

**MINUTES  
HAZLETON CITY COUNCIL  
REGULAR MEETING  
WEDNESDAY, JULY 14, 2021**

**Call to Order:** Council met in regular session on Wednesday, July 14, 2021 in Council Chambers and via ZOOM Teleconferencing. The meeting was called to order at 6:18 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 June 9, 2021 Regular Meeting were approved unanimously.

**Presentations/Proclamations/Communications:** None

**Bid Opening:** None

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Perry stated people could speak at the WORK SESSION regarding the new City of Hazleton Zoning Ordinance. He said council will give residents three minutes with their comments. He said there are maps for people to review for their areas of concern. Perry stated this is not the “end all” of this process. He said city council wants to hear from the City residents as much as they can, especially on zoning. Perry said they will try to have a WORK SESSION meeting, either before or after the next meeting, solely devoted to this. He stated all the participants will be there with knowledge on this, including “us”. He said they could clarify what they need to do at that point. He stated nothing is on the agenda, and there is no voting going on right now. He said they need to decide what to put on the agenda. Perry said this is what they are planning to do. He stated this is not the end of the discussion, but one of the steps of the process. He said he wants to make sure the residents are heard, and they care about the public’s input. Perry said they will not rush this thing through. He stated they could then make decisions, amend or change, and this is city council’s final decision. He said he will have Atty. Logsdon speak on this.

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**Courtesy of the Floor (ON AGENDA ITEMS ONLY):** Mark Rabo, 1<sup>st</sup> Street, Hazleton, asked in regards to Ordinance 2021-17- Obligation Note for \$2,500,000, what it will do “per say” in new borrowing and what is its purpose.

Rabo also spoke of Ordinance 2021-16- Pensions. He said there has not been a Pension Board meeting in a while. He asked what the fund balance would be for the pension fund, the return, or any problems with the pension fund. Rabo stated if there is a need to increase taxes, he said the residents and employees should know why there is an increase. He stated there has not been a Pension Board meeting and this is why he is asking.

Dr. Saverio Senape, 1501 E. Broad Street, Hazleton, said he only comes to ask if they would consider something. He stated the City has potentials for cleaning substances and to assist some other communities in smelting their ores. He said iron oxide, used from Minnesota, they use a coke that is made of bituminous coal. Senape asked if the City would make it from anthracite silt. He said they could “put this down”, anaerobically, and then about 1,000 years, extra, of aging with a purer substance, make it here, and ship it from here, as opposed to selling out the crude silt at “junk” prices. Senape said the City

could control it by a grant for the municipality, it keeps everything here, and the City does not lose anything. He said the extraction of rare-earth materials are, actually, not rare. He said the two used are lithium and scandium. He brought the Periodic Table of Elements with him. Senape said lithium and scandium are one little group "by itself". He said below them is the lanthanum group and the actinium group. He said the lanthanum group is "further in trouble" because it has the larger atomic number and the closer the electrons are to the nucleus. Senape said this is more difficult to extract, would not to anything and would be "totally insane" to try to do it due to the concentrations in the earth's crust. He said it could be done by means not of the standard method. He said the standard methods, by the Chinese, is to take reactions and react them again, precipitate, and then redissolve and precipitate. Senape stated this takes three to four procedures, and costs "two darn fortunes" to get next to nothing. He said a "better mousetrap" is to pre-clean, done in the industry in electroplating copper or stainless steel. He said, with the pre-cleaning process, it takes out what does not belong there. He stated at each potential, like a battery, they are "ready to go". He said the first thing that happens in electroplating is part of the battery is the anode and part is the cathode with the metal "sticking" right inside and means they have the whole metal without going through all "ten different" procedures. He said this is why Madame Curie was killed due to the radium beam. Senape said it they had this technique, back then, she would be 200 years old. He said the idea is not to waste and hold on to what the City has. He said the City has GOD given products. He stated when he went to see one of the "coal men", he told him he was stepping on stuff that is worth a lot of money. He said the coal guy turned to the other and said, "what is he talking about". Senape told him it is anthracite silt, a perfect particle size for setting up the rods, to extract it or send it to Minnesota. He said it is the City's product and stays their product.

Perry said he appreciates this, but Senape should be speaking at the end of the meeting. He said this is only on the agenda items.

Senape said he will come back, another time, and talk to individuals and will not disturb the meeting. He stated there is a "ton of business" here, just "catching it now", and feels like a Martian. Perry said he appreciates his knowledge of the Periodic Table and the rare earth elements with him being a Science Teacher. He said everyone may not be interested in this. Senape said the City needs to begin to look at themselves, and what is under them. He said the pre-cleaning that is done, in electroplating, could have a lot to do with what the people are dumping in the compound polystyrene. He said the City has different modes in handling this.

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## **ORDINANCES AND RESOLUTIONS:**

### **ORDINANCES:**

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

##### **Ordinance 2021-17**

An Ordinance of the Council of the City of Hazleton, Luzerne County, Pennsylvania, Setting Forth its Intent to Issue a General Obligation Note, Series of 2021, in the Principal Amount of Two Million Five Hundred Thousand Dollars (\$2,500,000) Pursuant to the Act of the General Assembly of the Commonwealth of Pennsylvania, 53 PA.C.S. CHAPTERS 80-82 (1<sup>ST</sup> READING)

Presented by Perry. Seconded by Barletta.

**On the Question:**

Perry said this is the amount Mayor Cusat wants them to look at for the cost to pave. Perry stated he asked for \$1,900,000 but the City is asking for \$2,500,000. He asked what the cost or the rate is. Mayor Cusat stated it would be 2.4% for the first seven years, it would go to "prime", plus one half after. Perry asked if the City would go through the state if this would be better. Mayor Cusat said it is a little more than the PIB loan but is through private banking. Perry asked what the cost would be for the year. Mayor Cusat stated the majority would be paid out of annual liquid fuels money to make the payments, if they spend the whole \$2,500,000. He stated the City needs the approval to borrow up to \$2,500,000, get the projects together and move forward. Perry asked if this large volume would give the City a better choice. Mayor Cusat stated yes. He said a lot of companies are not doing state work and looking for large projects. He said he expects this project to come in "a couple of hundred thousand dollars less" than "piecing it out" and take several years to do. He stated this will be done, mostly, on the south side of town connecting Poplar Street to Broad Street via Muir Ave. and Franklin, Carleton into Coxe, St. Charles, Terrace Boulevard, Ferrara, Estate, Dons, Johns, Tina, and the entire Hilltop Development. He said, if it is in reason, the City would do the rest of the section, up there, Wilson Drive and circle and Taft. He said he hopes it is enough to utilize this project along with the Heights area this month. He said it should cover most of the Southside. Perry stated there is no money put aside for this. Mayor Cusat said the Community Development funds would never be able to pave the Southside. He said the City is able to do the Southwest section with Community Development money and the Section 108 money left over from 2020. He said this area is still low "mod". He stated with the new census release, the City would lose this as low "mod" and this is why he is rushing this in 2021. Mayor Cusat stated the census will be coming out in August or September and this could change. Perry said the City could pave more roads than they could at this time. Mayor Cusat said the City has paved more roads in the last five years than they have in twenty-five years. Perry stated the City could do a lot more with this money. Mayor Cusat said with this amount of money, they should get a good price and take care of the Southside. He said working with the utility companies, a lot of their work is completed over there, the Northside, there is a lot of work going on with UGI, the Hazleton Sewer and Water Companies. He said that is why they are focusing this money on the south. He stated the Southwest will be using Community Development funds and this will, mostly, be the center and Southeast. Barletta asked how quick the City will have the money and when the projects will start. Mayor Cusat said the bids should come back this month. He stated the paving companies are looking for work. He said the City bid the other projects out and came within three weeks. He said they did Wyoming Street, "milled" Samuels Avenue today and are going "right down the line" to get this project done. He said he hopes he gets a better bid, while stationed in Hazleton, before they "pull" the equipment out. Barletta asked who is doing the work. Mayor Cusat said, currently, H & K is doing the work. Perry said the City will put out for bid and, obviously, get the best price. Mayor Cusat said correct. Perry said he will come back to council before they vote. Mayor Cusat stated the bids are out now and move as fast as they can. Perry said Mayor Cusat has a map of what sections what were paved, what the City is planning on paving, and what will be paved in the future. He said this is pretty "eye opening" and what people need to see. He said there are also sections being held up due to the utilizes. Mayor Cusat stated the utilities are holding up certain sections of the City. He said the City will pave Diamond Avenue. Mayor Cusat stated he met with UGI this week. He said the City has been holding off on Diamond Avenue because UGI has extensive cast iron work that needs to be replaced by 2026. He said, then, it turns into bare steel which has to be replaced by 2040. He stated the City will do Diamond Avenue, right now, and then, they will do their work in 2025 or 2026. Mayor Cusat said the City cannot let Diamond Avenue deteriorate any longer. Perry

said Vito and his guys are out patching and paving. Mayor Cusat said yes, they are doing large sections. He stated UGI is finished on Carson Street that began two years ago and will be finished. He stated the City put the “skim coat” over it knowing UGI would go back in. Mayor Cusat said this is on the “target” for later this month. Perry said the paving is going on in the past, present and into the future. Mayor Cusat stated the City is trying to come up with a plan that would be able to fix the streets, currently, and put them in a situation to do certain sections of town, keep it moving for a maintenance program, and not let it get farther behind. Mayor Cusat said there are certain sections, of town, that have never been paved. He said talking to people on Wilson Drive and the Southwest section of the City, who have lived there forty-five years, they stated they have never have had there streets “milled” out or paved. He stated it is a “long-time” coming. Perry said the City does not get money for alleys. Mayor Cusat stated they are trying.

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

### **ORDINANCE PASSES UNANIMOUSLY ON 1<sup>ST</sup> READING**

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### **(2<sup>ND</sup> AND 3<sup>RD</sup> 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 **(2<sup>nd</sup> READING)**

Presented by Perry. Seconded by Barletta.

#### **On the Question:**

Perry asked Atty. Logsdon if this is the EIT Ordinance. Atty. Logsdon stated yes; this is the EIT Ordinance. He said the City got the court order back on June 29, 2021. He said this ordinance was on the agenda, in May, 2021, for a first reading and tabled on June 9, 2021 to wait for a court order, and is retroactive back to July 1, 2021. He stated the rates are pursuant to all the rates established by the ACT 47 Plan. Perry stated the City was just waiting for the order. Atty. Logsdon said yes. Barletta asked if there is an increase. Atty. Logsdon said no. Perry said this might be the last of it. Atty. Logsdon stated this is the last of it.

The City Clerk said there needs a motion to remove from table. This ordinance was tabled on June 9, 2021. Atty. Logsdon agreed.

#### **Motion to Remove from Table:**

Presented by Perry. Seconded by Sacco.

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

## MOTION TO REMOVE FROM TABLE PASSES UNANIMOUSLY

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

## ORDINANCE PASSES UNANIMOUSLY

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### RESOLUTIONS:

**Resolution 2021-48**

A Resolution Authorizing the Application for the Edward Byrne Memorial Justice Assistance Grant (JAG) and for the Mayor and or his designee to enter into the appropriate agreement

Presented by Sacco. Seconded by Barletta.

**On the Question:**

Barletta asked if the City applies for this every year. Police Chief Schoonmaker (*inaudible*). He stated this helps fund additional patrols and saturations for the police.

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

## RESOLUTION PASSES UNANIMOUSLY

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**New Business:** Atty. Logsdon said he brought this up to Mayor Cusat and city council previously. He said a little while back, the City became a plaintiff in the class-action lawsuit in the opioid litigation. He stated, unfortunately, most of the "players" involved with this declared bankruptcy. Atty. Logsdon said as part of this, it goes to the Federal Court for Bankruptcy Court. He said the litigation counsel for the opioid litigation had brought to the City's attention, as part of the bankruptcy, the bankrupt party came up with a plan, the Purdue Pharma Bankruptcy Plan. He said he provided the highlights to city council. He said what the City's litigation counsel is recommending is, and, basically, the City is a creditor of this pharmaceutical company, the City has the right to vote as to whether or not to accept the plan if the trustee is okay with it, and the federal judge approves the bankruptcy plan. He said they would make a certain amount of distribution to the plaintiffs. He stated the City's litigation counsel feels it is in the City's best interest to vote yes in terms of approving the bankruptcy plan. Atty. Logsdon said the City does not have the power to approve the bankruptcy plan, but are one of the "many, many" municipalities that are doing this vote. He said, based on recommendation from litigation counsel, Atty. Logsdon would also recommend the City to approve this plan and votes yes.

