

Work Session Meeting – June 8, 2023

City Council Chambers, City Building, 16 West Scribner Avenue, DuBois, Pennsylvania on Thursday, June 8, 2023 @ 4 p.m.; Council convened at their regular Work Session with Mayor Walsh in the Chair. Other Council Members present were: Jim Aughenbaugh (by phone), Diane Bernardo, Shane Dietz and City Controller, David Volpe. Also present were: Acting City Manager/City Engineer/Public Work Director, Chris Nasuti; Redevelopment Authority Director/Assistant Public Works Superintendent, Joe Mitchell; Code Enforcement/Zoning Officer, Zac Lawhead; Police Chief, Blaine Clark; Sergeant, Shawn McCleary; Officer, Dave Tracy; and Finance Officer, DeLean Shepherd.

June 12th Agenda Items:

Interim Manager Nasuti read down through the agenda for June 12th.

#7. Certificate of Recognition – Tre-Sean Wiggins

Nasuti stated that a proclamation was requested but as this is Firemen's Week, we would be giving a Certificate of Recognition instead. The certificate is to recognize the boxing accomplishments of Mr. Wiggins.

#9. First Reding of Council Bill No. 1973 – Street Excavating & Openings

Nasuti stated that this is a new proposed ordinance to allow for the enforcement of permits for street excavations. City Solicitor Cherry stated Council may recall that we received a letter from the Attorneys of National Fuel and their position is (because we had an objection to the manner in which they performed their opening, closing, and that they did not notify Council before cutting so that we could notify the residents) they are regulated by the PUC they are not subject to a communities requests, ordinances, or demands. They reminded me that they had just filed, actually they instructed me because I did not know or had not picked up that they had filed, a suit against the City of Erie in federal court. When I discussed this with Council, we did not want to be embroiled in a lawsuit that we could not win. She looked into what they were doing to Erie, and what they are asking is that we must modify the section involving the permit fee to require that notwithstanding any other provision to the contract utilities regulated by the PUC shall be exempt from any degradation fees which have been adopted or implemented by the City of DuBois or will in the future be adopted or implemented by the City of DuBois. She went on to say it is a bitter pill, and she has discussed with their lawyers that we are not happy with the way they dig up and patch up our streets.

Mayor Walsh asked if we can't fee them at all.

Lawhead stated we can fee them the \$50 for the permit for the street opening but that's it. Developers will still have to pay the degradation fees, but no utilities regulated by the PUC.

#10. Thank you from Downtown DuBois, Inc.

Nasuti stated that it was a thank you for the crew and fire department for helping during the downtown cleanup.

#11. Loan Interest Rate Benchmark

Nasuti stated that this is switching our interest rates from LIBOR to the SOFR that was discussed at the last meeting. The three loans presented previously are our only affected loans.

#12. Forensic Analysis

A brief update of our June 5, 2023, kick-off meeting. Nasuti stated that we're starting to get correspondence back and forth.

#13. Revised 2023 Budget

Nasuti stated that DeLean, Joe, and himself have been working on the revised budget, he will have an update on how they were able to balance the budget moving forward with new revenue and expense schedules.

#14. Pfingstler Properties LLC Waterline

Nasuti stated this is a proposed 6" waterline to the old Shaw Mack building on DuBois -Rockton Road. The developer will engineer, permit, procure easements, and construct the waterline then turn it over to the city for maintenance. The City Solicitor will be directed to draft an ordinance when it's completed.

#15. Request for Use of Skatepark - July 22nd

This request just came in to do a fundraiser at the Skatepark. We'll have the application and the certificate of insurance, hopefully we can get them approved.

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Public Comments

Kristen Vida – 929 Chestnut Avenue, DuBois

Wanted to know about the plans to fill the vacancy of Councilwoman Gabriel's seat. Mayor Walsh stated that the Council will be having an Executive Session following this meeting and it will be announced on Monday what we are going to do. The format for applying will be announced along with Ms. Gabriel's resignation. Walsh stated that Council has 30 days after the resignation has been accepted; they are not going to wait 30 days.

Jennifer Jackson – 42 N. Brady ST, DuBois

Still waiting for answers asked at previous meetings to be answered. Will they be answered at the next Council or are we just not going to get an answer.

- Signs – are we addressing the signs for the Country Club. I know it was said resorts which we know that's not what is in the ordinance. So, I wonder if we are going to address that?
- Council Healthcare – are we keeping that? Since that's been raised up as an issue.
- Herm – are we still paying him? Are we going to put it in escrow, as has been recommended, or are we just going to keep paying him.

So, we've asked some questions at Council and I'm just wanting for some actual answers. Wonder when we are going to get those. Nasuti stated that he doesn't have answers for her tonight, but he will get her answers.

Kristen Vida – 929 Chestnut Avenue, DuBois

Is the Treasurer ever going to appear at a meeting? Mayor Walsh stated that the Treasurer is an elected official and has no requirement to be at a meeting nor does she have to be in the office. She's elected there are no requirements, I missed the last two meetings because I was sicker than I have ever been in my life.

Ron Tryzna – 120 South Ave - Allegheny Strategy Partner

Have you ever received anything from Allegheny Strategy Partners? We talked about that at one time, and you were trying to get in contact with them and trying to find the information. Nasuti stated that we received a one-page summary of grants. Tryzna asked if we are still under contract with them, Nasuti confirmed. Nasuti told Tryzna he would get him a copy of the one page we received on the grants.

Nasuti stated we have not signed anything we are still under the original contract. Ms. Kurts asked when it was up; Tryzna said it renewed in January of this year.

Charlie Mechling -709 Munroe ST, DuBois

Mr. Mayor you stated previously that the Treasurer is not required to be here, is that correct. Mayor confirmed that is correct. You stated you guys are elected and you're not required to be here. Mayor confirmed that is correct. So, if none of you are required to be here, how would you have a meeting? Mayor stated he has never seen that happen, it's kind of a moot point. I don't want to speak for the Treasurer, but she is not required to be at these meetings. She is required to make sure the funds come in and are dispersed where they are to go. That's her requirement, as long as she does that, we can't really dictate. Mayor said if he decided not to come to a meeting the rest of the year, there is nothing they can do to make him come. We have never had it happen. Council has always had a quorum. Mr. Mechling was curious about the Treasurer, because with all the questions about money it would seem appropriate that whether she is required to or not it would be a good idea to show up. Kind of surprised by that myself.

Solicitor Cherry stated that because she is answerable to the voters. The only thing Council does is set her wages as the City's Tax Collector before the time the petitions for election are due. That's our job. Her responsibility as to how she chooses to run her office, how she chooses to perform her duties are her business.

Are these laws set up by the City? Solicitor Cherry stated that no these are statutes.

Mayor Walsh stated that is no different that Sandy Township. They have a Tax Collector, you go down there in the morning, she's not there; you go at Noon, she's not there. She sets her hours, she's there when she wants to be there is no set guideline. If she wants to be there one hour a day, that's just the way it is.

Kristen Vida – 929 Chestnut Avenue, DuBois

Ms. Vida asked if the Treasurer and Controller are required to be accountants? She read somewhere in the Code or an Ordinance that they shall be accountants. Mayor Walsh stated that shall be and must be are two different things. Nasuti asked if it was the Pennsylvania Code or the City Code. The Solicitor stated that there is no requirement that they be CPA's, but they should have some accounting knowledge.

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Councilman Shane Dietz

Streets are looking good – the street sweeper is doing well.

Mayor Walsh asked what happened on 255. Officer Tracy stated there was a truck hauling mud from a drilling rig, he came through right after it happened. Looked like the cap came off of the bottom of the tanker and it just spewed out mud from there to wherever he turned off. The mayor stated they had a state plow truck plowing the mess. The truck ended up at Nickel's Bakery, what a mess.

Councilwoman Diane Bernardo

Now that the election has been certified, I would like to congratulate the candidates on their certification – heck of a campaign. Looks like it should be smooth sailing in November, I know of no other write-ins. Good luck with everything.

City Solicitor Toni Cherry

Requested that an item be added to Monday's agenda. Sandy Township Lawsuit – Sandy has filed a lawsuit against the City and she would like to respond.

Mayor Edward L. Wash

Congratulations Jenn & Pat; we look for a smooth transition. Never had to go through this before, there is going to be a big switch. Mr. Nasuti, we will be setting up a transition committee to try to help acclimate people. Mr. Reasinger asked if there was anything they needed to read, he asked because he reads a lot.

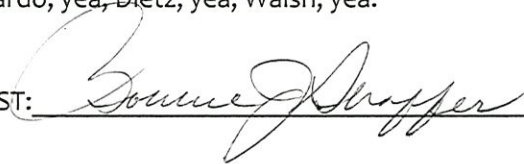
Joe Mitchell – Community Days

It's coming in a week whether we're ready or not. It's really busy right now. The program book is being developed it should be at the press tomorrow morning. Radio ads are all out at the radio station. The community response was very good, I hope to have some pretty decent financials for us maybe not Monday night because we still have some late comers coming in. Probably in the neighborhood of \$70,000 that we received as donations coming in. We have some pretty decent food booths this year a few new ones and lost a few because how late we were. All in all, it is going to be a great event. I cannot announce who the radio station is yet, but the fireworks are actually set to music; it's called pyro musical. That will be kind of cool, as it will be the first one ever in our area that I know of and that Starfire knows of. That's going to be really exciting. Looking forward to that.

Executive Session

The motion was made by Dietz and seconded by Aughenbaugh that the Council adjourn to an Executive Session concerning Personnel and a Legal Issue. Roll call vote was as follows: Aughenbaugh, yea; Bernardo, yea; Dietz, yea; Walsh, yea.

ATTEST:



APPROVED:



