

**MINUTES
HAZLETON CITY COUNCIL
REGULAR MEETING
WEDNESDAY, OCTOBER 13, 2021**

Call to Order: Council met in regular session on Wednesday, October 13, 2021 in Council Chambers and via ZOOM Teleconferencing. The meeting was called to order at 6:12 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 September 21, 2021 Regular Meeting were approved unanimously.

Presentations/Proclamations/Communications: Department of Community & Economic Development (DCED) ACT 47 Grant Hearing for the City of Hazleton's Comprehensive Plan & Cost Allocation Study.

Perry stated city council and administration had an Executive Session meeting on personnel issues before the regular meeting tonight.

Courtesy of the Floor (ON AGENDA ITEMS ONLY): None

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

(1ST READING)

None

(2ND AND 3RD READINGS)

None

RESOLUTIONS:

Resolution 2010-73 Appointments to Junior Council

Presented by Perry. Seconded by Colombo.

On the Question:

Perry stated there were four people who will be elected to Junior Council- Bryce Greco, Paul Neyhart, Jr., Diane Arias Tejeda, and Gianna Tomaino. He said this is something he proposed many years ago. Perry said it is worthwhile. He said there was a “glitch” with not being present with the coronavirus pandemic. Perry said they could also ZOOM if they do not want to be here. He said he appreciates them signing up.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-74 A Resolution Requesting Local Share Account Funds for the Greater Hazleton Joint Sewer Authority

Presented by Perry. Seconded by Sacco.

On the Question:

Atty. Sean Logsdon stated Atty. Ustynoski had sent this over with a letter. He said this is similar to what the City had applied for in 2020. He stated he is hopeful to give them the support that was given to them in 2020.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-75 Resolution Approving the Submission of a Traffic Signal Maintenance Agreement, the Submission of Future Modifications to said Agreement, and Approving Future Applications for Traffic Signal Approval to the Pennsylvania Department of Transportation

Presented by Colombo. Seconded by Barletta.

On the Question:

Atty. Logsdon said this will come back with another resolution for the application itself. He stated he spoke with Roberto Gonzalez from Barry Isett. He said these are the "Hazleton versions". He said there may be two more resolutions on the October 26, 2021 agenda. Atty. Logsdon said the project is in order. Perry asked if this is for new traffic signals. Atty. Logsdon said yes; for Diamond Avenue and Vine Street.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-76

Appointment to the Recreational Vehicle Board of Appeals

Presented by Perry. Seconded by Colombo.

On the Question:

Atty. Logsdon said the first meeting/hearing will be on Friday, October 15, 2021 @ 6:00 p.m. He said the meeting will take place in City Council Chambers. He stated the City Clerk spoke to all three board members to confirm their attendance. Perry asked if it will be only one hearing. Atty. Logsdon said yes.

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

RESOLUTION PASSES UNANIMOUSLY

New Business: None.

Old Business: None.

Comments from the Audience: Dee Deakos, 43 West Mine Street, Hazleton, said she noticed that streetlights are “going out” with it getting dark earlier in the day. She asked who she could report a light going out. Mayor Cusat stated the Department of Public Works. Deakos asked if there is a form, online, to fill out. She said if she calls, their department, it probably will not do anything. Mayor Cusat said he does not know if there is a form online. He stated DPW has an inventory of all the streetlights from Smart Watt that would be exchanged for the old lights. She said there is a light out on Laurel Street.

Deakos said there is plywood, on the stairwell, at the Hazleton Parking Garage, for many years. She asked why the DPW Department does not replace it with plexiglass. She stated it looks bad. She said it is towards the Laurel Street entrance.

Deakos stated when crossing the street, on Broad Street, not all the buttons work. She said the crossing pole, at Broad and Laurel Street, heading west, on the corner, was knocked down. Deakos said, currently, the people are “j-walking”. Perry said the Vine and Broad Streets pole always works. Deakos said the DPW Department could check all the buttons. Mayor Cusat said the signal company the City is dealing with is no longer in business. He said the City contracted with a new company. He said DPW will issue a work order to the signal company to check them. Deakos recommended the City employee giving out parking tickets could also check these buttons.

Joseph DiSabella, Sr., Regional Manager for Rohrer School Bus Company, who serves the Hazleton Area School District, is asking if the City if they would consider a stop sign at the intersection of Wyoming and Buttonwood Streets. He stated there are a lot of incidents coming close to the traffic coming east. He said they need to stop at the tracks. He is asking to make it four-way intersection. Perry asked if it is a two-way section right now. DiSabella said it is a three-way stop and is asking to make it a four-way, so everyone gets out safely. He stated they cannot use the other road, going into Birchwood, but it is a private road. Perry asked Police Chief Schoonmaker if he would look into this. Schoonmaker said he will look into this.

Jim Joseph, 103 West 20th Street, Hazleton, told Mayor Cusat if he hires Berkheimer Tax Services, again, he will vote against him. He stated a few councilmen were nice enough to fix this problem for him but did not work. He said his two sons have left the City about five years ago; one is in the military and one is a school teacher in the HASD. Joseph said representatives from council and the police chief went over, to Berkheimer, the next day, and he received an email, from Berkheimer, the same day. Joseph said he wanted, in writing, that his sons are not subject to any taxes, who live out of the area, and should be exonerated. Joseph said the Berkheimer representative stated she could only give him a letter that it is approved by Berkheimer, a one-time letter to whoever applies to them. He said the letter sent to him is addressed to his son, Brett, to his address in Hazle Township, and has been paying taxes for several years there. He said it stated, “in reference to his account, the account has been cleared for year 2020”. Joseph said he asked for a “whole wipe” of the years, but they could not do that. He stated this letter is dated August 19, 2021. He said, on August 29, 2021, another letter was received by the HASD, notifying them that the referenced individual, employed by the HASD, has refused or neglected to pay their taxes. He said a certified letter was also sent to his address, but Joseph said he nor his son ever received the certified letter. Joseph said they were charged \$32.50 for this, and \$12.50 for serving the letter to his place of employment. He stated this bill was for year 2020. He said they took \$61.50 out of his son’s pay. He said legal “folks” advised him to take it “to the next level” to the Attorney General.

Mayor Cusat said the good news is the City is not charging the per capita or resident tax in 2022. He said the City put out an RFP for tax collector, and is due this week. He said the tax collectors will be required to be, in City Hall, for a certain amount of hours, per day.

Joseph said he went to see Sherrie in the Berkheimer Office, in City Hall, and she said this should take care of it. He said this was not taken care of 10 days later. He said Berkheimer told the chief, the council representative and the mayor’s representative it was fixed. Joseph asked how many times a citizen needs to come here to correct this. He said if his son, in the military, gets his wages garnished, will be out of the military.

Mundie said Joseph received an email from Mr. Hunt from Berkheimer that he took care of everything. He said he always calls, for his clients, to Berkheimer and they fix it. Mundie is not sure why they sent another wage attachment. Joseph said it was for one-year 2020. Joseph asked how HASD could, legally, go in and garnish someone's wages. He said, the response, was they are bound, by law, and by the Commonwealth. He said there was no hearing and nothing stating they received they had to pay \$50.00. He said if he received a certified letter, he would know it. Joseph said Berkheimer is the culprit.

Mundie said no one could rely on registered mail. He said he will e-mail Mr. Hunt, first thing, tomorrow.

Robert Nemeth, 63 Center Hill Road, Sugarloaf, PA, said the City has a good police chief. He said he had to use Police Officer Babula on a domestic situation. He stated he is "first class" and did his work very well. He also commended Fire Chief Leshko.

Nemeth asked if there is an application for the City's stimulus money (ARP). Zeller said the City received half of the money in 2021, and the other half will be received in 2022. Nemeth asked how individuals could request money for projects or programs in the City. Mayor Cusat said the money is not allowed to be used for private ventures. Nemeth said Senator Yudichak told him the ARP money could be used for infrastructure, anything to do with veterans, and anything to do with drug and alcohol. Perry said it could be used for broad band infrastructure, stormwater, and sewers. Mayor Cusat said the money could be used for stormwater, gun violence, and open spaces. Atty. Logsdon said the City has not opened this up for suggestions or applications. Perry asked if there is anything available for businesses. Mayor Cusat stated it is not available. He said when the final rules come out in December or January, 2022, the rules may change. Nemeth said he will check again with Senator Yudichak.

Nemeth said a City employee, Diane Panzarella, and someone who he has been fighting for years with, should not tell, one of his clients, that he is a "piece of *****" and should not do business with him. He stated she should not be able to condemn, a City property, because it has a plastic bag, over a window, that is being replaced. He said, if this is the case, half of the Hispanic properties could be eliminated. He said Panzarella has a bad attitude and talks to people like they are dirt. Nemeth said Panzarella was "trashing" West Hazleton and took her to Harrisburg court. He said she came back to Hazleton when West Hazleton told them she is a lot of trouble. Nemeth said, "she is back". He said he does not know whose responsibility it is to talk to her. Nemeth asked if the City's insurance company knows she has three DUI's. Atty. Logsdon said he is allowed to make public comment, but they will not discuss City employee personnel issues. He said this is not a hearing in relation to discipline. Nemeth asked if this is not public information. Atty. Logsdon stated Nemeth should go to Mayor Cusat or Panzarella's manager. Nemeth asked if someone would look into this. Atty. Logsdon said Nemeth should "tread lightly" on this. Police Chief Schoonmaker told Nemeth he could come to City Hall and file a complaint form. Nemeth said, "this works".

Nemeth said he caters to a lot of people, from other states, and looking to do business and develop properties in Hazleton. He said he is asked if the City's garbage hauler is on strike. He said the City should consider eliminating sofas, beds and trash that is "ten feet by five feet high". Mayor Cusat said the Hazleton City Authority, Industrial division, oversees the trash collection for the City. He said, either in 2010 or 2011, the City gave up garbage collection to the HCA Industrial Division. He stated the City has nothing to do with the garbage fees or garbage collection. Perry stated the HCA bids out and, "hire who they hire". Nemeth asked city council what they think about the trash all over the City. Sacco said they have their recommendations with six bags and one big piece. She said they give city council handouts, all the time, in English and, also, bilingual. Mundie said the City agreement, with HCA, the City should monitor the number of trash bags put out. He said there should be fines to residents who put out too many bags. He said the City needs to hire more code employees. Nemeth asked how many Code officials, on the street, the City, currently has. Mayor Cusat said 2 ½ officers. Nemeth asked if this is enough. Mayor Cusat said they need 12 employees, but, unfortunately, under the City contract, with the

City Hall union, they cannot hire code enforcement for \$20,000. He said the City just raised the minimum wage to \$28,000 and there are several interviews, on Thursday, to hire more code employees. Nemeth said council or “whoever” needs to look into putting more code people out there.

Nemeth said Hazleton is “on the map”. He said they are not calling the City a dump, anymore, for the last 20-30 years. He said they are asking to get them to do something in the City.

Nemeth said he has a written agreement for the sale of the St. Joseph Hospital building. He said it is an all-cash offer and wants to spend \$12,000,000 on renovations. He said their company is also in Switzerland, Dubai and Tele Aviv. Sacco asked when it went “back-up” for sale. Nemeth said yesterday. Sacco said she has spoken with Nemeth, previously, on the city council interest. Nemeth said the owner is asking to sit down, with city council, to discuss their plans for the building. He said they are looking to renovate it into senior housing, assisted living, and apartments. He said when the Lehigh Valley Hospital lawsuit, is over, there will be a room for a medical component, also.

Comments from Mayor: Mayor Cusat welcomed Junior Council for another year.

Mayor Cusat said the Trail of Treats will be Sunday, October 31, 2021 from 1:00 p.m.- 4:00 p.m. followed by Safe Trick-or-Treating from 5:00 p.m.-8:00 p.m.

Mayor Cusat stated paving has started at Hilltop. He said they will be “top-coating” it on Monday and Tuesday. He said they will be a day behind, and then move to Muir and then to Carleton Avenue. Perry asked how many roads could be done after this. Mayor Cusat stated, hopefully, to get Muir, from Poplar Street to Broad Street and then Carleton, from Poplar to Broad Streets. He said Diamond, Carson and 5th Streets will be done simultaneously with a different company doing this work. He stated they will be paving “curb-to-curb” according to the new ordinance. He said there were about five incidents where they had to replace to “curb-to curb”.

Mayor Cusat said he needs the city council appointments for the Land Bank. He said the Redevelopment Authority is meeting on October 28, 2021 to reorganize and then their appointment will be presented. He said there is another tax sale, in November, that the City needs to take action on. Sacco said they will put down their names, for the Land Bank board, at the next council meeting on October 26, 2021.

Perry said city council has three names on their list for the Land Bank board- Robert Hoegg, Jim Ferry and Peter DeMarco. Mundie stated the Land Bank board needs to be committed to do a lot because there will be a lot of meetings and a lot of work. He asked if they picked a new solicitor. Mayor Cusat said he will leave this up to the permanent board.

Comments from City Administrator: None.

Comments from Council: Mundie said he emailed Mr. Hunt, for Mr. Joseph, and hopes, he will be on top of this. He said some people get statements for someone who are dead for 10 years. He said he will let Mr. Joseph know what Mr. Hunt says.

Perry asked about the payroll preparation tax hearing. Atty. Logsdon said the hearing will be on November 3, 2021 with Judge Pierantoni in the Luzerne Court of Common Pleas. He said they are “prepping” with Gerald Cross and Mayor Cusat. Perry asked if this would “come to us” after this. Atty. Logsdon said yes. He stated he will get the ordinance ready with the rate for council to consider. Barletta asked if the City has a grand total of the amount that will be brought in. Mayor Cusat said it will match what the mercantile tax would. He said they are allowed to replace each other. He stated the initial percentage cannot exceed what the mercantile tax brought in last year. He said it will be set around 2 mills or .2%. He said the businesses pay it and, basically, like an EIT tax. He said it would be \$2.00 on every \$1,000. Mundie said the employer pays it based on the employee’s payroll. He asked if Berkheimer gave the City a number of the payroll in the City. Mayor Cusat said they gave the City a list of

the gross payroll. Lynch said it was \$250,000,000. Mundie said the City would collect about \$500,000. Mayor Cusat said they also take out the “non-profit” organizations.

Colombo asked if city council could go “off the agenda” to make their two Land Bank board appointments. Mayor Cusat said no. He said it would violate the new Sunshine Act. Atty. Logsdon said it is not urgent that it needs to be done tonight. Perry said they will put this on the October 26, 2021 agenda.

Perry said city council has not seen the ARP draft budget yet. He said they need to know how to appropriate the ARP money. He said they do not know how to distribute. Mayor Cusat said he will email the budget to him. Perry said they want to review the budget to have a comment on it. He asked if the whole \$18,000,000 is for the 2022 budget. Mayor Cusat said yes but could be changed. He said it needs to be allocated by 2024 and spent by 2026. He said the City needed to put something “in line”. He said it is a “working” document.

Barletta said Wilkes-Barre’s mayor presented his agenda for their ARP money. The mayor said it was helping businesses and property owners. Mayor Cusat said the ARP money cannot be used to cut taxes, pensions, or make something in the budget “disappear”. Perry said Luzerne County is trying to do a Homestead Exemption for a certain amount of people. He said it is a “one-time” deal. Barletta asked if any money was spent yet. Mayor Cusat said a “little bit”. He said some money went towards the Hazleton Police Department computer system. Perry said city council would like to be part of how the money is spent. He said council has the power of the “purse”.

Comments from Junior Council: None.

Adjournment: Perry motioned to adjourn the meeting. Meeting adjourned at 7:04 p.m.