

City of DuBois/Sandy Township Joint Board Minutes – August 15, 2022

City Council Chambers, City Building, 16 West Scribner Avenue, DuBois, Pennsylvania on Monday, August 15, 2022 @ 6 p.m. the DuBois/Sandy Joint Board convened. Board Members present were: Barry Abbott, Jim Aughenbaugh, Bill Beers, Diane Bernardo, Shane Dietz, Shannon Gabriel, Sam Mollica, Kevin Salandra (By Telephone), Mark Sullivan, and Edward Walsh. Also present: City Manager, John “Herm” Suplizio; Township Manager, Shawn Arbaugh; City Engineer/Public Works Director, Chris Nasuti; DuBois Redevelopment Authority Director/ Assistant Public Works Superintendent, Joe Mitchell; City of DuBois Public Works Superintendent, Scott Farrell; DuBois/Sandy Joint Board Solicitor, Chris Gabriel; and City Secretary, Bobbie Shaffer.

The meeting was called to order at 6 p.m. and the Pledge of Allegiance was led by Edward Walsh.

Public Comments on Agenda Items Only

No Public Comments

Old Business

No Old Business

Approval of Minutes

June 6, 2022 Meeting – Revised

The motion was made by Beers and seconded by Sullivan that the Joint Board approve the minutes of June 6, 2022 as presented by the City Secretary. Roll call was as follows: Abbott, yea; Aughenbaugh, yea; Beers, yea; Bernardo yea; Dietz, yea; Gabriel, yea; Mollica, yea; Salandra, yea; Sullivan, yea; Walsh, yea. Motion passed 10 – 0.

July 18, 2022 Meeting

The motion was made by Sullivan and seconded by Gabriel that the Joint Board approve the minutes of July 18, 2022 as presented by the City Secretary. Roll call was as follows: Abbott, yea; Aughenbaugh, yea; Beers, yea; Bernardo yea; Dietz, yea; Gabriel, yea; Mollica, yea; Salandra, yea; Sullivan, yea; Walsh, yea. Motion passed 10 – 0.

New Business

Managers/Solicitors Response to Consultants 11 Point Transitional List

Attorney Gabriel stated he didn’t realize we had two item that were essential the same thing; this item encompasses the next item “Transition Committees and Items/List for November”.

Councilwoman Gabriel made a motion to appoint a Transition Committee which will ensure the items on the transition list are met. The Committee will be made up of: Attorney Toni Cherry, Dick Whitaker, Joe Mitchell, Sam Mollica and Barry Abbott with the alternate being Dana Smith. The second was made by Abbott. Roll call was as follows:

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Abbott, yea; Aughenbaugh, yea; Beers, yea; Bernardo yea; Dietz, yea; Gabriel, yea; Mollica, yea; Salandra, nay; Sullivan, yea; Walsh, yea. Motion passed 9-1.

Managers/Solicitors Response to Consultants 11 Point Transitional List

The following items have been reviewed and approved for inclusion in the Transition Plan by the 10-member Joint Board. The consultant team is hereby directed to use this information in drafting the Transition Plan. The consultant team is authorized to restate the directives below so that they fit within the overall context of the plan, but they are not authorized to change the substance of any of them through such restatement.

The following recommendations are adopted with the express intent of receiving grant funding from the state to assist and/or offset the costs of same.

1. Utilities

There are 3 basic options for handling the utilities:

- a. Create a Municipal Authority to own and/or operate utility assets
- b. Have the new City own and operate the utility assets with a dedicated revenue and expenditure fund separate from the General Fund (eliminating monetary transfers between general and utility funds)
- c. Maintain the current City ownership, operation, and accounting of the utility assets.

2. Code of Ordinances

The Committee Solicitor and the two code officers (one from each municipality) shall meet to identify conflicting ordinances and recommend a resolution to each. In the event the aforementioned group cannot agree on the amount of a fine or fee where there is a conflict, the higher fine or fee shall prevail and be recommended. The deadline for this shall be December 31, 2023.

3. Taxes.

The City Manager and Township Manager plus one elected official from each municipality shall meet to determine a recommended tax structure and tax rates. The deadline for this shall be February 2025, however, this group shall provide interim reports on its progress annually beginning January 1, 2023 and quarterly in 2024. In the event the aforementioned group cannot agree on a tax rate, the average rate between the City's and the Township's tax rate for fiscal year 2025, cumulative of all special purpose taxes, will be used.

4. Accounting

The City Manager and Township Manager shall, in consultation with the Joint Board Solicitor, recommend by January 1, 2023, a consultant or firm for hire by the 10-member Joint Board to recommend an accounting system and accounting practices, and create a transition plan for the consolidation of finances and accounting systems.

5. Labor.

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The City of DuBois and Sandy Township will reach out to their police departments to ask the employees to agree to extend their collective bargaining agreements by one year. Presently, both contracts run through 2024 and expire December 31.

Both the City and the Township non-uniform contracts expire December 31, 2025.

The 10-member Joint Board hereby assigns the two managers to resolve, with the counsel of the Joint Board Solicitor the collective bargaining agreements and appropriate bargaining units and related issues for contract extensions beyond 2025. The deadline to complete this work is summer 2025 (unless the normal course of negotiations with the Unions requires a longer time frame).

6. Limits on Activities During Transition Period.

- A. Starting upon the date of execution of the consolidation agreement any municipal debt that will last beyond the date of final consolidation (January 1, 2026) shall be first approved by the 10-member Joint Board.
- B. Starting upon the execution of the consolidation agreement any municipality hiring new positions (i.e. not replacements) shall have to be approved by the 10 Member Joint Board, except for the Recreation Director Position. Beginning in January 2024 all full time positions must be approved by the 10 Member Joint Board.
- C. Starting upon the date of execution of the consolidation agreement any contracts that will last beyond the date of final consolidation (January 1, 2026) shall be first approved by the 10-member Joint Board.
- D. Beginning upon the date of execution of the consolidation agreement each municipality shall inform the other about any grants that are received.

7. Vendors and Contractors

Starting upon the date of execution of the consolidation agreement any contracts that will last beyond the date of final consolidation (January 1, 2026) shall be first approved by the 10-member Joint Board.

8. IT, Payroll, Insurance, and similar administrative programs.

The City Manager and Township Manager are hereby assigned to work together and with their respective staffs in each discipline, department or area of expertise and recommend a plan resolving these matters. The deadline for this work is summer of 2024.

9. Zoning

The 10-member Joint Board will not recommend or authorize any changes to zoning between now and the date of consolidation (January 1, 2026). Each municipality will retain the right to alter zoning within their Municipality up to and until the date of consolidation.

10. Assets and Encumbrances

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The 10-member Joint Board hereby assigns the Joint Board solicitor to work with the City and Township managers to find an appropriate firm for completing this work. Deadline for finding that firm is summer of 2023..

11. Transition Period.

The City and Township Managers will meet with and provide guidance to the following subcommittees/staff members initially and throughout the transition planning process. Each of the following committees or groups are assigned as follows and their work is to be presented to the City and Township Managers for approval by the deadlines stated below.:

A. Public Works.

The public work subcommittee shall establish a transition framework. The public works subcommittee should evaluate and implement things that can be done immediately to begin integration and aim for complete integration of operations by December 31, 2024.

B. Police.

The police subcommittee shall establish a transition framework. The subcommittee should evaluate and implement things that can be done immediately to begin integration and aim for complete integration of operations by December 31, 2024.

C. Fire.

The fire subcommittee shall establish a transition framework. The subcommittee should evaluate and implement things that can be done immediately to begin integration and aim for complete integration of operations by December 31, 2024.

D. Administration

The administration subcommittee shall establish a transition framework. The subcommittee should evaluate and implement things that can be done immediately to begin integration and aim for complete integration of operations by December 31, 2024.

E. Engineering, Code and Zoning Operations

The engineers, code and zoning staff members of each Municipality shall establish a transition framework. They should evaluate and implement things that can be done immediately to begin integration and aim for complete integration of operations by December 31, 2024.

12. Police Civil Service

The 10-member Joint Board hereby assigns the Joint Board Solicitor to draft civil service rules and regulations and to recommend a mechanism for transition through which all police officers (Township

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and City) will have: 1. employment with the new City, 2. civil service status and protection with the new City, and 3. will not affect bargaining unit/union seniority or rank in any way (which will be addressed by collective bargaining procedures). The 10 Person Joint Board directs the Joint Board Solicitor to ensure the new City retains control over staffing levels.

Transitional List – Items 2 -12

Attorney Gabriel talked about the 12 item Transitional List that must be completed by November. He stated that Manager Arbaugh, Manager Suplizio and himself got together and worked on this list for approximately a month. The Managers then went back and talked to the elected officials. Attorney Gabriel would like to vote on items 2 – 12 and we will come back to item no. 1. The motion was made by Gabriel and seconded by Aughenbaugh that the Joint Board approve items 2 – 12 as presented. Roll call was as follows: Abbott, yea; Aughenbaugh, yea; Beers, yea; Bernardo yea; Dietz, yea; Gabriel, yea; Mollica, yea; Salandra, nay; Sullivan, yea; Walsh, yea. Motion passed 9-1.

Suplizio stated that there were a lot of meetings between Attorney Gabriel, Manager Arbaugh, and himself. They did not always agree with everything but they compromised. Arbaugh stated that it was a lot of work and there remains one loggerhead they just couldn't get past; it's coming up. The big question is how do we start to work together? They have begun to meet with the sub-committees concerning this.

Transitional List – Item No. 1

This is the loggerhead. Utilities. Attorney Gabriel stated the Board has three options:

1. Create a Municipal Authority to own and/or operate utility assets.
2. Have the new City own and operate the utility assets with a dedicated revenue and expenditure fund separate from the General Fund (eliminating monetary transfers between general and utility funds.
3. Maintain the current City ownership, operation, and accounting of the utility assets.

The motion was made by Aughenbaugh and seconded by Dietz to accept option no. 3 "Maintain the current City ownership, operation, and accounting of the utility assets."

There was a question on the motion by Beers; he asked if we could have Eckert Seamans come up and explain the legalities the next meeting before we vote. Walsh said we could do that. Salandra agreed.

Sullivan wants some discussion; he asked why Aughenbaugh made the motion he did why not explore the other options.

Aughenbaugh stated he made the motion because PEL stated at the last meeting that the current system works fine. So, he feels it is something the New City officials can address when they take office, he doesn't want to make that decision for them. He went on to say,

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that he doesn't know enough about Authorities to make an educated decision and lastly it is one less decision to worry about now.

Councilwoman Gabriel stated she stands by the motion. Walsh called for the vote. Roll call was as follows: Abbott, yea; Aughenbaugh, yea; Beers, nay; Bernardo yea; Dietz, yea; Gabriel, yea; Mollica, nay; Salandra, nay; Sullivan, nay; Walsh, yea. Motion passed 6-4.

Treasure Lake Cooperation – Joint Board Solicitor & Consultants Legal Opinion

Walsh stated that there was a meeting between representatives from Sandy, City of DuBois, and Treasure Lake this week. He went on to say that the City has never dealt with Treasure Lake so we don't know what the New City can do for them as far as General Funds. Walsh suggested that we turn this item over to Eckert Seaman and Gabriel Fera for their opinion. The motion was made by Abbott and seconded by Sullivan that the Joint Board turn this matter over to the Attorneys for their opinion. Roll call was as follows: Abbott, yea; Aughenbaugh, yea; Beers, yea; Bernardo, yea; Dietz, yea; Gabriel, yea; Mollica, yea; Salandra, yea; Sullivan, yea; Walsh, yea. Motion passed 10 – 0.

Paying of Invoices from Eckert Seamans/PA Economy League; and Gabriel Fera PC

Company	Description	Invoice Amt.	DuBois	Sandy	Total Submit
Eckert Seamans Invoice #1697675	Services through July 31, 2022	\$20,390.08	\$1,019.51	\$1,019.50	\$18,351.07
Gabriel Fera PC Invoice #1011	Services through July 31, 2022	\$5,596.50	\$2,798.25	\$2,798.25	

The motion was made by Gabriel and seconded by Beers that the Joint Board approve paying Eckert Seamans/PA Economy League \$1,019.51 from the City of DuBois and \$1,019.50 from Sandy Township. Roll call was as follows: Abbott, yea; Aughenbaugh, yea; Beers, yea; Bernardo yea; Dietz, yea; Gabriel, yea; Mollica, yea; Salandra, yea; Sullivan, yea; Walsh, yea. Motion passed 10 – 0.

The motion was made by Beers and seconded by Sullivan that the Joint Board approve paying Gabriel Fera PC \$2,798.25 from the City of DuBois and \$2,798.25 from Sandy Township. Roll call was as follows: Abbott, yea; Aughenbaugh, yea; Beers, yea; Bernardo yea; Dietz, yea; Gabriel, yea; Mollica, yea; Salandra, yea; Sullivan, yea; Walsh, yea. Motion passed 10 – 0.

Trick or Treat Hours City of DuBois/Sandy Township

Suplizio verified with Sonia Fetterhoff of Sunny 106 that their Halloween Parade is at 5 p.m.; she confirmed. He then stated if we get any calls about this evening it will be on this item.

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The motion was made by Beers and seconded by Sullivan that the Joint Board set the Trick or Treat day and hours for Monday, October 31st from 6-8 p.m. Roll call was as follows: Abbott, yea; Aughenbaugh, yea; Beers, yea; Bernardo yea; Dietz, yea; Gabriel, yea; Mollica, yea; Salandra, yea; Sullivan, yea; Walsh, yea. Motion passed 10 – 0.

Joint Board Member Comments

Bernardo –

- Congrats and thank you to the members of the newly formed Transition Committee.
- She stated she had made a note from the last meeting about Manager Arbaugh possibly being able to get an extension for the new sewage treatment plant. Arbaugh stated that due to his years working with DEP he felt he may have a chance of acquiring an extension for the plant. Unfortunately, due to the fact the plant is on the EPA Watchlist for non-compliance they will not grant an extension.

Abbott

Thank you for putting your trust in the new Transition Committee. We will always keep the best interest of the New City at heart.

Suplizio

Stated we will be awarding the contracts for the new sewage treatment plant at tonight's City Council Meeting. Nasuti stated that the PennVEST loan will close on October 13th; construction will begin after that; estimated completion is November 2024.

Beers asked how much it will cost per 1,000 gallons. Nasuti said he didn't have that right now. Beers asked for it at the next meeting.

Nasuti stated it will vary depending on the final cost of the plant. Suplizio felt it was listed in the ACT 537 Plan. Nasuti felt it may be higher; Walsh didn't feel it would be a major change.

Abbott asked for the estimated cost for the plant.

Suplizio stated approximately \$90,000,000. He went on to say that he appreciates how much work Chris and Joe have put into this project. No one wants to spend \$90,000,000 but we really don't have a choice.

Bernardo asked when the current plant was built. Suplizio stated the engineering was in 1948, the actual plant was built in the 60's. She feels this is something we must do for the new DuBois and beyond.

Suplizio wanted to check with the Joint Board to see if anyone had a problem with starting to have the crews work together.

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- He asked Beers about the fire on Wilson Avenue; how'd the departments do working together? Beers said it went fine.
- He stated that the City has to replace a water line on McLane; he would like to see both crews work on it together, then the City crew can go out and help on Kiwanis Trail or with any other project Sandy may be working on. He thinks it would be good to get them together. He asked if anyone had any objections. There were none.
- He then reiterated that he and Arbaugh worked very hard on the 12 Item Transitional List; he wanted everyone to know that they did not take any of the subjects lightly.

Open Meeting to the Floor

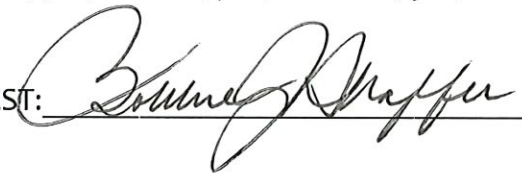
No Comments or Concerns

Close Meeting to the Floor

Adjourn

The motion was made by Gabriel and seconded by Beers that the Joint Board adjourn. Roll call was as follows: Abbott, yea; Aughenbaugh, yea; Beers, yea; Bernardo yea; Dietz, yea; Gabriel, yea; Mollica, yea; Salandra, yea; Sullivan, yea; Walsh, yea. Motion passed 10 – 0.

ATTEST:



APPROVED:

