

LUZERNE COUNTY CONVENTION CENTER AUTHORITY MEETING

APRIL 17, 2020

A Special Meeting of the Board of Directors of the Luzerne County Convention Center Authority was called to order at 3 PM by Chairman Gary Zingaretti on April 17, 2020.

Chairman Gary Zingaretti welcomed and thanked everyone for making time in their day to attend.

ROLL CALL – PRESENT: Carmen Ambrosino, Peter Biscontinini, Donna Cupinski, Neal DeAngelo, John Pickering, Eugene Rafalli, Michelle Reilly, John Ruckno, Tom Woods, and Gary Zingaretti. **ABSENT:** Anthony Ryba. Also present were members of SMG/ASM Global Administration, General Manager Will Beekman, AGM/Director of Finance Carrie Grantuskas, ASM Global Regional Vice President Robert Cavaleri, and Attorneys Mary Jo Kishel and Mark Van Loon from Rosenn Jenkins & Greenwald. Jim Halpin from the Citizens' Voice, Jerry Lynott from The Times Leader, Jeff Thomas, Executive Deputy Director of PEMA were also present along with other representatives from PEMA and the PA Department of Health, and the PA Department of General Services.

PUBLIC COMMENT:

Chairman Zingaretti stated that any media communication requests for PEMA must go through Ruth Miller, Communications Director. We will make sure that the media will get that contact information after the meeting.

There was no public on the call.

Chairman Zingaretti had 2 documents that were sent out earlier in the day: (1) License Agreement and (2) Comments that were received via email. An email account was set up, with a noon deadline, for folks to send in any comments, thoughts, or questions for our consideration. Chairman Zingaretti read the comments; they are officially on record and will be attached to the minutes of this meeting.

Chairman Zingaretti stated that you can see by the tone of the comments that the biggest issue is the location of the testing site, perhaps not the fact that there will be a testing site established.

Attorney Mark Van Loon will address our position as the property owner. Attorney Van Loon has been asked to research provisions of the PA Emergency Code to determine what types of options we have in respect to this site. The Governor, using the police powers of the Commonwealth and the powers set forth by the Emergency Code, could commandeer and utilize any private, public or quasi private property, if necessary, to cope with a disaster emergency. The Authority or the Commonwealth can use the parking lot with or without an agreement. If there is no agreement there will be a requirement for a payment for use of the parking area, and it

may be subject to subsequent litigation under the PA Eminent Domain Code. There is very little litigation over the provisions of the Emergency Code and Attorney Van Loon cited a recent case on April 13, 2020 that was decided by the PA Supreme Court in which the plaintiffs were challenging the Governor's statewide Declaration to shut down non-essential businesses. Chairman Zingaretti asked if any Board Members had questions for Attorney Mark Van Loon.

Chairman Zingaretti referenced the License Agreement that the Board Members received earlier in the day and asked if anyone had any questions that Attorney Mary Jo Kishel or Representatives from PEMA could address.

Donna Cupinski asked "Why not Hazleton?". Jeff Thomas from PEMA stated that they looked at a number of different sites and this site was chosen because of its availability, size, and the ability to direct traffic right off of the highway. Comments are very localized; this is a regional testing site. We should expect to see folks from surrounding counties, not just Luzerne County at this location; it is a community-based testing site, not a mass testing site. It is controlled, people are registered, and have appointment times.

Donna Cupinski also asked "What do you say to the people that feel that they will be infected by the people with symptoms coming in?" From the Department of Health perspective – they will be implementing all of the appropriate infection control measures – anyone who is coming to be tested will stay in their vehicle for the entire time of the process, those working the site will be in the proper personal protective equipment. No one through the testing process should come within six feet of anyone else. Jeff Thomas, PEMA, stated that there will be traffic control points, robust signing so that folks understand where they are to go. Nothing stops anyone from going anywhere on these days more than on any other days.

Peter Biscontini had a question for the Department of Health. He stated that he didn't believe that servers who wore gloves were allowed to handle money, debit cards, napkins, and food while wearing the same gloves. Why is that a common practice at drive-thru's? This should be brought to the attention of the PA Department of Agriculture who licenses and regulates fast food and other restaurants. This is not something that the Department of Health handles. Chairman Zingaretti asked if there was someone on the call who could get us contact information for the Department of Agriculture. That will be provided.

Michelle Reilly asked for clarification on #14 of the Agreement, Owner's Right of Entry. Mary Jo Kishel responded that the Owner is the Authority and since testing use of the parking lot 24/7. Notice should be given to the Commonwealth that employees will still be working at the Arena. Chairman Zingaretti stated that the property is defined as the parking lot and does not include the building or the back parking lot. Mary Jo Kishel stated that the Property definition is limited to the parking lot.

Donna Cupinski asked whether any attempt was made to notify the local businesses of this testing site. Michelle Reilly added that local legislators and their representatives were surprised as well, claiming that they were not notified in advance.

Gene Rafalli asked how many testing sites are set up now in the Commonwealth. There is a large number of testing sites currently set up; many are in conjunction and operated by health care systems. There are also some public health supported sites. This is considered a public health supported site. There is a map on the website, health.pa.gov, in the Symptoms and Testing Section.

John Ruckno wanted more information on traffic control which may be the major issue. PEMA responded that when folks come off of the interstate, they will be directed, through signage, to turn onto Highland Park Blvd and then directed to turn into the parking lot. They will also be directed through signage, but not compelled, back to the interstate when their testing is completed. Instructions will be handed to the folks who are being tested. John Ruckno also asked if anyone had an estimate of how many might be using this service in a single day. There is a cap through the registration system that will ensure that no more than 250 people would come in per day at pre-arranged times.

Donna Cupinski saw in the agreement that this is to take place over a month. Attorney Mary Jo Kishel responded that the term of the agreement would be about a month and a half – April 17, 2020 through May 31, 2020 with the possibility of 5 one-month extensions. Chairman Zingaretti added that the one-month extensions would not be available if the proclamation of the emergency is over and the Arena is able to reopen. This would not jeopardize our ability to host events. Mary Jo Kishel added that if the restriction on the Arena is lifted, the renewal of the agreement would not be possible.

Chairman Zingaretti asked if there were anymore questions on the License Agreement or for the Commonwealth.

Gene Rafalli has one more question in regard to housekeeping. Is cleaning the responsibility of the Department of Health? How are we protected? PEMA responded that they have a biowaste contract through the Department of Health for the biomedical waste and a general services contract for regular waste.

Donna Cupinski had a question about the map that was enclosed with the Agreement. She questioned what were the blue things up by Target. Chairman Zingaretti added that they are just below the yellow dash lines on the map. The map that was provided in that plan was just a rough concept of operations before a site visit and should not be taken as what will actually be.

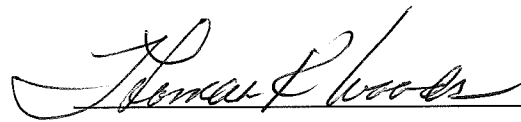
Chairman Zingaretti called for a motion to accept the Agreement as drafted. Donna Cupinski made the motion which was seconded by Gene Rafalli. A roll call vote was taken with 7 voting YES, 1 voting NO, and 2 ABSTAINED. The motion carries.

There was no Executive Session for today's special meeting.

ADJOURNMENT:

Chairman Zingaretti called for a motion to adjourn the meeting. The motion was made by Carmen Ambrosino and seconded by Gene Rafalli. The motion carries

APPROVED:

A handwritten signature in cursive script, reading "Tom Woods", written over a horizontal line.

Mr. Tom Woods, Secretary