

## City Council Meeting Minutes – October 9, 2023

City Council Chambers, City Building, 16 West Scribner Avenue, DuBois, Pennsylvania on Monday, October 9, 2023, at 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, and Pat Reasinger. Also present were City Solicitor, Toni Cherry; Interim City Manager/City Engineer/Public Works Director, Chris Nasuti; Public Works Superintendent, Scott Farrell; Code Enforcement/Zoning Officer, Zac Lawhead; and Finance Officer, DeLean Shepherd.

Absent: Councilman Shane Dietz.

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

### Approval of Minutes

#### Liquor License Public Hearing Minutes – September 25, 2023

The motion was made by Bernardo and seconded by Reasinger that Council approve the Liquor License Public Hearing Minutes of September 25, 2023, as presented. Roll call was as follows: Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 4-0.

#### City Council Meeting Minutes – September 25, 2023

The motion was made by Bernardo and seconded by Aughenbaugh that Council approve the City Council Meeting Minutes of September 25, 2023, as presented. Roll call was as follows: Bernardo, abstain; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 3-0.

#### Work Session Meeting Minutes – September October 5, 2023

The motion was made by Resinger and seconded by Aughenbaugh that Council approve the Work Session Meeting Minutes of October 5, 2023, as presented. Roll call was as follows: Bernardo, abstain; Aughenbaugh, abstain; Reasinger, yea; Walsh, yea. Motion passed 2-0.

### Registry of Invoices

The motion was made by Aughenbaugh and seconded by Bernardo that Council approve the Auto Draft Check Register by Check ID dated October 5, 2023, in the amount of \$37,362.75. Roll call as follows: Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 4-0.

The motion was made by Reasinger and seconded by Aughenbaugh that Council approve the General Fund Purchase Order Listing by Vendor Name dated October 5, 2023, in the amount of \$528,866.42 as presented by the Finance Officer. Roll call was as follows: Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 4-0.

### Public Comments

#### Katie Kelly – DuBois Resident

The city pruned a tree on their Robinson Street property and ruined it in the process by cutting it down the middle. She did speak with Joe Mitchell. They wish someone would have contacted them first so they could have pruned the tree properly. She asked why their tree was cut when there are other properties in much worse shape.

#### Jenn Jackson – 42 N. Brady Street

Has a question about the latest charges against the former City Manager. Mayor Walsh read the affidavit and believes they are not new. Jenn recommended he take a second look. She read the original affidavit and feels they are new charges.

Jenn also is frustrated with the Right to Know process. She states the people just want to know the truth and asked council to be honest with the people. Speaking directly to Ms. Cherry, she asked that she resign prior to January. Ms. Cherry explained that information is redacted according to the law. Mayor Walsh stated this will be discussed at the Executive Session to follow the council meeting.

#### Bev Kurtz – 504 Rainbow Drive

Asked if there is a problem with the water bills. She hasn't seen an announcement in the newspaper or on Facebook that there are errors on everyone's bill. Mr. Nasuti clarified that not every bill is affected; the readings are all correct. Ms. Cherry stated the error is in the due date, not the amount due. When asked why those affected had not been notified, Mr. Nasuti said the error wasn't discovered until the bills started coming in. He made the decision not to cause a stir and handle the situation as people paid their bill.

#### Shawn Lesky – DuBois LIVE

Question 1: Regarding the charges on the new affidavit - Has anyone compared the two affidavits? Mayor Walsh said he has not put the two affidavits side-by-side but maybe he needs to do that.



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Question 2: Regarding the money that made its way from the United Way – Because it was unsourced cash, did anyone photograph each bill individually? Mr. Nasuti was with Chief Clark and the money was photographed in bundles.

Recommendation: Proposals to purchase the West Scribner Avenue Parking Lot

Mayor Walsh said three bids were received:  
\$ 150,000.00 from First Presbyterian Church  
\$ 101,000.00  
\$ 30,000.00

Mr. Nasuti reported the bids were received October 5, 2023. The highest bid was from the First Presbyterian Church. Because the goal of the project is to spur economic development and he does not feel the goal will be accomplished by these bids, Mr. Nasuti recommended the bids be rejected and the property remain a public parking lot. The motion was made by Reasinger. There was not a second. Aughenbaugh requested the matter be tabled until the October 23, 2023, council meeting.

Recommendation to Purchase Accessible Playground Equipment

Council would like to purchase accessible playground equipment and rubber playing surface from MRC Recreation in the amount of \$170,000. It will be funded through available COVID relief funds and assistance from some private foundations. We also submitted a grant through T-Mobile to provide ADA accessible swings, an inclusive whirl, an inclusive Zip-line and rubber playing surface. There will be no cost to the city. The equipment will be for the playground by the swimming pool. The motion was made by Aughenbaugh and seconded by Bernardo. Roll call was as follows: Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 4-0.

Resolution No. 2023-0374 – Act 205 Resolution (Municipal Pension)

This resolution establishes the city’s intent to contribute to the municipal pension plans for 2024. The motion was made by Reasinger and seconded by Aughenbaugh to approve the resolution. Roll call was as follows: Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 4-0.

Resolution 2023-0375 – Allocation of State Aid – Pension Plans

This resolution commits the 2023 state allocations to the current year’s pension. The motion was made by Reasinger and seconded by Aughenbaugh to approve the resolution. Roll call was as follows: Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 4-0

Planning Commission

- a. Jason Gustafson – 22 Lakeview Drive – Recommendation for approval of modification of the front yard setback from 60 feet to 51 feet and the addition of a front porch. The motion was made by Reasinger and seconded by Bernardo to accept the recommendation. Roll call was as follows: Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 4-0.
- b. Kimberly Deible – 303 Juniata Street – Recommendation for approval of modification of the front yard setback from 60 feet to 48 feet and the addition to a residential structure. The motion was made by Reasinger and seconded by Aughenbaugh to accept the recommendation. Roll call was as follows: Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 4-0.

Work Session

It has been discussed in the past whether to have them or not. Councilman Aughenbaugh requested this be put back on the agenda. Because it is not a required meeting, the motion was made by Reasinger and seconded by Bernardo to do away with the work sessions. Roll call was as follows: Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 4-0.

Waste Management Annual Leaf Collection Dates

Mr. Nasuti announced the annual leaf collection dates are as follows: the week of October 23, 2023, and the week of November 13, 2023. Residents are asked to put the leaves in an untied bag at the curb and they will be picked up.

Hydrant Flushing will take place starting Sunday, October 15, 2023 @ 7:00 PM and will be continuous for 7 days.

Mayor Edward Walsh

Mayor Walsh asked for an update on the railroad crossing repair. Mr. Nasuti reported they are to start on October 22, 2023, but he has not seen a filing as of last Friday. It will be 10 days from the filing with PennDOT. We are all ready to go and are working with PennDOT on the detour.

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Mayor Walsh called for a motion to go into Executive Session following the council meeting to take care of a legal issue. No action will be taken. The motion was made by Bernardo and seconded by Aughenbaugh to go into Executive Session. Roll call was as follows: Bernardo, yea; Aughenbaugh; Reasinger, yea; Walsh, yea. Motion passed 4-0.

**Zac Lawhead – Code Enforcement/Zoning Officer**

Demolition of the first house down toward Jared Street will begin the week of October 16, 2023. The other ones are scheduled in November. Councilman Reasinger asked the timeline from when a property is first recognized for demolition until they are torn down. Lawhead stated some of these houses have been vacant for 13 years and longer. Reasinger then asked what, if anything, council can do to help the process along. Lawhead responded that if the City could take possession of these properties we have control and can obtain the funding needed to tear them down. He has been in contact with the Tax Office for a schedule. Even if we could eminent domain the properties, it still takes a year to year and a half.

Katie Kelly commented that the fines don't seem to help as people ignore them. Can Council help with that? Councilwoman Bernardo said one thing is a landlord/tenant ordinance. We have been working on it, but it keeps being rejected. Mayor Walsh mentioned the last time it was discussed the room was packed with angry landlords making threats. Reasinger interjected that we do have some good landlords.

**Lisa LaBrasca Becker - Treasurer**

Wanted to speak about the blight. She and her husband purchased a blighted home through Sheriff Sale, fixed it up and sold it. As a community we need to pull together and get it done.

Regarding the water bills, their office has been very busy. The error was the result of a misprint; we are taking care of it. We are here to help any way we can.

This week is Fire Prevention Week.

**Diane Bernardo - Councilwoman**

We need to pass a Small Games of Chance ordinance. We cannot turn the matter over to the police until that is in place. Mayor Walsh stated that is being worked on.

**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: Bernardo, yea; Aughenbaugh, yea; Reasinger, yea; Walsh, yea. Motion passed 4-0.

ATTEST: Korbi Sloan      APPROVED: 

