

City Council Meeting Minutes – November 28, 2023

City Council Chambers, City Building, 16 West Scribner Avenue, DuBois, Pennsylvania on Tuesday, November 28, 2023, at 6 p.m.; Council convened at their regular City Council Meeting with Mayor Eddie Walsh in the Chair. Other Council Members present were James Aughenbaugh, Shane Dietz, and Pat Reasinger; Councilwoman Diane Bernardo participated by telephone. Also present were City Solicitor, Toni Cherry; Interim City Manager/City Engineer/Public Works Director, Chris Nasuti; Police Chief, Blaine Clark; Code Enforcement/Zoning Officer, Zac Lawhead; Redevelopment Authority Director, Joe Mitchell; City Controller, David Volpe; Officer Zayne Rhed; and Administrative Secretary, Korbi Slocum.

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

Approval of Minutes

City Council Meeting Minutes – November 13, 2023

The motion was made by Reasinger and seconded by Dietz that Council approve the City Council Meeting Minutes of November 13, 2023, as presented. Roll call was as follows: Reasinger, yea; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, abstain. Motion passed 4-0.

Registry of Invoices

The motion was made by Aughenbaugh and seconded by Dietz to approve the Registry of Invoices as follows: Auto Draft Check Register by Check ID dated November 15, 2023, in the amount of \$15,555.16; General Fund Purchase Order Listing by Vendor Name dated November 22, 2023, in the amount of \$876,215.75; and PennVEST dated November 21, 2023, in the amount of \$3,052,678.47. Roll call was as follows: Reasinger, yea; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 5-0.

Public Comments

Elliot Gelfand - DuBois

Gelfand asked, "There are a lot of different bills on the agenda. How many of those are mandatory to get done before the end of the year and how many can we push off to the new year?" Thinking Gelfand was speaking of the Registry of Invoices, Walsh replied, "I'm going to say zero and zero." Nasuti, referring to the Council Bills on the agenda responded, "The first two - #1974 and #1978 - need to be done this year."

Charlie Mechling – Monroe Street

Mr. Mechling shared his concern with the signage to direct traffic staying on Rt. 219S through town. "I know you have to check with the state on this. The first sign that you see that you need to be in the left lane to go through town safely is one block from before it goes down to one lane. There needs to be more signage farther up the Boulevard stating that for 219 you need to be in the left lane when you go down through there. Then traffic's going to flow better through there. If you get a truck that comes down through there and he doesn't see that (sign) until the last minute, you get 70 feet of vehicle that you're trying to get over in one block. Sometimes it's pretty hard to do. So, I think check with the State to get some more signage on the Boulevard would be a good idea." Nasuti said, "I will do that."

First Reading of Council Bill No. 1974 (2024 Budget) & 1978 (Tax Levy)

Solicitor Cherry read Council Bill No. 1974 – 2024 Budget.

The motion was made by Dietz and seconded by Aughenbaugh that Council accept the first reading of the 2024 Budget. Roll call was as follows: Reasinger, yea; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 5-0.

Ron Trzyna asked if the 2024 budget is online. Nasuti confirmed that it is on the City's website.

Cherry read Council Bill No. 1978 – Tax Levy. Nasuti pointed out, "This is the same tax structure we have for 2023."

The motion was made by Aughenbaugh and seconded by Reasinger that Council accept the first reading of the bill. Roll call was as follows: Reasinger, yea; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 5-0.

Request 1st Public Hearing on Monday, December 11, 2023, at 5:50 p.m. concerning Council Bill No. 1974 (2024 Budget) and Council Bill No. 1978 (2024 Tax Levy)

The motion was made by Aughenbaugh and seconded by Dietz that Council set the 1st Public Hearing of Council Bills No. 1974 and No. 1978 on Monday, December 11, 2023, at 5:50 p.m. Roll call was as follows: Reasinger, yea; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 5-0.

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Request 2nd Public Hearing on Tuesday, December 26, 2023, at 5:50 p.m. concerning Council Bill No. 1974 (2024 Budget) and Council Bill No. 1978 (2024 Tax Levy)

The motion was made by Dietz and seconded by Aughenbaugh that Council set the 2nd Public Hearing of Council Bills No. 1974 and No. 1978 on Tuesday, December 26, 2023, at 5:50 p.m. Roll call was as follows: Reasinger, yea; Dietz, yea, Bernardo, yea; Aughenbaugh, yea; Walsh, yea.

First Reading of Council Bill No. 1975 (Registration of Residential Rental Units)

Cherry read Council Bill No. 1975 – Registration of Residential Rental Units.

The motion was made by Bernardo and seconded by Dietz that Council accept the first reading of the bill.

Walsh asked for any questions on the motion. Reasinger raised several concerns that were discussed.

Following the discussion, Reasinger said, “I would like to see this tabled until we can resolve what needs to be done before we just vote on it.” Aughenbaugh replied, “I think you have a reading to get it out there then have the public hearing on it where people are going to have time to digest it. As far as landlords, things like that...”

Walsh commented, “We’re not approving this tonight. This is just the first reading. Then you have the public hear where people can come and ask their questions.”

Nasuti said, “These bills – number 1975, 1976 and 1977 – these three will be posted on the website as well so everybody has a chance to review them.” Cherry added, “And I do think they have to be public.” From the audience, Trzyna said, “I’m just saying, expect... you know, you’re not going to have just 15 minutes for a meeting.” Aughenbaugh commented, “I remember the last one.”

Walsh repeated the motion to accept the first reading of Council Bill 1975. Roll call was as follows: Reasinger, nay; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 4-1.

First Reading of Council Bill No. 1976 (Automobile Repair Facility)

Cherry read Council Bill No. 1976 – Automobile Repair Facility.

The motion was made by Aughenbaugh and seconded by Dietz to accept the first reading of the bill. Roll call was as follows: Reasinger, yea; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 5-0.

First Reading of Council Bill No. 1977 (Mechanical Amusement Devices)

Cherry read Council Bill No. 1977 – Mechanical Amusement Devices. As an aside during the reading, she stated, “Gambling devices are solely regulated by the Commonwealth of Pennsylvania. We would be preemptive. That’s why no gambling devices are permitted under this ordinance.”

The motion was made by Dietz and seconded by Aughenbaugh to approve the first reading of the bill.

Council discussed several issues found in the proposed ordinance.

Walsh asked if there were any other questions. Hearing none, roll call on the motion to accept the first reading of the bill was as follows: Reasinger, yea; Deitz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 5-0.

Resolution 2023-0376 – Coke Hill Waterline Statewide Local Share Assessment Grant

Nasuti explained, “That this gives us the ability to apply for a grant to fund 100% of the construction costs. No local share for the Coke Hill Waterline. A project we’ve been talking about. This is the first phase of it and it needs a resolution to complete the application.” The motion was made by Aughenbaugh and seconded by Reasinger to approve the grant application. Roll call was as follows: Reasinger, yea; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 5-0.

Request to Vacate a portion of Fairway Street

Nasuti said, “This is an unopened, unused alley that the City no longer has use for and does not need to maintain. We would like to vacate that and turn it over to the adjacent property owners.” Walsh asked for Council’s wishes and clarified that the motion would be to direct Cherry to draft the request. The motion was made by Reasinger and seconded by Dietz to direct Cherry to request vacating the portion of Fairway Street. Nasuti added, “This is an 80-foot alley, 16 feet wide, off of Sherman.” In looking at the documentation provided, Cherry asked for clarification “Is this the map? And I assume these are the

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Request to Vacate a portion of Fairway Street (continued)

names of those who are adjacent... so I'm clear, because there is a different procedure, this is not being driven by petitions of individuals. This is a determination by the City of DuBois." Nasuti confirmed that the City initiated the matter. Cherry then requested more details from Nasuti and reminded him, "We will need to advertise." Roll call was as follows: Reasinger, yea; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 5-0.

Letter of Support – Allegheny Spay and Neuter Clinic

Nasuti presented, "We received a request from the Allegheny Spay and Neuter Clinic to provide a letter of support for a grant they are going after. They want to put on an addition to their building over in Woodland. This is the location we use for our spay and neuter program here in the City of DuBois. They're a great benefit. I don't know if Patty or Pat has any input on that, but I believe they support that."

Patty Reasinger (Director of Purrfect Paws Cat Rescue, SCBF) responded, "As a rescue, that is where we send all of our cats to be fixed and they do give us a discount. This year, in 10 months we have sent 94 cats that were homeless in the City of DuBois. And we continue to work on cleaning up the City. We work closely with Zac (Lawhead) in locating some of these areas and he supports us when we have to go to areas that are a little bit sketchy. We've already spent this year – just on the City of DuBois cats - \$7,925 to get the cats neutered and spayed. That doesn't include vetting for all the kittens that we take in that we make sure are healthy and find good homes for them. So, it's something that's done in the City that most people don't know. We're like the 'quiet warriors' of the City. To support them would be helpful."

The motion was made by Reasinger and seconded by Dietz to approve writing a letter of support for the Allegheny Spay and Neuter Clinic. Roll call was as follows: Reasinger, yea; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 5-0.

Police Department – Canine Division Update

Chief Clark introduced Officer Rhed to give his update.

"From February 2020 to current, we have had 103 drug-related searches (including both vehicles and residences), 20 cases of tracking suspects/missing persons. We've had 3 weapons/barricaded subject calls where, thankfully, the subject gave up without incident. We also have 14 high-risk warrant service and article search deployments for a total of 140." Officer Rhed has gone to various schools and jails to perform "sniff searches" and has done public demonstrations and public interactions with children with the canine.

"As far as seizures, one of the larger ones was about a half-pound of meth. There were two dealers from Michigan that happened to make their way here. We ended up picking them up and using the canine to locate the meth. Another big one would have been Sandy Township. We assisted in getting upwards of 40 bricks of heroin/fentanyl. The same with the State Police down in Philipsburg. They called me and we ended up getting 40+ bricks of heroin/fentanyl out of that vehicle.

One of the most memorable tracking experiences was a 103-year-old female that was traveling with her sons. They stopped at a hotel in Clarion, spent the night there. They stayed in different rooms, put them under the bed. They woke up the next morning and wasn't able to locate her. They thought she had left. So, they called out search and rescue. They put the helicopter in the air. They ended up searching everywhere and were not able to find her. They called me. I was able to deploy my canine to the exterior of the building using an article of clothing she wore the night before. Based off the observation of the dog, which I look for, and his reaction I was able to determine that she never left the hotel. At that point we ended up putting the hotel on lockdown, searched room by room by room and ended up finding her in a broom closet. So, that was a fantastic outcome.

I've also utilized the dog to track autistic children and on people who have fled from us on incidents. We utilized him at Sandy Township just the other night. The guy ended up fleeing from Sandy Township, ran into the woods and barricaded himself down in. It was a low light level condition. Just prior to my arrival one of the township officers announced, 'Hey, listen, we're going to be sending the dog in. You run the risk of getting bit by the dog.' He ended up coming out peacefully and surrendering.

Out of those deployments, the only ones that I keep track of for criminal arrest are the ones that I directly do. It's hard for me to keep track of other various departments because a lot of times they don't follow up because they get busy and it kind of falls through the cracks. Since the inception, the canine unit is responsible for 133 different criminal arrests which I believe is pretty good. I'm hearing some numbers

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from other people who have canines in their department of equivalent size. As I explained, those criminal arrests aren't accounting for other departments I assist. Those are just directly mine. And they don't

account for other officers within the department that have called me out and I utilized the canine on. So, those criminal arrests would be significantly higher in totality.

And, last for you guys, the total hours of training since day one that I have invested in the dog would be roughly 1,034 hours. So, it's a part-time job in and of itself within a full-time job."

Aughenbaugh asked, "So, the dog itself, it's a US Marshal now?" Officer Rhed replied, "He deploys with me and with the US Marshal Service as well. We've utilized him on numerous occasions. When I deploy with them we go and we serve high-risk warrants. A lot of times those result in barricaded subjects or somebody who is very violent that we need to get off the street. We're able to utilize the dog to minimize risk to the public for public safety and for the police. A lot of times they give up immediately. I am able to bring the dog up and make him bark on command. They know it's getting real so they end up just surrendering. That's ultimately the outcome we want anyway. It's a phenomenal goal for us and he does a very good job."

A member of the audience asked about the canine's retirement. Officer Rhed said, "He will be retired at the end of 2025. We will, hopefully, be getting another canine by mid-2025 so we can get the process rolling. As soon as he is retired then we can hit the street running (with the new dog)."

"One other thing I'd like to touch on real quick. A lot of times I get the question, 'Why do you go outside of the community with the dog?' Those drugs the drug traffickers possess ultimately will end up here and everywhere else. If we can stop them when they're in transit that's a win for us, right? Because that 40 bricks of heroin in Sandy Township stopped, that's going to end up here. That's going to directly affect us. The 40 bricks of heroin/fentanyl the State Police stopped down in Philipsburg. Local drug dealer. That's going to make it here. That's going to get pushed out. That's going to result in people overdosing, etc. So, it's a win for us if we can work with other law enforcement agencies to combat the drug epidemic."

The audience gave Officer Rhed a round of applause.

City Controller David Volpe

"I apologize for my coughing tonight. Too much dust from decorating for Christmas. I promise I am not contagious."

Councilman Jim Aughenbaugh

Thanked Officer Rhed for his work with the canine. "Hats off to you!" Aughenbaugh then mentioned that he has been getting some calls asking if there is anything that can be done about the potholes at Juniata Street where Sherman – or is it Sheridan – that comes down right before you go up the hill to the school. It's very rough at that intersection. If there's somebody that can take a look at that I'd appreciate it." Nasuti said he will look into it.

Councilman Pat Reasinger

"Talking about rough roads. The railroad, I think, did a great job on the crossovers at Division Street and the Boulevard. I saw them working on Sunday in the rain. They work a lot of hours and work real quick and I was very thankful that both of those cross paths are very good now."

Mayor Walsh

Prior to calling for adjournment, Walsh made several comments. "I have a few things I'd like to say before tonight's over. I'd like to congratulate Chris and DeLean and the staff on coming up with another balanced budget. No tax increase 12 years and standing so it's pretty darn good – especially with what's been going on. A lot of accusations of theft of money, underfunded pensions and so on and so forth. To get a balanced budget is pretty amazing and I thank you very much.

This will be my last meeting as Mayor of the City of DuBois. I'll be out of town in December, both meetings. I'd like to say it's been an honor for 12 years to serve the City of DuBois residents. The last eight months have been kind of rough. A lot of things have happened, and I think throughout the whole thing, this Council, we've been accused, subpoenaed, yelled at, made fun of on social media, harassed, followed, arrested and through it all – under the advice of counsel – we remained silent because of the ongoing investigation. Never thought in my life I'd be before a federal grand jury. It was quite intimidating. But, through it all this Council has handled itself with dignity and integrity, and I'm very

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proud to have served with everybody. I wish the new Council luck in moving forward. With that, I will ask for my final adjournment.”

Adjourn

The motion was made by Aughenbaugh and seconded by Reasinger that Council adjourn. Roll call was as follows: Reasinger, yea; Dietz, yea; Bernardo, yea; Aughenbaugh, yea; Walsh, yea. Motion passed 5-0.

ATTEST: Korbi Slocum APPROVED: 

