

**MINUTES
HAZLETON CITY COUNCIL
REGULAR MEETING
TUESDAY, OCTOBER 24, 2023**

Call to Order: Council met in a Regular Meeting session on Tuesday, October 24, 2023 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: Barletta- present; Colombo-present; Mundie-present; Ondishin-present; Perry-present

Minutes of Previous Meetings: The minutes of the October 10, 2023 Regular Meeting were approved unanimously.

Presentations/Proclamations/Communications: None

Bid Opening: None

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

Perry reminded all that due to the next City Council meeting falling on Election Day, the next City Council meeting will be held on November 21, 2023.

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

(1ST READING)

Ordinance 2023-7

An Ordinance Amending the Code of Ordinances of the City of Hazleton, Part II, Chapter 404, Solid Waste, Article I, Garbage, Rubbish, and Refuse, Amending Section 404-9, Garbage Collection and Disposal Fees
(1st READING)

Presented by Barletta. Seconded by Mundie

On the Question:

Atty. Logsdon stated he provided all City Council members a copy of the Code of Ordinances,

Section 404- Solid Waste. He said he and City Council discussed adding regulations, in the Code of Ordinances, to address collections. He said this would give the HCA some direction with back dues.

Colombo said if the HCA stops collecting the garbage, he said the residents will continue to throw the garbage all “over town” and on the state highways. He said the garbage cannot be left there because it will become an “eye sore”. Atty. Logsdon agreed that there are some issues. Ondishin suggested to table the ordinance. Perry said this ordinance does not relate to a resident who is delinquent, but a resident who abandoned their property. Colombo said an HCA representative needs to come to a council meeting to highlight all of this. Atty. Logsdon agreed. Colombo stated they need to clean the City up. Atty. Logsdon said once the water is shut off, on a property, the property is uninhabitable. Perry asked if the water meter has to be removed in order not to be charged. Atty. Logsdon said the HCA would have the ability to shut the water off near the building. Perry asked if the HCA has the ability to go back three years. Mundie stated they do not go back many years. If a new house is built, and if they are not assessed for 10-20 years, the assessor is not allowed to tax the resident for back taxes.

Ondishin motioned to table. Colombo seconded.

Barletta asked Atty. Logsdon if he could “reach out” to an HCA representative and have them come to the next City Council meeting. Atty. Logsdon stated he will send an email to a HCA representative for more information. He stated he will forward to all City Council members any feedback from the HCA.

MOTION TO TABLE:

Presented by Ondishin. Seconded by Colombo.

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

ORDINANCE TABLED

(2ND AND 3RD READINGS)

Ordinance 2023-6

An Ordinance Amending the Code of Ordinances of the City of Hazleton, Part II, Chapter 440, Streets and Sidewalks, Article I, Use, Construction and Maintenance, adding Section 440-30, Obstructing Public Sidewalks in Relation to the Charging of Electric Vehicles (**2nd READING**)

Presented by Barletta. Seconded by Colombo. _

On the Question:

Colombo asked if the electric cord lines are a 220-watt line. Ondishin stated the resident could use a heavy or regular line to charge their vehicle. He said children could trip over the charging lines on the sidewalk. Ondishin agreed. He stated this is a hazard. Colombo suggested residents need to put a charging station in their house or charge their cars at an approved charging station. Colombo stated he does not want any resident to hook up to the City’s electrical system to charge their vehicle. Barletta stated they could make an amendment that a resident cannot use City property to charge their vehicles. Atty. Logsdon agreed. Atty. Logsdon said to make the

amendment its own, in subsection- B-3, stating, "Any City-owned infrastructure, outlets, or buildings, or property, not approved, may not be used as a charging location.

MOTION TO AMEND:

Presented by Barletta. Seconded by Colombo.

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

MOTION TO AMEND PASSES UNANIMOUSLY

Roll Call: (AS AMENDED): Barletta-yes; Colombo-yes; Mundie-yes; Ondishin-yes; Perry-yes.

ORDINANCE PASSES, UNANIMOUSLY, AS AMENDED

RESOLUTIONS:

Resolution 2023-67 A Resolution Requesting Statewide Local Share Account Funds on behalf of the Hazleton Integration Project

Presented by Barletta. Seconded by Perry.

On the Question:

Bob Curry, Founding Member of Hazleton Integration Project, said this is a continuation of the original request. He stated this is a statewide request, and not a county request. Curry stated the Hazleton Integration Project never gets fully funded, as few agencies do. He said if they get \$100,000, from the county, they are closer to achieving their goal.

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

RESOLUTION PASSES UNANIMOUSLY

New Business: None.

Old Business: None.

Comments from the Audience: Dee Deakos, 43 West Mine Street, stated Mayor Cusat has a an account called Mayor Cusat's Revitalization Fund and owns three properties, along Diamond Avenue, that are parking lots. She said she noticed a food truck parked there, a gigantic tent and some cars from next door. She asked if this is a branch of the City of Hazleton. Atty. Logsdon stated this is not a City branch; it is a 501C3. Deakos asked how Mayor Cusat received all these properties for \$1.00. She said the properties include: 15 & 19 East Diamond Ave, 21 & 23 East Diamond Ave., and 25 through 27 East Diamond Avenue. Deakos said Mayor Cusat bought these properties in May, 2018. She said the parking lots are being used by different individuals.

Deakos spoke of the ARP money funded to the City. She said Mayor Cusat has been spending the ARP money without oversight by City Council. She stated the police department could have moved into the old Broad and Cedar Street's post office. She said there is another building at Chestnut and Pine Street's that could have been utilized. She said the City is spending \$1,7000,000 to purchase the Gottstein Building. Deakos stated Mayor Cusat is not a "dictator". She said Optional Plan A does not state the City could do away with the legislative branch, and does not give the mayor the power to spend money at will. Deakos said this needs to be looked at.

Perry stated the ARP money budget has been out for a while. He said the ARP money is being spent on public sector employees, open-air space, gun violence prevention, stormwater, paving, and public safety vehicles. He stated City Council gets updates once in a while. Mundie said Mayor Cusat did not inform City Council what he is spending the ARP money on. Perry said no taxpayer money is being spent.

Lynch said the City's form of government puts all Executive power in the office of the mayor. He stated the distribution of the ARP funds is an Executive function. Atty. Logsdon stated there are recording requirements with the ARP money. Lynch said there is a final rule of how the City could use the ARP money. Mundie asked if Mayor Cusat could spend any money without City Council approval. Atty. Logsdon said this was a "once in a lifetime" situation with the City being granted ARP money. Perry said this issue was discussed with the Pennsylvania Economy League (PEL) and Gerry Cross. He stated PEL agreed that the Executive power needs to be followed. Mundie stated the City's Code stated any property, bought or leased, needs to be approved by City Council. Barletta stated Chapter 136- Public Works and Buildings, of the City Code, states, "a purchase of a building needs to be passed by City ordinance". Atty. Logsdon said he needs to review this chapter. Colombo said he heard that in either year 2024-2025, there may be audits of the ARP money. Lynch said the ARP money needs to be spent by 2026. He said there are quarterly reports filed by the City to the state. Barletta asked if Lynch could send City Council the ARP budget. Lynch agreed. Barletta asked if the ARP budget could be, also, placed on the City website. Lynch said there is a considerable amount left in the ARP budget. Perry

asked how much money the City has made in investing the money. Lynch said no, but some money is in a CD. He said the 205 Account, which will pay the City's MMO, is generating interest.

Laura Stancu, Poplar Street, Hazleton, asked if anyone has given a thought about Buttonwood and Wyoming Streets. She said a slowdown sign could be put up here. She said this week, someone almost got killed three times. Perry stated the City cannot put a stop sign in front of the railroad tracks. Atty. Logsdon said there are logistical issues in putting a stop sign by the railroad tracks. Perry asked if PENN DOT could do a traffic study. Ondishin asked if the railroad company could put stop signals in to control the traffic. Stancu requested to meet with Atty. Logsdon to discuss this issue. Perry said there are three stop signs at this area. Colombo asked about the speed bumps that have been on back order. Barletta asked Atty. Logsdon to follow-up with Police Chief Schoonmaker on where the traffic study is for this area. She asked if Schoonmaker could put up a City trailer that records speed and with flashing lights.

Barletta, also, asked Atty. Logsdon about the Carson Street stop sign that was passed by City Council. She said the stop sign was not up yet. Colombo said there needs to be a stop sign on Peace & 13th Streets.

Cindee DeLucca, Hazleton, asked if City Council is aware that the City was fined \$10,000 by the state. Perry stated it refers to the DPW Department. DeLucca said DPW Director Frank Vito "dug up" on Monges Street, not once but twice. He said he was acting in his own time, one time, and this is where the citation came from. Atty. Logsdon said he needs to follow up on this and see if the issue is still being investigated. DeLucca stated he neglected to call the 811 number to notify them there would be digging done in this area.

DeLucca said she is following up on the issue with Life Lock. She said it took four days for the police department to release personal information but took her 35 days to receive a right-to-know (RTK) request. Atty. Logsdon said he will send her the information again via email.

Bernardo Rodriguez, 17th & Alter Streets, presented City Council with his traffic ticket for parking on the street while the City street sweeping occurred. Barletta said City Council will check why the City street sweeps three times a week in this area.

Ricky DeLucca, Hazleton, commended Barletta and Colombo regarding the City's towing issue. He said there will be liability for what is going on, along with the City solicitor. DeLucca said, "behind the scenes", they are getting it done. He stated there is proof and videos of what they are doing. He asked for City Council to review the City towing contract with Mayor Cusat. Perry stated it is, already, a signed and "done deal". DeLucca stated the fee schedule has changed. Lynch stated Mayor Cusat has contract authority as the Executive Director. Barletta asked for follow-up from Atty. Logsdon. Atty. Logsdon said yes.

Laura Stancu, Poplar Street, Hazleton, asked about Wreck Towing. She said they demand an immense amount of money for towing. Barletta said Wreck is a private tower, but Paul's is under contract with the City. Atty. Logsdon said he is working on an ordinance that would deal with the private towing concerns in the City. Ondishin asked if the City needs a tower. Lynch said if someone has a "fender bender", in the City, they could call any tower. Barletta asked if the City could control a private tower. Atty. Logsdon said he is looking into this. He said, also, they are looking into business license concerns. He said they receive a lot of complaints. Barletta said the City could control the private towers by ordinance.

Cindee DeLuca, Hazleton, said she spoke to Deb Able of the PA Towing Association. DeLuca said Able stated towing fees cannot be regulated by PA laws. She said the only way they could do this is if there is one contractor in the City.

Perry stated the next City Council meeting will be held on November 21, 2023. Lynch stated the City 2024 draft budget will be presented then. He said some department managers will be coming to the meeting to discuss their department's needs. Perry stated City Council could have a WORK SESSION on the November 28. The final budget reading will be on December 12. Lynch said he will check with the department managers to see if they are available on November 28.

Comments from Mayor: None- absent.

Comments from City Administrator: None

Comments from Council: Colombo said Theresa Zogby has passed away. He stated she did a lot for the City.

Colombo reminded all about the City's Trunk or Treat on Sunday, October 29 at City View Park.

Ondishin said October 31st is Trick or Treating in the City.

Barletta asked Lynch if he could send the new budget, which includes the purchase of the Gottstein Building, to City Council. Lynch said yes.

Barletta asked if the City will hire two more maintenance workers to take care of the Gottstein Building. Lynch said the budget had three people in the Buildings, Grounds and Maintenance line item in the budget. Barletta said Luzerne County will split the cost with the City for building rent. Lynch said the county will pay for any "retro-fit" things. He said the City should come out ahead with the county paying rent.

Mundie wished everyone a Happy Halloween.

Perry said at the next City Council meeting, there will be a presentation by Fox Rothschild regarding a tax parcel between Wilson Street and Club Forty Road. He said they want to build 150 townhouses. Perry said they want to explain why they want a residential LERTA. He said the public hearings will be here on November 21 and December 5. Barletta asked if they needed to go in front of the Zoning Commission. Atty. Logsdon said yes, and the Planning Commission, but City Council makes the zoning changes.

Comments from Junior Council: Paul Neyhart asked City Council if they need to sign for his clean-up project in the City. Barletta said no. Neyhart said he is arranging a clean-up day on Earth Day. Barletta said the City could put this on their website.

Neyhart asked how many new members will be on the Junior Council for the 2023-2024 school year. The City Clerk stated there is a total of six members, including Neyhart. The City resolution will be voted on and the Junior Council Oath of Office will be held on November 21.

Adjournment: Perry motioned to adjourn the meeting. The meeting was adjourned at 7:21 p.m.