

City Council Meeting Minutes – September 19, 2022

City Council Chambers, City Building, 16 W. Scribner Avenue, DuBois, Pennsylvania on Monday, September 19, 2022 @ 7 p.m.; Council convened at their regular City Council Meeting with Mayor Walsh in the Chair. Other Council Members present were: Jim Aughenbaugh, 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; and Police Chief, Blaine Clark.

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

Absent: City Controller, David Volpe

Approval of Minutes

Public Hearing – Council Bill No. 1967 – Debt Ordinance – September 6, 2022

The motion was made by Aughenbaugh and seconded by Gabriel that Council approve the Public Hearing Minutes of September 6, 2022 concerning Council Bill No. 1967 – Debt Ordinance as presented by the City Secretary. Roll call vote was as follows: Aughenbaugh, yea; Bernardo, yea; Dietz, yea; Gabriel, yea; Walsh, yea. Motion passed 5 – 0.

City Council Meeting Minutes – September 6, 2022

The motion was made by Gabriel and seconded by Dietz that Council approve the City Council Meeting Minutes of September 6, 2022 as presented by the City Secretary. Roll call vote was as follows: Aughenbaugh, yea; Bernardo, yea; Dietz, yea; Gabriel, yea; Walsh, yea. Motion passed 5 – 0.

Work Session Meeting Minutes – September 15, 2022

The motion was made by Dietz and seconded by Gabriel that Council approve the Work Session Meeting Minutes of September 15, 2022 as presented by the City Secretary. Roll call vote was as follows: Aughenbaugh, yea; Bernardo, yea; Dietz, yea; Gabriel, yea; Walsh, yea. Motion passed 5 – 0.

Approval of Registry of Invoices

The motion was made by Aughenbaugh and seconded by Gabriel that Council approve the Purchase Order by Listing by Vendor Name dated September 15, 2022 in the amount of \$525,551.31 and the Check Register by Check ID dated September 15, 2022 in the amount of \$12,546.45 as presented by the Finance Officer. Roll call vote was as follows: Aughenbaugh, yea; Bernardo, yea; Dietz, yea; Gabriel, yea; Walsh, yea. Motion passed 5 – 0.

Public Comments: No Public Comments

Planning Commission Recommendation:

Dennis Raybuck – Modification – 208 E. Sherman Avenue

City Solicitor Cherry informed Council that the original request for a modification was not recommended for approval by the Planning Commission because the application was not supported with the proper justification for the request. Cherry went on to say, that the owner has submitted new information demonstrating that the modification is being requested to provide an accessible entrance to the basement and that there is no other location available to provide the required entrance. Cherry stated that the new justification was reviewed by the City Engineer and the Codes Officer and discussed with the members of the Planning Commission. As a result of these reviews and discussions, the Planning Commission is recommending approval of the requested modification. The motion was made by Aughenbaugh and seconded by Gabriel that Council accept the recommendation of our City Engineer and City Solicitor and approve the Modification changing the front setback from 35' to 21'. Roll call vote was as follows: Aughenbaugh, yea; Bernardo, yea; Gabriel, yea; Dietz, yea; Walsh, yea. Motion passed 5-0.

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No trucks on Maple avenue with the exception of local deliveries

City Manager Suplizio stated that as a result of the turn-back program with PennDOT, DuBois now owns Maple Avenue and East Park Avenue, similar to Main Street and DuBois Street. He asked council to consider restricting truck traffic on Maple Avenue and East Park Avenue to local traffic only, similar to what they did on Main Street and DuBois Street. The motion was made by Aughenbaugh and seconded by Gabriel that Council direct the City Solicitor to draft an ordinance adding Maple Avenue and East Park Avenue to the list of streets restricting truck traffic to local deliveries only. Roll call vote was as follows: Aughenbaugh, yea; Bernardo, yea; Gabriel, yea; Dietz, yea; Walsh, yea. Motion passed 5-0.

Electric Bikes on Walkway – Email from Bill Allenbaugh

City Solicitor Cherry read an email that was submitted to City Council from resident Bill Allenbaugh. The email requested that electric bikes be restricted from using the walkway. Manager Suplizio stated that the walkway rules already prohibit all bikes from passing pedestrians on the walkway and recommended that the issue be referred to the police. Chief Clark stated that the police will look into the issue and will enforce the rules of the walkway. Councilwoman Gabriel also reminded everyone that all dogs on the walkway must be on a leash.

Updates:

Maple Avenue – The traffic patterns and detours will be changed on September 26, 2022.

Reservoir – Currently 5” down

Councilwoman, Diane Bernardo

- Stated that she was proud of Councilwoman Gabriel for speaking up and defending herself and council at the earlier 10-Person Committee meeting.
- Stated that Council does not need to be “lead by the nose” on consolidation. They are capable of reading the information and making their own decisions on the issues. They do not need a consultant to review everything. She felt that the letter read by Supervisor Mollica at the 10-person committee meeting was juvenile.

Councilman, Shane Dietz

Stated that the Sandy Lick Creek rehabilitation project was looking good and he was happy to hear that the reservoir levels were at a normal elevation.

City Manager, John “Herm” Suplizio

Reminded everyone that Sandy Township first brought up the issue of consolidation. Since that time, Sandy Township has been the municipality challenging each step taken in the process.

City Solicitor, Toni Cherry

- The first point of discussion was to address the issue raised in the 10-Person Committee meeting regarding the appropriateness of codes used to form the Transition Committee. She emphasized that Council was correct in not using Section 734 because consolidation was initiated by the voters, not the two municipal governments. She reiterated that Sections 735 and 737 were, in fact, the correct statutes to follow for consolidation.
- Her second comment addressed the manager’s contract. She stated that the manager’s contract is legal, as executed, under the Third Class City, Optional Form of Government Code.
- Solicitor Cherry read aloud, the proposition of consolidation as it appeared on the ballot in November 2021. She noted that the ballot question presented the Option Plan form of government, which is how the City of DuBois currently operates. She also pointed out that the Optional Plan form of government, supersedes Third Class City codes requirements in many instances.

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City Solicitor, Toni Cherry (Cont'd.)

- The next comment from Solicitor Cherry addressed the accusation from Sandy Township that DuBois misuses revenues from its utilities. Solicitor Cherry made it very clear that she and the Pennsylvania Courts have already determined that the City of DuBois has not mismanaged utility funds. She then described the Lease and Management system used to operate the water and sewer departments.
- Furthermore, the city has not mismanaged or misused any funds from any account. For example, all donation monies received from Waste Management are used appropriately with the full knowledge of Waste Management and City Council.
- Finally, she provided Council with a summary of the limitations of an authority on a utility system which is currently owned and operated by the residents and its elected officials.

Adjourn

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

ATTEST:



APPROVED:

