

**MINUTES
HAZLETON CITY COUNCIL
REGULAR MEETING
TUESDAY, SEPTEMBER 22, 2020**

Call to Order: Council met in regular session on Tuesday, September 22, 2020 via ZOOM Teleconferencing. The meeting was called to order at 6:01 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 September 9, 2020 Regular Meetings were approved unanimously.

Presentations/Proclamations/Communications: Council President Perry read the dollar amounts of the 2021 Minimum Municipal Obligation (MMO) for each of the four pension plans, as follows:

- ***Police Pension Plan - \$2,493,709***
- ***Firemen Pension Plan - \$1,505,443***
- ***Non-Uniformed Pension Plan - \$354,622***
- ***Public Transit Pension Plan-\$0***

Bid Opening: None

Perry stated there are two items that were added onto the agenda to the New Business section. He stated the first item is a Stormwater Management Ordinance that was discussed at the September 9, 2020, WORK SESSION meeting. There is also an ordinance to establish a "Hometown Heroes" Committee in the City of Hazleton.

Courtesy of the Floor (ON AGENDA ITEMS ONLY): Mark Rabo, 1st Street, Hazleton, spoke of the Stormwater Management Ordinance. He said this needs to be taken off the table. Rabo said this is not in accordance with the state statutes Stormwater Management Act. He stated prior to adoption, and referencing the state statute, under ACT167, "prior to adoption, each plan shall be reviewed by official planning agency and governing body of each municipality and the County Planning Commission and regional planning agencies for consistency with other plans and progress affecting the watershed. All such reviews shall be submitted to the department with the proposed plan being DCED". Rabo said if the City is proposing a new stormwater management plan, this would need to go the county first before having city council adopting the plan. Rabo said there also needs to be a public hearing on this before the council vote on this. He said the issue is going on for many years with the storm and sewer lines controlled by the Greater Hazleton Sewer Authority, and not by the City. He stated this needs to be addressed. Rabo stated there are several issues that need to be taken care of and not just in one WORK SESSION. He said there needs to be a public hearing. Rabo said this needs to be taken off the agenda. Rabo said for the Hazard Plan for the City, this also needs to have a public hearing. He said Luzerne County is, currently, introducing this at their WORK SESSION meeting tonight. Rabo asked how the City could vote on this without being reviewed by the county and there has not been a public hearing. He stated first responders also need to review this because it affects them. He said this needs "due diligence" before city council votes on these issues.

ORDINANCES AND RESOLUTIONS:

(1ST READING)

None

(2ND AND 3RD READINGS)

None

RESOLUTIONS

Resolution 2020-68

A Resolution Awarding the Section 108 ADA Ramp and Street Improvements Project

Presented by Perry. Seconded by Barletta.

On the Question:

Perry said this project will be awarded to the H&K Group in the amount of \$965,688.65. Barletta asked when the bid opening was done for this project. Atty. Logsdon stated they were done at the city council meeting on September 9, 2020. Perry said there were three bids, with this one being the lowest.

Perry asked Mayor Cusat if this is all the work being done for the Section 108 project. Mayor Cusat stated this is work being done on the southside; Cedar, Wyoming, Laurel, Pine, Beech, and the "one in between".

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2020-69

A Resolution Adopting the Luzerne County 2020 Hazard Mitigation Plan

Presented by Perry. Seconded by Barletta.

On the Question:

Atty. Logsdon said he “got this in” and put it on the agenda as a “add-on”. He said he thought he received this from the county. He does not know what time frame they are working on. Barletta said Luzerne County Council has this on their WORK SESSION agenda to talk about the plan. Atty. Logsdon said this should have been a WORK SESSION item. He said he sent it over to the city clerk because he thought Luzerne County wanted to get to it quicker than this. He said it is no big deal, and does not need to be passed tonight. Perry said this is only a resolution, and not an ordinance, and following the county’s plan. Atty. Logsdon said it is just a resolution. Perry asked if city council should wait until Luzerne County Council approves this. Atty. Logsdon suggested city council talk about this at the WORK SESSION. He said, sometimes, he has been trying to get items on the WORK SESSION agenda earlier. He stated when things come in later, he is not sure whether to make them WORK SESSION items or regular agenda items.

Barletta asked if there is a plan “per-say” to read from Luzerne County. Atty. Logsdon stated this resolution and the language came from the county. Barletta stated Luzerne County has the plan and the City is just adopting this to follow the correct procedure. Atty. Logsdon said yes. Perry asked Atty. Logsdon if the City does this every year. Atty. Logsdon said yes.

Roll Call: Barletta-no; Colombo-no; Mundie-no; Sacco-no; Perry-no.

RESOLUTION FAILS

Resolution 2020-70

A Resolution Awarding the Bid for the Hazleton Fire Department
Diamond Fire No. 2 Envelope Restoration Project- Phase I

Presented by Perry. Seconded by Colombo.

On the Question:

Perry said the project will be awarded to Spotts Brother, Inc. in the amount of \$199,460.00. Barletta asked when the bids were opened. Donald Leshko, Hazleton Fire Department, said the bids were opened through Penn Bid and Barry Isett and Associates. Ben Craig, Barry Isett and Associates representative, said the bids were opened on September 8, 2020 through Penn Bid.

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

RESOLUTION PASSES UNANIMOUSLY

New Business:

Ordinance 2020-23 Stormwater Management Ordinance

Atty. Logsdon stated this was on the last WORK SESSION agenda on September 9, 2020. He said Alan Wufsus sent it over to him and received a copy from Stephanie Milewski, Barry Isett and Associates Project Manager, with the proposed language from DEP. He said he did not know, procedurally, where the City was with this getting passed. He said he did not know if there were any technical explanations to be made or if there was anything to consider or review. Atty. Logsdon said he was not sure if this should have been on the WORK SESSION agenda.

Tom DeAngelo, Barry Isett and Associates Engineer said this item would have been better to be on the WORK SESSION agenda. He said this is DEP's suggested 2022 Stormwater Management model Ordinance. He said, in the ordinances, there are highlighted areas which represents language which is optional that the City could or could not adopt as part of the ordinance. DeAngelo stated there is some discussion which needs to go "back and forth" about the optional language. He said there are also some thresholds such as exemptions for projects. He said the ordinance states that someone could enter up to one acre for exemption. DeAngelo said anyone having a project of up to an acre could be exempt from some portions and the threshold could be lowered. He said there are some technical items, to be discussed, prior to adoption.

Perry asked if city council should leave this for the WORK SESSION. Atty. Logsdon said yes, this would be a good idea.

Ordinance 2020-24 An Ordinance to Establish a "Hometown Heroes" Committee in the City of Hazleton

Presented by Sacco. Seconded by Colombo.

On the Question:

Perry said the Hazleton Chamber of Commerce had this before and this was from a long time ago. Sacco stated a few residents, repeatedly, have been asking for hometown banners to be put up in the City. She said they are being put up in surrounding municipalities. Sacco said this ordinance explains how the City would go about this. She stated the money and order form will be sent to the city clerk's office and will be kept track of there. Sacco said the money will be kept within the City. She stated all the money will go to Dan Lynch, City Administrator. She said this ordinance is pretty basic. Sacco said the spokes, on the poles, are already there. Perry asked if the residents would pay for everything: banners and brackets. Sacco said yes; the brackets are already there. Perry said West Hazleton and Beaver Meadows already have these banners and is a good thing for our military.

Atty. Logsdon said this is a good thing, no issue there. He said the only thing is the execution of this. He asked if this is something a civic organization other than the municipality has been doing before or has been involved with earlier. Sacco said it used to be run by the Chamber of Commerce. Atty. Logsdon asked if they do not want to do it anymore. Sacco stated they have not done it and have no intention of moving this forward. Perry stated they have not done it in nine years. Atty. Logsdon stated it is nice to have these banners up with West Hazleton and Beaver Meadows doing this already. He asked who would put the banners up and would this be built into the administrative costs. He asked if this would take time away from the DPW employee's work. Perry said Frank Vito and DPW employees were putting these banners up, four times a year, through the Chamber of Commerce. He stated the City did not get any money at all. Perry said the City does not get any money from Funfest for all their work. He said this should not be a problem once a year when everything else is put up. He said the City employees would feel it to be an obligation and something good to do without any compensation from the Chamber of Commerce. Barletta said the timing of this would work out well because when the City employees started taking down the Christmas decorations, the banners would be put up and be kept there. Sacco concurred. She said this was her thinking and, hopefully, this would "pan out".

Atty. Logsdon asked in terms of the appointments if the committee would be appointed by city council members or by Mayor Cusat and city council. Sacco said, technically, city council members would like the committee to consist of city council members. Atty. Logsdon asked city council members if he should change the ordinance to reflect this. Sacco said he can. Barletta said the ordinance states that the chairperson of the committee shall be appointed by city council to serve at their pleasure. Sacco said it could consist of the general public and people city council appoints to

handle this. Perry said it could be a mixture of city council members and the public. Atty. Logsdon asked if all five committee members would be appointed by city council. Sacco said yes, all five. Barletta said it does not have to be all city council members. She stated it is whoever they appoint. Perry said they would represent the City of Hazleton. Atty. Logsdon asked if this ordinance came from the Chamber of Commerce. Sacco said no; it came from Chris Slusser and he put it together. She said she did not use anything from the Chamber. Perry said the Chamber of Commerce never came to the City with an ordinance. Atty. Logsdon is wondering if this ordinance is from a borough. He said city council would make the appointments. He said there is nothing in the Third-Class City Code that deals with a Hometown Heroes committee. Barletta asked what the problem is here. Atty. Logsdon said he is just "kicking around" some of the thoughts going through it. Mayor Cusat said city council could pass this on a first reading and he will look into it. Barletta asked if the appointments are an issue or where does city council need to work on it. Atty. Logsdon stated there needs to be clarification on the appointments. He said this could be passed on a first reading and come back and deal on the appointments issue. He stated they could make it just city council members or make it residents. Perry said this would not take effect for a while. Sacco said she could break this ordinance down and say the banner will sell for \$150.00 with a \$25.00 installation fee. Perry said there is nothing in the ordinance about costs. Sacco said, currently, plastic is "crazy" with the coronavirus pandemic. She said the pricing may be better in January. Sacco said all the extra money they collect could be put back into the community. She said this would be decided by the committee. Barletta said this is a real good idea with signs being put up for the holidays and letting residents see their family. She stated the money would be put back in the community eventually. Perry said they need to make it work and they could fix the language. Mayor Cusat spoke of the bylaws in the ordinance and is confused on some of it. He said they need to work on it. He said the ordinance states the committee is going to create bylaws and retain records. Mayor Cusat asked if they need the bylaws before the committee is created. Atty. Logsdon stated the committee would create the bylaws. Perry stated they will "clean this up" as needed. He said he does not know if they need that much in terms of "bylaws". He said it is just bringing the funds in, putting the banners up and accounting for the money. Sacco asked if there would be an issue with the money going through Lynch. Lynch said, "he does not think there would be an issue with this". Perry said this is the first reading. Mayor Cusat concurred. He said pass it on first reading, and if anything comes up within the next two weeks it could be fixed.

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

RESOLUTION PASSES UNANIMOUSLY

Old Business: None.

Comments from the Audience: Mark Rabo, 1st Street, Hazleton, spoke of the Hazard Plan. He stated under the federal Stafford Act, it is required, by all municipalities, including the county, to have a public hearing before voting and adopting the Hazard Mitigation Plan. He stated he hopes they are aware of this. Rabo said it is also required under PEMA to have a public hearing before adoption of the Hazard Mitigation Plan. He stated this effects the first responders in terms of disaster relief aid and anything that should happen in terms of natural and man-made disasters for the City. He said he hopes administration and all city council members would have the first responders and other department heads there to address the public. He said the plan should also be placed on the City of Hazleton's website, for the public, because it effects any disaster emergency that could happen. He said the public needs to review the plan to see what is impacting them. He said Luzerne County is, tonight, putting it on their WORK SESSION and discussing this. Rabo said he does not know how anybody could vote to adopt a plan

“sight unseen”. He stated the City’s Planning Commission should give input to city council since they are required, by law, to give the City input on any land regulation changes within the City. He said these issues need to be taken into consideration before “jumping” to vote on stuff that they do not know what is in it.

Rabo spoke of the Quality of Life Ordinance. He said in 2013, this same issue was brought up to adopt the Quality of Life Ordinance and Magistrate Zola was contacted by a former city council member. He said Zola did not have a problem with this ordinance but wanted to know how the appeals process would work. Rabo said this was the issue at that time. He said he will send the city clerk information to send to city council members in regard to that discussion at the time. Rabo stated Chief DeAndrea said, at the time, that there was no way to stop the work, and only a BCO could stop the work of a work permit. He said there were no licensed BCO’s at that time with the City. Rabo said he is sure Mr. Pedri is a BCO. He said this needs to be discussed, at the WORK SESSION, because of the appeals.

Charles Pedri, Code Enforcement Director, said he is the BCO for Hazleton. He said he and Chief Leshko are talking with Magistrate Zola to review and expediate this issue. Pedri said they would be doing this within the next two to three weeks.

Dee Deakos, 43 West Mine Street, said for the past two weekends, there has been campaigning on City property, on the parking lot adjacent to the CAN-DO building. Deakos said her understanding was they were only supposed to be doing voter registration. She said it expanded to giving out political signs, loud music, and telling people to vote for their candidates. Deakos said she spoke to someone there and they said they did get permission, but she said they probably do not have permission to do this on City property. She said she had no trouble with voter registration but had a problem with the campaigning. She said she was told they are expressing their freedom of speech. Deakos stated this is something to be looked into. She stated this is City property, and it needs to stop.

Comments from Mayor: Mayor Cusat congratulated Allison Barletta on her recent wedding.

Comments from City Administrator: Lynch said on the MMO’s that were read by Perry were based on the 2019 evaluation report. He said, in this report, it gives significant relief on the City’s amortization and the total reduction is about \$1,500,000. Lynch said this will be beneficial, for the City, for the next couple of years because the MMO’s are based on this evaluation report.

Perry said this does not mean that the City has an extra \$1,500,000. Lynch said no; it means that next year the MMO requirement will be lower than in 2020.

Perry asked Lynch to speak on the refinancing options for the City. Lynch said the City needs to complete their 2018 audit. He said the City’s financial advisor will be “shopping out”, on the market, for bonds. He said the City is looking at about \$9,000,000 which would be \$3,000,000, in new money, and basically refinance, everything, except the state loan, which is 0%. He said he hopes the savings would cut significantly into the cost of new money. Lynch said he is confident if the audit is done within the next five weeks, or so. He said the City should close by December and as soon as he could put actual numbers and information, in front of city council, he will do that.

Comments from Council: Mundie congratulated Barletta on her recent wedding. Barletta spoke of a recent article, in the Standard Speaker, regarding a fundraiser for the police department. She asked if Mayor Cusat is “doing cups” and if it is going towards this. Mayor Cusat stated he is not doing a fundraiser. He said he was talking about using the money, from the HCA, to purchase the cameras. He said if any resident wants to donate to the HCA, in their monthly bills, and this is where the money would go towards. He said, in the past, the money was collected and would just “sit there”. Mayor Cusat said, “this is what that money would go to” to purchase the body cameras. Barletta asked where the money from the mugs is going to. Mayor Cusat said Jessica Medina’s friend is making and selling them with no

money, really, to be made on them. He said he told Medina his charity would pay for them. Mayor Cusat stated if there is anything left over, he will see "what is left over". He said Medina wanted to show her support, for the police department, and asked her friend to make one for her. Mayor Cusat said people were asking for them and he said he would put "up the money" to purchase them. He said she will sell them and maybe break even on them. Barletta asked if they would get anything "out of it". Mayor Cusat said they may make \$1.25/each on them. He stated Medina wants to show her support.

Perry reminded everybody about the Greater Hazleton clean-up on September 26, 2020 at 10:00 a.m., starting at Frankie's. He said the "front people" is the Hazleton Rotary club. He commended Sacco for getting the "ball rolling" on this and putting it out there for the civic organizations. He said a lot of people will be there. Perry said this clean-up will be from Diamond Avenue to Broad Street and Church Street to Cedar Street. Perry stated with 40 people, it would not take too long. He said they may need one more clean-up day to "straighten it out". He said there are a lot of civic organizations involved with the football team. Sacco said the football team, Immanuel Christian, the Chamber, Hazleton Rotary, and random people signed up with their children. Colombo said they will provide gloves, bags, and vests. He said all you need to do is sign up and be willing to "pick litter". Perry said Mike Cammissa from the Hazleton Rotary Club will be instrumental in this with mapping out the City where the clean-up needs to be. Perry said it may take a couple hours. He congratulated Sacco and Colombo in this effort.

Perry asked Leshko regarding the LSA grants. Leshko said the LSA grants were delayed until next month. He said he received a letter from Tarah Toohill. Leshko said the project, awarded tonight, was through LSA funding from 2019.

Adjournment: Perry motioned to adjourn the meeting. Meeting adjourned at 6:35 p.m.