

## City Council Meeting Minutes - April 12, 2021

City Council Chambers, City Building, 16 West Scribner Avenue, DuBois, Pennsylvania on Monday, April 12, 2021 @ 7 p.m.; Council convened at their regular City Council Meeting with Mayor Walsh in the Chair. Other Council Members present were: Diane Bernardo, James Aughenbaugh, Shane Dietz, Shannon Gabriel. Also present were: City Manager, John "Herm" Suplizio; City Solicitor, Toni Cherry; City Engineer/Public Works Director, Chris Nasuti; Redevelopment Authority Director/Assistant Public Works Superintendent, Joe Mitchell; Police Chief, Blaine Clark and City Secretary, Bobbie Shaffer.

Absent: City Controller, David Volpe

The meeting was called to order at 7 p.m. and the Pledge of Allegiance was led by Mayor Walsh.

### Approval of Minutes:

#### Public Hearing Minutes - Council Bill No. 1960 - March 22, 2021

The motion was made by Gabriel and seconded by Dietz that Council approve the Public Hearing Meeting Minutes of March 22, 2021 concerning Council Bill No. 1960 as presented by the City Secretary. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea.

#### City Council Meeting Minutes - March 22, 2021

The motion was made by Aughenbaugh and seconded by Bernardo that Council approve the City Council Meeting Minutes of March 22, 2021 as presented by the City Secretary. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea.

#### Work Session Meeting Minutes - April 8, 2021

The motion was made by Dietz and seconded by Gabriel that Council approve the Work Session Meeting Minutes of April 8, 2021 as presented by the City Secretary. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea.

### Approval of Registry of Invoices

The motion was made by Bernardo and seconded by Aughenbaugh that Council accept the Purchase Order Listing by Vendor Name dated April 8, 2021 in the amount of \$353,585.79 and the Autodraft Check Register by Check ID dated April 8, 2021 in the amount of \$38,507.71 as presented by the Finance Officer. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea.

### Public Comments

#### Ray Hetrick - 418 Burt ST - Topic: People running red lights in the City of DuBois

Mr. Hetrick stated that in the last month he has seen several people run red lights on Jared ST, Beaver Drive and Brady Street because they were on their phones. He believes the solution would be red light cameras on our stop lights, if people get ticketed a few times they will stop running the lights. City Manager Suplizio thanked Mr. Hetrick for bringing this problem to Council's attention. Chief Clark stated that he has talked to Mr. Hetrick. Clark said that this is Aggressive Driving Month in the state Pennsylvania. Councilman Aughenbaugh who travels for work stated he sees aggressive driving everywhere he goes. Clark stated he doesn't think that red light cameras are out of the question. Mr. Hetrick reiterated that a ticket in the mail would slow people down. Councilwoman Bernardo asked Mr. Hetrick if he knew that Pennsylvania is the only state that does not allow local police to use radar. Mayor Walsh stated that he thinks people don't even realize they are running the lights, because they are talking on the telephone. Walsh asked Engineer Nasuti to check with PennDOT about the possibility of using cameras on 219.

### Preservation of Downtown DuBois Storefronts

- City Manager Suplizio announced that there is money available for downtown merchants to apply for façade grants.
- Councilwoman Bernardo stated that the Downtown Group would like to know if the City has an Ordinance prohibiting first floor apartments in the downtown. She suggested that Council turn the letter from the Downtown over to the Planning Commission to work on an Ordinance. City Solicitor Cherry said that we already have an Ordinance. Councilwoman Bernardo asks if the Ordinance is only for a specified area. Planning Commission Chairwoman Moore stated that the Ordinance targets central Commercial downtown. City Solicitor Cherry said that the only way to have apartments in the downtown is if they are on the 2<sup>nd</sup> floor. Bernardo said there is a rumor that building that formerly housed Mike's Lock Shop was putting apartments on the first floor. Solicitor Cherry stated it is a matter of enforcement. City Manager Suplizio wanted to know how that worked out for St. Michael's Terrace. Solicitor Cherry stated that St. Michael's



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### Preservation of Downtown DuBois Storefronts (Cont'd.)

Terrace was an ADA situation and exceptions are given for Nursing Homes, Group Homes, etc. Chairwoman Moore said that St. Michael's doesn't have apartments on the first floor there is a gathering area and offices.

Bernardo then asked Solicitor Cherry if anyone can come into a central Commercial district and build a high-rise? Her concern is all of the older churches whose attendance have fallen to the place the congregation can no longer support the church. Solicitor Cherry said, in order for someone to put a high-rise up in the City of DuBois they would first have to come to the Planning Commission. That being said, she sees where the older churches with declining parishioners could become a problem in the future. Currently, it's a matter of enforcement.

### Recommendations:

#### Maple Avenue Streetscape

City Manager Suplizio stated that after the bids were tabulated it was determined that the project was out of our financial range. We received a grant for \$750,000 and as everyone can see the lowest bid came in at over 1.1 million. City Engineer Nasuti recommends that Council deny the bids and we go back and re-scope the project and rebid. He stated that all the bids were very close but the lighting put us way over. He thinks if we re-scope the project and only take it to the township line we may be able to still proceed with it. We don't have an extra \$400,000 to make up the difference and neither does the state. The motion was made by Aughenbaugh and seconded by Gabriel that Council deny all bids and rebid after the project has been re-scoped. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea.

#### Chemicals

- 150 - 50# Bags Sodium Fluoride (Coarse or Granule) - @ \$54.47/bag  
The motion was made by Bernardo and seconded by Aughenbaugh that Council award the 150 - 50# Bags Sodium Fluoride (Coarse or Granule) to Coyne Chemical in the amount of \$54.47 per bag. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea.
- 3,200 - 50# Bags Light Soda Ash @ \$14.40/bag  
The motion was made by Bernardo and seconded by Gabriel that Council award the 3,200 - 50# Bags Light Soda Ash to SAL Chemical in the amount of \$14.40 per bag. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea.
- 13 - 2000# Cylinder Liquid Gas Chlorine (Delivered to Water Plant) @ \$2,170.00/Cylinder  
The motion was made by Aughenbaugh and seconded by Dietz that Council award the 2000# - Cylinder Liquid Gas Chlorine (Delivered to Water Plant) to Univar USA in the amount of \$2,170 per cylinder. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea.
- 22 - 2000# Cylinder Liquid Gas Chlorine (Delivered to Sewer Plant) @ \$2,170.00/Cylinder  
The motion was made by Dietz and seconded by Gabriel that Council award the 2000# Cylinder Liquid Gas Chlorine (Delivered to Sewer Plant) to Univar USA in the amount of \$2,170 per cylinder. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea.
- 7 - 275 gallon IBC Liquid Permanganate @ \$2,249.49/Tote  
The motion was made by Gabriel and seconded by Dietz that Council award the 275 gallon IBC Liquid Permanganate to Shannon Chemical in the amount of \$2,249.49 per tote. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea.
- Approx. 1,000 gals Per Month - Sodium Bisulfite Solution Liquid @ \$1.89 per gallon  
City Engineer Nasuti stated that we had two companies with the exact same price. As this has happened in the past, we accept the bidder we are currently using if they are one of the companies in the tie. In this case, last year we award SAL Chemical this contract so Engineer Nasuti's recommendation is to award the chemical to SAL again this year. The motion was made by Aughenbaugh and seconded by Dietz that Council accept the recommendation of City Engineer Nasuti and award the Approx. 1,000 gals Per Month - Sodium Bisulfite Solution Liquid to SAL Chemical in the amount of \$1.89 per gallon. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea.



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Chemicals (Cont'd.)


- 24,750# - Pollu-Treat CL 416 @ \$1.547/Pound  
The motion was made by Gabriel and seconded by Dietz that Council award the 24,750# - Pollu-Treat CL 416 to Coyne Chemical in the amount of \$1.547 per pound. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea.
- 30 - 2 1/2 Gallon Drum Biological Larvacide @ \$178.03/Container  
The motion was made by Dietz and seconded by Aughenbaugh that Council award the 30 - 2 1/2 Gallon Drum Biological Larvacide to Aquafix, Inc. in the amount of \$178.03 per container. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea.
- 5 - 55 Gallon Drum Heavy Duty Degreaser @ \$884.95/Drum  
The motion was made by Aughenbaugh and seconded by Gabriel that Council award the 5 - 55 Gallon Drum Heavy Duty Degreaser to Momar, Inc. in the amount of \$884.95 per drum. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea.

**Direct City Solicitor to amend Ordinance vacating un-used walkway between 309 and 313 E. Sheridan**  
Engineer Nasuti stated that this is a request we have received several times from Coke Hill property owners. City Solicitor Cherry asked if this was requested by individuals and if it was part of a plan. Nasuti confirmed it was part of the Fairway Terrace Plan. Cherry stated there is a different procedure when a resident requests vacation than there is if Council requests it. Also, as this part of a planned Community, all properties included in the Fairway Terrace Plan have a vested interest in this walkway. City Manager Suplizio asked how you would know if they are part of the plan. Cherry stated it would be recorded in their Deed. Solicitor Cherry stated that this is not a roadway, the City is not in the business of vacating walkways that are part of planned communities. City Manager Suplizio said that you can't even walk on this walkway. Mayor Walsh tried to describe where the walkway is located; between the Reitz and Elensky properties on Coke Hill. Solicitor Cherry said her issue is not the condition of the walkway or if the terrain is uneven or perfectly level. The walkway is on a recorded plan and everyone that bought property in the plan has a right to use the walkway. The City vacates roadways not walkways. The motion was made by Bernardo and seconded by Gabriel that Council table this item until further investigation can be made as to whether or not the walkway is recorded in the planned Community.

**Approval of Sale of Agreement with VFW**

City Solicitor Cherry stated that an emergency arose and it is not ready yet; she will work on it this week.

**Resolution - DCNR-C2P2 - Beaver Interconnect Trail Project Grant**

	<b>pennsylvania</b> DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES	<b>RESOLUTION PAGE</b>	<b>Commonwealth of Pennsylvania</b> www.dcnr.state.pa.us/grants
<b>DCNR-C2P2</b> <b>Applicant Information (* Indicates required information)</b>			
Applicant/Grantee Legal Name: <b>CITY OF DUBOIS</b>		Web Application ID: <b>2003632</b>	
Project Title: <b>Beaver Interconnect Trail</b>			

WHEREAS, CITY OF DUBOIS ("Applicant") desires to undertake the project, "Beaver Interconnect Trail" ("Project Title"); and

WHEREAS, the applicant desires to receive from the Department of Conservation and Natural Resources ("Department") a grant for the purpose of carrying out this project; and

WHEREAS, the application package includes a document entitled "Terms and Conditions of Grant" and

WHEREAS, the applicant understands that the contents of the document entitled "Terms and Conditions of Grant," including appendices referred to therein, will become the terms and conditions of a Grant Agreement between the applicant and the Department if the applicant is awarded a grant; and

**NOW THEREFORE, it is resolved that:**

1. The grant application may be electronically signed on behalf of the applicant by "John Suplizio" who, at the time of signing, has a TITLE of "City Manager" and the email address of "hermasuplizio@hotmail.com".
2. If this Official signed the Grant Application Electronic Authorization prior to the passage of this Resolution, this grant of authority applies retroactively to the date of signing.
3. If the applicant is awarded a grant, the Grant Application Electronic Authorization, signed by the above Official, will become the applicant/grantee's executed signature page for the Grant Agreement, and the applicant/grantee will be bound by the Grant Agreement.
4. Any amendment to the Grant Agreement may be signed on behalf of the grantee by the Official who, at the time of signing of the amendment, has the "TITLE" specified in paragraph 1 and the grantee will be bound by the amendment.

I hereby certify that this Resolution was adopted by the

City Council

(Identify the governing body of the applicant, e.g. city council, borough council, board of supervisors, board of directors)

of this applicant, this 12 day of April, 2021.

[Signature]

(signature of the governing body)



## City Council Meeting Minutes - April 12, 2021 (Cont'd.)

### **Resolution - DCNR-C2P2 - Beaver Interconnect Trail Project Grant (Cont'd.)**

Redevelopment Authority Director/Assistant Public Works Superintendent Mitchell stated that this grant is for the connection between Beaver Drive and the Walkway. The motion was made by Aughenbaugh and seconded by Bernardo that Council approve DCNR-C2P2 - Beaver Interconnect Trail Project Grant as presented. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea.

**Waste Management (formerly Advanced Disposal) Spring Clean-Up Week of April 12<sup>th</sup> on normal garbage day. Nothing heavier than one person can lift, all loose items must be bundled, no tires, items with Freon, or yard waste.**

*Informational*

### **Planning Commission Recommendations:**

#### Edward Walsh/Samantha Decker - Subdivision/Consolidation

Engineer Nasuti stated that this was 246.69 square feet piece from property that is being conveyed from Walsh to Decker. Ms. Decker runs a daycare and wishes to extend its play area. The request meets all setback, lot size and parking requirements. Walsh explained he would not be voting on this item nor would he be signing any of the documents. The motion was made by Dietz and seconded by Aughenbaugh that Council accept the recommendation of the Planning Commission and approve the plan contingent on Ms. Decker executing a Deed consolidating the parcel with her existing property. Nasuti stated that Code Enforcement/Zoning Officer Lawhead is already in receipt of the Deed. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, abstain. 4-0

#### City of DuBois - Sewer Plant - Subdivision/Consolidation

Nasuti stated that the majority of the sewer plant is located in Sandy Township with a small area being in DuBois; which is the property we recently purchased from the railroad and the VFW. This plan will be presented before the Sandy Township Planning Commission tomorrow. The motion was made by Aughenbaugh and seconded by Dietz that Council accept the recommendation of the Planning Commission and accept the subdivision/consolidation plan as presented. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. 5-0

### **Sandy Township Sewer Tap Requests**

#### Eagle Rail Car Facility - 450 Osburn Avenue - Single Sewer Connection - 420 gal per day - Adding Restroom

The motion was made by Aughenbaugh and seconded by Gabriel that Council approve the request from Sandy Township for a sewer tap for 420 gallons per day at 450 Osburn Avenue for Eagle Rail Car Facility. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. 5-0

#### ATA Facility - 187 Spider Lake - 2 EDU - 336-758 gal per day - Addition of Restroom, Locker Room etc.

The motion was made by Dietz and seconded Gabriel that Council approve the request from Sandy Township for a sewer tap for 336 - 758 gallons per day at 187 Spider Lake for the ATA Facility. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. 5-0

### **Authorization to bid 2020 CDBG COVID for firefighter PPE**

The motion was made by Aughenbaugh and seconded by Bernardo that Council authorize advertising for bids for firefighter PPE. There was a question on the vote from Councilman Dietz, he asked what specific PPE we would be bidding out. Redevelopment Authority Director/Assistant Public Works Superintendent, Joe Mitchell, stated we will be bidding out full ensembles so when firefighters are dealing with COVID patients they can wash their set and borrow a set until theirs is ready to use. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. 5-0

### **Consolidation Polling**

City Manager Suplizio stated that the City and Sandy Township would like to poll the residents to see how we fair with consolidation. Councilwoman Bernardo stated that they had learned last week that there were additional presentations available in the package we purchased from the consulting group. She would like to see a presentation hosted by Sandy (possibly in Treasure Lake) before we spend money on a poll. The motion was made by Gabriel and seconded by Dietz that Council approve expending \$2,500 for polling, with any additional being paid by Sandy Township, contingent on one more presentation hosted by Sandy Township. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. 5-0

## City Council Meeting Minutes - April 12, 2021 (Cont'd.)

**Top Liberty Boulevard**

City Manager Suplizio believes the top of the boulevard is a focal point in the City of DuBois. That being said, we are going to proceed with renovating the bank; but it may not happen this year. He believes it is a very important to Penn State, so he would like to get authorization from Council to write a letter to Mr. McBride requesting financial help on the project. The motion was made by Bernardo and seconded by Aughenbaugh that Council authorize City Manager Suplizio to write to Mr. McBride about Penn State financially helping with the top of the boulevard embankment project. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. 5-0

**Councilwoman Diane Bernardo**

Asked our City Solicitor about a legal question. She asked that we prohibit signage at the top of the boulevard. City Manager Suplizio stated that we already do; please give Zac a call if you see a sign, he'll remove it. Mayor Walsh reminded everyone that people cannot place signs in the City's right of way.

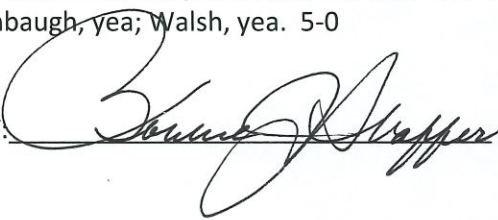
**City Solicitor, Toni Cherry**

Presented a copy of Council Bill No. 1962 entitled Vacant Property Registration. She asked Council to read it over and to think about the registration fee. She would like to impose the fee by resolution, she stated that way we are not stuck with it if we find we don't like it. This Council Bill will have to be published after first reading. She believes this will give Lawhead some teeth when dealing with vacant properties. Council needs to be thinking about what they want as an annual registration fee. Councilman Aughenbaugh stated that abandon houses have been a problem for as long as he has been on Council. First Reading will be at our next Council meeting.

**Adjourn**

There being no further business to transact; the motion was made by Aughenbaugh and seconded by Gabriel that Council adjourn. Roll call vote was as follows: Dietz, yea; Gabriel, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. 5-0

ATTEST:



APPROVE:

