

**MINUTES  
HAZLETON CITY COUNCIL  
REGULAR MEETING  
TUESDAY, MAY 10, 2022**

**Call to Order:** Council met in a Regular Meeting session on Tuesday, May 10, 2022 in Council Chambers and via ZOOM Teleconferencing. The meeting was called to order at 6:15 p.m.

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

**Roll Call:** Colombo-present; Mundie-present; Ondishin-present; Sacco-present; Perry-present

**Minutes of Previous Meetings:** The minutes of the April 26, 2022 Regular Meeting were approved unanimously.

**Presentations/Proclamations/Communications:** None

**Bid Opening:** None

**Courtesy of the Floor (ON AGENDA ITEMS ONLY):** Nicarol Soto, 206 Berner Ave., Hazleton, said she is here to speak on behalf of a few City Hispanic groups.

She commented on the Quality-of-Life Ordinance. Soto said the Quality-of-Life Ordinance is supposed to help all people who live in the City. Soto said the way this ordinance, is written, it is not designed to help the quality-of-life of the people living in the City's neighborhood. She stated there needs to be a cooperation between the City and all residents. Soto said they are opposing removing the notice of violation clause and the ticket system. She said these systems were there to help and protect the citizens. Soto stated the changes made to this ordinance will not solve the problem.

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**ORDINANCES AND RESOLUTIONS:**

**ORDINANCES:**

**(1<sup>ST</sup> READING)**

None

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**(2<sup>ND</sup> AND 3<sup>RD</sup> READINGS)**

**Ordinance 2022-6**

Adopting the Quality-of-Life Ordinance (2<sup>nd</sup> READING)

Presented by Perry. Seconded by Ondishin.

**On the Question:**

Mundie asked Atty. Logsdon if the magistrates are the final “say” on the quality-of-life ordinances in other municipalities. Atty. Logsdon said it depends on how their ordinance is written, but any code violation goes to the magistrate. He stated it is very rare to go to the magistrate as a “first level” for an offense. If there is something bad that you need an injunctive relief, that a magistrate could not grant, then it would go to the court of common pleas. He said almost all code violations goes to the magistrate, no matter the jurisdiction. Mundie asked if anything goes to the magistrate could be appealed to the higher court. Atty. Logsdon said yes. He stated if it is a summary offense, there would be a summary appeal available. Perry said the goal is to make the resident clean up the property before it goes this far. He said it affects everybody. He stated income has nothing to do with cleaning up their property. Perry stated the noise issue, in the City, may be a bigger issue than this. Atty. Logsdon said the ticket process did not work. He said the notice of violations just added another one month onto the process. He said the code officers are not required to cite residents. He said the City needs to make the smaller and nuisance violations easier for the City to get more “teeth” on. Perry stated most of the time, neighbors are calling in the violations. Ondishin said it does not take a lot to pick up a few “odds and ends”.

Atty. Logsdon said to be more uniform, 10 inches would be more “in-line” with the City code book. Ondishin said it is Item 4, in Section 3 of the ordinance.

Perry made a motion to change the heights of the plant growth to 10 inches.

Presented by Perry. Seconded by Ondishin.

**Roll Call #1 (TO AMEND):** Colombo-yes; Mundie-yes; Ondishin-yes; Sacco-yes; Perry-yes

**1<sup>st</sup> MOTION TO AMEND PASSES UNANIMOUSLY**

Mayor Cusat said it is, also, stated in the definition of weeds- Page 3 of the ordinance.

Presented by Colombo. Seconded by Perry.

**Roll Call #2 (TO AMEND):** Colombo-yes; Mundie-yes; Ondishin-yes; Sacco-yes; Perry-yes

**2<sup>nd</sup> MOTION TO AMEND PASSES UNANIMOUSLY**

**Roll Call (ON AMENDED ORDINANCE):** Colombo-yes; Mundie-yes; Ondishin-yes; Sacco-yes; Perry-yes

**ORDINANCE PASSES UNANIMOUSLY AS AMENDED**

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**RESOLUTIONS:**

None

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**New Business:** None

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**Old Business:** None

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**Comments from the Audience:** Nicarol Soto, 206 Berner Ave., Hazleton, asked what “just happened”. Perry stated the only modification was they changed the wording to 10 inches. Soto asked if they are going to do the third reading. Perry stated council only does two readings.

Soto stated there was a person, sent to the magistrate, with five violations that could be fixed with \$2,000, including a broken window and grass among three other violations. Soto said his fine, from the magistrate, was \$12,000. Soto said they cannot challenge the court on anything. She said if she could fix something, with \$500.00, it would be a lot cheaper. She said this could bring hardship to residents. Soto said she was reviewing the UCC codes. She said they provide a lot of resources to the City to solve a problem like this. Perry stated this was a zoning violation. Mayor Cusat said this would not be a quality-of-life issue anyway. Mayor Cusat said every violation is in the IPMC book that the City is adopting. He said this would give the code office to deal with a violation faster. He said they changed the six inches to ten inches to be more “uniform” with the City’s code book. He said giving a warning, a citation and a ticket are three “separate things”. Soto asked if the previous ordinance gave the resident time to fix the problem. Mayor Cusat stated the old ordinance gave out a ticket. He said the ticket process is illegal; it violated the resident’s due process. Atty. Logsdon commented on this process. Soto asked who covers the cost to take people to court. Atty. Logsdon said the City covers the costs. He said the court could assess court costs along with the fines. Soto said the City would lose money in this process. Lynch commented on the quality-of-life process.

Evalise Efraseo Childs, 860 Seybert Street, Hazleton, said the solicitor is a liar regarding the Wilkes-Barre Quality-of-Life Ordinance. She said they give you 10 days to pay the fine, and if they do not, then they go to the court. Atty. Logsdon said the court is the magistrate. Childs said they are trying to work with the City. She said they do not listen to them. Childs said they need to do their homework.

Mamo Lara, 30-year resident of Hazleton, said he does not know how much a City fine will be when residents ask him. He said he is trying to live better along with other City residents. Perry stated he does not know what court costs are. He said there is a minimum of \$25.00 and then the court costs. Lara said people need to know. He said this ordinance is to try to teach residents to live a better way. Lynch said

the magistrate will collect the fine, but this comes back to the City through this system. Lara said there are no numbers available. Schoonmaker *(inaudible)*.

**Comments from Mayor:** Mayor Cusat said the Wilkes-Barre ordinance has been deemed invalid. He told them it is improper but are still doing it anyway. He said most municipalities are using the Quality-of-Life ticket knowing it is not proper. He said this is why the City repealed the ordinance, in 2021, because it was invalid, illegal, and stopped using it because of this. Mayor Cusat stated the City should not be held responsible or feel bad that they are doing something the “legal way” as requested by the magistrate and justices. He said why should he have to live with people who are violating the IPMC codes. He commended council for passing the Quality-of-Life ordinance

Mayor Cusat said May 21<sup>st</sup>, 2022 is the City’s “kick-off” party, for the summer, at City View Park. He said there will be food trucks, vendors, dance studios and bands.

Mayor Cusat wished everyone a Happy Memorial Day.

**Comments from City Administrator:** Lynch spoke on the Quality-of-Life ordinance. He said they “framed” it when good people get caught in the process. He stated they are the people who act rationally and when the code officers come out. He said there are bad landlords and people who do not care. Lynch said this is about moving up the timeline. He said a formal warning is for some “free time” to not fix the problems. He said he has seen people abused by bad landlords. Lynch said the City needs to “arm” code enforcement with this timeline to speed up the process.

**Comments from Council:** Mundie stated Victor Perez is requesting an LSA grant for the Dominican House. Atty. Logsdon said there is a certain period to apply for any City LSA grants. Ondishin said council will “follow-up” on this, so it is not forgotten.

Colombo stated Evelyn Graham had passed away last week. He said she did a tremendous amount of work as a council person. He said she was a great person.

Colombo congratulated Lauren Sacco and husband, Scott, on their birth of their son. All city council members and the City Clerk gave their congratulations and best wishes.

Colombo commended the DPW Department in the recent patching of potholes in the City. He said he has bothered Frank Vito, but they have done a great job.

Colombo reminded all about the Memorial Day services on Monday, May 30, 2022 at Holy Annunciation Church with a 10:00 a.m. mass. After mass, there will be a service at the Holy Annunciation Cemetery.

Colombo said Operation Ukraine is almost complete. He thanked everyone in the Hazleton area. Colombo said it will be shipped within the next week to 10 days.

Ondishin thanked all DPW workers for fixing the City streets. He said there are some small issues around the City, but everyone is doing the best they could.

Perry also sent condolences to the family of Evelyn Graham. He said she was a unique lady.

Perry asked if Berner Avenue will be paved. *(inaudible)*.

Perry asked if the City could recommend, to City residents, how to remove skunks. Mayor Cusat said the City is not allowed to recommend. Perry said the residents could go “online” to find a service.

Perry said he is getting calls, from City residents, regarding noise issues. Schoonmaker *(inaudible)*.

Perry said the City is picking out a company to do the City’s Comprehensive Plan.

Sacco thanked all for their well-wishes after the birth of her son. She said she spoke to Soto in regards to working together, along with Vianney Castro, to discuss the City's issues.

**Comments from Junior Council:** None

**Adjournment:** Perry motioned to adjourn the meeting. Meeting adjourned at 6:57 p.m.