

**MINUTES
HAZLETON CITY COUNCIL
WORK SESSION
TUESDAY, OCTOBER 26, 2021**

Council met for a WORK SESSION on Tuesday, October 26, 2021 in Council Chambers and via ZOOM Teleconferencing. The WORK SESSION began at 7:13 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 Cusat, Atty. Sean Logsdon, and Dan Lynch. Also, present were PEL representatives Gerald Cross, Fred Reddig and Patty Moorhead.

Perry spoke of the Donation Ordinance.

Atty. Logsdon said he is trying to get a “healthy” draft ordinance, together, before he gets it out there. He stated they do not want to waste time and money before it is repealed “down the road”. He said he wants it to last a long time. Perry asked if this ordinance refers to people donating for a cause. Mayor Cusat said it is more of a contract. He said, currently, he has a pavilion that a family wants to purchase for naming rights. He stated he has a \$100,000 donation, for a playground, for special needs. Perry asked if they are going to put a time or money amount in the ordinance. Mayor Cusat said if someone gives the City a \$30,000 pavilion, with the life expectancy of 15 years, and someone would change that, after 10 years, the City would be “on the hook” for five years, and the City would have to refund the percentage. He said the City needs to state the rights the donor has to the property. Atty. Logsdon said, currently, he is worried about different “interplays” as a resolution having “little effect” as the five-member board. Perry said the City would be talking about a contract between the City and “this person”. Atty. Logsdon said he is worried about not being able to bind subsequent city councils. Mayor Cusat said the City has agreements with playgrounds, with 100 year leases. He said a contract works, and this is where they disagree. Mayor Cusat stated he feels it is not time for this.

Sacco asked if it is wrong to state a person pays \$30,000 to get name a place for 25 years, and after this, to renew, it is \$1,000 annually. Mayor Cusat said it could be anything. He said people donate playgrounds and their names are on them for 100 years. Sacco asked who is responsible for their upkeep. Mayor Cusat said it is the City’s responsibility. He said the City already accepted Schiavo Park. He said he gave the City this property as long as it is in his name, and the City needs to maintain it. Colombo asked Mayor Cusat if any other town has a similar ordinance. Atty. Logsdon said not to the City’s extent. Mayor Cusat said this never came up before, but with the recent discussion on removing statues. Perry said or people wanting to remove names. Atty. Logsdon said it is like an ordinance-looking document for tangible items. He said this needs to protect a tangible item to the City. He said for tangible items, donated to the City, the person could take them back. Mayor Cusat said if a person gives a \$30,000 donation, for a pavilion, and the person does not want the named pavilion, anymore, and it is there 10 years, the person needs to pay for the remaining years. Atty. Logsdon said getting into future City budgets, these are things they cannot control. Mayor Cusat said the City could not have enough in a resolution, ordinance and a contract and then let someone “fight it out later”. Perry asked Mayor Cusat if he wants all three. Mayor Cusat stated it does not matter. He said he wants someone who wants to make a donation to feel comfortable. Perry said these structures need to be permanent. Mayor Cusat said this was reviewed in 2011 when the City started the playground revitalization. He said the City was going to sell naming rights to bring in donations. Atty. Logsdon said reversionary clauses, in a deed, are very powerful. He said it is more difficult when speaking of a pavilion on City property that is just a structure. Mayor Cusat said the donor should have first rights to something at a park and should not be destroyed. Atty. Logsdon said Lynch suggested the City to build in a termination clause. Mundie asked if Atty. Logsdon if he looked at other cities that have a similar ordinance. Atty. Logsdon said he did not find

anything completely “on point”. Mundie said other cities have some laws on donations. He asked if someone wants to make a donation and wants their name published what would happen. Mayor Cusat said it is up to the donator; if they do not want it, they do not sign it. He said it is more like a contract. Mayor Cusat said if the City would terminate the contract, they would be responsible to return a portion.

Mundie said the City had Civil War memorabilia that was valuable, at City Hall, that disappeared. Mundie said the City had a cannon. Mayor Cusat there was a small cannon that disappeared.

Atty. Logsdon said he will put the verbiage together and “play, with it, from there”.

Atty. Logsdon spoke of the Stormwater Ordinance. He said he spoke with Greg Pavlick from Barry Isett to tell him that the City needs the new fee to place in the ordinance. He said once he hears back from Pavlick on the fee, he could “pop it”, into the ordinance, have the public hearing, and pass it. He stated the fee is the last thing needed. Barletta asked what the old fee was. Atty. Logsdon said it is in the old ordinance. Perry asked if Pavlick will give him the most current fee “out there”. Atty. Logsdon said yes. He said this includes all new land developments and construction. Atty. Logsdon asked if the next council meeting, on November 10, 2021, will be too “jammed packed”. Mayor Cusat said the only things that should be, on the agenda, are two resolutions for grants and the presentation of the City budget. Atty. Logsdon said he is good with November, if city council is. He said, “hearing first, then will have it on the agenda”. Mayor Cusat said the Land Bank appointments will, also, be on the November 10th agenda. Perry stated their appointments are Robert Hoegg and Peter DeMarco. Mayor Cusat said his appointments are Jim Ferry, Scott Letcher and Gary Perna. Mayor Cusat said Jim Ferry is on the Redevelopment Authority and Letcher is a real estate broker. He said the Redevelopment Authority has a meeting on October 28th for their reorganization. He said they have a seat to appoint. Barletta asked who is on the authority. Mayor Cusat said Tami Leshko, Jim Ferry, and Vianney Castro. Joe Zeller stated also, on the board, are Mary Celeste Kosko, and Joyce Chunko.

Barletta asked if the Berkheimer issue was figured out from the last meeting. Mayor Cusat said yes.

Perry stated the ATV Appeals Board meeting was well done. Atty. Logsdon said they had to do two meetings. He stated Peter Bard was sick and could not make the Friday meeting, and the hearing was continued until Monday. He said everything went “without a hitch”.

Perry asked if the “Yamaha people” contacted the City. The City Clerk stated the guy came in, last week, to see her. She made a copy of his vehicle contract. He stated he has an upcoming hearing, somewhere, but he never stated where this hearing is supposed to be at. She said he never called or came back to her office with the information.

Perry adjourned the WORK SESSION meeting at 7:33 p.m.