

**MINUTES
HAZLETON CITY COUNCIL
REGULAR MEETING
TUESDAY, JUNE 9, 2021**

Call to Order: Council met in regular session on Wednesday, June 9, 2021 in Council Chambers and via ZOOM Teleconferencing. The meeting was called to order at 6:54 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 May 25, 2021 Regular Meeting were approved unanimously.

Presentations/Proclamations/Communications: See below.

Perry stated they will have an Executive Session meeting. Atty. Logsdon said the Public Hearing on the Zoning Ordinance amendment first, and then go into the meeting.

1. Public Hearing on the Proposed Zoning Map and Proposed Zoning Ordinance.

Perry said the agenda is at the podium. He said at this time, council will have a Public Hearing on the Proposed Zoning Map and Proposed Zoning Ordinance. Perry asked if there is a map to show the residents. Atty. Logsdon said yes. He asked Atty. Logsdon to explain the process on how the City got to this point. Perry said it has been many years and has been out about 60 days.

Atty. Logsdon stated the City has not updated the Zoning Ordinance in some time. He said the City took the task, several years ago, to get an updated and modern Zoning Ordinance. Atty. Logsdon said as horrible as COVID-19 was, the City was able to do more paperwork, and eventually "got there". He said they went through a bunch of different edits and drafts. He said as they recall from city council meetings, in the past, they put it on three WORK SESSIONS, before deciding to move forward. Atty. Logsdon said, in terms, of the process, Charlie Pedri, Zoning Supervisor, gave him some comments on what he wants to see in the Zoning Ordinance. Atty. Logsdon said he received no comments from the City's Planning and Zoning Departments. He said Luzerne County Planning received this on April 6th and the City's Planning Department received this on April 5th, 2021. He said they sent it to the Zoning Hearing Board on May 6th, 2021. Atty. Logsdon stated besides Mr. Pedri, there were no other comments. He said the City has had it, in front of them, for a while. He said the City is trying to get their codification done and would like the Zoning Ordinance, in the code of ordinances, when it is published. He said it would be nice to have this online and searchable as other City's have this capability.

Atty. Logsdon said Gary Perna was nice enough to put the zoning map up for the residents to see. He said the old one is on the left, and the proposed, new one, is on the right. Perry asked Atty. Logsdon to explain all the colors on the map. Atty. Logsdon stated the light yellow is the R1 low density, residential single family. He said the light tan is R2, medium density, residential two family, the tan is R3, high density, residential, multi family, the light red is the CC- central commercial district, the CH is almost a red, the central highway district, the light green is OS- open space recreation district, light blue is PI- public institutional district, light pink is LI- light industrial, the purple is GI- general industrial, the overlay

districts are depicted with the red square around it and are the downtown overlay district, the yellow squares are the energy overlay district, and the blue bolding is the HOD- historic overlay district. He said he was sorry the City did not have a copy of the maps for everyone, but will have this on the City of Hazleton's website, if it is not already there. He said the purpose of tonight's meeting is to take comments from council, administration, and citizens, and take it "from there".

PUBLIC COMMENT: Mark Rabo, 1st Street, Hazleton, said, as the solicitor stated, it has been since 1992 since the Zoning Ordinance has been amended. He said, in his opinion, this is modernization, but this is not the proper way to go about it. Rabo stated, in a general sense, this has not had sufficient public input, if any. He stated Atty. Logsdon stated this has been discussed at prior WORK SESSION meetings, but this does not constitute as a public hearing, as according to the State Planning Code. He said at a prior meeting when city council passed a resolution to give the administration the ability to start the process, this was wrong. Rabo said they should have passed a resolution to ask the Planning Agency to start the process. He stated this is where the Planning Code comes in. Rabo said, the PA State website states, "receiver initiates the proposed amendment, if not prepared by the municipal Planning Agency, the proposed amendment must be submitted, to them, for recommendations at least 30 days before the hearing". Rabo said, once this happens, they forward the proposed amendment to the county's Planning Agency, for recommendations, at least 30 days before the public hearing. Rabo stated, "not his rules, the state's. He said after these two things happen, a notice, for the public hearing, for two successive weeks, the first notice is not to be published not more than thirty days and the second not more than seven days from the public hearing. Upon the request, notify the owners and land mineral rights effected by the proposed amendment, of the public hearing, within 30 and 7 days before the public hearing. Rabo said, since the zoning map is being amended, "post notices along the effected properties, at least one week before the public hearing, mail notice of the public hearing to all properties in the area proposed, for rezone, at least 30 days before the public hearing but is not required if rezoning is "comprehensive", publish notice of intent to enact the zoning amendment, the notice must be referenced in a place where copies of the proposed zoning amendment may be examined or obtained, and provide the full text, of the proposed amendment, to the newspaper publishing the notice and file it in the county law library". Rabo said it goes "on and on", he will not read all of it, and will send it to Atty. Sean Logsdon.

Rabo said, procedurally, this does not "pass muster", generally, speaking, he thinks the property owners, of the City, need adequate notification, and should be providing public input. He said the county, recently, amended their zoning ordinance since 1955. He said they have had five public hearings. Rabo said this is the City's first public hearing. He stated if it is not going to be the City's Planning board, holding the meetings, then it should be city council.

Rabo said, in conclusion, he asked if the City's business owners were notified because it affects them more than the City homeowners. He said the "buffer zone", on the map, between the zones, is being reduced, and will be a problem for the Zoning Board, down the road. Rabo said he is not trying to be a "spoiler here" but agrees with Sean and city council needs to be modernized. He stated it needs to be done the right way.

Jean Mope, 531 South Hazle Street, Hazleton, said she is hoping she will be short, but has a lot to cover. She said the newspaper advertisement is bogus and did not give enough information, to the general public, who does not understand governmental "legal jargon". Mope said it did not state what the changes are going to be, but states how the ordinance works. Mope said they had the opportunity to review the new zoning map. She passed out the old zoning map to city council and administration. Mope (**inaudible**). She stated the one lot, between East Hazle, Kiefer, Dietrich, and F Court is a residential lot. Mope said, according to Mayor Cusat's article, the owner is pleading hardship. She said Mayor Cusat stated, "who would want to build homes by a railroad track". Mope said she did, and a very expensive home along the railroad tracks. She stated there are homes that run the length and distance of Dietrich

Avenue, plus some businesses, but all residential. She said, on Kiefer Avenue, there are all homes with young children, because the elderly has "died off". She said they ride their bicycles, use chalk, hopscotch, and use hoverboards. Mope stated they play in F Court and the kids are always in the alleys. She said she is, constantly, out there telling the kids to watch the trucks and to stay away from Hazle. Mope said Dietrich Avenue is "cut off" and is a "paper" alley and does not exist as far as a roadway goes. She said this is why the Heights and the Terrace has had problems with trucks coming on Route 93. She said it took her 8 years to get the ordinance changed, and have that street, on Arthur Gardner, named, to try to remove the truck traffic from the Heights. Mope stated it is a school zone filled with children. She said it has always been a nice neighborhood to live in. Mope said he is crying hardship but does not think of the railroad spur, but due to the trucks parked up and down Dietrich Avenue. She said they do work, on the trucks, at the Terrace Plaza, with pee bottles, oil filters, oil, garbage, and everything unimaginable "under the sun". Mope said this is not a hardship, for him, and the property could be used as a residential garage. Mope said the price of the property, and is trying to "flip", and this one square area "carved out" into general industrial but has been advertising saying it is commercial. She said he asked \$298,900 back in 2018. Mope said this could be why he cannot sell the property and is keeping it all as one big, large parcel. She stated there are a few things Mayor Cusat said in the newspaper. Mope said he stated, "he does not know who wants to put a house near railcars, residents who want to preserve some type of buffer area for their neighborhood has the opportunity to purchase the property and keep it that way. Mope said this was a sarcastic remark. She asked if he has \$299,000 and is sure that he could go for eminent domain, if it is in an area that cannot be utilized by anyone and is in an open space area. Mope said he also stated, "the Luzerne Planning Department along with the City's Planning Commission and Zoning Board offered no formal comments". Mope said this is because the public was not informed. She said if she did not put something on Facebook, printing it out and passing it up, up the Heights, none of these people would know what was going on. She said no one had an idea of what the intention was, from the ad in the paper, and no one had an idea of what the changes were. Mope said there are two maps up, but the public cannot see, in the review, and would need to go right up to the television set. She said maps should have been distributed at this meeting, residents could go home and study them because this is what needs to be done with the zoning map. Mope said they claimed how many meetings they had and how much time to review it. She asked what they gave the public, nothing, but the time from the advertisement. Mope said they also want to change a lot from professional office space which is between Lawrence and E Street, below Kama, to central commercial. She stated this lot is a wooded area. She stated Kenny Sency cut down all the trees on their wooded lot. She said, as Mayor Cusat knows, last summer, she has had 12 skunks, opossums, and raccoons. She said the neighborhood has been inundated, with animals, and Colombo could also attest to this. Mope said before anything gets done, and done properly, Vector Control or animal control needs to come in there, and if the City does not have it, they need to hire a company to do it. Mope said there was also two spills at Kama and they all lived through it. She stated Colombo was at it, and her husband was at the second one. Mope said the first one caused all the homes, on Dietrich Avenue, to be taken off wells and put on City water. She said this was paid by the owners of Kama. She said then it went to Allcoa and have had trouble with noise and fumes. After this, it went to Multi Plastics. Mope said, currently, the property is still owned by the original owners, the Graham's, because there was never a proper, total clean up done. She said the DEP still comes into the area to check the bore holes, periodically, to see about the styrene. Mope said there were carcinogens put into their land and, God knows, what else, and this other individual could tell you what he knows about being dumped. She said this lot is filled with wildlife. Mope stated they are a swamp area, and always known as a swamp area, and all the homes were built on a swamp. Mope stated her husband is a plumber. She said they put twenty-six triaxles of stone under her house, plus French drains "inside and out". Mope stated she does not get flooding, but most homes flood because of the streams that run, underground, the artesian wells, and the swamp. She said these trees are holding back the styrene, in this area, to not come into the residential area and to continue to contaminate them. Mope said, after the second explosion, no proper cleanup was done. She stated this cracked, the mortar, in the back of her home, and has a brick home. Mope said she is four blocks away, and had to have the

back, of the home, remortared. She said, then, if this explosion occurs, they may have an explosion. She said it was odd that UGI was working extensively on the gateway, on the property by F Court. She said this is a gas station set up for residents of the Heights to receive gas. On this gateway station, anywhere from 200 to 1,500 pounds of gas vapor could flow through these lines. Mope said when there is a call from homes for more gas, in the wintertime, they are able to "step up" this, and not too many calls in the summer. She said at any given time, there is a force of gas going through there. Mope stated if they see the pictures, the trucks are going through the Heights, going through Heritage, because they are lost at Kama, and driving over the corner, of the lot, getting close to where the gas gauge is. She stated they were there, today, and told her they need to put a buffer around it so it would not get hit. Mope said it used to be a wooden lot and did not have to worry about it because it was "nestled" in the trees. She stated they could have an explosion there and are "stuck" with the results of what goes on. She said she is not saying that it will be Kama. Mope said they have styrene, and this lot should not be disturbed for the health, welfare, and safety of the residents. She said, under one of the City's ordinances, one of the first things it addresses, are the health, welfare, and safety of the residents. Mope said they could develop this land, compatible and complimentary to the City while they develop this. She stated it could also be complimentary to the residents. She said they put their hard-earned money and investments into their properties, whether to keep them now, or pass them to their children. Mope said they do not want to lose property value. She said someone wants to keep general industrial in an area such as Poplar Street, and assumed it was commercial. She stated Terrace Plaza and Helping Hands, which has children, and did a wonderful job on the sports center, Quality Beverage, is there, and is already commercial, and should be extended from Poplar Street to the beltway. She said, currently, the beltway is general industrial, but should be changed. Mope said, city council, has the ability to make the amendments to make the changes that are beneficial for the City residents and the City. She stated whether they make it light industrial, on the Arthur Gardner Beltway, because there is a nice little section, "sectioned out", that is light industrial on the beltway, and made the rest of it general. Mope said this is where the Hazleton's Water Shed is and where they get their water. She said they were limited on all the EDUs because of the Button Bock Project which, currently, loosened up the EDUs and, now could get them. Mope asked if the City will have enough for industrial use. She said these were the "hold backs" why it was never developed because of the ability to use EDUs. Mope said they were cut off due to pollution and the Button Bock Creek area. She said the residents of the Heights and the Terrace will be affected by this. She said the residents put council into office on "good faith" and the people who voted for you, and the people who expect you to listen to them, to work with them, allow their input, and allow them to live in peace as when they purchased their property.

Wayne Funk, 549 Kiefer Ave., Hazleton, said most people do not hear him talk, because he does not talk much, and tries to keep his "nose out of things". He thanked everyone for the opportunity to speak here tonight. He promised not to be as long as Jean. Funk said he prepared his message. He stated when he heard of the changes wanted, from Mayor Cusat to zoning, to say he is angry was mild. Funk said he is "pissed and totally pissed". He stated he will not scream, shout and holler, but this plan is designed to benefit the "few at the cost of the many". Funk said his neighborhood, in the Heights, is a generally a nice neighborhood except for the continuous noise from the plastics factory on Dietrich Ave., the occasional smell of plastics, the roaring tractor trailers on residential streets, and factory workers rushing "to and from work" daily. Funk said the neighborhood has children playing and riding bicycles, people taking walks and walking dogs, and people, actually, greet each other. He said the changes, requested, would stress this neighborhood and other neighborhoods faced with looking at new industry at their doorsteps and heavy equipment distributing their streets. Funk stated at the old Prestolite Plant that accumulated all these trucks and if they are spilling oil, up there, it is, considered, toxic waste, and they are in violation of the EPA. He said, apparently, it is okay, but it is not their neighborhood. Funk said it was stated that the Arthur Gardner Highway tract was going to be turned into a solar panel farm. He said everyone knows about "switch and bait". Funk said, today, a solar panel farm, tomorrow, a smelter, or worse. He said if they get the contract, he and others would go along with the zoning variance, if needed, for a solar panel

farm. Funk said council was elected by the residents of the City, not a few, and the companies, and the loyalty should be with them and not the “wealthy few” or the companies who get the tax breaks. He stated they will take the tax breaks, as in the past, will go somewhere else, then unemployment again, and the residents will get the bill and added stress in their neighborhoods. Funk said they are not their servants but were elected to serve the residents of Hazleton. Funk said they were elected by them and they need to side with the residents rather than those who do not care about their neighborhood. He said they elected them to office. He said he will not forget who sided with the residents and who sided with the others on election day.

Maria Jacketti, 549 Kiefer Ave., said she has a prepared statement but will try to contract it a little, and make it shorter, because most of the points were covered. She said one thing Wayne brought up is they live in a great neighborhood. She said there is a lot of love. Jacketti said there is love for the land itself, love for the beauty of the neighborhood, love in the pride they take in planting their gardens in the front and back and taking care of their properties. She said, when they need help, a neighbor is always there. Jacketti said it is not a Republican or Democratic issue, but an issue of love. She said this is a hard lesson the City needs to learn because they need to love where they live. Jacketti stated if they do not and see the results of this in many parts of the City. She said people are coming in transiently and trashing many parts of the City. She asked why you would punish a neighborhood, where they pay their taxes, faithfully, and do the best to obey the law, of the City, “to the letter”, and treat each other with respect. Jacketti stated their neighborhood is an example for the rest of the City. She said, yet, at this point, they feel uncertain, but are also on “quicksand” because they do not know how they will vote on this. She said she is not a lawyer, but studied law at NYU, and was going down “this road” but is not stupid. She said Barletta was her former student and hopes for their success. She said she hopes she uses the critical thinking she taught her. Jacketti stated her mom bought the property, in 1974, the one she lives in, right now, and was 14 years old. She stated the family moved from Seybert Street, and was thinking she was doing a good thing, but was not aware of the plastics plant. She said everybody knows, who has been there for a long time, lived with Alcoa, Kama and the plastics plant, and now, International Plastics, has been the “bane” of their existence. Jacketti said they would have the perfect neighborhood if it was not for the constant droning and noise pollution that is supposed to be buffered by the woods, the woods that are in “peril”, the 14 acres the DeAngelo’s still own. She said they learn to block out the noise, to a certain extent, but there have been accidents at this plant. Jacketti said polystyrene and benzene have been released into their neighborhood and some of that has been absorbed by some the 14 acres of trees the DeAngelo brothers own. She asked if they cut down these trees, where will the water go. Jacketti said each tree will recycle thousands of gallons of water a year and talking about thousands of trees. She stated the water will go into their homes and neighborhoods. She said if these trees are cut down, the chemicals, that they are holding, will be released, and will go into their homes and gardens. She said they do not know if there are contaminants “leeching into them” already. Jacketti said to be declared, as a wetland, per the DEP and has expanded its wetlands protection for Pennsylvania, the area does not have to be a swamp all the time, only part of the time, but “slushy” or “muddy”. She said there is an extra layer of protection on the 14 layers of forest that will also apply to great “swaths” of Arthur Gardner Highway. Jacketti said that extra level, of protection, comes from the Federal Government and the EPA. She stated, currently, they are moving ahead “recklessly”. She said she loved when Barletta was running for mayor called for transparency. Jacketti said Rabo and Mope talked about this: “We the people, do not want to sound “fresh”, that they are the resident’s servants, but have been put there by them”. She said everybody, in City Hall, serves the people, and are responsible for the safety and welfare and the residents are counting on them. Jacketti said this had to go to Planning first, it did not, and seems illegal to her. She said there is a well-established pathway for the kinds of developments they are talking about. She asked why the City is not following their own rules and laws, why subvert them, with the pathway cleared for them. Jacketti said they need to do it “by the book”. She said council is legally and personally, liable, for subverting a law, and this meeting does not need to happen tonight. Jacketti said they are trying to “bull doze” this through. She said they will fight this, do not want to fight,

they are tired, but will litigate this into the “heart of Hell”. Jacketti said they will survive. She said it is not only a human rights issue with all the carcinogens, put out there, with the plastics plants, that never should have been there, but an animal rights issue. She said she has bears, bobcats, and fox in her front yard, and we are taking away their lands. Jacketti stated they were here, first, by the way. She said North, South America and Central America belonged to the animals, for millions of years, before the first people came here. She said they are protectors, of the neighborhood, and are standing for Hazleton, the best of Hazleton, and will not go gently “into the night”. She stated they will not be collateral damage and not see their lifetime, investments, trashed, and the vote they make tonight will resonate through their political careers.

John Roman, Thirwell Ave., Hazleton, said it is no secret that strange and unusual cancers are nothing new to this area. He said his mother and another neighbor died of cholangiocarcinoma over the past 10 years ago, his mother four years ago, and this woman, about five years. He said cholangiocarcinoma affects 1 in 100,000 of people, in one year, in the U.S. He said two people have died, in his block, in the past 10 years. Roman said styrene monomer with tens of thousands of gallons pushed down into the watershed where they are. He said it is a carcinogen, teratogen, and a neurotoxin. He said if they want to develop the land, across from Kama, he feels the DEP should be brought in on a state level, the EPA should be brought in on a federal level, and there should be tests done on the soil, chemical and spectral analysis of chemical precursors, to make plastics, which are carcinogens, but these people should be responsible, to pull, for every ounce of the styrene monomer out of the ground, at whatever cost that is, to ensure the health and safety of the people in the Heights and Terrace. Roman stated this wooded zone, in front of Kama, creates a cone and spreads from Poplar Street and to Franklin Street. He said it affects everyone in the Heights, Terrance and comes down to a hill to Heights Terrace Elementary School. He said they are fortunate the “laws of gravity” works for them with the watershed is up above. Roman said, if it was not, the styrene would be in the water, right now, and the cancer rate, in the City, would be out of control. He said the state and “feds” need to come in with safety checks, put in place, and the carcinogens are taken out of the ground, independently, tested, and go through it, take soil samples, to guarantee there are not carcinogens in the ground.

Carol Zelenak, Dietrich Ave., Hazleton, lives “catty-corner” from Kama. She said they have lived through the spills, the pollution, the noise, and the City does nothing up there. She said when they first started, up there, there was Sacasuey, and 16 people that worked there when they built. She said, currently, it is huge. Zelenak stated when they had problems, with Kama, they called the City, the fire department, and “called, called and called”. She said they came, stated, “we do not smell it anymore”, and left, until they had the big spill. She said if other industries come in, who is to say they will monitor it. Zelenak said it is not the City, and do not come unless they call them. She stated they had DER come in, gave them City water because their water was polluted. Zelenak said her one neighbor moved away, and one died from cancer. She asked why the City would do this, to them, again. She stated to leave it alone.

Marty Franco, Carleton Ave., on the corner of Hazle Street, and lives one block down from the Easy Stop. He said there is a problem with this. He said it is constant with huge garbage trucks. He said this is a preview in making it general industrial. Franco said he saw this on the internet and said it looks like something from Walt Disney. He stated he is scared, loves the Heights, and loves the people coming there, especially the Hispanic residents. He said they have family members, are doing wonderful, and are friendly people. He said there are motorcycles flying up the street and asked where the cops are. Franco said they are doing their job but cannot catch them. He stated they do not want to change a good thing. He worked in some of the plants that the mayor is proposing. He said they start out great, get their free taxations, put their ten years in, and are gone. Franco said they are all temporary services in the City. He said they start out, work their 1,000 hours, and are gone. He said his son has worked at about five different jobs and cannot maintain a job. He said he finally got a good job. Franco said he is scared of what Poplar Street will turn into. He said it may not effect, on his corner, with Easy Stop, but already is

inundated with junk, papers, and bottles. He said there is no justification and no responsibility. Franco said he loves the Heights, is newly retired, pays his taxes, but asks, "should he stay or go". He said that is what all the residents are asking.

Mayor Cusat asked how many people have read the 1995 map. He said I2 is general industry district, and nothing has changed except the name. He said all they did was make it easier, for people, to read the map. He said instead of calling it a general industrial district and I2 and GI are the exact same thing, and nothing has changed in the purple area. He said the commercial area, the only businesses, going into CC, is, as stated by Atty. Logsdon, commercial goods and services to local residents, employees, downtown, as business areas who primarily rely on on-street parking and likely needed by residents or employees, of the City, on a daily or regular basis. Mayor Cusat said it is not like an industry is going to come and put a manufacturer on Poplar Street or "over here". He stated the only reason is "this piece" was changed here, referring to the zoning map, is the O, office space, was eliminated. Mayor Cusat said he understands the piece Mope brought up is a totally different situation. He stated this part, "here, and here", has been the same as it has been, and I2 is exactly the same as GI and the purple are the same, with nothing changing. He said he wants to make sure everyone is aware of this.

Mope stated Mayor Cusat is correct, but with the new zoning map, council is in charge of the properties with an opportunity to amend and change it. She stated Poplar Street is being changed from commercial highway to central commercial (CC) and should be extended all the way up to the beltway because there are, already, commercial properties in there. Mope asked why the lot, that is residential, with children playing, is being "carved out" to be added to general industrial. She asked who made this decision, went in front of Planning Department twice, and twice was turned down for them to change it. Mope said she is her for a third time and are changing this again.

Mayor Cusat said this was on three WORK SESSION meetings. He said the public is welcome to come to the WORK SESSION meetings to discuss these things.

Mope said this was all going on during the COVID-19 pandemic and they do not get public input. Mayor Cusat said he is trying to explain the I2 issue. Mope said it is general industrial, and is correct, but also, it should be changed to light industrial. She said they are not children or sheep to be lead and have the right to have their input and opinion. Mope said a few people do not have the right to disrupt a whole neighborhoods life.

Perry asked Atty. Logsdon to explain the general and light industrial differences. Atty. Logsdon stated, "Light industry- the purpose of this zone is to provide locations for light industries to diversify the region's economy and offer valuable employment opportunities, zone principally permits light and small-scale industries, as permitted, uses, while requiring special exceptions approval for certain type of industries that are small, but have the potential for impacting residences given their close proximity, to residences, within the zone. The required lot sizes have been kept small to accommodate the start-up industries that are likely to emerge. The design standards have been imposed to create attractive site designs and moderate the injectable impacts with light industrial uses, public sewer and water services in this zoning district".

The General Industrial Zoning District- "The purpose, of this zoning district, is to provide for heavy industrial uses in locations that are suitable and appropriate, taking into consideration land uses on adjacent or nearby properties, access to major streets, highways, air, or other means of transportation and the availability of public utilities. The principal uses include light manufacturing, warehousing and distribution of goods, and the other uses that will not be detrimental to adjacent commercial or residential properties by reason of, but not limited to, excessive noise, smoke, dust, odor, vibrations, fumes or glare. Certain commercial uses are also allowed, within the zone, however, industrial uses are, principally,

preferred. Heavy industrial uses are permitted by special exception because of the nature of their operation, appearance, traffic generation, emission and capability with other zoning districts, although, the uses are necessary. This zone also allows for agricultural uses to the extent possible, public sewer and water services in this zoning district.

