

**MINUTES  
HAZLETON CITY COUNCIL  
REGULAR MEETING  
TUESDAY, SEPTEMBER 27, 2022**

**Call to Order:** Council met in a Regular Meeting session on Tuesday, September 27, 2022 in Council Chambers and via ZOOM Teleconferencing. The meeting was called to order at 6:12 p.m.

**Silent Meditation and Pledge of Allegiance:** A silent moment was taken followed by the Pledge of Allegiance.

**Roll Call:** Barletta- present; Colombo-present; Mundie-absent; Ondishin-present; Perry-present

**Minutes of Previous Meetings:** The minutes of the September 13, 2022 Regular Meeting were approved unanimously.

**Presentations/Proclamations/Communications:** Council President Perry announced the dollar amounts of the 2023 Minimum Municipal Obligation (MMO) for each of the four pension plans, as follows:

- ***Police Pension Plan - \$ 2,512,268***
- ***Firemen Pension Plan - \$1,550,592***
- ***Non-Uniformed Pension Plan - \$795,899***
- ***Public Transit-\$0***

**Bid Opening:** None

**Courtesy of the Floor (ON AGENDA ITEMS ONLY):** Mark Rabo, 1<sup>st</sup> Street, Hazleton, spoke of Ordinance 2022-8. An Ordinance Amending the Code of Ordinances of the City of Hazleton, Part II, Chapter 162, Business Licenses, and Part II, Chapter 369, Rental Properties. He said, under Section 162-8, he said there was already a Vacant Property Registration Ordinance in place. Rabo said it was not on the City website. He asked the City solicitor if this was repealed. Rabo, also, spoke of nuisance properties. He stated there is a Nuisance Abatement Ordinance not on the website and is on the "books" that should be in the City Code Book.

Rabo asked if the User Fee is for transient residents. He asked if this refers to City residents only.

Rabo spoke of the City pensions. He asked how many legacy pensions are left "on the books". He said tonight, they are honoring someone that received a pension, for a few years, under Mayor Barletta. He said there were several people who did not meet the criteria to receive a City pension.

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**ORDINANCES AND RESOLUTIONS:**

**ORDINANCES:**

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

### **Ordinance 2022-8**

An Ordinance Amending the Code of Ordinances of the City of Hazleton, Part II, Chapter 162, Business Licenses, and Part II, Chapter 369, Rental Properties (**1<sup>ST</sup> READING**)

Presented by Perry. Seconded by Barletta.

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

Presented by Barletta. Seconded by Colombo.

**Roll Call (To Remove from Table):** Barletta-yes; Colombo-yes; Mundie-absent; Ondishin-yes; Perry-yes.

## **MOTION TO REMOVE FROM TABLE PASSES**

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### **On the Question:**

Barletta said this is the same ordinance that was passed in 2021. Mayor Cusat said it is not the same. He said the City is amending the ordinance that was passed, and amending the chapters to include Business Licenses and Rental Properties. Mayor Cusat stated each LLC is one business license. Barletta asked how many business licenses for three properties, not on the same deed, and not renting. Mayor Cusat said one business license to register three buildings. A legacy lease would be a parent who gives a property to a child. He said the only thing changing is instead of filling out two rental applications, the resident would only have to fill one application. Perry said it would not only be easier for the City, but the owner. Mayor Cusat agrees. Perry said, also, the cost would be better. Perry said they would pay \$100.00 for this. Colombo asked about the City inspections. Mayor Cusat stated the resident would pay "per inspection". Barletta asked if there would be an inspection for houses, in the City, if paying a business license. Mayor Cusat said **(inaudible)**. Perry stated the people with businesses will do what they "normally" do; get a letter, every year and fill out their business license. He asked how the rental "people" would know to do this. Mayor Cusat stated they would get a business license application. Barletta asked if the City is just adding, in this new ordinance, two sections. Mayor Cusat said yes. Perry said the City is trying to "streamline" these together. Barletta asked if they resident needs to list who lives in the house. Mayor Cusat said no. Barletta stated she does not want families to be "hit" with a business license. Mayor Cusat **(inaudible)**. Barletta asked who determines which ones are a legacy lease. Mayor Cusat said a legacy lease means the tenant, prior person, on the deed. Atty. Logsdon stated they would have to register it as a vacant property. Barletta asked the fee for a vacant property. Atty. Logsdon said he does not remember. Perry stated they, also, addressed the vacant building registration and nuisance properties.

Barletta said the appeal is to Hazleton City Council. Atty. Logsdon said yes. Barletta said the resident would have to do a \$500.00 non-refundable deposit. Atty. Logsdon said this was the appellate fee with a stenographer, and a hearing scheduled. Mayor Cusat said they are not changing this procedure as it is already the law. Perry stated Mundie had some questions. Mayor Cusat said they are just adding two sections to the ordinance.

Colombo said he has a few questions, for the City solicitor, after the meeting.

**Roll Call:** Barletta-no; Colombo-yes; Mundie-absent; Ondishin-yes; Perry- yes.

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**ORDINANCE PASSES 3-1 ON 1<sup>st</sup> READING**

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**(2<sup>ND</sup> AND 3<sup>RD</sup> READINGS)**

None

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**RESOLUTIONS:**

**Resolution 2022-65** In Memoriam- Samuel D. Monticello

Presented by Colombo. Seconded by Barletta.

**On the Question:**

Perry read the Hazleton City Council Proclamation honoring Sam Monticello.

PA State Representative Robert Schnee, also, presented a Proclamation, to Mrs. Monticello, on behalf of the Commonwealth of Pennsylvania, House of Representatives.

George Hayden, developer of the Markle Building, said this building could not be done, without the help of Sam Monticello, along with Annetta Williams.

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

**RESOLUTION PASSES**

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**Resolution 2022-66**

A Resolution Authorizing the City of Hazleton to apply for a Luzerne County Local Share Account Grant on behalf of the Pennsylvania Theatre of the Performing Arts

Presented by Barletta. Seconded by Colombo.

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

**RESOLUTION PASSES**

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**Resolution 2022-67**

Awarding the Contract for the Comprehensive User Fee Study

Presented by Perry. Seconded by Ondishin.

**On the Question:**

Dan Lynch said the User Fee Study is what it costs the City to do things. This takes an extreme, in-depth look at all the City processes that go into an action. He said this is going to be a document that will show what it costs the City to do things. He said this is a follow-up to the original grant and the whole cost is covered by the ACT 47 Recovery grant. Lynch said there was a Cost Allocation study done. He stated there is \$30,000 in new funding. Lynch said this was recommended by the ACT 47 Plan and grant. Lynch said this will determine if the City would be overcharging for a fee. Barletta asked if this is compared to other areas. Lynch said yes. He said this looks at everything that goes into a process. Lynch said this will not be a charge to the taxpayers.

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

**RESOLUTION PASSES**

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**Resolution 2022-68**

A Resolution Authorizing the City of Hazleton to apply for a Luzerne County Local Share Account Grant on behalf of NexUs-1, LLC for the Nexii Hazleton expansion Project

Presented by Perry. Seconded by Barletta.

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

**RESOLUTION PASSES**

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**Resolution 2022-69**

Appointment to the Recreational Vehicle Board of Appeals

Presented by Barletta. Seconded by Ondishin.

**On the Question:**

Perry said they will have open nominations. Atty. Logsdon stated Peter Bard resigned from the board.

Colombo nominated Ronald Steber.

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

**RESOLUTION PASSES**

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**New Business:** None.

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**Old Business:** None.

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**Comments from the Audience:** Dee Deakos, 43 West Mine Street, said Hazleton has become a very noisy town. Deakos said this noise “drowns” out the emergency vehicle sirens. She said there are ATV’s and motorcycles “running” around the streets, causing noise. She said, last week, there was a parade in the downtown. Deakos said a car had gigantic speakers on the back. She said, for a Sunday afternoon, it is not very fair. She said there is, also, music being played in homes, after 10:00 p.m. Her neighbors call the police, but they do not respond. Deakos said the nuisance properties ordinance would be a way to handle the noise problems. She said, maybe, the City could get their quality of life back.

Mark Rabo, 1<sup>st</sup> Street, Hazleton, spoke of noise in the City. He said there is drag racing going on “ski row” between Carson and Wyoming Streets, on 1<sup>st</sup> Street. He said this happens between 11 p.m. until 4-5 a.m. Rabo asked if there could be a police squad car to make rounds. He said the Hookah Lounge has drag racing. He stated he does not want the police to go into a chase within a residential neighborhood.

Rabo asked about Ordinance 2022-8, Section 162-8- Vacant Properties. He said the City needs to include a definition reflecting the imminent domain code and nuisance abatement. Rabo said city council

could act as the Appeals Board, under Third Class City Code, Title 11. He said there are too many threats to the quality of life in the City. He said the goal of the city council, mayor and administration should be providing quality of service on the tax revenue brought into the City. Atty. Logsdon stated he will look at these sections.

Donald Mason, 195 Wilson Drive, Hazleton, said he is a 21-year veteran of the military, vice president of corporations, and owned several businesses. Mason said quality of life is essential. He said he hears, up in the Heights, loud music, especially on weekends. He said surrounding cities have ordinances, throughout the day, to enforce the noise ordinance, through decibel levels. He said the City police officers cannot enforce the ordinance between the hours of 10 p.m. until 7 a.m. Mason said the City may need to hire more officers to issue tickets for these offenses. Mason said if the quality of life does not improve, he may run for City office, maybe for mayor. He said this needs to stop now. Mason said he contacted the mayor's office but did not get a return call.

Ricky DeLucca, Hazleton, PA, asked Mayor Cusat, Atty. Logsdon and city council if they came up with anything regarding the towing situation. DeLucca said the contract was broken a "thousand" times. He said Atty. Logsdon represents Paul's Towing. DeLucca said they are not "going away". He said when the City is federally charged, they are going to play the videos, at the sentencing, in front of the judge. He said, as a City solicitor, give them bad information. Atty. Logsdon said they have discussed this at the last four meetings. He said there is, currently, litigation pending regarding the City towing contract. DeLucca asked them if they care about the lawsuits coming. DeLucca said he does not have \$25.00 "boobies", and to ask Mayor Cusat about this. Perry said DeLucca is getting "out of line".

Gene Babula, North Lee Court, Hazleton, said the people have scanners. He said residents have these "wild" parties, next to him and in back of him. He calls 911, and then the perpetrators "shut it down".

**Comments from Mayor:** None

**Comments from City Administrator:** Lynch addressed Rabo's question. He said the City has approximately 104 retirees spread across the different pensions. He said they are all "for life" pensions. Lynch said, as far as he knows, they are all under the Hazleton pension plan. Rabo said if they are under 20 years or served under other capacities to receive a municipal payout. Lynch said they are all in legal good "standing" with their pensions.

**Comments from Council:** Barletta asked if the City "put in place" regarding a ticket for noise.

Mason said the ordinance goes from 10 p.m. until 7 a.m. He said if the City would do a 24-hour ordinance, this would cover the officers to give fines all day.

Atty. Logsdon said in the City Code, it is Chapter 312-9. Barletta said city council will review this. She said the times will need to be changed. Perry asked if noise is part of the City's quality of life. Atty. Logsdon said it is not included in the new Quality of Life Ordinance. He said they will have to talk about this at a city council WORK SESSION. Barletta stated this will be discussed at the October 11 meeting.

Lynch stated if anyone wants to discuss the City of Hazleton 2023 budget, they could call him. He said they are "ahead" of where they normally are. Lynch said the budget goes to PEL, for their review, for ACT 47 Plan compliance. He said the budget will be presented, to city council, in November.

Perry spoke of the City's payroll preparation tax that replaced the mercantile tax. He said the City collected a total of \$317,000 on the budget of \$460,000. He said this is good for the first year of implantation. Barletta asked Lynch if he expects to get more money in. Lynch said yes. He said the expectation was the first quarter would be lower, and this would "catch itself up".

Perry thanked the DeAngelo Foundation for presenting over \$100,000 donation for youth sports programs, cancer research and for community autism programs. Perry stated it is amazing we have the DeAngelo's living in the City and being a big part of it.

Colombo extended his condolences to the family of Sam Monticello. He said he was a true asset to the City. He stated this will be “tough” shoes to fill.

Colombo said he is receiving numerous telephone calls with residents wanting to put banners, in the City, for their loved ones who were in the military. He said he would like Sam Galski to put this in the newspaper. He stated Allison and Lauren did these banners a while back. He said they would like to have this done by Christmas. He said they need, at least, ten banners. Colombo said this will be placed, also, on their website.

**Comments from Junior Council:** None.

**Adjournment:** Perry motioned to adjourn the meeting. Meeting adjourned at 7:08 p.m.