

**2<sup>nd</sup> Public Hearing – 2023 Community Development Block Grant Program**  
**September 11, 2023 @ 5:45 p.m.**

City Council Chambers, City Building, 16 West Scribner Avenue, DuBois, Pennsylvania on Monday, September 11, 2023 @ 5:45 p.m.; Council convened as a Hearing Board in order to hear and receive comments, written and oral, reviews and have discussion on the 2023 Community Development Block Grant Program. Mayor Walsh opened the meeting at 5:45 p.m. Other Council Members present were James Aughenbaugh, Diane Bernardo, Shane Dietz, and Pat Reasinger. Also present were City Solicitor, Toni Cherry; Public Works Superintendent, Scott Farrell; Redevelopment Authority Director/Assistant Public Works Superintendent, Joe Mitchell; Finance Officer, DeLean Shepherd; Code Enforcement/Zoning Officer, Zach Lawhead; and Administrative Secretary, Bobbie Shaffer.

Mayor Walsh opened the hearing at 5:45 p.m. and promptly turned the meeting over to Redevelopment Authority Director/Assistant Public Works Superintendent, Joe Mitchell.

Tonight's meeting was advertised in the Courier Express on September 2, 2023; the purpose of the meeting is to discuss in general the Community Development Block Program. This year the city will receive \$308,699 from the PA Department of Community and Economic Development. We will submit our application by Friday, October 27, 2023. The first meeting that was conducted was for the submission of projects and to have anyone with interesting projects contact the city to discuss them. The city must conduct a public hearing to determine local needs for community development; housing, public services, and economic development. Residents, organizations, and agencies are given the opportunity to participate in the planning process. The City's performance under previous CDBG years has been some recreational improvements, sidewalks and in the last couple years we have made some waterline improvements. Sticking with what we have done over the last couple of years we are proposing another waterline project, it will be in Census Tract 3302, B. G. 2, which does meet low to moderate-income guidelines. So, we don't have to do a survey of that area. The budgeted amount for that construction is \$253,134, it is a note that we have had several breaks in that area. It is a small line that we would like to replace with a bigger line and that will help with some of the fire protection down there also. It also gets rid of a tie into an old existing line that currently isn't done in the most efficient manner. The remainder of the money, \$55,565, will be allocated to the General Fund for administration, which covers the advertisements, the environmental review record, salaries for workers, and also the application preparation.

Mitchell asked for any comments or questions concerning the CDBG Program or the project we have proposed. Anyone? Mayor?

Councilman Reasinger asked when the work would be done.

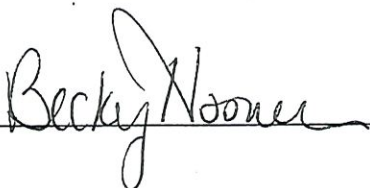
Mitchell stated that the CDBG Program typically takes about 8 months before we receive a signed contract, we can't do the environmental review until we have that signed contract which takes another three months, so hopefully about a year from now the actual work will be done. We are actually still waiting for 2022's signed contract at this point in time. We applied for that at the end of last October, we work at the speed of the state.

Councilwoman Bernardo asked how many feet this will be. Mitchell stated in the neighborhood of 1,200, I believe it goes from the tie in right at Bell Lane and Quarry Avenue to almost the city/township line. It's a nice project. Bernardo asked, in order to fight fire what size line is recommended? Mitchell stated that we will increase to a 6" line because larger than that doesn't make sense with everything that is tied into that area.

Kristen Vida asked how long do you have to complete the project? Mitchell stated, three years to actually complete the project from the execution of the contract, we then have one year to close out the paperwork portion of it. So, four years in total.

Mitchell turned the meeting back over to Mayor Walsh who promptly closed the meeting at 5:49 p.m.

ATTEST:



APPROVED:







## City Council Meeting Minutes – September 11, 2023

City Council Chambers, City Building, 16 West Scribner Avenue, DuBois, Pennsylvania on Monday, September 11, 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 and Pat Reasinger. Also present were City Solicitor, Toni Cherry; 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; 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.

A moment of silence was held in remembrance of the lives lost on September 11, 2001.

### Approval of Minutes

#### City Council Meeting Minutes – August 28, 2023

The motion was made by Aughenbaugh and seconded by Reasinger that Council approve the City Council Meeting Minutes of August 28, 2023, as presented. Roll call was as follows: Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Dietz, yea; Walsh, yea. Motion passed 5-0.

#### Work Session Meeting Minutes – September 7, 2023

The motion was made by Dietz and seconded by Reasinger that Council approve the Work Session Meeting Minutes of September 7, 2023, as presented. Roll call was as follows: Bernardo, abstain; Aughenbaugh, abstain; Reasinger, yea; Dietz, yea; Walsh, yea. Motion passed 3-0.

### Registry of Invoices

The motion was made by Aughenbaugh and seconded by Reasinger that Council approve the Auto Draft Check Register by Check ID dated September 7, 2023, in the amount of \$23,854.45 and the General Fund Purchase Order Listing by Vendor Name dated September 7, 2023, in the amount of \$340,035.02 as presented by the Finance Officer. Roll call was as follows: Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Dietz, yea; Walsh, yea. Motion passed 5-0.

### Public Comments

#### Mark Sullivan – Sandy Township Supervisor

He would like Council to revisit their decision to sell Scribner Avenue Municipal Parking Lot; he is pretty sure the consolidated government was thinking about keeping this as our municipal building. With increases in staff, I think parking may be a consideration, that parking lot could be usable to our new city.

Mayor Walsh stated he didn't think that Council had made a decision on selling the parking lot.

Mr. Sullivan said he believes it is out for bid.

Walsh said we've been discussing it.

Sullivan said before it would be sold, I'm suggesting that we rethink; those parking spaces could be used by the newly consolidated city.

Walsh said we haven't made a decision on it so...when it comes up we will discuss it.

Councilwoman Bernardo asked Sullivan how many extra people do you think are going to be here. Sullivan said I think we are talking about having the police department working out of this building so, that would be a handful. I know we are talking about taking the staff from the Township Municipal Building and consolidating with the staff here. So you are going to need somewhere between 10 and 12 spots, then you have Council Meetings; I know a lot of the public here I have seen walking across the street. I just don't want to see us short ourselves on parking in the future.

Walsh stated that the only reason we were looking into it was we were approached by a business, I mean we can't just sell it to them. We discussed putting it out for bid, I don't even know if we got any bids yet. Mr. Nasuti isn't here....

Reasinger said he's done something with it, but I don't know that he's heard back from anyone.

Lawhead said it is out for bid, we're still getting them in right now. We definitely haven't received any. That is all the further it has gone.

Reasinger said we can turn all of the bids down if we want to.

## City Council Meeting Minutes – September 11, 2023 (Cont'd.)

Sullivan said he didn't know if Council had taken any consideration that we may need additional parking.

Walsh stated we just had a parking survey done and it was part of the parking survey.

We haven't made any decisions yet; it will be on the agenda again.

### Jennifer Jackson -42 N. Brady ST

I was just out puttering around in town, and I have maintained the pocket parks. I am just wondering if there is something that could be done to maybe deter the hanging out in there, the trash, and some of the issues that we're having. I'm the one that cleans it up, and I want to say a thank you to Scott, because I see Scott's back here, and I message Scott Farrell all the time and say there are six grocery carts at this pocket park, and he picks them up. So I want to give a shout out to Scott because I see he's behind me. I just didn't know if there is anything that could be done.

Mayor Walsh said he believes we could have the police look into it.

Jackson suggested signage.

Mayor Walsh said I believe the purpose of the pocket park was for people to use them.

Jackson said she is picking up Frank's Pizza food and literally garbage; it's nice granted but I know someone just had an instance there last week with somebody saying something and it just...I love it, it's beautiful but I just don't want to see people taking advantage of it and leaving trash.

Bernardo asked if she talked to the owner of the property.

Jackson said it is the city.

Bernardo said no it is owned by Lori Lewis.

Jackson said no, no, the pocket parks are both under the city. That's what the Downtown told me.

Bernardo said no, Joe you know down by Frank's Pizza, it was never turned over to the city. We've been doing work there; we have been helping.

Mitchell tried to pull up a site to find out the owner. It was not ours when it was built, and I don't know if it was ever turned over or not. I don't believe it was.

Bernardo said that is why she asked about Lori Lewis, because putting up signs is the owner's responsibility. Jen, a lot of people think, like yourself, that we own that pocket park, the workers of the city have been going in there but when it comes to signage and everything that's the owner. You know Lori. Jackson confirmed she does. Bernardo suggested she have a conversation with her about it.

Jackson said the one next to Syktich's the city owns. Lawhead and Mitchell confirmed the city does own that one.

Aughenbaugh said we can look at it.

Jackson said I just didn't know if anything maintenance wise could be done. Would the city want to take over that pocket park, or no? Is that a possibility?

Walsh asked if she was referring to Lori Lewis's.

Jackson confirmed.

Solicitor Cherry stated if someone wants to donate it to us. I don't know that you would be losing a lot of tax dollars.

### Deb Mechling – Monroe ST

I was at the, I had an incident at the pocket park last Thursday about 6:15 p.m. I was getting out of my car going into Frank's Pizza, and there were three people in the pocket park. They yelled to me and were wanting to engage with me. I didn't really feel it was necessary for me to, but when I didn't it agitated them. The one gentleman got up and I took it to be an aggressive action and he called me a name and



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with that I said sorry I didn't engage you earlier, I was preoccupied with my phone, and they took a couple of steps towards me, but I was in my way to Frank's. When I came out, I don't normally park where I did that night, and I had to walk past the pocket park. Normally I park across the street, because I'm an older woman alone. Anyway, it is something to watch.

Councilman Aughenbaugh asked what time she was there.

Ms. Mechling said 6:15 p.m.

Mayor Walsh asked that Chief Clark make the officers aware of that.

Chief Clark said absolutely, please next time don't hesitate to call on us anything like that. We will come check it out. Even if you are a little iffy to make the call, please let us come down.

### Watershed Forest Management – Ken Kane, Generations Forestry

Mayor Walsh stated that we asked Mr. Kane to be here tonight, he is our Forest Manager Supervisor and has been doing it for the City of DuBois for a long ....40 years. With a lot of the things in the media, social media, about us abusing the watershed and doing things we shouldn't be doing, I met with Mr. Kane about it. I walked it with him, that's a lie I rode the 4-wheeler while you walked the watershed. He is here to answer any questions and give you a little bit of knowledge about the watershed and what he's been doing and what the city's been doing for the past 40 years.

Councilwoman Bernardo asked if Mr. Jones was here; Walsh said no I was hoping he was going to be here. Bernardo said he had a lot of questions.

Mr. Kane said he wasn't sure where to stand and who to address, so he was going to stand in the corner and address everyone.

First of all, no one goes into forestry to be a public speaker, so I am going to apologize for my speaking voice upfront. For the past 40 years, we have been involved with the City of DuBois, managing their resource. It is unusual for me to be at Council for other than official actions, but we do work with the Watershed Committee. For decades we worked with Mr. John Dugan, who was a great leader of the Watershed Committee; and now with Scott Farrell, who is the leader of the Watershed Committee. That Committee does a phenomenal job of learning about what forestry is. Forestry is a very complex science that is against conventional wisdom.

We would think that trees grow, and the big ones would be the ones that you would want to cut and let the little ones grow up. That is not true. It is kind of like someone like Danny Devito standing next to me, I don't care what you feed him, how many of those subs he is going to eat on TV, he is not going to be 6'4". That is the way trees are too.

In the 80's we had a challenge on the DuBois watershed in the fact that we had a very high deer population, and a deer population can change the underlying vegetation. What happened was, we had hayscented ferns, striped maple, and beech that are not sustainable. Over the course of 40 years we were able to use forest practices; the city supported us by calling us to the carpet and proving those tactics work. You see it in the paper where Bobbie distributes Deer Management Assistance Program coupons for the city watershed. That is to help keep the deer population in balance, so the deer don't eat themselves out of house and home and we can regenerate that forest.

So that 40-year period of different practices has brought us to a point, where we are able to get natural regeneration on the forest floor. I sit here and say this pretty briefly. Over that 40 years we built partnerships with the PA Department of Conservation Natural Resources that owns the land south of the watershed; we have built relationships with the PA Game Commission which owns the land north of the watershed. The best example I can give of that is in 1991 when there was a critter called the Gypsy Moth that was defoliating the landscape. The City of DuBois had to go on their own and bid on a spray program. The spray program cost 30% more than what it cost to spray public land, because we were small. This past year the same insect, now called the Spongy Moth because of political correctness, we were able to partner with the PA Game Commission and save the city over \$40,000 because the Game Commission allowed us to piggy back on their lowest competitive bid for their 120,000 acre program; DuBois has 4,000 acres. Those are the partnerships we need today.

So, those partnerships, the fact that we are able to get first generation, we are at a very small snapshot in time. We know for the past 40 years we couldn't regenerate our forest. We also know that John DuBois himself when he had his sawmill here in DuBois in the 1880's to the early 1900's is when that watershed



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was originally cleared. That's when that forest started. Now we have a mature forest. Over 50% of the forest is in medium to large saw timber size class. We should have balanced age classes where we have sapling, whole timber, small saw timber, medium and large saw timber are equally balanced. We are terribly out of balance. The whole state of PA is terribly out of balance.

So through partnerships with the Game Commission and DCNR you can go out and walk for miles and unless you recognize the yellow paint on the city boundary, which we had surveyed in 2005 for the first time and has been maintained every since. Unless you see that yellow paint, you wouldn't recognize the silviculture. Because what is happening on DCNR land, on game lands, and on the City of DuBois is landscape management approach of cooperation, collaboration, to keep the flora, the fauna, and the quality of water, which is number one to us, in as good of condition as it can be. With that said, we have to do silviculture practices. We have done thinning as many as four thinning's in the same stand, which is unheard of but that was the concept we got back from the Northeast Forest Experiment Station with the lead scientist Dave Markwitz. We had him out there, he said guys you can't regenerate you have to keep thinning. So, we thinned it to the point now that it is good. Mature trees 130 years old are 30 years beyond market maturity and approaching biological mature which means it is going to start falling apart if we don't manage it aggressively. We have to start a new forest through a series of those things, those shelter wood cuts where we put sunlight on the forest floor to get that regeneration started. We need to manipulate the vegetation that is on the forest floor to reduce the Beech, Striped Maple, and the fern so that the oak, maple, and cherry can come up; but not doing it to the point that the Birch overtakes it. We want diversity. If we don't do it right, we will get too much of one species. We have a situation, if you recall when you accepted the bid in April, I said we might get backlash at this because this is the first time, we have done a regeneration cut that is visible. We did it on purpose. We have the shortway, Interstate 80 to the North, we have Anderson Creek to the South, we have two oil well roads on East and West and we confined that area and made it publicly visible so that people could learn what sustainable forestry looks like. The best analogy I can give you is, I'm gray haired, many people in this room have gray hair, we all know someone that had a joint replacement; if you ever had a joint replacement the week after surgery you are asking yourself why in the heck did I do this, six months after joint replacement you say why did I wait so long. That is what forest management is, as the PennDOT people say it's a temporary inconvenience for a permanent improvement. A temporary unsightliness to start a new forest. I don't care if it is the birthing of an animal, or the birthing of a baby, or the birthing of a forest, that process is not sightly but what comes from it is great. That is what is happening on the watershed. You are going to have to see more of it, because this window may not be open for long. Public pressure may cause the deer herd to go up or just natural sessional will make the deer herd to go up. The average hunter in PA is 57 yrs. old. We as hunters do not have the capacity to keep deer in balance in their habitat. Those type of things we have to mitigate manage for; we collaborate, cooperate, to do that.

My final statement is, as the mayor said we have been out on the watershed. If anyone challenges, doesn't believe, wants to see for themselves, we are here; my son Kenny, myself, and we have a staff of other foresters. We would love to take you out and teach you about forest management. Ron learned a lot about it back in 2000/2001 when we worked together. It is a complicated science that goes against conventional wisdom. It is a sound science, which started right here in PA by Gifford Pinchot and Joe Rothrock; those people are the leaders of forestry in PA. We are here in Penn's Woods. Pennsylvania in itself, if it was a country on its own, would only be second to the United States of America in hardwood production. That is how good our forests are, that is how well they are maintained.

Mr. Kane asked if anyone had questions. Councilwoman Bernardo had a question. There is or was a program offered to reduce carbon footprint. Carbon credits you know what I'm talking about. Kane said yes Carbon Credits. Bernardo asked if he knows of anywhere in PA, any areas that are participating in this swap out? Kane said there are several carbon sequestration programs. We actually participated in one about three or four years ago where you would sign up and procrastinate a timber sale and they would give you some financial compensation for that. The challenge we have, and I have worked with Penn State Department of Ecosystem Science and Management and the PA Forest Products Association; there are many of us that believe that the way they calculate carbon sequestration in Pennsylvania is not efficient enough for the PA forest. In that calculation the reimbursement for carbon only gives about a 7.5 year return on the carbon that is sequestered in a product. Well PA hardwoods are high quality, when someone makes something out of that PA hardwood it lasts a lot longer than 7.5 years. If you look at the filing cabinets in my office the paper has been around a lot longer than 7.5 years. So, we have not bought into the carbon sequestration game yet because there are many people that are using the carbon sequestration game as a way of preserving forests and letting them get too old and then not be necessarily efficient or effective. The best example I can give of that is if you have looked at a color infrared photograph of a forest, a young vibrant forest is bright red consuming carbon creating oxygen through photosynthesis. A maturing forest has a duller shade of red with little tints of gray; because as that forest falls apart it's decomposing creating carbon and it is not generating as much photosynthesis



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and consuming as much carbon or creating as much oxygen. So, we are holding off, because those carbon deals are pretty long term, and we are waiting for a better deal that is more accurate to what it truly is before we buy in.

Bernardo asked if there is any negotiation to his knowledge, can you negotiate? Kane said you can negotiate like I said we signed up for some and it was a good deal for our clients that did it. Bernardo said people probably wonder why we are talking about carbon, then proceeded to ask if Kane wanted to talk about the basis of the carbon program and how it is exchanged with companies so people will understand. Kane stated that there are some big companies that are involved in carbon exchange and that is if you are an investor company you tend to have some type of energy consumption. The use of fossil fuels create carbon dioxide in the air. Forests consume carbon dioxide through photosynthesis turning it into oxygen. So, these companies, because they are so extremely profitable, are buying carbon credits in exchange for carbon they produce through their industrial processes. A very simple answer to what you asked me to explain. The big players are Microsoft because they are extremely profitable, Jeff Bezos at Amazon is doing it because of the number of vehicles they have on the roads and because they are extremely profitable. It's conscientious money. It is not a lot different than Carnegie funding half your library one hundred years ago. Just a different need.

Elliot Gelfand asked if Mr. Kane had his own company, or with the government....

Mr. Kane said he has an interesting history, I worked for a man by the name of Keith Horn for 30 years, a decade ago I bought the company, and three months ago I sold it to my son.

Mayor Walsh asked what's the name of your company.

Kenny said, "Generation Forestry."

Kane said the reason for that is forestry goes in generations, landowners go through generations, and I just explained forests go through succession which are generations.

**Proclamation – Constitution Week – September 17 – 23, 2023**  
Read in it's entirety by Mayor Walsh



# PROCLAMATION

## CONSTITUTION WEEK

September 17 – 23, 2023

**WHEREAS:** The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

**WHEREAS:** September 17, 2023, marks the two hundred thirty-fourth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and



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**WHEREAS:** It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

**WHEREAS:** Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

**NOW, THEREFORE,** the Mayor and City Council by virtue of the authority vested in them as the Mayor and City Council of the City of DuBois do hereby proclaim the week of September 17 through 23 as

## CONSTITUTION WEEK

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the City of DuBois to be affixed this 11<sup>th</sup> day of September of the year of our Lord two thousand twenty-three.

The motion was made by Aughenbaugh and seconded by Reasinger that Council proclaim the week of September 17 – 23, 2023 Constitution Week in the City of DuBois. Roll call was as follows: Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Dietz, yea; Walsh, yea. Motion passed 5-0.

### Planning Recommendations

Mayor Walsh said we will need approval to send the Planning Recommendation to Ms. Cherry for the Solicitor to prepare some ordinances. We will do them individually.

### Skill Games

Mayor Walsh said the recommendation from the Planning Commission was to turn this over to Ms. Cherry for a city ordinance. Council's wishes.

The motion as made by Dietz and seconded by Bernardo that Council send Skill Games to Ms. Cherry for preparation of an ordinance.

Councilman Reasinger had a question on the motion he requested more detail. (someone from the audience interrupted and the Mayor addressed their question). Mayor Walsh said the Skill Games ordinance.... right now, we have ordinances .... Mayor Walsh asked Code Enforcement/Zoning Officer Lawhead to answer the question. Lawhead stated this deals with mechanical device licensing of games that are coin operated stuff like that. The Skills machines keep popping up and there are getting to be more and more of them. A lot of municipalities throughout PA have broken down their ordinance a little bit more. Skills machines you pay a higher fee to have them in their municipalities as compared to just a video game. In our ordinance, it needs updated, it hasn't been updated in a lot of years. More and more Skills machines are coming. We thought it was time to update everything get it more modernized and get the fees more regulated. That is what the Planning Commission is recommending.

Councilman Reasinger asked if there is a fee schedule with that; Solicitor Cherry confirmed.

Solicitor Cherry stated we are not reinventing the wheel here, we looked at, thanks to Mr. Lawhead, the City of Johnstown's ordinance that does in fact do this. They had quite a bit of help because I believe they are coming out of bankruptcy. They had professional consultants do this. To get to the bottom of it the licensing fee that is used by Johnstown, I believe Planning proposed this as well for DuBois: Juke Box will be established at \$100 per machine and thereafter updated by the City Schedule of Fees by resolution. My recommendation and I think we talked about this at Planning as well, because we need an ordinance to set the base and then Council if they don't like those fees can change it by resolution. I think we need an ordinance that spells it out because we get these questions all the time. Pool Table will be established at \$75 per machine and thereafter updated by the City Schedule of Fees by resolution by the Council of the City of DuBois. We talked about videos, skill, and mechanical devices: Non-Paying devices would have an annual fee established at \$100 and thereafter updated in the City Schedule of Fees by resolution of City Council; Gambling and Skills Devices some of which are regulated by the PLCB some are not they are deemed as Skill, the annual fee there would be established at \$350 per machine thereafter also



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changed by a resolution. I've read it over; we have talked about it, and really at Planning they were very satisfied that is why they are sending it to you. Obviously once it is drafted you are going to be able to critique it and put in or take out anything you would like. At least you will have a basis from which to work. Reasinger said, my first ordinance as Councilman.

Mayor Walsh asked if there were any more questions on the motion. There were none. Roll call was as follows: Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Dietz, yea; Walsh, yea. Motion passed 5-0.

### Rental Properties

Back in 2015 and this was also, if I remember correctly Mr. Lawhead, we looked at ordinances for our residential rentals from other municipalities. We took the very best and brought it into an ordinance that was presented to Council as Council Bill No. 1908. It passed at first reading October 22, 2015, but it met with great opposition by landlords. So, it was ultimately voted down on February 4, 2016. We think there are some issues that we have because we have had fires, the firemen do not know who's on what floor, we're not looking for the identify of these individuals but numbers. There are individuals who are disabled that are not on the first floor. The fire department needs to have an awareness of whether we have somebody with special needs that is on the second or third floor. Again, the need for a registration, because we have landlords that are not in the community, but they are actually out of state. There is documentation that we need and we don't have it, we don't have ownership. I have fought at court with Mr. Lawhead because we have situations where we have instances of blight and are having difficulty with instances of landlords. I'm not talking about they live in Brookville, I talking about they live out of state and we have not been able to correct that problem. I think Plannings position was, the situation has now become such that it is time to take a second look at it. That does not mean that Council will not make changes or ultimately pass it. At least these problems that we have been having will then be in a position to be reconsidered by Council. You can make a determination, now is the time to adopt this ordinance.