Perry asked if this map is available for anyone, online, to look at. Atty. Logsdon asked if it is on the website. Mope said she looked on the City website. Atty. Logsdon said he is sure they could get it up there. Perry said if they could go on a map and zoom in to see their area to see what is changing. Perry said they are here to educate the residents. Atty. Logsdon said they are having a land development hearing, here, for land development that is not happening. He said people have things they want to say, but the general industrial district is not changing. Perry said if they cannot see the map, this is the problem. Atty. Logsdon asked if there is a problem on the comments of the Zoning Ordinance.

Mope stated Atty. Logsdon is the City solicitor and, also, the Planning solicitor and this is a conflict in itself. She said if the Planning Board with something the City wants to do, she asked him who he represents and what side "of the fence" does he sit on. She said he cannot be "master to two parties". She said she does not know who was involved in the creation of the Zoning map. Mope stated when she asked Mayor Cusat, he said he does not know. She said when she asked Sean who asked for the changes, he did not know. Mayor Cusat said this ordinance has not been done for 25 years. He stated Mope was on council, for eight years, and no one touched it. He said if this was addressed, years ago, these other places would not have opened in the Heights because they are silent. He stated the medical marijuana places are silent and Methadone clinics are silent. Mayor Cusat said this is why this ordinance needs to be done. He said council failed within the last 25 years to update. He said they took 2 ½ years to get to this point, wants input from the people, but everyone wants to "scream and carry on" about one piece of land. He said this is why there is a boarding house, on Thirwell Avenue, because no one did anything.

Mope said they are giving their input. She stated if it was 25 years, this was before any of us were on council. She said it should have went to the Planning Commission first. Mayor Cusat said it did. Mope said it did not go for public input because she went twice. She said when they wanted to put the Methadone clinic, on F Court, she went to Planning, had her input, and won. She said the Planning Board is for hearings.

Atty. Logsdon said he wanted to clarify, for city council, so they are not sitting, here, "in a vacuum". He said some residents stated they believe there are procedural issues and could be addressed. He said if they want to discuss the text of the ordinance, they would like to get comments on these, but have not gotten any. Atty. Logsdon said if it is specific areas, of the zoning map, they would like to hear about this or suggested changes. He said should we just "throw it all out" or what are we doing here.

Sacco asked if the City Clerk is able to make a copy and pass it out to residents. Atty. Logsdon said, "I would assume so". Perry said it needs to be online so they could "zoom in on it". The City Clerk agreed. Atty. Logsdon said the zoning ordinance has all the terms and definitions. Barletta asked if the City Clerk could put the Zoning Ordinance, online, for the residents to review. The City Clerk said sure.

Maria Jacketti said getting back to the issue, of transparency, that they hear this "over and over again". She stated they also say they are lay people, but they need feedback from them. She asked to put whatever is possible online. She also asked to set up a chat where they could ask questions. Jacketti said if they do not understand, a particular term, either council, Atty. Logsdon, or Mayor Cusat could, get on, and answer their questions. She stated most people have a computer and most could get to the website. She said this is a step to the transparency. Jacketti said people are "scratching their heads and not understanding". Jacketti said there is a lot of bewilderment and confusion.

Perry said this is where everyone lives, F Court, Hajoca, Dietrich Avenue, the metal fabricating factory, the Rod and Gun Club, and the homes, and this is why they are all here. Perry said they are looking at this area, and the empty spot in front of Kama.

Pete Gregor, 524 Thirwell Ave., Hazleton, said he ran the chemical plant, at Kama, for 23 years, and went through two spills and the explosion. He stated no one knew what was going on up there. He said, after the explosion, he ran, the chemical plant, and was getting \$23.65/hr. He stated they put him down, at Kama, for \$9.25, and this is when he left. Gregor asked how he is still alive because he was working with Toluene, Ethyl Benzene, and Styrene which was outlawed, and could no longer manufacture, especially the Toluene. He said when they put the addition on, for Kama, it was not a problem. He said he was very young, at the time, and put it on as an addition, and no one knew they were putting chemical reactors there. He said he had to sign a waiver, and a paper, not to discuss what was going on up there. He said before putting any other industries, in there, they need to know what is going on. Gregor said they live close, was worried about his kids, just for the fumes, itself. He said he started there for \$5.00/hr. They told him if he runs the chemical plant, learn it "inside and out", which he did, and was told they would take him right "up the ladder". He stated the responsibility was unbearable. Gregor said the night the reactors went crazy that is when the explosion occurred. Barletta asked him if he was there. Gregor stated no. He said he was in his garage, the house shook, and the windows broke. He said his daughter ran outside, told him, "it is your plant", saw a ball of fire, and that was it. Gregor said he was called to come in at midnight with a garden hose to keep the rest of the reactors cool because only one reactor exploded. Gregor stated if all five reactors exploded, more than half of the Heights would have been gone. He said no one knows, to this day, what went on.

Anthony Mope, 531 South Hazle Street, Hazleton, said Mr. Gregor worked for 23 years, for Kama, but he worked there longer. Mope said he worked since the building was there and worked for Prestolite. He stated there are chemicals, in the ground, that have not been tested. Mope said there is a metal reclamation plant at that place and, also, the wire burning. He said to take a sample there and see what they find. He said he was involved in this spill and did all the homes, over the water, and knows how much is spilled there. Mope stated is it astronomical. He said he is not going to say. He said do not touch this land, and the land at Dietrich Avenue, because the soil is contaminated at Heritage. Mope said the EPA needs to come to take a sample; they would be surprised. Mope said he worked for this plant also and knew what went on there. He said he worked in all these plants. He stated he is a 65-year resident of the Heights, one of the longer ones. Mope stated the soil is messed up bad. He said take a sample and find out. He said they would be opening a "can of worms".

Mary Malone, Hazleton Chamber of Commerce Director, 8 West Broad Street, said this is the first public hearing, and could council ask for others or does it go on to the council's agenda. Atty. Logsdon stated if council needs another hearing, they could have one. Malone said she wanted to talk about the Hazleton Downtown Overlay district, the Historical district, and a suggestion. She said the Chamber of Commerce, and becoming the president in 2014, but in 2011, worked in partnership, with the City, at that point, to develop, through a project, with Barry Isett, the Downtown Overlay district, and an ordinance was passed, in July, of that year. She stated many of the same tenants, of this ordinance, were carried over, but when reading over, Section 5 & 6 and the energy, the one element, that was taken out was the Overlay Review Committee that had designated folks. She said the Chamber had a seat, a downtown business owner, the Overlay District, and a property owner because they are two separate things. Malone said on the Planning Commission, currently, there is a realtor and an architect. She said what is lost is to have advisory to the Planning Committee because there is not only the Chamber but an entity to work in partnership and conjunction, and sole focus, is to work with the Downtown Hazleton Alliance for Progress. She stated they need someone who is an expert. Malone stated the same piece for the Historical

Overlay District, there is a specific list of properties but a report, delivered, at the end of 2020, through the PA Historical Museum Commission that had an inventory of the general area the City is looking at. Malone said the inventory and report are not even addressed in this. She said there are specific laws and guidelines, at the state level, related to working with the PA Historical Commission. She stated if it is an advisory for each of the three, the energy one, and she read it, but does not understand it, with very specific things, i.e.- solar and gas. She said to have this kind of input would be important to the overall process since the City is reviewing the Zoning Ordinance. Perry asked if the city council decides this. Malone said yes. She said there is a whole process, an application approval, with the City's Planning Commission. Malone said when she went back to look at the makeup of the "sitting" Planning Commission, there were no slots, laid out, to give advice, and would be critical on some of the other things seen. She told Mayor Cusat that the old form, worked the best, but would be the best suggestion, especially on the three Overlay Districts. She said she is calling them subject matter experts, but to have someone reviewing this, and delineating them, in the ordinance, and trying to be so comprehensive, would be important. She said she reviewed the City's proposed 256-page Zoning Ordinance and skimming for some things. Malone said the map was not attached, to the ordinance, and was not online. She thanked them for getting additional copies.

Anthony Mope, 531 Hazle Street, said the residents were not allowed to hang their cloths on Thursday's. He said they burned wire, one day a week, and tried to pick a day that was raining. Mope said this would ruin their cloths. He stated this place is totally contaminated. Mope said these people do not know, but he lives there. Mope stated it is not only Kama but follows right "down the line".

Krista Schneider, Hazleton Downtown Alliance for Progress Director, thanked everyone for putting the new Zoning Ordinance together. She stated she was happy there is a Historic Overlay District ordinance being suggested. She said as Malone referenced, they worked with the CAN-DO Community Foundation to get a grant, for an inventory, done several years ago. Schneider stated there are 490 properties within the proposed Historic Overlay District with each one documented, photographed and evaluated for its value as a member of the Historic District. She said there is a huge responsibility to be put upon the Planning Commission. She said every application, for renovation, remodeling, alternation and signage will come before the Planning Commission. Schneider stated, she agrees with Malone, that there needs to be representation, from the district, residents, or subject matter experts that understand, the basics, and the intent of the ordinance. She said she is willing to set up workshops, trainings with the state or the Preservation PA who did the study to provide training or educational information so that these applications could be evaluated in the way they are intended to be. Schneider asked what level of education will be given to the property owners, within the Historic District, because it will be new to them. She said they are not going to understand what is being required of them. She said there is additional grant funding available, that could be applied for, for the development of guidelines. Schneider said these are her recommendations. She said communication and explanation, of what all, is being required, is very important. She stated the Planning Commission, is fine, to make the decisions on these, but on what basis will they be evaluating them on. She said, on the Overlay District, it has been expanded, and an amendment, put forth, back in 2016, to extend the Overlay District, further to the west. Schneider said it was not passed, and since that time, was glad, because the west of Locust Street, the character of the downtown changes, a bit, with the shopping commercial, more highway commercial. She stated it would be very difficult to enforce the standards for the Downtown District, in this physical environment. Schneider stated some additional, consideration, to not extend the boundary passed Locust Street. She said these are her recommendations.

Mark Rabo, 1st Street, Hazleton, said he has a hard time seeing the Zoning map on the TV. He said regarding the map, on Wyoming as well as Diamond Avenue, the commercial highway district has been expanded, and the central commercial district, and the purple area- central highway, and encroaches into residential areas. Rabo said, on Wyoming Street, it goes further in, and on First Street, it goes right into

his house and his mother's. He said on Second Street, it goes right into Fierro's and Bonin's Funeral Homes. He asked if the surveyor, involved with this, looked at this, because the buffers were not looked at closely. Rabo asked what the County Planning and Zoning Director give as their recommendations, as required under the Planning code. Rabo said he spoke with Mr. Matt Jones, Luzerne County Planning and Zoning Director, who informed him he is waiting for the City's \$85.00 fee for the review, according to the state Planning Code. He asked if Mayor Cusat or administration has sent out the \$85.00. He said without this fee, the county is unable to do their review.

Atty. Logsdon said he will find out if there are any fees, outstanding, to the county.

Dee Deakos, 43 West Mine Street, Hazleton, said she is looking at some of the areas that are state highways- 15th Street, Church, Poplar Street, as well as Broad Street. She said Broad Street, by the Markle Building, she knows that they had to get permission to get entrance into their parking lots. Deakos stated the City has an issue on how they will get in and out of the businesses. She said, one of the problems is parking, looking at the R2's and R3's with a lot of buildings, breaking down a house into two apartments, that would need to provide two parking spaces each. Deakos stated a lot of them did this without providing the parking spaces. She asked if the new Zoning Ordinance will deal with the parking and if they do discover, illegal apartments, will take away the right that they did not have the right to have the apartment. She said this is a serious issue, to zoning, because it was brought up, in the past, about illegal apartments. Deakos stated the City needs the parking for it, be part of zoning, and cannot say it was "grandfathered" in because it was done, illegally, five years ago.

John Nilles, 575 North Church Street, asked the proposed change going from an R2 to a central highway zone would do when he sells his property or his insurance, would become, when they go change this area. Nilles stated, for the Heights section, and being on the Hazleton Water Authority for seven years, the watershed, 100%, cannot be touched or "played with". He said the City is trying to get more water in from, the Lehigh River, for more industry and housing for the industrial. Nilles said he heard some people talk about the chemicals from the Kama Corporation, but not about the old PP&L where they had all their stuff, for years, in the ground, and will never sell their property, or the other industrial, still in use, with different changes. Nilles asked if anyone has the first zoning map, in color, to see the change from "one to another". He said if this is not in need, of a rush, and people have concerns and questions, there should be a better format for people to discuss then in the middle of a council meeting. He said if it needs to go to the Planning Department, first, and let people discuss, they should have a better understanding of any changes.

Barletta said with all the resident concerns, and looking at the map, and comparing at, Dietrich Avenue, the little piece, is getting changed, off Poplar, and changed to residential to general. She stated behind Luzerne, Johns, E Street, and Dietrich, is going from office to central commercial. She said this is the main concern of the residents. She said these are the two big changes in this area. Barletta said general is extending more to behind Dons Avenue and Johns. She said a block, going down, and going in one block, to commercial, between Carleton and Muir. She asked who made the changes as to draw on the map, put on the website, so every resident, in the City of Hazleton, knows.

Mayor Cusat stated "hundreds of blocks" were changed. He said all of 15th, Alter, Church and parts of Diamond Avenue. The map was made over, two years ago, when they started the ordinance, does not remember all the changes, because there are a lot. Mope said there are a lot of changes, but the residents does not realize what is going on in the entire City. She said the only way, they knew, is she put a post-up and then it was spread around, with flyers, by Nicarol. She said, otherwise, nobody would be here because no one understands the legal jargon in the advertisement, in the paper, and very subliminal. Mope said it did not state the zoning map would be changed, but only stated the ordinance change. She said there should be a complete article, in the paper, listing all the changes, from "what to

what". Mope stated it would be very beneficial. Mope said they have no idea what is going to affect them in the City.

Jean Mope and Mark Rabo (*inaudible*).

Perry asked Gary Perna if this Zoning map would be on the City's website. Perna said yes. Perry stated the residents could "zoom in" to see the different colors and changes. Barletta asked how they could go back to change from commercial to office. She asked if council would need to make an amendment. Atty. Logsdon stated yes. Atty. Logsdon said the City would have to "bring in" the drafter to make the changes, and, obviously, the City does not have this software. He said they would be adding something that is no longer there, i.e.- the whole new use. Mope stated city council has the ability, and, currently, the old map still exists. She said they have the choice to change it or not. She said council would amend or change to what is appropriate. Mope said council is in charge of the properties, in the City, nobody else, and could make the decision. She said whatever is beneficial to the City and the residents.

Barry Logan, 552 East Kiefer Ave., Hazleton, said he lives on the corner by the woods. He stated he built his hocity cuse in 1976. He asked if this is all necessary to do all of the this tonight, to change the zoning. Perry said this is just a hearing and this is where the residents could express their concerns. He said council is just listening and absorbing. Logan said he agrees, from E Street down, the water needs to be tested.

Perry said to "zero in" on one specific area, the City could work on this easily, and think that people would be "waiting in line" for all the changes in zoning for a long period of time. He said the City will put in on the website and look to see what the residents do not like. Perry stated people do not understand. He said the City wants the residents to give their input. He stated the City is not doing or deciding on anything tonight. He stated the next council meeting is next month. Perry stated if it was, in his neighborhood, he would be here tonight, too. He said he is in a different section of the terrace. Perry said the Kama and Prestolite concern has been in people's minds. He stated council is listening and that is why they are here, not rushing anything. Perry stated this is only the first hearing and no vote tonight. He said he could see why people are "up in arms" and this is for the benefit of the public. Perry said if it is a wording change, it should be no problem. He said they have an idea of the specific areas that are being changed, especially the Sency property, going all the way down, and the one in front of Kama. Mope said Perry may want to make his job a little easier with listing all in the newspaper. She suggested they put a notification in, that the people could read, that they will be having a hearing for this section of town, on the zoning map changes. She said, honestly, the residents do not know what is going on in the rest of the City. Mope said it took a post, on Facebook, to let them know. Perry said Malone and Schneider are having a problem with the wording and the Overlay and Historical District. He said they are looking at the "meat and potatoes" of the whole thing. He said everyone has a say and wants to listen. Perry said they are all open minded and are not trying to "shove this through".

Nicarol Soto, 206 Berner Ave., Hazleton, said she agrees with Mope. She said if the City published anything out there either on the internet, the City's web page, or the newspaper, they need to know how these changes will affect two things, their quality of life and "tax wise". She stated if they live in an R2, and is changed to CC, she asked if this is going to have an increase in stormwater or in property taxes, or in the quality of life. She said these are the things they need to "digest" the changes easier. Soto said they need to know how this will affect their lives, their families and neighborhoods. She said these changes are not just about figures and letters, but the changes on paper and how this will affect the laws. Soto this could affect their properties and taxes. She stated it would be nice to put this on the webpage or in the paper and explain how these changes will impact them, directly, to accept this.

Mope said the only inlets, from Arthur Gardner all the “way down”, are on Kiefer Ave. She stated when there is an impervious surface, such as a parking lot, they get all the water because there is no area to soak it up. She said it runs straight down and have rivers that come down, Hazle, Mill Streets, and Mr. Postupack’s property. Mope said George Koval, the neighbor, who lives directly across the street, her husband had to block and barricade his basement because the water was running like a river into his basement. She said there are multiple, problems, up there, that has not been addressed. She asked what would happen if industries came in there with parking lots. Mope said they are not equipped to handle this. She said they cannot handle this because they are clay, up there, and does not get absorbed. She stated these are the problems inundating the Heights. Mope said this is why all the homes have sump pumps, but her home does not get water because of all the “triaxles”. She said when Kama, blew up, her son had to live at his grandmother’s house, for one week, because of the fumes coming up through the French drains. She said her son is an acute asthmatic and still in school. Mope stated they had to get the bricks repaired in the back of her house. She said she was up, on the beltway, talking to the police, to find out if her husband was alive or dead. Atty. Logsdon stated, for council’s sake, they are talking about zoning and not land development.

Maria Jacketti said this is a great opportunity for the Height residents to talk about what is on their minds and hearts on a daily basis. She stated one resident spoke of all the cancers in their family. Jacketti said they need to get the DEP and the state in at the cancer clusters, on Kiefer and Thirwell Avenues. Jacketti stated her mother succumbed to cancer. She stated she was there, quite a while, on top of the plastics factory. Jacketti stated she has two neighbors behind her. She said one died, and one is recovering from cancer. Jacketti said they have a cancer cluster, their own “love canal”. She said she would like to have her soil tested by DEP.

John Roman said there was a woman here before explaining why she wanted to serve someone alcohol. He said they are talking about zoning and redistricting. He said every parcel, of land, is owned by someone. Roman asked why they are not here explaining why they want to be redistricted and what they had in mind. Roman said this woman was “grilled” over serving someone a beer, but what could be the potential effects of what they want for this piece of property and for what reasons. Roman said these consequences will be far greater than serving someone a beer. He asked what will be going there; if it is just, general industry, a Cogen plant, a junk yard, a nuclear power plant, or Dupont Chemical. He said it would nice to here, someone say, they own this land and what it will be. Roman said no one has an answer. He stated, at least, have the courage and fortitude to come forward and say, “I would like this rezoned, be candid, and say, “this is why”.

Atty. Logsdon said this is land development. Mayor Cusat said all of this is addressed in the saldo ordinance, and the next ordinance council needs to put together and get. He said this is another ordinance that is 30 years outdated. He said this is not the zoning ordinance, and a lot of different “pieces” being “intermingled” here, tonight, that have no reference to the zoning board. Mayor Cusat stated they all have the concerns and does not want anyone to go through anything. He said there is a difference with the saldo, zoning and all the other ordinances.

Mope said this needed to be sent to planning first. She stated she has done it twice, over the parcel of property, being changed to commercial, and the Methadone clinic was going in there. Mope stated she did it for a second time for storage units. She said the police told her she would be having crime, drug dealing and robberies. She said that is the procedure, not this. Atty. Logsdon said he could show them the sections, of the zoning ordinance, they have dealt with. He stated not just trying to give council so information here but changed them to conditional uses that these important issues would come in front of council instead of a committee. He said these were addressed at a WORK SESSION meeting and is not addressed in the current ordinance.

Wayne Funk said he lives diagonally across the street from Barry. He stated they have tractor trailers going “up and down” their streets, constantly, day and night. He asked Barry how many stop signs the tractor trailers have taken out on that corner. Barry stated, “at least three”. Funk said Barry had to put on in himself. Funk said, talking about zoning, they could say, “we are going to put this or that there and this is what will go in there”. He said the impact is having the tractor trailers, coming through, extra traffic from vehicles driving. He said these are residential streets where children play. Mope stated it is, also, a school zone. He stated that, in talking about zoning, may be, this area needs to be rezoned as more of a buffer zone for them.

2. Presentation of Certificates of Award to Junior Council.

Perry stated council has some certificates to present to junior council, and said, he believes, they are not here. He asked the City Clerk if they are present on ZOOM. The City Clerk said Jillian McGeehin was unable to make the meeting, and she did not hear from Jeffrey DeAngelo. Perry asked her if they should “hold on” to these. The City Clerk said yes.

Bid Opening: None

**BUSINESS AT HAND: RESTAURANT LIQUOR LICENSE INTER-MUNICIPAL TRANSFER HEARING
@ 5:30 P.M.**

A public hearing for an application for the Approval of Inter-Municipal Transfer of Restaurant Liquor License #R-17428, from Drifton Associates, Inc., 44 West 2nd Street, Drifton, PA to 601 Poplar Street, LLC, Luzerne County, Hazleton, Pennsylvania, 18201, presently held in safekeeping by the Pennsylvania Liquor Control Board, was held at 5:58 p.m. prior to the city council regular meeting.

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

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

(1ST READING)

None

(2ND AND 3RD READINGS)

Ordinance 2021-16

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 **(2nd READING)**

Presented by Colombo. Seconded by Barletta.

On the Question:

Atty. Logsdon said this is for the EIT ordinance. Perry asked if he got the approval. Atty. Logsdon said no and needs the motion, from council, to table this. He stated they do not have the court order back yet but will let council know when he gets it. Barletta asked if there is a reason why. Atty. Logsdon stated he did reach out to the judge's chambers yesterday, but no response.

Motion to Table:

Presented by Perry. Seconded by Colombo.

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

ORDINANCE TABLED

RESOLUTIONS:

Resolution 2021-43

Resolution Approving Application for a Multimodal Transportation Fund Grant from the Commonwealth Financing Authority for Phase II of the Wyoming Street Enhancement Project

Presented by Perry. Seconded by Sacco.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-44

Resolution Approving Application for a Multimodal Transportation Fund Grant from the Commonwealth Financing Authority for Phase II of the Alter Street Improvements Project

Presented by Colombo. Seconded by Barletta.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-45

Resolution to Authorize Joseph Zeller, Director of Community and Economic Development, as Signatory on the ESG 2021 Application

Presented by Perry. Seconded by Sacco.

On the Question:

Barletta asked what this is for. Atty. Logsdon stated Karen had contacted Joe and they wanted someone to authorize an appropriate signer of this. He stated it would not be president of council or all of council, but it would be Mayor Cusat and needed two signatories. He said they needed something to provide the state that Joe is okay as the second signatory. Zeller said this is in reference to Resolution 2021-27 and council will be voting on shortly.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-46

A Resolution of the City of Hazleton, County of Luzerne, Commonwealth of Pennsylvania, Approving the Transfer of Liquor License No. R-17428 into the City of Hazleton from Hazle Township

Presented by Perry. Seconded by Colombo.

On the Question:

Barletta thanked Atty. Hoegen and Hurune for “sticking around” this long.

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

RESOLUTION PASSES 4-1

Resolution 2021-47

Authorizing the Filing of a proposal for funds with the Department of Community and Economic Development, Commonwealth of Pennsylvania

Presented by Perry. Seconded by Sacco.

On the Question:

Perry stated this is for \$267,000. Barletta asked Zeller what the City is using this for. Zeller said this is for another application, previously approved, a resolution. by council, for an ESG grant, for a day shelter, operated by New Roots, along with some assistance from Catholic Social Services. Zeller said this is a homeless shelter for people who have no place to go in the evening. He stated there was a necessity, during COVID-19, because they could only stay until the morning hours. Zeller said this is just another application for additional funding for the program to continue.

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: Jerry Catino, 173 Wilson Drive, Hazleton, said this problem is concerning their property at 555 Maple Street. He stated the drains have been overflowing for 20 years and presenting a health hazard and an environmental problem. Catino said three houses share it and they are in a half double. He said it goes from Maple Street to the back and to Diamond Avenue. He stated they want this problem solved because the pipe is in their back yard. Catino said the sewage is overflowing into their backyard and has to call the plumber, every month, to clean it up due to the smell. Barletta asked if she spoke to him, about two years ago, about the same issue and brought him into City Hall. Catino said yes and has been going on for 20 years. He stated Mr. Pedri has, also, trying to help him. Perry asked if there are more people on this line. Catino said yes, with more people coming into town it cannot take the load, and the pipe is overflowing into this yard. He stated it has to go all the way to Diamond Avenue to get out onto the road. He said the pipe is about 75 feet long. Catino stated the front of Maple Street has no drainage. He said they do not know what to do or where to go.

Mundie stated this is a problem throughout the City, and also with water lines. He said the City is limited because this is private. Mundie stated when they have a problem with the line, the other resident does not want to pay for anything, two other people could be “jerks” and do not do anything when sharing a line and say, “you fix it” and then they do not have water or sewer. He asked Atty. Logsdon if council could pass an ordinance or resolution where the residents need to enter an agreement to share the cost between all three residents. Atty. Logsdon said it may need to be a deed restriction-type issue. Mundie said they could put it in a deed, council could pass ordinances and resolutions and pass “what they want to pass”. He stated how it is enforced is another story. He said it is a problem throughout the City. Catino said they are all thin pipes. He said there are residents who pay their taxes, try to do what is right, and have big problems. Mundie said there are a lot of shared sewer and water lines. Mayor Cusat stated all his properties are shared lines. He said he spent \$6,000 to fix his. Mundie said this is one way to solve it, but not everybody could afford this. Catino said his total is coming to \$20,000. He said **(inaudible)**. He stated Mr. Pedri put them onto Mr. **(inaudible)**. Mundie said Atty. Logsdon could check

into how legal it is and what they could do. He stated they could pass an ordinance and if they challenge it, they may lose. Perry said for the Rescue Plan money, it states the City could work on sewers. Mayor Cusat said the City could use the money for infrastructure issues. Barletta said this is infrastructure. Mayor Cusat stated this is on private property. Mundie said it is a problem, throughout the City, with sewer and water lines. Catino said the pipes are about 75 years old. Mayor Cusat said it is a civil issue. Barletta asked who Catino would go after. Mayor Cusat stated Catino would need to pay it and then file a lawsuit. He stated it "sucks" because he will not get the money. Mundie said maybe the City could help people like this. He said there should be an agreement with the people, on the line, and share the costs. Naomi Catino said she thought that there was something in place, already, like this, for a shared line. Mundie stated it needs to be on paper. Mundie stated it is a shared line to get the people who the say to fix the line and paying it, all these years, and do not care. Lynch asked who connects to the main. Mrs. Catino said the neighbor on Diamond Avenue. She said the two half doubles, meet, that is the "Y", goes straight, then goes to Diamond Avenue, and meet on Maple Street. Perry said it cannot handle the load. He asked if it has been cleaned out. Mrs. Catino said it is cleaned out every two months.

Mr. Catino (*inaudible*). Barletta asked whose responsibility it is if it is on the street. Mayor Cusat said from the curb to the main it is the Hazleton Sewer Department's responsibility and from the curb line to the house, it is the homeowner's responsibility, to the end of their property. He stated it is terrible. Mayor Cusat stated all of the northside is the same way with the houses and alleys going through Alter Street, in front, to the main. Mr. Catino he could do theirs from their house to the end of the line, but what about the ladies on their sides because they cannot disconnect them. He said they have no money. Catino said they have to live with the mess and pay the plumbers to unclog it. Mayor Cusat said, unfortunately, he does not know where the City could step in. Mundie said the City is limited on what to do. Barletta said they and Mr. Pedri are trying to help. She stated it is a horrible situation and there needs to be a solution. Mr. Catino (*inaudible*). Mrs. Catino said the problem is every time there is a clog, there needs to be coordination from the home where the plumber needs to get access. She stated the homeowner works and it is a challenge for their basement to be open for the plumber to go in there is a challenge. Mrs. Catino said no one contributes to the plumber's bill, and this is every two months. She stated there was a time, about five years ago, the previous owner, at 722, did a big sewer "fix" to which she contributed about \$1,750. She said the total was \$5,000-\$6,000 job. She said it is just recurring and seems to have no end. She said she called Code Enforcement for them to talk to the two homeowners to let them know. She said they have some kind of impact, but they get the most. Mr. Catino said the homeowner tells them, "they cannot dig up the concrete in their pathway". He said they are all stuck. Mr. Catino asked what solution they could come to. Mundie asked Atty. Logsdon if he could find out if council could pass, a resolution, to tell people, who have a shared line, to enter an agreement and agree to pay their fair share, whether cleaning or unclogging. Atty. Logsdon asked the Catino's if they went to the Hazleton Sewer Authority. Mrs. Catino said several times, but only care about the main lines. She said she sent out numerous letters, and copied the mayor on this, asking for the cooperation from the other two homeowners to come "to the table" if they want to get an estimate. She stated they came one or twice, and Mr. Pedri put this together. She said there was no progress and, at this point, sent out another estimate, estimating about \$1,200 total for this. Mrs. Catino said it is about \$275.00 for the first hour, and then, \$175.00 for each subsequent hour. Mayor Cusat stated he saw this. He said the pipe may be crushed and they are catching something in there. Mr. Catino said the plumber stated the problem is on Diamond Avenue. Mrs. Catino said the building, on Diamond Avenue, was single family, in the past, but now has renters. She said it may be the pitch because she said Maple Street is a little lower than the other areas. Mayor Cusat said something would flow out if there was not something stopping it, something rough that is catching paper or sticking non-biodegradable wipes down there. Mrs. Catino asked if they could have the homeowners come "to the table" and make a commitment. Mayor Cusat said they could make an agreement, with the homeowners, but they will not pay. He said if they did not help them, now, they will never pay it. He stated, unfortunately, they will have to pay it and then, file a civil suit against both, of them, and then, the magistrate will side with them, because this is what the law is. Mr. Catino (*inaudible*). Mayor Cusat said this is the legal way it needs to be addressed. Mrs. Catino said she would have gone this route; however, they are talking about this costing \$15,000-\$20,000 and

has not guarantee when she goes to court that they will pay. Barletta stated they need to go to the Common Pleas Court in Wilkes-Barre. She stated \$12,000 is local and cannot go to the local magistrate. Mundie stated if there is no sewer, in the house, and is blocked, the property needs to be condemned and kick them out. He stated the house where there are renters in, and has no sewer, needs to be closed down. Mayor Cusat said the people who they want help from has their sewers. He stated their poop is going out into the backyards. Mayor Cusat said he has the same problem at one of his properties on Mine Street. He said his yard overflows. He said he wishes the City could help. Mundie said they will look into ordinances and will see. He stated they do not know what other cities do, but it is a big problem, and not just them, with many, many people. Mayor Cusat said he has the same problems on Alter and Mine Streets. Mr. Catino (*inaudible*). Mayor Cusat told them to sell the property and buy another one.

Mrs. Catino asked if there is a way, for city council, to scare the homeowners, to cooperate. She said they are citizens of the same place and need to be "pulled in". Mr. Catino (*inaudible*). Mayor Cusat said if they are violating the code, the City could send a letter, but, unfortunately, they are not violating the code, only impeding on their property rights. Atty. Logsdon agreed. Mr. Catino (*inaudible*). Mayor Cusat said it becomes a civil issue. Atty. Logsdon said he needs to bring a civil action against his neighbors. Mrs. Catino asked what this means. Atty. Logsdon stated they will look into this, as council told him to, but they need to talk to a lawyer. Mrs. Catino said they could talk to a lawyer, and they could get nowhere, and be right where they are. Atty. Logsdon said a lawyer would be able to give them legal advise on how to solve the problem. Mrs. Catino he would just "kick the can down the road" and it is all the legal jargon. She said if they decide not to pay, then they would have to go to the next court. She stated, at the end of the day, it would cost about \$15,000 and up. She does not want to go this route. Mr. Catino stated the lawyers will make money and the problem will not be solved. She stated they live in the City, pay their taxes and need some assistance from City Hall. Atty. Logsdon said he wishes he had a different solution for them. Mrs. Catino said they may need to be spoken to formally. Mundie stated Pedri spoke to them, and they paid what they owed. Barletta asked if Diane Panzarella could talk to them. She said she is the City's Health Officer, and this is a health issue and "step in". She said the City hired her as a Health Officer. Sacco asked, at what point, could they condemn the property because they are not fixing it. She said they could give them three warnings and they know it is "back up". Atty. Logsdon stated they would need to talk to the Code Department to see what their position would be. Mr. Catino said they are not cutting their grass. Perry said there are, probably, animals in there. Mundie said they could be cited because it is a health hazard due to not getting it fixed. Barletta asked if Panzarella could do anything. Mayor Cusat stated she could go talk to them, but the people, in the back, are aware of the situation, and do not care. Mr. Catino (*inaudible*). Barletta said it is a rental and asked who the property owner is. Mrs. Catino asked if there is a loan the City could advance, for the job, and the three homeowners pay back this loan. If they do not, then a lien could be put on their property. Mundie stated this is something for the Hazleton Sewer Authority and needs to talk with them. Mayor Cusat stated the City cannot do work on private property. Mrs. Catino asked about a loan. Mayor Cusat said there may be some kind of loan but asked how the Catino's will have the homeowners sign this. He said they cannot force someone to sign for a loan. Mrs. Catino said there is already, documentation, that the three homeowners are sharing, a line, they need to contribute for this. She said they do not answer their phones or emails. Lynch stated he has seen this issue, a lot, himself, in Mahanoy City. He said there is a "mish-mash" of utilities crossing over properties- i.e.- sewer and water. He said it is a civil matter. He said it is possible to damage a neighbor's property and is not a crime. He said if this person wants to be compensated, for the damage, they need to take them to civil court. Mr. Catino said they could do their part, put a new pipe, and let the neighbors "take it from there", to Diamond Avenue, but asked about the neighbors sharing the line. Lynch said the condition of their line is damaging their property. Barletta stated it is a combined line. Lynch said, in Mahanoy City, it is very straight, they skip streets, and runs through the properties. He stated he saw situations where the person who is connected to the main says, "get off my line", and they say they could say that. He said it is a messy civil issue and did not think about these things when it was laid out "how many" years ago. Mrs. Catino said, however, looking at the "court route", it will be more expensive for all three homeowners, and it is a formal loan to remedy, the situation, after the videoing of the line. She said they could video the line to see the results, put an estimate out

there, get a loan, and the City to help them tell the residents that they need to share the cost because they all share the line. Mayor Cusat suggested they would get the line camera because if it is cracked, at the end, they could go in, the other way, and fix it, instead of digging up under their house and in their yard. Mrs. Catino agreed. Mayor Cusat stated there is, usually, a trap, after it leaves the house, about six feet, away from the house, that would need to be fixed. He said when he busted his foundations, it is usually after the trap. Mrs. Catino said they are at the start of the line and is in the back, then goes to Diamond Avenue to where it goes out. Mr. Catino (*inaudible*). Mrs. Catino said if there is too much of a load on the line, on Diamond Avenue, it backs up. Mayor Cusat asked if they have a way to get their line to the other main. Mrs. Catino said this a huge line, and they are at the start. Mayor Cusat stated he thought they were at the end of the line. Perry asked if the Hazleton Sewer Authority would be responsible if it comes out to the street. Mayor Cusat said the sewer department is responsible only from the main to the curb line. Perry said it is coming back. Mrs. Catino said the way it is situated, Diamond Avenue is higher, the other house gets “away with it”, they get it because they have the relief valve in their yard. Mayor Cusat told them the relief valve is what is leaking. Perry agreed. Mayor Cusat told them to get a cap and put it on. Mrs. Catino said if they do this, it will back up into their house. Mundie agreed. Mayor Cusat said they are in a bad situation. Perry said they could send a threatening-kind of letter. Mayor Cusat said they need a lawyer to send them a letter stating that they will file a civil suit, against them, for costs associated with the repairs of this line. He told them to spend \$150.00 and get a lawyer. Mr. Catino stated the lawyer costs \$450.00. Mayor Cusat said to get a different lawyer. Atty. Logsdon said there are other things, and not to get too far into this, but there are alternative means besides money damages they will never see. He stated there is injunctive relief, a court order ordering them to do something, and the possibility that they will not cooperate, because money damages are not an adequate remedy. Mrs. Catino asked what would happen if they disobeyed the courts order. Atty. Logsdon said they may be found in contempt of the court because a judge’s order is a very serious thing. Perry said this is the best and cheapest remedy. Mundie stated they could go to jail. Atty. Logsdon said that is why it is best to consult a lawyer. Perry stated Mayor Cusat could recommend somebody. Mayor Cusat said the City is not allowed to recommend anyone. He said if the City had a list, but they do not, and are not allowed to recommend a contractor or an individual. Mayor Cusat stated he does not know where to get a name from. Atty. Logsdon said they could call the PA Bar Association Lawyer referral service and try to get in touch with a lawyer who deals with neighbor or civil issues. He said, hopefully, this lawyer could advise them of their rights and, possibly, one would be an injunction. Mrs. Catino asked how the City could help. She said she does not see a light at the “end of the tunnel”. She asked whatever pressure the City could put on them. She said she is not going to a lawyer and increase her costs. Atty. Logsdon stated the City would be dealing with private property and not City property. He said the City cannot force people to deal and contract with you. He stated this is unconstitutional. Mrs. Catino asked what kind of respite the residents could get who pay their taxes. Mayor Cusat said, unfortunately, the City’s remedy would be to go after the property owner to do something. He said if everybody keeps forcing “this thing” to do something, the City would have to come down on them. He said this is unfortunate, but this is the way the law works. Mr. Catino (*inaudible*). Lynch said the City cannot presume to give them legal advice, but has seen these things, many times, and is a civil law. He stated it is not within the realm of the City. He said the City’s right-of-way ends at where their house begins, and is private property, and is a property issue between the two of them. Lynch said he knows it is an added expense, but a lawyer would be able to give them the best guidance, a civil lawyer in a civil manner, against another private property owner. Mr. Catino (*inaudible*). Mrs. Catino said she will take the pipe out of her backyard, the other two homeowners could do whatever they want, and the City would not come after them. Lynch said if he was her neighbor, doing something upstairs, in a room, punched right through the wall, into their house. He stated he did not commit a crime, the City could not do anything, but they would want him to fix it. He stated if he said no, they would have to go to a civil attorney, and take him to court. Mrs. Catino stated maybe she would let them, go to court, and take the pipe out of her backyard and put it somewhere else. Lynch said if it was, feasible, to connect to the main, that would be a viable connection because if would just be their connection. Lynch said they did not think of these with shared connections and never thought about these things. Mr. Catino (*inaudible*). Mundie stated they will try to figure something out.

Barletta stated there is one more complaint. She said this is off of 15th Street, on 16th Street, by the playground where the fence is falling down. She said it is by Boyer's. She said the residents are complaining about loud music, quads, minibikes, speeding cars, and constant parties. Barletta said the resident stated they could do whatever they want and call the cops as much as they want. She said the loud music and parties are constant. She stated they asked, "where is the quality of life for these people". She said they asked, "how long could music be permitted until and when does the party have to end". They also stated the fence is falling on their cars. They want to know if the City is fining people for fireworks. Barletta asked if the City could cite for fireworks. Mayor Cusat said the City could if someone sees someone "put the match to the fuse". Police Chief Schoonmaker (*inaudible*). Colombo stated by the time they set them off, they are gone anyway. Atty. Logsdon stated the only one to stop this is the state legislature to get rid of commercial grade fireworks in private hands. He said it is a lot of money, and this is how they "plugged" the budget shortfall, and not going anywhere. He stated they should not have mortars, in the City, to fire commercial fireworks. Mayor Cusat said it is a fence, could take it down, and put a wall up. Barletta said this will be the response back to them.

Perry commended the work on the East End Playground with new mulch. He said he took his granddaughter there and got "all full" of mulch.

Comments from Mayor: None.

Comments from City Administrator: None.

Comments from Council: None.

Comments from Junior Council: None.

Adjournment: Perry motioned to adjourn the meeting. Meeting adjourned at 9:28 p.m.