Perry asked if anyone has any questions. No comments were received.

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**Old Business:** None.

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**Comments from the Audience:** Dee Deakos, 43 West Mine Street, Hazleton, said with the 4<sup>th</sup> of July, the City has had a lot of fireworks. She said she appreciated that Mayor Cusat wrote a letter to the governor for not selling fireworks. Deakos stated the City should re-enact the ordinance for fireworks going off in town. She said it is affecting a lot of pets and people trying to get a “good night’s sleep”. Deakos stated there was a fire set off by fireworks and a case of someone getting hurt, in 2021, by fireworks. She said this needs to stop.

Mark Rabo, 1<sup>st</sup> Street, Hazleton, said from last night’s Luzerne County Council meeting, the discussion on the City’s transit system, he attended the meeting, and believes, firmly, in the City’s public transit system that serves the City’s people. Rabo stated when it comes to other counties, Carbon and Schuylkill counties, they need to pay their fair share, as the Luzerne County council, also, felt. He stated for three years they have asked, nicely, for Mr. Sharp and Mayor Cusat to go to these counties to get their fair share for the City’s buses to pick up their riders. Rabo said it is “excuse after excuse”. He said Luzerne County stated they need to fund Hazleton’s residents and they intend on doing this, and they will not fund Carbon and Schuylkill counties, took this amount out which comes to \$20,227. Rabo said Mayor Cusat stated with the \$20,227, there would need an increase, with the City’s residents, through the general fund, to fill the void. He said one of the Luzerne County council members, Linda Houck, made a valid point. Rabo said she stated the City could use the transit reserve, to fill the void, if the City wants to fund this portion. She said the City does not need a raise in taxes for this. Rabo said for the transit system, to be funded, and the county did fund 100% for Luzerne County residents, and not for Carbon or Schuylkill counties. Rabo said Mr. Sharp and Mayor Cusat should ask Carbon and Schuylkill counties to get their costs from them for the City’s buses because the City provides a service, and comes at a cost. Rabo said they should pay their bill and should get a bill from the City. He said he is sure they agree with them.

Rabo said the City administration did a good job in “blowing up” the City’s zoning map. He requested, either Gary Perna or whoever did this, to do the same thing for the other areas of the City.

Rose LaRocca, 806 Alter Street, Hazleton, played a recording of what she hears day and night. She stated she has tons of recordings. She stated she cannot sit on her porch, cannot open her windows, or cannot open her doors. LaRocca said this is constant. She said she calls the police all the time and was told this is not their top priority. She spoke of Alter and 15<sup>th</sup> Street’s traffic light. She said there is one sign going to the left and one going to the right. She said there are people coming straight down on both lanes. LaRocca said she cannot park across the street, anymore, because she is afraid her car will be smashed. She stated a couple weeks ago, her husband was behind her car, trying to walk across the street, and there were two cars “plowing” down. She said if the car that had the right of way did not stop, he would have been crushed. LaRocca said she spoke to Mayor Cusat about this. She said this is ongoing. She stated there should be arrows there. She said she has videos of school buses and trucks doing this. She stated they are flying and not going slow.

LaRocca spoke of people sitting on the sidewalks, in chairs, and grilling, blasting their music. She said on the 4<sup>th</sup> of July, next house over, there were ten chairs, on the sidewalk, in a circle, and if someone was walking on the sidewalk, they could not get through. She said she also saw this on Alter, Carson, Seybert Streets. LaRocca said this is a public sidewalk. She said if she gets hit, this is okay.

LaRocca said at least twenty dirt bikes were at the Turkey Hill on Alter Street this past Sunday. She said four of them had license plates, and the rest had none. She said they were pulling out in front of cars with no respect. She stated there were little dirt bikes, riding up and down Alter Street, in the middle of the

road. She said if she hits them, she will have to live with it. LaRocca asked how the loud cars are passing inspections. She said in her day, if a muffler fell off, she would be stopped because it was too loud. She also mentioned double parking. LaRocca said she thought the City was doing something about this.

LaRocca said her neighbor just returned from the Dominican Republic. She stated she will quote something he told her. He stated, "Hazleton is just like there, but worse. There is music blasting, bikes driving in the streets with no respect, and garbage all over the City". She said she has pictures of garbage all over the City.

Barletta asked Mayor Cusat if the City could put lines or arrows on that street. She also asked what the cost would be. Mayor Cusat said it is a "man-power" issue. He stated the City has the equipment and is in "the pipeline". He said a lot of streets need lines. Mayor Cusat stated when this was "bid-out", the line paving was not part of the bid. He said the City just paved this section. He stated Vine, Alter and the cross walks usually get put back in. He said it is hard to catch up due to the manpower. Perry asked when the state did the roads on 15<sup>th</sup> Street if they did the lines. Mayor Cusat stated it would be "on us" because Alter Street is a City road. He said the City paints the cross walks. He said next week is the painting schedule.

Perry said LaRocca's voice is common. He said they look at fireworks and the ATV issues. He stated these are all things the residents have to deal with. He stated the 15<sup>th</sup> and Alter Streets issues are crazy. Barletta asked what the City could do about cooking and blocking sidewalks. Mayor Cusat stated this is considered loitering. He stated to call the police and make the complaint. Perry stated there were other Alter Street residents complaining about driving crazy and accidents. Barletta asked LaRocca if she calls the cops when they are eating and grilling on the sidewalks. LaRocca said the last time she called the cops, when the neighbor behind her was "blasting the music" at 11:30 p.m.,s she was told it was not their "top priority". She stated she calls and "waits and waits and waits". She said after the cops come, they tell them to turn it off, they leave, and it goes back on. Perry asked Police Chief Schoonmaker if the residents would get cited if the cops are called a second time. Schoonmaker said if the cops are called for a second time, the resident is usually issued a citation. Perry told LaRocca to keep calling the police to take care of her quality of life.

**Comments from Mayor:** Mayor Cusat spoke of the situation at the Luzerne County council meeting last night. He said Sharp reaches out to Carbon and Schuylkill Counties every year. He stated Luzerne County has no problem with funding Lackawanna County transit system. He said they funded them, last night, \$715,000 and never asks Lackawanna County for any contribution. Mayor Cusat stated Carbon and Schuylkill Counties residents are just as important to Hazleton as are people from Scranton to Wilkes-Barre, Pittston and Nanticoke. He stated we all have industrial parks and need workers to come into the area. He said to ask for \$3,000 from Schuylkill County and \$15,000 from Carbon Counties, meanwhile, giving away "hundreds of thousands of dollars" to Lackawanna County, is wrong. He said when he met with the potential tenants coming to the Southside, the biggest selling point was the Hazleton Transit services, for manufacturers and warehouses, and the City could adjust their routes to bring people to their front door. He said a company will be announced soon into a 1,400,000 square foot facility and almost a \$1,000,000,000 investment in the City. Mayor Cusat said the City's transit is extremely important in utilizing neighboring municipalities. He said the City has another 600,000 square foot facility plus 500,000 square foot facility at the Hazleton Creek projects. He stated to make more routes, going south, if the City wants people to come and benefit from working in the City. He stated Sharp reaches out to both counties every year. He also stated he lives on Alter Street and feels LaRocca's "pain".

**Comments from City Administrator:** No comments.

**Comments from Council:** Mundie asked Atty. Logsdon to send city council members an update on any lawsuits in the City. Atty. Logsdon said yes, he will send.

Perry thanked everyone for coming to the meeting.

**Adjournment:** Perry motioned to adjourn the meeting. Meeting adjourned at 7:01 p.m.