Councilwoman Bernardo asked to speak. She said Jen, you and I have talked about this multiple times, this is just the backbones of the ordinance not the details of what goes on that registration form. This is where I look at you as a property owner and someone very much concerned about the blight in our community and the state of what's happening. I know you are real busy, but I want you to know that this is not an ordinance, this is a separate registration form that is going to need some work. I have some samples but not to the details of what we need.

Jennifer Jackson said she does know and I'm a landlord; there is not a landlord association in DuBois correct. Lawhead confirmed there is not; he doesn't think it is active anymore.

Solicitor Cherry stated it is not a group, but they came, and they protested and that is what happened. They formed their own group, and they reviewed it, and they were not pleased with it and Council didn't proceed with it. That was a while ago.

Bernardo said may I be so bold to say, Jen you and I have been having these conversations. On the form it didn't ask anything about people or income or anything like this. You know the types of people who stormed here. They weren't our good properties owners like you are. It is a very delicate situation without a doubt. I'm glad you are willing to work on it. This is a safety issue we don't want to know what your rent is. It is not a financial statement; it is something that can be used not just to sit in the codes office but to be used by the EMS and the fire department.

Jackson asked if this is to handle the blight. I know it goes to the magistrate, could there be more of a push to fight. I go around and see the different properties, I know Zac has his hands full, is there more of a fine or something if you are not maintaining these properties as a rental; a lot of them do live out of the area. If there was a heftier fine to deter what is happening.

Nancy Moore interrupted and said there were responsible landlords who came and approached me and came to the meeting and supported the ordinance. Cherry said there just wasn't enough.

Cherry addressed Jackson, PA has a blight statue and one of the things we have talked about is that it might be more effective if we went after landlords rather than tenants. We have absentee landlords who are not aware of the conditions of their properties here. That is what I think this ordinance may be able to promote, so that we could start having a little more control. We have been in court, and it really doesn't do any good to go after a tenant, I don't think they can afford the fine. I think a landlord could put pressure on the tenant. We have properties where people are hoarders and have things all the way up to the ceiling and we have had cases where there are small children in these buildings. They are being reared in this environment. It is just not healthy.



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Jackson asked if the three blighted properties that you are tearing down, we're all three landlord. Lawhead confirmed. Lawhead stated that two of them are deceased and no one took over the heir of succession and the third moved out of state and never looked back.

Kristen Vida asked if the ordinance will address student housing. Cherry stated it does not, there was discussion about that and one of the areas of discussion is do we want to segregate student housing. Do we want to...the definition of family has really changed. We can no longer use that in an ordinance, to say we want to have single families and those types of things. I don't see that there is student housing there, but I do think we can address it in this ordinance. Maybe at least ...you opened the topic for discussion. You like it, you might not like it. But you can start talking about it.

Mark Sullivan wanted to ask if it would apply to the housing authority too. Lawhead said that is a Section 8. Sullivan said even the high rises, Ms. Bernardo talked about hoarders on the fire department side, we go into a lot of Housing Authority properties with conditions like you describe. Bernardo clarified inside the apartments. Sullivan said inside of the apartments. Bernardo wondered if the apartment managers would have some oversight on that. Lawhead said that HUD has requirements, they do yearly inspections and Cherry added they preempt us. Lawhead said it is a federal program so I would think they ... Cherry said they would preempt us. That is a serious problem especially when you have people like the elderly or people with special needs and children.

The motion was made by Bernardo and seconded by Aughenbaugh that Council turn the Rental Properties Ordinance over to Ms. Cherry for preparation. Walsh asked if there was a question on the motion. Reasinger said so there is going to be a registration, you are going to have to register your rentals, will there be an inspection; is that part of the ordinance. Cherry said no it is not. Reasinger asked if that would be a second ordinance if they decide. Cherry said that would be an iffy thing. Reasinger said it's a little different .... Cherry said when they are trying to go in there to someone's home, I think that is a different situation. I think we deal only with the exterior. Aughenbaugh said once we see it, we can look at it and discuss it. Bernardo added maybe we could add something like when the tenant moves out. That gets pretty iffy. Walsh asked for a vote on the motion roll call vote was as follows: Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Dietz, yea; Walsh, yea. Motion passed 5-0.

### Junk Yards

Cherry stated that the city has an ordinance entitled Junkyards Chapter 248 of the Code of Ordinances. Where we think it is lacking is in motor vehicles. Motor vehicles are junk vehicles are fined or they are listed as junk. But we have some situations in this community where auto parts, junk cars, vehicles that cannot possibly run are stacked up on the side they are not covered by appropriate fencing. I think one of the issues that was brought up was McCracken Run RD. It's a beautiful road and we have a property there that we think that this does not address. So, it was the direction of Planning to me was that we really need to fix this, and my response was Council needs to direct me to draft something so that everyone can take a look at it. Walsh asked for Council's wishes on the recommendation from Planning about junkyards. The motion was made by Reasinger and seconded by Dietz that Council to turn this over to the City Solicitor for proper preparation of an ordinance on Junkyards. Roll call vote was as follows: Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Dietz, yea; Walsh, yea. Motion passed 5-0.

### Comcast Agreement

Mayor Walsh read a prepared statement by Mr. Nasuti concerning questions about the agreement. "There are concerns about an exclusive contract with Comcast. I want to assure you that we do not have an exclusive contract with Comcast. The contract is for the use of the City's rights-of-way. Any cable company wanting to operate in the City of DuBois will be required to carry out a similar agreement. The Franchise Fee is 5% of the gross revenues for use of the city's rights of ways. We do not get a breakdown of the number of customers in the quarterly invoice. The most current quarterly Franchise Fee is \$29,520.29. The Franchise Fees are received by the General Fund. There are no earmarked projects associated with the Franchise Fee."

Aughenbaugh clarified that another cable company can come in. Walsh confirmed they can. Dave Glass asked if the contract applied just for TV or Internet too. Reasinger confirmed it was just cable TV.

### Dedication of waterline on Chestnut Avenue from 14<sup>th</sup> ST to Oklahoma Cemetery Road

Rusty Gates Apartments has constructed an 8" waterline in the right-of-way for Chestnut Avenue. They have requested that the City of DuBois accept the dedication of this waterline. Nasuti is recommending that we accept the waterline. The motion was made by Reasinger and seconded by Aughenbaugh that Council turn the dedication of waterline on Chestnut Avenue from 14<sup>th</sup> ST to Oklahoma Cemetery Road over to Ms. Cherry for her proper paperwork. Roll call vote was as follows: Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Dietz, yea; Walsh, yea. Motion passed 5-0.



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### Non-Uniform Pension

Mayor Walsh turned the meeting over to Councilman Reasinger. Reasinger stated that they had a meeting of the Pension Fund Committee, we had it reviewed by the company...this is the Non-Uniformed Pension Fund...they reviewed it, talked about it. There was a decision made and it was unanimous that we move from 8 to the projected annual rate anticipated of 7.5%, which is called smoothing where they level it off over the years. We would like the ...the Pension Fund Committee would like a blessing from the city to go ahead and make that change.

Councilwoman Bernardo asked Reasinger who is on the committee. Reasinger said he doesn't know everyone and ask Bob Swope for names. Swope named Strosky, Edwards, Nowak, DeLean, McCoy, that's it. DeLean said and the mayor.

So like I said they made a decision to move that, what that will do is pretty much increase the MMO that the city will owe but it will put more money back into the Pension Fund. I believe at 7.5 I think it was...DeLean at 62% funded? Mr. Glass said keep in mind that is all a projection, but we are moving from an anticipated rate of return of 8 to 7.5 to make it less whimsical based on the market. You want to work your way to 7 but I think we all agree going to 7 was going to be too big of a stretch.

Reasinger stated they would also like to form a committee of three people, an ADHOC committee of CPA's, financial advisor, MBA's, people in business, and people who have worked with pensions. So, we can have some knowledge so that the board can have the knowledge. I know nothing about this pension and stuff. Luckily, I know someone that .... a financial advisor that I took all of this stuff up to him and said explain this to me and that's the only reason I learned. So, we need some real expert help with that.

Councilman Aughenbaugh stated that he and Reasinger talked about having someone with that background permanently on the committee. That would have to be changed....Reasinger said that would require votes and all of this kind of stuff. We can do an advisory committee Eddie and just have it. Aughenbaugh felt they should make it permanent, as part of that committee where you have that person on there, so it doesn't.... Reasinger said it would be nice to have someone on in the future (Reasinger and Aughenbaugh talked over each other.) Reasinger feels it is something to move towards. He feels this would solve that problem right away to make an Advisory Board. I am asking Council to support the Advisory Board and moving from 8% to 7.5% anticipated rate on the pension. I don't know if we need a motion or ...

Councilwoman Bernardo had a question, Toni any comments or thoughts on the Advisory Board that would work on the this because it is a Non-Uniform Pension Plan. Cherry stated she is just reading this now, do we not .... was all of this not negotiated with the help of professionals by the representatives of the Non-Uniformed group. Dave Glass stated that the anticipated rate of return has nothing to do with negotiation, that's an internal metric that you guys have used. What you would have negotiated was what the multiplier and percentages they get, and no one is talking about changing that. Cherry said I understand that sir. My question is in order to have done this, we had the help of some CPA's and some representatives, my only question is were those people, those individuals, involved in this meeting. Walsh said no. Reasinger stated they discussed it with one. Walsh said but they were not at the physical meeting. Reasinger stated they were not at the meeting. No. Walsh asked if Council could have some time to look at this, he would like Chris to be here too. Reasinger said yes, you surprised me with me talking about this. Walsh said, obviously you were at the meeting I couldn't talk about it. Let's put this on the agenda for the next meeting.

Cherry had one more question, you said there was a meeting of the Pension Committee, may I ask does that Pension Committee include individuals who are representatives of the Non-Uniform recipients. Members of this Pension. Walsh confirmed it does. Walsh said the only one that is on the committee that is not is me, the rest are all city employees. Reasinger said they are either pensioners or pay into the pension, one or the other. Walsh said there are two .... someone said there are seven people who are to be on the Committee. DeLean said there are supposed to be two administrative employees, two union employees, two retired pensioners and a City Councilman is what is supposed to be on the committee. Cherry said when you say supposed to be, is that in fact who makes up the committee. DeLean said right now it is not a full committee because we can't find any retirees that will do it. Lawhead said the ones that were on it died, so they are trying to get replacements. Reasinger said there was one. Cherry said so in addition to the Pension Committee what you are looking for is an ADHOC Committee to advise the Pension Committee? Reasinger confirmed. Walsh said we'll put it on the agenda for the next meeting. We'll go from there.

### Accept the resignation of Bobbie Shaffer

Walsh said he doesn't want to read this one. I need a motion on the floor to accept the resignation of our beloved Ms. Bobbie Shaffer. Aughenbaugh stated they decided they were not going to accept it. With a



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heavy heart, Bobbie has done so many great things for us over the years and it's been a pleasure to work with her, my inside says no but outside says we have to let her go and move on to retirement, I wish you well; that being said, the motion was made by Aughenbaugh and seconded by Dietz that Council accept the recommendation of Bobbie Shaffer. Roll call vote was as follows: Bernardo, I want to say no but I know how important this is to you with your family and the next journey, so reluctantly, friend, I say yes; Aughenbaugh, reluctantly yes; Reasinger, yes; Dietz, yes; Walsh, absolutely not, no, I mean it no. Bernardo said you have to vote yes Eddie because I had to. Motion passed 4-1

### Councilman Shane Dietz

- Just want to thank Bobbie Shaffer for the time and energy she has given to our city. She is a very genuine and kind person and I'm excited for what your future brings.
- The other night we had a tree fall up the street in the middle of the night and at 2:30 a.m. we had at least 25 firefighters out there chopping up a tree in the middle of the night. Then at 7 a.m. we had Swopey and the city crew out there picking up what was left. By 7:30 a.m. the entire street was cleaned up. Just thankful for the people we have in the city that will get up in the middle of the night and first thing in the morning to get everything back to the way it should be. We have a lot of great people.

### Councilwoman Diane Bernardo

I just wanted to say that this year's League Conference is probably one of the most pivotal that I have attended in years. What I am going to do is copy these resolutions and give a copy to the appropriate department heads for comment before I go to the Conference. I'm really excited because there are things like:

- Support for Community Solar Program in PA
- Speed Timing Technology a/k/a Radar Lidar
- Senior Citizens - Additional Homestead/Farmstead Exclusions
- Notice of Condemnation - County Sales
- Increasing the penalty for driving over fire hose.
- Post traumatic policies for first responders.
- Stormwater Management Policy

Personal note, the morning we were in court I want to thank the individuals who came up to me and expressed condolences because prior to going to court my four-legged friend died. As I was sitting in the holding area and someone asked how my 4-year-old was, it just broke my heart. Thank you for those condolences.

### Solicitor Toni Cherry

Express my profound appreciation to Ms. Shaffer. Ms. Shaffer, it was a privilege to work with you all of these years. You have an encyclopedic knowledge of all documents within this city, and it has always been really so comforting to be able to talk about things that I thought I remember and to run it by you. It has been a privilege to work with you.

### Planning Commission Chairwoman, Nancy Moore

I probably have the answer, the answer will come, I was thinking of retaining our secretary for the Planning Commission. She asked if that was possible. Bobbie said no. Mayor Walsh said she can't she has to work at her new job. Moore said she knows, she had to ask.

### Mayor Edward Walsh

Bobbie, I don't know what to say. You had a hell of a 14-year run with me. This last year I know you went through hell; you are always the first person that got yelled at when they came through the door. You took it with grace. You have been accused of a lot of stuff that you never did; I appreciate your dignity. You know they say everyone is replaceable, I just don't know about this one. You replaced another person, Fran Lias, who left us for the same thing, she retired. Thank you from the bottom of my heart.

### Adjourn

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

ATTEST: Becky Nor APPROVED: CEW