

Work Session Meeting Minutes – August 24, 2023

City Council Chambers, City Building, 16 West Scribner Avenue, DuBois, Pennsylvania on Thursday, August 24, 2023 @ 4 p.m.; Council convened at their regular Work Session with Mayor Walsh in the Chair. Other Council Members present were Jim Aughenbaugh, Diane Bernardo, Shane Dietz, Pat Reasinger and City Controller, David Volpe. Also present were Redevelopment Authority Director/Assistant Public Works Superintendent, Joe Mitchell; Code Enforcement/Zoning Officer, Zac Lawhead; Police Chief, Blaine Clark; and Finance Officer, DeLean Shepherd.

August 28th Agenda Items

Mayor Walsh read down through the items:

- #3. Approval of Minutes
City Council Minutes of August 14th and tonight’s meeting minutes, August 24th.
- #4. Registry of Invoices
Auto Drafts - \$ 11,604.85
General Fund \$ 431,145.17
PennVEST \$2,959,227.66
- #5 Public Comments
- #6 Request to change the Public Hearing set for Monday, August 28, 2023, at 5:30 p.m. to Monday, September 25, 2023, at 5:30 p.m. concerning the Intermunicipal Liquor License Transfer from ARC Restaurants, LLC, Clearfield to the Public House on Jared, DuBois. Which is the old Jared Bar.
- #7. Request that Council appoint retiree Tim Edwards to the Pension Committee.
- #8. Elect Voting Delegate and Alternate for 2023 Municipal Leadership Summit – October 5 – 8, 2023; held at Wind Creek Hotel in Bethlehem. Walsh said that would be down by Philadelphia.
- #9. Library Keystone Committees Grant Program permission to bid HVAC Equipment Replacement.
- #10. Recommendation from Mr. Nasuti concerning the Coke Hill Area Water Distribution Main Replacement Project. I believe the bids came in very high I think he wants to wait until spring to re-bid.
- #11. Recommendation to purchase additional Zonescan leak detection loggers - \$163,823.22
 - a. SRBC Grant \$131,220.00
 - b. DuBois Local Match \$ 32,603.00
- #12. Request from DuBois Area High School to close Division ST & Beaver DR at 5:45 p.m. for approximately 45 minutes on September 29th as they conduct their Homecoming Parade from the High School to Mansell Stadium. Walsh stated it is an annual request.
- #13. Trees
Pat will give us some updates as he has received some more information just now.
- #14. Pension Plan
Pat and I attended a meeting, and we will update you on our findings and some suggestions. Reasinger stated he gave them if you look at it, he has it at 8 and 7.5 and I have it at seven percent, I asked for it at seven percent for the third time, and he does not want to give that to us; but he has to. I am waiting to see what our percent of funding will be; I think 7. Mayor Walsh said, just an update on that quickly: Reasinger said, he expects 7% of return on investment. Mayor Walsh said right now they are projecting 8%, but it has never reached 8% so we need the numbers changed to 7% because that directly effects how we do our budget.
- #15. Scribner Avenue Parking Lot
We will discuss that on Monday evening.

Public Comments

Kristen Vida – 929 Chestnut Ave (Did not introduce herself – knew her voice.)
Regarding the Pension – Is there going to be a meeting with the retirees and employees. Mayor Walsh said eventually there will be. Reasinger said there is a meeting (Pension Committee Meeting), asked Walsh when it is scheduled. Walsh said September 8th. Reasinger went on and said I know you (Walsh) are the representative; I would like to go along with you to ask some questions if that is allowed. Walsh

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Public Comments (Cont'd.)

Kristen Vida – 929 Chestnut Ave (Cont'd.)

clarified, bring you along because you will be my replacement. Reasinger confirmed that is the case. Aughenbaugh said that Chris did go and speak to the employees. Reasinger said that one of the employees over at the garage called him a couple of weeks ago and Chris and he went over and talked with him specifically because he did reach out to me; we talked.

Vida asked if we knew what the final number on the payout for Herm is. Walsh said we have not come to a conclusion yet. It is being investigated and researched; we will come back.

Man did not introduce himself; didn't recognize his voice.

For the upcoming meeting on Monday night, you did not discuss anything or did not mention anything about his projected payout. So, that is not something you are prepared to talk about on Monday evening. Walsh stated they don't have those numbers yet, Mr. Nasuti is working on that at the present moment. We will announce that probably at the next Work Session. I would like to put this to bed, one way or another, in the next couple of weeks.

Police Chief – Blaine Clark

Walsh stated we would start with the Assist Chief; Clark had brought his grandson to Council. Walsh asked if people are slowing down on the boulevard. The grandson said no. Walsh asked what we are going to do about that. Walsh said he has seen a number of people being pulled over in the past few days. Addressing the grandson, asked if he was part of that project.

Chief Clark stated they did get out there the last few days and tried to slow people down, educate them again that school is back in. Out of the stops, we did get one vehicle that has some warrants and even some narcotics and paraphernalia; so, it was successful in that area. All in all, I think this year was actually smoother than the last couple years. Less people speeding. So, the word is getting out there.

I know we have Officer Prosper to thank for pulling everyone over. I've driven past him pulling someone over the past few days. Chief Clark asked if he was just circling him, or what.

City Controller – David Volpe

I appreciate Officer Prosper for coming through the parking lot this morning; I think it is nice to surprise the kids every once in a while, because they sometimes forget that there is a lot of foot traffic through that parking lot, and they come zooming in. Some of them just got their license and they're zooming into the parking lot and that can be dangerous. Thank you.

Councilwoman Diane Bernardo

Couple of things: Tonight is the last concert it starts at 6 p.m. The concert is 6 p.m. – 8 p.m. I understand that we are having a movie tomorrow night. Walsh confirmed there is a group that has the park for the weekend. Bernardo asked if it was open to the public. Walsh confirmed it is. Aughenbaugh asked if it was free and is there food trucks. Walsh said he believes there were one or two food trucks on the.... Bernardo asked what time the movie starts. Walsh said dusk. Bernardo asked if the media has been notified, do you know anything about that? Aughenbaugh said the flyer says 6:30 – 9:30 p.m. at Heindl Field playing "Sandlot".

Bernardo continued, yesterday our leadership in Harrisburg had their debate about Skills Games. So, Zac, I'm going to turn to you for this because I'm willing to go bad on this because what they are talking about is really disturbing. A comment was made that they won't go after the Mom and Pop operation that maybe have seven or eight Skills Games. My question to you is, and I'm not asking for this answer tonight, do you know how many facilities there are in DuBois that have Skills Games. Within those facilities how many Skills Games are there. Because I don't think they realize that there may be a six or seven in one facility, but if you have twenty facilities or ten facilities that is a lot of Skills Games.

Lawhead confirmed he has that information upstairs.

Mayor Walsh said he can answer part of that question. Our District Attorney in Clearfield County has stated to all the clubs (clubs, I'm going to leave it at that, I don't know what he's doing with anyone else) if you have five machines or less, they are not going to come near you. If you have more than five you have a chance of being raided and confiscations are very high. So, that is in Clearfield County. Every municipality is different, it depends on how the District Attorney reads it.

Lawhead said most of the facilities are limiting them to five because I think they were told too. There are a couple of places that have more, or an owner has two locations so there is five in each. So, they have ten, stuff like that.

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Walsh said, but there were some questions when about a year ago a bunch of places in Clearfield County got raided and no one knew why or what; it was because they had ten to fifteen machines. At that time, I can speak about my involvement at the Sandy Club, we had eight. He said, if you have five or less, we're not coming near you. More than five, you're on the list. Every club in DuBois and Sandy Township has five or less. No one wants to buck it. You cross the line to Jefferson County and it's a different story, but that's another District Attorney.

Bernardo clarified that here in DuBois it is five or less. Walsh confirmed five or less. Aughenbaugh said in Clearfield County; Walsh confirmed in Clearfield County.

Lawhead said he has been in a few places outside of DuBois city that had fifteen machines. Someone said Wow. Lawhead said yeah. Lawhead said he knows there is a big one out at the mall; don't know what's in there. The mall is not in my jurisdiction.

Bernardo asked for clarification, are you saying the ones here in DuBois have five or less?

Lawhead confirmed. At least as far as I know, the ones I have checked the ones I have licenses through are listed at five.

Mayor Walsh said he can attest that because he has gone to every one of them to make sure. I wanted to make sure everyone was playing by the same rules. Seriously.

Bernardo went on, Zac you have been investigating communities that are increasing their fees for each machine. Can you share, I know Council is going to have to vote on this at some time but what are we charging now and what are you saying other communities are doing on the high end of things.

Lawhead stated we are charging \$100 per machine. Someone said per year. Lawhead confirmed per year. High end was down around Pittsburgh, I think around Washington where there is a casino, they are upwards of \$750 or \$850 a machine. So, there is quite a range. I have seen it lower; I saw some municipalities only charging \$50.

Reasinger asked how many machines total in the city. Do you know that number?

Lawhead said he doesn't know that off the top of this head. I can get that information, I have it all documented upstairs.

Mayor Walsh said he can answer a little bit more. The fee they pay is for any electronic machine, that means you have an electronic cigarette machine, electronic juke box, electronic games they are all \$100 apiece. So, it is not just video games.

Lawhead confirmed not just the Skills machines.

Reasinger asked if that includes a restaurant with a credit card reader. Lawhead said no.

Walsh clarified that it is an electronic machine like a cigarette machine, Juke Box, Pool Table (Lawhead said if it is coin operated). Reasinger said that's they key, coin operated.

Bernardo said, Eddie going back to the fact that you are in charge of emptying those machines. I think we are looking at millions of dollars of untaxed, so to speak, money per year. If we were to raise the rates to the high end, do you think that would prohibit people from having those Skills machines.

Walsh said, he is looking at it from.... again, I am speaking from my standpoint, we are a non-profit club, so we give most of that money away in donations. Whether it be to the fire department or to any other cause that sends us a letter. I think that is why the debate is happening, how do you do the 501(c)3 versus the bars and the little junket place down in downtown DuBois on Long Avenue. That is going into someone's pocket. So, that is where the debate is, how do you decipher yes and no what is enough.

Bernardo said, as it stands right now, I understand that there is no tax accrument for Pennsylvania on this. Walsh said zero. Bernardo said we need to get Mr. Arminini involved with this and let him know our feelings.

Bernardo addressed Lawhead, going back to Zoning issues, are there any Skill machines in areas that zoning prohibits them?

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Lawhead confirmed there are not. What is a Skills machine? Give me the definition, they are all in commercial areas and they are considered commercial business. It is not really retail, most of them are a secondary business on sight.

Mayor Walsh said there are tax dollars being made. Because the owner of the machines, not clubs or businesses but the bigger corporation that owns it pays taxes on it, because they are for profit. Until the three entities make a decision on who's going.... the big fight is between the Liquor Control Board, State Police, and the Gaming Commission. They all want to run the entire show. As long as those three keep fighting, you are not going to see any tax revenue locally. I don't think you will see tax revenue from the 501(c)3 because they are non-profit but for the other places, they should pay taxes.

Bernardo said, so we have to make our own revenue then through the per machine per

Aughenbaugh wanted to know what we are doing now for every piece as was described. Can you change that or is that something to entertain in the future. Where Skills machines would be more than a Juke Box.

Lawhead said, right now our Juke Box fee is \$12.50 and like any other mechanical amusement for game playing the fee is \$100. I have seen it structured in different ways in different municipalities. Juke Boxes is very minimal, the Skills machine is high, a pinball machine would be \$50 or something.

Mayor Walsh said that dart machines are the lowest, cigarette machines are a little higher.

Aughenbaugh said, so there are different rates.

Lawhead confirmed.

Bernardo said, since you brought the State Police up who put the hinderance to radar; Chief, has anything come across your desk about the radar bill?

Chief Clark stated not yet.

Bernardo stated she has been doing research and I can find two different bills and when I have opened them up and read the bill, I do not see anything about radar.

ATTEST:



APPROVED:

