" the money, the EIT tax, for residents and non-residents. He said it is changing, but everything is good. Rabo asked about the MMO, for 2020, due to the COVID crisis. Mayor Cusat said they did not make the decision yet. He said they talked about it several times and still trying to get something done, through the state, but did not make a determination if the MMO will be deferred. He said he would not expect this to come until the very end of the year.

Perry told Rabo he will need to be muted until the end. He said this is not fair to the rest of the public who want to participate, also. He advised the city clerk to mute Rabo. She concurred.

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

ORDINANCE PASSES ON 2ND READING

RESOLUTIONS

Resolution 2020-48

A Resolution Approving and Accepting the Deed of Dedication between Linda L. Schiavo, Executrix of the Estate of Pasco L. Schiavo and the City of Hazleton

Presented by Colombo. Seconded by Barletta.

On the Question:

Perry said this is the park on 14th & Church Streets. Mayor Cusat said before the City could record the deed, Pasco passed away. He said the City needs to receive the deed, from the estate of Pasco Schiavo, instead of from Pasco Schiavo. He said it is just a formality to be able to record, the deed, at the courthouse. Atty. Sean Logsdon said he got the order for the estate of Pasco with the estate getting in contact with him. He sent a copy of the deed to the city clerk was forwarded to city council members to show that nothing has changed, subsequently, with the deed. He said the deed, is now, the estate of Pasco Schiavo to the City of Hazleton. He said there are the same restrictions to be used as a public park. Atty. Logsdon stated he spoke with the estate attorney. He said everything is moving along right. He said he told the attorney this resolution would be on the city council agenda, for consideration, for tonight. He stated nothing is changing since the last time, with the previous draft, on the agenda. He said the only change is the estate will be making the gift instead of Pasco himself.

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: Dee Deakos, 43 West Mine Street, Hazleton, said she noticed, in the newspaper, Luzerne County was having a community development hearing. She wanted to suggest, with all the trouble with the policeman, that the City does not get minority police officers because they cannot afford to go to school. Deakos stated the City can suggest, to Luzerne County, to give them a scholarship as the City can get more minority policemen. She said it is not just Hazleton; there are a lot of minorities in the surrounding communities. She said this is something the county should address. She said it would allow the City to be more responsive to the community.

Mark Rabo, 1st Street, Hazleton, apologized for “intruding” during the meeting. He asked if the City matched the penalty for the face time for real estate taxes with Luzerne County as August 18th being the new penalty date. Perry said yes. Rabo also asked city council and Mayor Cusat to request from the district attorney about the assembly passing the resolution regarding ending Governor Wolf’s emergency declaration. He asked if the district attorney cannot prosecute any small business owner from re-opening until the courts rule on the resolution. He said the state senate just filed litigation with the commonwealth court in regard to this. They said the senator who chairs the oversight committee stated it is up to the county’s district attorney’s discretion for prosecution, of the small business owner, who decided to re-open. He asked if council could get in contact with the Luzerne County DA office to request non-prosecution of business owners who want to re-open.

Rabo also asked Atty. Logsdon if he received guidance, from the Office of Open Records, regarding live meetings. He asked who he spoke to, at the office, and what did they say. Rabo also asked Ralph Sharp, Hazleton Transit Authority Director, and Mayor Cusat, if they can speak to CAN DO regarding the contributions for the bus routes going to Carbon and Schuylkill counties. He said it was CAN DO, along with Mayor Barletta, that wanted the routes to be put in, for workers going to the new warehouses, being built, at the Humboldt Industrial Park. He asked if Mayor Cusat could speak to CAN DO Executive Director, Mr. Lettiere, about contributing a portion for going to Carbon and Schuylkill counties.

Rabo said he is strongly in support of the police department. He said he would never allow the police to be disbanded and would not allow the Water Authority to be sold. He said they are doing a fine job. Rabo said the City should stand with the police.

Perry said as far as the DA, he thinks Tarah Toohill wrote a letter, a while ago, about prosecution. He said he saw a letter about transportation. Atty. Logsdon said if it refers to local law enforcement; he does not recall.

Perry asked Mayor Cusat if the transportation meeting is on June 23, 2020. Mayor Cusat this is correct. He said he believes the county will do the right thing and make the match, as they have been, for many years. He stated he defended the City of Hazleton, in the past, and also said if they are going to “go after” Schuylkill and Carbon counties that they be prepared to “go after” Lackawanna County. He stated it would be a lot more money, coming in from them, then from Schuylkill and Carbon counties. He said he expects them to do the right thing. He said this comes up every year, is talked about, and the City gets their matching funds.

Comments from Mayor: Mayor Cusat wished everyone a Happy Father's Day.

Comments from City Administrator: Mr. Lynch said he took a look at some of the City's revenue compared to 2019. He said it is still, a little early, to get a good sense of what the City is looking at. He said real estate taxes are down, 6%, from this point in 2019, but could be from an extension of the face period and general disruption from COVID- 19. He said delinquent tax collections are down, 19 ½%, which is probably from disruption of COVID-19. He stated EIT is not seeing an effect yet. He said the City is up, .2%, as to where the City was in 2019. He said the business privilege tax is down again from the general disruption. He said parking meter fines, are down, about \$90,000 due to City not "writing fines" for a considerable amount of time which makes total fines and forfeits down about 44%.

He said, "on the flip side", the City is not spending as nearly as much, at this point, as the City did in 2019. Lynch said spending is down about \$900,000. He said with voluntary layoffs and payroll week, this week, this may not nearly reflect the amount. He said the City has spent a lot less money. Lynch said he will be tracking this, every time, he and city council will be talking and looking at cash flows to get a sense of where the City stands, Lynch said "going back" to Rabo's question, talking with the state and being "on calls" with them, everything is "on the table" is what they keep saying. He said the City has a rather sizable MMO (Minimum Municipal Obligation) which is a "shade" under \$6,000,000. He said even a small deferment of 15% would be a considerable amount of money for the City's cash flows for these purposes. He said he does not think there is any question on the funding for the police. He said, if anything, the City is still underfunded. He said it is more of a question of the police, out there, doing work that, maybe, someone else can do. Lynch said this is not a convenience for a City of this size. He said this is not a consideration. He said some City departments are underfunded. Lynch said he will keep monitoring the situation.

Comments from Council: Perry stated he and city council members are receiving a lot of complaints about paving. He said one complaint is about Carson Street. Perry said this was paved in 2019. He said there was a small layer of paving done there. He said UGI will pave, the whole thing, up to 10th Street. He said the City should be receiving their liquid fuels money this week. He said the City does not have the PIB loan as of yet.

Mayor Cusat said the liquid fuel money should be, coming in, relatively soon. He stated the City is still awaiting the Section 108 loan check. The PIB loan still needs to be finalized and will come to council for approval. He said the City, currently, does not have money to pave. He said Carson Street milling, in 2019, was done with a thin layer of base coat put down knowing the gas company was coming in, in 2020, to strip it. He said UGI will be reimbursing the City and then finish this road, properly, from Diamond Ave. up to 11th Street.

Perry asked if paving would be coming at the end of 2020. Mayor Cusat stated it is running normal. He said, in 2019, the paving was done in September and October. He said, usually, which work gets done now is the patching and pothole filling. Mayor Cusat stated with the PIB loan, the City is awaiting to see how much is received before utilizing the liquid fuel money and see how much the City can afford to make an annual payment toward this. He said there is \$85,000 worth of patching material and City employees are out patching right now. He said the City will not do any, full paves, until much later in the year.

Perry said it is good to clarify this with the City spending the most money on paving. Mayor Cusat said the total project he would like to get done, in 2020, is about \$3,000,000. He said the City is off to a late start. He wanted to have the liquid fuels money, by now, but with the plant opening up late and with the coronavirus pandemic caused the project to be pushed back. Mayor Cusat stated if the paving cannot be finished this year it will be completed by 2021. He said it is more paving, being done, in many, many years. Perry asked if it includes the Alter and Wyoming Streets projects. Mayor Cusat said correct. The City is, currently, doing the street scape for Alter and Wyoming Streets. He said small sections, of sidewalk, are being put in. He said as the grant money comes in this will add "to it". He said until the City spends some money, the City cannot receive any more money. Mayor Cusat said Alter Street will be done from 1st and 2nd Street and by the end of the week it should be completed. He said then the other money can be used to do 3rd and 4th Street, and hopefully 5th & 6th Streets. He said once UGI is completely done, with Alter Street, the City will "go in" to pave this section "all the way down".

Perry asked Lynch to answer some questions on the City's Cost Allocation Grant and Comprehensive Plan. He said he hears the results, of these two plans, during the weekly PEL and DCED meetings. He said most people do not know about the details. Also, the Parking Study for the City.

Lynch said the portion of the Cost Allocation Grant was awarded to Maximus. He said this will get started, hopefully, sooner than later. Lynch stated the City is still working on a Comprehensive Plan Grant. He is working with Ted Ritsick of DCED to, basically, ask for more money. He said the ACT 47 grant was \$30,000 but looking for another \$100,000, if possible, to do a very robust and complete Comprehensive Plan. He said he is "putting" this grant in this week. He said the Parking Study RFP is a bit over of what the grant provided. He said it was over about \$16,000. Lynch said there was only one bidder and this allows the City to formulate a plan to reduce the cost and change the scope to fit the costs. He said the City does not want to spend the \$16,000 due to the disruption from COVID-19. He said this is where the City is with the ACT 47 grant.

Perry asked if this is all under the ACT 47 Plan. Lynch said yes. He said if the City gets the additional funding for the Comprehensive Plan that would be separate from the ACT 47 grant. He said this would be additional funding. Perry stated the Comprehensive Plan is looking "forward" to the future. Lynch said yes. He said the state "stepped in" with Ted Ritsick and all the planners. He said Ritsick stated a Comprehensive Plan can be done, at that amount of money, but will not be as good as it could be. He said the state wanted to "push" a little. He said if the City would not get this, they would have to look at the ACT 47 grant and ask for more money there. He said the state thought it is very important, for the City, to get a good Comprehensive Plan done.

Mundie asked Atty. Logsdon on an update on any current litigation with the City. Atty. Logsdon said he will send to all city council members. Mayor Cusat stated he and city council members would need to have an executive session to discuss all the litigation "out there". He said as soon as all can meet, they can get together to discuss the lawsuits. Mundie said last time Atty. Logsdon got city council an update. Mayor Cusat said he thought Mundie wanted details. Mundie said no; just general information. Atty. Logsdon said he update council members. Mundie said Atty. Logsdon can just send a sheet with the information.

Colombo commended the Police, Fire, and DPW departments on their outstanding work they have been doing during the pandemic. He also stated "good work" on getting the grant, for the City, to add to the departments which is much needed. Colombo thanked all of city council members and all volunteers in continuing the Hazleton Dinner. He said tonight there were about 500 dinners served.

Barletta asked Schoonmaker on an update with the police department with noise complaints. Schoonmaker said there have been a lot of noise complaints. He said the officers are trying to issue citations as much as they can. He said there is a bit of an “uptick” the past few days with citations going out and trying to correct the noise problems. He said he has had help from other local business leaders in the area.

She also asked Pedri about the code department. Pedri said the last couple days, there have been about 18 complaints with zoning permits. He said this is being handled. He said some residents are “putting in” driveways on Church Street that was not supposed to be “put it”. Pedri stated another resident had a fire at his building and needed a UCC permit. Pedri said he spoke with the gentleman, came in “just” for a \$65.00 permit, but had to be “shut down”. He said he is keeping a “lid” on everything.

Colombo asked Pedri regarding the check that was lost from St. Peter’s Episcopal Church. Pedri said he checked on this issue, and is waiting to hear from Lisa Shema, Accounts Payable/Accounts Receivable clerk. He said as soon as he hears from Lisa, he will go “from there”.

Perry thanked Atty. Logsdon for the ability for city council members and administration to have their meeting, in council chambers, tonight. He said it feels good. He said he has spoken with the Open Records Office about this.

Atty. Logsdon said the City is trying to get back to some kind of normalcy around here. He said City Hall is still not open to the public. Atty. Logsdon said he called the Office of Open Records to discuss the UCC guidelines that the City has. He said it is possible to have a live meeting but limited to the amount of people that would be able to come into City Hall if City Hall was open. He said rather than take “that chance”, it is better to have a ZOOM meeting. He said the attempt was to have a ZOOM meeting but keep a few at City Hall. He said the reverberation was not good but gave it a “shot”. He said it was a hybrid nature, and still a ZOOM meeting because nothing was discussed outside of the boundaries of the meeting. He said the public was able to respond to issues. He stated not being at City Hall can get more people involved. Atty. Logsdon said the technology is not there just yet. He said trying to map out six feet social distancing between people, along with a “decent amount” of administration members, along with the public, there would be a “spill over” of more than 25 people. He said then trying to find a way for people to participate. He said it was a decent attempt of a hybrid meeting. He suggested city council continue the meetings on ZOOM.

Perry asked if Leshko heard anything on his LSA grant that was discussed at the meetings.

Leshko said he spoke with Tarah and the meeting was canceled for the last month. He said it is still on hold.

Colombo asked Leshko regarding the cancellation of the Hazleton High School graduation parade. Leshko said he and Mayor Cusat will be meeting with Superintendent Uplinger. The rest of the audio was inaudible.

Schoonmaker said he has a meeting with Superintendent Uplinger on June 11th, 2020. Mayor Cusat corrected him; the meeting will be on Friday, June 12th, 2020.

Barletta asked if the City of Hazleton will be having their annual Fourth of July fireworks event. He said he made an announcement last night and one again this morning. He stated the fireworks will take place on Friday, July 3rd with rain date on July 5th. He has eleven to twelve food trucks committed to the event. Barletta asked if the event will be like the past functions at the pavilion. He stated this will be at the City

View Park. He said the parks are allowed to be open. He said residents can “go” to the food trucks, take back food to their vehicles to social distance. He said there will be officers, up there, to make sure picnic tables are safely spread apart. He said kids’ rides are not allowed along with the bounce houses. Barletta asked if there will be a limit of residents. Mayor Cusat said there will be no limit.

Comments from Junior Council: None.

Adjournment: Perry motioned to adjourn the meeting. Meeting adjourned at 7:13 p.m.