

## City Council Meeting Minutes – June 26, 2023

City Council Chambers, City Building, 16 West Scribner Avenue, DuBois, Pennsylvania on Monday, June 26, 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, Diane Bernardo, Shane Dietz, Pat Reasinger, and City Treasurer, Lisa LaBrasca Becker. Also present were: City Solicitor, Toni Cherry; Acting City Manager/City Engineer/Public Works Director, Chris Nasuti; Redevelopment Authority Director/Assistant Public Works Superintendent, Joe Mitchell; Code Enforcement/Zoning Officer, Zac Lawhead; Finance Officer, DeLean Shepherd; Sergeant, Shawn McCleary; Police Chief, Blaine Clark; 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.

### Approval of Minutes

#### City Council Meeting Minutes – June 12, 2023

The motion was made by Bernardo and seconded by Aughenbaugh that Council approve the City Council Meeting Minutes of June 12, 2023, as presented. Roll call vote was as follows: Aughenbaugh, yea; Dietz, yea; Bernardo yea; Walsh, yea. Motion passed 4-0.

#### Work Session Meeting Minutes – June 22, 2023

The motion was made by Aughenbaugh and seconded by Bernardo that Council approve the Work Session Meeting Minutes of June 22, 2023, as presented. Roll call vote was as follows: Aughenbaugh, yea; Dietz, yea; Bernardo yea; Walsh, yea. Motion passed 4-0.

### Registry of Invoices

The motion was made by Dietz and seconded by Aughenbaugh that Council approve the Purchase Order Listing by Vendor Name dated June 22, 2023, in the amount of \$236,607.60; Auto Draft Check Register by Check ID dated June 21, 2023, in the amount of \$5,559.91; and the PennVEST Check Register by Check ID dated June 22, 2023, in the amount of \$130,464.50 as presented by the Finance Officer. Roll call vote was as follows: Aughenbaugh, yea; Dietz, yea; Bernardo yea; Walsh, yea. Motion passed 4-0.

### Oath of Office – Pat Reasinger

In accordance with Article V, Section 41506, of the Optional Third-Class City Charter Law, Councilman Pat Reasinger was sworn in by Mayor Edward L. Walsh and duly certified as a member of Council. Mr. Reasinger will be serving the remainder of Shannon Gabriel's term ending December 31, 2023.

### Proclamation – Goodwill Hose Company

To accept the proclamation: Captain, Nick Laukitis; Oldest Member, Jerry McIntosh, Youngest Member, Kaitlin Korb. Also, I'd like to recognize Peg Stradofsky, wife of former member Jack.



## PROCLAMATION

2023 FIREMEN'S COMPETITION WINNER  
GOODWILL HOSE COMPANY

**WHEREAS**, a basic ingredient in the foundation of this city is the voluntary acceptance of initiative and responsibility by voluntary organizations, such as the DuBois Volunteer Fire Department, which are responsible for the progress and development of our great city.

**WHEREAS**, the DuBois Volunteer Fire Department in its attempt to keep it's individual hose houses in top training condition have a friendly competition each year.

**WHEREAS**, the Council of the City of DuBois has been informed that Goodwill Hose Company after 52 years has won the 2023 Firemen's Competition.



## City Council Meeting Minutes – June 26, 2023 (Cont'd.)

### Proclamation – Goodwill Hose Company (Cont'd.)

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council of the City of DuBois, Pennsylvania, do hereby proclaim Good Will Hose Company the champions of the 2023 Firemen's Competition and urge all citizens to congratulate its members on a job well done.

### Public Comments

Peg Stradofsky – 115 Rumbarger Ave

Thanked Goodwill Hose Company for giving her husband, who had been a member for 75 years, a wonderful send off. She brought some pictures of all the guys that were there to show Council. One was a picture of Jack in the ashes, just where he would want to be.

Stacy Downer – 20 S. State ST

It's been 28 days since Memorial Day, 28 days; you're probably wondering why I'm saying that. The American Flag is no where to be found flying high above the city. Where is it? Is there a reason that it is not up? Nasuti clarified if it was the one on the fire school. Downer said yes. The American Flag is no where to be found. As the wife of a deceased veteran, my late husband, Christopher Downer, would be rolling in his grave knowing that this City that he loved, DuBois, Pennsylvania, has disrespected the veterans by not flying the American Flag that represents the freedom that they fought so hard for and even lost their lives for in the country they all love so much. I'm from a military family and I believe our vets need recognition for their service. Thank you. If someone could please let me know when this will be taken care of, I would appreciate it. Nasuti stated we would look into it.

David Rupprecht – 1882 Sher de Lin Road

I live on Sher de Lin Road outside of the city. I thought with all the stuff going on right now, in spite of that, there is a lot of positive in DuBois. We have Community Days in the park, our firemen, Reitz Theater, retail stores; we have a lot of good to be happy with in this town. The fields, the waterfall at the top of boulevard, but in spite of that there is a lot of negative that is going on in these meetings, especially the last couple months. I do appreciate you knowing, Council President, the good things, because I consider this, even though we are not combined yet, that all 15801 are community. I do appreciate all this area has. There is a family that is active at the Reitz Theater, the Allen family, two of the sons and the mother were involved in the theater. I talked to the father and mother during the Lantern Walk and asked them, he was wearing a military jacket, do they live here. They confirmed. I asked what brought you up to Central Pennsylvania. He said, he has a kid at Point Park and a kid at a college in New York and he said that this is kind of mid-range for us. Now the one son has gone down to Lancaster, the one that was up in New York, to study architecture. But, for whatever reason they chose DuBois. I think that says something, because when they were looking, they didn't just throw a dart at the wall and pick this area. I think it says something about us, that people actually chose to be here. That's all.

William Jones – Chestnut Avenue

With respect to the topic that Mrs. Downer brought up, a few weeks ago we lost a State Trooper and the Governor called for a week of flags at half-mast. In my travels around town, I did not see one including three of the five fire stations that I see on a regular basis. I did not see a flag at half-mast. The city should be respectful of the courtesy and camaraderie and the respect that the American Flag holds. I would hope that the city might help to remind people of that whenever there is such a need. Including Flag Day, which I missed this year.

Jennifer Jackson- 42 N. Brady ST

First topic... the \$93,000 that came into the City Building and there was a video tape of it. Has that ever been fully explained and what is Council's position on the money that came in? How do the Council, elected Council, members feel about the voice mail that was left? Are we still supporting the Solicitor at this point? I guess I would just like to know. I mean, I never really had an answer about the voicemail or the money. I just thought it would be nice to maybe see if there was an answer on it. How do the elected Council members feel about the Solicitor? I'll be honest, I did not put my name in for the position on Council, even though I had got the most votes. Knowing that if I had, I know my first motion would have been to ask for the resignation of the Solicitor. Knowing that she does not act on the behalf of the citizens. So, just wondering if anyone, any elected official, would like to talk about it. Also, the budget, the 3.5 million loan, I realize it is for other parks; but, now knowing that we authorized the Solicitor to defend against Sandy Township, which I don't know understand. There is only \$26,000 I guess left in the budget. Is that all the more we have to pay her or are we going to be moving funds around? I mean are we tapping that for what we are fighting or



## City Council Meeting Minutes – June 26, 2023 (Cont'd.)

Jennifer Jackson- 42 N. Brady ST (Cont'd.)

not? I mean \$26,000 isn't much left in the budget. Is it capping what she is allowed to charge the (Jennifer's 3 minutes were up.) Are you going to reply?

Mayor Walsh stated the \$93,000. After research, we found, Ms. Cherry please correct me if I'm wrong, was Community Fund money. It was placed back in the Community Fund; I don't have an explanation as to why it was where it was at. It is there now, and it's all been taken care of. That's where it came from Community Fund money.

Councilman Aughenbaugh said concerning the budget, Chris we talked about that Thursday. Actually, the budget is supposed to be a zero balance at the end of the year. That is not all the money we have in the city. Nasuti said correct, that is our money vs expenses balance. Aughenbaugh said money in money out.

Mayor Walsh said the 3.5-million-dollar loan was approved back in January for more upgrades on the park, pool, basically the city's facilities down there. I had a little bit of research done, we didn't get a complete financial analysis yet, we are working on it. The tournaments that we do bring in to the Community, yes that is a lot of money granted. But just the Small College World Series alone, according to Small College World Series as well as Clearfield County does a financial impact statement after these tournaments are done and they both came back with numbers relatively close to one another. Small College World Series estimated about \$525,000 was brought in in six days. Clearfield County was \$475,000. That adds a lot of boost to this little community. You know everyone that gets elected says they are going to bring more money in, we're going to bring more jobs in, and here we are bringing it in, and we're being crucified for doing it. Jackson said there is no crucifixion. Walsh went on, I just wanted to give you an example, just one tournament and that is the sixth time they have been here. So, six times at say \$450,000 that's \$2,700,000 that has been brought in the last six years. The State tournaments that we have here, the Jr. and Sr. League don't bring quite that amount of money, but they do bring in an excessive amount of hotel rooms, room nights, restaurant nights. Just talking with the manager of one of our local stores, they average during the Small College World Series, their sales increase every year and their bosses have them do this, \$100,000 that week. If you'd like I could give you his name and you can call him if you want. I think that's impressive.

So, these tournaments bring in a vast amount of money. I look for the Eastern Regional to bring in close to, if not more than, what the Small College World Series does. We have 12 states here plus the local team competing for the Eastern Regional, they're here for seven days. Again, room nights, restaurants, retail shopping, I call it trickle down economics. They may not spend any money in your business or my business but somebody when they come in leaves a tip, or someone has a job because of these tournaments. They do spend it in my business. I just wanted to give you a little bit of information. I've talked with Chris again when the season ends, we'll get a complete report. PBR was in the last two weeks, again room nights, restaurants, and hotels. Just wanted to comment on that.

Solicitor Cherry said the question was why the city was defending the lawsuit filed by the township. What the City did was on the 22<sup>nd</sup> of June, was to file preliminary objections to the complaint because we found the complaint to be without merit in many areas. We raised, number one that the court lacked subject matter jurisdiction because once the electors have formulated the ballot question, put the ballot question on the ballot, and the referendum was approved and certified on November 18, 2021, more than 18 months before the plaintiff filed the instant complaint asking the court to act on the referendum. The court was without any authority under the Municipal Consolidation Merger Act. We also raised objections because the lawsuit asked the court to assume equity jurisdiction and alleged that the cases that were cited in the complaint supported that action on their request. We respectfully contend that none of the cases cited supported the court taking jurisdiction or acted upon referendum as the Sandy Township alleged. We also filed preliminary objections in the form of motion to strike pursuant to PARCP 102882 Inclusion of Scandalous or Impertinent Matter. The Township made allegations that had not yet been proven, they have nothing to do with whether or not the court has the power to assume equity jurisdiction and nothing to do with whether Sandy Township has the right to ask for delay of consolidation process which is regulated by statute and provides a hearing for your schedule of when things may be accomplished. For that reason, we asked it to be struck. Thirdly we filed preliminary objection based on what we believe to be a violation of PARCP 102885 raising a lack of capacity to sue us on Sandy Township's part; that the section 733A1 of the Municipal Consolidation Merger Act and section 741 provides for court review if



City Council Meeting Minutes – June 26, 2023 (Cont’d.)

Jennifer Jackson- 42 N. Brady ST (Solicitor Cherry Response) Cont’d.

a resident of either municipality comes before the court and the action that the court can take is to move the case along, to move consolidation along and to force the acceptance of the plan. One thing is, that we sited in the preliminary objections was that the consolidation agreement was unanimously approved by both Sandy, by all five members of the old Supervisors of Sandy Township, and all members of the Council of the City of DuBois on November 7, 2022, and that we also provided the court with a copy of that consolidation agreement. It is our position that once that has been done, Sandy Township is without ability to nominate itself as a designate or individual resident who has spoken and who has declared that this matter should proceed forward. So, with regard to why we fight what we fight, we do it because we want to make sure we do not engage in lengthy litigation. That is why we didn’t answer it, we filed for a preliminary judgment and my hope is that we will be able to strike it, at that point. Then we can all move on. I have provided Council, all of you in your packets, a copy of the, certified copy of the preliminary objections that was filed on June 22nd.

Elliot Gelfand – 1 S. Highland ST

Was it common practice to keep DuBois City funds at the United Way? Seems like that would not be good practice. I wasn’t aware that DuBois United Way had any banking services. Mayor Walsh said it was not. No. Gelfand continued, is there an investigation or fact finding to see why that was occurring? Is that still continuing to occur? Mayor Walsh stated we are looking into it. Aughenbaugh stated that there is no money at the United way now it’s in the bank; is that correct Chris? Nasuti confirmed.

Second and Final Reading of Council Bill No. 1973 – Street Excavations and Opening

An Ordinance of the City of DuBois amending Chapter 385, Article IV entitled “Street Excavations and Openings”, Section 385-23 of the Code of Ordinances of the City of DuBois to exempt public utilities regulated by the Pennsylvania Utility Commission from any degradation fees which have or will be adopted or implemented by the City of DuBois before any permit shall be issued to open or excavate any street in the City of DuBois was presented, after being read in its entirety at first reading, for second and final reading. The motion was made by Aughenbaugh and seconded by Bernardo that Council approve the second and final reading of Council Bill No. 1973 – Street Excavations and Opening and it become Ordinance No. 1874 in the Code of Ordinance for the City of DuBois. Roll call vote was as follows: Aughenbaugh, yea; Dietz, yea; Bernardo, yea; Reasinger, yea; Walsh, yea. Motion passed 5 – 0.

Resolution No. 2023-0366 – Change to Designated Pension Plan Officials



CITY OF DUBOIS, PENNSYLVANIA  
PO BOX 408 16 W. SCRIBNER AVE. DUBOIS, PENNSYLVANIA 15801  
TELEPHONE: 814-371-2000  
FAX: 814-371-1290

RESOLUTION NO. 2023-0366

A RESOLUTION OF THE CITY OF DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA,  
AUTHORIZING AND IMPLEMENTING CHANGES TO THE DESIGNATED PENSION PLAN  
OFFICIALS FOR THE NATIONWIDE PENSION CASE 632-80039.

WHEREAS, the City of DuBois has a relationship with Nationwide Trust Company FSB,  
(hereinafter referred to as Nationwide) who serves as the custodian of one or more of the  
City’s pension plans, and

WHEREAS there has been a change in one or more of the individuals at the City who had  
originally signed the Program Agreement with Nationwide, and

WHEREAS the City desires to designate two new individuals associated with the City to be  
authorized to conduct any business and sign any necessary documents with Nationwide,

NOW THEREFORE BE IT RESOLVED, that

CHRISTOPHER M. NASUTI  
Christopher M. Nasuti – Acting City Manager

[Signature]  
Signature

Thomas Nowak  
Thomas Nowak – Deputy Treasurer

[Signature]  
Signature

be so designated and duly authorized to conduct any business and execute any documents  
necessary for the conduct of the City’s business with Nationwide until further notice is given.

AND BE IT FURTHER RESOLVED that Nationwide be directed to remove the previous  
individual(s) listed on our pension case(s) who are no longer employed by or associated with  
the City, as submitted or confirmed by our PPA, Girard Benefits Group, LLC.

Adopted this 26<sup>th</sup> day of June 2023.

ATTEST:  
[Signature]  
Bobbie J. Shaffer – Administrative Secretary



## City Council Meeting Minutes – June 26, 2023 (Cont'd.)

### Resolution No. 2023-0366 – Change to Designated Pension Plan Officials (Cont'd.)

The motion was made by Dietz and seconded by Reasinger that Council approve Resolution No. 2023-0366 naming Nasuti and Nowak designated pension plan officials for the nationwide pension case 632-80039. Roll call vote was as follows: Aughenbaugh, yea; Dietz, yea; Bernardo, yea; Reasinger, yea; Walsh, yea. Motion passed 5 – 0.

### Resolution No. 2023-0367



#### CITY OF DUBOIS, PENNSYLVANIA

PO BOX 408 16 W. SCRIBNER AVE. DUBOIS, PENNSYLVANIA 15801  
TELEPHONE: 814-371-2000  
FAX: 814-371-1290

#### RESOLUTION NO. 2023-0367

A RESOLUTION OF THE CITY OF DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA,  
AUTHORIZING SIGNATORS ON ALL S & T WEALTH MANAGEMENT ACCOUNTS AS FOLLOWS:

##### To S & T Wealth Management:

Members of the City of DuBois City Council met and elected Officers for the following term:  
March 20, 2023, to December 31, 2025

The following individuals are Signators for the term period listed above:

CHRISTOPHER M. NASUTI  
Christopher M. Nasuti – Acting City Manager

[Signature]  
Signature

DAVID A. VOLPE  
David Volpe – Controller

[Signature]  
Signature

Lisa LaBrasca-Becker  
Lisa LaBrasca-Becker – Treasurer

[Signature]  
Signature

Thomas Nowak  
Thomas Nowak – Deputy Treasurer

[Signature]  
Signature

Please mail all correspondence, statements, and distribution checks to:

DeLean Shepherd  
Name (Please Print)

PO Box 408  
Street Address

DuBois, PA 15801  
City, State, Zip

814-371-2000 ext 205/delean.shepherd@duboispa.gov  
Telephone and/or Email

You are authorized to take verbal  
and written direction concerning  
this account form:

- ☐ Only One of the above  
☒ Any Two of the above  
☐ Any Three of the above  
☐ All Four of the above

[Signature]  
Edward L. Walsh – Mayor – City of DuBois

The motion was made by Bernardo and seconded by Dietz that Council approve Resolution No. 2023-0367 changing signators on S & T Wealth Management Accounts to the City's designated signators. Roll call vote was as follows: Aughenbaugh, yea; Dietz, yea; Bernardo, yea; Reasinger, yea; Walsh, yea. Motion passed 5 – 0.

