

**MINUTES  
HAZLETON CITY COUNCIL  
REGULAR MEETING  
TUESDAY, OCTOBER 11, 2022**

**Call to Order:** Council met in a Regular Meeting session on Tuesday, October 11, 2022 in Council Chambers and via ZOOM Teleconferencing. The meeting was called to order at 6:10 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; Ondishin-present; Perry-present

**Minutes of Previous Meetings:** The minutes of the September 27, 2022 Regular Meeting were approved unanimously.

**Presentations/Proclamations/Communications: PA State Representative Robert Schnee presented Proclamations in honor of Jo-Ann Yannuzzi and Carmen Delese.**

PA State Representative Robert Schnee presented a PA House of Representatives Proclamation honoring Jo-Ann Yannuzzi and Carmen DeLese. These proclamations were given to their families.

Perry stated Hazleton City Council will honor Jo-Ann Yannuzzi at their next city council meeting on October 25, 2022.

**Bid Opening: None**

**Courtesy of the Floor (ON AGENDA ITEMS ONLY):** Ken Zipovsky, 3 El Camino Road, Hazleton, spoke of **Ordinance 2022- 9-** An Ordinance Amending the Code of Ordinances of the City of Hazleton, Part II, Chapter 325, Parking. He asked about the definition and what the difference is between a recreational trailer and a trailer. He said the ordinance states the City could have the trailer or vehicle, immediately, towed. He said to have it towed, without any other issue, is extreme. He said the Vehicle Code states the vehicle could be moved for safety issues.

Mark Rabo, 1<sup>st</sup> Street, Hazleton, spoke of **Ordinance 2022-9-**An Ordinance Amending the Code of Ordinances of the City of Hazleton, Part II, Chapter 325, Parking. He said he is confused. Rabo asked how this compliments the City's new Zoning Ordinance. He asked what the City is going to do with the tractors because Mayor Cusat stated it would stay the same. Rabo said this would change the City Zoning Ordinance regarding tractors.

Rabo, also, spoke of **Resolution 2022-71-** Authorizing the Administration to Sell Certain Pieces of Firefighting Apparatus of the City of Hazleton Fire Department. He asked how many pieces are being sold and what Line Item it would be inserted in. Rabo asked if it would be put in the City's 2022 or 2023 budget.

Dee Deakos, 43 West Mine Street, Hazleton, spoke of **Ordinance 2022-9-** An Ordinance Amending the Code of Ordinances of the City of Hazleton, Part II, Chapter 325, Parking. She asked if there is a decibel limit on what is considered a disturbance. Atty. Logsdon stated there is nothing that addresses decibel

levels in this ordinance. She said decibel readers could be purchased by anyone. She said there needs to be a decibel limit in the City. Deakos said this could be harmful to anyone's hearing. She said she could hear the music and car muffler's blocks away.

Ivelisse Eufrazio Childs, 860 Seybert Street, Hazleton, spoke of the City's noise issue. She said she agreed with the noise being very uncomfortable for everyone. Childs said the first offense would be a \$1,000 fee. She stated, currently, there is so much crime in the City. She said she knows it upsets, a lot of people, that the Hispanic community is here in the City. Childs said everyone needs not to look at each other as an enemy.

---

## **ORDINANCES AND RESOLUTIONS:**

### **ORDINANCES:**

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

##### **Ordinance 2022-9**

An Ordinance Amending the Code of Ordinances of the City of Hazleton, Part II, Chapter 325, Parking (**1<sup>ST</sup> READING**)

Presented by Barletta. Seconded by Colombo.

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

Barletta asked what the difference is between a trailer and a recreational trailer. Atty. Logsdon said it would be if the resident is "pulling" a wave runner or a camper. He said this would be carrying an ATV, dirt bike or wave runners. Atty. Logsdon said they could combine these definitions. Perry stated the City had a problem, in the past, with truck and bus parking on City streets. He said in the wintertime it gets pretty bad. He said they residents could park them in their driveway, but no on City streets. Atty. Logsdon said they need to talk, with Charlie Pedri, about "interplay" with the Zoning Ordinance. He said tractor trailers were not, specifically, addressed in the Zoning Ordinance. Barletta said this ordinance is enforced between the hours of 8 p.m. and 7 a.m. Perry said there are some exceptions. Barletta asked if they need to insert, in the ordinance, that the resident would receive a ticket first. Atty. Logsdon said the City would rather go the "route" of ticketing before the vehicle was towed. He said this would be to the police officer discretion. He said the City could use a "tiered-type" of ticketing procedure. Barletta asked for "feed-back" from Police Chief Schoonmaker. She said this is, only, the first reading.

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

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

---

##### **Ordinance 2022-10**

An Ordinance of the City of Hazleton, Luzerne County, Commonwealth of Pennsylvania, Amending Part II, Chapter 490, Taxation, of the City's Code of Ordinances by Adding a New Article XIV, Effect of Failure to

Receive Real Estate Tax Notice Pursuant to Act 57 OF 2022; Repealing Prior Inconsistent Ordinances and Parts of Ordinances; Providing for a Severability Clause; and Containing an Effective Date **(1<sup>st</sup> READING)**

Presented by Perry. Seconded by Barletta.

**On the Question:**

Perry said this was recommended by the state. Atty. Logsdon said if the resident did not get a notice and transferred a property, they would not pay the penalties with not paying the property taxes. He said the resident would need to request a waiver for any real estate taxes, in the year, that it was acquired. Barletta asked if the tax waiver is sent to the Wilkes-Barre tax office, and not to Hazleton. Atty. Logsdon said yes.

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

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

---

**(2<sup>nd</sup> and 3<sup>rd</sup> READINGS)**

**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

**On the Question:**

Mundie said if he had a relative living in a house, owned by him, would a sister or friend fall under the legacy lease. Atty. Logsdon said the legacy lease is a "life estate". He said if a resident lets their parents, friends, cousins, etc. live in the house, they could not be evicted. Perry stated the properties still need to be inspected. Mundie said the ordinance states "let" for occupancy is consideration. He asked Atty. Logsdon is this includes money. Atty. Logsdon stated most circumstances would consider this money. Mundie stated he does not know how much of this could be challenged. Mundie stated the fees are not included in this ordinance. Barletta said the fee is \$100.00 for a business license. Mundie asked if there is a fee schedule to go with this ordinance. Atty. Logsdon said yes. He stated it is in the other part of code of ordinances. Perry said the City needs a list of different "scenario" of situations that could occur. He said they may need more clarification on some issues. He stated the City may not know if the business has obtained a business license. Barletta stated if a resident has two deeds, she asked if this requires one business license. Atty. Logsdon said they could put the different issues in the ordinance. Mundie

said he thought the City had a separate yard sale ordinance. Barletta stated the City yard sale ordinance required the resident had to register the sale. She said after three yard sales, the resident needed a license.

Colombo made a motion to table the ordinance. He stated they need to investigate the ordinance, in detail, and get more public input.

**MOTION TO TABLE:**

Presented by Colombo. Seconded by Ondishin.

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

**ORDINANCE TABLED**

---

**RESOLUTIONS:**

**Resolution 2022-70**

Authorizing an Application for a Grant from the Department of Conservation and Natural Resources for the Beech Street Park Improvements Project- Phase 1

Presented by Colombo. Seconded by Ondishin.

**On the Question:**

Perry stated there was no amount included in the resolution. Atty. Logsdon said the City is just applying for the grant. He said the City would just sign the DCNR application.

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

**RESOLUTION PASSES UNANIMOUSLY**

---

**Resolution 2022-71**

Authorizing the Administration to Sell Certain Pieces of Firefighting Apparatus of the City of Hazleton Fire Department

Presented by Perry. Seconded by Barletta.

**On the Question:**

Perry said this is for the 2002 KME Pumper and a 1987 MACK Pumper.

Barletta asked if the City received the new fire vehicles. Fire Chief Donald Leshko said the City will be getting the delivery in two weeks. Ondishin asked if the City would keep these until the new vehicles come in. Leshko stated (*inaudible*).

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

### **RESOLUTION PASSES UNANIMOUSLY**

---

**New Business:** None.

---

**Old Business:** None.

---

**Comments from the Audience:** Dee Deakos, 43 West Mine Street, Hazleton, spoke of the noise issue in the City. She said noise is not “geared” to any ethnic group. Deakos stated the residents need to be considerate of their neighbors. She said loud noise interferes with a person’s quality of life.

Mark Rabo, 1<sup>st</sup> Street, Hazleton, spoke of the parking of trucks on City streets. He said, at the Heights Terrace Plaza, a lot of trucks are using this parking lot as “sleepers”. He stated they need to make the distinction of any trucks using it as a “sleeper” or are just parked. Rabo stated it is in the PA State Vehicle Code, along with the City Planning Commission, that the City needs to designate the area where trucks could congregate for a “sleeper berth”.

Rabo spoke of drop boxes for the upcoming election. He said, recently, Butler Township passed a resolution restricting drop boxes. He said, in 2020, due to COVID-19, the State Supreme Court allowed drop boxes. Rabo said this is not “in the law”. He said in ACT 77 of 2019 does not include this. He said the Supreme Court judges of the corresponding municipalities allowed them to decide on this. Rabo asked city council to consider a resolution restricting drop boxes in the City. He said, currently, there is no health and safety risk to the voter. He said it needs to be done the legal way.

Cindee DeLucca, Hazleton, said she e-mailed information, to the City Clerk, regarding not allowing the drop boxes in the City. She distributed paper copies, to city council members, regarding this issue.

Deborah Jordan, 14 Sydney Way, Sugarloaf, spoke of the drop boxes. She said she is part of a ballot box security council. She stated this council is a non-partisan volunteer group that does research on drop boxes. She said they are not for either Democrats or Republicans. Jordan said residents are putting their ballots in an unsecured and unsupervised “vehicle”. She said her council reviewed several videos of municipalities who have had problems with these boxes. Jordan is asking “county-wide” to not use the drop boxes. She said it is not an ordinance and will follow “election code” law.

**Comments from Mayor:** None- absent.

**Comments from City Administrator:** Lynch said the 2023 City of Hazleton budget was submitted to ACT 47 coordinator, PEL, last week, for their approval.

Lynch spoke to Rabo's question on the City's selling of vehicles. He said the City has a line, in the chart of accounts, for the sale of City assets. He said, currently, there is nothing budgeted in anticipated revenues for these vehicles. He said these are recorded.

**Comments from Council:** Perry said city council has a November 8<sup>th</sup> meeting scheduled, but this falls on Election Day. He said they cannot have this meeting. Perry asked if city council would receive the 2023 budget at this meeting. Atty. Logsdon stated city council will receive the 2023 budget at the last meeting in November, 2022. Lynch agreed. He said there would be enough time, with the city council meetings, for presenting, first and second vote, and public inspection. He said this allows, also, for a veto of the budget. Barletta asked how many days are given, to the public, for inspection of the budget. Lynch said ten. He said the City keeps it available throughout the whole time. He said anyone could come in to review the budget.

Perry stated city council asked Ralph Sharp, Hazleton Public Transit Director, to come to the meeting to discuss the City's new parking kiosks.

Sharp stated he made out parking kiosk instructions printed in both English and Spanish. He said they are being distributed to businesses, downtown, to hand out to their customers. He said there are eight kiosks, from Cedar to Church Streets, and four on each side, one of every block. He said there are three easy steps to operate the kiosk. He said first, press start, and put plate number in. He said it accepts change and debit and credit cards. He said it allows the person to park for 15-minute intervals. He said it will give you a receipt. He said a person could get this by either e-mail or a text. He said this could be done by your cell phone. He stated the parking enforcement employees are, constantly, checking their devices. Sharp said if a person decides to walk down Broad Street, and needs to put more money in, they could use a different kiosk to insert the money.

Mundie asked how many meters are left in the City. Sharp said there were about 430 parking meters in the City. He stated they removed 80 from Broad Street. He said these will be used to replace ones that are not working, properly, in the City. Mundie asked how much a kiosk costs. Sharp said about \$8,000/each. He said he wants to continue the meters to Church and Vine Streets, and from Vine to Locust Streets to Broad Street. He said the City has 24/7 support for the kiosks. Mundie asked how often they need to be emptied. Sharp said each kiosk change box could hold about \$400.00. Perry said Jim Thorpe, also, uses this system. Barletta asked how long they allow residents to learn the system. Sharp said about two weeks. Mundie stated they should give residents more time. Sharp said he and a kiosk representative were walking "up and down Broad Street", today, to educate people.

Childs asked Sharp about an additional fee. Sharp said there is an additional fee charged to anyone who uses the kiosk through their cell phone. He said the fee will not be charged if anyone uses coins.

An audience member asked Sharp who has access to a person's credit card information. Sharp said there are no third parties involved. He said Lynch did all the paperwork for the credit cards. Lynch said in large cities, they pay residential parking, and it is in a specific zone. If they go to another part, of the City, it may be different rates for residents. Perry said the City had a parking study done, and this is what it recommended.

Cindee DeLucca asked Sharp if the City still has the parking meters that were removed from Broad Street. Sharp stated yes. He said the City has everyone, and will use the remaining meters, that are in repair, to replace them. Sharp said he had a meeting with a PENN DOT representative. They said the City is allowed to paint lines for parking.

Eugene Babula asked how the handicapped parking would change. Sharp said this stays the same. He said wherever there was a handicapped meter, this will stay the same.

Perry stated city council will address the drop box issue.

**Adjournment:** Perry motioned to adjourn the meeting. Meeting adjourned at 7:27 p.m.