

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

**Call to Order:** Council met in regular session on Wednesday, July 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 June 12, 2019 Regular Meeting were approved unanimously.

**Presentations/Proclamations/Communications:** — Pennsylvania Municipal League's Executive Director, Rick Schuettler, and the Director of Marketing and Member Services, Harry Krot, made a presentation of the menu of services available to the City of Hazleton and received questions about the City's recent membership in PML.

Rick Schuettler, Executive Director of the Pennsylvania Municipal League, thanked City Council and administration for the opportunity to speak and present their services offered. He also thanked the City of Hazleton for willing to rejoin the league. He stated he thinks the PML has something to offer the City of Hazleton.

He stated The Pennsylvania Municipal League's website is [PML.org](http://PML.org).

The Pennsylvania Municipal League was created in 1900. He said the PML is a non-profit organization. He stated the PML's mission is to strengthen, empower, and advocate for effective local government. Mr. Schuettler stated the PML has an array of services that can "make sense" for Hazleton. He said the PML has a full complement of training and development opportunities. He stated Anne McCollum is the Director of Training and Development, and can make anyone aware of the PML services. The PML runs the Pennsylvania Construction Codes Academy. He said any code officer that needs recertification, in the Commonwealth of PA, would need to go through the PML training. The PML also has the MATC (Municipal Administration Training Center). He stated there is an upcoming fall class and encourages employees to review. The PML acts as the flood plain consultant for all flood plain ordinances in Pennsylvania. He stated Wesley Rose is the Director for Flood Plains in PA. He said PML also does PATH (basic training) for all municipal officials, i.e.- planning commission 101, zoning 101, finance 101. He said the PML is one of the 49 state leagues that make up the National League of Cities. He stated as a member of the PML, a member has access to the National League of Cities talking about national issues and signature programs that would benefit the City.

Mr. Schuettler he has been with the PML for 18 years, and director for 6 years. He said before this, he was the Deputy Director for PML. He said the City of Hazleton has a long history of being involved with the PML. He said Jim Ferry, past City of Hazleton council member, was on the PML Board of Directors.

Harry Krot, Director of Marketing and Member Services for the PML, thanked council for the opportunity to present the PML's services and for the City of Hazleton becoming a member of the PML. He disturbed

the Pennsylvania Municipal League's services, PML history/mission, programs, information pamphlets, and sample documents to each city council member and administration. He said once the PML receives the City of Hazleton's information, the City will receive their monthly newsletter with a legislative locator for updates on legislative bills. He said the City will also receive a monthly update on their labor program- Pennsylvania Employer Labor Relations Advisory Service (PELRAS).

Mr. Krot spoke of a few signature programs given by the PML. He said there is a free service given to Members. This is called the Municipal Job Junction for cities that need to post for job positions/job openings, or any equipment for sale. He stated another service offered by the PML is research and inquiry service. He said this is for a City looking to implement an ordinance on the fire code and seeking a sample. He said the PML has membership with 105 members across the commonwealth as well as relationships with state agencies. He stated he can do minimal research and do the best he could to find the answer or point the City in the right direction.

Mr. Krot also spoke of their labor program- PELRAS. He said this is a very successful program entering its 38<sup>th</sup> year. He said the program works with Human Resources issues, managing and collective bargaining agreements, and best practices. He said the PML has a partnership with Campbell Durant, Beatty, Palombo & Miller Labor Law Firm, with offices in Pittsburgh, PA and Philadelphia, PA. Mr. Krot said this law firm puts "the training on". He said the annual summit is in the spring, every year in March, in State College, PA. He said the average attendance at this conference is about 500 members. He said there are, also, two regional meetings with one-day seminars. He said the "typical" members that attend are HR employees, finance directors, managers, police chiefs and police sergeants to learn more about labor law management contracts.

He said the next program is called the Municipal Utility Alliance Program (MUA). He said this is an initiative, started in the 1990's, and partners with Constellation Energy to provide competitive rates for energy needs, i.e.- gas and electric. He stated there are provisions to buy green energy. There are about 300 municipal entities across the commonwealth, water and sewer authorities with a few school districts. He said if a City has an energy contract expiring, they will receive a free quote on a rate.

Another program offered by the PML is called Grant Finder. He said a few years back, the PML bought each member a license to have access to a national database for state, federal, corporate and foundation grants. He said it is a "key word" search database. He said it states what the grant guidelines are and when the deadlines are. Mr. Krot said there is a flat fee, for their staff, if the City does not have the time to write a grant or the expertise to do so. He said there, also, are two purchasing programs. One is the Co-Stars purchasing program, run by the State of Pennsylvania. The second is the Omnia program, similar to the Co-Stars program, but is on a national basis, where the contract is already publicly vetted and municipalities can purchase off these contracts with no advertisement needed.

Mr. Krot said a program for unemployment compensation is one of the three insurance trusts from PML. This program has been around for 35 years and has been very successful. He said it is managed with cooperation with the State Association of Township Commissioners and Association of Housing, Rehabilitation agencies and the PML. He said there are board members represented from each of these organizations and is very well managed. Mr. Krot said there are 125 members of this trust.

He said anyone can contact him or go to their website. Mr. Krot would be happy to answer anyone's questions regarding the PML. He stated once the City of Hazleton gets "plugged" into the PML database, the City will receive the Legislative Locator, PML's monthly newsletter and the PELRAS update- PML's labor program and changes in labor laws.

Perry asked if city council and administration are the only ones that have access to this information. Mr. Krot said the PML has a member dashboard where a member receives a password to get data. He said a lot of the information is open to the public.

Mope asked if the PML is associated with any lobbyists.

Mr. Schuettler said he is a registered lobbyist. He stated the PML Director of Governmental Affairs, Amy Sturges, is an employee of the league and lead person. He stated, over the years, they have relationships with contracted lobbyists. He said the PML lobbies on the City's behalf.

Mr. Schuettler wanted to give a "shout out" to Gerry Cross and Matt Domines of the Pennsylvania Economy League. He said he has worked for many years with Karin Parrish, Senior Project Manager for Mullin and Lonergan Associates, Inc.

Mr. Schuettler said he was the City Administrator of Pottsville, PA, and is a graduate of Kings College. He said the PML has been very active with the small cell deployment issue-5G. He stated the FCC has issued an order, in 2018, creating caps on what a municipality can charge. He said the state is looking to further "pre-empt" local governments to govern the City's "right-away", what the City can charge, and what a City can do from a "zoning standpoint". He said it is a major pre-emption of what are the adherent rights of the governments. He stated this issue is "coming back" in the fall, and will get "harder and harder". He said this issue is "in the House". Mr. Schuettler said the citizens of Hazleton expect city council and administration to know what is going on with the right of ways.

He said PML is working on the local use of radar. He said Pennsylvania is the only state in the union that does not allow this. He said the vote is out of the Senate, and now the House will vote on this issue. He said the City of Hazleton should be able to use radar.

Mr. Schuettler said PML is working on the amendment to the fireworks law. The law changed a few years ago with a lot of problems in urban areas due to density issues. He said PML is working with sponsors in supporting these amendments to the bill.

He said there is a pension bill, currently, in the House, that PML is asking for support for. He said the PML has been trying for pension reform.

Mr. Krot stated the City of Hazleton has an opportunity to network with their peers and other elected officials, across the state, with an annual summit in the first week of October, in Pittsburgh in 2019. He said it "swings" to different cities each year. He said these are good educational programs. He said, each spring, there are district meetings, with the City of Bloomsburg being the host in 2019. He stated it is an evening program with a dinner. He said it will be easier for elected officials to "get out" to this event. There is also a capital conference, in February, a legislative event, held in Harrisburg.

Mope asked what the PML does if different municipalities have different views throughout the state. She asked how the PML represents the views of the municipalities that belong to the league, if half are in favor and half are opposed. Mr. Schuettler said PML has a policy development process and a policy manual that is on their website. He stated this is what dictates what the PML supports or does not support. He said the policy is written open and vaguely. He said every year the PML asks for resolutions to be put into their policy statement on issues. He said this is voted by the districts. There is a resolution committee meeting at the annual summit where these resolutions are considered. The resolution committee then votes on these. He said once it is approved, then it is put into the policy statement. He said 99% of the time there is an agreement on what the PML is doing. He said all members are full service municipalities that have their own police and fire forces, contract for police or have a full planning and community development staff. He said there is a policy development process that allows everyone to

“put something forward”.

Gavio stated he is sure that the current or future city council's will take advantage of their services.

**Bid Opening:** None.

**Courtesy of the Floor (ON AGENDA ITEMS ONLY):** Mark Rabo, 1<sup>st</sup> Street, Hazleton, spoke of Ordinance 2019-7- An Ordinance Amending Ordinances 1878, 1932, 88-52, and 2004-38, Providing for Assessment Levy, and Collection of a Tax for General Municipal Purposes and Imposing Additional Tax for the Sole Purpose of Funding Required Benefits to be Paid to or on Behalf of Pension Recipients Pursuant to Act 205, known as the Municipal Pension Plan Funding Standard and Recovery Act, which is Directly Related to the Pension Plan of the City of Hazleton. He asked if the City of Hazleton still has a \$1,300,000 deficit from when Mayor Cusat took this money, in the first two years in his office, due to a shortfall. Daniel Lynch, City Administrator, stated the City took a self-funded TAN from the pension fund (ACT 205) and was repaid each year as stated by resolution. He said it was a \$1,300,000 structural deficit. He said the pension budget was not bringing in enough revenue to cover the expense in the pension budget. He said the self-loans were repaid, in full, at the end of each year. He said there was no outstanding balance. He said they are two different things.

Rabo asked if this ordinance is “going towards” the year 2019 or 2020. Mope stated this is for the rest of 2019. Gavio agreed.

Rabo also spoke of Ordinance 2019-6- Ordinance Approving the Action Plan for 2019. He asked if the demolition money is going towards the properties on the list or for properties approved and ready to be demolished.

Grace Cuozzo, 948 James Street, Hazleton, spoke of Ordinance 2019-7. She said this was already approved by the court. She asked if the City is “putting the cart before the horse”. Cuozzo asked why the City is approving this “after the fact”. Mope stated she mentioned this to Atty. Sean Logsdon. She said it was a sunset law and was good until June, 2019. Mope said it already went to the court with the City putting the “cart before the horse.” She stated this should have come before city council first. Gavio stated this is what city council is passing now. He said, by law, every year, the City needs to “go to court”. Cuozzo asked what would happen if this fails.

Mope asked what would happen if the court approves this, but city council does not approve this. Atty. Logsdon stated this would then be stated as a violation of the Recovery Plan (ACT 47). Cuozzo stated the City has violated the Recovery Plan several times with no repercussions. She said taking this to the court before city council voting on this was wrong. Couzzo stated city council should have exercised their right.

Dee Deakos, 43 West Mine Street, Hazleton, spoke of Ordinance 2019-7. She said it is impossible to pass this until August. She asked if in July the EIT would “go back” to the original rate. She asked why this was not applied for earlier in the year. She said there may be a “tax-free” month in July and part of August until this is voted on third reading. Mope asked if Atty. Logsdon made this retroactive. Atty. Logsdon said yes. Deakos asked if the City can go retroactive on a tax. Gavio stated this was done last year. He stated the taxpayers had to pay when they filed their taxes due to the court's decision. He said also, in 2019, it is a continuing tax from the decision in 2018. Deakos stated it is not a tax until it is passed. Deakos asked if city council did see, in the court order, if it states the increase in the EIT tax would be retroactive.

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**Old Business:**

**ORDINANCES**

**Ordinance 2019-6** An Ordinance Approving the Action Plan for 2019 - (2<sup>nd</sup> **READING**)

Presented by Perry. Seconded by Gavio.

**On the Question:**

Barletta said there is \$100,000 in demolition. She asked Joe Zeller, Community Development Manager, for a list of the demolition properties. Mr. Zeller said he would send the list to city council. Barletta stated there are many properties that need to be demolished. She said she noticed a property in the City with “holes” in the foundation, steps “falling in” and high weeds. Barletta said this is unsafe and sad. She stated she would like to see more money going into the demolition fund. to clean up the City She also spoke of the recreation improvements. She said the City is putting \$60,000 in the City Vu Park for a pavilion. She said, currently, the 12<sup>th</sup> Ward Playground is unsafe. She said there is metal sticking out of the ground, high grass, swings broken, fences falling down, and benches broken. She said she would rather see all the parks improved for safety instead of improving one park. She said all parks, in the City, need to be safe.

Gavio asked Zeller if the City is able to transfer the money from one fund to another for improvements. Zeller stated it can be done if there is money left over from a specific project. Zeller stated he has been trying for several years to try to do something with the 12<sup>th</sup> Ward Playground. He stated the foundation decided to do fundraisers outside of the state. He said he has been in contact with the bank, over a year, to completely rehabilitate this playground. Barletta stated this park is unsafe and should be closed. She said this park has been in bad condition for several years. Barletta said she has spoken with a neighbor who stated, in the winter, the fences have fallen into the alley. She asked Zeller what the bank has said, recently, on what should be done with the playground. Zeller stated he is not aware. She said she would rather see the money going into street repairs. She said there are many houses falling apart with high grass. She said this is killing the quality of life. She said the City needs to do more property demolition and road repairs.

Gavio said the City is responsible if a child would get hurt at this playground. Mope said it is not “so much” as rehabilitating this property right now, but with metal “sticking out of the ground”, and an adult getting hurt as well. She stated the City would be liable. She said a City crew needs to go and make sure this park is safe.

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

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

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**Ordinance 2019-6** An Ordinance Approving the Action Plan for 2019 - (3<sup>rd</sup> **READING**)

Presented by Gavio. Seconded by Colombo.

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

## ORDINANCE PASSES 3-2

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### RESOLUTIONS

None

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### **New Business:**

### ORDINANCES

#### Ordinance 2019-7

An Ordinance Amending Ordinances 1878, 1932, 88-52, and 2004-38, Providing for Assessment Levy, and Collection of a Tax for General Municipal Purposes and Imposing Additional Tax for the Sole Purpose of Funding Required Benefits to be Paid to or on Behalf of Pension Recipients Pursuant to Act 205, known as the Municipal Pension Plan Funding Standard and Recovery Act, which is Directly Related to the Pension Plan of the City of Hazleton (**1<sup>st</sup> READING**)

Presented by Gavio. Seconded by Perry.

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

## ORDINANCE PASSES 4-1 ON 1<sup>st</sup> READING

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### RESOLUTIONS

None

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**Comments from the Audience:** Mark Rabo, 1<sup>st</sup> Street, Hazleton, said over the Fourth of July weekend, there was a directive put out, by Mayor Cusat and Police Chief Jerry Speziale, regarding the Quality of Life issue and fireworks. He commended the City of Hazleton's police department for their work in the fireworks issue that occupy a lot of their time. He said his neighbors state it is frustrating because the law is not being enforced. He stated there is a zoning ordinance that the police department can enforce, not just Charlie Pedri. He stated the recurring calls with problematic and nuisance properties can be shut down. He is asking what the Police Chief Speziale's and administration's plan is, moving forward, in enforcement of the City's zoning ordinance.

Rabo spoke of the fireworks law and PML working to amend this. He said he agrees with this. Rabo stated he hopes they are successful in lobbying our legislators. He said it is disgusting that legislators and governor amended the fireworks law that allows third-party vendors to go “across the state line” to purchase high-grade fireworks without any training. He spoke of a 11-year-old boy, in Pittston, Pa dying from a fireworks accident. He said the City and county needs to lobby our legislators to amend the fireworks law. Rabo said this cannot go on. He said this has been going on for two years.

He asked what the city council’s view is in the collection of the City’s delinquent taxes. Rabo stated the City does not have a contract to collect these taxes. Mr. Lynch told him the county collects the delinquent taxes and the City is using the county provider. He said the people have a right to know.

Anthony Mope, 531 South Hazle Street, Hazleton, spoke of the blighted properties in the City. He stated four of the five council members have been over to the property next to him. He said this has been going on for 22 years. There has been a condemned sign put on this property which the City was not aware of. He said code department put another notice on this house. He said it has been condemned 12 times. He said Mayor Cusat and Donald Leshko are aware of this property. He said there was supposed to be a decision by the end of June, but no decision was made. He said it is loaded with animals and skunks. He needs to put out five traps a day. Mope said if the City cannot afford to demolish the property to give him the property; he will tear it down “free and clear” and put it back on the tax base.

Atty. Logsdon stated this needs to be discussed with Charlie Pedri.

Barletta stated there are holes in the foundation. Jean Mope asked how many times this house can be condemned. Mope said there are pricker bushes and weeds taller than her. She stated she has pictures of the property. She said it is “brutal”. She is ashamed when her relatives come to visit. She said there are three houses in a row. She said the one on the end is from a Nescopeck “slum lord” with one being evicted.

Perry asked if a private owner owns the property. Gavio asked if it is bank owned. Mope stated it is on the tax claim at that time.

Gavio asked Mayor Cusat if City is in touch with the owner. Mayor Cusat said it should be coming up on the next tax sale. Mayor Cusat said if someone owns the property, the City cannot just “take” a property. He said the City cannot just start “taking properties”. He said the City finds the properties and sends out a citation or warrant out.

Mope said it is a safety and quality of life issue. She said she has spoken with Steve Urban and he stated she needs to get a process server in New York and attach the fee to the fine. She said the siding is falling apart with clapboard siding and hardly any paint, and it is disintegrating, on the side of the house. The windows are the original wooden windows from when the house was built with no paint on the plexiglass. She said the porch is caving in and pulling away. There are no back steps on the property. Mope asked Police Chief Speziale to take a drive by the property. She said it is a “mess”. Mope then showed pictures of this property to Police Chief Jerry Speziale.

Colombo stated he received a call regarding a property on Arthur Street. with an adjacent property having rats and skunks.

Joe Stanavage, 216 West Birch Street, Hazleton, said he was recently at Kirby Park in Wilkes-Barre. He said all he hears are good things about Hazleton, the Standard-Speaker, and the Chief of Police.

**Comments from Mayor:** None.

**Comments from Council:** Barletta asked Fire Chief Donald Leshko what the process is for the City when a property has fire damage.

Donald Leshko's response- *(inaudible)*.

Perry stated there is a property on Green and Cedar Streets, when Mayor Yannuzzi was mayor, that is still standing from fire damage. Perry said there are two properties on Green Street. Mayor Cusat stated one of the properties was to be demolished. He stated one owner came to City Hall to pay his permits. Perry asked if the property owner was going to fix "that thing". Mayor Cusat said he paid \$9,000 in cash.

Mope asked Mayor Cusat what is going on with the Poplar Street school. Mayor Cusat it is currently at a standstill. He said the owner is gathering "more money" to finish the project.

Barletta congratulated Hazleton Police Detective Jason Zola in his retirement from the force after 22 years. She thanked him for his dedication and service to the City.

Mope also thanked him. She said he was dedicated to the service and welfare of the City. Mope said he was undercover and solved a lot of the problems with drug dealers in the town. Mope said they are a great task force. She wished him a happy retirement.

Gavio also wished Zola a happy retirement. He said it is not easy job after all that time.

**Adjournment:** Gavio motioned to adjourn the meeting. Meeting adjourned at 7:00 p.m.