### Drought Watch

The Governor and DEP have issued a drought watch for all 67 counties; they are requesting to reduce voluntary water use by 5%. Our own drought situation is normal, water is at the elevation of the spillway. We are not in a low drought watch, but we are going to follow the drought watch issued for the entire state, again reduce voluntary use of water by 5%.

### Joe Mitchell, Redevelopment Authority Director/Assistant Public Works Superintendent

Only one member in this room was a member when Goodwill won last time. Jerry McIntosh. Mayor Walsh told a story. Goodwill ties twice and they have a runoff, a member that will remain nameless, pulled up to the hydrant 6" shy of where he needed to be; to this day Randy Schmidt still has a broken back from trying to pull that fire truck 6" to the hydrant. Didn't lose, but we did come in second place; we've heard that story repeatedly at the hose house for 36 years.

### Lisa LaBrasca Becker – Treasurer

Congratulations Goodwill and congratulations to Pat. Just reminding everyone to pay your taxes; City and County are due now. School will be coming out August 1<sup>st</sup>. (Lisa's grandchildren were in Chambers with her Autumn and Heath Anderson) There is a lot of positive things going on in the city; thank you Dave for pointing that out. Lots to look forward to. Thanks again and get your taxes paid.



City Council Meeting Minutes – June 26, 2023 (Cont’d.)

Shane Dietz – Councilman

Congratulations Goodwill Hose Company for winning the championship. Walsh felt that had to hurt coming out of Dietz’ mouth. Dietz said a little bit.

Diane Bernardo – Councilwoman

Stated she was born and raised in the 3<sup>rd</sup> Ward and proudly moved into the 5<sup>th</sup> Ward; congratulations to all of you. Wanted to comment about Jack Stradofsky ceremony, Peg invited me, and I took a box of Kleenex because it was very emotional. One of the other things that was presented was a surprise to me and brought many tears, Jack was the last surviving member of the DuBois Rockettes. The article talks about Jack pitching and Jim Bernardo, my brother, hitting home runs against Satchel Paige. There is a whole newspaper article, and I didn’t know, we were looking for it and Peggy’s grandson had it. So, we’re going to get copies to give out to various people. Back in the day Showers Field didn’t even have lights; Gamey Showers was out there with a lawnmower and my brother Jimmy borrowed the Bell Telephone bucket truck and the two of them were out there putting the lights up. To see that park today, thank you for bringing it up and thank you for talking about it.

People ask me, why are you putting money into the park? They just don’t understand the economic wealth that has accrued. Not only just here in DuBois but this whole region. We have teams coming in from Maine all the way down to Georgia, Ohio, Missouri, all over the place for these tournaments. I believe we have a five-year contract with Small College Work Series. We had the girl’s Olympic softball team scheduled to come here, if it wasn’t for COVID they would have been here. Again, why DuBois? Because wherever you go in the state of Pennsylvania they know DuBois, Pennsylvania as the biggest little city with baseball and our parks, the beauty, and history of it. So, again to all of you that have been part of it, congratulations. God bless all of you.

Jim Aughenbaugh – Councilman

I have a lot of good memories here in the city and the Fire Department has been a big part of it. The fire department is a big part of our community and I appreciate the volunteers that do that. Congratulations.

The ballfields, I want to mention our kids in the area that get to play on the fields. It grew their interest to play on a nice field. You talk about Showers Field and what it was when it was first built, then it went downhill, then we took it over and it’s a nice complex. A lot of people use it, the kids love it. It’s always a good thing, I know a lot of kids that play sports, to try to do better so that’s part of the progression. I think it’s important. Congratulations Pat, look forward to working together.

Toni Cherry – City Solicitor

Congratulations Mr. Reasinger and Goodwill Hose Co.

Chris Nasuti – Interim City Manager

Had a successful live stream on Facebook of our Work Session on Thursday, we have another one tonight. Joe gave me the thumbs up that it is working. You will be able to access that by our website live and we will also have the meetings archived for future viewing. If you miss it, you can always go on and watch it, there will be a link and you can go down the dates and pick the one you want to see. Live and archived.

Edward L. Walsh – Mayor

The only thing I have is congratulations Pat; and to my guys, it was a heck of a run.

Adjourn

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

ATTEST:  APPROVED: 