

**MINUTES
HAZLETON CITY COUNCIL
REGULAR MEETING
WEDNESDAY, AUGUST 11, 2021**

Call to Order: Council met in regular session on Wednesday, August 11, 2021 in Council Chambers and via ZOOM Teleconferencing. The meeting was called to order at 6:06 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 July 14, 2021 Regular Meeting were approved unanimously.

Presentations/Proclamations/Communications: None

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-4736, V.J's Hideaway, Inc., 29 Abbott Street, Wilkes-Barre, Pennsylvania, 18705-1905, to 536 West Broad Street, Luzerne County, Hazleton, Pennsylvania, 18201, presently held in safekeeping by the Pennsylvania Liquor Control Board, was held at 5:30 p.m. prior to the city council regular meeting.

Courtesy of the Floor (ON AGENDA ITEMS ONLY): No comments.

ORDINANCES AND RESOLUTIONS:

ORDINANCES:

(1ST READING)

Ordinance 2021-15 Special Events Ordinance (1ST READING)

PRESENTED BY SACCO. SECONDED BY BARLETTA.

ON THE QUESTION:

PERRY STATED THEY MADE A FEW CHANGES, AND HAVE BEEN WORKING ON THIS FOR A LONG TIME. ATTY. LOGSDON SAID ONE CHANGE, FROM THE LAST WORK SESSION, IS IN SECTION 2-A- GATHERINGS, SUBSECTION A-4- PARKING RESTRICTIONS. HE SAID A BLOCK PARTY WOULD BE POSTED WITH NO PARKING SIGNS. HE SAID IT IS NO DIFFERENT FROM THE STREET SWEEPING IN THE CITY. PERRY ASKED IF THIS WOULD TAKE EFFECT NEXT YEAR. MAYOR CUSAT STATED, "UPON PASSAGE".

BARLETTA ASKED IF MAYOR CUSAT WILL HAVE THE SPREADSHEET READY. MAYOR

CUSAT SAID YES. HE SAID, CURRENTLY, HE IS MAKING CHANGES TO OTHER PARKS, THE CITY IS ADDING PICKLE BALL COURTS TO ST. STANS AND AN ADULT WIFFLE BALL FIELD TO 12TH & WARD. HE STATED, "EVERYTHING IS CHANGING".

ROLL CALL: BARLETTA-YES; COLOMBO-YES; MUNDIE-YES; SACCO-YES; PERRY-YES.

ORDINANCE PASSES UNANIMOUSLY ON 1ST READING

Ordinance 2021-18

Amending Ordinance 2018-15, 2019-9, and 2020-12, Regulating Recreational Vehicles Within the City (1ST READING)

Presented by Perry. Seconded by Sacco.

On the Question:

Atty. Logsdon said a couple of issues have arisen. He said a few people put snowplows and utilize ATV's as snow removal equipment in the winter months. He said they do not want the police department finding "grey" areas in the ordinance when fining residents. Atty. Logsdon said it needs to be properly equipped as a snowplow, could only be operated as snow removal vehicle during a snow event only and needs to be registered as a snow removal ATV with the City.

Barletta asked if snow removal equipment includes a shovel. Atty. Logsdon said if someone was going to be a "wise guy" for this. He said this is supposed to say, "registered with DCNR and not registered with the City". Barletta asked if they could put this amendment, in the ordinance, for the shovel. She said it needs to state, "with a snowplow". Atty. Logsdon agreed. Mayor Cusat said it could, state, either "snowplow or salt spreader". He said they would need to make the amendments.

Atty. Logsdon said the penalties for violations, spoken about this in 2020, going from "must to shall". He said it is a harsh penalty, and for practical enforcement, in the City, there needs to be discretion. He spoke of the lien holder issue. He stated some residents are borrowing the ATV's and went "beyond the scope". Atty. Logsdon said "discretion-wise" is the issue. He said it may be better to have "may" instead of "shall" when seizing the vehicle. Barletta asked if the lien holder has the right, by law, to recover. Police Officer Brian Schoonmaker said if the City releases back, to the lien holder that agency would not re-distribute to the owner but put it back out to compensate their loss. He said this is the most acceptable option for the City. He said this would cover this issue.

Mayor Cusat suggested the City sets up a Board of Appeals. He stated the City's plan is to destroy it, but if someone wants to appeal this, and not one person making the decision, the board should be a three-person board. Barletta stated everyone has the opportunity of "due-process". Schoonmaker said this adds "extra levels" to it. Mayor Cusat said it should consist of a member of the police and fire departments. Perry said it should include someone with a legal background.

Perry asked Schoonmaker how many vehicles the City, currently, has in storage. Schoonmaker stated about 60 vehicles and are running out of room to store them. Perry asked if anyone is claiming them. Schoonmaker said, most of the time, the vehicles have no legitimate license or registration.

Atty. Logsdon stated council needs to amend Section 3 to include snowplow or salt spreader and license with DCNR. Also, Section 4 penalties, would be to add an Appeal Board and the lien holder cannot give it back to the owner.

Motion to Amend:

Presented by Perry. Seconded by Sacco.

Perry made a motion to Amend Section 3 to include snowplow and/or salt spreader and registered with DCNR.

Mayor Cusat said they could get the verbiage for creating an Appeals Board and for the lien holder not able to release the vehicle back to the owner.

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

MOTION TO AMEND PASSES UNANIMOUSLY

Roll Call (AS AMENDED): Barletta-yes; Colombo-yes; Mundie-yes; Sacco-yes; Perry-yes.

ORDINANCE PASSES UNANIMOUSLY, AS AMENDED, ON 1ST READING

Ordinance 2021-19

An Ordinance Amending CHAPTER 89, SECTION 89-17, OF the
Hazleton City Code, FARM ANIMALS (**1ST READING**)

Presented by Barletta. Seconded by Colombo.

On the Question:

Atty. Logsdon stated this was discussed at the last meeting. He said City employees are chasing chickens, gathering them and finding homes for them. He stated the City Code does not refer to this issue. He said they could receive a non-traffic citation penalties and award of restitution for the time that takes the Code Department. He said the City could also seek, under this ordinance, injunctive relief.

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

ORDINANCE PASSES UNANIMOUSLY ON 1ST READING

(2ND AND 3RD READINGS)

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 (2ND READING)

Presented by Perry. Seconded by Barletta.

On the Question:

Perry asked Mayor Cusat how many streets the City could pave for \$2,500,000. Mayor Cusat said this should encompass all of Hilltop, Muir, Roberts from Poplar to Broad, Carleton to Coxe from Poplar to Broad, Terrace Blvd., Johns, Dons, Estate, Roberts, Ferrara and St. Charles. He said the entire Heights and Terrace. He said with the bids, coming in, they could also include the Wilson section. He said they could do the entire south-part of Hazleton including milling, repairing and some fixing some storm water issues. He said it has been about 45 years since their streets were repaired. He said this work will begin in the first week in October. He stated the bids are in, and the way the pricing is coming in, it is low. He stated 2.4% loan the City would never get this again, and are getting "cheap money".

Perry asked how this money will be paid back. Mayor Cusat a lot of the money will come out of the Liquid Fuels Account. He said this is what the City wanted to do with the PIB loan. He said money was put in the 2020 budget for this. He stated the City could still pave and patch other areas.

Colombo asked if the utilities are notified. Mayor Cusat said administration has been meeting with all the utilities. He said they are going, in each direction, 25 feet and "curb-to-curb". Mayor Cusat said the utilities are going by the new City ordinance.

Mayor Cusat said Carson Street will be going out for bid at the end of October. He said UGI still needs to pay the City for all the cuts. He said the City has 17th through 22nd Streets paved and done. He said this is separate funding. Mayor Cusat said Diamond Avenue is, also, going out for bid from Church to Broad Street.

