

**MINUTES
HAZLETON CITY COUNCIL
WORK SESSION
WEDNESDAY, JULY 8, 2020**

Council met for a WORK SESSION on Wednesday, July 8, 2020 via ZOOM Teleconferencing. The work session began at 7:40 p.m.

In attendance were City Council President James Perry, Vice-President Anthony Colombo, Allison Barletta, Lauren Sacco and Jack Mundie. City Officials present were Mayor Jeff Cusat, Atty. Sean Logsdon, Dan Lynch, Fire Chief Donald Leshko, Charlie Pedri, and Police Chief Brian Schoonmaker. Also in attendance was Gerald Cross- Pennsylvania Economy League representative.

Perry stated Mayor Cusat will be speaking about the paving project in the City.

Mayor Cusat said the City has received notice, today, that the Section 108 loan was granted. He said the Community Development and liquid fuels money came in. He said he is hoping to start milling the streets in the next couple weeks. He said they are getting on the rotation in getting the work done. He said with the coronavirus pandemic "out there", he said one of the companies is behind schedule. Mayor Cusat said the City is trying to get "on the list" and start our projects. He said, hopefully, the City can get this going before the fall.

Barletta asked what streets are getting done. Mayor Cusat said it depends on what money the City has. He said he is trying to work with the utility companies. He said there are some they are "ripping up" in 2022 and some in 2023. He said there are some, with the Section 108 loan, that will have to get "bumped." He said he does not want them "ripping them up" right after they are put in. Perry said these are the streets going "all the way" to Buttonwood. Mayor Cusat said he was hoping to get 17th & 19th Streets done this year but will not get done until 2023. He said Vine Street will get started, from 17th Street to Diamond Ave., Alter Street from Diamond Ave. to 14th Street is ready to go. He said James and Peace Streets will get bumped to 2022 - 2023. He said some parts of Laurel Street are ready to go now. He said Pine and Laurel Streets, from Holly to Buttonwood Streets, are ready to go. He said he has to get the list of exact dates. He said some of the work, they are doing this year, will not get done until October. He said the "ones" we have, for the PIB loan, are still waiting for approval. He stated, with these, he is hoping, to do, Muir "all the way across" Muir to Franklin, from Poplar to Broad, Carleton, Coxe, Poplar, Broad Streets, Terrace Blvd. from Coxe to St. Charles, all of Hilltop Estates, Buttonwood from Church to Poplar Streets. He said this will be done with the PIB loan which was not approved yet. Mayor Cusat said these are the streets he is targeting because of the utilities. He said the City is meeting, with the utilities, more often to try to get their schedule, in place. He said Carson Street will get finished this year. Mayor Cusat stated the base coat was put on last year. He said once they are done, it will get finished. Perry asked if this would take a couple of years. Mayor Cusat said it will be done properly waiting for the utilities. He said he is trying to put together a five-year plan where the streets should be. He said all the numbered streets- 1st through 22nd, are all really bad. He said with the utilities going into "some of them", the City needs to get them in order. Mayor Cusat said with the Community Development money, the low-mod area is shrinking. He said this is good for the City but is bad for using Community Development money in doing certain sections in town. He said the City is trying to stretch our money as "best as we can". Perry said the paving project is what people are interested in. He stated more money will be coming as the City needs it. Mayor Cusat said once the plan is finalized and the money "comes in", he can get the calculations out. He said the scheduling with the bigger companies is "backed up".

Perry said Colombo wanted Ordinance 2020- An Ordinance Amending Chapter 134, Article 1, of the Hazleton City Code, Restricting the Use and Transportation of Fireworks and Related Explosives Within the City of Hazleton, on the WORK SESSION agenda. Colombo said he looked at the one that (*inaudible*) did. He stated he talked to Mayor Cusat about this, also. Colombo said they are giving

residents six days with Memorial Day, Labor Day, and the Fourth of July, and a day before each, with fireworks needing to be over by 10:00 p.m. He said the only ones that can be done are the legal fireworks. Colombo said everything is legal (*inaudible*). He said the stuff they cleaned up, over the weekend, was legal. He stated the City looked like a "war zone". Mayor Cusat said no firework is legal in the City of Hazleton. He said ours is much stricter than any other one he has read. He said nothing is allowed to be sold, possessed or ignited in the City, as it is now. Perry asked if anyone is selling fireworks in the City limits. Mayor Cusat said nothing is being sold here. He said some of the bigger grocery stores may have roman candles there which are, technically, illegal in the City. He said the City can "go in" and confiscate them. Perry said it has been worse now, more than ever, even with the law on the "books". Mayor Cusat said it is also due to people getting an extra \$600.00 a week. He said a lot of other municipalities have canceled their fireworks. He said, therefore, there is a large abundance of large fireworks readily available. He said these companies have big inventories ready to go. Mayor Cusat said "his show" was \$25,000. He stated there were a lot of fireworks. Mayor Cusat said Wilkes-Barre (*inaudible*). He said the Italian Festival was canceled. He said there are fireworks sitting, in inventory, and need to get rid of them. Mayor Cusat said the "place" in Hazle Township, by Mount Laurel, on 309, was selling fireworks. He said he was coming home, on the Fourth of July, and a line of cars was coming out at 11:00 p.m. Perry said they sell them at all hours. Mayor Cusat said he took a ride, down to Hershey, and there were fireworks everywhere. He said it is not just in the City of Hazleton. He said the money and availability was there this year. Colombo said people are "fed up" and have "had it". Perry said besides noise, this is an ordinance. Mayor Cusat said if people want to buy fireworks and see them, they can donate their money to the City and he would be glad to add to the fireworks show. He said if everybody would pitch in, the City can go a lot longer.

Atty. Sean Logsdon said the way he worded "this one", he has it at \$350.00 and not \$100.00. He said this is for consumer fireworks. He said it is a summary offense for a fine for no more than \$350.00. For display fireworks, the fine is not more than \$2,000. He said if the fireworks someone is using is classified as a display firework, and not a consumer firework, the resident can be punished by not more than \$2,000. He stated if it is using a consumer firework, the fine is not more than \$350.00. Sacco asked if it can be \$2,000 per firework if they are caught. Mayor Cusat said the resident will not pay this; the judge will "throw this out" anyway. Sacco asked with this law if they are caught (*inaudible*). Mayor Cusat said it is a common criminal act. He said if there is a gunshot "in the room", no one can say someone did it unless they were seen doing it. Police Chief Schoonmaker said he wished it would be "that simple". He said it is almost inevitable in catching a person in the act of lighting the firework, or in this case, because of different classes of fireworks, to have them "in hand" for the City to get the magistrate to find them guilty and continue through with the City's ordinances. Atty. Logsdon said it is still beyond a reasonable doubt. He said the City can use circumstantial evidence. Schoonmaker said it is all an interpretation. Perry asked if the fireworks have diminished since the Fourth of July. Schoonmaker stated the Fourth of July was horrible, the 3rd was bad, and the 4th was the worst. He stated it has diminished since. Perry said the fireworks were all set off at one time. Schoonmaker said the "place" up at Mount Laurel were "dumping them off" on sale and most of them were gone. Barletta asked if anybody was cited for fireworks. Schoonmaker said yes; he will not comment on the exact number. He said there were more "of those" than disorderly conduct and public drunkenness. Barletta asked if the City definitely "did cite" and are at \$100.00 right now. Schoonmaker said they are at \$100.00 with all the cost associated with the prosecution. Leshko said there are a couple of areas that worry him about this ordinance. He said he will go do anything, but to go and take fireworks off someone who spent \$1,000-\$2,000 worth of fireworks, as a fire chief, with little to no protection, will not end "to well". He said it would be hard to define the difference between the consumer and display fireworks. He said, right now, all that was launched, in the City, is mortars out of tubes. Schoonmaker said in Pennsylvania, fireworks are not classified as consumer or display fireworks. He stated everything is classified through class and grades. Leshko said there are a lot of things that go through grades. He said the City's current ordinance is as strictest as you "can get". Leshko asked if the City should change the fine. He said there are amendments going through the state and were passed by the Senate. He said he doubts the state will change the law. Leshko said when the state is "bringing in" eight to nine million in tax revenue, from the law, we need to be "realists here". He said this goes back to 2017 when this law "came about" and being at a statewide chief's meeting to get them to support this. Leshko said police chief John Bast of Houston "got up" and told them, "there is no way, our association, is going to go on record to support this law". Leshko said the "so-

called” answer, to this, was they were going to give the money to the fire departments, in the commonwealth, to help them. He said they told them they do not want “blood on their hands”. He said, throughout the years, since the law has been passed, he has seen it happened. Leshko said this has happened with the house “up on the Heights”. He said, at the end of the day, there were videos of the fire and fireworks “going off” there. He said he worked with fire marshals, but there was no way to “pinpoint” who lit the firework. He said this is what the City needs to know who lit it. Leshko asked if the City should raise the fine. He said he is for increasing the fine. Leshko stated the current ordinance is the strongest. He said, his understanding is, if you have a City ordinance passed and can be stricter than the state law, this is the law of the municipality. Mayor Cusat said the City can be stricter than the state. Leshko said it is miraculous that this did not happen. He said the City was not alone “in this” in the whole week. He said the police department, with Chief Schoonmaker, has a solid police department, doing their job and made a strong effort to try to “quell it”. He said if the City had a municipality with little or no police, it could have been worse. He said thank God there was a strong police department in breaking this up.

Barletta asked Colombo if this ordinance is just changing the fine. Atty. Logsdon stated it will be less strict than it is now. He said it would create a codified version of a permit program. He said the resident would need \$50,000 worth of insurance. He said there are also permit conditions. Atty. Logsdon said for consumer fireworks, what the City is most concerned about, and reiterates what the state law says about any fireworks within 150 feet from an occupied structure, no influence under alcohol, and nothing on private property (*inaudible*). He said added was the exception of doing consumer fireworks on Memorial Day, Labor Day, Fourth of July, or the day before. He said there is no display without a permit and no consumer fireworks unless the day before or the day of these three holidays. Atty. Logsdon said the fine is much higher. Leshko asked who will sign their name on the permit. Atty. Logsdon said he needs to figure this out to go through the permit office and establish something. Schoonmaker said it is great trying to generate a permit solution, to this, but the problem is the people, out here now, are buying illegal fireworks that they should not be igniting, in the City. Perry stated they will not go for a permit. Schoonmaker said the simple solution is to take the current ordinance and increase the fine amount to them. He said instead of \$100.00, “take it to” a maximum of \$500.00 or up to \$500.00 fine to the people we catch. Atty. Logsdon said the ultimate goal “at the end of the day” is to put an end to the high explosive and aerial fireworks. He said people can buy an aerial-type firework with a large flash and sparks, a professional grade firework, that can be lit off, in the back yard, that is right next to your neighbor. He said this is much different than a small ground-based sparkler that might make some “whistling noises” that is annoying at midnight. Atty. Logsdon stated the sparkler, with “whistling noises” is much different than the large, professional aerial firework that can be bought down the street. He said, currently, these are illegal, in the City. He does not know what help the City can get from local state officials to make sure, right down the road, people cannot buy aerial fireworks and drive right back into the City. Leshko said if people are lighting fireworks off, in the street, it will be difficult to “pinpoint” who is doing it but if it is coming out of a yard area and the property owner can be cited. Schoonmaker said the firework must be put in someone’s hand. He stated the police must physically see it being done. He said residents submit videos to the police department with locations, during the evening, and follow-up on and collaborate so the individuals can be cited. Barletta asked if the residents can be cited for a noise violation from the house or business it came from. Schoonmaker stated they can be cited for a disorderly conduct under the Pennsylvania statute stating they are creating an unreasonable noise level. He said no matter what the City cites for, “when it goes”, to the magistrate, they enforce it and set the guidelines. Mayor Cusat stated city council should change or increase the fine. Perry said if the fine is the “key” then city council can just do the fine. Schoonmaker said if sixty people were caught, over this weekend, they would get \$100.00 fine or whatever fine the magistrate sets. He said if it is increased to \$500.00 or even more severe, people will second guess doing it in the City. Lynch asked if the person can be charged with reckless endangerment. Schoonmaker said this is really a “stretch”. He said there is a lot more to this than just saying they endangered someone’s property. He said the City would have show a lot more mechanism. Perry said all this is brought up because of this year and has not happened the last couple of years. He stated it was the biggest and worst year. Schoonmaker said it is because of the fireworks shots that are close to the City itself. Perry said the City may have to ask Hazle Township to shut down some of these places or make it harder to bring them in. Pedri said the tents are also selling fireworks. Lynch said the tents can only sell the “ground stuff” now. Atty. Logsdon said the tents are the “ground

