

**MINUTES  
HAZLETON CITY COUNCIL  
SPECIAL MEETING  
WEDNESDAY, AUGUST 26, 2020**

**Call to Order:** Council met at a Special Meeting on Wednesday, August 26, 2020 via ZOOM Teleconferencing. The meeting was called to order at 6:03 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 August 12, 2020 Regular Meeting were approved unanimously.

**Presentations/Proclamations/Communications:** None

**Bid Opening:** None

**Courtesy of the Floor (ON AGENDA ITEMS ONLY):** Dr. Anthony Valente, Chief Medical Officer, Lehigh Valley Health Network, spoke of the recent coronavirus pandemic. He said going back a few months, the real busy time of the pandemic peaked in the second week of April. At that time, there was a 50% positive testing rate in the area. He said there were 100-150 positive tests a day. He said the hospital had about 30 patients, or so, at any given time. He said there were numerous numbers of people on mechanical ventilators. He said the hospital was pretty “well swamped” for a small community. Dr. Valente said there was a steep rise and through everyone’s efforts, the administration of the City, local leaders, county leaders, and our “folks” in the industry, there was a steep decline in cases, thereafter. He said the City leveled off in the months of May and June. He stated the City stayed “nice and low” with about a 2% positivity rate. He said the positivity rate, at least the way things “are now”, will never be at zero. He said 2% is excellent. He said, typically, he would like to see the positivity rate be below 5. He said the 2% rate ran through the month of June. Dr. Valente said what he did notice, about on the 24<sup>th</sup> of July, there was “a bit” of an uptick of positive tests. He said the hospital watches the number of tests that are performed, both at the county level and through their own system, at Lehigh Valley. He stated Lehigh Valley does most of the testing, in Hazleton, and the zip codes around Hazleton. He said they watch the number of tests and number of positive tests performed every day. He said this has been done since the beginning of the pandemic. He said the uptick was nowhere near what “we saw” in April. Dr. Valente said the City went from the weeks, between July 24<sup>th</sup> to last week, from anywhere to a baseline positivity rate from the 5-6% range to somedays of almost 20%. He said there were about 100 tests, a day, being performed. He said the hospital was “queering” why this was happening. He said all efforts were to people letting their guard down, people not using their masks, larger gatherings, and travel. He said people were going on vacation, both inside the United States and outside of the United States. Dr. Valente said the good news is there has been a downturn in this. He said the City is back down to a six, nine, or ten positive testing range a day. He said the positivity rate is “hanging out” at about 8-9%. He said the City is not down to where “we want to be” but it is mitigating, at this point, and the numbers are moving in the right direction. Dr. Valente stated he noticed the clientele, having the tests done, are in the younger age group. He said the average age, previously, was 47-48 years old. He said the last couple weeks, the average age of a positive test, is down to about 35 years old, and now, last week or so, is down to about 33 years old. He said the average age of a patients getting tested and testing positive is at

least a decade or a decade younger than previous. Dr. Valente stated this is a good thing; the younger the person is, the better they can handle it. He said despite the uptick in positive testing, there has not been an uptick of hospitalizations. He said there is one person, in the hospital now, with COVID-19. He said she is not on a ventilator. He said there have been four people since the spike, at the end of July, that were hospitalized (*inaudible*). He said, in summary, the City is doing okay. There was a huge spike and a big problem back in April (*inaudible*). Dr. Valente said there was a smaller spike at the end of July with younger patients and not quite as sick. He said he will continue to monitor this, and this watched on a daily basis. He stated they will take any actions that are necessary.

Dr. Valente said he will take any questions.

Mundie asked Dr. Valente if the hospital is doing contact tracing if the patients have been out of town. Dr. Valente stated contact tracing is done by the state. He said the hospital asks questions to get information when the patient is getting the testing done. Dr. Valente said sometimes this is possible, and sometimes it is not. He said it is about a "50/50" mix; half the patients that are getting the tests done are asymptomatic and half the patients have symptoms. He stated the asymptomatic patients are getting the tests done because they had contact with somebody or need it for travel. He said the state of Massachusetts requires a patient to get a negative test within 72 hours of traveling to Massachusetts, travel outside the country, or go back to work. He said the hospital does not do contact tracing as this is a step above them.

Mundie asked if the hospital obtains their nationality. Dr. Valente said yes. He said the hospital does not "specifically" ask their nationality, but it is obvious. He asked if this is put into a database or can the City get the information. Dr. Valente said this is all put into the state's database. He said the newspaper puts a "blurb" in, every day, about how many positive cases there were in the county (three- county area) and the state. Dr. Valente said the lab sends this directly into the state DOH and goes by the zip code of residents. He said the positive tests get assigned to their zip codes. Mundie asked if someone would come in for a test and lives somewhere else if the patient needs to show their license. Dr. Valente said yes.

Perry asked if there is a delay in testing. Dr. Valente said the last couple of days was great with getting test results back within 24 hours. He said the hospital was waiting 5 days for the results. He stated last week it was down to 1 day, maybe 2. He said, currently, it may be going backwards. He said it is a reagent issue. He said it is someone's fault, but not a local problem. He said it depends on what the status is of the disease in other places. He said to get the reagents to where the disease is very prevalent is an issue. Dr. Valente said this is why the City was so bad for a while. He said the tests were sent to Texas, Arizona and California and waiting for a reagent. Perry asked if the CDD guidelines were relaxed. Dr. Valente yes. He said he cannot keep up with the CDC guidelines. He said their current rule is if someone has had close contact with someone who is a known "COVID", the person does not have to get tested.

Perry asked if a person has to get tested for any type of procedure being performed. Dr. Valente said it is a "fluid thing". He stated a lot of this does not have a lot of science behind it. He said it seems to change on a daily or weekly basis.

Mundie asked if anyone could get a test. He said he thought there were certain guidelines. Dr. Valente said these changes, also, all the time, as well. He said a patient cannot get tested if they are asymptomatic for the reasons mentioned above. He said someone could be asymptomatic but show they are negative before going back to work at a nursing home or get a test before traveling to Massachusetts. He said the patient does not, necessarily, have to have symptoms.

Perry stated New York was giving the tests out to anybody. Dr. Valente stated New York has done a great job. He said they antibody tested about 1,400,000 people and found that 27% people tested were positive. He said about 300,000 turned out to be positive. Mundie asked if the City was doing antibody testing. Dr. Valente said no, not on a large scale. He said a 1,400,000-sample size is huge. He said this

shows that 27% of 8,300,000 people already got the disease in New York. He said this brings the mortality rate to about 1%. He said it looks like a “ton more people” in New York had COVID-19 than what they were getting credit for. Mundie stated a lot more people have it than is realized. He said 72,000,000 people have been tested in the United States. Dr. Valente said depending on the age group, there is a 30-45% asymptomatic rate. He said these are just the people who are tested. Mundie asked if this is his own conclusion. Dr. Valente said this has been well documented depending on the age group. He said there is a lot of data out there. Dr. Valente stated there are a lot of studies done, both small and large.

Perry stated when he recently gave blood, he was told they did a COVID-19 antibody test. Dr. Valente asked if he was positive. Perry said he was negative. Valente said he was not aware they were doing that. Mundie said this is an incentive to give blood.

Mark Rabo, 1<sup>st</sup> Street, spoke of Ordinance 2020-22- Fireworks and Firearms Sales. He asked if Atty. Logsdon corrected the ordinance of “not touching” the property maintenance and only focusing on the fireworks section of the Code.

Rabo also spoke of Ordinance 2020-20- An Ordinance Establishing A No Parking Zone On The North Side of Columbus Court. He said a few residents were confused to where they can park and if the Chief of Police or Mayor Cusat can clarify this once the ordinance is approved. He asked if they could go to the residents, in that area, and let them know where they are able to park. He asked if they could put up a sign.

He also spoke of Resolution 2020-64- A Resolution Awarding the Contract for the Hazleton Bus Facility Utility Package. He asked Ralph Sharp or Mayor Cusat if they can explain the difference between the federal grant of \$10,000,000 as opposed to the state grant for the Intermodal and explain the difference between these two.

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## **ORDINANCES:**

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

**Ordinance 2020-22**      An Ordinance Amending Chapter 134, Article I, of the Hazleton City Code, Sale of Fireworks and Firearms (**1<sup>st</sup> READING**)

Presented by Colombo. Seconded by Barletta.

