

**City Council Meeting Minutes – August 14, 2023**

City Council Chambers, City Building, 16 West Scribner Avenue, DuBois, Pennsylvania on Monday, August 14, 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; 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; Corporal Randy Young; Officer Molly Lord; Officer Lance Thompson; Finance Assistant/Water Department, Dayna Bowley; 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.

**Resolution of Condolence – Eugene R. Mabie**

**RESOLUTION**

**WHEREAS** the City of DuBois was saddened to learn of the death of our former Patrolman, Code Enforcement and Health Officer and exemplary citizen, **EUGENE R. MABIE**, on August 4, 2023; and

**WHEREAS, EUGENE R. MABIE** served in various positions from October 14, 1957 until November 28, 1978; filling these important positions with distinction and advantage to the taxpayers of the City of DuBois; always conscientious to the highest degree in these positions of trust and moved only by the best interests of his fellow citizens.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body in Council assembled this 14th day of August 2023, that it express its deepest regret and sorrow at the loss of, **EUGENE R. MABIE**, and hereby officially extend an expression of profound sympathy to his family for their personal loss.

**FURTHERMORE, BE IT RESOLVED**, that this Resolution be spread upon the minutes of this meeting and that a copy thereof be forwarded to the family of **EUGENE R. MABIE**.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council of the City of DuBois, Pennsylvania, hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by a majority vote of the DuBois City Council at a regular meeting held on August 14, 2023, and said Resolution has been recorded in the Minutes of the City Council and remains in effect as of this date.

**IN WITNESS WHEREOF**, we set our hands and cause the Official seal of the City of DuBois, Pennsylvania, to be affixed this 14th day of August 2023.

The motion was made by Aughenbaugh and seconded by Bernardo that Council approve the Resolution of Condolence for Eugene R. Mabie as presented. Roll call vote was as follows: Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 5-0.

**Approval of Minutes**

**1<sup>st</sup> Public Hearing – 2023 CDBG**

The motion was made by Dietz and seconded by Reasinger that Council approve the 1<sup>st</sup> Public Hearing Meeting Minutes dated July 24, 2023, concerning 2023 CDBG as presented. Roll call vote was as follows: Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 5-0.

**City Council Meeting Minutes – July 24, 2023**

The motion was made by Aughenbaugh and seconded by Bernardo that Council approve the City Council Meeting Minutes of July 24, 2023, as presented. Roll call vote was as follows: Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 5-0.

**Work Session Meeting Minutes – August 10, 2023**

The motion was made by Reasinger and seconded by Walsh that Council approve the Work Session Meeting Minutes of August 10, 2023, as presented. Roll call vote was as follows: Dietz, abstain due to absence, Bernardo, abstain due to absence; Aughenbaugh, abstain due to absence; Reasinger, yea; Walsh, yea. Motion passed 2-0.

**Registry of Invoices**

The motion was made by Dietz and seconded by Reasinger that Council approve the Check Register by Check ID dated August 10, 2023, in the amount of \$6,930.11 and the Purchase Order Listing by Vendor Name dated August 10, 2023, in the amount of \$265,481.47. Roll call vote was as follows: Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 5-0.



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### Public Comments

Mayor Walsh asked that we don't have repeat questions and Councilman Aughenbaugh asked that people stand and try to get closer to the recorder as the recording is hard to hear.

#### Jennifer Jackson – 42 N. Brady ST

I had this great speech planned but as things came to light today, I realized Council is going to do what they want tonight and payout Mr. Suplizio. I just wondered if you have ever watched the movie "A Few Good Men" with Tom Cruise and Jack Nicholson. Tom Cruise is barraging him with questions and Nicholson says, "You want answers" and Cruise replies, "I want the truth" and Nicholson says, "You can't handle the truth". While the citizens of DuBois deserve the truth, we can handle it. We have had millions of dollars spent frivolously. We can't financially maintain what we have. Mr. Suplizio has grossly mismanaged the funds of this City and we are now going to pay the price; or, should I say come January when the new Council is seated. This has all been a convoluted shell game, robbing Peter to pay Paul. As of Friday, we did not have the funds to make our yearly obligation to the city workers pension fund. Let's also not forget about the refinancing of loans, where did that extra money go? Diane, Jim, Eddie, and Shane, you go ahead and pay Mr. Suplizio but be aware that we as individuals can sue and the City will not pay a dime toward your legal fees come the first of the year. Citizens of DuBois, you elected me to fight for this city and I am tonight, and I will continue to do so until you ask me not to. I call a spade a spade, I'm not like these people on Council sitting up there. I hold myself and everyone accountable. I am not doing this for me, I'm doing this for the citizens of DuBois. I leave you with this quote, "A man who doesn't know the truth is an idiot; but a man that knows the truth and calls it a lie is a crook." Galileo

Jim Jackson asked if there was a response from the mayor.

Councilman Aughenbaugh stated that I don't know about the mayor, but I know that not too long ago we had everything in line for the budget for the remainder of 2023. So, how can those statements be made that we don't have money for the pension plan. I don't know where you're getting your information, because that was never provided to me or any member of Council. If you have something to share, information that you got that we don't have, I don't know why we would not have had that information presented to us.

Jennifer said, so it's a balanced budget.

Interim City Manager Nasuti said yes, it is a balanced budget.

Jennifer said, was it a balanced budget?

Mayor Walsh said, it has always been a balanced budget.

Nasuti clarified if she is asking if on Friday it was balanced.

Jackson said, no no no has it always been a balanced budget. Is there a line in there on the sewer and water fund.

Nasuti said, yes those funds are covered.

Jackson asked if there was a line item on there about the.... what do I want to say.... you are drawing 4.8 million (prompted by Reasinger) from the water and sewer fund. Reasinger said from each. Jackson asked what it brings in. Reasinger said not that much. Reasinger went on to say he doesn't have the figure, but it doesn't bring in that much.

Jackson said, so it is not a balanced budget.

Reasinger said I wouldn't even call it a budget, it's a Mr. Suplizio shitshow. He just threw things together and it always worked out because he found money wherever he could.

Michael Clements said, and that's what he did for the budget.

Councilwoman Bernardo interrupted and stated that Jennifer has the floor right now and Mayor Walsh made it very clear about anyone speaking out.

Jackson said that was just her speech. Thank you.



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

Councilman Aughenbaugh said that information Pat, you never shared with any of us; something that is uncovered that we don't know...

Reasinger interrupted and said, you guys have been looking at that budget for 15 years.

Aughenbaugh said, we have had a balanced budget, paid for projects, and never raised taxes in 15 years...

Reasinger interrupted again and said, you never raised taxes because Herm refinanced loans to get money to pay the bills. He would take a loan that was \$10,000,000...I don't know... \$10,000,000 after it was paid for \$5,000,000, he'd would refinance it take the \$5,000,000 and use it for your budget. That is not a balanced budget.

Aughenbaugh said, that is your opinion.

Reasinger and Aughenbaugh talked over each other.

Reasinger said, when I look at the budget, there wasn't even a budgeted to actual number and a percentage of where you are at. In June you should be 50% on everything; I asked for that and it was given to me. I don't know how you ever read the budget it, how could you read it?

Bill Jones – 618 Chestnut Ave

I don't have a speech prepared. In the line of balancing budgets and so forth; recently you sold an amount of timber off the watershed that you are near and dear to protect to help pay for...funds..let's say two months ago at a Council meeting. The funds from the timber sales helped to balance the budget for that month. I was there on Saturday night when we got that torrential downpour and there was a river of mud that went across whatever the name of that road is...the reservoir road...Mayor Walsh said seven-mile road. Jones asked if it was a seven-mile road once it's split there? There was a river of mud coming off of that new cutting and that is just what trees do they help protect the watershed, they help protect the forest; they help protect the growth. I don't care if the trees are rotting, where they are standing, they are still protecting the soil and keeping it in place. True that was a substantial rain fall we got; I heard it was  $\frac{1}{2}$  -  $\frac{3}{4}$  of an inch in less than an hour. Still, we are just raping the land for a few pennies. The Council has mentioned previously that we have to protect our water resource. I have flown my drone over the reservoir recently and it is filled with silt and sediment. There is just a channel down through the middle, the rest of it you can see is clearly filled with sediment from the streams up above. I think you really need to consider that the next time you are going to try to sell. Watershed timber to just help balance budget, is it worth it? I don't think so. My second comment is you had Council Meeting with only you present? Reasinger stated it was a Work Session. Jones said you had a meeting with one person present, what's that about. Don't you need to have seven to have a quorum? Mayor Walsh corrected him and told him there is only five on Council. Reasinger said we only need three for a quorum. Jones said three for a quorum then you made quorum. Reasinger said it wasn't really a meeting. Everyone in the crowd began talking. Nasuti said there were no motions made. Jones said and there shouldn't have been he continued, you walked in and there was no meeting why waste your time just walk back out. Reasinger said, we set the agenda.

Mayor Walsh stated that there was a scheduled timber cut, it wasn't just pulled out of the air. We have a forester that manages our timber property, this was scheduled and actually it was about a year later than what we originally scheduled it for. Jones, so you didn't do it as an emergency. Walsh said no we didn't. Jones continued, you didn't do it as an emergency we need money kind of thing, and I can appreciate that. Mayor Walsh said but you said that. Jones said well that was what it looked like. Jones continued; I'm still saying it looked like we sold timber to balance the budget; that was said in a Council Meeting by this fellow, pointing at Chris Nasuti. Nasuti said, oh no I never said that to balance the budget. Jones said no you said you sold timber, and it helped balance the budget or something to that effect. Nasuti said it was budgeted at \$300,000 and came in at \$450,000 so we had additional funds for our budget. Jones said he doesn't care if you are doing what you're doing. I just want to say we need to protect the environment around the watershed. Why cut all of these trees down for a few dollars. Mayor Walsh said, that is why we have a forester. Jones said, and foresters care about the trees and yeah, this tree is going to rot and be worthless in ten years we need to cut it down now. He doesn't care about the undergrowth and all the erosion that is going to take place so on and so forth. You should have been out there it just looked like those California



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Bill Jones – 618 Chestnut Ave (Cont'd.)

things it was just mud going across the road. Mud. Mud.

Nasuti stated exactly right, we do it by recommendation of our forester. Reasinger said he had a question, he noticed that it was done like what he would call clear cut, everything was cut down and I thought to be conservative that you would select cut trees and leave some standing for later. It was down. Nasuti said obviously I'm not and I'm sure Council is not an expert at that. Reasinger said he isn't either. Nasuti said that is why we take the recommendation of a professional forester.

Bev Kurts – 504 Rainbow DR

She has a question on how Council feels about our police wearing cameras, the reason she asks is she heard on TV that the state is going to start that. She was talking to our District Attorney and he said that Clearfield and Sandy and he named some others but I can't remember what he said already do wear them. We are the biggest area of people and our police do not wear cameras and I'm wondering why not and what is your plan for cameras for them. Mayor Walsh turned the meeting over to Chief Clark to answer because we are in the process of doing that exact thing right now. Chief Clark said we were in the process because we had received a grant a year ago for cameras. The cameras were ordered, then they came back and cut that out of the grant. Now I have to find a way to fit it into the budget to get the cameras or find another grant somewhere. Kurts asked how much a camera costs. Chief Clark said off the top of his head he really doesn't know. Nasuti said a couple of things were taken out, tasers was one of them; we found another source for the tasers just last month. Kurts believes that cameras are extremely important. Mayor Walsh agreed with that. Kurts went on to say that the city should be finding a way to purchase them. Councilwoman Bernado asked to make a comment: She said, Bev you just made the statement that you talked with Mr. Sayers, do you realize that our police department and the drug task force brings in a huge amount of money its given to the District Attorney. That money that they confiscate, and Chief correct me if I'm wrong, because you and I have had this conversation. You bring in a lot of money from the drug busts and that goes right to Mr. Sayers, goes to the County. What I'm asking you and other people to do, its one thing to talk to Mr. Sayers but ask him why he doesn't give that money back to the City of DuBois. Kurts said, that's your job. Bernardo said, you're a citizen and everyone has that job, everybody as a citizen has the job to be asking questions.

Elliot Gelfand – 1 S. Highland ST

Jen brought up the pension and the ensuing conversation that followed. My question is what our yearly ongoing obligation towards the pension fund. Nasuti stated that the MMO this year is \$750,000. Gelfand continued and with the budget and the turmoil will we be able to meet those obligations? Nasuti confirmed we would. Gelfand asked have you projected into the future how long we are able to meet the obligation. Nasuti said we have the actuaries looking at the amount for 2024, 2025 which I believe are due in September so we will have an answer then. Till we get the report from the actuary I don't know what that number is going to be. We will work the budget forward from there. Gelfand asked if we did a large payout to Mr. Suplizio how will that affect our ability to meet our pension obligations? Nasuti said we'll have to see what that is. I can't answer that without knowing. Gelfand said, you don't know what the amount would be? Reasinger said how much are we paying? Gelfand said the total payout would be. Reasinger said he has some numbers that he worked on. It depends on what the decision is. His salary is \$110,000 a year; if you pay that out and finish it is \$157,846.20; he always got a bonus like \$64,000 - \$65,000 a year on top of the \$110,000; so, if you take that number it's \$248,462. Now also he has 30 weeks of sick leave and vacation. Someone asked how many? Reasinger said he wants 30 weeks. Now if you do that number at \$110,000 a year that's a additional \$62,302. If you do it at \$170,000 it's an extra \$98,076; the number is somewhere between \$157, 846.20 and \$258,269. Not to mention when you pay him out, he's going to take his pension. His pension, because how he did it is going to be \$98,629.86 per year. Michael Clement asked if that included the fact that...Mayor Walsh interrupted. Councilwoman Bernardo reminded Mr. Clement about the rules. Mr. Clement stated that Mr. Reasinger motioned to him, Mr. Reasinger said he is not done. Mr. Clement said Mr. Reasinger pointed at him he thought he wanted him to speak, he apologies. Mr. Walsh said I believe Mr. Gelfand has the floor. Reasinger said and I'm not done, here's how this happened. Mr. Suplizio was Mayor for eight years, am I correct? Nasuti confirmed. He wanted to turn his Mayor time into retirement time. The state wouldn't allow him to convert his Mayor time; this is what I heard. I didn't want to bring this out yet, because I don't have all the facts. I don't have the actuary. When I bring out a problem I like to bring a solution with it. I don't have a solution tonight. I will have it and will bring it to you. He found a pension company that would let him convert it. But to change he had to get 75% of the non-uniformed workers to vote to change. Pretty slick of him, here's what he



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Elliot Gelfand – 1 S. Highland ST (Cont'd.)

said, he took it from 1.75% of your pay toward your retirement for every year you work. He changed that to 2.5% and he went 50% max to 90% max. One of the reasons we are going to have this...this is just the start of the shortfall of the pension fund. Mr. Suplizio has cost the city over time, I haven't heard from the actuaries yet, but they are going to give me a number. I'm guessing millions of dollars. All because of greed and self-serve. Now the way he got the people to vote for it was he gave them more pension. Why? Who wouldn't vote for that. But it was so good, so great, why didn't they do it for the uniform pension. He did it for the non-uniform not our policemen. He only did it for himself. One other thing, this Council might not have known about it, but I guarantee Ms. Cherry knew about it. She should not have let that happen. Solicitor Cherry said, I don't negotiate the contract, we have Union lawyer who takes care of those things. Reasinger said he saw the letters, he got letters from people saying it was a good thing. But he didn't tell them everything to get those letters. It's a shame, what they did to my city is terrible.

Gelfand said so what you are saying is there will be an effect on pensions.... Reasinger interrupted and said absolutely. Reasinger continued, he has asked the actuary to project ahead, and I have not got those figures. I really wanted to have those before I brought all of this out. Councilwoman Bernardo said that would have been nice. Aughenbaugh asked who the actuary is. Nasuti said he thinks are pension company is Gerard for the non-uniform and for the uniform S & T.

Michael Clement – 17 N. Brady ST

Mayor sorry I was called, I thought Pat had called upon me. Two things, Pat, can you clarify for us if we were to payout tonight are you including that in his pension; because, surely it was toward a pension thing. Reasinger said, I don't know; I'm not part of that, I am in the dark. Clement asked if he was being cut out of that discussion. Reasinger said that is pretty strong, but no one has talked to me about it. Statement to our Council and Ms. Cherry: Lets talk about legacy for a moment, Diane, Jim, Eddie you have served on this City Council since 2012; there have been some good things done in this city. I can list some for you, in fact I did a whole radio show on them you can listen to I did it with the Mayor. But your legacy is going to be if you do tonight what some have said they are going to do, which is to pay out Mr. Suplizio. You are going to do this for your friend at the cost of our city and your city employees. Your legacy will always be that you helped bankrupt the city and our pension plan all because you want to take care of your friends rather than the people that put you in office. Shane, you weren't here for all of this, so you also get to make a very important vote tonight if that's what you are going to do. I implore all of you not to do it. Ms. Cherry you are probably one of the longest serving Solicitors in the Commonwealth. Legacy is going to be important about how all of you are going to be remembered from this moment on. Pat Reasinger is exempt because he just got appointed. No doubt, he is going to vote no. If you all vote yes, your legacy all those good things you have done, again you have done some good things, will be completely forever ruined. Please do the right thing for the people in the City of DuBois.

Amanada Rosman – Penfield PA

I don't live in the city, but I work for Magnus Marketing and for the fields. I've been working since the remodel of the fields in 2016. Bringing teams, bringing in tournaments, helping the local teams with tournaments. We just held an Eastern Regional, one of five in the country that brought nine teams in. Hotels were sold out, businesses opened for a day to host these teams when they are closed normally on a Monday or Tuesday. It is bringing in more money than people realize. The joy our local kids have that get to play on those fields is unmatched. Maybe come down to some of their games. The City Classic games which brings in everybody. The Small College World Series was sold out this year because Penn State DuBois was in it once again winning their fourth title. So someone not knowing all the information and speak out on it is not right. When we bust our butt maintaining those fields. The city workers, I had someone complement me the first year, those were the cleanest public bathrooms they have every seen...at a city park. That's how hard our city works for those fields; to maintain them and to keep them active. Local teams get just as much playing time as travel teams. On Deck unfortunately had to close for three months but we are busy as ever. I have multiple teams coming in, multiple players; Justin Miknis wants to come back and have instruction, give lessons.

Dave Glass – Live in DuBois and is a Clearfield County Commissioner

One question and then a comment. Regarding your pension do you know what the percentage on it is the last time? The actuaries gave you.... Nasuti said he does know that exact number, but he will get it for Mr. Glass. Mr. Glass said he believes that is very relevant to the situation. Obviously, anything under 90% starts to look a little dicey. Reasinger said he could tell him that our payment to



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### Dave Glass – Live in DuBois and is a Clearfield County Commissioner (Cont'd.)

the pension fund in 2014 was \$251,724 and in 2023 budgeted is, because the state tells us, \$1,258,673 but I don't know what the percent is. Glass said to put it into correct context it is happening in a lot of places, because the market was down last year. It depends on your assumed rate of return, that would be very interesting information to know. If that has been manipulated to try to make the numbers look better. Reasinger feels it will be better this year. Glass yeah, yeah, I get it, we are dealing with the same thing in the County. I know from the short term a little bit of a bump, but it is important to understand all the variables before you make a decision like this. That gets to my comment: You put this gentleman in a tough spot (referring to Nasuti) and I don't know what your plans are here tonight, I prefer to talk about what you are thinking of doing with the former Manager's contract; I don't support that. I think this board should really take a pass on that and let the next board make decisions like that. But I don't think that comes as a surprise. I'm here also to speak for him, I can't imagine the position you put him in to try to clean up this mess. I certainly hope that you are not thinking of getting rid of Mr. Nasuti. So, I am also here on his...not on his behalf, because he didn't know I was coming. I didn't talk to him at all. When I saw the Manager's Position, I just wanted to make sure he wasn't on the chopping block because that would be taking a bad situation and making it much worse.

### Barry Abbott – 716 Treasure Lake

I'm not here to talk about budgets, sorry. An interesting sidebar to our previous guest. I was travelling to Ocean City with my son in another vehicle and he said Dad you have to turn the radio station on to AM 1480 or 1420 whatever. Berlin Maryland was broadcasting a game from DuBois, Pennsylvania. They could not be more pleased with the facilities, the people, our restaurants; I mean it was gushing out of the microphone. I'm 400 miles from nowhere, listening to an AM radio station talking about DuBois, Pennsylvania and playing on these beautiful fields in our facilities. So that is my sidebar. (His phone rang ...it was his wife) I did digress, I do apologize. I am the project manager for the Veteran's Memorial in the city park and I need to inform City Council that we are going to an upgrade. We will be taking the pavers out and relaying them. If you have been to the memorial, you see that they are catawampus. It has been just about 12 years and our landscaper, David Hoare, will be working on that project between now and Memorial Day coming up. If we have some tape around the memorial Council should be aware of what we are doing. He addressed Nasuti and told him he would like to get with him and bring him up to speed in case Council has any other questions. Council thank you very much for allowing the SAL of Post 17 to put that veteran's memorial in. God Bless Our Veterans. Thank you. Nasuti said, I'm sure you are aware that we are assisting Ms. Knarr, I want to make sure that what you are doing isn't in conflict with what she is doing. Mr. Abbott said he saw that and he will work with her if something comes up.

### Kristen Vida – Chestnut Avenue

I just want to make sure you understand that you can be held personally liable for your actions tonight if you payout Herm Suplizio. Do you understand what that means. I'm not talking about suing Council as a whole and where the insurance company is going to come in and save you. I am talking about you personally. Now I know that this Council has been in contact with several law firms and they have advised you with that. But Ms. Cherry continues to ill advise you. I don't understand why you listen to her. Her bark is louder than her bite. I know she has put a lot of sugar in that Kool-Aid that gets served out here. But I am telling you, do you really want to risk your personal assets by listening to her. She continually lies to us as taxpayers and you as Council. The most recently held Council Meeting she puts her hands up "I have nothing to do with Herm's contract." At the Work Session, Ron Trzyna gave you the minutes from the 2015 meeting where yes Toni Cherry advises City Council on Herm's employment contract. It had no morals clause included in it. She claims she had nothing to do with it. That was a lie, she invoiced the city for it. I mean come on. I do not understand you are going to risk the livelihoods of the city workers by paying out that contract. I am asking you to really reconsider that. Are you willing to risk your personal assets as she continues to lead you astray. She might not have talked to you about a surcharge action for a breach of financial duties. She might not have mentioned that to you. If that is the case, you will be held liable and will have to pay back that personally. We have already spoken to attorneys as well. You know true character is revealed during the most challenging times. I want to know what your actions are going to be tonight and how you will be remembered here tonight. You know Diane in September 2020 when you contacted Jen and I and had a sit down. You wanted us to run for Council. You strategized with us and you aired the dirty laundry of Council. You were the black sheep at that time. Bernardo said I did not. She went on to say, she was there at that meeting and I want to tell you .... everyone talked over each other. Kristen said I have the floor now. Mayor Walsh said your three minutes are up. Vida said, I am sorry Eddie but she interrupted me. Jim you're here for Toni, Shane



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Kristen Vida – Chestnut Avenue (Cont'd.)

you are Herm's yes man, Eddie you leave me speechless. I am asking you to do the right thing tonight.

Councilwoman Bernardo asked to respond to that, first Kristen I said to you and Jen you have every right to run. In terms of dirty laundry, what you were trying to find out was about the elevator at the ball fields. That is exactly what you were trying to find out. I didn't sit and strategize with you. Kristen said, oh yes you did. In fact, you... Bernardo said I got the floor now. Kristen said Diane I can still correct you. Bernardo said I am going to correct you. Kristen said you told us that Herm ordered Bobbie Shaffer to destroy minutes from a meeting with the gas company. You filed an ethics.... they began talking over each other again. Kristen asked for Jennifer Jacksons confirmation; Jennifer said yes you did. Bernardo said no....

Mayor Walsh stated he was going to respond to some of that, the City Manager's contract... I did some research on it. 1979 Ron Rich was given a contract, 1986 Pat Nuzzo was given a contract, 2001 Ron Trzyna was given a contract and Herm Suplizio in 2009. What you were referring to in 2015, Toni did not rewrite, Ms. Cherry did not rewrite the contract, she separated it into three categories: Manager, Water, and Sewage. That is the only thing she did to the contract in 2015. It was the original contract that he wrote in 2009 just modified for PUC filings nothing added nothing subtracted.

Mark Zmitravich – DuBois

I'm hear all this talk about buying out the contract or whatever, we haven't heard anything yet from Council. I would actually like to know why and why right now. I mean it is all speculation right now. I'd like to know the reason why you would do it. Instead of waiting until it goes to court. It's going to court right now, so why would we be even talking about buying out right now before something happens. He could be innocent or guilty, we don't know yet. So, I don't know why we are doing what we are doing here. I believe you should explain it.

Mayor Walsh said I do agree Mr. Suplizio is not innocent and not guilty right now. We are leaving Mr. Nasuti hanging with this interim position. Mr. Suplizio is not going to come back to work here after all that has gone on. He had a 10-year contract which goes to April 15, 2025, there is about one year and seven months left on his ten year contract. It's a viable contract and we'll move on from there. I'm not saying anymore until we get to it later on in the evening.

Reasinger had a comment: Mr. Suplizio's contract was signed March 9, 2015, I have a note here from Gabriel and Fera that says in 2015 the city worked with a former partner of mine, Rich Miller, and I can't read the mumble jumble from Herm's contract that's in 2015. Mayor Walsh said 2009. Reasinger said is says 2015 right here. This is from these attorneys. Their suggested contract does not have a moral clause in it, it does have a termination clause in it. According to a law firm it was 2015. Mayor Walsh said that is the latest contract. Reasinger said yes. Walsh was not on Council when he presented his original contract. It was my understanding that that same law firm wrote up the original contract. Reasinger said he has a copy of that contract that they did in 2015 right here. You call it old; you call it new it's a contract in 2015.

Shawn Lesky – DuBois Live

Directed his question to Mr. Nasuti. On the 24<sup>th</sup> of July, the last official city meeting I believe that you took some time to reiterate that you were happy with the terms of your current contract which included someone of a salary bonus somewhere in the neighborhood of \$8,000 a year. You said a few times in that meeting, if I remember that you were happy. Nasuti confirmed. So, when Mr. Walsh the Mayor says that we're leaving you hanging. I'm just making sure that your opinion hasn't changed that you feel that what you are paid now is satisfactory. So, are they using that as a reason to make this buy out. It's not because you want it or expect it, you are happy with as you said before; nothing has changed. Nasuti stated he has not asked for anything. I couldn't hear what Lesky had to say from there.

Aughenbaugh said it was not a bonus the \$8,00, right? Nasuti said no, no, no it was salary. Aughenbaugh said it was pay. Aughenbaugh said he mentioned a bonus. Lesky said additional to his normal pay. Nasuti stated he has no contract.

Debbie Mechling – Munroe ST

I had some different topics I planned on talking about, but this is to urgent and I have spent since the



## City Council Meeting Minutes – August 14, 2023 (Cont'd.)

### Debbie Mechling – Munroe ST (Cont'd.)

last Council Meeting I have been reviewing all of the newspaper articles and the affidavit by the grand jury and I have just been basically reviewing a lot of things because I wanted to try to clear things up in my mind as to the sequence of events was. After reviewing all that, I just want to do a little review with the rest of you. March of 2023 our City Manager was placed on paid administrative leave by Council. The action was taken by Council after hearing the City Manager was the subject of a extensive investigation by the Pennsylvania State Police, the Attorney General's Office, and the Grand Jury investigation. Enough cause was found by the investigating officers that felony thief and misdemeanor fraud charges were filed against our City Manager. The Grand Jury investigators also found that our City Manager used his position to enter into contracts with business for which he received personal benefits. This was taken from the Courier Express on March 21, 2023. I know this is all old news, but I still maintain that our City Manager wages should have been held in escrow pending the result of the trial. An innocent verdict his wages wait for him, a guilty verdict his wages are forfeit and stay with the city. Our community has limited tax dollars due to a decreasing population. Presently it is about 8,000, a very high percentage of tax-exempt properties because of schools, churches, hospitals, and fields, about 46 to 48 percent of our tax base. We have a very high population of retired citizens on a fixed income. Where are the tax dollars going to come from to support new projects? Like the new fire truck on order, where is that money coming from? On Wednesday, March 22, the Courier Express quoted a our City Solicitor, Toni Cherry, with saying the Council's response to the City Manager's charges: "Council will remain vigilant in our oversight of city funds and it's employees." Five months have passed since this investigation came to the public's attention. During that time \$270,000 of our city tax monies have been paid for legal fees as a result of these charges. It is way past time for Council to follow through with their statement and start being vigilant.

### Sam Mollica – Sandy Township Resident & Supervisor

My question is: Deals with consolidation and the non-uniform employees from Sandy Township. I wasn't on any finance committees during the consolidation work the last two years. When they come over will they be subject to the pension, will they have a pension just like the city workers or has that not been determined? Nasuti stated that has not been determined. Mollica continued saying, so there is a chance that.... I doubt if the city workers would want to go to a 401K type put is that a possibility. Nasuti said, I have no idea. Mollica and Nasuti talked over each other. Mollica said I wasn't sure had been determined. When PEL (Pennsylvania Economy League) did the studies, did they figure in the cost of future pensions for when people retire? I haven't studied the figures, I looked at some of the other categories that said the combined tax rate might be 17.2%, which I doubt is going to happen now with all the.... that was back in 2020. Nasuti said I'm not sure how that was calculated. Mayor Walsh said it was calculated. Mollica said so it was calculated using the figures like the...did they know the exact figures. Walsh confirmed they did; they were projected. Mollica said he is still looking forward to consolidation. After all of this, we will come back to work. I know whatever the cost, being one will help to deal with the cost in the future. I think we need to consolidate. Hopefully that happens.

### Kathleen Clement – Chestnut Ave

Maybe we could afford our funding of our employee pension plan if we didn't give bonuses, we don't pay for a 12" waterline to the Solicitor's hotel, we stop paying a Solicitor who bills us for projects that she does not work on a/k/a the Maple Avenue Turnback for where \$35,000 was paid and trivial spending of city vehicles and ball parks.

### City Solicitor Cherry's Rebuttal:

Ms. Clement just so you understand, my law firm preformed extensive searches of all the properties oil and gas rights in the watershed area. Which would be every single property that is owned by the City of DuBois and advanced costs on that. The cost of that billing would have been \$35,000. There are other matters that we handled for the City of DuBois. Rather than bill that to the city and have it come out of the General Fund, PennDOT allocated monies for the turnback. That money did not come from taxpayers of the city. Ultimately it comes from taxpayers of the Commonwealth of Pennsylvania through whatever monies PennDOT has. What we elected to do, because the bills for the various things we did were higher than the \$35,000 but we took \$35,000 and accepted that as payment out of the PennDOT allocated funds. That's what we do. So, we didn't take it from the general fund we took it from a \$3.4 - \$3.7 million allocation from PennDOT.

Nasuti said Maple Avenue bill wasn't paid from PennDOT, it was paid by us. Solicitor Cherry said from monies allocated from PennDOT. Reasinger asked if we have ever seen an itemized bill yet.



## City Council Meeting Minutes – August 14, 2023 (Cont'd.)

Kathleen Clement – Chestnut Ave (Cont'd.)

Cherry said, I will give you an itemized bill of all services that haven't been paid if that is what you want. Because I expect that will be more than \$35,000.

Mr. Jones wanted to speak; Mayor Walsh informed him his three minutes were up. Ms. Kurts thought he was talking to her, Mayor Walsh told her no she had about a minute and a half left but he'd give her two minutes.

Bev Kurts – 504 Rainbow Dr

Ms. Cherry, you are saying, you did not write the contract. However, you would have had the opportunity to discuss with this board and make a recommendation of whether they passed that contract or not. You knew it didn't have a morals clause in it. Which I would think you would have wanted them to reject them. So, you did have a definite influence on whether they passed or not. Because you are the City Solicitor.

Solicitor Cherry stated she read the contract and I read the numbers coming out of St. Marys when they consolidated for what the recommended salary would be for the position of the manager of a water, manager for the sewer, and a city managers contract. I looked at the numbers, yes, I did.

Kurts asked if she recommended it. That they pass that contract or did you not recommend.

Cherry stated she recommended that the numbers were in line with what other municipalities were paying.

Kurts asked about the wording. Cherry said I do not have a recollection that I made any objections to the wording. Kurts said but you're the Solicitor. Cherry said, I thought that it was satisfactory, and I thought to this day, I thought that Mr. Suplizio did a very fine job of moving this city forward.

### **Downtown DuBois Parking Study Report – Downtown DuBois, Inc. – Julie Stewart**

Wish we had picked a different day to do this but...it is what it is. Several people asked Ms. Stewart to speak louder as they couldn't hear. (I was only able to pick up bits and pieces a copy of the documents she refers to is on file.) We brought several documents and will take just a few moments to pass them out. We have been working since early March with the city with Chris and Joe Mitchell on a parking study that includes our downtown businesses' parking strategy. We surveyed approximately 88 businesses within our footprint. Some of them were direct interviews, others were analysis of buildings and spaces available. Councilman Reasinger asked what Julie's assistants' job was; he stated he is an intern for Downtown DuBois, his name is Dominic. Dominic started the presentation. We conducted a business survey of all the businesses in downtown DuBois. We were trying to get a gauge on the parking for DuBois; private, public and how many spaces they have. One of the reasons we did this was to see what parking DuBois has and if it is efficient for the customers that come into downtown DuBois. One of the things that great cities have is good parking structure and that is why big companies to the downtown. The Parking Data at a Glance is a brief summary of what we gathered. Street parking paid and free there are 147 spots; for the employees and customers 721; parking lots free and metered there are 157 spots; if you take all of those numbers for downtown parking there is 1,026 parking spots. With the survey we conducted we wanted to see two things: One was just to see if all the businesses have enough parking, because it affects them economically. The second was to get their issues and insight on what could be better or anything we could do to help local businesses. Some of the common survey responses were to promote signage for lots and along the street. There is some confusion when customers come downtown, they don't know where to park and what's free and what's to be paid for. Another common response is trying to get a mobile app because of the way technology is used. A lot of people think we need more parking and that was one of the things we were trying to decide based on the survey. We found that we really don't need anymore parking but need to promote where you are allowed to park. Brady Street businesses suggested we slow down the traffic a little bit because cars fly through there. Julie said some of the recommendations were increasing parking, but we did identify we have a lot of parking it is just not readily visible because of our tight footprint. Downtown DuBois has a unique layout compared to a lot of our neighbors here. Part of our job is identifying parking spaces and finding them was a big part that. We worked closely with the city, the city has already ordered and installed some PennDOT approved signage, and we have more that needs to be put up. We are actually requesting that Council allow inserts to be put into the water bills for the next cycle with a map that a local citizen know and be distributing additional parking map to the hotels and so forth around the area and all of our businesses. The city has, I hope I can speak to this, initiated a grant



## City Council Meeting Minutes – August 14, 2023 (Cont'd.)

### **Downtown DuBois Parking Study Report – Downtown DuBois, Inc. – Julie Stewart (Cont'd.)**

application to DCED to develop this lot on Scribner to actually increase it by 20 spaces, so that's going to go a long way to help. That should help with the footprint, they may have to walk a few blocks, it will alleviate some of the congestion that is perceived to be happening. Basically, that is what we have for now, this is not a comprehensive study, we are not engineers, we are not consultants. It was an effort to utilize our Penn State intern and give him a challenging project. We put as much data as we could analysis and then do additional studies going forward with other groups. This was building and business only, which really gave us a good look at a lot of other things. They have understanding of their customers, employees, tenants, their building and their own experience.

Nasuti said we appreciate working with you, thank you Julie and Dom. Got a lot of feedback from the businesses and have parking signs, some up already some to go up. the speed limit signs have already been put up. The digit speed sign has been installed so people can recognize what their speed is for the next two weeks. Thanks again for your help.

### **Request appointment of Molly O'Bryon Welpott of 307 N. Fourth ST to the DuBois Housing Authority Board fulfilling the term of Ms. Leiber ending January 1, 2025**

The motion was made by Reasinger and seconded by Aughenbaugh that Council approve the request to appoint Molly O'Bryon-Welpott to the DuBois Housing Authority Board fulfilling the term of Ms. Leiber with her term ending January 1, 2025. Roll call vote was as follows: Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 5-0.

### **Work Session**

Nasuti said this is the continued discussion of our last meeting, Aughenbaugh asked for two weeks to think about it and discuss it. Councilman Aughenbaugh stated that he has not heard any comments back to me on cancelling the Work Session. It was just reviewing the agenda for the meeting Monday night. I have heard nothing back since the last Council meeting. Mayor Walsh said he hasn't either. Councilman Reasinger said he knows he's the one that made the motion and I have been kind of rethinking a little bit, I think it is nice that the citizens have another chance to make comments. So, I am going to... I would like to see that stay in place until at least the first of the year. Alright? Does anyone have anything to say about that or anything? Deb Mechling asked if there was any chance in changing the time. Because that is a problem for people who are working. Reasinger said, me too. Reasinger said it has been that way for a long time. I'm alright with it, I don't like it but don't change it because of me. Councilwoman Bernardo said one of the reasons the Work Session for years has been at 4 p.m. is to accommodate staff. Reasinger said so they don't have to come back. Bernardo yes so, they don't have to come back again. Reasinger said that makes sense. Bernardo went on, they have to come back on Monday; why make them come back again because we have staff that aren't just here in DuBois. Mechling asked about a compromise, I was thinking 5 p.m. but what about 4:30 p.m. I mean for me to shut my business down at 3:30 p.m. in order to be at your Work Session at 4; that really limits my workday. But even 4:30 p.m. would be easier for me. Which, you don't have to change it for me. Councilman Reasinger said the normal workday stops at 4 p.m. here at the city; that is probably why you had it that way. Council confirmed. Mayor Walsh said as there is no action to be taken on that, we will move forward.

### **Request from Priority Media for West Long Avenue from N. Franklin ST to Brady ST be closed to traffic beginning at 4:30 p.m. on Tuesday, October 31, 2023, for the annual Halloween Parade**

The motion was made by Aughenbaugh and seconded by Reasinger that Council approve the request from Priority Media for West Long Avenue from N. Franklin ST to Brady ST be closed to traffic beginning at 4:30 p.m. on Tuesday October 31, 2023, for the annual Halloween Parade. Roll call vote was as follows: Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 5-0.

### **Request for Intermunicipal Liquor License Transfer from ARC Restaurants, LLC, 1802 Daisy ST, Clearfield to Public House on Jared, LLC, 29 S. Jared ST**

Mayor Walsh stated that would be the old Jared Bar. Nasuti said yes, the old Jared Bar, Julios, we received a request which I forwarded to Ms. Cherry. I don't know, I think you got a copy of that. So, can we set a hearing date? Cherry confirmed we can. Cherry said we can set the hearing date and time that they can attend. It would probably be best if it preceded the actual meeting of Council so that Council can then vote on the transfer. There was some discussion on the date; Zac Lawhead, Code Enforcement/Zoning Officer, stated that they requested the 28<sup>th</sup>. Cherry said that's fine then. Nasuti asked how much time we will need for that. Cherry said they are going to have to present, I



City Council Meeting Minutes – August 14, 2023 (Cont’d.)

Request for Intermunicipal Liquor License Transfer from ARC Restaurants, LLC, 1802 Daisy ST, Clearfield to Public House on Jared, LLC, 29 S. Jared ST (Cont’d.)

would start at 5:30 p.m. or 5:45 p.m. as it can extent over into the meeting. We can just start the meeting later. Councilman Reasinger had a question for Chief Clark on whether another liquor license in town would case an issue. Chief Clark said he didn’t think so. Mayor Walsh stated they had one down there for years, when they sold it to someone else and the Jared Bar shutdown they got rid of the license. The motion was made by Aughenbaugh and seconded by Dietz that Council set the Public Hearing concerning the intermunicipal liquor license transfer between ARC Restaurants, Clearfield and the Public House on Jared, DuBois on Monday, September 28, 2023, at 5:30 p.m. Roll call vote was as follows: Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 5-0.

Request from Becky McTavish to appoint Julie Stewart to the Library Board with term ending December 31, 2025

The motion was made by Bernardo and seconded by Reasinger that Council approve the request from Becky McTavish to appoint Julie Stewart to the Library Board with her term ending December 31, 2025. Roll call vote was as follows: Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 5-0.

Tabulations & Recommendations:

Coke Hill Area Water Distribution Main Replacement Project

<div><div><div><div><div><span></span></div><div>HRG</div></div></div><div><div><div><span></span></div><div>Coke Hill Waterline Replacement Contract 23-01 Phase 01 City of DuBois August 14, 2023 1:00 pm</div></div></div></div></div>		
BIDDER	BASE BID	Alternate No. 01
Dave Roman Excavating 1135 Reynoldsville Sykesville Reynoldsville, PA 15851	\$ 721,411.00	\$ 160,650.00
C&R Directional Boring LLC 15452 Rockton Mt Hwy Clearfield, PA 16830	\$ 881,499.00	\$ 315,000.00
Kukurin Contracting, Inc. 1169 Route 286 Export, PA 15632	\$ 1,081,180.00	\$ 157,500.00
Sippel Development, Inc. 465 E College Ave Belleville, PA 16823	\$ 1,091,162.00	\$ 194,040.00
Glenn Johnston, Inc. 1055 Center Street McKeesport, PA 15132	\$ 1,182,941.00	\$ 567,000.00
Ligonier Construction 1350 Route 30 Laughlintown, PA 15655	\$ 1,225,350.00	\$ 378,000.00

Recommendation will be given at the Monday, August 28, 2023, City Council Meeting.

Paving

Nasuti stated that the bid actually came in \$40,000 under what was projected. He is recommending that we award the contract to HRI, Inc. in the amount of \$205,671.00. The motion was made by Reasinger and seconded by Dietz that Council accept the recommendation of the Interim City Manager and award the contract to HRI, Inc in the amount of \$205,671.00. Roll call vote was as follows: Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 5-0.

House Demolitions

City of DuBois

Memo

To: DuBois City Council

From: Chris Nasuti

Date: 8/11/2023

Re: 2023 House Demolitions

After reviewing the tabulations, it is my recommendation that the following contracts be awarded:

• 21 South Jared Street

Ellenberger Excavating

\$9,500.00

• 307 South Jared Street

Ellenberger Excavating

\$7,500.00

• 119 West Weber Avenue

Dave Roman Excavating

\$8,240.00

Contractor	21 S. Jared Street	307 S. Jared Street	119 W. Weber Avenue
Ellenberger Excavating	\$9,500.00	\$7,500.00	\$8,500.00
Dave Roman Excavating	\$9,580.00	\$8,240.00	\$8,240.00



## City Council Meeting Minutes – August 14, 2023 (Cont'd.)

### Tabulations & Recommendations: (Cont'd.)

#### 21 South Jared ST

The motion was made by Aughenbaugh and seconded by Reasinger that Council accept the recommendation of the Interim City Manager and award the contract to Ellenberger Excavating in the amount of \$9,500.00. Roll call vote was as follows: Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 5-0.

#### 307 South Jared ST

The motion was made by Reasinger and seconded by Dietz that Council accept the recommendation of the Interim City Manager and award the contract to Ellenberger Excavating in the amount of \$7,500.00. Roll call vote was as follows: Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 5-0.

#### 119 West Weber Avenue

The motion was made by Dietz and seconded by Reasinger that Council accept the recommendation of the Interim City Manager and award the contract to Dave Roman Excavating in the amount of \$8,240.00. Roll call vote was as follows: Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 5-0.

### **Request authorization to advertise for Aggregates**

Nasuti stated that last year we bid these out with Sandy Township and he feels it worked out well. He expects we can do that again this year. This is for sandy, 2A, and antiskid. Use for pipe trenches and for closings. Mayor Walsh asked if we were doing it with Sandy again. Nasuti stated he was meeting with Arbaugh tomorrow he would discuss it then so he could take it before Sandy also. The motion was made by Aughenbaugh and seconded by Deitz that Council authorize advertising for aggregates. Roll call vote was as follows: Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 5-0.

### **Request from DuBois Area Youth Football for use of the stage on September 12, 2023, for a cheerleading expo.**

Nasuti stated that all the paperwork is in order. The motion was made by Bernardo and seconded by Aughenbaugh that Council approve the request from DuBois Area Youth Football for use of the stage on September 12, 2023, for a cheerleading expo. Roll call vote was as follows: Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 5-0.

### **Request second Public Hearing concerning 2023 Community Block Grant Program on Monday, September 11, 2023, at 5:45 p.m.**

Nasuti said we had the first one here where we solicited projects and we need to schedule the second one before we can go ahead with filing the application. Mitchell said if anyone has any projects, please reach out to me in the meantime. The motion was made by Aughenbaugh and seconded by Reasinger that Council approve the request for a second Public Hearing concerning the 2023 Community Block Grant Program on Monday, September 11, 2023, at 5:45 p.m. Roll call vote was as follows: Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 5-0.

### **Oklahoma-Salem Waterline**

Nasuti stated that this is one of the few private water lines we still have connected to our system. This is similar to what happened a few years ago on Twelfth Street. There are six property owners on this line they have all submitted a request for us to take over the private water line. Aughenbaugh asked where. Nasuti said Oklahoma Salem Road. It's like what we previously did on Twelfth Street. Aughenbaugh asked if it was by Sylvain Heights. Nasuti said past Sylvain Heights to right on top of the hill at Whitewave there is a meter pit there, there are six homes that go from there out to Sunset I think is the last one. We have gone and inspected the area, found the shutoffs and are agreeable to taking it over. I think we need to turn this over to the Solicitor to draw up an Ordinance. Is that correct? Cherry confirmed. Solicitor Cherry had a question, are you selling to the meter in the contract or are you actually delivering directly to each of the properties. Nasuti said there is no contract, water goes .... Cherry I need to know ....Nasuti it goes to each individual home. The motion was made by Aughenbaugh and seconded by Dietz that Council direct the Solicitor to draw up the Ordinance for the Oklahoma Salem Waterline Project. Roll call vote was as follows: Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 5-0.



## City Council Meeting Minutes – August 14, 2023 (Cont'd.)

### Financial Director

Councilwoman Bernardo said she was going to try to be brief on this. About a month ago I went back and started looking at past audits. I went back 25 years and in those 25 years we have had three managers, two auditing firms, a plethora of City Council people, different people in the finance office, so on and so forth. One of the things I thought was very interesting was that back 25 years ago our auditor advised us that we should change from the cash basis of accounting to the accrual method. 25 years ago. Within those 25 years, and I want people to understand this isn't about people I want to keep people away from this. It doesn't matter who the manager was, it doesn't matter who was sitting here; it doesn't matter. What I found was in all the audits there were financial discrepancies that were reported. There were no exceptions. It didn't matter who was manager, it didn't matter who was on Council the discrepancies are there. Three of the things that really stood out to me, was our auditors brought out transferring of funds from one account to another, that's a deficiency; putting funds in the wrong account; and checks not recorded. So, what has resulted in all the audits shows a material weakness in the financial reporting. If you look at deficiencies, you know what a deficiency is, but a material weakness is a financial misstatement or financial irregularity that has occurred over time. I am going to again because of time, again I could pull out any audit, but I think this one really sums it up the best. How can we take away from not only the current Council but the upcoming Council. How can we reduce the risk of misstatements and any kind of reporting irregularity? I'm looking ahead on this also. Again, you can go to any of those 25-year audits and you are going to find the wording very very similar to this: They have reported that where we are right now and this has been climbing and the City of DuBois, Pennsylvania is determined not to be a low risk auditee. Which I think is an interesting way to phrase it. That we are a not low-risk auditee. So, how do we change that, how do we overcome. What we need to do, again it doesn't matter who is on Council or who is manager as long as we don't listen to the auditor's suggestions you are going to find basically the same problems. So, going back to the auditors I said take people away from this. The auditor talks about material weaknesses, those are the internal controls over financial reporting. Internal control over financial reporting includes controls over financial statement preparation, which would prevent and detect those misstatements or any irregularities in financial statements. In an ideal situation we follow what the auditors have been telling us for years. We have all taken on the risk. Because we didn't want to spend any more money to protect our city. We just thought we were alright. Over 25 years. I could probably go back in the audits but that would mean Bobbie would have to go up to where everything is stored to get to those audits. But I'm talking about 25 years of not listening to our audits. I just gave the cash basis and the accrual method that we are just now getting to. Ladies and gentlemen and Council we cannot allow the incoming Council, we cannot allow them to face this risk situation. Here is what our auditors have told us, that "Internal Controls System over Financial Reporting included individual that would have technical knowledge and experience of the report requirements of generally accepted accounting principals and the government accounting standards boards". Back in approximately, and I have to say approximately 2003 I think it was the GASB I think they call it, wanted all municipalities in Pennsylvania to go from cash basis to the accrual method. We are just doing it now, 25 years later. I'm only bringing this forward because we got get our city out of this risk situation. We cannot afford this. This has nothing to do with the personality involved. Please keep this in mind. I'm only reading from impartial and partial audits whether it is Mr. Meholic and his company who did this or Mr. Piccirillo's firm. City Council and management made a conscious decision to accept the degree of risk. It is only from these material weaknesses as the benefit of the reduced risk does not justify the additional cost necessary to reduce the risk. I read this now and think how ridiculous we were. What is that saying about being pennywise and pound foolish or something like that. Reasinger said a day late and a dollar short. Bernado said a day late and a dollar short too. Ladies and gentlemen again DeLean you are in the situation; you are doing a great job you really are. Again, this has nothing to do with people, this has to do with our audit. They are recommending that in order to take the risk away from the city to make sure that misstatements and miscalculations and monies being put in the wrong funds which checks accidentally not being recorded and monies being transferred back and forth in accounts; they are recommending that we need a personnel responsible for accounting and recording functions of the city with a level of knowledge and experience to review, approve and accept responsibility for the financial statements. Between the 25 years, we have had many people in finance, we have never had anyone with the credentials or anyone who possesses the appropriate level of technical knowledge and experience of a generally accepted accounting principles in government accounting. This is very serious. Many of you are here and ran because of the three things I mentioned. Money being transferred from one fund to another, check maybe not being recorded accurately, and putting funds in the wrong accounts. That is not going to stop unless we do something about it. I do not want the 2024 Council to 2024 management, Chris or whoever it happens to be, I do not want our city to stay in this high-



## City Council Meeting Minutes – August 14, 2023 (Cont'd.)

### Financial Director (Cont'd.)

risk situation of misstatements. Lacking the kind of oversight that we truly need.

Kristen Vida requested to ask a question. Bernardo said hold on, hold on I'm not done yet. I put a lot of time into this. Because I'm going to be a resident here. In material weaknesses, if we don't bring on board someone that is going to help us with this then we are just going to continue down the same path. I don't want Jen to do that, I don't want Elliot to do it, I don't want Patrick to do it, I don't want Jim or Shane; I do not want the city to move forward with the high risk that we have. Deficiencies don't go away. It really requires technical expertise that abides by the general accepted accounting principles. We have the opportunity right now again to put the brakes on all of this, I think what even makes this more crucial than anything is Mr. Mollica pointed out we're on the verge of consolidation. It's not just 17 million dollars of revenues in our budget but has to do with what we own: this building, public library, reservoir, water wells, fire stations, buildings for public works, sewage & water treatment plants, all the equipment we have, the parking lots, the parks, etc. We have to put the brakes on this. What we really need more than ever, in light of all this stuff that is happening this year and in particular this year this has been a hard year. We need to bring on someone who has that expertise. To bring this community down to a low-rise community. Council we have the opportunity to change the direction of Council, it is in our hands, and I am asking Council what are you going to do about it. What do you want to do about it. Mr. Mollica asked if there would have to be a joint decision with Sandy.