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

ORDINANCE PASSES UNANIMOUSLY

RESOLUTIONS:

Resolution 2021-49

Resolution Certifying the Local Match for State Operating Financial Assistance for Fiscal Year 2021/2022

Presented by Colombo. Seconded by Sacco.

On the Question:

Ralph Sharp said the City is receiving \$2,174,972, from PENN DOT, for fiscal year 2021/2022. He stated the local match requirement is \$189.38 and Luzerne County supplies the City with the local match. Sharp said they have been doing this since 1985. He said Luzerne County is "hemming and hawing" that the City needs to go to Carbon and Schuylkill Counties. He said Luzerne County decided, in 2021, to give the City \$168,111. Sharp said the City needs to make up the difference of \$20,227. He said if the City does not do this, they would receive about \$11.00 for every \$1.00 of the local match and would lose \$232,722 towards the operating costs. He is asking for council to

approve the full amount.

Perry said he and council members want to express their displeasure of what Luzerne County did to them. He said the City is trying to bring people into the City to work in these various counties. Atty. Logsdon agreed. Sharp stated the City goes as far as Weatherly into Carbon County. He said they have "runs" to Wilkes-Barre six days a week, two runs a day, and bringing people from Hazleton to do work in the Luzerne County Courthouse. He said they also bring people from Carbon and Schuylkill who work in the county.

Mayor Cusat said he has met with investors coming into the City. He said the biggest selling point is the City's transit system to bring employees to the plants. He said transit is very important. He said Luzerne County may reconsider the extra \$20,000 for the City.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-50 A Resolution of the City of Hazleton, County of Luzerne, Commonwealth of Pennsylvania, Approving the Transfer of Liquor License No. R-4736 into the City of Hazleton from Plains Township

Presented by Sacco. Seconded by Barletta.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-51 A Resolution Authorizing Use of Luzerne Local Share Account (LSA) Grant for St. Paul's Church Phase 1 Stabilization by the Downtown Hazleton Alliance for Progress (DHAP)

Presented by Perry. Seconded by Sacco.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-52 Approving and Hiring Police Officer in Accordance with Police Civil Service Rules- Angel Cestero

Presented by Perry. Seconded by Barletta.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-53

Approving and Hiring Police Officer in Accordance with
Police Civil Service Rules- Melissa Shaffer

Presented by Perry. Seconded by Sacco.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-54

Approving and Hiring Police Officer in Accordance with
Police Civil Service Rules- Jessica Surkin

Presented by Colombo. Seconded by Sacco.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-55

Approving and Hiring Police Officer in Accordance with
Police Civil Service Rules- Thonya Umana

Presented by Sacco. Seconded by Barletta .

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-56

Approving and Hiring Police Officer in Accordance with
Police Civil Service Rules- Michael Wehmeier

Presented by Barletta. Seconded by Sacco.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-57

Approving and Hiring Police Officer in Accordance with
Police Civil Service Rules- Bryan Woratyla

Presented by Sacco. Seconded by Barletta.

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

RESOLUTION PASSES UNANIMOUSLY

Resolution 2021-58 Approving and Hiring Police Officer in Accordance with
Police Civil Service Rules- Jordan Yanac

Presented by Colombo. Seconded by Perry.

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: Hernan Arias, 42 Pebble Beach Drive, Hazleton, said one of his RV's was impounded. Arias stated he was out of the country at that time. He said his machine was used, on the street, and was confiscated by the police. He asked for the machine back.

Barletta said someone was riding his ATV, got it confiscated, the City "took it", and did not get it back. Arias said the guy riding the ATV was cited.

Schoonmaker stated Arias was out of the country and someone, who had access to his house, took his UTV without his permission, and later, that evening, was apprehended riding through Hazleton. He said the UTV, subsequently, was seized under the ordinance. He said this is why Arias is asking for his UTV back. Schoonmaker stated the individual, cited, had several citations filed to this. Perry stated this is where the Appeals Board would come in on.