### **On the Question:**

Perry asked Atty. Logsdon if he can answer Rabo's question. Atty. Sean Logsdon said he will answer Rabo's question and to address city council on “this one”. He said the way he amended the

original one, for discussion, was a penalty section of the City Code. He stated the penalty section, of the City Code, dealt with a couple of different areas of the City Code, one of them being fireworks, and the property maintenance code. He said if someone reads the fireworks prohibition portion, of the City Code, the penalty provision, of this specific section, currently says, "penalties- please refer to article and states a specific article". He said then this article goes to the penalty section which includes a whole "slew" of different things like this. Atty. Logsdon stated he took the fireworks section, in itself, and this is what he cited in the current draft of this. He said this will now have its own penalty provision. He said it will no longer refer to a certain sections for the penalties. Atty. Logsdon said it will state right under the violation. He said it would be worded as it is in the current resolution that, "violation of sale of fireworks or firearms provision, would itself, without having anything to do with the property maintenance code or the noise violations, upon conviction punishable of not more than \$2,000 plus costs or in default payment of such fines or imprisonment of not more than 90 days. Each violation constitutes a separate violation for the purpose of the ordinance". He stated he also cross-referenced with the Third-Class City Code in relation to fireworks and inflammable articles. Atty. Logsdon stated in conformity with state and federal laws and regulations, the City could regulate and prohibit fireworks or dangerous inflammable articles which are, currently, on "the books", in the City Code. He said the City could grant permits for supervised public displays that is, currently, in the City Code and adopt rules and regulations not inconsistent with state regulations but that which only relates to the storage of flammable articles. He said a violation of a state fireworks law which is a "weapon" that our enforcement officers have. Atty. Logsdon said, currently, the City has this local ordinance and not be completely consistent with the state in terms what the punishment is because it is adopting rules and regulations not inconsistent with state regulations related to the storage of inflammable articles and not state regulations relating to penalties or "the like". He said the City can impose other safeguards concerning inflammable articles as may be necessary. Atty. Logsdon made a separate penalties provision for fireworks violations that can cause a resident to be fined up to \$2,000.

Perry asked who makes the decision of the cost of the fine. Atty. Logsdon stated Judge Zola. He said he will use judicial discretion based on the facts, circumstances, and testimonies from the lawyers and decide what the appropriate penalty would be. He said it would be "capped" at "2".

Colombo asked Police Chief Schoonmaker if he thinks this is good. Schoonmaker said anything that gives the City more "bite" is always a plus.

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

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

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

**Ordinance 2020-20**                      An Ordinance Establishing A No Parking Zone On  
The North Side of Columbus Court (**2<sup>nd</sup> READING**)

Presented by Perry. Seconded by Barletta.

**On the Question:**

Perry stated this would be on the north side being away from the field. Perry said he is not sure how long it would take the City to put up the signs. He said he is sure the residents will know. Barletta asked how long it would take until signs are put up there. Mayor Cusat said they will be printed the next time the generator the City has it with the (*inaudible*) cutter. He said, then, the signs could go up. Barletta asked, a month, two weeks. Mayor Cusat said a week to three weeks. Perry stated Sacco and Barletta could put this up on the City Council Facebook page to remind residents this is passed. Perry said Vito has a limited DPW crew, and they do very well with this.

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

### **ORDINANCE PASSES ON 2<sup>nd</sup> READING**

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**Ordinance 2020-20**                      An Ordinance Establishing A No Parking Zone On  
The North Side of Columbus Court (**3<sup>rd</sup> READING**)

Presented by Colombo. Seconded by Sacco.

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

### **ORDINANCE PASSES UNANIMOUSLY**

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#### **RESOLUTIONS**

**Resolution 2020-63**                      Appointing City of Hazleton Right-to-Know Officer

Presented by Perry. Seconded by Colombo.

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

## **RESOLUTION PASSES UNANIMOUSLY**

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### **Resolution 2020-64**

A Resolution Awarding the Contract for the Hazleton Bus Facility Utility Package

Presented by Perry. Seconded by Barletta.

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

Perry asked Sharp to explain the difference the \$10,000,000 federal money and the state's money. Sharp said, originally, the state was going to fund most of the project. He stated he applied, for the grant, back in April, for a bus storage and maintenance grant for \$10,000,000. He said, on "top of that" he also received flex funding, from the federal government, in the amount of \$5,430 (some thousand) with a total of, roughly, \$16,000,000 in federal funds. Sharp stated the state must fund the rest which is \$10,000,000 of the \$25,000,000-\$30,000,000 project. He said this is why the state does not have to put in as much funds due to the \$10,000,000 grant.

Mundie stated he is glad the local contractor received the contract. He stated it is good to see the local contractors getting bids and getting work for their workers.

Colombo asked when he expects to "break ground" and get started. Sharp said the RFP's, for bids, for the project, should be going out in November or December. He said there will be three different bids: electrical, plumbing, and the building itself. Sharp stated he would like to "break ground" in the early spring. Barletta asked Atty. Logsdon who made the final "say" to award this contract. She said there was some "back and forth" in the e-mails since it was a state and federal project. Atty. Logsdon said the City made the final determination. He said he has a conflict of interest as to the two bidders that bid on the project. He stated when it turned into the situation, the lowest responsible bidder and the withdrawn bid from Belles, he is not permitted, to issue, an opinion, or comment who qualified for the lowest responsible bidder. He said either city council "can go" to an Executive Session or he would have to issue, an opinion, through conflict counsel, as to why the contractor was selected. Barletta said there was a letter, from the engineer, that the contract was ruled to someone else. She asked where the City stood with this. Atty. Logsdon said they can "break off" to an Executive Session. Perry stated the city clerk can arrange this on ZOOM.

The City Clerk was unable to break out to an Executive Session.

Barletta stated Franzosa was not the next lowest bidder. She wanted to make sure the City is protected. Perry asked if Sharp can "chime in". He asked if this is a state issue. Sharp stated he cannot comment. Perry said it was done legitimately. Atty. Logsdon said this determination, by the City, was made after consulting with the "powers that be" in the state. He said the actual opinion will have to come from someone else because he has a conflict of interest. Barletta asked if the decision came from City administration. She wants to make sure the City "is covered". Mayor Cusat said he would not put the City in jeopardy.

Mundie stated there is some leeway with the lowest responsible bidder. He said, sometimes, the lowest responsible bidder is not always the one with the lowest bid. He said, at the Hazleton Water Authority, they took a higher bid, and this was okay. Barletta said the lowest bid got "thrown out" and then the next lowest and the following. Mundie agrees with Barletta in being careful.

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

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**RESOLUTION PASSES UNANIMOUSLY**

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**New Business:** None

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**Old Business:** None

**Comments from the Audience:** Mark Rabo, 1<sup>st</sup> Street, Hazleton, spoke on the Land Bank issue on the WORK SESSION meeting agenda. He said after reading about this in the newspaper, if all that is considered, for the Land Bank use, is going to be for demolition for “far gone properties”, his questions are; who will determine the buildings that are “far gone” and why is there no movement, with the code department and Mr. Pedri, in terms of exhausting all necessary statutes and blight laws before taking it to the end process. He said, also, the Blighted Property Committee could have done this. Rabo asked why there was no use in the ACT 90 statute. He said this went back to the McKinley Street property. He said the lady paid \$30,000 “on the spot” when ACT 90 was utilized, by the solicitor, at the time. He said the money could be used to do other properties instead of figuring out where the City would come up with another entity. He also asked where the Redevelopment Authority “fits into” all of this. He said these items need to be discussed along with other members of council and asking Mayor Cusat about this.

**Comments from Mayor:** None.

**Comments from City Administrator:** None. He said he will have some numbers, for city council, when he gets back into his office tomorrow and “run some reports”.

**Comments from Council:** Mundie asked the salary for his new City Administrator Assistant. Lynch stated \$28,000.

Perry commended DPW employees working “their tails off” with a limited crew. He also commended the police department working hard with a lot of things in the middle of the night. Perry commended the fire department for working hard.

He stated city council received an e-mail from the U.S. Pork Packers on Wyoming Street. He said they are expanding with about 100 new jobs available. He stated they are going through a couple of phases with a new warehouse built. He said they want to increase their production and become a good part of the City. Perry said it is good to hear the positiveness and employment in the City. Perry said he hopes this continues.

**Comments from Junior Council:** None.

**Adjournment:** Perry motioned to adjourn the meeting. Meeting adjourned at 6:51 p.m.