Mr. Reasinger said, no considering that I will be part of 2024 and I have worked with DeLean and I think the world of her I'm happy with keeping her where she is.

Bernardo said she is not talking about DeLean.

Reasinger said we don't have the money to hire a CPA or an accountant.

Bernardo said wait a minute, as reported in the Courier Express by Elaine Haskins as of June 27, 2023, John Semancik is hired by the DuBois Area School District with a salary of \$67,000. He's a CPA and he's the Assistant Business Manager. I am not saying we fire or do anything; we need help, and we need help now. Because things aren't going to change. So, Council what do you want to do about it.

Councilman Dietz said based on all of our audits, which all say the same thing, I would like to make a motion that we advertise for a Financial Director, interested candidates apply by Friday, August 25<sup>th</sup> that gives people two weeks to but in. Mollica said would you have to present it to Sandy Township. Mayor Walsh said not until the first of the year. Mollica said he thought the agreement said anything now.... you guys could only hire.. Bernardo said I believe we are allowed to explore the possibility. Everyone started talking. Bernardo said whether we hire someone or not, if we don't explore the possibility then we are negligent. Bernardo continued, Shane you made a motion.... Mayor Walsh said one second, I'm talking to Mr. Nasuti. He just brought up a very valid point, I think you have already researched; after January 1, 2023, we must have the approval of Sandy Township for new hires. Everyone started talking. Aughenbaugh said he will look at that, but no one is saying we're hiring. Bernardo said I'm just saying we need the opportunity after 25 years of audits.... Why can't we take a look at the possibilities? We have to take a look at possibilities, or the audit is going to say the same thing.

Linda London asked if that report has always been that same condition. 25 years it has come back that you are high risk. Bernardo confirmed it has. So, now...Bernardo said it has gotten worse because it has never been dealt with. Never been dealt with. London said, never been dealt with by your Council. Bernardo said, by everyone that has served on Council or in management over the last 25 years. Someone said who told you to ignore it. Bernardo said we all have ignored it all the Councilpersons all of management over the last 25 years.

DeLean Shepherd asked to speak. She asked if Sandy Township has a CPA on staff. Mollica said not that he knows of. So, they are in the same financial condition as we are basically with their staff. But it is a problem right now with the City of DuBois.

Bernardo said, I don't know I didn't look at 25 years of their audits. Everyone started talking at once. Bernardo asked that the gavel be lowered.

Walsh said we have a motion on the floor and Bernardo said it was seconded. Mayor Walsh



## City Council Meeting Minutes – August 14, 2023 (Cont'd.)

### Financial Director (Cont'd.)

questioned the second. Bernardo stated that she seconded it. Mayor Walsh said we have motion properly seconded to advertise for a Financial Director and verified that Nasuti would check with Sandy Township. Nasuti asked to make a comment, he said the 25th; Dietz said yes two weeks. Nasuti said this is today so by the time we get it the paper the earliest it would be in would be Thursday or Friday. Dietz wanted to know if Council wanted to go out two weeks from there. Nasuti said, just saying you would probably only have a week for people to respond. Dietz said August 31<sup>st</sup>. Walsh reiterated the motion was made and seconded asked her any questions, Bernardo asked for clarification on the date. Nasuti confirmed August 31<sup>st</sup>. Walsh said again, we're not saying we're hiring someone we are exploring the feasibility of it. Roll call vote was as follows: Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Reasinger, no; Walsh, yea. Motion passed 4-1.

### Manager's Position

Councilman Aughenbaugh said there has been a lot of discussion tonight and before; I have talked to Pat before on it the Manager's contract you were here with Mr. Nasuti; we had started to discuss that. We are just trying to move forward. We want to do something with this contract, we are bound by it legally by parts of that contract, things like that. I want to make a motion to look at paying out the manager's contract and terminate his employment once that part is resolved. Councilman Reasinger asked if he put an amount or anything. Aughenbaugh said once that amount has been determined. We have to work on doing it. Mayor Walsh asked for a second and Councilman Dietz seconded the motion. Elliot Gelfand asked if it is a motion to investigate or pay it out? Councilman Aughenbaugh said there are some things we need to pay out. Someone asked if they could have a number. Mayor Walsh said we will give you a number. Someone said will or won't. Walsh said will. Gelfand once again said are you going to investigate it or pay it? Aughenbaugh said we will determine it and then once it's determined then we will pay it out then terminate the employment. Someone asked if it will require more motions? Or all you trying to roll it into one. Will the next steps require more motions? Mayor Walsh asked Councilman Aughenbaugh to repeat the motion one more time. Aughenbaugh said he makes a motion to as I said there are certain things we do have to pay in Mr. Sulpizio's contract, we know that for a fact there are legalities. We will pay out the contract once we find out what that amount will be, then we will terminate the employment of Mr. Sulpizio once that is resolved.

Someone asked if we terminated him now. Aughenbaugh said that is not what I said. Once we determine the amount, we will pay out the contract and then we will terminate Mr. Sulpizio's employment. Gelfand asked if there would be another vote after this. Talking broke out everywhere.

Aughenbaugh said his motion was to negotiate the termination of the contract. Does that suffice everyone. Everyone said no. Gelfand said are you going to negotiate and come back and tell us what the amount will be?

Mayor Walsh said we have a motion on the floor that we are going to negotiate and buy out the contract of Mr. Sulpizio; then terminate his employment from the City of DuBois. Gelfand once again asked if there would be another vote after that.

Councilwoman Bernardo asked where we were on the motion right now. Mayor Walsh said we are getting ready to vote. The whole place went crazy. Walsh said I just said the motion. Gelfand once again asked if there is going to be another vote after this. Are you going to investigate or not or is this the vote to pay it out no matter how much it costs? Much discussion again.

Mayor Walsh said so the motion on the floor is to move forward with negotiating for a number for a buy out of Mr. Sulpizio's contract, then terminate his employment with the City of DuBois.

Councilman Reasinger said he had a question, he said you need to state that once that number is given, we will come back to Council and vote on that number. Mayor Walsh that is correct. Reasinger said he believes that number should be zero.

Someone asked who will negotiate. Mayor Walsh said Herm Sulpizio. Someone said who he is negotiating with. Mayor Walsh said, City Council. Roll call vote was as follows: Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Reasinger, no; Walsh, yea. Motion passed 4-1.

Mayor Walsh asked to adjourn, Councilman Aughenbaugh said he had another item concerning



## City Council Meeting Minutes – August 14, 2023 (Cont'd.)

### Manager's Position (Cont'd.)

the Manager's Position.

### Advertise for Manager Position

Councilman Aughenbaugh said under that Manager's Position, also moving forward I would like to make a motion to advertise for the Manager's position and strongly encourage Mr. Nasuti to apply for that position.

Michael Clement said you haven't terminated how can you advertise for the position. You haven't terminated Herm yet.

Aughenbaugh said, we can't advertise the position in preparation for it?

Councilwoman Bernardo stated that she seconded the motion.

Councilman Reasinger had a question on the motion, he thinks we should just offer him the job. (round of applause) Reasinger stated he has stepped up. Bernardo said we interviewed for City Council. Aughenbaugh said I stated in my motion that I strongly suggest that Interim Manager Nasuti apply for the position. We'll do our due diligence and see if anyone wants to internally or externally; we did it with Council filling the position. Roll call vote was as follows: Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Reasinger, no; Walsh, yea. Motion passed 4-1.

### Adjourn

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

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_