stuff” and the brick and mortar shops are where you can get aerial fireworks. Perry said city council can try to get this out to people before the Fourth of July. Mayor Cusat stated people do not care. He said the dollar is too much to spend. He said if people want to light off fireworks, they are going to do it. Perry asked if the fine should be changed and work on the fine. He said this can be discussed at a city council meeting. Atty. Logsdon suggested to make the adjustment.

Schoonmaker said Enterprise Vehicle has approached the City to see if they are interested in a vehicle lease program to try to “cycle out” some of the older police vehicles. He stated they would charge the City \$38,000 the first year to start replacing some of the older, antiqued vehicles the police department has. He said the City would need to enter into a five to ten-year agreement. He said at the end of the five years, the cost would be \$200,000. Lynch said the biggest net change was not that high, but it fluctuates every year. He said the couple years is less than what the City has spent on multi-vehicle leases. Perry said Schoonmaker can send the information to city council members. Lynch said he wanted to know if council members are interested and will send detailed information. Barletta asked if the vehicles are new or used. Schoonmaker stated they would be brand new vehicles and would be set-up exactly the way the police department wants or how the current vehicles are set-up including detective and patrol vehicles. Perry asked if they are fully equipped. Schoonmaker said yes. He said they would take their old vehicles, including what is in the “bone yard” and try to sell the vehicles, at auction, to try to offset the cost of the old vehicles. Perry said it is a constant fee with a lease purchase. Schoonmaker said when the five years is up and lease is up, they would take the vehicles and “cycle” them out again for a newer vehicle and sell the current vehicle. Barletta said this would work because it would not be done at the same time. Schoonmaker stated the “wear and tear”, in the City, for every five years, is about 70,000 miles for a patrol car. He stated it costs about \$10,000-\$20,000/year to repair. Barletta said she is “all for” getting rid of what the police department has sitting there. She said the vehicles keep losing their value. Schoonmaker said the “sooner the better” with this program with July being the first round for vehicles and August would be the second round. He said he wanted to get the information “out” to city council members to make a decision and plan for the future. Lynch said the City would not have to go through the whole process of advertising for the bidding because these are leases in the “truer sense” of a lease. He said this is a lease as normally understood. He said everything is called a lease even when buying a vehicle is a municipal lease. He said they would take the vehicle and sell it for the City and this offsets the costs year to year. Perry stated it would reduce the cost of the City fixing the vehicles. Schoonmaker said their prices are below CoStars purchase prices. Mayor Cusat stated they are several thousand dollars lower. Schoonmaker said the current price for two vehicles ordered in 2019 and arriving in 2020 is \$52,000 fully equipped. He said there would be a significant difference in cost. Lynch stated Enterprise’s fleet management program is bigger than the rental program. Barletta said they have a big fleet with big trucks and do well. Schoonmaker said if the City likes the program, they are willing to expand into the Highway Department and other departments in the City. Barletta asked if the City is still using the police motorcycles or if they can be given to Enterprise to get more money. Schoonmaker said one motorcycle is being outfitted properly with a radio system. He said he is trying to reintegrate them into the patrol when enough officers are working or for special events again. He said maybe this can be used, again, later on.

Schoonmaker spoke of body cameras. He said he has reached out to several police departments. He stated the police department of Scranton, PA, is the largest purchaser of body cameras, lately, in our area. He said the City can enter into an agreement for five years. He said the first year would cost about \$50,000 and includes the complete purchase of license, software, and etc. He said every year, thereafter, it would cost about \$20,000. He said the police department would agree if they would come out with a newer camera version before that. He said, currently, they are at axon level 3 and if they switch to axon level 4, they will give the City the new camera level systems along with the new software included and would maintain everything for the police. Perry said it is almost a necessity. Barletta asked if there are any grants to use for this for safety. Schoonmaker said he wished there were grants. He said there are several grants he is still awaiting to hear. He said he applied for several canine vehicles to try to “cycle out” some of the older vehicles and is still waiting to hear about this. Mayor Cusat said if he would commit to the \$20,000 annual payment, the City can use the HCA money built up for the initial \$50,000 purchase. He said the City would need to make the commitment to the budget for the recurring costs. Perry asked what the recurring costs are. Mayor Cusat said they are \$20,000-\$25,000 per year.

Schoonmaker stated it is “roughly” \$21,000 per year and this is a set fee for the next four to five years. Perry asked Schoonmaker to send the information to the city clerk. Schoonmaker concurred. He said it includes warranties and everything with the devices. He said if the devices are broken, they replace them. Barletta asked who would review the body cameras. Schoonmaker said it would “be between” him, Anthony and Lieutenant Gallagher. He said there has always been an issue with right-to-know. He said there is no right-to-know with the body cameras. He said it is limited to certain individuals, defense attorneys and prosecutors. Mayor Cusat said this is why he wanted to review the budget for specific items for each department. He said then every item can be reviewed one-by-one. He said it all does not have to be reviewed in one meeting. Mayor Cusat said he needs to get the budget, to PEL, by September or October. Gerald Cross, PEL representative, stated the City needs to get the draft budget, to PEL, by September 3, 2020. He said he will send the information to the city clerk and she can distribute this to all.

Mayor Cusat said he wants to have department heads present individual department budgets at the next city council meeting. He said they can go through each one and make some choices.

Perry asked when city council and administration will talk about refinancing for everything. Lynch said he is working on it. He stated the City cannot commit right now and everybody is comfortable with the idea of going for additional financing in addition to refinancing for fire vehicles or any other needs. He said this is where he is at, currently. Mundie stated the interest rates are the lowest they will ever be. Lynch said interest rates are pretty low right now. He said if the City wants to do a bond, they should be done now and not be done again. He said if the refinancing can produce a considerable amount of savings, and throw in a “couple million more” for fire trucks, with out of pocket increases in debt is very low or manageable. Perry asked Lynch to show city council the numbers. Lynch said if the City wants to purchase a fancy truck for DPW this would need to be purchased now when rates are low. Lynch said little things can be added, such as cameras, but they are looking for big things with long term service life and value. He said fire trucks have 20 years of service life and this is more appropriate.

Perry spoke of the need for new sewer inlets. He said they are not pretty “out there”. Perry said 15th Street cost \$51,000 to do three inlets. He said this is a dramatic need. He asked if this is part of the grant. Mayor Cusat said no. Perry said the City needs to find money to cover the inlets. Mayor Cusat said the City needs to get serious about stormwater. Perry asked if the City can use the borrowing money to cover basics until next year. Perry stated Alan Wufsus, City Engineer, is talking about a substantial amount of money over a period of time to replace all of them. He said he saw DPW doing good work up in the Heights. He said the City employees cannot do these at a lower cost. Mayor Cusat said they are on the state roads. Perry said they have talked about doing some of the worst inlets.

Mayor Cusat said he has spoken with the new bank. Lynch said they do not do municipal bonding as normal loans. He said for the City’s purposes, it is not a big difference. He said, normally, there are lower rates with a bond. Lynch said there are also higher closing costs with the bond. He said the City could look at both options to see how much of an interest difference there is and “weigh it out”. He said the new bank gave a very aggressive RFP to work with the City. Mayor Cusat said they want to work with the City. Perry stated it is Luzerne Bank.

Leshko spoke of the FEMA grants for the Hazleton Fire Department. He said, currently, there are three grants with FEMA. He said there is a COVID-19 grant and an AFG grant that will happen towards the end of July or beginning of August. He said this would be for a pumper. Leshko said if they do receive this grant, that is “one down”, and would need to buy one more and a ladder truck. He said if they do not receive the grant, he would need to buy two pumpers and a ladder truck. Perry said the less he has to buy the more money the City can use for other things. Leshko said by August he will know about the

grants. He said for the radio change with Luzerne County, for the fire side, it will not cost the City anything because it will go through the fire relief program for any additional radios. He said this project will happen in 2021. Leshko said he has not heard anything on the LSA grant. He said he would be grateful for a bond for fire trucks. Leshko said he "demoed" a sample truck to make sure it worked. He said it worked above his expectations. He said it turns where he wanted it to. He said there are one or two streets, with steep hills, that other trucks are used on these streets and they use alternate routes. He said all the firemen loved the truck. Mundie asked how much the truck would cost. Leshko said about \$1,200,000-\$1,300,000. He said, in total, it would cost about \$2,500,000 with the pumper and ladder truck. He said once he is done "with this", he will be "long gone" before talking about fire truck purchasing again. Leshko said this is the top of the line with performance and long-term operational costs. He said this would be a big benefit to the City. Mundie asked if it is through Kovatch. Leshko said yes; going through the CoStars program. He said there is no final pricing set because he has an idea to stay in the \$2,500,000 range. He said he has final specifications on what fire truck the City needs. Leshko said their final pricing may change with the City being a solid customer. He said there may also be a discount if purchased before a certain date.

Barletta asked about the City's baseball league. Atty. Logsdon said he got Joe's e-mail and will prepare a letter and shot it over to them. He said in conformance with the agreement with the City, the lease or agreement will be cancelled. Perry asked if the City could suspend them for a week. He said all the "booze bottles" are in the garbage. Barletta asked Atty. Logsdon if he has a signed agreement. Atty. Logsdon said this should be with the City. He said he needs to find it at City Hall. He only has the drafted copy he sent over. He was not "at the table" with the people, who signed, on behalf of the softball league. He said he needs to check in Mayor Cusat's office or in the recreation office. He said they agreed there is no alcohol permitted. Perry asked if there is a sign, up there, stating there is no alcohol permitted. Barletta said yes. She stated there is no alcohol or trash allowed. She said it is an ongoing issue with houses and cars being damaged. She said it is not fair to the rest of the taxpayers. Barletta said they are cleaning up, the field up, on Monday and Tuesday's with other things needed to be cleaned up in the City. Barletta asked Atty. Logsdon to move on this quickly before the league is over. Atty. Logsdon stated he is "on it". Barletta put the invitation "out there" with Sacco going down on Sunday to clean-up.

Barletta stated there is parking allowed on Columbus Court. She asked if there can be no parking on one side seeing it is a small court. Mayor Cusat said yes; this can be done. She said there is parking for residents in the woods and is not sure who owns the property. She said there is no way to get down this court. Atty. Logsdon asked what side it is on- i.e.- north or south. Barletta said it is the north side. Sacco asked if this needs to be an ordinance. Atty. Logsdon said he will have it ready for the August 12, 2020 city council meeting agenda. Mayor Cusat said the problem is people will not know if they get a ticket. Sacco asked who runs this. Mayor Cusat said Junior Reyes. Barletta asked if they could talk to them to explain there is no parking there. She said DPW did a great job cleaning it up two weeks ago. She said it was spotless and fresh, and then it was "trashed" again. She said her and Sacco drove around to every playground and this is one of the worst. Mayor Cusat said there is an agreement, with the teams, for clean-up on Mondays. Sacco said at some of the playgrounds she and Barletta where at they are picking up the garbage and their cans were full. Mayor Cusat said there is garbage everywhere. He said they steal the blue barrels. Barletta said West Court Playground is picking up their fireworks and garbage.

Perry adjourned the meeting at 8:25 p.m.