Barletta asked what Arias's due process is for his vehicle. Schoonmaker said Arias did not give permission to the individual to ride the UTV.

Mayor Cusat said if the ordinance is passed, next week, they could start the process of going to an Appeals Board to plead his case. Barletta asked if the original ordinance said "may". Mayor Cusat said the original ordinance was changed from "may" to "shall". Schoonmaker stated the driver was cited for all violations. He said Arias is not pursuing charges against the individual.

Perry said the City has no authority to give Arias's bike back. Mayor Cusat said he needs to wait until the new ordinance is passed, and then could go to the Appeals Board. Schoonmaker stated the City will have to wait, until next week, until the ordinance is passed, and create the Appeals Board panel to start the appeal process.

Arias stated this happened about one month ago.

Schoonmaker said this is the first case in this scenario.

Michael Rehal, 134 Samuels Ave., Hazleton, said he received a letter from the Code Department regarding a vehicle stored in his back yard. He stated he was given permission to keep it there. Rehal said he told Diane Panzarella this, but she did not want to hear it. Rehal said his vehicle runs. He said he got cited and received a notice of violation for this.

Mundie asked Rehal if he has his vehicle covered. He said he did have it covered but did not have a chance to buy another one. Mundie said as long as the vehicle is away from the road, it would be alright. Mayor Cusat said it needs to be determined if this is a police, code, or zoning issue. He said if a resident does not have an approved driveway, through zoning, the vehicle should not be parked in the yard and on grass. He wants to work with anyone, in the City, to come into City Hall. Mayor Cusat said anyone who is unsure of legal parking or wants off-street parking could come in and apply, to zoning, for free. Mayor Cusat the City would, then, either approve or deny their request. He said this is a huge issue.

Mundie stated he is just keeping his car in his yard. Mayor Cusat said the City is trying to be fair to everyone.

Schoonmaker said the problem is people are turning their backyards into parking lots.

Atty. Logsdon stated when the City was "laid out", the planners never envisioned having four cars in a household. He said there needs to be an exception that needs to be "drawn out".

Mayor Cusat said Rehal could apply for off-street parking to the zoning department. He said he wants to allow this for free for the month of September.

Comments from Mayor: Mayor Cusat said

Comments from City Administrator: See below.

Comments from Council: Perry stated Lynch is working on the City's 2022 budget. He asked if the City has heard anything about the ARP money. Mayor Cusat said the City received half the money. He said the money is in a separate account. Atty. Logsdon said the City is expected to get the guidance this month of how to spend the money.

Barletta asked if any of the money was spent yet. Mayor Cusat said the City ordered the coding system for the police department, and is classified under gun violence. He said they also ordered a VACTOR truck, listed under storm water, and will not be received until February or March, 2022.

Mundie asked if all the police department officers hired, tonight, are included in the budget. Mayor Cusat said last year's budget, there were 46 officers "in", and never got to that number. He said #43, 44, 45 & 46 are free. He said the budget should be the same with the 2% raises. Perry said the City will be losing 3 police officers. Schoonmaker stated the police department will be well under budget.

Lynch said the police budget is doing very well. He stated they are at about the 61% part of the year, and the police budget is, currently, at 55% expended. Lynch said, in 2020, it was about 62% expended, and , currently, 7% under budget.

Colombo commended Schoonmaker for all the seven police officer hirings. He welcomed all to the force. Colombo commended the fire department for all their great work and also to the DPW Department.

Sacco said they just “ran” the second round of Hometown Heroes banners in the City. He said there are 22 new banners to going up. She said they had a great turnout. Sacco said Broad Street is filled from “start to finish”.

Perry thanked all City departments for working hard.

Adjournment: Perry motioned to adjourn the meeting. Meeting adjourned at 7:21 p.m.