

Work Session Meeting Minutes – November 3, 2022

City Council Chambers, City Building, 16 West Scribner Avenue, DuBois, Pennsylvania on Thursday, November 3, 2022 @ 4 p.m.; Council convened at their regular Work Session with Mayor Walsh in the Chair. Other Council Members present were: Diane Bernardo (Phone), Shane Dietz, and Shannon Gabriel. Also present were: City Manager, John “Herm” Suplizio; City Engineer/Public Work Director, Chris Nasuti; Code Enforcement/Zoning Officer, Zac Lawhead; Public Works Superintendent, Scott Farrell; Police Chief, Blaine Clark; and Deputy Treasurer, Tom Nowak.

Absent: Councilman Jim Aughenbaugh; City Controller, David Volpe

Approval of Minutes

Review for Monday

Approval of Registry of Invoices

Review for Monday

Resolution No. 2022-0359 – Tax Collector Waive Additional Charge for Real Estate – 1st Yr. (PA Act 57)



CITY OF DUBOIS

CLEARFIELD COUNTY, PENNSYLVANIA

RESOLUTION NO. 2022 – 0359

A RESOLUTION OF THE COUNCIL OF THE CITY OF DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, REQUIRING THE TAX COLLECTOR TO WAIVE ADDITIONAL CHARGES FOR REAL ESTATE TAXES ASSESSED IN THE FIRST TAX YEAR FOLLOWING THE ENACTMENT OF THE ACT WHERE NOTICE OF THE REAL ESTATE TAXES WAS NOT RECEIVED FOLLOWING THE TRANSFER OF REAL PROPERTY AND THE TAXPAYER SATISFIES ALL CONDITIONS AS SET FORTH IN THE ACT.

WHEREAS, Pennsylvania Act 57 of 2022 (“Act 57”) was signed into law on July 7, 2022, by Governor Tom Wolf, and amended Section 7 of the Local Tax Collection Law, 72 P.S. §5511.7, addressing the effect of failure to receive tax notice; and

WHEREAS, Act 57 requires taxing districts that impose taxes on the assessed value of real estate to adopt a resolution or ordinance requiring the Tax Collector to waive additional charges as defined in Act 57 for real estate taxes under certain circumstances beginning in the first tax year after the effective date of Act 57; and

WHEREAS, the Department of Community and Economic Development shall develop and make available to each taxing district a form by which a taxpayer may request a waiver of Additional Charges as defined in Act 57.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Tax Collector shall, for tax years beginning on and after January 1, 2023, grant a request to waive additional charges for real estate taxes in the then current tax year, if the taxpayer completes all of the following:
 - A. Provides a waiver request of additional charges to the Tax Collector in possession of the claim within twelve (12) months of a qualifying event;
 - B. Attests that a notice was not received;
 - C. Provides the Tax Collector in possession of the claim with one of the following:
 - i. A copy of the deed showing the date of the real property transfer; or
 - ii. A copy of the title following the acquisition of a mobile or manufactured home subject to taxation as real estate showing the date of issuance or a copy of an executed lease agreement between the owner of a mobile or manufactured home and the owner of a parcel of land on which the mobile or manufactured home will be situated showing the date the lease commences; and
 - D. Pays the face value amount of the tax notice for the real estate tax with the waiver request.
2. A form providing for the waiver request of additional charges will be made available from the Tax Collector.

- 3. A taxpayer granted a waiver and paying real estate tax as provided in Act 57 shall not be subject to an action at law or in equity for an additional charge, and any claim existing or lien filed for an additional charge shall be deemed satisfied.
- 4. The Tax Collector accepting a waiver and payment in good faith in accordance with this Resolution and Act 57 shall not be personally liable for any amount due or arising from the real estate tax that is the subject in the waiver.
- 5. As used in this Resolution, the following words and phrases shall have the following meanings given to them unless the context clearly indicates otherwise:
 - A. "Additional Charge"
 - i. Any interest, fee, penalty, or charge accruing to and in excess of the face amount of the real estate tax as provided in the real estate tax notice.
 - B. "Qualifying Event"
 - i. For the purposes of real property, the date of transfer of ownership.
 - ii. For the purposes of mobile or manufactured homes, the date of the transfer of ownership or the date a lease agreement commences for the original location or relocation of a mobile or manufactured home on a parcel of land not owned by the owner of the mobile or manufacture home. The term does not include the renewal of a lease for the same location.
 - C. "Tax Collector"
 - i. A tax collector as defined in Section 2 of the Local Tax Collection Law (72 P.S. §5511.1, et seq.), a delinquent tax collector as provided in Section 26.1 of the Local Tax Collection Law, the tax claim bureau or an alternative collector of taxes as provided in the Real Estate Tax Sale Law (72 P.S. §5860.101, et seq.), an employee, agent or assignee authorized to collect the tax, a purchaser of claim for the tax or any other person authorized by law or contract to secure collection of, or take any action at law or in equity against, the person or property of the taxpayer for the real estate tax or amounts, liens or claims derived from the real estate tax.

DULY ADOPTED and enacted this 3rd day of November, 2022.

The motion was made by Dietz and seconded by Gabriel that Council accept Resolution No. 2022-0359 as presented. Roll call vote was as follows: Bernardo, yea; Dietz, yea; Gabriel, yea; Walsh, yea. Motion passed 4-0.

No Parking Sign Recommendations: - North Main Street

Chief Clark recommends no parking signs in front of 119 and 123 North Main ST. Review for Monday.

Tabulations: (Recommendation Monday)

Spring Avenue Waterline Replacement Project

<div><div><div><div><div><div></div><div>HRG</div></div></div><div><div><div></div><div>Engineering & Technical Services</div></div><div><div></div><div>AN EMPLOYEE-OWNED COMPANY</div></div></div></div></div></div>	
Spring Avenue Waterline Replacement Contract 22-08 City of DuBois November 3, 2022 10:00am	
BIDDER	BASE BID
Contract 22-07 General Construction	
Dave Roman Excavating, Inc. 1135 Reynoldsville Sykesville Road Reynoldsville, PA 15851	\$ 320,410.00
Continental Construction, Inc. PO Box 128 Ridgway, PA 15853	\$ 443,298.00
Smith's Lawn and Landscaping 137 Lewis Street Reynoldsville, PA 15851	\$ 452,430.91
Terra Works, Inc. 49 S. Sheridan Road Clarion, PA 16214	\$ 491,529.00
C&R Directional Boring, LLC 15452 Rockton Mountain Hwy Clearfield, PA 16830	\$ 532,380.00
D&M Contracting, Inc. 1888 Lions Club Road New Alexandria, PA 15670	\$ 561,000.00
Sanner Masonry & Excavation Inc 155 Warehouse Road Rockwood, PA 15557	\$ 565,750.00
Glenn Johnston, Inc. 1055 Center Street McKeesport PA 15132	\$ 708,608.00
Bowman Excavation/Paving/Concrete 1511 E College Ave Bellefonte, PA 16823	\$ 713,120.00

West Weber Avenue Waterline Replacement

<div><div><div>HRG</div><div>Herbert, Riedel & Gries, Inc.</div><div>Engineering & Related Services</div><div>AN EMPLOYEE-OWNED COMPANY</div></div></div>	
West Weber Avenue Waterline Replacement Contract 22-07 City of DuBois November 3, 2022 10:00am	
BIDDER	BASE BID
Contract 22-07 General Construction	
Dave Roman Excavating, Inc. 1135 Reynoldsville Sykesville Road Reynoldsville, PA 15851	\$ 241,470.00
Continental Construction, Inc. PO Box 128 Ridgway, PA 15853	\$ 284,228.00
Terra Works, Inc. 43 S. Sheridan Road Clarion, PA 16214	\$ 348,843.00
Smith's Lawn and Landscaping 137 Lewis Street Reynoldsville, PA 15851	\$ 352,410.19
C&R Directional Boring, LLC 15452 Rockton Mountain Hwy Clearfield, PA 16830	\$ 394,075.00
Glenn Johnston, Inc. 1555 Center Street McKeesport, PA 15132	\$ 439,035.00
D&M Contracting, Inc. 1808 Lions Club Road New Alexandria, PA 15670	\$ 456,000.00
Sanner Masonry & Excavation Inc 155 Warehouse Road Rockwood, PA 15557	\$ 550,600.00
Bowman Excavation/Paving/Concrete 1611 E College Ave Beaumont, PA 16823	\$ 634,510.00

Proclamations:

Change Clock/Change Battery

The motion was made by Gabriel and seconded by Dietz that Council proclaim Sunday, November 6, 2022 as “Change your Clock, Change your Battery Day” in the City of DuBois. Roll call vote was as follows: Bernardo, yea; Dietz, yea; Gabriel, yea; Walsh, yea. Motion passed 4-0.

Veteran’s Day

The motion was made by Gabriel and seconded by Dietz that Council proclaim November 11, 2022 as Veteran’s Day in the City of DuBois and ask that the day be observed with appropriate ceremonies in honor of those who have served in the Armed Services. Roll call vote was as follows: Bernardo, yea; Dietz, yea; Gabriel, yea; Walsh, yea. Motion passed 4-0.

Items for the City Solicitor (Monday)

- A. PLCB Noise Ordinance – Two years is up.
- B. Right to Know – Juvenile Police Issue
- C. Lawsuit – Liberty Boulevard – Person hit by car while crossing Liberty Boulevard; believes we should have had a crosswalk between the car wash and the American Legion.
- D. LGUDA Proceedings – Debt Ordinance – DCED Info

Vacate Alley on Tenth ST

We received a letter from Mr. Oberlin and Mr. Cozen requesting the grass alleyway between their two properties be vacated. The motion was made by Dietz and seconded by Gabriel that Council approve the request to vacate the grass alleyway between 6 and 10 Tenth Street. Roll call vote was as follows: Bernardo, yea; Dietz, yea; Gabriel, yea; Walsh, yea. Motion passed 4-0.

Second & Final Reading – Council Bill No. 1968 – Debt Ordinance

Will be read at Monday’s City Council Meeting.

Police Chief Contract

City Manager Suplizio stated that we need to renew the Chief of Police Contract with the term ending June 30, 2026. After discussion, Council approved the contract but extended the term to December 31, 2026. The motion was made by Bernardo and seconded by Gabriel that Council approve the contract for the Chief of Police extending the term to December 31, 2026. Roll call vote was as follows: Bernardo, yea; Dietz, yea; Gabriel, yea; Walsh, yea. Motion passed 4-0.

He went on to say that the Public Works Superintendent, Scott Farrell, has the option to retire in 2026 with the City paying healthcare for he and his wife until Scott reaches the age of 65. We have paid the healthcare for the last two Public Works Superintendents who have retired prior to reaching age 65. The motion was made by Gabriel and seconded by Dietz that Council, should Scott choose to retire in

2026, approve paying the healthcare for Scott and his wife until Scott reaches the age of 65. Roll call vote was as follows: Bernardo, yea; Dietz, yea; Gabriel, yea; Walsh, yea. Motion passed 4-0.

Reminder: Penn Highlands – Center of Excellence – Ribbon Cutting – November 4th @ 4 p.m. Informational

DuBois Area Historical Society Plaques Top of the Boulevard


City Manager Suplizio stated that we received a letter from the Historical Society concerning Interpretive Panels at the top of the Boulevard. They stated that the cost of the panels alone would be approximately \$10,400 but that does not include the historical research or the digital design cost. The motion was made by Gabriel and seconded by Dietz that Council approve budgeting \$15,000 for the DuBois Area Historical Society to help defray the cost of the project. Roll call vote was as follows: Bernardo, yea; Dietz, yea; Gabriel, yea; Walsh, yea. Motion passed 4-0.

Councilwoman Shannon Gabriel

- Stated that the annual Sunny 106 Halloween Parade was a nice event.
- Wants the Police Department to set a new date for their Meet & Greet as she hasn't met some of the new officers.

Mayor – Edward L. Walsh

Good job to Blaine and Scott for all their hard work.

ATTEST: 

APPROVE: 