

## City Council Meeting Minutes - July 26, 2021

City Council Chambers, City Building, 16 West Scribner Avenue, DuBois, Pennsylvania on Monday, July 26, 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, Shane Dietz, and 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:** Councilman James Aughenbaugh and City Controller, David Volpe

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

### **Excuse Councilman James Aughenbaugh**

The motion was made by Gabriel and seconded by Dietz that Council excuse Councilman James Aughenbaugh from the evenings proceedings. Roll call vote was as follows: Gabriel, yea; Dietz, yea; Bernardo, yea; Walsh, yea. Motion passed 4-0.

### **Approval of Minutes**

City Council Meeting Minutes - July 12, 2021

The motion was made by Dietz and seconded by Gabriel that Council approve the City Council Meeting Minutes of July 12, 2021 as presented by the City Secretary. Roll call vote was as follows: Gabriel, yea; Dietz, yea; Bernardo, yea; Walsh, yea. Motion passed 4-0.

Work Session Meeting Minutes - July 22, 2021

The motion was made by Gabriel and seconded by Dietz that Council approve the Work Session Meeting Minutes of July 22, 2021 as presented by the City Secretary. Roll call vote was as follows: Gabriel, yea; Dietz, yea; Bernardo, yea; Walsh, yea. Motion passed 4-0.

### **Approval of Registry of Invoices**

The motion was made by Dietz and seconded by Gabriel that Council approve the Purchase Order Listing by Vendor Name dated July 22, 2021 in amount of \$500,288.88 and the Autodraft Check Register by Check ID dated July 22, 2021 in the amount of \$17,352.48 as presented by the Finance Officer. Roll call vote was as follows: Gabriel, yea; Dietz, yea; Bernardo, yea; Walsh, yea. Motion passed 4-0.

**Public Comments** - No Public Comments

### **New Agenda Procedures**

Recently we were sent an email from PELRAS (Public Employer Labor Relations Advisory Service) a program of the Pennsylvania Municipal League concern Public Meeting Requirements Under the Sunshine Act.

### **New Public Meeting Requirements Under the Sunshine Act**

Effective August 29, 2021, government agencies covered under the Pennsylvania Sunshine Act, including local governments, must make meeting agendas available to the public 24 hours in advance of public meetings. These new rules are pursuant to recent amendments ("Act 65") to the Sunshine Act, signed by Governor Wolf on June 30, 2021. Under Act 65, if an agency has a

public website, the meeting agenda must be posted on the website no later than 24 hours prior to the start of the meeting. The agenda must also be posted, 24 hours in advance, at the agency's principal office and at the meeting site. Finally, the agency must also make agenda copies available to attendees at the meeting.



## City Council Meeting Minutes - July 26, 2021 (Cont'd.)

### New Agenda Procedures (Cont'd.)

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#### Takeaways

- Effective August 29, 2021, local and state agencies must make meeting agendas available to the public 24 hours in advance of public meetings.
  - The advance agenda must be posted on the agency's website, and at the agency's principal office and meeting site.
  - Agenda copies must also be made available to attendees at the meeting.
  - The new advance agenda rules apply to regular and special meetings, but not to work sessions or executive sessions.
  - There are limited scenarios under the new rules where the agency may consider business not listed on the posted agenda.
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#### The Bottom Line

Effective August 29, 2021, local and state agencies covered under the Sunshine Act must make agendas available to the public 24 hours in advance of public meetings. The advance agenda must be posted on the agency's website, as well as at the agency's principal office and meeting site. Agenda copies must also be made available to attendees at the meeting. These new rules apply to regular and special meetings, but not to work sessions or executive sessions. Read Campbell Durrant's full article for information on exceptions where an agency may consider business not listed on the advance agenda.

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There was much discussion on how to implement and how it will affect how we currently conduct business. There were many questions and concerns; City Solicitor Cherry stated that she would read more about it and look into what was considered "limited scenarios".

#### **Request approval of 2021 CDBG Timeline for Application and a Public Hearing for Monday, August 9, 2021 at 6:50 p.m.**

Redevelopment Director Mitchell stated that in previous years we relied on a citywide survey which proved that our LMI (Low to Moderate Income) was above 51%; unfortunately, the survey has expired and is very costly to have performed, we are no longer eligible for citywide now we have to pick individual LMI areas to expend funds. The motion was made by Bernardo and seconded by Gabriel that Council approve the 2021 CDBG Timeline for Application as presented and a Public hearing for Monday, August 9, 2021 at 6:50 p.m. concerning needs in the City of DuBois. Roll call vote was as follows: Gabriel, yea; Dietz, yea; Bernardo, yea; Walsh, yea. Motion passed 4-0.

#### **Letter from National Fuel Gas Company**

National Fuel has written a letter objecting to our Degradation Fees which they were invoiced in connection with utility work performed in the City. Attorney Sisinni's stance is that as "Degradation Fees" are not authorized in our ordinance in Chapter 21, Part 1 of the City Code they are unlawful. Attorney Sisinni requests we revise our permits and associated invoices removing the charges related to "Degradation Fees" and amend the Resolution to eliminate "Degradation Fees"; otherwise, they will resort to litigation. Code Enforcement/Zoning Officer Lawhead took pictures of the permitted areas National Fuel was invoiced (Weber Avenue). The City Solicitor stated that it is not the tax payers that should pay for replacing the road that National Fuel has destroyed. She also believes, that the street as it currently stands, has lowered the value of the homes in that location.

**City Council Meeting Minutes - July 26, 2021 (Cont'd.)****Letter from National Fuel Gas Company (Cont'd.)**

Councilwoman Gabriel talked about the work National Fuel performed around her home; they did a terrible job restoring the yard.

Councilwoman Bernardo asked if National Fuel contacts the City before they dig? Do they have to get a permit?

Engineer Nasuti stated that they do get a road opening permit from Lawhead.

Bernardo suggested that in future we take a picture of the road previous to their dig.

City Solicitor Cherry said she doesn't think they have a problem with restoration, they just don't like the prices on the permit.

Bernardo asked if there was a need for a motion to have Lawhead take pictures prior to work.

Solicitor Cherry stated we just don't like the way they patch.

Mayor Walsh asked if before National Fuel opens the road, do they know the fees?

Nasuti confirmed that they do.

Solicitor Cherry asked if the date of the pictures was the same date they applied for the permit. Nasuti said she would have to talk to Lawhead for further information on that. Cherry stated she and Lawhead need to huddle.

The motion was made by Gabriel and seconded by Bernardo that Council turn the letter over to the City Solicitor for a response on or before August 2, 2021. Roll call vote was as follows: Gabriel, yea; Dietz, yea; Bernardo, yea; Walsh, yea. Motion passed 4-0.

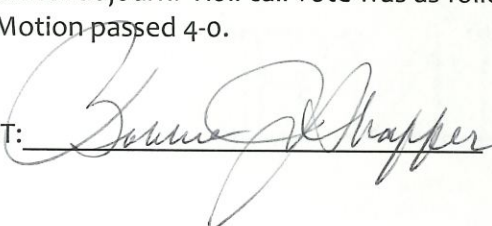
**Police Chief - Blaine Clark**

- Believes the additional stop signs are helping on Chestnut Avenue.
- A police car, man or unmanned, has been stationed along the route and that also seems to help.

**Adjourn**

There being no further business to transact; the motion was made by Dietz and seconded by Gabriel that Council adjourn. Roll call vote was as follows: Gabriel, yea; Dietz, yea; Bernardo, yea; Walsh, yea. Motion passed 4-0.

ATTEST:



APPROVED:

