

**MINUTES  
HAZLETON CITY COUNCIL  
SPECIAL MEETING  
TUESDAY, DECEMBER 22, 2020**

**Call to Order:** Council met at a Special Meeting on Tuesday, December 22, 2020 via ZOOM Teleconferencing. The meeting was called to order at 6:20 p.m.

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

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

**Minutes of Previous Meetings:** The minutes of the December 11, 2020 Regular Meeting were approved unanimously.

**Presentations/Proclamations/Communications:** None

**Bid Opening:** None

Perry asked Atty. Logsdon if city council is okay with everything. Atty. Logsdon asked Perry if city council wants an Executive Session. The City Clerk made a "Breakout Room" for all five city council members and Atty. Sean Logsdon.

**CITY COUNCIL WENT INTO AN EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS.**

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**Courtesy of the Floor (ON AGENDA ITEMS ONLY):** Mark Rabo, 1<sup>st</sup> Street, Hazleton, spoke of the vetoes and based on the additional police officers. He reviewed the COPS grant application, and noticed on the appendix, of the application, states, "Grantees who cannot comply with the retention requirement and wish to request, an exemption, from the retention requirement, must submit documentation to support mitigating circumstances that prevent retention, and the COPS grant office will review each situation on a case-by-case basis." Rabo said one of the acceptable mitigating circumstances is that the City is declared a financially distressed area, by the state, or in receivership. He was wondering if the Hazleton Police Chief, Mayor Cusat, or the City Administrator looked at this provision and reviewed if they could apply for an exemption or mitigating circumstance to allow for the 46 additional officers even though the City will not meet the requirement this year. Rabo stated, the following year, the City may have met the requirement.

Rabo spoke of the stormwater expenses. He asked if the \$390,000 is for new construction that was stated, in a WORK SESSION, about one or two months ago, or is it for all the properties in the City. Rabo asked if the stormwater fee will be, enacted, for the entire City.

Police Chief Brian Schoonmaker said the police department filed other extensions for the DOJ grant. He said the City still has filed several other extensions and this is for retention. He said if the City hires other officers, they cannot keep them. Schoonmaker stated this does not apply for utilizing the grant. He said

the City still has to provide the funding and show that the City could retain them, for a period of time, beyond what the DOJ grant allows the City.

Perry said the stormwater question is not a fee and is a breakdown of what DPW pays for the portion of their stormwater work. Perry asked Atty. Logsdon if he is correct. Atty. Logsdon said he could “double-check” with Dan. Perry said it is just a breakdown of expenses and how the DPW uses their time. Atty. Logsdon stated the City’s ordinance does not have a “rain tax”, an individual fee, for each home. He said there is a *(inaudible)* fee for when there is stormwater management that goes along with developments. He said the City workers also do stormwater work but is not individual revenue that comes from each homeowner.

**ORDINANCES:**

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

None

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

None

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**RESOLUTIONS:**

**Resolution 2020-109**

A Resolution Reconsidering and Overriding the Mayor’s Veto of Ordinance 2020-30, Budget Ordinance

Presented by Perry. Seconded by Barletta.

**Roll Call:** Barletta-yes; Colombo-yes; Mundie-yes; Sacco-yes; Perry-yes.

**RESOLUTION PASSES UNANIMOUSLY**

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**Resolution 2020-110**

A Resolution Reconsidering and Overriding the Mayor’s Veto of Ordinance 2020-31, Fixing the Tax Rate of Real Estate (

Presented by Colombo. Seconded by Barletta.

**Roll Call:** Barletta-yes; Colombo-yes; Mundie-yes; Sacco-yes; Perry-yes.

**RESOLUTION PASSES UNANIMOUSLY**

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**Resolution 2020-111**

A Resolution Reconsidering and Overriding the Mayor's Veto of Ordinance 2020-33, Imposing Mercantile and Business Privilege Tax

Presented by Perry. Seconded by Sacco.

Roll Call: Barletta-yes; Colombo-yes; Mundie-no; Sacco-yes; Perry-yes.

**RESOLUTION PASSES 4-1**

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**New Business:** Perry said there is about a \$125,000 shortage and what Mayor Cusat said is not "on paper" to fund, the full, 46 cops. He said Lynch has the ability to transfer money as long as it is less than 5%. Perry said city council will recommend Lynch transfer this money. He said these minutes will be attached to the COPS grant application showing the City is funding this. He said when the City goes for the COPS grant, the City could say they fully funded them. Perry said city council wants to show that they are doing this every year. He stated the City will not match the 46 this year. Perry said the City wishes to have 46 officers but is not easy to come by. Perry said it was easier to transfer the money than re-amend everything in the budget. Perry said city council did not change anything in taxing and these ordinances are staying the same. He stated the City cannot just get rid of the mercantile tax. Perry said if they did, there would be a \$450,000 "hole" in the budget. He said the City wants to get rid of it in 2021. Perry said they will be working on this to give the residents and businesses something that is fairer.

Atty. Logsdon said he will get to work immediately on this process. He said council and the mayor want to make the City as "business-friendly" as possible. He said he will work with their consultants and administration for a way to get rid of the unfair mercantile tax. Atty. Logsdon said it might take a petition, a new ordinance, or going to court to get rid of this and replace it with a fairer way. He said in consult and in preparation for this meeting, Lynch, City Administrator, indicated they want to accomplish the same goal of funding a full 46 police officers. He said the transfer would occur in 2021. Atty. Logsdon said this will have to wait until next year. He said if there was no change in the budget, and there is no reason to do anything with the real estate tax rate.

Perry said nothing is affecting the residents as far as what is already passed and what council is doing now. He said PEL representatives, City Administrator, Mayor Cusat and all council are in line and happy with what they want to do here. He said it could have been accomplished earlier, but council got it done now, and they are all on the same page.

Mundie said the original budget had 42 police officers in it. He said this was the administration's error,

and not city council's error. He told Sam Galski, Standard-Speaker reporter, to state this, correctly, in the newspaper. He stated the mayor's budget had 42 officers in it.

Perry agreed. He said the total funding was correct, but the number was not correct. He said they are all on the same page. He said when the City goes for the COPS grant, they need to prove that they are fully funding the cops all the time.

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**Old Business:** None

**Comments from the Audience:** Mark Rabo, 1<sup>st</sup> Street, Hazleton, spoke of the Property Maintenance Code and for code enforcement. He said this needs to be "ironed-out" and tweaked. Rabo said training needs to be the "center-point" with the new code officers. He said a city code officer stated there needs to be a dead bolt on a back door and that this meets the Property Maintenance Code. Rabo said he reviewed the code and did not find it in there. He asked Atty. Logsdon to review this and send it over.

Rabo spoke of the City's tax base. He said there are people moving into the City and in the past three days, there are properties being sold, by reliable native taxpayers. He stated there will be a volatile tax base to where there will not be a reliable tax number to work off the budget. He said this needs to be addressed.

Rabo said the City needs to work on the non-productive assets and employ the ordinances already "on the books" to generate more sustainable, recurring revenue. He stated this is what was stated by previous City Administrator's and current City Administrator. He said the rest of the requirements of the ACT 47 Plan needs to be adhered to.

He wished everyone a Merry Christmas and Happy New Year. He said, hopefully, the City could "get this thing moving" with the COVID-19 vaccine. Rabo said he hopes Mayor Cusat could give the residents an update on the vaccine distribution from Lehigh Valley Hospital.

**Comments from the Mayor:** None- absent.

**Comments from the City Administrator:** None- absent.

**Comments from Council:** Mundie asked if everyone is safe with the COVID-19 outbreak at City Hall. Perry said he was at City Hall today. He stated the City Clerk was working and did not hear anything. Mundie asked Schoonmaker how his police department is doing. Schoonmaker stated all his police officers are "up and functioning" as far as COVID-19 is concerned. Leshko said his fire department is good. Atty. Logsdon said he spoke to Mayor Cusat today and he did not mention anything about an outbreak.

Mundie said John Nilles is doing very well after contracting COVID-19.

Mundie wished everyone a Merry Christmas and a Happy New Year.

Colombo said he, Perry, Mundie, Sacco, and Barletta had the honor of placing a wreath, at City Hall, in honor of Wreaths Across America. He said it is right in front of City Hall, on the right side, by the war memorial. He said he has been trying to get this wreath for a long time. Colombo said it honors all of

Hazleton's war heroes, living and deceased, who are still in harm's way. He stated we still need to remember our POW's and MIA's. He stated, "God Bless our military".

Colombo wished everyone a Merry Christmas and a healthy and happy New Year. He said, "bring on 2021 and hope it is better than 2020."

Sacco wished everyone a Merry Christmas.

Barletta wished everyone a Merry Christmas. She thanked everyone for getting together and is glad for the override for the City's residents. She said she wishes 2021 brings better communication and to not have to go this route again. She said she is looking forward to 2021.

Perry said the City is ending the year with \$500,000 cash. He said PEL had mentioned that the City has grown from \$394,000 the year before, \$500,000 currently, but does not include the upcoming payroll. Perry said the City is doing well, even with the COVID conditions this year, and losing a lot of funding and financial resources the City, usually, receives. He said working with PEL and working together, they could move the City forward. He stated there are better days ahead.

Perry thanked the City Clerk for all her work. He said she does hard work all the time. Perry said she does a lot of paperwork and "background stuff". Perry said no one see this, but council does.

Perry wished everyone a Merry Christmas and healthy Happy New Year. He stated for everyone to stay healthy in the New Year.

**Comments from Junior Council:** None-absent.

**Adjournment:** Perry motioned to adjourn the meeting. Meeting adjourned at 6:40 p.m.