

**MINUTES
HAZLETON CITY COUNCIL
WORK SESSION
TUESDAY, MAY 26, 2020**

Council met for a WORK SESSION on Tuesday, May 26, 2020 via ZOOM Teleconferencing. The work session began at 6:47 p.m.

In attendance were City Council President James Perry, Vice-President Anthony Colombo, Allison Barletta, Lauren Sacco and Jack Mundie. City Officials present were Mayor Jeff Cusat, Atty. Sean Logsdon, Dan Lynch, Fire Chief Donald Leshko, Ralph Sharp, Charlie Pedri, and Police Chief Brian Schoonmaker.

Perry spoke of the Proposed Operation and Use of Recreational Vehicles amendments. He said Atty. Logsdon updated this a little and changed the fine. Atty. Logsdon stated the fine is the big difference. Perry asked what the current fine is for the City. Atty. Logsdon said it is \$300.00. He said he took the forfeiture clause and fine from Philadelphia laws. He said if a resident is operating, on private property, they need to obtain a zoning permit and zoning approval for a recreational tract. He stated it is unlawful for any person to operate a Recreational Vehicle between the hours of 9 p.m and 7 a.m., Monday through Sunday. He said there are a lot of different things to limit this. He said it also, re-establishes, the fact that residents cannot fuel-up at a City gas station on a quad or ATV vehicle. Perry asked if this only covers the limits of the City of Hazleton. Atty. Logsdon said yes.

Sacco asked what the fine is to a gas station who allows them to gas-up. Barletta said the current fine is \$500.00. Schoonmaker concurred with all costs associated. Barletta suggested getting stickers for the gas pumps to let ATV riders know they cannot fill-up there. Schoonmaker said, currently, the gas stations are not allowing ATV's or motorcycles to "come up" to the gas pumps, especially in the Heights, but have been allowing containers or vehicles secured to trailers to gas-up. He said the police cannot stop this. Perry asked if it has stopped anything. Schoonmaker said it has not been "as terrible" the last few weeks. He said he will see as the weather prevails. Perry said anytime residents can catch someone would be good. Sacco asked if the City could put this on "orange paper", send it to the business owner, and say June 1st through September 1st if residents are caught filling up, there will be a \$1,500 fine. Schoonmaker said this would be more of a code issue then a police department issue. Pedri said whatever the ordinance states, the resident would be notified it would be a code violation, and liable for a \$1,500 fine. He said he can get some stickers for the pumps stating residents are not allowed to fill-up their recreational vehicle. Mundie asked Schoonmaker how many people have been fined, so far, for the fuel. Schoonmaker said, to his knowledge, no gas stations were in violation. Mundie then asked how the City is going to fine the resident \$1,500 if there were no \$500.00 fines given. Sacco asked where the residents are fueling up and getting gas. Barletta said the \$500.00 is going back to the gas stations. She said if they are caught fueling up, they would get the fine. She said the City has sent certified letters to all City gas stations, as a reminder. She said the problem is their riding is out of control. She stated, "enough is enough". She said they will kill a resident or themselves. Barletta said the City needs to "lay the law down". She said if they are caught, the vehicle can be impounded. Barletta said other states take the vehicle, line them up, and crush them. She said they do not want them back on the City streets. Barletta said they show the residents their vehicles getting crushed, and it has worked. She said Denver, Colorado has done this along with other cities. She said these vehicles need to be destroyed. Mark Rabo stated Southeast, PA has also done this. Perry agreed the City needs to do something. He stated he is sure a lot of cities have done this.

Atty. Logsdon said the penalty is forfeiture but the value of the vehicle, in its current condition, is in excess of two thousand dollars (\$2,000), or if the defendant does not own the vehicle and the owner did not know and could not reasonably known that the vehicle would be used in violation of this ordinance. Barletta asked why the City has to go with a value and to define it. Schoonmaker asked how the City is going to determine a value if it needs to be appraised. He said there will be an additional fee to have someone

appraise this. He said, currently, if they stop an ATV or motorcycle that are unregistered without a bill of sale, the City can legally abandon them. He said this has been done through multiple agencies. He said the City is going through this now with the PA State Police "taking on" a few vehicles with some vehicles being registered and some are not. He said he then files the paperwork to abandon the vehicle and issue the appropriate fines. Perry asked if the City keeps the vehicle. Schoonmaker said in certain cases, yes. He said sometimes they allow the businesses to abandon the vehicles and they can get the money for the storage of the vehicle.

Barletta stated in many cases, people get their vehicles back and are back on the roads. She said this happens in New York and other areas and the vehicles are destroyed. She said then they would need to buy another one and, hopefully, register them. She said she knows people who do this; they are back on the road two years later causing trouble. She said it is the same people. She said something different needs to be done with higher fines. She said the City needs to get a strong message out there. Schoonmaker concurred. He said increasing the fine would hurt people in the pocketbook. He said then they would need to pay the fine and fight to get their vehicle back. He said the vehicles that are forfeited can be destroyed. Perry stated the City can take the vehicle only if it is not legally registered. Schoonmaker if the police pull over someone riding an ATV that is not registered and not insured with no bill of sale or title, the City can do abandon paperwork which costs the City \$25.00. Barletta asked why it costs the City \$25.00. Schoonmaker said the City would be the one abandoning the vehicle. Barletta asked if the City could do it on their own. Schoonmaker said as long as the City can provide the vehicle can be abandoned. Barletta asked how the City obtains this information. Schoonmaker said through title or VIN searches on the vehicles. Barletta asked if the City needs a "salver" or can the police department be the "salver". Schoonmaker said he will check but is almost sure the police department can be the "salver". Barletta said this would be good because then it would be the City's responsibility and the vehicle would not go back on the road. Perry asked if the City is doing this right now. Schoonmaker said the tow companies has it, the City would abandon it through them, and they are the "salver" and then recoup it. Barletta said if the City has the vehicle, it would be destroyed and send a strong message out. She said these cities are lining the vehicles up, with the police officers and mayors present, and posting it on You Tube. She said people would then know they would not want to be caught in Hazleton. Perry agrees. Mayor Cusat said he agrees; he wants to "destroy them" in the worst way.

Mark Rabo, 1st Street, Hazleton, asked what happens to the people transporting ATV, dirt bikes, and storing them. Schoonmaker said there is no law against transporting them unless it is a stolen vehicle. He said the police cannot fine people who have a storage facility and allow them to be stored there. Rabo asked if they are transporting across state lines. Schoonmaker said most of out-of-state riders are decent and registering them. He said the problem is with the local individuals causing problems with the ATV's. Barletta asked if they could drive at a 90-degree angle crossing the road with no problem. Schoonmaker concurred. He said they can cross the street to access the next pass or trail which is different when they are "taking off" down the road. Perry said they ride everywhere, Diamond Avenue, Broad Street and Poplar Street. Schoonmaker said the PA State Police has stepped in and helped the Hazleton Police Department with their jurisdictional boundaries and chasing them outside the City. He said the police department has a lot of constraints. Perry asked if they confiscate the vehicles. Schoonmaker said yes; they follow the same rules. Perry said this would increase the fine to \$2,000. Barletta asked, if by law, if the City needs to determine the value of the vehicle. She said if the City, "gets it, they get it"; it does not matter the value of it. Atty. Logsdon agreed. He said he included this as the sample that they were using. He said the police officers cannot "stand there" to try to determine the cost. Atty. Logsdon said the fine would be \$2,000 with an exception (**audio inaudible**).

Leshko asked if there will be a provision, in the ordinance, for City-owned ATV vehicles. Schoonmaker said as long as the vehicle is registered and acquire the correct permits. Leshko stated he does not want somebody to "come back" (**audio inaudible**). Schoonmaker stated the amendment states that this is allowed for special events and have the appropriate permits, which the City would control which permits are issued, i.e.- Funfest. Leshko said he is worried someone will complain.

Sacco asked if an ATV or quad is pulled over, and they have drugs on them or in a backpack, and the drugs and money are collected, does this stay with the police department. Schoonmaker said this can be seized, through the county, and the county would forfeit it and send the police department an appropriate amount of money. He said this did happen recently.

Rabo asked if the zoning ordinance can be cross referenced in regard to storage being used as a base of operation. Pedri said if it is determined they are operating a storage facility as a business, and not as personal storage, they would be violating the zoning ordinance. He stated if it is a residential area, there can be a notice of violation issued. He said this can be done on the current, existing ordinance. He said he has no problem doing this if they are storing them and working on them. Rabo asked about the Quality of Life Ordinance. Pedri stated there are different issues in the Quality of Life Ordinance. He said he would rather "stick" with the zoning issue. He said if the facility is in a commercial area, then you need to look at their certificate of occupancy for this commercial area. Pedri said if they are violating this then this is different. Rabo said the storage units, that were being used, were not in commercial- zoned districts. Pedri said if this is the case, he would then issue a violation right away. He stated the "more tools you have, the better off you would be". He said the zoning aspect is one tool to utilize and has no problem doing this. Rabo said maybe Atty. Logsdon can give Pedri this as a re-enforcement. Perry said Atty. Logsdon will work "this up" and add these things into the ordinance.

Pedri said there needs to be a better definition for recreational vehicle. He said if it is not in the ordinance, the definition needs to be specific. He said this is an issue that needs to be taken care of. Schoonmaker said the City can use the, same one, from the Pennsylvania Vehicle Code, defining a recreational vehicle, or use the one through the Game Commission. Perry said we need to tell the residents, "If you see something, say something". Pedri stated several people will call or talk to him and they let him know where they are coming from. He will then refer them to the police department, right away, to investigate. He said he gets a lot of calls, from citizens, notifying him where the people are working on quads, and this is checked out. Colombo said the problem is the people on their quads have friends who have police scanners, they know the police are on the way, and then they disappear. He said we need to outsmart them. Schoonmaker said the police department is trying to use several apps, on the computer, that were acquired, by Mayor Cusat, through FirstNet. He said this is like a ZOOM meeting only the officers are on the phones coordinating their efforts and a little less on the scanner. He said there is a problem with noise complaints in the City. He said when they hear the police are coming, on their scanner, the noise is turned down.

Perry spoke of an Ordinance Amending Ordinance 2015-16, Regulating Parking Within the City of Hazleton and Establishing a Schedule of Fines of Violations Defined for Various Classifications of Said Regulations. Atty. Logsdon said this is a relatively simple amendment to the normal parking ordinance. He said it is basically like parking by a fire hydrant. He stated this amends Ordinance 2015-16. Mundie said towing, in the ordinance, is very vague. He said there is nothing specific. Mundie asked if this is a judgement call. He said he knows that some City fire trucks cannot get out. He said, maybe, the City can put signs up. He said there are many houses in alleys and courts where the elderly and handicapped park. He said they need to park there and cannot park a block away. He said they cannot walk and have been parking there for 30-50 years. He said he does not know how many are the "smaller alleys". Mundie asked if anyone has checked how many alleys there are. He said when there is a snow ban, in the City, people park there. He said this would create a major problem, and, sooner or later, someone will be shot. Mayor Cusat said it is not possible to limit all alleys and courts, currently, because there are too many cars in the City. He said the City can do something, like the snow ban, to pick a certain side of the street to park on. He stated it is getting, to the point, where the City will need to look for parking lots and have off-street parking throughout the City proper, especially the North section of town. Perry said the Northeast section, especially by the Hazleton High School. Mundie said the City needs to identify the

alleys that are smaller which the firetrucks have a problem getting through. Mayor Cusat said the City needs to identify the ones that are a problem, create a list, just like it is done with the snow ban where the yellow signs are set up. Mayor Cusat said there is 1400 City blocks in the City. Mundie said the City would need to do a study. Mayor Cusat said to add to it; create with five or six streets the ones that are a real problem and add to it slowly. He said there are 35,000 residents, in the City, with about 40,000 cars. He said it is impossible. He said you can only park 7 cars per block. He said there are too many vehicles in the City. Mundie said the fire trucks need to get through. He stated the City needs to identify the small alleys that are the problem. Perry asked Leshko if he has any ideas. Leshko said the fire trucks cannot stretch through the courts. He said he told "his guys" not to pull in the courts because they are tight. He said some ambulances have a problem with pulling into some courts. He some people park in courts, and the ambulance pulls in. Leshko said this is a big difference. He said he limits the fire trucks to drive into courts to prevent damage to the trucks, and take it, "out of service". He said there may also be a building collapse. Leshko said plowing some of the courts, sometimes, is an issue in the winter. Barletta said it does not have to be every alley, but the City needs to make a list. She said some alleys are wide enough, 15 or 30 feet, but a car that is 7 feet wide cannot get through. She said she does not know how Frank Vito, DPW Director, can get through with a plow truck. She said her big concern are the City residents. She said she could not get through a lot of alleys in her SUV in the middle of the day. She does not want it to be a safety issue. She asked how an ambulance is going to get to a residence. Barletta said she did not know there was "nothing on the books" until she researched this. She said, maybe, a list can be made of alleys and courts that people cannot get through. Barletta said the City can make a list and mark the smaller alleys. Mundie agreed. He said smaller alleys can be marked as NO PARKING. Rabo said the town of Bethlehem registers people, on holidays and weekends, who come to visit. He said then they know if there are any additional vehicles in the City. He said then the fire and police departments would know there are more vehicles then there are for residents. He said having a list of resident's vehicles in the courts and alleys, for weekend and holiday use, would need to go to the zoning or license department for the application. Mundie said this is not a bad idea, but the ACLU looks at everything. Rabo said you are not asking people what they identify as, but require registering, with the City, if they are there for the weekend or a holiday. Perry said the City does not have enough manpower for this. Sacco agreed.

Barletta asked what everyone thinks of making a list of the courts and alleys. She said there are some where a resident can park on both sides, but some that are only 15 feet wide. She said they are very tight and does not want a fire truck to be prevented from going through. Mundie asked if the engineering department can make a list of the small alleys in the City. He said then the City can go from there. He said, in the meantime, he asked Barletta how many alleys were small on her travels. She said about 9 to 10. Mundie said this is a start. Perry stated there is about 15 to 20. Barletta is also thinking of first responders. Schoonmaker said Leshko should have a decent list of alleys, to begin with, where there are problems. Leshko said anywhere north of Diamond Avenue and west of Church Street are the toughest spots. He said his department will start making a list of courts that are hard to get through. Mundie asked Leshko how many times the fire department could not get down a court or alley. Leshko said there were a few times. Leshko stated off the center part of Pine Street, he redirected the fire trucks from the courts as not to damage the trucks. Mundie concurred. He said some courts are small just with the cars. He said he needs to protect our trucks. Leshko said another problem are low lying trees in the courts. Mundie agreed. Perry said the City will keep a running list.

Perry asked if the City resumed issuing parking fines on the City meters. Mayor Cusat said the first week the City gave warnings for street sweeping. He said street sweeping started on May 18th. He said the City is still giving warnings out. Perry asked if there will be fines on the meters, currently, or is the City waiting until the county is opened due to the pandemic. Mayor Cusat stated the employees should be doing the meters now, but one employee resigned. He said he does not know, currently, where the perking

authority is with this. He said the first week, downtown, the residents were given a warning, but it is back to normal now.

Atty. Logsdon asked Perry, regarding the city council meetings, and Luzerne County going into the “yellow phase” on May 29th, 2020, after the pandemic, if the meetings would continue over ZOOM or resume at City Hall. Perry said he would like to see everyone go “back in” but if everyone does not want to can call in. Rabo stated this would be up to the office of open records with the state. He said they would need to give notification to all local entities because Luzerne County is still having virtual meetings and all entities, with the county, including the Redevelopment Authority, was told not to do live meetings until told to do so by the state. Perry told Atty, Logsdon to look into this. Mayor Cusat said he will be at City Hall for the next city council meeting. He stated anybody who wants to join him and continue the ZOOM meetings for the public. He said he needs to lead the way and will be at City Hall and if anyone wants to join him and ZOOM from there. Mundie said if Mayor Cusat is at the meeting, he will also attend. Perry said the city council meetings are once a month in the summertime, (June, July and August). Pedri said the Hazleton Zoning Hearing Board meetings will resume, the second week in June, with two meetings in July and August. He said there are about twelve cases he could not have hearings for due to the coronavirus pandemic. He said he needs to get “moving on these”. Barletta asked Pedri if he can send city council the zoning meeting dates. Pedri said he will send to all.

Rabo said there is a bill, in the senate, for the Veterans Affairs and Emergency Preparedness Committee, on the COVID-19 cost and recovery. He said they are forming a committee for getting the cost assessment of all COVID-19 expenses for the local governments and state government agencies. He said it is House Bill 2419, COVID Cost and Recovery. He thinks it would “behoof” the City to get the cost out, get it together, and get money to recoup the funds.

Mundie asked if City administration is working on a letter to send to the state government requesting grants due to the coronavirus. Mayor Cusat said he is still “pressing for it” with everyone who still has their “hands in it”. He did not forget about it. Mundie said, maybe, a formal letter needs to be sent from city council, and if other local governments write letters, they will look at it more closely. Mayor Cusat agreed. Perry said everything would help. He stated PEL and DCED are looking over the City’s finances daily. He said, he thinks, there will be money filtering down to the City with DCED being part of it. Perry stated with the City being in ACT 47, they will be in better shape than a lot of municipalities. He said the City may need to borrow money at the end of the year. Mundie agreed; he said being in ACT 47, the City will be first, in line, for any grants or money. Rabo said Chester County is in financial emergency due to COVID-19 with their general fund balance being at zero. He said Hazleton should, then, be second or third in line.

Sacco spoke of a massive clean-up scheduled for the City. She said the garbage hauler will pick up garbage from the curb versus a one “drop-off point”. Colombo said he secured the cleaning supplies that are needed, like an Earth Day would be, to clean-up Hazleton. He said he has bags, gloves, and vests. Colombo said they would work, in conjunction, with the DPW Department, to pick-up curbside. He asked if there will be another recycling event in the City. Perry said this would help Pedri out in the code department. Pedri said the only thing to be careful of is electronics being put out in the garbage. He said these cannot be gotten rid of. Pedri said there will be a shredding event, in July, after the pandemic is over, and then, again, in the beginning of the fall. He said this is a costly situation. He said the City paid \$6,000 with the HCA (Hazleton City Authority) also paying \$6,000. He said the City also received \$13,000 in grants with another \$6,000. He said it is a very expensive event, costing about \$30,000 “some thousand dollars”. He said they can do a clean-up, but they need to make a list of areas that need a clean-up. He said to be careful with electronics. Perry said these items are seen, a lot, on the Hazleton Beltway. Colombo concurred, many televisions and air conditioners.

Sacco said on the City of Hazleton's website, on the home page, there is a button called, Living Here, and asked if there is a way to put the basic things that are expected out of a resident, i.e.- what to do if buying a home, acceptable colors to paint home, or garbage days for certain areas in the City. Mayor Cusat said he has been talking about updating our website before the coronavirus pandemic occurred. He said as soon as the COVID-19 is under control, he will need to look at the City's finances that are left. Pedri said the zoning and occupancy permits need to be put on our website. He said it needs to state, to the resident, how they operate, and with the correct forms. He said if the resident is caught, then there will be an issue. He said a lot of people do not worry about it when it is a cash deal. Pedri stated then the procedure will be on the website to let the residents know what needs to be done. He said if the resident rent's out a house, it needs to be registered and inspected. When buying and selling a house, it needs to be inspected. Mundie asked if the title companies get involved. Pedri said he deals with title companies all the time, and they do not care. He said if it is a bank, they do care. Mayor Cusat said he and Atty. Logsdon are working on an ordinance that is going to fine abstract and title companies for not making it hard on closing documents. He is waiting to get through COVID-19 to first introduce this. He said this is something he and Sean are working on and expect to handle before the end of the year. Mundie said this is a great idea. Atty. Logsdon agreed; he is working on putting it together and will have a draft, out there, as soon as possible. He said the City must wait due to the coronavirus pandemic. Perry asked Pedri if he receives many complaint calls. Pedri said he receives calls, from neighbors, and the part-time code officers are doing a lot more inspections. He said they are told they can continue their work, but are told to come to City Hall, before 4:00p.m., to pick-up their permit. He said 95% percentage, of them, come in. Perry asked if there are a lot of out-of-state contractors. Pedri said yes. He said they need to come in, register, and need to provide the Attorney General number to them. He said if they are out of state, this is fine, but in order to work on a residential property, in Pennsylvania, they need to have an Attorney General number. He said if they do not have the Attorney General number, they are not allowed to work. Perry asked if a business is exempt from this. Pedri said no, they are not exemptions. Perry stated he noticed a business, on Broad Street, that has a state contractor doing work, and was wondering if they should be doing this. Pedri stated when they come into the code office, the office checks the name to see if they have a PA registration on the PA Attorney General website. He said if they do not have a PA registration, they are stopped. Colombo asked if the City can make them get a business license. Pedri said they need to have a business license, but do not need a contractor's license if they are only doing residential work, and this needs to go through the state. Rabo said they would need to have insurance to get the Attorney General contractor ID number. Pedri agreed. He said they would need to register, have the contractor's information, and insurance information. He said the City does commercial or industrial contractors. Rabo spoke of roofer's working in the City. He stated the City is losing money, in the summertime, due to "fly-by-night" roofers. Pedri stated he has two officers out every weekend. He stated if there is a complaint, they investigate the situation and are fined. He said there are two people to cover the weekends. Pedri said there are people who do weekend projects, but most come to the code office, on Monday's, to fill out the appropriate forms. Rabo said there were roofers, across from City Hall, for about one year. Pedri said as long as they have a permit, they are allowed to work on it. Pedri stated the permit is valid for one year. Leshko said between the code department, fire department, Mayor Cusat, and Police Chief Schoonmaker, they have a "giant" group text messaging system, 24 hours, 7 days a week, sending information to all, and is getting "acted on" quickly. Pedri said the code office gets a lot of referrals, from the police department, who have seen something, from an investigation, and then go out to inspect the situation. Pedri stated some state agencies also refer. He said there are a number of people "out and about". He said the code office is there right away.

Rabo said there is a lot of garbage dumping along Stockton Road, on Diamond Ave., along Rails to Trails. Pedri said they will get some trail cams to watch this area. He said Vito is there every week, and then is filled again. Rabo said they may want to talk with the Hazleton Water Authority to put cameras by their land. Mayor Cusat said the City has bought trail cams. He said before the COVID-19 pandemic, the City has been putting up the cameras by the litter corridor. He said there are steps that need to be put in place to proceed. Mayor Cusat said it is called the Pennsylvania Litter corridor. He said this will be

picked up at the city council meetings once they resume at City Hall. He said giving handout information to everyone is easier to discuss in person. He said there was a lot of stuff that was going on, to start, but the Litter Corridor designates specific streets, with stipulations to go with it with the police department and the state. Rabo asked if this will be included with the codification. Mayor Cusat said codification will be "months away". He said every year, the City is supposed to get an update once a year. He said the last time the City codified was 2002.

Perry thanked everyone for their quick responses- Pedri, Vito, the Hazleton Police Department. He also thanked everyone in their work on getting the stop sign erected at 20th Street. He said working together is the "key".

Rabo said he is worried about the small business owners during the COVID-19 pandemic. He said the small business owners need help. He said when Luzerne County moves to "green", and they cannot open, he thinks the City's tax base will take a bad hit. Mayor Cusat said he is concerned about small business owners, too. He said the City is looking for everything and help where we could. Mayor Cusat stated nobody is being neglected. He said it takes time and guidance. Rabo said the Luzerne County is "sitting on" \$14,000,000. Rabo said the City needs to be repaid the \$290,000 that is owed. Mundie said the City will try and get the money.

Sacco suggested city council reviewing the Parades and Procession ordinance. She said MPB Church will be having their parade in August. She said she totally forgot about it. Perry said this has not been addressed due to COVID-19. Perry said he does not know if Mayor Cusat has any problems with this. He said he does not know if the City is allowed to have parades or processions now. Schoonmaker said with the coronavirus, residents still need to practice social distancing with masks. Perry said this also includes graduations.

Perry adjourned the WORK SESSION meeting at 7:30 p.m.