

MINUTES

HAZLETON CITY COUNCIL

REGULAR MEETING

WEDNESDAY, MARCH 14, 2018

Call to Order: Council met in regular session on Wednesday, March 14, 2018 in Council Chambers. The meeting was called to order at 6:00 pm.

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

Roll Call: Barletta-present; Colombo-present; Mope-present; Perry-present; Gavio-present

Minutes of Previous Meetings: The minutes of the February 28, 2018-Regular Meeting were approved unanimously.

Proclamations/Communications: Gavio said he received a phone call, recently, from a representative of Kelly Educational Staffing. They asked Gavio if he would let the city residents made aware that the Hazleton Area School District is seeking 150 substitute teachers and para-professionals. He said the applicants do not need a degree in education. Gavio stated he will distribute the informational flyers to any resident who is interested.

Bid Opening: Catholic Social Services Sidewalk Replacement Project bids were read by Atty. Sean Logsdon.

1. M&J Excavation, Inc., Bloomsburg, PA. Bid- \$18,580. Bid Bond included.
2. Multiscape, Inc. Pittston, PA. Bid- \$27,530. Bid Bond included.
3. Bognet, Inc., Hazle Township, PA. Bid- \$33,442.97. Bid Bond included.
4. Franzosa Trucking, Hazle Township. PA. Bid- \$38,500. Bid Bond included.
5. Barletta Materials & Construction, Inc., Tamaqua, PA. Bid- \$31,750. Bid Bond included.

Courtesy of the Floor (ON AGENDA ITEMS ONLY):

Mark Rabo, 1st Street, Hazleton, spoke of Ordinance 2018-8 & 2018-9- taxing ordinances. He said voting on these ordinances would not be in compliance with state law. He said although the budget was amended, the ordinances need to be advertised correctly. Gavio said council was informed by Atty. Logsdon on the correct procedure to advertise ordinances in the newspaper. Rabo said Scranton has been in ACT 47 and have gone over certain tax limits in ACT 511 due to being under the Home Rule Charter. He stated although being under Home Rule Charter, a municipality cannot surpass taxation laws. He said if this is done, the city would be subject to litigation and challenge by tax payers. Mope said the realty tax percentage was brought down from 1.5% to 1%. Rabo stated several taxpayers, in the city of Scranton, have taken them to court due to the city surpassing the taxing laws. Rabo stated Ordinance 2018-12-

Regulating Parking within the City of Hazleton and Establishing a Schedule of Fines For Violations Defined in the Various Classifications of Said Regulations cannot be passed without the Planning Commission's process, hearing, and a zoning hearing decision. He said a resident may challenge the ordinance's validity.

David Sosar, 338 West 2nd Street, Hazleton, said regarding Ordinance 2018-12- the Planning Commission's duties are to establish a comprehensive parking plan for the city, but this was not done. He stated the city needs to go through all the steps for this to be completed. Sosar stated the increases in the parking fines are being done to make it "easier" for parking employees to make change. He said government is here for the people and protect the city's residents. He said raising fees for this reason is not a good idea. Sosar said government is not meant for this purpose. Sosar stated the city administration works for the people, not for the city employees.

Dee Deakos, 43 West Mine Street, Hazleton, said Ordinance 2018-12- Establishing a Schedule of Fines For Parking Violations states "any person violating Sections 1F, 1G, 1H, 1I and or 1J" is not included in this ordinance. She said Ordinance 2015-16 should be looked at. Deakos said the snow ban ordinance needs to state when a snow ban goes into effect in the city. She asked when it takes effect; for 3, 4, or 5 inches of snow. Deakos said a snow ban should be placed on the city website or announced on TV.

Old Business:

ORDINANCES

Ordinance 2018-8 An Ordinance Amending Ordinance 2017-29- Re-Enacting Realty Transfer Tax Provisions Pursuant to Article XI-D of the Tax Reform Code of 1971, and Authorizing the Department of Revenue of the Commonwealth of Pennsylvania to Determine, Collect, and Enforce the Tax, Interest, and Penalties (**2nd READING**)

Presented by Gavio. Seconded by Mope.

On the Question:

Mope made a motion to table this ordinance. Gavio said Atty. Logsdon stated it needs to be advertised, in the newspaper, correctly.

MOTION TO TABLE

Presented by Mope. Seconded by Gavio.

Roll Call: Barletta- yes; Colombo-yes; Mope-yes; Perry-yes; Gavio-yes

ORDINANCE TABLED

Ordinance 2018-8 An Ordinance Amending Ordinance 2017-29- Re-Enacting Realty Transfer Tax Provisions Pursuant to Article XI-D of the Tax Reform Code of 1971, and Authorizing the Department of Revenue of the Commonwealth of Pennsylvania to Determine, Collect, and Enforce the Tax, Interest, and Penalties (**3rd READING**)

ORDINANCE TABLED

Ordinance 2018-9 Re-Enacting Ordinances 1931, 1932, and 1933, which Continue in Force and Effect for the Period January 1, 2018 through December 31, 2018, Imposing the Real Estate Tax, Earned Income Tax, Per Capita Tax, and Resident Tax, Respectively (**2nd READING**)

Presented by Gavio. Seconded by Mope.

On the Question:

Mope made a motion to table this ordinance for the same reason as tabling Ordinance 2018-8.

MOTION TO TABLE

Presented by Mope. Seconded by Gavio.

Roll Call: Barletta- yes; Colombo-yes; Mope-yes; Perry-yes; Gavio-yes

ORDINANCE TABLED

Ordinance 2018-9 Re-Enacting Ordinances 1931, 1932, and 1933, which Continue in Force and Effect for the Period January 1, 2018 through December 31, 2018, Imposing the Real Estate Tax, Earned Income Tax, Per Capita Tax, and Resident Tax, Respectively (**3rd READING**)

ORDINANCE TABLED

RESOLUTIONS

None

New Business:

ORDINANCES

Ordinance 2018-12 Amending Ordinance 2015-16, Regulating Parking within the City of Hazleton and Establishing a Schedule of Fines for Violations Defined in the Various Classifications of Said Regulations (**1st READING**)

Presented by Barletta. Seconded by Perry.

On the Question:

Barletta asked Atty. Sean Logsdon if he looked into the steps for the Planning Commission to authorize this. Atty. Logsdon said he does not see this in the MPC 14 powers and duties of the Planning Agency's rules and regulations. Mope asked why Sections 1F, 1G, 1H, 1I, 1J are not included in this ordinance. Mayor Cusat said he is taking these sections, and amending Ordinance 2015-16. Atty. Logsdon said it is amending Ordinance 2015-16. Perry asked what are 1F-1J's violations. Colombo said the violations include handicapped parking, snow maintenance, missing inspections, 30 feet from a stop sign or signal, and prohibited parking. Colombo asked Mayor Cusat what the difference is between prohibited parking and handicapped parking. Mayor Cusat said the difference is when the city places an emergency sign or UGI puts up a sign for snow removal. Mayor Cusat said the original ordinance was written by him and Atty. Frank DeAndrea. He said the wording was taken out of the state police book. Mayor Cusat said there is a definition for each one. He said double parking is different from blocking a roadway. Mayor Cusat said that is why they need to be included in the ordinance.

Roll Call: Barletta-yes; Colombo-yes; Mope-no; Perry-yes; Gavio-yes.

ORDINANCE PASSES ON 1st READING

RESOLUTIONS

Resolution 2018-31 Awarding Contract for Catholic Social Services Sidewalk Replacement

Presented by Mope. Seconded by Barletta.

On the Question:

Tim Sisock of Barry Isett & Associates said the low bidder was M&J Excavation for their bid of \$18,580. Sisock said after reviewing the bid it is a responsive bid and takes no objection to the award.

Roll Call: Barletta-yes; Colombo-yes; Mope-yes; Perry-yes; Gavio-yes

RESOLUTION PASSES UNANIMOUSLY

Resolution 2018-32 Awarding Contract for Altmiller Park Improvement Project

Presented by Gavio. Seconded by Perry.

On the Question:

Gavio stated the Altmiller Park Improvement Project is awarded to Columbia Excavating LLC, at their price of \$267,194.45 in accordance with bid submitted on February 28, 2018. Mope asked Joe Zeller, Community & Development Director, if this money is from the previous budget or the 2018 anticipated budget. Zeller stated the money is being utilized from the 2017 budget. He also said the remaining money is \$87,000 from CDBG funds and from a DCNR grant and Greenways grant.

Roll Call: Barletta-yes; Colombo-yes; Mope-yes; Perry-yes; Gavio-yes

RESOLUTION PASSES UNANIMOUSLY

Resolution 2018-33 Appointment to the Zoning Hearing Board- Kevin Schadder

Presented by Colombo. Seconded by Perry.

Roll Call: Barletta- yes; Colombo-yes; Mope-yes; Perry-yes; Gavio-yes

RESOLUTION PASSES UNANIMOUSLY

Resolution 2018-34 A Resolution of the City of Hazleton Authorizing the Mayor to Solicit Interested Parties/Entities for the Naming Rights to Center City Park

Presented by Gavio. Seconded by Barletta.

On the Question:

Barletta asked Mayor Cusat what the plans are for the park. Mayor Cusat said the total cost is \$500,000. He said he has a \$450,000 grant but needs \$50,000 to complete the project. He is asking council for permission to seek naming rights for the \$50,000 to complete the project. Mayor Cusat said he needs the approval of council for this. Mayor Cusat stated he wants to secure the \$50,000 before springtime. Mayor Cusat said there are a few different changes. He said he will be having the final vote for the diagram. Barletta asked Mayor Cusat if he can forward the plans to council. Mayor Cusat stated the Hazleton Downtown Alliance has the current diagrams and will be forwarded to them. He said there is an easement for a side of the building to utilize the park that council has previously voted and approved. Mayor Cusat said there was a diagram for an ice skating rink but this has been “pulled back” due to funding. He

also stated there is a diagram for a side entrance for a staging area. Mope said she spoke to an attorney regarding this issue. She said the attorney stated it would not be in the best interest of the residents to place a name on the park. The attorney suggested the park should belong to the public. Mayor Cusat said he wants to make the name either center city park, central park or citizen park. Mope said the attorney suggested seeking an entity “putting” up all the money for the park. Mayor Cusat said he is hoping to get \$50,000 up front. Mayor Cusat said he is seeking an employee to maintain the park on a weekly basis with a long-term maintenance agreement and needs to be insured. Mope said it may be a problem if an employee would get injured. Mope stated there are advantages and disadvantages for this. Mope said she would like to know more about naming rights. Perry stated council needs to give Mayor Cusat the authority to “go out and find it”. Mayor Cusat said council will need to approve the contract. He said he wants to find someone to maintain the park on a weekly basis. Mayor Cusat said he does not want to pay an employee for 4 hours/week to maintain the park. Colombo said this is an asset for downtown and is in the best interest, for the city, to allow the mayor to seek \$50,000. Gavio asked the mayor to let council know of any offers he does get. Mope said she wants more information on titling and naming of the park.

Roll Call: Barletta-yes; Colombo-yes; Mope-no; Perry-yes; Gavio-yes.

RESOLUTION PASSES

Comments from the Audience: Dee Deakos, 43 West Mine Street, Hazleton, said there are many potholes between Vine and Locust Street (near Giant Supermarket). She suggested having some cold patch being put in the holes. She also said on Mine Street, there is a manhole cover that has sunk. Deakos said this needs to be addressed. Mayor Cusat said the road, with the potholes, is not owned by the city and is not a city road. He said he does not know who owns this road. Mope asked if this road has a name. He said no. Mope asked Mayor Cusat if he can send a notification to the owner. Fire Chief Donald Leshko said he will reach out to the owners. Mayor Cusat said it may be Grand Central’s driveway or Giant’s driveway. Colombo said the Highway Department is starting to make “hot patch” this week. He stated the cold patch does not “stay in”. Mope said the road is very bad. Deakos said Giant Supermarket is one of the biggest mercantile tax payers in the city. Mayor Cusat said they are the biggest with paying \$38,000 mercantile tax in 2017. Mayor Cusat said he would “love” to help them out. Colombo asked if the city plows this road. Mayor Cusat said no. Leshko said the company contracted by Giant Supermarket plows the road.

Judy Yurcho, 984 North Locust Street, Hazleton said she read in the newspaper and on Facebook that some ordinances passed were not legal and not advertised correctly. She asked how the city can have a \$400,000 deficit in the budget but passed a 30% tax increase. Mayor Cusat said this is the projection by PEL. Mayor Cusat said the city needed a 42% tax increase to replace the revenue stream that was removed. He said there was a 1.5 million revenue stream removed. He stated the tax increase that went through was 29.7%. Yurcho said the previous council placed a budget in place with no tax increase. Perry said the budget was unfunded. Yurcho said with a tax increase in the budget, the city still has a deficit. Mope said the previous council’s budget

had revenue placed in it and was decided not to use that budget. She stated the new council created a new budget with a 30% tax increase. Mayor Cusat said the previous council's budget did not include: \$600,000 in health benefit payments, did not include some employees' salaries, and the general liability insurance rate increased to \$185,000. Yurcho asked if the budget included any employee raises. Mayor Cusat said there were contractual raises included in the budget. Yurcho stated with the city being in ACT 47 that these raises should be put "on hold". Gavio stated regarding legal notices for advertising the ordinances and meeting schedule, city hall has been closed for weeks due to installing a new furnace. He said everything was advertised. Gavio said this has been an extraordinary year. He said council did seek the city solicitor's advice regarding this issue. Yurcho said the city is "coming" to the residents to fix their problems. She said government is there to help the residents. She said the city needs to generate and seek revenue. Mayor Cusat said he has spoken with Hazle Township supervisors regarding obtaining land from them. He said it needs to be put on the ballot for a referendum and then both municipalities would need to "merge". Gavio said there is a significant increase in population. Yurcho said the influx is from the inner city.

Mark Rabo, 1st Street, Hazleton, spoke of the on-street parking agreement. He stated the whole zoning map would have to be reconfigured for the city. Rabo said on his street he cannot park his truck because there is parking congestion. He said council needs to look into illegal property conversions. Rabo said to take care of the "root of the problem" which are the conversions. He said regarding the work session agenda, the food truck ordinance, he suggested amending the original ordinance for the transient mobile food trucks. Rabo said to put all the wording in "one" ordinance. He said the Redevelopment Authority owns all the parks and playgrounds in the city as of 2011. Rabo suggested the Redevelopment Authority "contract" the maintenance agreement out. Rabo said regarding the taxing ordinances, he suggested Atty. Logsdon review if this would need to go to court, for the implementation, due to being passed after February 15th, 2018.

David Sosar, 338 West 2nd Street, Hazleton, said city government is here for the betterment of the city residents. He said he has not seen a "tightening" of the belt. Sosar said the city wants to increase the parking fines. He said the city is allowing for more increases to be "put" on the backs of the citizens. Sosar said the residents do not make enough to afford the additions. He agreed with Gavio that there has been an increase in the city's population. Sosar said housing improvements need to be re-examined.

Comments from Mayor: Mayor Cusat said the number of current city's employees are down. He said there has been a recent fireman retirement, one police officer is off on leave, and the following departments have are without a community development assistant, city administrator, HR employee, and building inspector.

Comments from Junior Council: None.

Comments from Council: Perry stated that the city seems to be going "backwards". He said the police and fire departments have less employees now than years ago. He said the employees' salaries are less than years past. Perry said there is not enough of a tax base. He congratulated Colombo for being the Elks "Citizen of the Year" for 2017. Perry said he does a great job for the city.

Colombo reminded all residents of the Easter Egg Hunt on Sunday, March 18th from 1:00 – 3:00 p.m. at Columbus Park. He thanked Mayor Cusat, Fire Chief Donald Leshko, Tammy Martin, and Unico for all their help.

Mope asked Mayor Cusat how the hiring process is going for a city administrator. Mayor Cusat said he has some interviews on March 15th. He is keeping Gavio updated on this matter. Mope stated there will be a work session following this meeting.

Mope said there is a high elderly population in the city. She said administration needs to find different ways to fund the city without burdening the tax payers. She thanked everyone for attending the meeting.

Barletta wished everyone a Happy Easter. She reminded all that the city council meeting of March 28th has been cancelled and moved to April 4th. She said this was advertised in the newspaper.

Gavio also congratulated Colombo on his honor.

Adjournment: Gavio motioned to adjourn the meeting. Meeting adjourned.