

**SANDY TOWNSHIP/CITY OF DUBOIS JOINT BOARD MEETING  
CITY OF DUBOIS BUILDING  
16 WEST SCRIBNER AVE  
DUBOIS, PA 15801**

**MONDAY, SEPTEMBER 19, 2022 @ 6:00 P.M.**

**MINUTES**

**MEETING CALL TO ORDER**

Co-Chairman Salandra called the meeting to order at 6:00 p.m.

**ROLL CALL**

Board Present:

Barry Abbott  
James Aughenbaugh  
William Beers  
Diane Bernardo  
Shane Dietz  
Shannon Gabriel  
Samuel Mollica  
Kevin A. Salandra  
Mark Sullivan  
Edward Walsh

Staff Present:

Shawn Arbaugh, Township Manager  
John "Herm" Suplizio, City Manager  
Shelly Reasinger, Township Secretary  
Chris Nasuti, City Engineer  
Joe Mitchell, City Redevelopment Auth. Dir.  
Joint Board Solicitor Chris Gabriel

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Co-Chairman Salandra led the audience in the Pledge of Allegiance to the Flag

**PUBLIC COMMENTS ON AGENDA ITEMS ONLY**

Motion by Barry Abbott second by Mark Sullivan to remove Treasure Lake from the Agenda. A roll call vote was taken.

Barry Abbott – aye	James Aughenbaugh – nay
William Beers – aye	Diane Bernardo – nay
Shane Dietz – nay	Shannon Gabriel – nay
Samuel Mollica – aye	Kevin A. Salandra – aye
Mark Sullivan – aye	Edward Walsh – nay

Motion failed.

**APPROVAL OF THE MINUTES OF THE MEETING HELD AUGUST 15, 2022**

Motion by Edward Walsh second by William Beers to approve the Minutes of the Meeting held August 15, 2022. A roll call vote was taken.

Barry Abbott – aye	James Aughenbaugh – aye
William Beers – aye	Diane Bernardo – aye
Shane Dietz – aye	Shannon Gabriel – aye
Samuel Mollica – aye	Kevin A. Salandra – aye
Mark Sullivan – aye	Edward Walsh – aye

Motion carried.

**TABLED/UNFINISHED BUSINESS**

**UNFINISHED BUSINESS**



## **NEW BUSINESS**

### **1. Solicitor Gabriel**

#### **Transition Subcommittee**

Solicitor Gabriel provided an update on the Transition Subcommittee, he stated "Members of the public doesn't necessarily know this, but I know members of the committee know that the lawyers, so myself and the lawyers on the consultant team have sort of discussed that back and forth. But as of just a few days ago, the consultants did circulate an opinion to you. So, I just want to let you know that everybody is on the same page in terms of the legality and appropriateness of that vote last time, so for a very brief explanation, both for the public and for this committee, this consolidation was started under the statute by referendum, by decision of the voters to have consolidation. And when that happens, there's a particular process that we're supposed to follow. And it's a long explanation to go the whole way through that but just understand the direction to the two municipalities under this avenue through the statute is to come together as you deem necessary to implement consolidation and to get a plan approved by November. We're under the deadline to do that." You guys have been engaged in this process for almost a year. I anticipate, I think everybody anticipates that that plan will be approved in the near future, and that in the following few years, with this new subcommittee, the communities will do their very best to implement that consolidation up to the date of consolidation in 2026. I just want to clarify that as a point. And that's all I have to say about that since it's a legal matter, I'm not going to go further because I don't want to give legal advice sort of out in the open, but all the lawyers are now on the same page about that subject." Board member Sullivan asked what "that subject" Solicitor Gabriel was referring to, Solicitor Gabriel stated he was referring to the agenda item that is the transition subcommittee. Mr. Gabriel said "at the last meeting of this committee, the joint board appointed a new subcommittee to sort of shepherd the plan that will be approved in November through the next several years. And between that meeting and now, they are aware that there was some discussion among the lawyers who they've hired to help them through the process. And I'm just pointing out that the lawyers are in the same place now on that, so that's the subject."

#### **Treasure Lake & Municipal Services**

Solicitor Gabriel explained the same group of lawyers he just referred to was asked by the Board to look into the issues going forward into the new Municipality if there is some other treatment and handling of Treasure Lake other than how they have been handled in the past. He is not ready to answer anything right now, the lawyers are still looking into it.

Mr. Sullivan wanted to speak on the Transitional Subcommittee, he heard everything Mr. Gabriel said, he said "a lot of Supervisors were caught off guard that that took place without our prior knowledge." He just wanted to make that statement.

Mr. Beers asked Mr. Gabriel, "when was it brought up to this committee for the sections that said they were informed these are the sections we were going off of now for the transition committee, was that approved at one of these meetings?" Mr. Gabriel said "the transition subcommittee was appointed at the last meeting of this committee, in between now and then, I'm aware you guys know that there were some questions raised among the lawyers. I was giving you an update it was between that meeting and this one. That was never discussed at this meeting." Mr. Salandra said the memo stated, "the board let Eckert Seaman know we aren't operating off Section 734." Gabriel said, "I think what they are saying is I let them know we aren't operating off of Section 734, not the board" we are operating under these other sections.



Mr. Mollica stated, "so the nine-member committee, we could have had more than 1 township Supervisor on that, I was told I couldn't be on it they were using Section 734." Solicitor Gabriel, "I don't know I think maybe the answer is yes but that was a long time ago, October or November of last year." He will follow up with Mr. Mollica on that subject.

## **2. Kevin Salandra – Transition Subcommittee**

Mr. Salandra said "we would like to revisit the matter of the Transition Subcommittee. We weren't given an opportunity to even suggest anybody for the subcommittee." Mr. Sullivan would like to see us revisit," the City had input on who they would like to see on the transition subcommittee and the Township would like the same opportunity, we could have a 9-member transition subcommittee, the managers should be on the committee." Mr. Mollica said the Police Chiefs should be on it also.

Mr. Sullivan said, "the Township should also have the opportunity to have an alternate."

Motion by William Beers second by Mark Sullivan to reconsider the membership of the transition subcommittee to give Sandy Township the opportunity to appoint members to that committee to be approved at the next meeting with the names being provided in advance.

Mr. Aughenbaugh asked if you want to reconsider the members voted in the last meeting. Ms. Gabriel said the vote at the last meeting passed 9-1. Mr. Abbott said we have 2 Township Supervisors on the Committee is that allowed. Ms. Bernardo said there are three township members on the transition committee now. A roll call vote was taken.

Barry Abbott – aye	James Aughenbaugh – nay
William Beers – aye	Diane Bernardo – nay
Shane Dietz – nay	Shannon Gabriel – nay
Samuel Mollica – aye	Kevin A. Salandra – aye
Mark Sullivan – aye	Edward Walsh – nay

Motion failed.

## **3. Update on the list of items needed by the Consultant**

Mr. Gabriel said only the items in bold are to be changed. Sandy Township Manager Shawn Arbaugh said there is one correction on the list #4 the date was recommended to be changed to 6/30/2023.

Motion by Shannon Gabriel second by James Aughenbaugh to approve the updates that the two Managers worked out to provide direction to the Consultants. A roll call vote was taken.

Barry Abbott – aye	James Aughenbaugh – aye
William Beers – nay	Diane Bernardo – aye
Shane Dietz – aye	Shannon Gabriel – aye
Samuel Mollica – nay	Kevin A. Salandra – nay
Mark Sullivan – nay	Edward Walsh – aye

Motion passed.

Motion by Mr. Abbott second by William Beers that the municipalities Sandy Township and DuBois City agree to hire a consultant to evaluate future STMP funding and hire a consultant to evaluate the township and city's wastewater structure. A roll call vote was taken.

Ms. Bernardo wants to know if it has to appear on the agenda for this motion to be valid.

Mr. Gabriel said this motion would be an addendum to #1.

Mr. Walsh asked didn't Mr. Aughenbaugh say to not have a water/sewer authority and to let the new government apply for STMP funding?

Mr. Salandra said we are concerned with the costs of shutting down a Municipal Authority and opening a new one should be considered.

Barry Abbott – aye

James Aughenbaugh – nay

William Beers – aye

Diane Bernardo – nay

Shane Dietz – nay

Shannon Gabriel – nay

Samuel Mollica – aye

Kevin A. Salandra – aye

Mark Sullivan – aye

Edward Walsh – nay

Motion failed.

#### **4. Nasuti – Price per 1,000 gallons – New Sewage Treatment Plant**

City Engineer Chris Nasuti the City submitted a Resolution as part of their PennVEST funding for an estimated maximum user rate of \$19.00 per 1,000 gallons.

#### **5. Paying Invoice from Gabriel Fera PC**

Mr. Salandra presented the invoice in the amount of \$6,897.52 for services from August 1 through August 31, 2022.

