

**MINUTES  
HAZLETON CITY COUNCIL  
REGULAR MEETING  
WEDNESDAY, APRIL 10, 2019**

**Call to Order:** Council met in regular session on Wednesday, April 10, 2019 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 March 27, 2019 Regular Meeting were approved unanimously.

**Presentations/Proclamations/Communications:** None

**Bid Opening: Contract for Road Materials- 2019-**

Atty. Sean Logsdon opened and read all bids for the City of Hazleton's Road Material's for 2019-

1. Asphalt Maintenance Solutions (AMS), LLC, Center Valley, PA. Item #15- Emulsifier- \$2.52 per gallon. BID BOND included.
2. M&J Excavation, Bloomsburg, PA. All items were bid on. BID BOND included. Total bid-\$186,750. Atty. Logsdon said this will need to be spread sheeted for the breakdown.
3. Franzosa Trucking, Inc. Hazleton, PA. All items were bid on. These will also need to be spread sheeted.
4. Hazleton Site Contractors, division of H&K Group, Inc., Hazleton, PA. Several bids were submitted. BID BOND included.
5. Eckley Asphalt, division of H&K Group, Inc., Hazleton, PA. Several bids were submitted. BID BOND included.
6. Midland Asphalt Materials Inc., Bloomsburg, PA. BID BOND included.
7. Pennsy Supply, Pittston, PA. BID BOND included.

Frank Vito, Department of Public Works Director, stated, in the past, Alan Wufsus, City of Hazleton's Engineering Technician, would put all bids on a spread sheet. Vito stated not "every item" goes to one contractor. It was decided by city council that Alan Wufsus will make out a spread sheet with all the bids by each contractor.

Mope stated all bids need to come in front of city council. She said the bid opening should be done prior to the city council meetings with a spread sheet ready for the city council meeting. She stated the engineer can "pick out" the prices for each item. Mope said city council will hold on the vote.

Barletta stated all bids need to be opened at this meeting, stating each contractor and their bid. When the spread sheet is completed, this will be sent to council, and resolution will be on the next city council meeting for April 24<sup>th</sup>, 2019 to award the road material's contractor's bids.

Gregg Pavlick, Barry Isett & Associates Engineer. He suggested the City Engineer's compile all these

bids, spread sheet them, and send them to city council for approval.

Atty. Logsdon suggested city council make a motion to table the bids.

Perry made motion to table bids. Gavio seconded.

Mope said if the spread sheet is finished tonight then city council can vote on this resolution.

Gregg Pavlick said he will find the lowest bidder. He said this has been done in the past. Pavlick stated city council can "act" on the lowest bidder based on the bids submitted, and "making sure" there are no discrepancies. He said he will review all bids to "make sure" they are "even", looking at the lowest unit cost, and provide this to city council.

**Courtesy of the Floor (ON AGENDA ITEMS ONLY):** Mark Rabo, 1<sup>st</sup> Street, Hazleton, spoke of Ordinances 2019-2 & 2019-3. He said he wants to speak about the alcohol and parades ordinances together. Rabo asked if the City's insurance carrier was contacted, and what did they "have to say" in case of a problem. He asked who asked for these ordinances; either the mayor asking the City solicitor or city council asking the City solicitor to put this "up" for a vote. He also spoke of Resolution 2019-22- Awarding the Contract for the Hazleton City Public Transit Bus Maintenance Garage Ventilation Project. He asked whether this part of the funding will come from the FFA matching grant. He also stated, at a recent Luzerne County Council meeting, the county is very "leery" of voting on the public transit matching funds. Rabo asked when the administration is going to "approach" Carbon and Schuylkill counties for these routes. He said these counties are not contributing.

Dee Deakos, 43 West Mine Street, Hazleton, spoke of the proposed Smart Watt street lighting replacement project. She said there have been comments thrown "back" and "forth", and she is concerned on "what is happening". She stated she "got" the City \$200,000 to help with the LED project. Deakos said the projected total light count, in the City, is wrong. She said the City is being billed for 100 more lights than the City has. Deakos said this situation should have been corrected in 2014 when the RFP's had "gone out" for this project. She asked who is responsible, in the City, for this not being done. She said PP&L should have done an audit. She said once the lights were being replaced with lower wattage LED's these lights should have been "turned in". She said someone is responsible for not notifying PP&L that the lights were replaced. She said there has been five years paying for lights the City does not have. She asked what the penalty is for this person not doing "their job".

Deakos handed out a breakdown of Smart Watt's and Commonwealth's pricing and lighting proposals. She said the proposal is for \$119,000/year for lighting. She said it "comes out" to \$68.00 per light. Deakos asked what the savings would be, for the City, if the audit was done. She said Dominic Yannuzzi was involved with this project. She said under the 2016 grant, under Co Stars, there was \$200,000 received. She stated, under Co Stars, the cost of per LED fixture was \$250.00. Deakos said the consultant would have told the City which lighting fixtures need to be replaced. She said there was three years with "no action". Deakos said it would be \$459,000 for materials. She said the contract should have been broken into segments. She said if the City bought the materials "themselves" then there would not be a mark-up. She said she watched a City employee change a street light in 20 minutes. She said, normally, it would take an employee an hour allowing for driving time. She said the cost would be about \$100.00. Deakos stated the City, currently, is in ACT 47. She said if this contract was "bidded out", this could have been done for \$150,000. She said Smart Watt's proposal is for \$615.00/per light, installation, and materials. She said the City is bidding on an \$800,000 contract, and this is very important. She said she compared these prices to Commonwealth. She said Commonwealth's proposal is cheaper. Deakos said the City does not need to increase their taxes any more. She said Smart Watt is eliminating a total of 50 street lights. She said the City would be replacing 1,300 instead of 1,700 street lights. Deakos suggested city council table this resolution.

Gavio stated city council will ask similar questions.

Judy Yurcho 984 North Locust Street, Hazleton, spoke of Ordinance 2019-2-Amending Ordinance 2004-15, Prohibiting the Drinking of “Alcoholic Beverages” Upon Any Public Access Property, Or In Any Vehicle Being Operated Or Parked Thereon, And To Prohibit Any Person To Have In Such Person’s Possession Or In Any Vehicle Under Such Person’s Control, Any Open Container Containing Alcoholic Beverage; Upon Any Public Access Property; And To Provide Penalties For the Violation Thereof. Yurcho asked if this ordinance is to have alcoholic beverages at the Hazleton Fire Department functions.

Gavio stated this is directed at City-sponsored events, i.e.- wine fests and Oktoberfest, and are controlled. He said city council and Mayor Cusat determines if these events are secure.

Yurcho asked if the City is willing to “take” a lawsuit from a resident who gets drunk at “one of these things.” She said the City will “not cover” everybody. She said a resident, can then, come back and sue the Hazleton Fire Department. She said the City cannot guarantee that someone “will slip” under the radar. She told city council to think “hard” about this ordinance. She said she does not want to see the City open to any lawsuits

Yurcho also spoke of Resolution 2019-23- Authorizing the Execution and Delivery of a Street Lighting Infrastructure Upgrade, Tax-Free Equipment Lease Purchase Agreement, with Related Documents And a Measurement and Verification Services Agreement. She asked why the City waited three years. Yurcho said this should have been done right away. She said this is why it is costing the City more money. Yurcho said the City needs to “jump” on things when it is beneficial for them.

Victor Perez, President of Dominican House, 32 East Broad Street, Hazleton, said for a long time he has been participating in the city council meetings. He said he has decided not to participate again because city council needs to resolve any situation, and city council as a congress, together with the executive chief, Mayor Cusat. Perez said, today, as a non-profit organization, and working for 13 years in the City of Hazleton, and celebrating their first parade in 2017, he is concerned about Ordinance 2019-3- Parades and Public Gatherings. He is asking who will benefit from this ordinance. Perez said “we” are the people of this town. He said the City of Hazleton has a population of 24,924, per the census, with a median age of 36.2, and a median household income of \$32,460. He said between 2015 & 2016, the population of the City of Hazleton, PA, declined from 25,017 to 24,954. He said this is a 53% decrease of the City’s median household income. Perez said the gross is between \$31,544 & \$32,460. He said this is a 2.9% increase from the income. He said this comes from 52.2% of the Hispanic population, 43.8% of the white population, and 2.65% of the black population. Perez said 48.8% of the City of Hazleton’s population speaks a non-English language, and 80.9% are U.S. citizens. He said if the majority of City of Hazleton is Hispanic, he asked why the City creates an ordinance to try destroying the community. He stated New Jersey, New York, Boston, Miami- Florida, and Massachusetts has Dominican residents in their parades. He said Hazleton is a small town. Perez asked why the City of Hazleton would create a problem if there is no problem. He asked why the City would require a \$1,000,000 public liability insurance policy to organize a parade for a non-profit organization. He said the Hispanic population does not receive any money, but is supposed to receive some support. Perez stated his group represents diversity. He said he and his group knows the law. Perez stated he is not at this council meeting to create a problem. He said he is looking for equality, and an opportunity to work together. He said the Constitution of the United States is for all citizens, and is trying to work together with everybody. He said we all need to work “united”.

He also stated he has some concerns with Ordinance 2019-2- Prohibiting the Drinking of Alcoholic Beverages. Perez said he will not talk about this point.

Gavio stated Jessica Medina is the City’s translator, and will help any residents who do not understand any issue in the city council’s meetings.

Mary Malone, 8 West Broad Street, President of Greater Hazleton's Chamber of Commerce, said she is here to speak on proposed Ordinance 2019-3- Parades and Public Gatherings. She stated the Funfest Committee is part of the Greater Hazleton Chamber of Commerce, and has enjoyed a great partnership, with the City, for over 40 years, for successful Funfest parades. She stated her committee meets with the mayor, fire chief, police chief, and DPW director to coordinate communications. She said she understands the "spirit" of the ordinance, but has some concerns on pricing, timing, and a detailed level of this ordinance. She said she is more than happy to "come up" with something that is equitable for all. Malone said the Chamber of Commerce purchases insurance for the entire event, either 2 or 3 day events. She said, for the parade, it is "well-over" \$500.00 for insurance for the particular piece. She stated safety comes first for the participants and the residents watching. Malone is asking for the opportunity to sit down and work with "folks" to make it the most efficient and effective for everybody.

---

**Old Business:**

**ORDINANCES**

**Ordinance 2019-2**

Amending Ordinance 2004-15, Prohibiting the Drinking Of "Alcoholic Beverages" Upon Any Public Access Property, Or In Any Vehicle Being Operated Or Parked Thereon, And To Prohibit Any Person To Have In Such Person's Possession Or In Any Vehicle Under Such Person's Control, Any Open Container Containing Any Alcoholic Beverage; Upon Any Public Access Property; And To Provide Penalties For The Violation Thereof  
**(2<sup>nd</sup> READING)**

Presented by Gavio. Seconded by Colombo.

**On the Question:**

Mope stated she was "worried" about this ordinance. She said she is not "against" anyone having a celebration. She said there is liability also involved. Mope stated she hopes every resident abides by the law and rules. She said every organization provides what they need- i.e.- security and fenced-off properties.

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

**ORDINANCE PASSES 3-2 ON 2<sup>nd</sup> READING**

---

**Ordinance 2019-2**

Amending Ordinance 2004-15, Prohibiting the Drinking Of "Alcoholic Beverages" Upon Any Public Access Property, Or In Any Vehicle Being Operated Or Parked Thereon, And To Prohibit Any Person To Have In Such Person's Possession Or In Any Vehicle Under Such Person's Control, Any Open Container Containing Any Alcoholic Beverage; Upon Any Public Access Property; And To Provide Penalties For The Violation Thereof  
**(3<sup>rd</sup> READING)**

Presented by Gavio. Seconded by Perry.

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

## **ORDINANCE PASSES 3-2**

---

### **RESOLUTIONS**

None

---

### **New Business:**

### **ORDINANCES**

#### **Ordinance 2019-3**

Parades and Public Gatherings (1<sup>st</sup> **READING**)

Presented by Gavio. Seconded by Perry.

#### **On the Question:**

Gavio stated he has met with four organizers of parades. He said they do have valid concerns. Gavio stated he looks forward from input from the Hispanic community, Hazleton Chamber of Commerce, and the Alliance. Gavio stated, currently, city council is looking into this. He said "none" of this is "set in stone". He said he looks forward hearing everyone's view to keep the parades and festivals safe. He would like to meet with residents to hear their concerns and suggestions.

Perry said the City is worried about safety. He said there should be a "lead" and "tailing" car/vehicle. He said city council is working "for the people". He said this "is the way it is supposed to work". Perry said city council agreed this ordinance needs to be "looked into", and is an issue. He said the first reading "does not mean anything at this point". Perry said most church parades have an ambulance in the back. He said crossing intersections always has safety issues. He said a proposal was put in by Atty. Sean Logsdon. Perry said Reading, PA has their own parade/public gathering ordinance. He said they require a \$500.00 security deposit, a \$100.00 application fee with proof of non-profit status, and includes blocking streets, closing streets, use of pyrotechnics or open flames. Perry stated if the organizations do not do these, then it is free. He said many municipalities have this for safety purposes and control. He said the intent is for the safety of the people and the viewers of the parades. He said the City does not know if these gatherings are being cleaned up. He said the City has never stopped anyone from having any these events.

Mayor Cusat stated the City has never denied anyone of having a parade or a block party. He said the concern comes when the safety of the participants and the rights of the residents, who live around the events, and are compromised. He said there has been noise and traffic issues at some events. He said there have been church parades where he almost got "ran over" on 5<sup>th</sup> Street and Alter Streets, in a parade that did not have a "tail" car.

Mayor Cusat said there needs to be regulations, put in place, for the length, duration, and safety of a function. He said it is not “too much” to ask for a “lead” or a “tail” car, and setting a limit. He said he cannot have everyone going up every street. He said some streets are PENN DOT streets that are being “crossed over”. He said it is not about the money, but about safety. He said there is nothing that regulates what needs to be “put” in place. Mayor Cusat said he did not create this ordinance.

Barletta asked Mayor Cusat what he thinks of this ordinance. He said he did not get a chance to “look over” this ordinance. He stated Atty. Sean Logsdon created this ordinance. He said, he thought, this ordinance was going to be discussed at another work session meeting. He said the City has never turned down any event. He said his concern is safety. Mayor Cusat said streets are not marked properly, and the City does not know the correct parade route. He said he agrees with the statement that the organization needs to be a charitable organization. Mayor Cusat said there are businesses that want to “block off streets” to have a sidewalk sale. He stated he does not agree with this. Mayor Cusat said this is considered a giant yard sale. He said the regulations need to include the name of the organization, the date, the reason for the event, the length of the event, and the safety involved. Mayor Cusat said if the event is at a public park, there needs to be a deposit for cleaning. He said the City does not need to pay to clean up their event. He said citizens “not involved” should not pay to have these programs cleaned up. He said every group is welcome to use the property. Mayor Cusat said Funfest gets the correct protocol, from the state, for all insurances. He said they block off the streets, and goes to “extremes” to make sure everyone is safe, and the timing is reasonable with the routes “drawn out”. He said other groups state “they would like to do this” with no regulations drawn out. He said there are no safety measures “in place”, what form needs to be filled out, and when music can be played.

Perry said there is no fee included in the ordinance. He said this is a “starting point”. He said other municipalities charge, for block parties, \$100.00 for barricades.

Mayor Cusat said the City “drops” off the barricades on Friday afternoons, on the street corners. He said the organizers will put them up themselves. He said it all depends on timing, and then there maybe overtime for several employees.

Dan Lynch, city administrator, said from a financial stand point, the logistics of a large parade and what kind of investment it is for the City as far as making sure the event is safe, it can be well in excess of a fee. He said, at this point, the fee represents a “buy in” from the organizers. He stated the costs are subsidized by the City because they are on city streets and are valued organizations. Lynch said these events are welcomed. He said parades can get “really expensive”. Lynch said this is not a “money maker” as no fee is. Lynch stated it is a “net positive”.

Mope stated this is in conflict with a fee schedule, already set up, for different “things” in the City. She said any ordinance of any type should come “into place”, then the ordinance needs to be amended because this ordinance states there is no fee. She said this came about at the last work session meeting. Mope said Mayor Cusat brought up his concerns with organizations contacting the City for parades and events. She said Atty. Logsdon created this ordinance due to the pressure Mayor Cusat “was feeling” with parades and processions. Mope stated she is not in agreement with a lot of “these things”. She said there needs to be some safety measures for the public and people involved. Mope said this is not a “work in progress” until city council gets input from everybody that this effects.

She stated her father was the main coordinator and president of the City’s Mummer’s parade. She stated she knows the logistics for the safety for the public and the participants. Mope said Mayor Cusat wants to ensure safety in the community when an event takes place. She said the City does not know what they ‘want in” this ordinance. She said this ordinance should have been on the

schedule months ago. Mope said Mayor Cusat feels this needs to be done with all the groups contacting him for their events. She said residents and groups can contact her, the City Clerk, or anyone who makes their telephone number available with any questions, concerns, or ideas.

She said she had some ideas about a sliding scale on anything that is being paid. She said the City does not want to stop a lot of the wonderful activities going on. Mope said what the City has needs to be “cherished and nurtured”.

Barletta stated city council will listen to all who has concerns. She suggested tabling this ordinance and discuss the ordinance at a work session.

Gavio agreed. He stated he has met with Victor Perez and many other organizations. He said this is an original draft.

Mayor Cusat stated at a work session, the public “does not talk”. He said this is why an item goes on the agenda to get public input. He said the City was not trying to “jump the gun”.

Perry said this is how it is supposed to work. He said any resident can contact Mayor Cusat or any city council members. He said there needs to be public input.

**Roll Call (Motion to Table):**

Presented by Barletta. Seconded by Gavio.

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

**ORDINANCE TABLED**

---

**RESOLUTIONS**

**Resolution 2019-21**

Contract for Materials 2019

**On the Question:**

Gregg Pavlick, Barry Isett engineer, stated he reviewed the contractor’s bids. He said the way the resolution is written, it “is not clear” for materials and delivery. He suggested city council table this resolution, at this time, until the next meeting. He stated there are contractors present at this meeting. He stated the contractors could see the grand totals after the meeting when he “tabulates” them. He will make a spread sheet with all the bids.

**Roll Call (Motion to Table):**

Presented by Gavio. Seconded by Mope.

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

**RESOLUTION TABLED**

---

**Resolution 2019-22**

Awarding the Contract for the Hazleton City Public Transit Bus  
Maintenance Garage Ventilation Project

Presented by Gavio. Seconded by Perry.

**On the Question:**

Ralph Sharp, Hazleton Public Transit Director, said this is not an FFA grant. Sharp stated FFA grant's are for aviation-related projects. He said this is for the Hazleton Public Transit's existing bus maintenance garage. He said he has received two CNG buses, in 2018, and three more buses will be coming in 2019. He said this ventilation is needed to store and work on other buses and other vehicles at the same time. Sharp stated the ventilation system helps if there is a gas leak, vents "open" up automatically and the internal air is exhausted out, and fresh air "comes back in". Perry asked if these are natural gas buses. Sharp said yes. Mope asked if these are for safety measures. Sharp said yes. He said the current and buses to come, and the new facility will not be completed for "quiet some time". Sharp stated this money is coming from a PENN DOT grant. He said it is through the P-3 project that deals only with CNG projects. He said this is paying for the fueling station and part of the new facility.

Sharp said every year he goes to Luzerne County council to obtain a local match. He said to obtain a PENN DOT operating grant assistance, Hazleton needs to get come up with a local match. Sharp stated Hazleton is getting \$2,051,000, in 2019, for operating funds. He said this pays for salaries, insurances, and anything pertaining to transit. He stated no transit funds come out of the City's budget. He said the local match required, to obtain these funds, is \$171, 000. Sharp said he goes to Luzerne County council each year, and they give Hazleton the local match for funding to maintain the busing system. Sharp stated this has been, in place, for over 25 years. He said, in 2019, since Hazleton "goes into" Schuylkill and Carbon counties, the commissioners asked Sharp to speak with Schuylkill and Carbon county commissioners to ask for their portion of the funds. He said Luzerne county's portion is \$153,000 of the \$171,000, Schuylkill county's portion is \$3,086, and Carbon county's portion is \$15,260. He said it was "tough" to get a meeting with these other commissioners. Sharp said Dan Lynch "helped" him get a meeting with the Schuylkill county commissioners. He said they could not "do it" because there are other transit agencies that "come" into Schuylkill county. He said he was refused by Schuylkill county. Sharp said he was having a "tough time" getting with Carbon county commissioners. He said he has been working, since 2018, with Senator Yudichak's office, dealing with Bill Richards. He said he has a meeting scheduled on April 15<sup>th</sup>. He was at the Luzerne County council's meeting on April 9<sup>th</sup>. He said he did receive the full amount, for local match, for \$171,000. He said if he gets it to \$15,260, from Carbon county, he will reimburse Luzerne county for these funds. Luzerne County council stated it is not Sharp's responsibility to solicit money from Carbon county commissioners. He said Luzerne county council members David Pedri and Larry Hauze will go "themselves". He said the county is funding the full dollar value. In 2020, council is considering "just" giving Luzerne's county's portion.

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

**RESOLUTION PASSES UNANIMOUSLY**

---

**Resolution 2019- 23**

Authorizing the Execution and Delivery of a Street  
Lighting Infrastructure Upgrade, Tax Free Equipment  
Lease Purchase Agreement, with Related Documents  
And a Measurement and Verification Services



## Agreement

Presented by Gavio. Seconded by Perry.

### On the Question:

Gregg Pavlick stated he did go over the information received. He said the COSTARS cost does not include a lot of the information to be completed. He said he is at this meeting from an engineering "stand point" to review the project. He was not the CDBG engineer at the time this "went" out for bid. He did review the information from this bid. Pavlick stated he made sure the bids received were valid at that time. He said, as part of the ESCO project, the group "goes out" and does the design work associated with it. Pavlick stated the information, as part of the design, that they did go "above and beyond" from past ESCO projects. He said they laid out the "whole grid" of the City, and all the lights "in place", and "not in place". He said they noted several discrepancies that existed. Pavlick said there were many man hours associated with this project. He said there were light level readings taken, analysis of the areas, looked at different areas to move lights, and provided a cost associated with the project. He said there was a "huge" effort put in from an outside or inside organization. He said looking at the cost for lighting, from a COSTARS level, and product the City is getting, he saw no issues with any information submitted from Smart Watt. He said, from the City's perspective, he thinks it is a good direction, for the City, based on the limited amount of resources internally. Pavlick said the City did not see any problems at all. Pavlick said he thinks it is a benefit to the City in the way the financing is "laid out". He said his company has "looked" at other ESCO projects in school district's in other municipalities. He stated, as his recommendation, is for the City to move forward based on the information at hand.

Pavlick stated he and Dan Lynch has spent "a lot of time" with Smart Watt. He said they were looking at the risks. He said there is "not much" risk with the guaranteed savings. He said the City is paying for the wattage of the lights. He said the wattage and lighting records will be put in place "by the group". He said after the first year, the City will "know" its savings. Pavlick stated these lights "will be good" for the next 10 years. He said there may be a few lights that will need to be "changed out". He said the amount of maintenance items, over the next ten years, will not be as great. He said the savings is not "even realized" in the contract.

Mope asked who the subcontractor will be for the project. Pavlick said he did get information on the subcontractor. He stated he does not remember the name of the subcontractor. Pavlick said the subcontractor has done several projects like "this one". He said he did review what the subcontractor needed to get done, and verified their references. Mope asked which financial company the lease will be through. Pavlick stated he does not have this information; Mr. Lynch has this information. Lynch said the interest rate was lowered to 4.1%

Barletta asked Lynch if he has an update regarding a performance bond. Lynch stated he has talked about a bond, not for the "actual" project, but a bond for the savings in the event that the City did not make the savings that was structured for the project, and if Smart Watt may be unable to meet their end and "make the City whole" on an error. Lynch has spoken with Smart Watt and the City's own insurance representative from Brown & Brown, Paul Pugielli. Lynch said this is a bond "on savings". He stated Smart Watt never paid on a GESA guarantee. He said the fact of them "being off" is extremely low. Lynch said he came up "with some numbers" that put the City in a scenario that the circumstances need to be very specific, and that the likely scenario the City is spending money "hedging" a bet that was a very "safe" bet. Lynch stated this is not a wise investment in that

way. He said if the numbers come back "extremely low", he would not recommend this. He said talking with Mr. Pugielli, he stated they will not be. He said the costs of the bond would have to be

exceeded by the error. He said it is for bonding "a certain amount".

Barletta asked if the City could "go after" our insurance company to pay the security/guarantee bond. Lynch stated he asked him because he is an expert in the insurance field. He said these bonds, generally, are for the projects that are larger, in scope, than a specific street lighting project. Lynch stated there are GESA projects that involve other factors. He said this can drive the risk "up a bit". He said there is not "a lot" of room for error. He stated Mr. Pugielli has a "ton" of connections. He stated this is a very specialized "kind of thing" the City is doing. Lynch said this is bonding savings which is unusual. He stated Mr. Pugielli has done a lot of work for the City.

Pavlick stated part of the contract includes workmanship bond for one year.

Mope asked if this bond needs to be signed, each year, by the mayor, to have the bond in place.

Pavlick said as the construction goes on, there is a performance bond signed before the project starts. The performance bond allows them if they did not perform, and to cover workmanship associated with it. Once the project is complete, then it goes into the warranty bond signed by two parties. He said this is a one-year warranty. He said there is a ten-year warranty for the lights.

Perry stated this project is self-funded, and something that is "rare". He stated the City will be making money. He said it will not affect the City's debt load, or borrowing power. He said Smart Watt answered any questions city council members had for them. He said this project needs to "get going". He said the City needs to do this, and do it quickly. He said Smart Watt has given a guarantee. He said there will be no cost to the City.

Pavlick stated the City will see immediate savings from this project. He stated there are a lot of lights not being paid for because PP&L will be notified.

Gavio stated he has met with Gregg Pavlick and Smart Watt representatives with any concerns.

Mope said she hopes any savings considered from financing beyond the City's payment to consider placing into a capital budget and pay the lease off "quicker". In the past, city council members have been asking for a capital budget. Mope said she wants to make sure the City is not "stuck" in the future. She said the City cannot start from "scratch" from the point where the City is now.

Pavlick stated at the end of the first year, with the contract, Smart Watt will be evaluating the City's savings associated with the project. He said then the City can "look" to see what they want to do with the money to move forward.

Lynch stated council woman Mope has a good point. He said this is what the City's objectives are. He said setting up a fund balance signifies stability and wealth. He said there are capital "needs" coming "down the line". He said the City is trying to look forward.

Mope stated she is a "saver". She said she doesn't want to see the City in the same situation it was in for prior years.

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

#### **RESOLUTION PASSES UNANIMOUSLY**

---

**Comments from the Audience:** Samy Attia, 621 North Broad Street, West Hazleton. He is here to talk about his building at 456 East Broad Street, Hazleton. He said, recently, he received a notice, from the

City's code department, that the building would be demolished in 21 days. He said, since 2017, Mayor Cusat and code enforcement has given him some time to fix his building. Attia said they stated there will be a lien put against the building. He said he does not want to demolish the building, but wants to fix it. Attia stated he came to City Hall with a contractor, to apply for a permit, to fix the windows and siding. He was told he needs to get an engineer, and was denied a permit. He said no one from the City went into his building to see what is going on. He does not wish to demolish the building. He stated, by the end of the summer, all the work will be done.

Charles Pedri, Code Enforcement Manager, stated this building has been in disrepair since 2011, and cited by the code office numerous times. He stated Mr. Attia purchased the property in 2015. He said, since then, it has been cited a "number of times." Over the last year, code has been trying to work with Mr. Attia trying to get the building "up to code". Pedri stated nothing has been done to this building since this time. Mr. Attia told Pedri the building may be sold. Pedri stated there are community development funds for demolition projects. Pedri sent out a letter, in March, to Mr. Attia to demolish the property. Mr. Attia came into the code office asking for the building to be repaired. Pedri told Mr. Attia he would need engineering drawings. Pedri said Mr. Attia wanted a \$65.00 permit to repair windows and siding on the building. Pedri said this would not "cut it". He said this has been "going on" for 8-9 years. Pedri said code enforcement has been targeting several buildings; Mr. Attia's building, a property on South Cedar Street and South Church Street, for demolition. Pedri stated the owner of the property on South Cedar Street did come into the code office. He did bring in drawings, and paid a \$9,000 permit fee for renovations on South Cedar Street property. He stated Mr. Attia asked Pedri for an extension. Pedri told Mr. Attia he cannot have an extension unless he brings in these documents. He said this property needs to be brought "up to code" or it will be demolished.

Mope asked Pedri if he needs to get an engineer to bring drawings, and show in good faith, that this project will be fixed.

Pedri stated Mr. Attia needs to let Pedri know how his property will be repaired, pay engineering review fees by a third-party inspector, and provide a permit. He said the whole cost, from the City's prospective, will be \$9,000 for the review and permit fee. He said also there will be an engineering and architect fee. He said the City has money, through Community Development, and wants to start these projects.

Mr. Attia stated he was told if he wants the time extended, he needs to do this "in writin". He stated Pedri did not look at the copy that was given to him. He said the contractor walked through the "whole" building. The contractor stated there is no engineer needed, and the contractor can do the work. Mr. Attia said the repairs will be done by the end of the summer. He asked why he needs to go through "all this work". He said this is not a new building.

John Keegan, 105 Ferrara Ave., Hazleton, commented about Smart Watt. He said at the Hazleton City Authority (HCA), they saved over \$1,000,000 due to having heavier electrical use for their pumps. He said the guaranteed savings is a "no brainer."

He said, regarding the HCA board members, David Sosar, current board HCA board member, has recently sold his home on Second Street, in the City of Hazleton, and purchased a property in Mountaintop. He said there is residency requirement to be on the HCA. Keegan said due to not living in the municipality or a municipality served by the HCA, according to the Municipalities Authorities Act, the only way he can remain on this board is to maintain a business within, or be a citizen of a municipality to which one or more of the projects extends. Keegan stated, he was told, Mr. Sosar has a business, at the Laurel Mall, with Jack Mundie. He made an inquiry with management at the Laurel Mall, and they have no record of a business there for Mr. Sosar. He also contacted Hazle Township representatives to see if there is a record of a business license. He was told there is no business license for Mr. Sosar.

Keegan stated he has been disqualified having a seat on the HCA according to this law. He said city council needs to move to replace him on this board. He said he is being paid, and it is not fair to rate payers in violation of this act.

Gavio stated he spoke with Smart Watt representatives. He stated he wanted to hear about the savings the City would receive. He said he contacted Randy Callahan, HCA Director, to see how the HCA project had gone, for them, with Smart Watt.

Keegan said there were two different projects done at the HCA. One was guaranteed energy savings, and the HCA saved a “ton of money”.

Mope asked Keegan if this included computer work, or was this a separate project. Keegan stated the computer project was a “mess.” Keegan stated the HCA was told, in 2004, to replace the computer. He said the cost was \$500,000, at the HCA, to re-create the data. He said the original program designer was brought in. He said she could not “resurrect” it. He stated this was a whole “different” expense.

Mark Rabo, 1<sup>st</sup> Street, Hazleton, spoke of Mr. Attia’s concerns for his building. Rabo said with the Blighted Property Committee, it would be their responsibility to determine if the property is blighted, then the City could take action to dispose the property, either demolition or sold. Rabo said Mr. Attia was willing to remediate the property. He said, therefore, under state law, the City needs to give him that benefit to remediate the issues. He said if the City “went along” with the demolition, Mr. Attia can sue the City, and get market value and any cost for suffering.

Rabo spoke of Resolution 2019-22- Awarding the Contract for the Hazleton City Public Transit Bus Maintenance Garage Ventilation Project. He said he attended a recent Luzerne County Council meeting. Rabo stated if they did not receive the transit contribution from Carbon and Schuylkill counties, they would be willing to “cut” their match. Rabo said these counties should be contributing. He said the ridership benefits Valmont and Humboldt Industrial Parks.

Judy Yurcho, 984 North Locust Street, Hazleton, asked Barletta if she is checking into any revenue from the City’s contract with the ambulance services. Mayor Cusat stated the City of Hazleton is still under agreement with Lehigh Valley Hospital. Mope asked how long the agreement is for. Mayor Cusat said the contract was renewed in March, 2014, and “automatically” renewed in March, 2019. He said he has been talking with other ambulance companies, but no one has “stepped up” with any type of agreement.

Yurcho said if the ambulance company is a separate entity, they need to take “better care” of the citizens of Hazleton. Yurcho said there is revenue there for the City to receive. She said she noted seeing Valley and other outlying municipality ambulances in the City. She said she is concerned for the people, in the town, because they are not getting the service they are due.

Mayor Cusat said Med Staff is second on Basic Life Support (BLS) list, and Valley Regional is second on Advanced Life Support (ALS) list. Mayor Cusat said McAdoo is “first due”, or Freeland is “first due” and then this leaves an opening in the City. Mayor Cusat said then the ambulance service would need to come from out-of-town. He said once an ambulance service “goes active” on the 911 list, they need to go to the call. He said once a 911 call is made, they need to respond to the first call. Mayor Cusat said no one has made an offer or giving the City money for the contract.

Colombo said the problem with the EMS system is that the system has been “broken” for years. He said they want to be the sole provider for the City. He said Lehigh Valley Hospital has been working with Mayor Cusat trying to address the problem. He said he has been working with EMS for a long time. He said the City cannot wait for Valley Regional, White Haven, or Nanticoke ambulance services. Colombo said these ambulance services need to add more employees.

Perry said the other option is for the City to “start their own” service, but this is very costly.

Barletta asked Mayor Cusat if he was 'putting' some proposals out. Mayor Cusat stated he has met with a few ambulance companies to discuss the issues in the City. He stated none of them are interested in a payment to the City.

Yurcho also spoke of the Parade and Public Gathering Ordinance. He said three city council members voted for "pouring alcohol" into City events. She said this seems "topsy-turvy". She asked them if they would be liable if anything would happen.

Gavio said he does not drink. He said he drinks at Disneyworld because it is "controlled". He said wine fest and Oktoberfest, in the City, are controlled events. He said city council is not promoting drinking.

Yurcho stated she doesn't want to see the City get "hit" with any lawsuit. She said the City needs to make sure they have the correct insurance coverage.

Lynch stated he has spoken with Paul Pugielli of Brown & Brown Insurance. He said there is a policy available, for the City, to purchase called an Alcohol Policy. He said this policy is for the City only if they would be serving alcohol. He said this is specialized insurance. Lynch said because it is City property, and there are outside vendors, the City would need to obtain a hold harmless clause. He said the City would be using only reputable vendors who are going to have their own alcohol insurance, and supply their own hold harmless clause via their insurance. Lynch stated the City would have their own general liability coverage. He said if the City would need additional coverage, an event policy can be purchased for this specific day. He stated these vendors are subjected to PLCB rules. Lynch said if there is an incident, the City would be named in the lawsuit, most often. He said that is why the City has insurance.

Yurcho said she has seen, on social media, people speaking of the "filth" in the City. She said people are talking about the garbage and graffiti in town. She said no one takes "pride" anymore, or takes care of their homes. Yurcho said these homeowners do not care about their properties. She said there is a quality of life in the City. She said she maintains her own property. Yurcho said we need to take pride in our town. She is hoping, when people are voting, to elect the candidate for the right reasons. She said the City cannot wait three years, for a project, when it is an election year. She said she hopes people get out and vote. Yurcho said she is not "willing" to give up yet.

Gavio said city council is trying "their best" to make the town clean and safe. He said it is not an easy job.

Ann Marie Kaschak, 832 West 12<sup>th</sup> Street, Hazleton, spoke of the EMS problem. She stated she has been working, in the City's hospital ER's, over the past few years. She said the money maker is called an interfacility transfer. She stated Lehigh Valley Hospital does not offer many amenities that are needed. She said there is "no one" to fix a broken bone. She said any type of surgery needs to be "transferred out". She said the ambulance services "jump" on an "IF" because it is "thousands of dollars" in payment. She said APT's transfer service has done "ridiculous transfers" for a tonsillectomy. She said it is all about the money. Kaschak said something has to change.

Colombo stated his crew picked up 150 tires, and 25 gallon jugs of oil, from Diamond Avenue, by Ruggiero's. He said residents dump their garbage, at night, when no one sees them.

Grace Cuzzo, 948 James Street, Hazleton, said Mayor Cusat stated he has renewed the original contract with the City ambulance service. Mayor Cusat said this contract automatically renews. Cuzzo said, looking over this contract, it states the City needs five ambulances available to use. Mayor Cusat said the last time he "looked over the contract" was 2014. He said there are no other ambulance services willing to take over "at this time".

Mope asked Lynch if he has a copy of the ambulance contract. She asked Lynch to send a copy to each of the city council members.

Barletta stated administration needs to “pull the contract”.

Colombo stated something needs to be done. He said having five ambulances, available in town, is not feasible.

**Comments from Mayor:** Mayor Cusat said after five years, the Smart Watt contract has finally had a “happy ending”. He said he has been working on this project since November, 2013, while he was a council member. He said it is the biggest, single safety measure undertaken by the City of Hazleton. He stated he brought this project “up” before he was “on” council and while he was the mayor, so it is not a campaign issue. He said, on the demolition list, back in 2016, he has identified properties on Broad, Poplar and Church Streets, and have “taken” down a few. He said he would rather fix the property than demolish them. Mayor Cusat stated these properties are not a “simple fix”. He said they cannot linger to be “havens”. He stated there are pipes and wiring missing from a few properties. He stated the City is not trying to take any properties off of a resident.

Mayor Cusat agrees with the garbage around the City. He said this “comes back” to when the garbage cans were removed. Mayor Cusat said the HCA sale, of the contract, to save \$27.00/year, and charge residents \$38.00 for the same can. He stated this did not provide any savings. He said half the residents have the garbage can, and half do not. He stated certain streets, in the City, are a “mess”.

He wished everyone a Happy Easter.

Lynch spoke of the legislation, in the City, for the parades ordinance. He said there is the executive side, in the City, and there are the police officers, on the street, trying to maintain safety. He said they are working in conjunction, with each other, then they present their issues to city council.

Frank Vito, Department of Public Works Manager, spoke of the bids for the Road Materials contract for 2019. He said the materials bid is basically “piece meal”. He said all five of the contractors will get “a piece of the action”. He stated he wanted to save time by awarding the Road Materials contract with a resolution, on the city council agenda, for April 10<sup>th</sup>. He said he wanted to consider the material bids alone, and keep the lighting, paving projects, or equipment bids for a different time.

Mope suggested having a portion of the bids opened at another time. She said there were problems, in the past, for misplaced bids. She said there were bids found in the garbage cans. Mope said this is why the bids were brought back to council to be open. She said when the bids are open, a department manager needs to be present at the city council meeting. She said the bids need to be “broken up”.

Barletta said the resolution will be changed to state “one calendar year”. She said there will be dates specified. She said the bid opening date needs to be advertised for the city council meeting. She stated, then, Alan Wufsus, City of Hazleton’s Engineering Technician, will have two weeks to place all the bids on a spread sheet.

Mope said it needs to be “bumped up”, and Alan would have time to get all the bids on a spread sheet, after the bids are open. She said Vito, would then, not be on the “wire” needing these materials.

Lynch said he and Barletta have been discussing this process. He said the process, as it stands, and conflicts with the city code, states “The contract, for the City administration, including but not limited to authority, as to the preparation of specifications, letting of bids, awarding of contracts, and payment of bills, here to for vested in the council, under Article 19, of the Third Class City Code, shall be vested in the mayor and the department of administration, to be exercised in accordance with procedures proposed by the mayor and approval of council.” He said he does not know if these procedures were discussed by this mayor and this city council as to the form of the awarding of the contract. Lynch said that is why it

states year 2018 because the budget is "set". He said if this is changed to calendar year then the City would be "binding" a future year's budget and this procedure would then involve city council.

He said there are no "clear cut" procedures. He stated the bids need to be open in the public. He said if the bids were open, during the day, at City Hall, then administration is bringing city council "prepared" information.

Mope said she fought "too hard" to get all bids open at the city council meetings. Lynch asked if this was done with a procedure proposed by the mayor and approved by council. Mope said city council always had bids opened at city council meetings. She stated the public participated, and an audience member would open up the bids. She said this process, was changed, a few mayors ago. Mope stated it is city councils "right" to have the bids open at their meetings. Mope said she doesn't want a resident to complain about anything being done "improperly". Mope said she will check the law. Lynch stated he just read the law. Mope said some residents cannot come during the day for a bid opening.

Vito stated it is up to the public to be here. He said the bids are open to the public.

Lynch said depending on the nature of the bid these material bids would be more appropriate being open during the day.

Barletta stated, currently, the bids are sealed and are time-stamped. Vito stated the problem is "no one knows what is going on". He said the City does not want to present this. He stated the department managers want to present city council with a spread sheet and city council knows "what is going on".

Lynch said he cannot speak about Mope's statements about past infractions. He stated if the bids are open in public and the information is presented to city council, and the rules are agreed upon by the mayor and city council, the bids may be awarded at a meeting. He said this would need to be done, as stated by the calendar year because it impacts the budget.

Barletta stated the bids can be open at the first meeting, and then awarded at the second meeting of the month.

Vito stated the City does not know the prices, for asphalt, with PENN DOT, until March of that year. He said the companies will not tell the City the prices, for 2020, until September, 2019. He said this becomes an issue.

Gregg Pavlick stated Barry Isett & Company does it a little different. He stated with HUD funding, he said sometimes organizations are not receiving their funding until September of that year. He said sometimes the bids are read at a city council meeting, and then awarded at this meeting as to move along the project. He said it is "tough" for the public to see the bids and review them. Pavlick said, for this reason, this is why a spread sheet is prepared. He said the benefits of reading the bids, prior to the city council meeting, are preparing a spread sheet, reviewing the bids, and city council is not voting on this because they are not ready to vote.

Mope said the public has the opportunity to hear these bids. She stated this gives the public an opportunity to participate, even if it is from "a silent seat".

Pavlick stated the contractors, typically, will be there if there is a bid due by a certain time.

Barletta said the bids can be open at a city council meeting, and then awarded two weeks later.

Mope said Atty. Logsdon, in the past, has "ran out of here" looking for bids. She said the problems have been straightened out. She said, currently, the bids are coming to the city clerk's office, time-stamped, and sealed. She said this is all done in front of the public. Mope stated this can be compromised.

Vito stated let the city clerk receive all bids, document everything, and then the bids can be presented to city council.

Pavlick said PENN BID is an on-line bidding process. He said the City has used this service in the past. He said he has avoided using this service through the City. He said, technically, this can get more "action" and bidders. He said they do not give the option to open bids at a meeting.

Barletta stated all bids, currently, are going to the city clerk's office. She stated they are being sealed, and this has been working out "pretty good".

**Comments from Council:** Barletta stated there are new PA state laws regarding handicapped parking. Mayor Cusat said the laws were changed in 2018, but go into effect in 2019. He said the municipalities can act upon them, if necessary.

Colombo stated if it is true when Mr. Keegan stated Mr. Sosar has moved from the City, then city council and administration needs to "look into this" and act "on this". He is working with Mr. Pedri on the garbage clean-up in the City.

He stated, on April 14<sup>th</sup>, there will be a Second Annual Easter Egg Hunt, at the City of Hazleton's Unico club. The Easter Bunny will be there with fun, candy, and games. He said the Easter Bunny will arrive on the ladder truck with Mayor Cusat starting the event.

There will also be a Easter Community Dinner at Holy Rosary Church on April 21<sup>st</sup> from 11:00 a.m.- 1:00 p.m. and sponsored by United Way, Lehigh Valley Hospital, Catholic Social Services, and the Hazleton Fire Department. He stated to contact him if anyone needs a dinner, and can be delivered to their home. He said there are volunteer's needed to prepare and serve the dinners. He said everyone qualifies, and no one will be turned away. He said, in 2018, there were 800 meals served. He said this is a good thing for the community.

Perry thanked the DPW employees for patching and paving the City streets. He commended Mr. Vito for all the good work. He also commended the City's police officers for all their work.

He wished everyone a Happy Easter.

He asked Atty. Sean Logsdon if he "looked into" Mr. Sosar having a business in the City. Atty. Logsdon stated Mr. Sosar never told him he has a business. Perry stated he wants the HCA board appointment on the next city council meeting agenda for April 24<sup>th</sup>, and wants "it open". He stated 25 people have applied for this position. Perry said if "this is unethical, it is unethical". He said city council needs to put a resident on this board who lives in the City. He said city council members can "look over" the applicants, and pick somebody for the next city council meeting.

Atty. Sean Logsdon asked Perry if the HCA has dealt "with this", and have they done anything.

Mayor Cusat stated there needs to be a formal removal of the seat. He said he does not know how to remove someone as it never came up. He said there needs to be an open seat before an appointment can be made. He suggested city council ask Atty. Logsdon to find out the process, of removal, to open the seat, before filling the appointment. Mayor Cusat said it needs to be determined if a seat can be removed by an appointing body, and then act from there, accordingly. Mayor Cusat said the City does not want to cause any lawsuits. He said not to "jump any guns" to end up in litigation.

Mope thanked everyone for coming to the meeting. Mope said she understands everyone's plight regarding the parade and alcohol ordinances. She stated city council is trying to "do the best" for everybody. She wished everyone a Happy Easter.



**Comments from Junior Council:** None.

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