

**MINUTES
HAZLETON CITY COUNCIL
REGULAR MEETING
TUESDAY, APRIL 12, 2022**

Call to Order: Council met in a Regular Meeting session on Tuesday, April 12, 2022 in Council Chambers and via ZOOM Teleconferencing. The meeting was called to order at 6:10 p.m.

Silent Meditation and Pledge of Allegiance: A silent moment was taken followed by the Pledge of Allegiance.

Roll Call: Colombo-present; Mundie-absent; Ondishin-yes; Sacco-present; Perry-present

Minutes of Previous Meetings: The minutes of the March 8, 2022 Regular Meeting were approved unanimously.

Mr. Perry stated before they start, he is going to give a “heads up” of what council will be doing. He said people will be given a chance to speak on the agenda items only. At the end, people could speak on anything they would like. After that, there will be the WORK SESSION to discuss the Quality-of-Life Ordinance. He said they could interact with anybody who has questions on the agenda.

Presentations/Proclamations/Communications: None

Bid Opening: City of Hazleton Contract Materials- One Calendar Year-

Atty. Sean Logsdon read aloud all the bids. He stated he will open each one and announce who the bidders are. He said he will “turn them over” to Alan Wufsus’s, Engineering, office and to Frank Vito for their review, bring it back for recommendation, and there will be a resolution on the next agenda.

1. **H & K Group**, 2052 Locun Road, Skippack, PA 19474. He said there is a Power of Attorney and a bid bond included.
2. **Franzosa Trucking, Inc.**, 1037 Peace Street, Hazleton, PA 18201. He said there is a Power of Attorney and bid bond included. Atty. Logsdon said it is a complete bid.
3. **Haines & Kibblehouse** (subsidiary of H & K Group), 2052 Locun Road, Skippack, 19474. He stated there is a Power of Attorney and a bid bond included. Atty. Logsdon said it is a complete bid. He said it is a separate bid.
4. **A&S Asphalt Maintenance Solutions**, LLC, 188 Jefferson Street, Emmaus, PA 18049. He said there is a Power of Attorney and a bid bond included. Atty. Logsdon said it is a complete bid.
5. **Midland Asphalt Materials**, 225 Columbia Drive Road, Bloomsburg, PA 17815. He stated there is a Power of Attorney and bid bond included. Atty. Logsdon said it is a complete bid.
6. **Pennsy Supply Co.**, 300 Armstrong Road, Pittston, PA 18640. He stated there is a Power of Attorney and a bid bond included. Atty. Logsdon said it is a complete bid.

Atty. Logsdon said all the bids are complete. He stated he verified the bids were received, in a timely fashion, with the clerk's office. He said he will turn these over to Alan's and Frank's office and, if everything, is correct, will get a resolution on the next agenda.

Courtesy of the Floor (ON AGENDA ITEMS ONLY): None

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

(1ST READING)

ORDINANCE 2022-5

AN ORDINANCE AMENDING THE CODE BOOK FOR THE City OF Hazleton, COUNTY OF Luzerne, COMMONWEALTH OF PENNSYLVANIA (**1ST READING**)

PRESENTED BY SACCO. SECONDED BY PERRY.

ON THE QUESTION:

MAYOR CUSAT SAID THEY WILL BE PASSING THE CODE BOOK, ON FINAL READING, TONIGHT. HE SAID THESE ARE MINOR CORRECTIONS WITH PUNCTUATION, SPELLING, AND SOME GENDER LANGUAGE THAT NEED TO BE REMOVED. HE SAID THE LAST CODE BOOK WAS WRITTEN 30 YEARS AGO.

PERRY ASKED IF THE CODE IS, CURRENTLY, ONLINE. MAYOR CUSAT STATED THE OLD CODE IS, CURRENTLY, ONLINE UNTIL THE NEW CODE IS PASSED. HE SAID THE CITY IS LOOKING TO TRANSLATE IT INTO SPANISH AFTER IT IS OFFICIAL.

PERRY STATED HE APPRECIATES ALL THE WORK MAYOR CUSAT AND ATTY. LOGSDON DID ON THE NEW CODE BOOK.

Roll Call: Colombo=yes; Mundie-absent; Ondishin=yes; Sacco=yes; Perry=yes.

ORDINANCE PASSES 4-0 ON 1st READING

(2ND AND 3RD READINGS)

ORDINANCE 2022- 3

AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION, INCLUDING ITS SUPPLEMENTS, FOR THE City OF Hazleton, COUNTY OF Luzerne, COMMONWEALTH OF PENNSYLVANIA (2ND READING)

Presented by Perry. Seconded by Sacco.

On the Question:

Atty. Logsdon stated this is the main ordinance for the large code book (Codification) for the City. He said they wanted to make sure the amendments were ready for the previous ordinance that was passed. Atty. Logsdon said this is the advertised and full copy of the main ordinance to pass the codification for the large book, online, and paper versions are available at City Hall.

Perry stated the large book will be, online, as soon as possible.

Roll Call: Colombo=yes; Mundie-absent; Ondishin=yes; Sacco=yes; Perry=yes.

ORDINANCE PASSES 4-0

RESOLUTIONS:

Resolution 2022-16

A Resolution Authorizing the City of Hazleton to apply for a Luzerne County Local Share Account Grant on behalf of the Hazleton American Legion Post 76

Presented by Colombo. Seconded by Ondishin.

On the Question:

Perry stated this is a LSA grant in the amount of \$44,438. He stated they have a conduit for this.

Roll Call: Colombo-yes; Mundie-absent; Ondishin-yes; Sacco-yes; Perry-yes.

RESOLUTION PASSES 4-0

Resolution 2022-17

Awarding Contract for Materials- One Calendar Year

On the Question:

Perry stated they will table this resolution until after the bids are analyzed. Atty. Logsdon said table pending review of the bids.

MOTION TO TABLE:

Presented by Perry. Seconded by Colombo.

Roll Call: Colombo-yes; Mundie-absent; Ondishin-yes; Sacco-yes; Perry-yes.

RESOLUTION TABLED 4-0

Resolution 2022-18

A Resolution of the Council of the City of Hazleton, Luzerne County, Pennsylvania, Authorizing, Empowering the Mayor to Execute an Agreement with Berkheimer Whereunder Berkheimer is Retained as the Exclusive Tax Officer for the Collection, Administration, Receipt and Enforcement of the Provisions of the Respective Tax Enactment of the Governing Board Levying and Assessing the Payroll Tax for the Term Herein Defined, Together with Such Extensions as May be Agreed Upon, said Tax Enactment having been Adopted Under and Pursuant to the Authority of the Pennsylvania Local Tax Enabling Act (ACT 511, P.L. 1257); and Approving and Adopting the Rules and Regulations Prepared by Berkheimer to Administer and Enforce the Payroll Tax

Presented by Sacco. Seconded by Ondishin.

On the Question:

Atty. Logsdon said this is a basic resolution. He stated the City is implementing the new payroll preparation tax. He stated the City got rid of the mercantile and per capita taxes. He said Berkheimer Tax Office will, also, be the payroll preparation tax collector for the City. He said this resolution is confirming that the City has chosen Berkheimer to act as their agent.

Perry stated the City has removed three taxes within the City. Mayor Cusat said yes; mercantile, per capita and resident taxes. He said this tax will tax that place.

Roll Call: Colombo-yes; Mundie-absent; Ondishin-yes; Sacco-yes; Perry-yes.

RESOLUTION PASSES 4-0

Resolution 2022-19

A Resolution of the City of Hazleton, Luzerne County, Pennsylvania, Authorizing and Empowering the Mayor to Appoint a Liaison Between it and Berkheimer, the Duly Appointed Collector of the Payroll Tax for the District, for the Express Purpose of Sharing Confidential Tax Information with the District for Official Purposes

Presented by Perry. Seconded by Colombo.

On the Question:

Atty. Logsdon said in relation to the payroll preparation tax, their tax collector will use the City Administrator, Dan Lynch, as the liaison for confidential tax information that goes back and forth. He stated it will go right through Dan.

Roll Call: Colombo-yes; Mundie-absent; Ondishin-yes; Sacco-yes; Perry-yes.

RESOLUTION PASSES 4-0

Resolution 2022-20

A Resolution Closing Out Community Conservation Partnerships Grant Project BRC- TAG-23-95

Presented by Sacco. Seconded by Ondishin.

On the Question:

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Atty, Logsdon said this is a grant "closeout" resolution. He said Joe Zeller sent it to him as a "last step" for closing out the grant.

Roll Call: Colombo-yes; Mundie-absent; Ondishin-yes; Sacco-yes; Perry-yes.

RESOLUTION PASSES 4-0

Resolution 2022-21

A Resolution Updating the Fee Schedule for the City of Hazleton

Presented by Perry. Seconded by Sacco.

On the Question:

Mayor Cusat said in the codification process, he went through the code book, and every ordinance that required a fee, he consolidated them into one fee schedule. He stated at the end of 2021, the City passed an ordinance allowing them to change the fees and ordinances by resolution. He said he figured the City could pass one fee schedule, every year, and stay up-to-date. He stated it is more efficient, for anyone, in City Hall. He said every fee, in the City, except the UCC or a few other ones and associated with the HCA, are not imposed by the City. Mayor Cusat said none of this is new. He said the last time the old book was done was in year 2001. He stated, since then, there has been about 1,500 new pieces of legislation that needed to be consolidated. He said this is the conclusion of this project. Perry asked if the City's user fee grant would help. Mayor Cusat stated when the City's user fee study is done, they will help adjust these. He stated until the study is done, these will be in place. He said it will be on the City's website, also.

Roll Call: Colombo-yes; Mundie-absent; Ondishin-yes; Sacco-yes; Perry-yes.

RESOLUTION PASSES 4-0

Resolution 2022-22

A Resolution Approving the Sewage Facilities Planning Module for the Hazleton Creek Commerce Center

Presented by Perry. Seconded by Sacco.

On the Question:

Atty. Sean Logsdon said he received this from the Hazleton Creek Commerce Center third-party engineer. He said this is the City language, but the DEP language is the same language. He said this will be sent to the state to confirm the planning module was approved.

Roll Call: Colombo-yes; Mundie-absent; Ondishin-yes; Sacco-yes; Perry-yes.

RESOLUTION PASSES 4-0

Resolution 2022-23

Adopting the Payroll Preparation Tax Regulations

Presented by Perry. Seconded by Colombo.

On the Question:

Atty. Sean Logsdon said they worked, a long time, with their legal advisor for payroll preparation tax, Berkheimer, Mayor Cusat's office, PEL, and city council. He said being one of the first municipalities in putting this in place, they had little guidance, but they put together a real good product. Atty. Logsdon said this will, also, be on the website.

Roll Call: Colombo=yes; Mundie-absent; Ondishin=yes; Sacco=yes; Perry=yes.

RESOLUTION PASSES 4-0

Resolution 2022-24

A Resolution of the City Council of the City of Hazleton, Luzerne County, Pennsylvania, Authorizing the Filing of a Formal Application and Business Plan for a Redevelopment Assistance Capital Program Grant in the Amount of One Million (1,000,000.00) on Behalf of USA Pork Packers, Inc., for a Project Known as the USA Pork Packers Facility Expansion in the City of Hazleton, Luzerne County

Presented by Colombo. Seconded by Sacco.

On the Question:

Atty. Logsdon stated this is similar to previous resolutions for USA Pork Packers. He said he received this resolution from Joe Zeller, Director of the Community Development Office. Atty. Logsdon stated that Zeller communicated, to him, that another \$1,000,000 will put them closer to their goal. He said this is very similar to the last resolution they passed. He said the City is supporting the "R-cap", serving as the applicant and grantee, and will be working with the USA Pork Packers as the "sub-grantee". He said it is working out, so far, and glad they could expand.

Roll Call: Colombo=yes; Mundie-absent; Ondishin=yes; Sacco=yes; Perry=yes.

RESOLUTION PASSES 4-0

New Business: None

Old Business: None

Comments from the Audience: Mariel Melendez, owner of Sweets Melendez, 699 Seybert Street, Hazleton, said she has two questions. She asked if there is a way to create, with businesses, a permit, if the resolution is followed. She said the second question is how many permits she needs after her business was opened. She said this pertains to the BYOB Ordinance. She said the ordinance is "totally different" than what was told to her. She said the BYOB Ordinance is from 2015 and asked what the

procedure is. Mayor Cusat stated with the BYOB Ordinance, a resident could apply for a BYOB restaurant or business and follow to what is written in the ordinance. He said the business would need to close at 11:00 p.m. Melendez asked if she needs to apply for a zoning permit. Mayor Cusat said no, as long as she has a restaurant. Melendez said it stated she needs a \$1,000,000 insurance policy. She said she was told she would need a zoning permit. Also, she asked if she could put two tables outside her business. She was told she would need a zoning permit. Mayor Cusat stated if she would move anything, outside, she would need a zoning permit. He said if she has a licensed restaurant, she would be able to apply for a BYOB permit/license and operate under those guidelines. Melendez said the ordinance states the fee is \$25,00, but the Code Office told her the zoning license is \$125.00. Mayor Cusat said this fee is for a new zoning license. Mayor Cusat said he may need to look this up. Melendez said Charlie Pedri, Zoning Director, told her that she would be denied due to her business being in a residential area. Mayor Cusat asked if Melendez wants to add the BYOB permit to the existing restaurant. He said he will get a definite answer for Melendez. Melendez stated, "I will be around".

Evalise Efraseo Childs, 860 Seybert Street, Hazleton, said she reviewed the new fee schedule. She asked if the fees are the same. Mayor Cusat said there were only one or two fees that were changed. He said there were a couple fees they could not find, such as animal registration, which the City does not, currently, handle, but is referenced in the old code book. Childs asked if the parking would be included in the new schedule. Mayor Cusat said the new fee schedule will include the new parking fees. Mayor Cusat said within the next 10 days he will sign the ordinance and it will go into effect. Perry stated this will be on-line. Childs said the community is growing and hopes the City does not increase the fees too much. Mayor Cusat said the City lowered all the business fess in 2021 and eliminated the per capita and resident tax. Childs said she does not want to accuse anyone. Perry said it is easier for people to see the fees in one document or "capsule".

Raul Santana, 103 Wilson Apartments, Hazle Township, spoke of the new alarms that will alert the Hazleton Police Department about any gun shots. He asked for any information about this and how the areas were determined of where it would be.

Perry stated the "flock" camera system is already on the existing City poles. He said the new ones would be added onto those.

Brian Schoonmaker, Hazleton Police Department Director, said this gun protection will me "mapped out" for the entire residential area of Hazleton City. He stated it will detect gun shots or "glass break" sounds and transmit them to the officers via CAD system. Schoonmaker said it is, basically, gunshot protection. Santana said he wanted to understand how this system works and supports it. He said this will cut down on crime. Perry said it separates fireworks from a gunshot. Schoonmaker said everything is set for a different decibel reading in the computer system. He said it will detect between fireworks, a car screeching, a gunshot, or glass breaking but is designed, specifically, for the gunshot detection in the area. Santana asked if it would detect a vehicle accident. Schoonmaker said no. He said the flock system has detected a lot of the hit-and-run accidents lately.

Nicarol Soto, 206 Berner Ave., Hazleton, said everyone knows why they are here, the Hispanic Community. She said someone stated she wanted to run for office to "empower" and take over the City. She said this is not the case. She said she came her in 2004 and considers this home. Soto said she went to college and has a family. She stated Hazleton has adopted her. Soto stated she cares about Hazleton as any life-long resident does. She said she wants to see less crime because she has two children. She stated most of the people, who came to the meeting tonight, are business owners, and are not drug dealers. Soto said they contribute positive things in the City. She said there are Hispanics who do not follow "law and order". Soto said this is one community. She said they need to work together to bring down crime, clean the City or bring awareness. Soto said they want to contribute to the City and give their kids and our kids a better future. She said, sometimes, they feel excluded. She said they need to stop acting like a divided community. Soto said they could all develop a committee of leaders, in the community, to bring awareness and help approve the quality of life.

Scott Sacco, 714 Harrison Street, Hazleton, said Soto's remarks "moved" him. He said he knows most of the audience members, on a personal basis, from seeing them at his office. Sacco said city council and the mayor are here to put their laws forward and enforce them. He said they need some type of committee. He said he grew up in Hazleton his whole life but moved to Philadelphia for a while. Sacco said he has been part of the changes in the City. He said he also sees the "good, bad and ugly". He said he will be one of the first ones to join a committee, along with Soto. Sacco said a lot of emotions came out tonight but is a good thing for everyone coming and working together. He said there are sides that do not want to see them come together. He said he and his wife, Lauren, hear many people talking as one, but no one talks together. Sacco said with different personalities and nationalities, there needs to be no more division, and the fighting needs to stop.

Alex Parero, Hazleton resident, said he does not appreciate what Lauren Sacco has said, in the Standard Speaker, and for Jim Perry supporting her, stating she, "has passion for the City". Parero said he has passion for the City and they are willing to work together. He said, without respect, they are not going anywhere. He stated on election days, they will remember all of this.

Max Mandart, 207 E. Diamond Ave., Hazleton, said he knows it is a tough burden on city council and they are working so hard. He said every crowd, who steps into Hazleton, has been working hard. He asked if they are willing to change to something different. He asked where the City is standing. Mandart said it looks like they do not care about the future. He said they are like parents. Mandart stated they are not alone, with people getting up early in the morning, to pick up garbage, and never got a dime. He said if they want to make a change, it needs to start in themselves.

Victor Perez, President of Dominican House, 32 E. Broad Street, Hazleton, thanked everyone for the opportunity on speaking. He said he got information that city council is supposed to pass the better Quality of Life Ordinance. He said he did not see it on the agenda. Perry said it is on their WORK SESSION, tonight, for discussion, but will be on the council's next meeting agenda. Perez said everybody, in this room, is working hard for the City. He stated the City may need to change their name for the diversity and progressive City. Perez said they need to work together to do this. He said he respects Mr. Sacco about talking about working in unity. He said everyone in the Hispanic population likes the City of Hazleton. Perez said they got neighbors, brothers and families with a lot of business owners. He said the City receives a lot of money from them. He said they need to give some respect to these people. Perez said, "We the people, are here to work with them". He said they need to forget the color of their skin. Perez said there needs to be equality and justice for all, according to the Constitution. He said he has nothing against Mrs. Sacco. Perez said she does not have to apologize to one person, but to everyone who is an immigrant in the City.

Vianney Castro, 1363 S. Church Street, Hazleton, said he is here as President of the Spanish *(inaudible)* Association. He said for a better quality of life, they want a cleaner City. Castro said the Quality-of-Life Ordinance needs to be implemented. He said this ordinance was created in 2013, and some came from 1995. He said the impact of their actions are creating a big problem for the City and the investors. Castro gave an example. He said when the City was charging a resident who is one day "past due" for his rental property, he was sent to the courthouse. Castro said this is hurting the people of Hazleton. He said when creating a business license ordinance, to rent a property, this hurts the citizens of Hazleton. He said city council is willing to work with them to fix the situation. Castro said there are a lot of ordinances hurting the people, and they feel, they are trying to punish them. He said they are not realizing the impact to the people and the investors in the City. He said City Hall represents the people. Castro said they need to create a prevention system, and not a punishment system. He stated City Hall needs to get the community involved with them. He said a municipality, recently, had their police department and the residents getting together and cleaning up their City. He said they could have the children from the schools, city council, business owners, and the police department get together and clean up the City. He said they all have the same goal to create a better and safer world for their children.

Hazleton resident, (female), asked if the City could put garbage cans on the streets. She said they could invest a little money, in the downtown, where the businesses are. She said some communities have the garbage cans on the corner of the streets. Ondishin said they had garbage receptacles in the past. Mayor Cusat said she is talking about a larger dumpster. He said there is unlimited garbage in the City each week. He said all they need to do is pick it up, bag it, and put it on the corner every week. She said they pay for their garbage pick-up. She said she is trying to find a solution. Mayor Cusat said every business is supposed to have a private hauler. He said this is not part of the City garbage collection.

Esoto Pena, 632 Hazle Street, Hazleton, said she is a single mother with two kids. She said the garbage collectors do not pick up a heavy load. He said one garbage collector told her they pick up two garbage bags per home. He told her she could pay him \$20.00, and he will take everything. Mayor Cusat said any garbage problems, the residents need to call the HCA who is in charge of the garbage collection. He said the HCA will address the situation with Tamaqua Transfer. Mayor Cusat said asking for money to pick up the garbage is extortion. She said sometimes they do not bring her garbage can back.

Comments from Mayor: Mayor Cusat said he is glad they got the code book done. He said it took many years of work getting the code book to “where they are”. He said he will sign it as soon as it comes over to him. He stated there will be a handful of ordinances attached to the next version. Perry stated the ease of looking at it online will make life easier in the City and in other municipalities. Atty. Logsdon agreed. He said this will bring the City into the new era.

Mayor Cusat said last weekend’s Easter Bunny Event was well attended with over 300 children and a total of 500 individuals that came “through the line”. He said there were over 14 organizations to hand out treats to the children. He wished everyone a Happy Easter.

Mayor Cusat stated the ten items on the Quality-of-Life Ordinance are:

1. Storing of Hazardous Materials
2. Accumulation or Disposal of Rubbish and Garbage
3. Animal Maintenance & Waste/Feces Clean up
4. High Weeds, Grass or Plant Growth
5. Motor Vehicles
6. Outside Placement of Indoor Appliances/Furniture
7. Placement or Littering by Private Advertising Matter
8. Snow & Ice Removal from Sidewalks.
9. Storage Containers for Waste or Trash
10. Swimming Pools

Comments from City Administrator: None

Comments from Council: None

Comments from Junior Council: Paul Neyhart, 577 N. Church Street, Hazleton, said he is moved about all the passion in this room tonight. He said he hopes the things that were discussed would be able to get moving, make changes and work together. Neyhart said he learned it is okay to be upset, but to make changes, they need to set it aside.

Adjournment: Perry motioned to adjourn the meeting. Meeting adjourned at 7:30 p.m.