Motion by William Beers second by Shannon Gabriel to approve the invoice from Gabriel Fera as presented. A roll call vote was taken.

Barry Abbott – aye

James Aughenbaugh – aye

William Beers – aye

Diane Bernardo – aye

Shane Dietz – aye

Shannon Gabriel – aye

Samuel Mollica – aye

Kevin A. Salandra – aye

Mark Sullivan – aye

Edward Walsh – aye

Motion carried.

#### **BOARD COMMENTS**

Mr. Sullivan said, "I feel that we are not meeting in the spirit of cooperation. There are obviously things that are important to Sandy Township, I feel we were not given the opportunity for discussion, one of those being the Municipal Authority. Why abolish one to later find out you may need to create another one? The transition committee is another one, the Township was not given an opportunity to make appointments to that committee but DuBois City did have input."

Mr. Aughenbaugh commented on the joint water authority, "leave it up to the new council. We were told there is nothing wrong with the way it operates now. There would still be a cost, don't undertake it now."



Ms. Gabriel stated the opportunity to have that discussion was at the time I made the motion for the transition council. It's as simple as your vote is no, it passed 9-1, there was a lot of opportunity for discussion of alternate names, alternate appointments, nobody offered those suggestions or just voted no so we could revisit it at a later date."

Mr. Mollica had a lengthy statement in the form of a letter, it reads as follows:

"On behalf of the Sandy Township Board of Supervisors, I present this statement to keep the public informed of issues and questionable practices surrounding the transparency of the consolidation process, and to express our extreme disappointment and disgust in recent consolidation related activities designed to exclude a majority of the Sandy Township Supervisors and the residents we represent.

This was supposed to be an open and honest process involving citizen input and Municipal cooperation to build a unified better community, leaving a proud legacy for our grandchildren. This process has now turned into a political quagmire, where many are just looking to move their private agendas forward, against the best interests of the residents of Sandy Township.

The issues started when private meetings were held without a majority of the Sandy Township Board of Supervisors to strategize on ways to intentionally exclude Sandy Township representatives that questioned items or didn't agree with the majority of the Joint Board. After these issues were brought to light in early May, Co-chairs of the 10 Member (Kevin Salandra, Ed Walsh) and the chairmen of the 9 member (Dick Whitaker) and the Joint Board Solicitor (Chris Gabriel) agreed that these private meetings would cease, and all of the Joint Board and Municipal Managers would be involved and kept in the loop.

We believed that the process was moving along cooperatively after that discussion, as evidenced by the two respective managers working together to gain a consensus on 11 out of 12 points of a consolidation agreement and findings ways to begin to integrate operations. The consolidation agreement is extremely important to guide the consolidation process and is required by statute.

Then prior to the Joint Board meeting on August 15, DuBois City published an agenda with an unknown item under new business. Not knowing what the agenda item was, the Sandy Township Co-chair of the Joint Board contacted the Joint Board solicitor about the agenda item. The Joint Board solicitor intentionally deceived the Co-chair explaining it was a redundant item, the same as another item under new business. Additionally, DuBois City unilaterally published another agenda that added another item of new business that wasn't approved by the Sandy Township Co-chair.

Additionally, before the meeting on August 15, the DuBois City Mayor (co-chair 10 member, Chairmen of the 9 member Committees), and the Joint Board Solicitor conducted private meetings excluding a majority of the Sandy Township Board of Supervisors to formulate a plan to establish a transition committee and appoint the members that they wanted on it after ALL Co-chairs of the 10 member and Chairmen of the nine member and Solicitor agreed to cease these private meetings back in May. This type of action disgusted and deeply troubled most of the Sandy Township Board even one of the



members that was appointed to this new committee. A majority of the Sandy Township Board members were extremely disappointed that Chairmen of the nine-member committee and the Solicitor were involved. The transition committee was ultimately determined to be in violation of the Municipal Consolidation or Merger Act.

During the meeting on August 15, the topic of sewer and water finances in the Consolidation Agreement was brought up. A majority of the Sandy Township Supervisors believe that the current method that DuBois uses to manage the sewer finances may violate the Sewer Rental Act whereas revenue generated from the sewer system is used for general fund expenditures. DuBois City only allowed a few brief comments on this topic, excluding discussion on this very important item, before making it go to a vote.

DuBois City is now treating the consolidation process as a City takeover rather than deciding to work cooperatively with the Township. We want to remind the public that this consolidation is a 50/50 process and not a city takeover of the Township. This should be an open and transparent process to better this community, not a pursuit of personal agendas." The letter was signed by four of the five members of the Board of Supervisors.

Mr. Beers said, "I think Sam summed it up."

Ms. Gabriel said, "I am appalled because I made the motion for the transition counsel, I was not coached or led by anyone. I am an educated individual that can make my own decisions. I chose the people, Mr. Abbott and Mr. Mollica because they spearheaded to get consolidation on the ballot and should see it through to the end. I chose Toni Cherry because nobody knows third class city code like she does, Dick Whitaker I feels has been an unbiased person throughout this, he represents Treasure Lake, Sandy Township. I had to talk to my husband and various people about Dana Smith because I don't know him. He's a very well-respected man and I thought he would be a good alternative. I chose Joe Mitchell myself because I feel he's a very educated man that has done a phenomenal job for the City of DuBois in obtaining grant funding. He's involved in every project at the City of DuBois. I am appalled at the statement that leads people to believe that I was coached and coerced into putting people on the transition council. I made the motion based on professional and personal experience on who I felt would be best served on that committee to see it from now until the end." She said the other eight people that voted yes besides herself had the right to vote no and start from the beginning.

Mr. Mollica said the problem was none of the other Supervisors knew this was happening, they had no clue. "Don't you think it was owed to everyone to know what this committee was thinking?" He doesn't think anyone has the right to make Sandy Township decisions on who the members are going to be.

Ms. Gabriel said she didn't make Sandy Township decisions. "You could have voted no, if I don't agree with something, I vote no." No one is going to make her vote yes to something that she doesn't agree with or doesn't understand.

Mr. Mollica thought it was pretty shady that he was asked to come to a secret meeting, he didn't get elected to do things like that. He's pretty disgusted about it.



Mr. Gabriel asked if Mr. Mollica went to the meeting? Mr. Mollica said he didn't know what the meeting was about. Mr. Gabriel said did he vote yes on the motion? Mr. Mollica stated once Barry voted yes he knew it would pass, Mr. Gabriel replied do you do what Barry tells you to do? Mr. Gabriel's questioning of Mr. Mollica was shut down by the majority of the joint board.

Mr. Suplizio stated a Fire subcommittee meeting will be held October 12<sup>th</sup>. Some of the Fire subcommittee members will be attending a Treasure Lake meeting. Fire subcommittee is still trying to pinpoint some locations for fire stations, Treasure Lake is obviously one of them. Mr. Suplizio said 2 City employees started helping the Township install sewer line in Kiwanis Park today and that will last for two weeks. Two Township employees will assist the City with the installation of water line on Shaffer Avenue in October.

Mr. Arbaugh stated the two Managers are working well together on the actual boots on the ground integration. The Kiwanis Park sewer project and the Shaffer Avenue water line are two examples of public works integration. Engineers, Public Works Directors are working well together looking at plowing efficiencies and maps, working on the Maple Avenue turnback. The administrative staff are working on a Halloween Event at the mall. Working together on a feasibility study for the Wolf Creek Rails to Trails connector. Shawn and Herm are working on the organizational chart and are hoping to move that along, boots on the ground stuff is going well.

Mr. Salandra said he was one of the Supervisors who signed the letter, he was appalled by what happened as well. He agrees with Mark there is no spirit of cooperation. There was an issue a few months ago, there was an RFP that was passed 10-0 and after the vote the City said they didn't get a copy, there were things they wanted to change, we revoted on it. When we try to bring things up, that already passed, what are you guys doing. We don't feel the spirit of cooperation we tried to show and he's whole-heartedly in agreement with the letter Sam read.

#### **OPEN MEETING TO THE FLOOR**

Dick Whitaker, Chairman of the Transition Committee, he publicly invited Herm and Shawn to their meetings. The focus of the committee is going to be on buildings that need built, moves that need to be made and where they need to go, more on the boots on the ground kind of thing. He has talked to both Herm and Shawn several times about what he thinks the focus needs to be on going forward.

#### **CLOSE MEETING TO THE FLOOR**

**ADJOURN**

Motion by Edward Walsh second by James Aughenbaugh to adjourn at 6:38 p.m.

Barry Abbott – aye

William Beers – aye

Shane Dietz – aye

Samuel Mollica – aye

Mark Sullivan – aye

James Aughenbaugh – aye

Diane Bernardo – aye

Shannon Gabriel – aye

Kevin A. Salandra – aye

Edward Walsh – aye

Motion carried.

Respectfully submitted:

Shelly A. Reasinger  
Secretary-Treasurer