

City Council Meeting Minutes – March 27, 2023

City Council Chambers, City Building, 16 West Scribner Avenue, DuBois, Pennsylvania on Monday, January 9, 2023 @ 6 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, and Shannon Gabriel. Also present were: City Solicitor, Toni Cherry; Acting City Manager/City Engineer/Public Works Director, Chris Nasuti; Public Works Superintendent, Scott Farrell; Redevelopment Authority Director/Assistant Public Works Superintendent, Joe Mitchell; Police Chief, Blaine Clark; Sergeant Shawn McCleary; Corporal Lanny Prosper; and Administrative Secretary, Bobbie Shaffer.

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

City Manager

Mayor Walsh stated that after Council reviewed the Affidavit at the Executive Session following the Work Session on Thursday, City Manager, John “Herm” Suplizio, was put on paid Administrative Leave pending the outcome of the legal proceedings. He asked if he could have an official vote on that action. The motion was made by Gabriel and seconded by Aughenbaugh that Council put City Manager, John “Herm” Suplizio, on paid Administrative Leave pending the outcome of the legal proceedings. Roll call vote was as follows: Gabriel, yea; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 5 – 0.

Due to the emergence of the matter a request to add Manager’s Contract Extension of March 13th to the evenings agenda.

The motion was made by Gabriel and seconded by Dietz to add Manager’s Contract Extension of March 13th to the evenings agenda. Roll call vote was as follows: Gabriel, yea; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 5 – 0.

Manager’s Contract Extension of March 13, 2023

Councilwoman Gabriel stated that she believes Council should rescind the Manager’s contract extension and possibly re-visit it once the legal process is completed. The motion was made by Gabriel and seconded by Aughenbaugh that Council rescind the Manager’s Contract Extension of March 13, 2023. Roll call vote was as follows: Gabriel, yea; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 5 – 0.

Approval of Minutes

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The motion was made by Aughenbaugh and seconded by Dietz that Council approve the City Council Meeting Minutes of March 13, 2023, as presented. Roll call vote was as follows: Gabriel, yea; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 5 – 0.

Work Session Meeting Minutes – March 23, 2023

The motion was made by Gabriel and seconded by Aughenbaugh that Council approve the Work Session Meeting Minutes of March 23, 2023, as presented. Roll call vote was as follows: Gabriel, yea; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 5 – 0.

Registry of Invoices

The motion was made by Dietz and seconded by Aughenbaugh that Council approve the Purchase Order Listing by Vendor Name (General Fund) dated March 23, 2023 in the amount of \$653,310.77; Check Register by Check ID (Auto-Drafts) dated March 23, 2023 in the amount of \$56,156.53; and the Check Register by Check ID (PennVEST New Sewer Plant Expenses) dated March 23, 2023, in the amount of \$4,003,098.50 as presented by the Finance Officer. Roll call vote was as follows: Gabriel, nay; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 4-1.

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Public Comments

Prior to residents speaking it was announced that Council and the Solicitor would not be responding but would address their questions and concerns at a later time.

Ron Trzyna – 120 S. Avenue – Past City Manager

Mr. Trzyna read the following statement:

“City Council has a fiduciary duty on the behalf of the Taxpayers and residents of the City of DuBois.

This duty includes honesty, loyalty and trust owned by Council Members and the Solicitor that represents the City of DuBois.

This duty also includes Oversight that reenforces public integrity.

You as Council Members should be responsive to information and suspected wrongdoings or misconduct within the City of DuBois.

The Mayor has stated that there is no money missing in the City of DuBois. What investigation was done and by whom was it done to make that determination. It was also stated that “Council” was unaware of the allegations that were being filed against the City Manager.

I want to know what rock that the City Council was living under.

I was informed by someone out of state that they were aware of the pending warrant for arrest the same week that City Council extended the City Manager’s contract per ConnectFM. Is this true?

Through the affidavit we learned that bonuses were made at the end of the year and some bonuses were very substantial. Were these bonuses included in the budgets at the beginning of the year. Where did this additional money come from and through my discussion with City Managers from three 3rd Class City with the Council – Manager form of government they couldn’t comprehend this bonus program.

At Thursday’s work session Council Member Shannon Gabriel requested an “Executive Session” to discuss a personnel issue. I know that we not privy to that information, but I’d like to know in what room did this executive session take place. Was the City Manager in the building during the work session and after the work session and during the Executive Session along with being in the City Building the next day?

As a taxpayer and former City Manager I feel that I should have confidence in our City Officials. Instead I feel that I’m part of the tv show Hogan Hero’s where Sgt. Schultz says I know nothing, I see nothing. You all on Council are Sgt Schultz but you have judiciary duty and oversight responsibilities for the City of DuBois.

As resident of the City, we need to ask if there should be resignations.

Additional requests for information will be forthcoming.”

Linda London – 527 Rumbarger Avenue

Ms. London read the following statement:

“My name is Linda London. I reside in the City of DuBois. I would like my 3-minute time limit to start now.

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(Ms. London had another paragraph concerning the Manager's Contract Extension but as it was addressed she did not read it.)

Another concern that I will share is referencing statements made by the DuBois Solicitor. It starts out stating the disappointment of her and Council members learning about the allegations against City Manager, Herm Suplizio. This is another statement, and I quote, "Out of respect for Herm, as well as the judicial process, we will reserve comment on these allegations until a more appropriate time." Both statements are fine. But at this time, perhaps no more needed to be said with regard to Mr. Suplizio. But instead, she did continue to state her perspective on his integrity, passion, and determination for DuBois. The legal system states that basically, all people are innocent until proven otherwise. Then public statements from Council, Solicitor, or others in City positions should not be made to support or oppose Mr. Suplizio and such allegations. The news release also states the Council will "remain vigilant in the oversight of City funds and its employees." I am not sure that "vigilance" over the past few years has necessarily been a strong point. The allegations presented by the Attorney General go as far back as 2014. Some of you have been on Council or other areas of city government during this time period yet you obviously feel that this situation did not or could not have ever happened. Two key words to think about are **Awareness** and **Accountability**. As representatives to us, you should know how the finances are taken care of and be responsible for that money. It may be easy to state that "there is no money missing" for the City's funds. But if money is not placed in the proper allocated fund, how would it ever be accounted for? The "checks and balances" system apparently fell into the hands of only a select few. I also read that bonuses were designated and given to certain City employees, including the City Manager, at year's end from 2014-2022. Said bonuses were determined by the City Council...but because it is a personnel matter, there are no written reports or minutes kept from the executive session. I am curious to know what "City of DuBois fund" this money came from. Please do not raise the taxes of your citizens to cover said expenses! How does Council plan to be more "vigilant" than they have been with the City's funds and employees to ensure integrity within the government of DuBois?

Again, the philosophy of being innocent until proven guilty arises. However, in most places of employment, if said charges were filed against an employee, he/she would be suspended, with pay, at that time until the incident was terminated. Apparently, this ethical process is not the case for employees of the City of DuBois. The formal arrest was made on Monday, March 20th and the suspension did not occur until Friday, March 24th. And freedom to enter and exit the City Building for those days still existed for him.

Because I shared my matters of interest and concern with you today, I would certainly hope that there would be no repercussions for me or any member of my family because I spoke up about these issues. I am not a member of my family because I spoke up about these issues. I am not a member of any particular group or organization in this area for which I am seeking support. I am a citizen who believes in being honest, upright, truthful and maintaining a clear conscience."

Deborah Mechling – Munroe Street

Ms. Mechling suggested that Mr. Suplizio's salary be put into an escrow; when all of this gets resolved then he gets paid.

Elliot Gelfand – 1 S. Highland Street

While I found the financial misdealing incredibly troubling what I found equally troubling is that the City's pride, our natural water supply, was up for sale. Can you tell us what contracts exist with fracking companies to sell DuBois city water? Are there ongoing contracts selling City water to fracking companies or anyone else? What is being done to protect the City of DuBois water supply?

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Theresa Stoeys – Main Street

I don't have anything to say about the situation itself except for this. People in glass houses shouldn't throw stones. Nobody in here is perfect. Nooobody. What you are trying to do to our City Council members that you think they should all resign. Who's going to run the City then? Are you going to run the City; a want to be politician. Who's going to run the City? (got a little roudy the Mayor had to use the gavel) You shouldn't throw stones if you're not perfect. You shouldn't condemn all of them for what they now have to do. You can sit here and laugh, think it's funny, but that's just how I was raised. I was raised not to turn around and point a finger at someone else when again innocent until proved guilty and that was even in the paper by the Attorney General. Innocent until proved guilty. You have all hung him already and you're not even sure of the outcome at the end. You don't know what it is going to be at the end. You're all hanging him already. Again that is how I was raised and brought up in this City.

Due to the emergence of the matter a request to add Interim City Manager to the agenda.

The motion was made by Gabriel and seconded by Aughenbaugh that Council add Interim City Manager to the agenda. Roll call vote was as follows: Gabriel, yea; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 5 – 0.

Interim City Manager

The motion was made by Gabriel and seconded by Dietz that Council introduce and name Chris Nasuti as Interim City Manager of the City of DuBois. Roll call vote was as follows: Gabriel, yea; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 5 – 0.

Cosmetology School Building

Interim Manager Nasuti stated that Council received a proposal in their packets on Thursday. It would be on the agenda for the next meeting.

Request from Downtown DuBois, Inc. for use of the Pershing Lot on Monday's from 10:30 a.m. until 2 p.m. for Food Trucks

Interim Manager Nasuti stated this is an annual request. The motion was made by Aughenbaugh and seconded by Gabriel that Council approve the request from Downtown DuBois for use of the Pershing Lot on Monday's from 10:30 a.m. until 2 p.m. for Food Trucks. Roll call vote was as follows: Gabriel, yea; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 5 – 0.

Request from Downtown DuBois, Inc. for a City Worker for trash pick-up after the Spring Clean-Up from 11 a.m. until 1 p.m. on Saturday, April 22, 2023; assistance clearing the streets to assist the Fire Companies; and use of the City Dumpster.

The motion was made by Dietz and seconded by Aughenbaugh that Council approve the request from Downtown DuBois for a City Worker for trash pick-up, assistance clearing the streets for Fire Companies and use of the City Dumpster for annual Spring Clean Up. Roll call vote was as follows: Gabriel, yea; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 5 – 0.

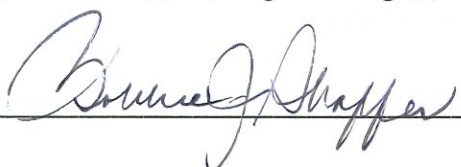
Review of Down to Earth Garden Club Agreement

Councilwoman Bernardo expressed her appreciation for the Down to Earth Garden Club beautifying the City of DuBois for the last 25 years. It was felt as they no longer take care of the embankment at the top of the boulevard or the water treatment plant that the agreement should be updated. Bernardo requests that Council review the agreement for the next meeting.

Adjourn

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

ATTEST:



APPROVED:

