

City Council Meeting Minutes – December 11, 2023

City Council Chambers, City Building, 16 West Scribner Avenue, DuBois, Pennsylvania on Monday, December 11, 2023, at 6 p.m.; Council convened at their regular City Council Meeting with Vice President Diane Bernardo in the Chair. Other Council Members present were James Aughenbaugh, Shane Dietz, and Pat Reasinger. Also present were: City Solicitor, Toni Cherry; Interim City Manager/City Engineer/Public Works Director, Chris Nasuti; Code Enforcement/Zoning Officer, Zac Lawhead; Redevelopment Authority Director, Joe Mitchell; Finance Director, DeLean Shepherd; City Controller, David Volpe; Officer Dave Tracy; and Administrative Secretary, Korbi Slocum.

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

Approval of Minutes

City Council Meeting Minutes – November 28, 2023

The motion was made by Reasinger and seconded by Aughenbaugh that Council approve the City Council Meeting Minutes of November 28, 2023, as presented. Roll call was as follows: Dietz, yea; Aughenbaugh, yea; Reasinger, yea; Bernardo, yea. Motion passed 4-0.

Registry of Invoices

The motion was made by Reasinger and seconded by Dietz that Council vote on each invoice separately. Roll call was as follows: Dietz, yea; Aughenbaugh, yea; Reasinger, yea; Bernardo, yea. Motion passed 4-0.

The motion was made by Reasinger and seconded by Aughenbaugh to approve the Auto Draft Check Register by Check ID dated December 7, 2023, in the amount of \$23,206.41. Roll call was as follows: Dietz, yea; Aughenbaugh, yea; Reasinger, yea; Bernardo, yea. Motion passed 4-0.

The motion was made by Reasinger and seconded by Dietz to approve the General Fund Purchase Order Listing by Vendor Name dated December 7, 2023, in the amount of \$1,267,814.25. Roll call was as follows: Dietz, yea; Aughenbaugh, yea; Reasinger, yea; Bernardo, yea. Motion passed 4-0.

The motion was made by Reasinger and seconded by Aughenbaugh to table the approval to pay the Legal Fees in the amount of \$35,000.00. Reasinger explained, "Three of these bills were received prior to the motion at the last meeting to approve paying up to \$10,000.00 per person." Aughenbaugh said, "But it is refundable." Nasuti confirmed, "Correct. I did talk to the attorneys on this; it is a \$10,000.00 retainer for those – three each – with any unused portion coming back to the City." The retainers are for one City employee and the rest are Council members.

From the audience, Jennifer Jackson asked, "So, are they going to abstain on the vote?" Bernardo responded, "We are in progress right now. We're having this discussion. We have a motion and that's as far as we've gotten."

Aughenbaugh commented, "You should contact the firm because he did send an invoice. How long are we going to table this?" Reasinger said, "I would like to see a final bill from them. I'd actually like to see an itemized bill to date. Nasuti said, "I can certainly contact him." Roll call was as follows: Dietz, yea; Aughenbaugh, yea; Reasinger, yea; Bernardo, nay. Motion passed 3-1.

Public Comments

Deb Mechling – Monroe Street

Mechling asked if the public can be updated consistently on the legal fees while this is ongoing. Reasinger said he would do that. Regarding the City budget, Mechling asked why Council members are not asking questions about the proposed budget during public meetings rather than in private one-on-one meetings. She would like to know what those questions are and feels, in the interest of public transparency, the questions should be addressed in a public forum.

Harold Webster – 211 E. Logan Avenue

"The agenda references an amended proposed ordinance (Council Bill No. 1975) but I couldn't find it on the website." Cherry explained that she is the one who amended the bill. "I eliminated Part 9 – Annual Registration of Vacant Buildings. We had already severed that into a separate ordinance. There was no violations and penalties clause so you will see that has been added. This new version will be published."

Webster stated that he does not have rental properties in DuBois or anywhere, but he is a member of the Zoning and Code Subcommittee under the Coordination Committee. Most of his comments are regarding Section 800 and following. "Should 801 c include the number of occupants in each unit?" Cherry clarified that the amendment, if passed, won't change Section 8, but rather it will amend Chapter 310 to add Article 3."

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Webster asked if he should refrain from further comment until he sees the amended version. Reasinger said, “We’ll take your comments.”

Webster questioned whose names are required under Section 801-D. “Is it the tenant or the occupants?” He also does not see the validity of requiring photo identification. “Who will maintain the database? What about security of the information? Who will have access?” Under Section 802, the date is from 2016. “Will that be updated?” His final question was about what exactly is being looked at during inspections. Cherry confirmed, “Building Code compliance.”

Mark Forrest – Corsica, PA

Forrest is a real estate broker who came to present his concerns with Council Bill 1975. In Pennsylvania, there are court cases where they (ordinances) have been stricken down. He has concerns about revealing protected classes and information security and believes more fees will push investors away from the area. “I don’t want to see this come to my area either. I don’t agree with anything in this ordinance and don’t want to see it go through.”

Kristin Vida – Chestnut Avenue

Vida questioned the status of the employment of the Solicitor.

Vida asked, “Where does the City have most of our money? What banks?” Nasuti replied, “Our accounts are with S&T Bank, NextTier Bank and Mid Penn Bank.” Vida is concerned that red flags didn’t go up at the banks with the activity in the accounts mentioned in the (Suplizio) indictment. “I’m concerned they don’t have proper internal controls. Has Council ever discussed that (moving banks) going forward in 2024?” Nasuti replied, “That has not been discussed with me. I have gone to all the banks and updated our signature cards so I know they are in the correct format. Money can only go in and out with two signatures.”

Regarding the legal fees, Vida asked, “Can Council legally vote if they are your own bills? Don’t you have to abstain from that vote?” Aughenbaugh responded, “We didn’t vote to pay any bills tonight if that’s what you’re referring to. But if we did, I would abstain.” Vida said, “There has been a lot of complacency in this situation. If employees or Council members were complacent, I feel that falls upon you. We (the residents) should not be responsible for your complacency. That’s just my personal opinion.”

Jennifer Jackson – 42 N. Brady Street

Jackson asked that action on Council Bill No. 1975 (Registration of Residential Rental Units) be tabled. “I am a landlord and am 100% behind this, but there are so many questions I am asking you to table it. It just needs clarification.”

Referring to the appointment of Hugh Daly to the Housing Authority Board of Commissioners, Jackson stated, “Coming in next year I would like to see some new faces in the community. I don’t know why we are rushing this at the end of the year. Give us time to do more research.”

Cherry asked to respond. “Council has to draft at first reading. It does not have to pass 1975 before the end of the year. In fact, it may very well be that you cannot. Because of the violations clause it has to be published. Council cannot properly discuss it unless you’ve had a first reading. Then you can pick it apart.”

Barbara Johnston – Curwensville

“We object to the proposed rental ordinance. It is discriminatory. If it was across the board to all properties, I’d have no objection at all.” The Johnstons have rental properties in this town where the neighbor had high grass and trees are left to die. As a result, they have had to increase their insurance should a tree fall on their property. “The ordinance also puts discrimination on a tenant. You could have had this information if water bills were in the tenants’ names instead of the landlords. Our major concern is, if you’re going to inspect, then inspect all residences – not just rental properties.”

John Johnston – Curwensville

Mr. Johnston is against Council Bill No. 1975. He would like to see the City sit down with landlords to figure out what the problems are. “We may be able to make suggestions. Both of us could end up happy about the ordinance. You have to be able to know all the problems and how to fix them.”

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

Cherry read the amended bill. There was no motion from Council.

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Discussion of Proposed Ordinances – No. 1976 (Automobile Repair Facility) and No. 1977 (Mechanical Amusement Devices)

Bernardo announced the discussion is for Council members only. Nasuti explained that the first readings took place at the meeting on November 28, 2023. He wants to see if Council had any comments before the 2nd reading.” Bernardo said, “We will comment on these separately.”

No. 1976 – Automobile Repair Facility

Aughenbaugh stated, “We do have an ordinance for vehicles that are not registered.” Lawhead explained, “This was the junkyard ordinance. They wanted to add the automobile repair facilities to it. There were a lot of blanks in the ordinance. This is to set the standards and clear up the blanks.”

No. 1977 – Mechanical Amusement Devices

Cherry reported on an article in PA Law Weekly dated December 5, 2023, regarding a decision from the Commonwealth Court. In light of this decision, Cherry made two changes to Council Bill No. 1977. On page 5 in subparagraph (2), the wording was changed from “Gambling and Skill Devices” to “Gaming and Skill Devices”. The second change was made to the first “Whereas” clause on page 1. In response to comments voiced at the last Council meeting, Cherry removed the language “for-profit” in the last line as it is not dealt with anywhere else in the ordinance. “Those are not enough changes to require an amendment,” said Cherry.

Per Nasuti, the corrected bill will be posted on the City’s website.

Reasinger said, “I would like to see no fee for things like the jukebox, pool tables, claw machines or anything similar. He would like to see higher fees on games of skill. Zac has to run around and see all this stuff so let’s have him concentrate on what is important.”

Bernardo voiced her concern about non-profits. Reasinger disagreed. He feels the income in these situations should be able to be taxed. Cherry informed Reasinger that was not part of her research; however, she’d be happy to provide a memo on it. Aughenbaugh agreed the information would be helpful.

First Reading of Council Bill No. 1979 – Vacate a Portion of Fairway Street

After the reading, Cherry explained the reason for using January 2024 as the approval date. “The proposed ordinance must be advertised once a week for three consecutive weeks. It cannot be acted on again until after 28 days from the first reading. You don’t have 28 days before the end of the year, but you do have time to get it advertised.”

The motion was made by Reasinger and seconded by Dietz to accept the first reading of the bill. Roll call was as follows: Dietz, yea; Aughenbaugh, yea; Reasinger, yea; Bernardo, yea. Motion passed 4-0.

Planning Commission Recommendation – Sub-Division/Lot Consolidation of 114 and 116 Robinson Street
Lawhead stated a request was received from Albert Furuto from 116 Robinson Street to sub-divide an 8-foot portion of 116 Robinson Street and sell it to the neighbors at 114 Robinson Street. Planning Commission has reviewed everything and is making the recommendation to Council.

The motion was made by Aughenbaugh and seconded by Reasinger to approve the Planning Commission’s recommendation of the sub-division and resulting lot consolidation. Nasuti stated the surveyor has prepared the deeds. Roll call was as follows: Dietz, yea; Aughenbaugh, yea; Reasinger, yea; Bernardo, yea. Motion passed 4-0.

Recommendation to Award the Library A/C Upgrades to Overdorf Snyder Mechanical in the amount of \$98,771.00

Nasuti reported the public bid opening took place at 11:00 a.m. on Thursday, December 7, 2023. Three bids were received. The low bidder was Overdorf Snyder. We confirmed this with the grant agency. It is a matching grant with the library.

The motion was made by Reasinger and seconded by Dietz to accept the bid from Overdorf Snyder Mechanical in the amount of \$98,771.00. Roll call was as follows: Dietz, yea; Aughenbaugh, yea; Reasinger, yea; Bernardo, yea. Motion passed 4-0.

Request for Reorganizational Meeting on Tuesday, January 2, 2024, at 11:00 a.m.

The motion was made by Aughenbaugh and seconded by Reasinger to set the Reorganizational Meeting for Tuesday, January 2, 2024, at 11:00 a.m. Roll call was as follows: Dietz, yea; Aughenbaugh, yea; Reasinger, yea; Bernardo, yea. Motion passed 4-0.

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Request approval to re-appoint Mr. Hugh Daly to the Housing Authority Board of Commissioners for the term January 1, 2024- January 1, 2029

The motion was made by Dietz and seconded by Reasinger to approve the reappointment of Mr. Hugh Daly to the Housing Authority Board of Commissioners for the term January 1, 2024 – January 1, 2029. Nasuti explained the request came from the Housing Authority Board and that he had the term be written for the current five-year period. “That may change with the consolidation in 2026.” Reasinger stated he knows Hugh Daly and works with him on the Redevelopment Authority. Daly has spent a lot of time with community action and is very familiar with housing. He is an asset to that board. Bernardo agreed. Roll call was as follows: Dietz, yea; Aughenbaugh, yea; Reasinger, yea; Bernardo, yea. Motion passed 4-0.

Vice President and Councilwoman Diane Barnardo

Barnardo has two questions people have asked her. The first is Mr. Moore’s property almost across the street from Juniata School. “The whole property is a mess. What is being done?” Lawhead reported both the electric and water have been turned back on and he believed repair work was continuing. He will go check it out.

The other issue is the safety barrier on Tower Lane. “Will that be part of 2024?” Nasuti answered, “At this point it probably will be 2024. We have coordinated it with the company. We just need to get that here.” “So, I can assure my neighbors that’s been taken care of?” Barnardo asked. “I know after having two times cars come over. Last time a person was hospitalized and badly hurt. If another one goes over and ends up in the condos that would be a lawsuit and a half for the City.” Nasuti said, “It has been ordered.” Barnardo thanked Nasuti.

Adjourn

There being no further business to transact, the motion was made by Aughenbaugh and seconded by Reasinger that Council adjourn. Roll call was as follows: Dietz, yea; Aughenbaugh, yea; Reasinger, yea; Bernardo, yea. Motion passed 4-0.

ATTEST:

Korbi Slocum

APPROVED:

