

**MINUTES
HAZLETON CITY COUNCIL
REGULAR MEETING
THURSDAY, DECEMBER 16, 2021**

Call to Order: Council met in regular session on Thursday, December 16, 2021 in Council Chambers and via ZOOM Teleconferencing. The meeting was called to order at 6:24 p.m.

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 December 2, 2021 Regular Meeting 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 the City of Hazleton's 2022 budget. He said he did not see the Vacant Property Registration Ordinance on the City's website. He said he believes, this ordinance, is still "on the books". Rabo said the Vacant Registration should be collected and utilized for code enforcement for new hires.

Rabo also spoke of the resolution for the Recovery Act. He said it was in the newspaper, a couple days ago, that the mayor mentioned he wanted to utilize some of the money, at City View Park, for recreation, for a zip-line ride. He asked if the City contacted the Treasury Department if this would be an eligible use for the funds. He stated Luzerne County is "sitting" on \$141,000,000 and are very timid on "touching" the money.

Rabo spoke of the City's fiscal plan. He said he asked, at the last council meeting, regarding Code Enforcement and utilizing some of the money from CDBG under the Slum and Blight provisions. He said he spoke with Mr. Zeller after the meeting. Rabo said Zeller stated they would use this in year 2023. Rabo said should collect from the Vacant Registration Ordinance that is sustainable revenue, and once the CDBG plan, comes around, in two years, then the City could use some of this money. He said this would, then, not go on the taxpayers for any additional costs.

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

(1ST READING)

Ordinance 2021-28

Modifying Consolidate Plan for CDBG PROGRAM Years 2017, 2018, 2019, 2020 (**1st READING**)

Presented by Barletta. Seconded by Sacco.

On the Question:

Barletta stated the City seems to be improving a lot of the streets. Atty. Logsdon stated Zeller could not be present, at the meeting tonight, but confirmed that the transfer is for streets.

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

ORDINANCE PASSES UNANIMOUSLY ON 1ST READING

(2ND AND 3RD READINGS)

BUDGET ORDINANCE 2021-21

An Ordinance Providing for the Appropriation of Specific Amounts Estimated as Required for the Various Departments of the Government of the City of Hazleton, Luzerne County, Pennsylvania for and during the Fiscal Year, Dating from January 1, 2022 and Ending December 31, 2022 (**2nd READING**)

Presented by Sacco. Seconded by Barletta.

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

ORDINANCE PASSES UNANIMOUSLY

Ordinance 2021-22

Re-Enacting Ordinance 1931 which Continues in Force and Effect for the Period January 1, 2022 through December 31, 2022, Imposing the Real Estate Transfer Tax (**2nd READING**)

Presented by Colombo. Seconded by Barletta.

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

ORDINANCE PASSES UNANIMOUSLY

Ordinance 2021-23

An Ordinance of the City of Hazleton Fixing the Tax Rate of Real Estate Located in the City of Hazleton, Pennsylvania, for All City Purposes for the Fiscal Year 2022, Beginning January 1, 2022 and Ending December 31, 2022 **(2nd READING)**

Presented by Colombo. Seconded by Sacco.

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

On the Question:

Perry stated the Debt Service is .21, Recreation is .19, and with this, no change from last year's total.

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

ORDINANCE PASSES UNANIMOUSLY

Ordinance 2021-24

Ordinance Imposing a Payroll Preparation Tax for the City of Hazleton **(2nd READING)**

Presented by Perry. Seconded by Barletta.

On the Question:

Atty. Logsdon stated the RFP's for the tax collector, for the new tax, and legal advisor, for the collection processes are due on Monday.

Mundie said the City is replacing the mercantile tax, with this tax, and the City cannot raise any more than what was raised for the mercantile tax. He asked what would happen if the City would raise \$100,00-\$200,000 more. He asked if there would be a penalty. Lynch said he does not believe it is a penalty, but it could grow. Lynch said it does not have to be fixed to an amount. He said the City is basing it on the revenues received from the mercantile tax, and when the City goes to court, this is what they would demonstrate. He said there is some room and could come a little lower or higher. Lynch said over time, it could grow. He said he does not foresee this being an issue.

Perry stated the City is the first, in the state, to impose this tax. He said it is new for everybody and there are a lot of questions. He said this is why the City will have legal counsel with the RFP. Perry said this tax was recommended, by PEL, in their original plan. Perry stated this is better for businesses. Barletta said, in the RFP, they will educate the businesses and how to collect the tax. Atty. Logsdon said the City will be working with the legal counsel for the tax collector, appeals, and interpretations.

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

ORDINANCE PASSES 4-1

Ordinance 1949, Imposing the Resident Tax (2nd **READING**)

Presented by Barletta. Seconded by Perry.

On the Question:

Perry stated everyone wants to get rid of this tax.

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

ORDINANCE PASSES UNANIMOUSLY

Ordinance 2021-26 An Ordinance Repealing Ordinance 2020-34 which Re-Enacted
Ordinance 1933, Imposing the Per Capita Tax (2nd **READING**)

Presented by Colombo. Seconded by Barletta.

On the Question:

Perry stated the City has been collecting this tax since 1933. He said this will be very helpful for people. He said this is a nuisance tax.

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

ORDINANCE PASSES UNANIMOUSLY

Ordinance 2021-27 An Ordinance Authorizing the Vacation of the Undedicated Portion of
Pardee Street having dimensions of 50 feet by 150 feet in the City of
Hazleton (2nd **READING**)

Presented by Perry. Seconded by Colombo.

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

ORDINANCE PASSES UNANIMOUSLY

RESOLUTIONS:

Resolution 2021-90 Council Meeting Schedule for 2022

Presented by Barletta. Seconded by Perry.

On the Question:

Perry asked if the dates are on Tuesdays and Wednesdays. Atty. Logsdon said yes; the second Wednesday and the fourth Tuesdays. He said this order worked in 2021 and will be continued in 2022.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-91 Awarding Contract for 2021-2022 Winter Emergency Snow Removal Equipment

Presented by Perry. Seconded by Barletta.

On the Question:

Perry stated this contract will be through Franzosa Trucking. Atty. Logsdon said this is the only bid the City received.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-92 A Resolution Authorizing the City of Hazleton to Enter into the Settlement Agreements with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc., and Agree to the Terms of the Pennsylvania Opioid Misuse and Addiction Abatement Trust

Presented by Barletta. Seconded by Sacco.

On the Question:

Barletta asked Atty. Logsdon to explain this. Perry stated the City would be getting money out of this. Atty. Logsdon said city council is involved with this. He said he could have them come to council and make a presentation, early 2022, when this case will settle. He said there is some guidance, in their packets, explaining what the money could be spent on. He said he will have another resolution, on the next city council agenda, because a third trust order came out from the Attorney General's office. Atty. Logsdon said they are formulating all the local municipalities and counties who are eligible. He said the City needs their participation agreement, done and signed, by January 2, 2022. He stated they need to have Mayor Cusat's approval to "sign-off". He said he needs to get some guidance, from the City's opioid counsel, on how to direct the funds. Perry asked if the City could use the funds only for certain things. Atty. Logsdon said yes. He stated he will have the opioid counsel and give a presentation. He said it will be "earmarked" for opioid-related issues. Atty. Logsdon said it should be for law enforcement. He said he does not think the City is in a position for a treatment program. He said with the third one, it adds another dimension into the amount. He stated he will get a final amount once he has the AG settlement.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-93

A Resolution Approving the Action Plan for Fiscal Year 2022

Presented by Barletta. Seconded by Colombo.

On the Question:

Atty. Logsdon stated when he spoke with Zeller, the budget will be resubmitted once he gets the numbers from HUD.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-94

A Resolution Authorizing the City of Hazleton to Transfer Funds to General Fund

Presented by Perry. Seconded by Sacco.

On the Question:

Perry stated this means the City is self-funding. Lynch agreed. He said the City is now, in the position, to self-fund the TAN. He said this is not coming out of other specified funds, but is a fund balance, keeping it separate, and returning. Lynch said it will save the City about \$20,000. Perry stated this is an accumulation of all the good things the City is doing. He said the City is also not raising taxes.

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-95

A Resolution Approving the Mayor's Participation in American Recovery Plan Act (ARPA) Fund Disbursement

Presented by Perry. Seconded by Colombo.

On the Question:

Perry stated Zeller gave city council an update on the budget and the distribution of the ARPA funds. He said Luzerne County is waiting on spending their funds. He asked if anyone is giving the City guidance on the spending rules. Atty. Logsdon said for the compensation for the essential employees, who worked with the City, during the pandemic, this is a specific, no "gray" area. He said the funds could be awarded to them. Lynch said the City is taking a diligent and slow approach. He said the City is planning around some of the broad things the ARP money is talking about. He stated, across the board, some municipalities are waiting for the information to come out. Perry asked what the total was of the premium pay for employees. Lynch stated the total was \$294,000. Perry said the City is earning interest on the money. Perry asked about all the playground improvement allocations for Barry Isett and Associates. Lynch stated this is for all the outdoor planning and falls under the open-space funding. Perry said the City is using some of the funds for storm inlets. Perry said the City would get a VAC truck, also. He asked what the time frame is for using the funds. Atty. Logsdon said there is an allocation and spending date for the funds, but believes, it needs to be spent by 2024. Barletta asked if the coding system is the camera system. Police Chief Schoonmaker said it is a records management system. Sacco stated the camera system looks great all over town. She asked if the cameras are all up. Schoonmaker said yes.

Perry asked if this resolution is for the mayor to distribute the ARPA funds. Atty. Logsdon said this will allow the mayor to participate in the funds. Barletta stated this is very fair that Mayor Cusat receives this, also. She said he was here all through the coronavirus pandemic and everyone got some funding. She said council is not just giving this to the mayor. Lynch said 103 City employees met the criteria for disbursement and the mayor is included. He said it is the same amount for all. Barletta said he was making all decisions during the pandemic.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-96

A Resolution Approving the Sewage Facilities Planning Module for the Hazleton Logistics Park

Presented by Sacco. Seconded by Barletta.

On the Question:

Barletta asked where this is at. *(Inaudible)*.

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: Alejandro Sosa, 140 North Laurel Street, said he is here on behalf of Pecora Realtors, some agents and himself. He said they are concerned about an ordinance that was passed in 2004 and amended in 2021. Sosa said they are asking many questions about the ten items to be inspected and now, it has gone to 31, and adding more. He said when asking the inspectors, they do not have the right answers. He said these properties have been there for 100+ years and they know they need repairs, but not in the way they are asking. Sosa said the 2004 ordinance specifies the amount of the inspection, but the amount has gone up. He stated, seven months ago, it was required two days prior to the sale, but, currently, it is fifteen days prior. Sosa said this causes a lot of trouble to close a transaction. He stated when they request an inspection is when they have a commitment letter from the bank. Sosa said the waiver needs more than three months to make any repairs. He said, according to the law, in PA, the buyer needs twelve months. Sosa said the new owner will make the repairs, but needs more time, and sometimes, they need to ask for an extension. Sosa said the code officers say if the owner does not make the repairs, on time, they cannot close on the property. He said many homeowners have problems. Sosa said that is why they have license to help the residents. He said they are a total of 53 properties, in downtown Hazleton, that look vacant. He said they ask them if they want to fix, sell or rent. He said they are in touch with 35 of them and working on fixing these properties. He said there are some "non-sense" violations by the Code Department. Sosa said they never give any follow-up. He said some residents come to the realtors and they listen. He said Tino Nocchi, City of Hazleton Building Inspector, could give the right explanation and he could go, take the time, and see the property. He said they were never aware of the ordinance amendment and never were sent a change in the law. Sosa said when resident's ask them questions, then the realtors do not have the answer. He said they would appreciate any improvement in these issues. He said, in 2022, they would like to be peaceful with Code Enforcement.

Perry asked Sosa if he wants to meet with the Code Department. Sosa said they never received a letter and did not know about the amendment. He stated the City did this for the money. Sosa said Nocchi could state a family "three and up" will need a Knox box. He said it is getting harder and harder to inspect. He said the cost for a new building is high. Sosa asked for the supervision of the violations before being sent to the magistrate. Sacco asked if the New Jersey resident who is buying a vacant City property is not receiving any correspondence. Sosa said he received a letter but got a citation and has his attorney working on it. Sacco asked Sosa if he is willing to sit down and talk. She said a lot of people are coming to Hazleton and are overwhelmed. She said there are 16,000 people paying taxes and 40,000 using the City buses. She said what is the purpose of an eyeing a property, leaving it vacant, and "flying the coup". Sosa said he is not "flying the coup" but is an investor. He said people are looking for a space. Sosa said they come to retire here. Perry said there needs to be a better communication process. Barletta said council appreciates Sosa coming and talking about his concerns.

Perry stated city council really cares about code. He said they need to fix this area and the City is overwhelmed. Sacco said the City is overwhelmed and understaffed. She stated there are not enough people.

Cheryl Pecora, 120 East Broad Street, West Hazleton, said their purpose, tonight, is to establish a working relationship with the Code Department. She said there are a lot of old buildings in Hazleton, and they want them to be safe, but cannot make them brand new. Pecora said she has been at a lot of inspections and feel the inspectors try to make it harder on them. She said they cannot change entrances to basements and cannot put new roofs on if they are not leaking. Pecora stated sometimes FHA inspectors scrutinize a property, for financing, and then the Code Enforcement officer will find other things the appraiser did not find. She said then there are a certain number of days to make the repairs. Pecora stated this is against the law. She stated ACT 133, in PA, states when a code officer needs to issue one of three permits. Pecora said one code officer stated they would stop a closing. She said they cannot stop a closing. She said the law allows to get repairs done is the person could move into the property and have twelve months to make repairs. Pecora said she does not know where this 30 or 45 day comes in. Pecora stated this is not right. She said this needs to be "ironed out". She said a lot of realtors are having the same issues and are afraid to speak out because of the repercussions from code. Barletta said that is why council is here. Perry asked if different inspectors are saying different things. Pecora does not know if code officers are trained properly. Pecora said some requirements are unrealistic. Sacco said, regardless of these issues, do they still close on the property. Pecora said yes. She said they get waivers signed that the owners could make the repairs when they move in. She said Code Enforcement is making it more difficult. She said they are here to help the community and the buyer and seller.

Tino Nocchi, City of Hazleton Building Inspector, 40 North Church Street, Hazleton, said he was hired to be the UCC inspector, and not the Code Enforcement officer, but goes out to help them when he can. He said he has been a building inspector since 1977, has had his own construction company for 20 years, and he worked for Westinghouse Broadcasting doing pole-line construction. Nocchi said he did Code Enforcement for three boroughs, for fifteen years, and knows what they are talking about. He said they should not have to pay \$149.50 to replace two ground fall receptacles, but when they have to pull a permit, for service because the service is dilapidated or illegal, it does need to be charged because there needs to be a cut card has to be sent to PP&L. He said he tries to go out with code to help them to have "eyes" of experience in violations. Nocchi said he sees a lot of violations. He said the only time he requires a building permit is when there is structural damage or so much damage. He said, also, when the person makes so many repairs, he makes them get a building permit, or goes to a property and could tell they remodeled the whole thing, he makes them get a permit. He stated when a notice of violation is sent out, the person has 20 days to respond. He said if they ignore them, and there are too many of them, then it goes to a civil suit. Nocchi said he signed waivers because he is the BCO for the City. He said he always asks how much time they need. He said a building permit is good for 12 months and this is what the law states. Perry asked about the time from 30 to 45 days. Nocchi said if someone has to replace two ground fall receptacles, then 30 days is enough, unless there is a supply issue. He said if there is communication, then there should be leniency. He said if a person comes and asks for an extension, of time, and showing good faith, in making good progress, then it should be granted to them. He said, however, if the person is "hemming and hawing", then no. He said this is the way it should be.

Perry stated each issue is a unique experience. Nocchi agreed. Nocchi said he is going to talk to the mayor, has a “game plan” for 2022, and wants to have classes to teach them. He said they do not have to be certified to do property maintenance codes only the UCC needs to be certified. He said all the codes go “hand in hand”. Nocchi said if someone is building a deck, without a permit and without zoning approval, then this is a violation. He said they added the Knox boxes. He said when he was hired, in 2020, the first thing he asked the fire chief if they require a Knox box, and he was told yes. He said anything that has three occupancies, and even residential, by the building code, is classified R2. He stated anything that has a business and two dwelling units, in it, it is classified as R3, and is commercial. He said this is regulated by the IRC (International Residential Code). Nocchi said he asked the fire chief, the fire code official, and they agreed that what they were going to do this. He said the other agencies did not enforce them. He said now that he is here, he is putting them on. Nocchi said the only exceptions are town houses, two-family dwellings, single-family dwellings, and home occupation businesses. He said if there is a home barber shop, home beauty shop, or daycare, they live there and do not need a Knox box. He said this is quality of life for everyone. He said if there is an ordinance, “say it”, and put it on there. He said the Knox box is called a rapid entry system and only the fire department has a key to it.

Nocchi said he worked down in the Lehigh Valley for 15 years, ran the Code Department and was the Administrator there.

Nocchi said he wants to educate all the constituents. He said he wants to have classes, every month, and he will show them the code, especially the deficiencies he sees out there in the City. He said this makes his job easier, and the City safer.

Barletta appreciated all for coming. She stated they could all have a working relationship.

Sacco said a lot of their clients got caught “in the shuffle” of things people did years ago, unaddressed, and not looked at.

Mark Rabo, 1st Street, Hazleton, said he has stated about roofs being done and no one knows about it. He said, for years, the Blighted Property Committee looked at all the vacant properties, picked out the “worst of the worse”, on the verge of outreach, then the mayor “pulled the funding”. Rabo said some code officers left paperwork at some properties, some violations were not completed and left for other code enforcement officers. He stated Sacco had an informal “get together” with everyone on these issues. Rabo said they need to have Code Enforcement and the resident get on the “same page” and there is no confusion and hostility. He said the houses, in Hazleton, being 150 years old, cannot be retrofitted to 2022 standards. Rabo stated there is structural integrity to a building. He said there could only be a certain weight on each floor.

Rabo thanked Barletta for all her service as a council member.

Rabo said the Hazleton City Authority pays \$150,000 from \$420,000 out of what they send the City, each year, for garbage.

Rabo wished everyone a Merry Christmas and Happy New Year.

Comments from Mayor: None- absent.

Comments from City Administrator: None

Comments from Council: Perry thanked Sosa and Pecora for bringing these issues to their attention.

Sacco thanked Barletta for her four years of service as a council member. Perry thanked her for all her years of hard work. He said they will keep her busy.

Perry said the Comprehensive Plan is coming.

Colombo said in the last few days, they initiated Project Santa for the people devastated by the tornado in Kentucky. He said he received several resident calls, concerned, especially, for the children, at Christmas time. He said yes, because when the "chips are down", Hazleton has heart.

Colombo said there is a 53-foot trailer parked at Blaise Alexander Mazda car dealership. He said they are looking for new, unwrapped toys for children, non-perishable food items, and batteries of all sizes. He said they added storage bins, bottled water, personal hygiene, shampoo, soap, Lysol, dog and cat foods and gift cards. He said a monetary donation could be made to Heights Fire Company, East Broad Street, Suite 4, Hazleton, PA. He said they will give some to the truck driver and compensate for his meals and his hotel. He comes to the City residents to ask for their help. Colombo said if it is full, before the end of the year, it will be on the road to Kentucky, if not, it will be going, to Kentucky, in the early part of 2022.

Perry stated the City received a Worker's Compensation reward. Lynch said the City received the award from Encova for the City's progress in worker's compensation. He said the City's "mod" factor came down three tenths from 1.9 to 1.6.

Perry said the City is looking for a Financial Clerk. Lynch said he got a really good resume today.

Perry asked the Police Chief about portable solar speed signs. Schoonmaker (*inaudible*). Perry asked about the new parking kiosks from Park Mobile. Atty. Logsdon said he received their comments on revisions to the contract. He said this should be done in the next few days.

Perry thanked the Hazleton Housing Authority for their pilot payment in lieu of taxes of \$50,000.

Perry wished everyone Merry Christmas and Happy New Year.

Comments from Junior Council: None- absent.

Adjournment: Perry motioned to adjourn the meeting. Meeting adjourned at 7.41 p.m.