

## City Council Meeting Minutes – July 10, 2023

City Council Chambers, City Building, 16 West Scribner Avenue, DuBois, Pennsylvania on Monday, July 10, 2023 @ 6 p.m.; Council convened at their regular City Council Meeting with Mayor Walsh in the Chair. Other Council Members present were: James Aughenbaugh (phone), Shane Dietz, and Pat Reasinger. Also present were: City Solicitor, Toni Cherry; Interim City Manager/City Engineer/Public Works Director, Chris Nasuti; Public Works Superintendent, Scott Farrell; Redevelopment Authority Director/Assistant Public Works Superintendent, Joe Mitchell; Code Enforcement/Zoning Officer, Zac Lawhead; Finance Officer, DeLean Shepherd; Police Chief, Blaine Clark; Police Sergeant, Shawn McCleary; Police Corporal, Matt Robertson; and Administrative Secretary, Bobbie Shaffer.

Absent: Councilwoman, Diane Bernardo

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

### Excuse Councilwoman Diane Bernardo from the evening's proceedings.

The motion was made by Dietz and seconded by Reasinger that Council excuse Councilwoman Bernardo from the evening's proceedings. Roll call vote was as follows: Reasinger, yea; Dietz, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 4-0.

### Approval of Minutes

#### City Council Meeting Minutes – June 26, 2023

The motion was made by Dietz and seconded by Reasinger that Council approve the City Council Meeting Minutes of June 26, 2023, as presented. Roll call vote was as follows: Reasinger, yea; Dietz, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 4-0.

#### Work Session Meeting Minutes – July 6, 2023

The motion was made by Reasinger and seconded by Dietz that Council approve the Work Session Meeting Minutes of July 6, 2023, as presented. Roll call vote was as follows: Reasinger, yea; Dietz, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 4-0.

### Registry of Invoices

The motion was made by Dietz and seconded by Reasinger that Council approve the Purchase Order Listing by Vendor Name dated July 6, 2023, in the amount of \$231,735.18 and the Check Register by Check ID dated July 6, 2023, in the amount of \$51,729.32 as presented by the Finance Officer. Roll call vote was as follows: Reasinger, yea; Dietz, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 4-0.

### Public Comments

#### Deb Mechling – 709 Monroe ST

- Would it be possible in future agenda items at the Council Meetings when we are reviewing the payments on the bills by Council if you could do a line-by-line listing with who the check is to and the amount so we can have a clear understanding of where the tax dollars are being spent?
- After reading about the proposed projects in the DuBois City Park; new fields for ball, basketball court updates, pickleball, etc.; in light of current investigations which are not completed in regard to our former City Manager; at this time new projects should not be considered, and you should take the wait and see approach to spending money. Questions remain as to what we will need to do to move forward. Will more legal bill fees be paid out of City accounts in defense of our former City Manager?
- Are we paying for two people as City Manager at this time?
- Is a tax increase on the horizon as the result of this situation? Our taxpayers are already dealing with making ends meet with the staggering increase in prices across the board in their daily lives, please consider taking a breath and see where the investigations lead us in the days ahead.
- I would also like to commend Council for the concerts in the park that are held every Thursday; it is a nice event to draw people in. I wonder if there is a possibility of having some food trucks, ice cream trucks, non-profit groups or something like that to help enhance the experience. Punxsy does this and it is positive for the community.

#### Elliot Gelfand - 1 S. Highland ST

Regarding the audit, to hire Sharkey Piccirillo; isn't that the same firm that we have used in the past. Mayor Walsh confirmed. Gelfand asked if it was put out for proposals? Nasuti confirmed it was. Gelfand asked if it is in line with the cost of previous years. Mayor Walsh and Nasuti felt it was a slight increase. Nasuti stated it was \$32,000 - \$34,000 previously. He feels it is in line with previous years.



## City Council Meeting Minutes – July 10, 2023 (Cont'd.)

### Authorization to hire Sharkey Piccirillo & Keen for 2022 Audit - \$36,550

The motion was made by Reasinger and seconded by Dietz that Council authorize hiring Sharkey Piccirillo & Keen for the 2022 Audit in the amount of \$36,550. Roll call vote was as follows: Reasinger, yea; Dietz, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 4-0.

### Application for Water Department

Nasuti stated we have a job opening in the water distribution department and we are accepting applications until July 14<sup>th</sup>. That is to replace the retired Mike Borrelli position, so we are not adding we are restaffing.

