

**MINUTES
HAZLETON CITY COUNCIL
WORK SESSION
TUESDAY, SEPTEMBER 22, 2020**

Council met for a WORK SESSION on Tuesday, September 22, 2020 via ZOOM Teleconferencing. The WORK SESSION began at 6:36 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, Ralph Sharp, and Police Chief Brian Schoonmaker. Also, in attendance was Gerald Cross- Pennsylvania Economy League representatives.

Perry said there was already public comments on the WORK SESSION. Atty. Logsdon said Perry could open it “up quick” for any additional WORK SESSION items.

Leshko spoke of the Hazard Mitigation Plan. He stated he was reading the Luzerne County site. He stated the Department of Planning and Zoning, for the county, is responsible for maintaining and updating the Hazard Mitigation Plan. Leshko said they are in the process of doing this. He said they need to do their process first and go from there. He said it was done in 2014 and is quite a few pages. Leshko said they need to do the plan, get it ready, and present it.

Perry said in order to give the public some opportunity to speak on the WORK SESSION items, he will open up comments on the Hazard Mitigation Plan, Quality of Life Ordinance, and the Stormwater Management Ordinances.

Mark Rabo, 1st Street, Hazleton, said he agrees with Leshko and allowing Luzerne County to do their part on the Hazard Mitigation Plan. He said Luzerne County is reviewing this right now. Rabo agrees with Leshko that they need to do their part. He believes, strongly, that the County Planning Commission should have a public hearing, and the county, itself, under one of their steering committees, the Strategic Initiatives Committee, should have a hearing, and then the municipalities could have their input. He said this is the way the process is, through PEMA and FEMA recommendations, with two pamphlets. Rabo said he is sure Chief Leshko is aware of the FEMA mitigation handbook and the PEMA handbook. He said this needs to be looked at by Chief Leshko, all the first responders and administration.

Perry said city council will wait on the Hazard Mitigation Plan. Atty. Logsdon said he will “double-check” with everything that needs to be done. He said he received this resolution from Matt Jones from Luzerne County, and he identifies Hazleton city as a community that participates in the planning developing process. Atty. Logsdon stated he will check with Luzerne County and see where this is at. He stated the city clerk will put a link, on the City of Hazleton website, for this. He said this, will then, be placed on the agenda.

Leshko stated, back in 2014, with Bob Dougherty, the City let the county develop the plan and the City “went from there” with the county’s plan. He said it had a lot to do with hazard mitigation, a lot to do with natural disasters, and flood plains. Leshko stated the City let the county develop the plan and the City “followed suit”. Perry asked if the City just put a “stamp on it”. Leshko said yes. He stated looking at everything they did, in the plan, and back in 2014, a lot was done by the county that dealt with hazard mitigation, flood plains, and forest fires. He said the City needs to let Luzerne County do their process and then “go from there”.

Perry stated the next topic will be the Stormwater Management Ordinance. He said it is a very lengthy document. Perry asked Tom DeAngelo, Barry Isett & Associates engineer, if this is what needs to be done.

DeAngelo stated as part of the MS-4 program, DEP is requiring municipalities to adopt "some sort of" stormwater management ordinance and came up, with their model, expecting everyone to adopt this. He said the date is September 30, 2022, but he said not to "quote" him on this. DeAngelo stated this is "cut and dry". He said there is some language, highlighted in yellow, that DEP said are optional but could be excluded from their ordinance. DeAngelo said there are "little fields", in the ordinance, as the exemption criteria, Section 302, about projects the City would be able to exempt versus what would be required to "come into" stormwater management. DeAngelo asked Perry if he should go through this in detail. Perry stated this is not the "greatest reading" tool.

Atty. Logsdon asked DeAngelo if he has any recommendations, of the highlighted parts, the City should leave in or take out. DeAngelo stated it is up to the City. He said he would, personally, remove all the highlighted areas. He said in Section 301G3, he stated there is a highlighted section that talks about green infrastructure and low impact developments. DeAngelo stated the Pennsylvania BMP Manual requires that they go through this and look at these things. He said this ordinance would require that, basically, anyone who would come in to develop would have to provide detailed justification and the green infrastructure and the low impact developments, which are LID methods, are more qualitative than quantitative. DeAngelo said it would just be a narrative description that whoever was doing the plan reviews would have to go through. He said this would not be bad to leave in but is not necessary. DeAngelo stated it is just going through and "reiterating" something that is already in the BMP manual for the standards. He said the other big section is Section 305, in its entirety, and refers to Riparian Buffers. He said a Riparian Buffer is a section along a body of water, like a stream or lake, which has a lot of water quality benefits. He said Riparian Buffers is already addressed in Title 25, Chapter 102, which are the requirements that bring in MPDS permitting and all other stormwater management requirements the state provides. DeAngelo stated this section duplicates this, to an extent, and makes it more restrictive. Perry stated it is redundant. DeAngelo said Section 403-C, as a highlighted portion, talks about low impact development and green infrastructure that is already talked about in the BMP manual. He said this would make it official to put in these narrative descriptions as to why the City is using them. Perry said Section 401-10 is also highlighted. DeAngelo said this is the same thing, "for green infrastructures and LID practices are proposed to achieve the volume, rate and water quality controls".

DeAngelo said stormwater has been in the news, all over, and is kind of "in-depth" and breaking it down into a volume of water, how much water is coming off the site, rate, how fast it is coming off, and water quality. He said with the Chesapeake Bay and all the MS4's, it is about suspended solids, nitrogen and phosphates and what they look for in the area.

Perry asked if this needs to be adopted by 2022. DeAngelo said this is the original plan but will check on this. Barletta asked what the fees are. Perry asked how this is paid for, either charging people or does it come out of the general fund account. Atty. Logsdon stated the fee section, in the proposed ordinance, applies to coming into a land development and has a stormwater management plan. DeAngelo stated this is part of the MS-4 process but it is not some of the fees that are online. He said this, basically, comes along land development so the fees are administrative and are engineering review and solicitor reviews in the land development process. Atty. Logsdon gave an example. He said if he was putting a parking lot, at his business, and goes to City Hall, they tell him that he does not need land development but there will be a stormwater fee. He said then these fees would "kick in" and is not a fee that everybody, in the City would pay. Barletta asked if it is just new land projects that would have to pay this fee. DeAngelo said yes. He said new land projects and redevelopment projects that would meet these criteria would fall under this ordinance. Barletta asked if the exemption is for over one acre. He said there is exemption criteria outlined, under 302-A, which states, "regulated activities that result in cumulative earth disturbances less than (enter no more than one acre. A more restrictive area may be entered.) He

said this is another kind of value he needs to put in. DeAngelo stated anything over an acre falls under the MPDA permits. He said most of these ordinances (*inaudible*). DeAngelo said this would apply in addition to the state requirements. He said the City could make it to anything under an acre could be exempt. He said this is abnormal in this “day and age”. DeAngelo said the previous Luzerne County stormwater management model that Borton Lawson put together has tiers. He said it states if you are between “this and this” earth disturbance, the municipality would need to meet certain requirements and moves “on up” as more of an impact the project has. DeAngelo stated this is one thing that would need to be redefined or this could be “meshed in” for what the majority of Luzerne County is, currently, being utilized with the tiers system, for the exemptions. Perry asked if he suggests this. DeAngelo stated it makes sense and is part of the ACT 167 plan that Borton Lawson put together for the county. He said he would not deviate from the tiered system that has been used in Luzerne County and has been helpful. Atty. Logsdon said besides “chucking” the suggested highlighted portions of the new model ordinance, is there anything else the City should amend, edit or “chuck”, in his opinion. DeAngelo said no. He said the language that DEP released is that everything that was not highlighted was expected to be in the ordinance. He stated it “mirrors” what Luzerne County’s model ordinance is now. DeAngelo said the big difference are the Riparian Buffers section that were not addressed and totally new. He said it is addressed in Chapter 102 for the required Riparian Buffers that are currently enacted for the state. Atty. Logsdon asked city council members what they think about “chucking” this. Perry said he agrees with Tom “one hundred percent.” Perry said they need to rely on Tom. He asked if the exemption should stay the same. Barletta said to leave it under an acre. DeAngelo stated anything less than an acre, the stormwater management would not apply. He said a lot of small projects would not have any stormwater management requirements. Perry said one acre is pretty big for the City. DeAngelo agreed. He said in rural areas it would be an issue with bigger lots. Barletta said she did some reading and some railroads are starting to sue over fees. DeAngelo asked if this is for stormwater management fees or for MS-4 fees. Barletta stated it maybe for MS-4 fees, but this may be “tying” into this. DeAngelo said he did not hear about it. He said this is new for most of the state. He said Luzerne County has been one of the first counties to have this. DeAngelo stated it has been here for a while and is for redevelopment projects. He said a railroad would only have to come in if they were putting in a new rail site or new infrastructure. He said the MS-4 user fees, that have made “all the news”, applies to everyone. DeAngelo stated he lives near Wilkes-Barre and everyone has got stormwater management fees from WVSA. He said this is a different thing that “we are looking at here”. Perry said this is the “rain tax”. He said it is not an individual homeowner tax. DeAngelo stated it pertains to development. Perry said Atty. Logsdon could prepare this for the next meeting. Barletta asked if the residents would “add on” with rebuilding if this would affect them. Mayor Cusat stated it would have to be over one acre. Barletta stated it would be important to keep this in there. DeAngelo stated anything under 5,000 square feet is exempt and there are four tiers “moving up”. He said he will send either Atty. Logsdon or the city clerk this information. He said if the City leaves it under one acre, any small projects, under one acre, would be completely exempt from any requirements of the ordinance.

Mundie asked what the fee would be for a one-acre property. DeAngelo said it is “hard to say”. He said, for a small project, it could be \$750.00 for small land development and could go “sky high”. He stated it depends on what they are building and the “kind of level” of effort that goes into review. DeAngelo said small projects that a normal homeowner would face would be no more than a couple hundred dollars. Perry said if they are building a big warehouse, it would be some “big bucks. DeAngelo stated the fees could get very substantial. He said even the county fees alone, on a huge warehouse, are astronomical. He said they could cost “high thousands, low ten thousand”, and it “scales up” with the size of the project.

Perry spoke of the Quality of Life Ordinance. Atty. Logsdon asked as a terms of a procedural background on this, the general intent, behind this, how to achieve and how many amendments, and how to make any process issues that the local magistrate could help the City. He asked if there is anything “intent wise” to focus on or input to go “into this with”. Leshko said when Mayor Cusat “took office”, they met with Magistrate Zola in regard to the Quality of Life process. He said they sat down with him, went over the

ordinance, with changes and updates done, given to city council, at that time, to prepare, and never went anywhere from that time. Leshko said he spoke to Magistrate Zola, in regard to this ordinance, to meet with him again. He said there needs to be a "sit down" with Magistrate Zola, including, administration, Charlie Pedri, a "member or two" of city council to make sure everyone is on the same page of where this ordinance has to be. He said they all need to "move together" and how to make it work the best to clean-up the City. Sacco asked if Magistrate Zola was invited to this ZOOM call tonight. Leshko said he was not. He said he spoke with Zola, last week, in regard to this ordinance. Leshko said he needs to schedule a ZOOM call, with him, and discuss where the issues are and how he could help the City. Perry stated anyone could give these tickets out. Leshko agreed. He said this is how it was done; any City employee could issue a ticket. Atty. Logsdon asked if the intent, for this, would not be going through the International Property notice of violation procedure. He said this would be something a code officer could "walk up" and write a ticket for high grass and debris. Barletta said that is what she thinks. Perry said Mayor Cusat could send a copy of the tickets to the city clerk to share with council. He said the tickets were "straight forward". Mayor Cusat stated he has to find them, but it was a copy of the parking tickets and were orange. Barletta referenced to page 11 of the Quality of Life Ordinance. She asked if the tickets looked like this. Mayor Cusat said it was similar to this but did not include "IMMEDIATE". He said he will try to locate some in the code office. Perry said the biggest problem would be due process with residents saying they did not have a chance to clean up their property. He stated some sections give the residents 48 hours and the rest are IMMEDIATE. He said he is not sure how to handle this. Perry said the ordinance gives the resident "leeway" in terms of fixing but they need to pay the cost of the work to fix the property. He said it is under Section 8- Abatement of Violation. Sacco asked if city council could vote and make a change to increase the fine. Perry said city council is not voting, this is for discussion. He said city council could do "whatever they want" to increase the fines. Atty. Logsdon gave an example. He said if he is operating a hot dog cart, on Broad Street, and this ordinance is effect, a police or code officer could "walk up" to him and hand him a Quality of Life violation ticket. He said the ordinance states, "failure for the person to make payment within 20 days of the date violation shall result in the filing of a citation, for failure to pay, with the Magisterial District Judge. If violations are continuous or egregious, Code Officials have the right to issue citations without first issuing tickets, provided notice has been given." Atty. Logsdon said this might be a problem and will have to "switch this up". It also states, "Upon issuance of four tickets for the same violation, right is reserved for the Code Officials to issue a citation for the fifth and subsequent offenses". Barletta asked what the issue is. Atty. Logsdon gave an example. He said if he is operating a hot dog cart and the police officer walks up to him and says he has no permit, asks him to leave, and gives him a ticket, but he refuses to leave and says he will sell them to anyone in the CAN DO building, the officer tells him to pay within 20 days or he will receive a citation. Atty. Logsdon stated it is like a parking ticket. He said if it is not paid within 20 days, the citation gets filed with the magistrate. He said, at this point, the resident was cited for violating the Quality of Life Ordinance. He said this is under Subsection B. Atty. Logsdon said this violation would have to be set as a summary violation or a local ordinance. He said this is where the magistrate will have an issue. He stated if it is a summary offense, there is a summary appeal right that is attached to this. Atty. Logsdon said it is almost like a criminal offense. He said it is like how the police officers cite for a summary criminal offense and if the resident is found guilty, at the magistrate's office, they could file a summary of appeal to the Court of Common Pleas. He said he does not know if he is "opening up" the City's code officers or police officers more time at the Luzerne County Courthouse. He said it could be kept as a local ordinance violation and keeping the summary violations out of it. He said they need to figure out what the appeal mechanism would be here. Atty. Logsdon said this is where he is "stuck". Leshko asked Atty. Logsdon if this would have to go to a Notice of Violation and then issue a Notice of Violation, at this point, if they have so many tickets, to give them due process to make the corrections. Atty. Logsdon said yes. He stated, at this point, it would go right back into the International Property Maintenance Code, give them the Notice of Violation and file it under the NIPAC. Barletta asked what the current process is. Mayor Cusat said the City does a Notice of Violation process. He stated Pedri goes to every hearing and executes when they "get to court". He said the City gets the money, under the Quality of Life ticket, if it is an ordinance

violation. He said it is an instant process. Mayor Cusat if it would go through the Notice of Violation process, the City sees very little of the actual money.

Mayor Cusat asked the city clerk if she found a file folder, in her office, with a lot of notes on Quality of Life. He said when City officials met with the magistrate, the notes were turned over to Lisa Shema, former city clerk, to compile, into the new ordinance, and this is where it died. The city clerk said she will go through her file cabinets, and check on this, look to see if she could find anything. Perry asked if this is the new ordinance with the changes. Mayor Cusat said Lisa never made the changes. He said he made a copy of the ordinance and there were a lot of notes made at this meeting. Barletta stated the City needs to go back, take notes, and do this again. Mayor Cusat said the important thing is for the magistrate telling the City what is wrong with the ordinance and why he was dismissing so many tickets. Perry stated that is why the City needs these notes. Mayor Cusat said Leshko reached out to the magistrate and, hopefully, can sit down, and re-work it. Barletta said they need to try to set "something up" before the next city council meeting. She asked if the person who writes the citation needs to go to court. Mayor Cusat said this is the same process as the parking tickets. He said when he talks to other municipalities, residents just pay it, and no one challenges it. Perry asked if it should be streamlined to get the most important issues. Mayor Cusat said it will not be hard if the City could get a meeting with the magistrate and everyone could attend. He said he is very busy with the different court systems. He stated Leshko and Atty. Logsdon have reached out to him. He said this could be "banged out" in a few hours. Barletta said they need to schedule something, with him, and see when his next "available is". Perry stated the City needs to send him a copy of the Quality of Life Ordinance to see if he remembers some of "this stuff".

Mundie said when this first "came up", he and former councilwoman Mope had some reservations about some things and did not vote for this. He said Perry voted for this ordinance. He said the ordinance is needed but needs to be "polished and cleaned up". Mundie stated Zola needs to have his input into this. He said the reason it failed is because he was "throwing" 90% of the tickets out. Mayor Cusat said he does not know how many were "thrown out". He said these were done before he came into office. He stated he does not have the data of how many were "thrown out". Mundie asked why it was not enforced and it stopped. Mayor Cusat said all the tickets were "thrown out". Perry asked what year they had the meeting. Leshko said they met when Mayor Cusat took office in either January or February of 2016. Perry said they clarified a lot of the problems that Mundie referenced to. Perry stated the City would need to get more tickets. Mayor Cusat concurred. He said the City will be going through a lot of them. Perry said the high grass violation could be changed from 60 days. Sacco stated the fine for high grass is "nothing" for \$50.00. She said by the time the City goes through the process, the resident could be a "son of a gun" all summer and pay \$200.00. She said then the City would have the problem cutting the grass. She said the City's fines are cheap. Barletta said the fines need to increase to hit the residents "where it hurts". Perry asked what the \$50.00 fine, for swimming pools, includes. Mayor Cusat said a lot of residents are putting up pools without going through the zoning process. He stated the ordinance states any swimming pool over 24 inches needs zoning. He said residents are going to Walmart, buying a \$100.00 pool, putting a pool in their yard, and finding out it is \$950.00, to go through zoning, to get a variance to put up a pool in their yard. Leshko said the residents were not keeping their pools in good repair. He said the fire department went to pump out pool water because of the mosquitos. He said the pools are discolored. Barletta said she made a code complaint, about six months ago, for a pool being held up with wood and ratchet straps.

Perry asked Police Chief Brian Schoonmaker what his suggestions are. Schoonmaker said the biggest thing will be sitting down, with Magistrate Zola, as a group, to sort it out, see what he thinks is a reasonable amount for the fines and see what he approves as the City moves forward. Barletta asked either Leshko or Atty. Leshko to see when they could sit down with Magistrate Zola. She said they are all very flexible to make this work. Leshko said if Zola is in court tomorrow, he will go see him personally. Perry said the City needs to get a lot of people involved including Pedri, Schoonmaker and Leshko. He said this needs to be figured out. Perry asked all if this is a good issue. All city council members,

administration, and department managers agreed. Barletta stated the City needs to follow what the City of Wilkes-Barre did with putting an ad in the paper, put it on their Facebook page, and start from “one end of the town to the next”. Perry agreed. He said rubbish, garbage, and high weeds have been an issue, in the City, for a while. Barletta said a lot of people are laughing at the City. They say the City will give them more time and extending the days for the violations. She said the City needs to take a “hard stance”. Perry said there are not enough people to go after them. Perry said after the magistrate reviews the numbers and fines, they need to give people a “heads up” before the next meeting as to the changes. Perry asked Atty. Logsdon agrees with this. Atty. Logsdon said, “sounds good to him”.

Perry stated at the next city council meeting, the Stormwater Management Ordinance, the Quality of Life Ordinance, and the Hometown Heroes Ordinance will be on the agenda. Atty. Logsdon stated the Hazard Mitigation resolution if it is ready. Atty. Logsdon also said the Land Bank Ordinance should be on the agenda. Perry said Lynch could reach out to speak and answer some questions. Lynch said he will reach out to Chris Gulotta and will provide him with the ZOOM link.

Perry said there is a Liquor License hearing scheduled for the next city council meeting on October 14, 2020. He said this hearing will start at 5:30 p.m. with the city council meeting starting at 6:00 p.m. Barletta asked if the meeting will still be on ZOOM or will it be in person. Perry said Mayor Cusat was looking into the audio and video package to have the meetings at City Hall. Mayor Cusat stated Gary Perna, Mayor Cusat’s secretary, is getting estimates from Innotek Computer Consulting, for a camera. He said it would cost about \$2,000 to be able to start videoing all the City’s meetings. Perry asked if this includes zoning meetings. Mayor Cusat said yes. He said the City needs to decide if they want to spend the money on this. He said the City could use some “COVID” money for this. Perry said they could be on ZOOM. Mayor Cusat said this would give the opportunity for more people to participate at every meeting. He said they would do a “combination”. Barletta asked if city council would be in City Hall. Mayor Cusat said yes. He stated if he gets the order and it is installed, they could be in the building, and it would be broadcasted. Barletta asked if residents could come into the meeting if they wanted to. Mayor Cusat said yes. Perry also concurred if residents do not want to travel. Atty. Logsdon said if the video system could be set up where all five council members are socially distanced and on camera with an audio system where there is no reverberation. He stated everyone will be using the same audio system. Atty. Logsdon said there will also be spots, for citizens, to be there. He stated if they want to be live, there need to be social distancing under capacity. If there is an overflow, there is ZOOM, as long as the state is under the emergency declaration. Perry said Pedri already has Council Chambers “mapped off” for zoning hearings. He said they would need to “map out” the upstairs. Perry asked if there is still a 25-person limit. Atty. Logsdon said he does not think it increased. Mayor Cusat said it depends. Perry said if the veto is overridden, then it would change. Mayor Cusat said this could be a good thing in moving forward. Perry asked if city council needs to approve this expenditure. Mayor Cusat said he will find a line item to pay for this. Perry said the City could use “COVID” money for this.

Barletta asked when city council members will receive a draft budget for 2021 to review. Mayor Cusat said he and Lynch have started working on it yesterday. Perry asked when the deadline is to send the draft budget to PEL representatives. Mayor Cusat said by October 17th, 2020. Perry said after this is sent to PEL, it will be sent to city council.

Mayor Cusat said the City has been talking about doing some things with the Recreation section in the budget. He asked if city council agrees with increasing the millage to do other things in the City. Perry said as long as there is a specific item that the public could see where the money is going. He stated the public needs to see it is for something good. Sacco said she is in favor of this. Perry asked if this is part of the budget. Mayor Cusat said yes, but separate millage. Perry asked if this could be discussed at a WORK SESSION. Mayor Cusat said they could talk next week.

Sacco asked if they could see what works for all to meet with Magistrate Zola. Perry stated they need to see when Magistrate Zola is available. Leshko said he texted Zola but will not see him until Thursday

morning. Perry said if he could give multiple times, it would be good. He asked Leshko to get the information to city council members about the meeting.

Perry adjourned the WORK SESSION meeting at 7:25 p.m.