### Financial Update

- Forensic Audit - All the information has been turned over to the auditors as of June 30<sup>th</sup>. They will review all that information and then get back to us for Phase 2; when they come to visit us and go through our files and do the interviews. Moving well and on time.
- We have successfully implemented a new purchase order program to keep better track of spending. It will now go through a three-approval process. Just wanted to make everyone aware that a new process has been put in for tracking expenses.
- Total Operating Cash – Council gets an update monthly; this came up recently because the budget we put out showed we had a \$26,000 surplus. Operating cash as of June 30<sup>th</sup> is as follows:

|                    |         |
|--------------------|---------|
| • General Fund     | 425,466 |
| • Water Fund       | 123,726 |
| • Sewer Fund       | 34,250  |
| • Liquid Fuels     | 696,515 |
| • CDBG             | 25      |
| • PennVEST         | 11,084  |
| • Sewer Escrow     | 12,254  |
| • Fire Insurance   | 1,249   |
| • Health Insurance | 112,824 |
| • Sewer Tap        | 56,750  |

Will be re-started here shortly.

Total Operating Cash      \$1,474,146.17

Also, we have designated, and capital fund amounts that total      \$3,042, 743

So, we are well prepared to pay our bills, operate the general fund, the water fund, sewer fund, all our projects and we still have reserve for our capital projects in the future. I just wanted to let everyone know we are still in a very good financial situation here in the City of DuBois.

### Comcast Cable Franchise

This was an agreement that was proposed to us back in November 2021. The Cohen Law Group has reached back out to us and asked us to review and reconsider to see if we would like to move forward with it. Does anyone have any questions or comments. I know we have just brought it up for the first time in a while here. Councilman Aughenbaugh asked if we had turned it over to our City Solicitor for review. Nasuti confirmed we can do that. Aughenbaugh observed it is 46 pages long. Nasuti confirmed it is a lengthy agreement. The motion was made by Aughenbaugh and seconded by Reasinger that the Comcast Cable Franchise Agreement be turned over to our City Solicitor for review. Solicitor Cherry stated that she doesn't have any problem with the city agreeing to accept 5% of gross revenue; her concern is, because she suspects she is going to find in this agreement, they expect to be the sole provider. That may not be something that Council wants to agree to since she is sure there are people who have DirectTV or Dish TV. That is really what she is looking for, it will not take her that long to go through this contract. Reasinger asked if she would be ready for the next meeting on July 24<sup>th</sup>. She confirmed she would be. Roll call vote was as follows: Reasinger, yea; Dietz, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 4-0.

### Resolution No. 2023-0368 - Beaver Drive Multimodal Grant – Authorized Signatures

Nasuti stated we need to have the resolution passed so we can sign the application which is to pave Beaver Drive from Division ST to Shaffer Road. Grant applications are due by the end of the month.



CITY OF DUBOIS, PENNSYLVANIA

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## City Council Meeting Minutes – July 10, 2023 (Cont'd.)

Resolution No. 2023-0368 - Beaver Drive Multimodal Grant – Authorized Signatures (Cont'd.)

RESOLUTION NO. 2023-0368

### APPENDIX II – AUTHORIZED OFFICIAL RESOLUTION

**BE IT RESOLVED** that the City of DuBois of Clearfield County hereby request a Multimodal Transportation Fund grant of \$345,761 from the Commonwealth Financing Authority to be used for Beaver Drive Multimodal.

**BE IT FURTHER RESOLVED** that the Applicant does hereby designate Edward Walsh, Mayor and Christopher Nasuti, Acting City Manager / Engineer as the official(s) to execute all documents and agreements between the City of DuBois and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

I, Bobbie Shaffer, duly qualified Secretary of the City of DuBois, Clearfield County, PA, hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by a majority vote of the City of DuBois at a regular meeting held Monday, July 10, 2023, and said Resolution has been recorded in the Minutes of the City of DuBois and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of City of DuBois, This 10<sup>th</sup> day of July 2023

The motion was made by Dietz and seconded by Reasinger that Council approve Resolution No. 2023-0368 – Beaver Drive Multimodal Grant – Authorized Signators as presented. Mayor Walsh asked who the signators would be; Nasuti stated Walsh and himself. Roll call vote was as follows: Reasinger, yea; Dietz, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 4-0.

**Request First Public Hearing on Monday, July 24, 2023, at 5:45 p.m. concerning 2023 CDBG – Needs in the City of DuBois**

Mitchell stated it is just a first public hearing, it is mandatory that we have. Anyone that has a project that would be a suggestion for us to put in for, please come to that meeting and we will take any suggestions and filter them out by what is allowable and what is not. At our second public hearing we declare what we are actually going to put in for. Kathleen Clements wanted to know if there is a way to find out what is acceptable and what is not. Mitchell suggested she reach out to him to get that information. The motion was made by Reasinger and seconded by Dietz that Council approve the request for a Public Hearing on Monday, July 24, 2023, at 5:45 p.m. concerning 2023 CDBG – Need in the City of DuBois. Roll call vote was as follows: Reasinger, yea; Dietz, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 4-0.

### Planning Commission Recommendations

Paul Cavalier – 908 W. Weber – Modification of front yard setback  
City Solicitor Cherry stated that the Planning Commission reviewed the modification request for a front yard setback for Mr. Paul Cavalier. The property is at 908 W. Weber Avenue. The modification requests a few feet added to a front porch area, so they have a front porch. Even with that modification, which is minimal, the structure even with the front porch is still not as far out as neighboring properties. So, it is not a modification that would represent a change in the neighborhood or would in any way be detrimental to health and welfare. The Planning Commission unanimously recommended that Council approve the modification. Actually, they thought it was a great project and it would really make the home much better much more usable and brighten up the neighborhood. The motion was made by Reasinger and seconded by Dietz that Council approve the recommendation of the Planning Commission and grant Mr. Cavalier's request for modification of the front yard setback at 908 W. Weber Avenue. Roll call vote was as follows: Reasinger, yea; Dietz, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 4-0.

### Langdon/Bartruff – 525 Liberty Blvd – Conditional Use

Solicitor Cherry said the Langdon/Bartruff request was not so successful. This property is at 525 Liberty Blvd, it is the structure known as the Manor Motel. It is located in an Industrial Zone; it is a non-conforming use; it existed prior to our zoning ordinance making it an Industrial use. There is a possible sale but only on the condition that the new buyers would be able to have student housing and they would be able to obviously repair what is currently existing and their request would be that the extent of their repairs to only multi-use of both motel and some long-term rentals, such as student rentals, would be \$20,000. Planning Commission denied the request at this time because we did not have the owner coming forward nor did we have an agreement from the owner conferring his standing to Langdon/Bartruff for them to proceed with the project if it would be granted. There were a lot of questions as to whether or not, in that area, conditional use would be allowed; there was no indication of how many units, what they would be doing, and how they would be modifying it to accommodate this new conditional use. So, it was denied for further information. Mayor Walsh asked if we had to vote on it. City Solicitor Cherry confirmed they did not, although you can accept Planning Commission's



## City Council Meeting Minutes – July 10, 2023 (Cont'd.)

Planning Commission Recommendations: Langdon/Bartuff – 525 Liberty Blvd (Cont'd.)  
recommendation then the Zoning Hearing Officer will let them know Council's position; in case they want to come again. Councilman Reasinger stated that he would personally rather see that building as student housing and short term or long-term housing. He believes it would improve who stays at the property. He proceeded to ask Police Chief Clark how many times he's been there. Chief stated they go there quite often. Reasinger went on to say that having students and maybe some nurses from the hospital or doctors and things like that to fill those rooms. It would be a much better use for that than what it is now. Cherry said I don't think Planning disagrees with you; I think Planning has concerns that they thought they were going to accomplish this for \$20,000. Lawhead said there was a lot of incomplete information, and we had questions. Reasinger said you can't do flooring for that. Lawhead said they didn't attend the meeting to explain their application. Reasinger said it would still be open if they were to come back with a reasonable plan? Lawhead confirmed. The motion was made by Reasinger and seconded by Dietz that Council accept the recommendation of the Planning Commission at this time, but leave it open for them to come back with a better plan. Roll call vote was as follows: Reasinger, yea; Dietz, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 4-0.

### **Request authorization to advertise for bids for fall paving projects.**

Nasuti stated that we went over this on Thursday. This is our second paving project this season, we ran through PennDOT with this, and they gave us approval. It will be for: East DuBois Avenue, Hillcrest Drive, Bush Court, Rainbow Drive, Green Ridge Drive, and Sylvan Drive to be paved by October 31<sup>st</sup>. The motion was made by Dietz and seconded by Reasinger that Council approve the request for authorization to advertise for bids for fall paving projects. Roll call vote was as follows: Reasinger, yea; Dietz, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 4-0.

### **Bicycles on the Walkway**

Nasuti stated it is a reminder for bicycle safety on the walkway, that pedestrians do have the right of way. We have received some calls here at the City Building. He proceeded to ask the Chief of Police if he wanted to speak. Nasuti went on to say that the police are going to pick up their presence on the walkway during busy times. Chief Clark reiterated that pedestrians do have the right of way. We have officers out there keeping an eye. It seems to be early mornings and evenings when there is a lot of foot traffic out there. He asked if Council was given a handout, Nasuti confirmed they had. We need to be conscientious of pedestrians. Allow them to have the right of way, whether it is downtown, on a side street, or the walkway. Councilman Reasinger asked if there were any signs on the walkway saying that? Nasuti said yes, same signs are at the park. The Police Chief said for right now, we are just trying to get the word out; if it continues then we are going to have to do something different by law.

### **Police Department Taser Program**

This is the taser program Chief Clark talked briefly about on Thursday. Our tasers are due to be replaced this year. We've looked into a purchasing program over a five-year time period. He believes Arbaugh has talked with Sandy Township about it. He thinks their program is up next year, we would both be upgrading to the Taser 10. The first payment for ours would be in 2024 in the amount of \$39,974 which we could budget for, and the remainder would be \$28,224 from 2025 - 2028 and it will get us through the remainder of 2023 with the tasers we need replaced now. Nasuti would recommend, if he could get approval to go through with that, he would then send it over to Arbaugh and the supervisors to get their approval as well.

Nasuti turned it over to Chief Clark, who said they are desperately in need of tasers as they have some that have broken down. According to Corporal Robertson, we are almost at the place where we are having to sign them in an out instead of each officer having their own. By the end of the year, I think we will be lucky to stretch to the end of the year.

Chief Clark turned it over to Corporal Robertson who stated that their technology is old. We will be skipping an entire generation when we go to Taser 10. Should be a very long service life. Kathleen Clement asked if there is a grant program for tasers. Robertson said he is unaware of one. Chief Clark said not that they are aware of; they have checked, but the Taser 10's are very new. Again, they are the top of the line, state of the art.

Nasuti stated that they have done research into the cooperative purchasing program that the state has, so this should be the best deal we can find out there. Robertson said they will buy ours back, even the ones that don't work.

Clement asked how much a taser costs. Robertson said just the unit itself is around \$2,000, then you have to buy the battery, training cartridges, and duty cartridges. It is an expensive endeavor. Chief Clark said they are expensive, but they are necessary.



## City Council Meeting Minutes – July 10, 2023 (Cont'd.)

### Police Department Taser Program (Cont'd.)

The motion was made by Dietz and seconded by Reasinger that Council approve moving forward with the police department taser program to acquire Taser 10's. Roll call vote was as follows: Reasinger, yea; Dietz, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 4-0.

### Councilman Pat Reasinger

Stated that they are probably going to be getting 15 trees, 7 people on Maple Avenue would like them; so, seven are earmarked for them. If anyone else on Maple Avenue wants a tree in your yard, contact the city and leave their name and number and he will get back to them. If we don't get enough interest from Maple Avenue, I think we are going to open it up to Main Street. We were going to do that next anyway. So, if there is anyone on Main Street interested in a tree being put back in your yard, notify the city at 814-371-2000.

### Interim City Manager, Chris Nasuti

Wanted to answer questions, going backwards.

- We did put out an advertisement for Auditing Services; no one else wants to. We will continue to put it out, we need to do it every year. We didn't get any other respondents.
- I appreciate you liking the park concerts. We are putting together the plan for the ballfields, we put together funding strategies we will discuss before we move forward. We may have ways to do this with period grant monies and not have to expend General Fund monies. We will have different options for everyone to look at.
- You are not paying two managers. I don't have a contract. I believe I am getting \$8,000 for the entire year to assist with the interim manager.
- Council is no longer paying attorney fees.
- List of checks, we have a list of registry of checks that we give Council, it is seventeen pages so every bill we pay is on it. I need to find a logistical way; I don't know that it is ...Reasinger threw in feasible to read each one of these invoices. They are all the way down to \$2.69, so we will figure out a way to make those more assessable to you.

Mechling asked if that is going to be the policy in the future, is no more legal fees paid by taxpayer money?

Nasuti said as far as for this incident, I believe that is correct. Correct me if I'm wrong. Nasuti said, Reasinger clarified, that if one of us gets called to testify we would pay those invoices. Correct? Reasinger confirmed. He went on to say some of those legal fees were not just for Mr. Suplizio, they were for other people; some employees, some fire department people, elected Treasurer, things like that. The City felt, and I would have agreed with, that they kind of got innocently caught in something at the City and we should take care of those legal fees.

Mechling stated she thinks that would have gone over a little bit smoother with the public if they would have been given the right to know that.

Reasinger and Nasuti agreed.

Nasuti stated that if that situation arises, we will do that.

### Bev Kurts

Could you put the list of invoices on the internet and not have to print it. Nasuti said the list of invoices? I will look into that.

### Kathleen Clement

Even if it is anything over \$500. Nasuti reiterated that he would look into it. He will find a policy that works.

### Adjourn

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

Attest: \_\_\_\_\_

*Samuel J. Hunter* Approved: *Carol*