

## City Council Meeting Minutes – February 12, 2024

City Council Chambers, City Building, 16 West Scribner Avenue, DuBois, Pennsylvania on Monday, February 12, 2024, at 6 p.m.; Council convened at their regular City Council Meeting with Mayor Pat Reasinger in the Chair. Other Council Members present were James Aughenbaugh, Shane Dietz, Elliot Gelfand and Jennifer Jackson. Also present were: Interim City Manager/City Engineer/Public Works Director, Chris Nasuti; Interim Solicitor, Tom Breth; Redevelopment Authority Director, Joe Mitchell; Code Enforcement Officer, Zac Lawhead; Police Chief Blaine Clark; Lisa LaBrasca Becker, Treasurer; and Administrative Secretary, Korbi Slocum.

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

### Executive Session (legal and personnel issues)

Council met in Executive Session prior to tonight's meeting to discuss legal and personnel issues.

### Public Comments on Agenda Items Only

#### Shawn Lesky – DuBoisLIVE

"A group of several local businesses have gotten together to plan an event that will go into the time slot of the cancelled Community Days. A number of local non-profits and groups that include DuBoisLIVE, Invictus, the Chamber of Commerce, NAFCo, TurnAbout Boxing and the Downtown DuBois organization who is going to act as the point of contact; there will be an event, a celebration will happen. The details are yet to be determined. There has been support from the local elected leaders from the county level, the managerial folks at both the City and Sandy Township that have offered resources to help – human power, equipment – so we can say there will be an event. We wanted to add that positive note to the City."

Reasinger added, "Anyone who wants to help, send an email to [info@duboispa.gov](mailto:info@duboispa.gov) or get in touch with Shirley Dahrouge at Downtown DuBois."

#### Kristen Vida – Chestnut Avenue

"My comment isn't regarding any one line item on the agenda, but just the agenda as a whole – the way it is structured. I feel like Council has been dealing with a lot and I don't feel like we're closing the loop on some things. Maybe you're doing some things, but we're not being informed. I'm hoping that how the agenda is structured, whether it needs to be a legal update or old business... For example, you had asked Mr. Breth to give a legal opinion on elected officials being on committees and commissions. Since then, you (Reasinger) have resigned from Redevelopment Authority. I'm assuming he (Breth) recommended you do that, but we, it didn't come out what that legal point was so that's one thing. I know that Chris handed out the 2022 audit for review, but I haven't heard Council's comments on that, any feedback. Also, I know you had mentioned about financial institutions and doing some things there. I'm hoping you can keep us updated on these things you are talking about or that you are asking the Solicitor to make recommendations about. Of course, you mentioned it's a process on the termination of the former manager, I guess the manager, so what that process involves. Thank you."

Gelfand asked Breth, "When we ask for legal opinions, are there certain ones we can share and others that shouldn't be shared?" Breth replied, "You are free to share any of the legal opinions I have provided you to date. Obviously, there's a legal opinion with respect to a personnel matter. That personnel matter would be confidential and should not be shared. Absent there being some restriction, like a confidential personnel matter, almost all of the legal opinions I give you – and I give them to you in writing – you're free to release." Nasuti said, "We will address them in detail, they will be in the minutes and they will be on the website."

#### Melissa Keen – Sandy Township

"I've been speaking to a lot of people as far as Community Days, even before the announcement about Community Days, about doing an Arts Festival. We used to have one years ago. Maybe that could be part of that or something separate. I don't know if that was part of what they are going to do."

#### Perry Langill - 715 S. Brady Street, Sandy Township

"Speaking to your comments about arts, I'm President of North Appalachian Film Collective. We're here with Shawn backing him up. We do arts already. That's actually what we're trying to do. We're trying to bring film making and music to this festival. We started out as a film group, but we focus now more on artistic functioning in this area since 2015. We have experience putting on events on a shoe-string budget, usually under \$1,000.00. We've had some pretty successful events; we actually hosted events at the City park. We feel confident that we can help Shawn out and the town... having local artists featured as much as possible; some historical and some current."

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Lesky added, “All these organizations bring different ideas and things to the table. None of them has been agreed on or acted on. Everything is up for consideration.”

### Deb Mechling – Monroe Street

“My initial comment was going to be how disappointed I was that Community Days was being put on pause, but I’ve altered it. I am now happy to hear that there will be an alternative celebration. I think many families mark this on their calendars and look forward to it. They’ve been participating in it for 30 years. Not only that, but different organizations have booths in the park and definitely need those monies to benefit their projects throughout the year. We’ve had so many changes in our community over the last few years – churches being closed, restaurants being closed, shortened business hours. There is a division among our residents in regards to the charges facing our former City Manager, apprehension in regards to the consolidation effort. We have always come together as one in the City park for many years, be it on the ballfield, sitting on lawn chairs during Music in the Park, or walking the park while honoring the firemen during Community Days. Now, more than ever, we need to gather and remember how great we are as a community. When we work, pray and play together, this is what unites us. This is what we need as a community to move forward. Thank you, Shawn, for stepping up.”

### Charlie Mechling – Monroe Street

“It’s been just a little over a year now since the big train crash in East Palestine, Ohio. I’m sure everybody’s aware of that. It was a huge hazardous material spill. I was curious and there’s probably firemen in the room, is there any kind of experts we have in DuBois, there’s probably not much going on with the train tracks but going up and down the interstate right here, there’s a lot of nasty stuff that goes up and down that highway. Are there experts with the City or the fire department, how are you prepared?”

Assistant Fire Chief Leo Brooks addressed the question. “The county is going to contract a private group that takes care of all hazmat incidents throughout the county.”

Mechling asked, “If there’s an accident or something and you go to it, it’s going to take them awhile to get there. Can they communicate with you how to move forward on that?” Brooks replied, “We have a level of hazmat training. We’re operations level which honestly isn’t much. We’re not even to go near it if we don’t know what the substance is. We’ll contact them and give them all the information we have. Every fire truck has a pretty thick handbook that has any information, any chemical you can think of, so that’s what we do.”

Regarding City property, Gelfand said, “Scott could tell you the measures Public Works has in place to protect the Reservoir. They have all kinds of equipment set up out there and it’s ready to be used in case of a spill on the Interstate to prevent things from going into the Reservoir or if things get in the Reservoir to have it cleared.” Nasuti added, “There’s also a secondary source of water. We can shut that source of water totally off.”

Kristen Vida asked Solicitor Breth if his law firm is involved with the East Palastine situation. Breth confirmed that they are involved in the litigation, representing the community and school districts affected by the train derailment. “That’s not going to help you, but it’s a legitimate, very serious situation.”

### **Approval of Minutes**

#### City Council Meeting Minutes – January 22, 2024

The motion was made by Aughenbaugh and seconded by Jackson that Council approve the City Council Meeting Minutes of January 22, 2024, as presented. Roll call was as follows: Jackson, yea; Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Reasinger, yea. Motion passed 5-0.

### **Registry of Invoices**

The motion was made by Jackson and seconded by Gelfand to pay the Auto Draft Check Register by Check ID dated February 8, 2024, in the amount of \$39,304.45. Roll call was as follows: Jackson, yea; Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Reasinger, yea. Motion passed 5-0.

The motion was made by Jackson and seconded by Aughenbaugh to pay the General Fund Purchase Order Listing by Vendor Name dated February 8, 2024, in the amount of \$399,322.00. Roll call was as follows: Jackson, yea; Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Reasinger, yea. Motion passed 5-0.

The motion was made by Aughenbaugh and seconded by Dietz to pay the PennVEST Check Register By Check ID dated February 9, 2024, in the amount of \$87,257.76. Roll call was as follows: Jackson, yea; Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Reasinger, yea. Motion passed 5-0.

## City Council Meeting Minutes – February 12, 2024 (continued)

### Donation to Neighborhood Fund – Mike Arblaster, Domtar

This item will be re-scheduled.

### Natural Gas Contract, UGI Energy Services – Bill Deter

Deter, a DuBois resident, is employed by UGI Energy Services, also known as Open Flow Energy, which has been a natural gas supplier in the area for over 30 years. They are the current supplier to the City of DuBois at a cost of \$2.980/Dt. The contract is due to expire in March. Deter presented three price options:

12 months (April 2024 – March 2025)	\$ 2.915/Dt
13 months (April 2024 – April 2025)	\$ 2.925/Dt
21 months (April 2024 – December 2025)	\$ 2.980/Dt

Nasuti has reached out to Shawn Arbaugh of Sandy Township. Their current rate is \$4.98. The rates are very advantageous right now. My recommendation to Council, after speaking with Shawn and others, is to lock in for the 21 months at the \$2.980, if you are comfortable with that. The motion was made by Aughenbaugh and seconded by Jackson to approve renewing the Natural Gas Contract with UGI Energy Services for the 21-month period April 2024-December 2025 at the rate of \$2.980/Dt.

DuBois resident Gregg Gillaugh asked, “Do we have any other bids currently on the table for the rates?” Nasuti replied, “No.” Gillaugh asked, “Are we planning on getting any competitive bids to see what other entities would offer?” Nasuti replied, “If we would approve it tonight, no.”

Roll call was as follows: Jackson, yea; Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Reasinger, yea. Motion passed 5-0.

### Anderson Creek Watershed – Forest Management Plan Recommendations

Ken Kane and Kenny Kane of Generations Forestry discussed the forest around the Watershed. Ken started working on the Watershed in 1983 and has an over 50-year relationship. Over the past 15 years, they have built a strong relationship with the PA Game Commission and PA Department of Conservation and Natural Resources (DCNR) who own land around the Watershed. That relationship saved the City in excess of \$50,000.00 for treating the spongy moth, formerly known as the gypsy moth. Ken said, “There’s a lot of things done behind the scenes professionally to protect the water. Water quality is most important.”

Gelfand asked Ken to speak to the decision to clear cut rather than selective cut. “That cut was done because leaves from the mature trees were getting into the treatment system and causing the staff a lot of problems... and how much labor it was taking to keep that clean.”

Kenny discussed the goals for 2024. “We are targeting to get the shade intolerant host trees to be the seed source to allow for regeneration. We want a healthy diverse forest. The recommendation is an overstory removal harvest to promote the accelerated growth of the desired hardwood regeneration.”

Reasinger asked Kenny to explain sequestering carbon. “In a mature forest, the sequestering slows down. When that is done, it’s just carbon storage. We’re in that biologically mature forest, so now is the time where we need to be promoting regeneration.” Melissa Keen asked what happens to the trees that are cut. Kenny replied, “They are all being utilized. Everything from the papermill to the sawmill to veneer logs.”

A herbicide spray is also recommended for 2024 to target the non-desirable species and promote the regeneration of the desirable species.

“None of the recommendations will affect the Operating budget,” Nasuti said. “Any proceeds we have will be for capital projects, forest management. I will be coming back to you at the next meeting with recommendations with how to proceed.”

### DuBois Public Water System Update

Nasuti began, “I just wanted to sprinkle in a bit of good news. With all the projects we’ve done at the Water Treatment Plant and at the Reservoir itself with the loggers, we’ve reduced our unaccountable water to under 20%. We’ve also had our Reservoir supply water tested for “forever chemicals” or PFAS. I am happy to report we are under the reporting limits.”

## City Council Meeting Minutes – February 12, 2024 (continued)

### Community Days

Gelfand had asked this to be put on the agenda after hearing the news about Community Days being paused. “I am glad to hear the community is stepping up to celebrate the City, its residents and the area. I want to thank the DuBois firemen for all their efforts throughout the years to give the community a wonderful event.”

Jackson added, “I’d like to thank the fire department for all they ever did. It was a great thing and, hopefully, we’ll see you again in the future.”

Assistant Fire Chief Brooks spoke. “Just so everybody knows, we were extremely disappointed we weren’t able to do it. We explored all avenues, anything we could do. It just didn’t come together. We hope to do it next year.” Aughenbaugh explained, “After Community Days, it (planning) started right back up again for the following year. It takes that much planning.”

### Authorization for Redevelopment Authority to Sell 19 North Brady Street

Nasuti said, “The Redevelopment Authority has asked for your authorization based on the recommendation from their Solicitor with this being a blighted building in the Redevelopment Zone.”

Jackson said, “I would like to see this tabled. I would like to see about getting some deed restrictions put into the property that Redevelopment is selling as to funds that they have, what goes into the property. I think there should be a plan going ahead. If Tom could give us a legal opinion on that.” Breth replied, “I’d need a little more direction on what specifically you’re looking for, but I’d be happy to do that.”

Gelfand asked what the selling price was. Mitchell answered, “The selling price is just \$1.00. We do vet all of the applications that come in, the proposals. We do put deed restrictions on the buildings that are sold. They must be started within six months. We actually gave them a little bit more time on this project because of the size of the project. Anybody that we do turn a building over to has to demonstrate that they understand the undertaking they are assuming, they have to demonstrate that they have the funds available to substantially start the building and the end use is something allowable for the zoning of where the building is.” Jackson asked if that is verbal or written. She voiced concern about another location that has not been completed.

Reasinger asked Breth for his input. “What I would do is work with Joe and find out what restrictions they currently have in place and review them with Council and if there are additional restrictions that you’re legally permitted to impose. We can certainly work with Joe to pass those along to the Redevelopment Authority and see if their Solicitor agrees, they can be added.”

Jackson asked, “How are we truly vetting what they have to put into the building?” Mitchell replied, “The purchaser did provide a written plan. I’d be happy to share it with you if you’d like. It will be a residential and commercial mixed use. It complies with all the zoning regulations. He did have multiple contractors in there that gave him pricing that he provided. The Redevelopment Authority felt very good about the homework he did before making the proposal. We did show the building to five different individuals. He was the only one that came back with a plan that was acceptable. It’s within the restriction of sale that we, the Redevelopment Authority can take the building back if he does not hit his benchmarks.

Gelfand asked, “Going forward, when you have a plan presented for the buildings can we get those?” Mitchell replied, “Yes. This was actually something different. Our Solicitor came across, because of the blighted status of the building and it lies within what he considers the redevelopment area that this building specifically would require that Council give permission. Typically, in the past, it has not. It’s something about the Redevelopment Authority’s Act.

The motion was made by Dietz and seconded by Aughenbaugh to approve the authorization of the Redevelopment Authority to sell 19 N. Brady Street with the current deed restrictions in place. Roll call was as follows: Jackson, nay; Gelfand, nay; Dietz, yea; Aughenbaugh, yea; Reasinger, yea. Motion passed 3-2.

### Sandy Township vs. City of DuBois Complaint for Declaratory and Injunctive Relief

Nasuti explained, “Sandy Township’s lawsuit remains dormant. At their meeting of February 5, 2024, Sandy Township Supervisors authorized their Solicitor to work with Mr. Breth on an as needed basis. They asked that we reciprocate and do the same.”

The motion was made by Jackson and seconded by Gelfand to authorize Interim Solicitor Breth to work with the Sandy Township Solicitor on the court case. Roll call was as follows: Jackson, yea; Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Reasinger, yea. Motion passed 5-0.

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**Recommendation to appoint Eric McCoy, Robert Iddings and Teddy Klark to the Watershed Committee**  
With no response to the advertising of vacant seats on the committee, the motion was made by Aughenbaugh and seconded by Jackson to appoint Eric McCoy, Robert Iddings and Teddy Klark to the Watershed Committee. Roll call was as follows: Jackson, yea; Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Reasinger, yea. Motion passed 5-0.

**Request from Sandy Township for Sewer Tap of 5 EDUs – Commonwealth Charter Academy, Developac Road**

Nasuti explained, “This is for 5 EDUs which is five sewer taps. We do have the capacity for this. We need to provide this letter so they get their approval from DEP. I would recommend approval of that request.”

Aughenbaugh asked the cost of each sewer tap. Nasuti replied, “\$2,700.00.” [\$1,626.00 corrected] It’s different in the Township than it is in the City.” Gelfand asked, “Who pays for that?” Nasuti answered, “Sandy Township but I believe Sandy collects that from the developer.”

The motion was made by Aughenbaugh and seconded by Dietz to approve the request for 5 EDUs for the Commonwealth Charter Academy. Roll call was as follows: Jackson, yea; Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Reasinger, yea. Motion passed 5-0.

**Resolution 2024-0377 – Authorizing Amendment of STMP, Phase 2 Grant for Consolidation**

“This is what we discussed at our consolidation meeting. Changing the STMP Grant from the forensic audit to the special counsel for labor negotiations, pensions, and other items in that capacity. We need to have a resolution. Sandy Township did that at their meeting on February 5, 2024. We need to do the same tonight.”

The motion was made by Jackson and seconded by Aughenbaugh to approve authorization to amend the STMP 2 Grant as explained. Roll call was as follows: Jackson, yea; Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Reasinger, yea. Motion passed 5-0.

**Downtown DuBois – 21<sup>st</sup> Annual Community Spring Clean-Up**

Manager Shirley Dahrouge announced the 21<sup>st</sup> Annual Spring Clean-Up Day in downtown DuBois and surrounding area, including Sandy Township, on Saturday, April 20, 2024, from 9:00 a.m. to noon. Residents interested in helping with the clean-up should complete an application which will be available soon on both the Facebook page and website at [www.downtowndubois.com](http://www.downtowndubois.com). It involves cleaning up litter and debris in the area.

**2024 City Pool Rates**

The 2023 rate sheet is included in Council’s packet. There was a significant increase in 2023. Please review the information and give comments and recommendations to Nasuti for the next meeting.

**Sandy Township Section 108 Loan**

Interim Solicitor Breth did not have adequate time to review this item. He requested it be put on the agenda for the next Council meeting.

**Authorization to advertise for Bids**

West Washington Avenue Waterline (CDBG Funding)

This is to replace the waterline on West Washington Avenue from Brady Street to Jared Street and on High Street from Washington Avenue to Weber Avenue. The motion was made by Aughenbaugh and seconded by Dietz to approve advertising for bids for the waterline project. Roll call was as follows: Jackson, yea; Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Reasinger, yea. Motion passed 5-0.

Brady Street/Park Avenue Traffic Signal (Green Light-Go Funding)

This is to replace the traffic signals, poles, crosswalks, controllers and re-timing and coordinating the signals of the downtown area. Reasinger asked if that was 100% funding. Nasuti replied, “It is 80%. We pay 20%.” When asked what the cost to the City will be, Nasuti said, “\$140,000.00. It’s in the budget.” The motion was made by Jackson and seconded by Gelfand to approve advertising for bids for the traffic signal project. Roll call was as follows: Jackson, yea; Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Reasinger, yea. Motion passed 5-0.

2024-2025 Bituminous Pavement Repair and Patching

This is a two-year contract to repair pavement for any utility digs we have. The motion was made by Aughenbaugh and seconded by Gelfand to approve advertising for bids for bituminous pavement repair and patching. Roll call was as follows: Jackson, yea; Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Reasinger, yea. Motion passed 5-0.

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2024-2025 Concrete Repair and Patching

This is a two-year contract to repair concrete for any digs affecting sidewalks, curbs, etc. The motion was made by Jackson and seconded by Dietz to approve advertising for bids for concrete repair and patching. Roll call was as follows: Jackson, yea; Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Reasinger, yea. Motion passed 5-0.

Authorization to Advertise to Sell the Recycling Truck

Because Waste Management now provides a recycling truck at no cost, it is recommended the City's 10-year-old truck be advertised for sale on Municibid. The motion was made by Aughenbaugh and seconded by Jackson to advertise the sale of the recycling truck. Roll call was as follows: Jackson, yea; Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Reasinger, yea. Motion passed 5-0.

Proclamation: February 15, 2024, as Day of Hope

Reasinger read the proclamation:



PROCLAMATION

Day of Hope Proclamation

WHEREAS, 2021 suicide was the 15<sup>th</sup> leading cause of death in the Pennsylvania and

WHEREAS, 48,344 Americans died by suicide, with 1,406,600 suicide attempts nationwide in the same year; and

WHEREAS, in 52.6% of communities did not have enough mental health providers to serve residents; and

WHEREAS, suicides make up 5% of all firearm deaths in Pennsylvania. Suicide is:

- 2<sup>nd</sup> leading cause of death for ages 10-34
- 4<sup>th</sup> leading cause of death for ages 35-54
- 8<sup>th</sup> leading cause of death for ages 55-64
- 17<sup>th</sup> leading cause of death for ages 65+

In 2022 the 988 Suicide & Crisis Helpline was launched to provide an easy-to-remember number and 24/7 confidential support for people in distress, as well as prevention and crisis resources, by call, text, or online chat.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of Dubois do hereby proclaim Thursday, February 15, 2024, as

DAY OF HOPE

In the City of Dubois and encourage all citizens to join together in the community in any way that is personally meaningful.

IN WITNESS WHEREOF, we have set our hands and caused the Official Seal of the City of Dubois, Pennsylvania to be affixed this 15<sup>th</sup> day of February, in the year of our Lord two thousand and twenty-four.

Mayor - Pat Reasinger

Interim City Manager - Chris Nasuti

Council Member - James Aughenbaugh

Council Member - Shane Dietz

Council Member - Elliot Gelfand

Council Member - Jennifer Jackson

ATTEST:

Kandi Sloum

CITY OF DUBOIS, PENNSYLVANIA

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The motion was made by Jackson and seconded by Gelfand to recognize February 15, 2024, as the Day of Hope. Roll call was as follows: Jackson, yea; Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Reasinger, yea. Motion passed 5-0.

### 16<sup>th</sup> Spirit of DuBois Lantern Walk – October 5, 2024

The DuBois Area Historical Society, Inc., has set the date for this year's Lantern Walk on Saturday, October 5, 2024, beginning at 5:00 p.m. and continuing to approximately 9:00 p.m. Nasuti stated it is a great event and

### First Reading of Council Bill No. 1981 – Robinson Street Parking

This Council Bill will amend Chapter 425, Article IV, Section 425-31 of the Code of Ordinances of the City of DuBois to remove parking restrictions on Robinson Street from West Long Avenue to Howard Avenue. The motion was made by Aughenbaugh and seconded by Gelfand to accept the first reading of Council Bill No. 1981. Roll call was as follows: Jackson, yea; Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Reasinger, yea. Motion passed 5-0.

### Public Comments

#### Shirley Dahrouge – Downtown DuBois

"Jennifer Jackson, your comment about the skill games and vetting the sale of our downtown properties. We are very concerned because we have seen a huge increase in the skill game locations and with that has come some not-so-good activity. I have been talking with Chief Clark and State Rep Mike Armanini and we feel something needs to be done, both at a local and county level with this problem that has developed over time. I do feel that as part of the vetting of the sale of these locations we need to be looking in further to their business plan to see what they plan on putting in there because when they're being sold specifically for skilled games, I'd rather see that not be sold and retained for someone else that actually is interested in improving and contributing positively to our community.

#### Ron Tryzna – South Avenue

"I'm going to agree with Shirley. I'm on her board and it seems like in DuBois right now there is, every time you click your heels together, there's another gaming place in the City of DuBois and it's really scary at this point. I know the police officers are running to all the different places trying to solve the problems but you're getting some questionable clientele coming to these places and I think we really need to look at that. I know as a downtown community, as DuBois Downtown association, we're looking and it's really a concern.

My second thing is, on #20 (Bid Authorizations), how are those bids going to be opened? Will there be a special meeting or anything like that? In the past they've been at work sessions but now we don't have work sessions." Nasuti replied, "We've always opened them, since I've been here anyhow, at 11:00 a.m. It used to be at 11:00 on the day of the work sessions, but now it's at 11:00 on Thursday. It will give me time to review them – it's a public bid opening; we do have people show up. I get to do my investigation and have a recommendation for Council the following Monday."

Tryzna said, "Community Days. I'm hearing a lot of positive things. I'd also like to see Council take more of a role, too. I don't know how, if we're going to have it in the park or is it different places. I know as the (Downtown DuBois) board here, we talked about Long Avenue and blocking it off. Of course, we'd have to come back to you to actually get approval on that. With support from Council, would we get City workers to help out? There was a lot of rumors going around about that, Council never approved City workers and whatever else. When you get on social media it's very questionable, some of the things you see. Do we have to come to Council and ask for something? Is there some willingness from workers from the City to help out with some of these things, too, like in the past?" Nasuti responded, "I met with Shirley about the downtown events you want to have, closing the streets and getting assistance. She sent me a letter; we'll have it on for the next meeting here in February to discuss."

"The next issue," Tryzna began, "is all money that comes in to the City of DuBois is taxpayer money. I don't care if it goes to the Water Fund, the General Fund, the Fire Department, Community Days... it's around here. I know the firemen has helped, since 1888, they've been here and been helpful in the City of DuBois to fight fires and everything else and, it's not against them, but there's a lot of stuff out on social media about a lot of funds that were in the fire departments' coffer without Council knowing. I just want to see more transparency because that is taxpayer money no matter what. If it goes to them and they're not using it, it should come back to the taxpayers to use in any other way. There is, supposedly, funds in there for Community Days right now. I don't know how that would be used or would it be considered. I just want to say, all money coming in to the City of DuBois, even though it is given in the budget, it's taxpayer money. I'd like to see a lot more transparency between the fire departments and Council and everything else. It's rumors all the time. There's a rumor right now that the fire department has hired an

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### Ron Tryzna – South Avenue (continued)

attorney and they have him on retainer. Are they using our Solicitor as an attorney?" Breth replied, "I'll dispel that rumor. Absolutely not. Nothing against the firemen." Tryzna continued, "Now, who's paying for that? Taxpayers? I don't know. I just want to know what's true and what's false." Nasuti responded, "As far as that rumor, I have not heard that rumor. They have not notified us they're hiring an attorney."

If they want to get access to City funds, just like any other department here right now, they submit a requisition, we'll review that, it will get approved and then it will get paid. They're being operated like every other department. We sat down with the fire department, had a good discussion, they've been very open with us sharing all the information they have on their accounts." Tryzna said, "There's a lot of rumors flying around." Nasuti replied, "I can't control the rumors." Tryzna continued, "Social media is the worst part of it. That's why I'm bringing some of these things up here. If we can disprove them, let's disprove them." Nasuti said, "I can tell everybody they're operating, sharing every bit of information with us and they're operating like every other department within the City. We get their monthly report now." Reasinger added, "They used to get one lump sum check. It's not that way. We retain that and, as they need the money, we pay the bills for them. We didn't change the budget." Tryzna asked, "Has all funds been shown? I know you've had trouble getting information from S&T Bank. Is there any funds anywhere else... CDs, mutual funds?" Nasuti replied, "We're investigating that. I believe we have received everything to date, but we are investigating."

Dahrouge said, "I do want to clarify... the downtown organization as we are moving forward with this new community event, we are taking the proper procedures and arranging for the donations and all that information will be available to the public as it is received. We will keep everyone informed of what we take it, what we take out. With our 501C(3) we are capable and we are opening a new account specifically for that so we're working with our accountant to make sure it's handled properly. I want to assure because it's been a big discussion with our organization taking this on."

### Nancy Moore – Green Ridge Drive

"I noticed you're interested in the skill games. I just wanted to remind that the Planning Commission did present an Ordinance for discussion at Council for taxing the skill games and it was pretty well thought out. There were a couple of situations where they wanted to tweak it but it's a good Ordinance. Since then, it seems like we were more up on it than the State because right now there is a Bill in the State legislature for that very thing. What I want to know is, if we did it who has the upper hand? If we have something that coincides with the State or is in conflict with the State... it's something you should think of. It brought back to mind the situation that happened on Long Avenue with the stealing, remember that? The guy was arrested for stealing from the skill games. The thing that got me interested was the amount of money that was in that machine - \$5,000.00 was taken allegedly and the total amount that was given is over \$7,000.00. That's a lot of money." Lawhead said, "That's within two weeks." Moore continued, "The last time I was familiar with that particular site, it's more like residential. There are good reasons for maybe having change in occupancy even if it's in the same group that is covered under the Ordinance the registered or permitted. I have believed in that for year. Those are things that when we have the bigger community they can help. I'm suggesting you take that Ordinance out and review it."

### Deb Mechling – Monroe Street

"I just had a couple of thoughts. Was there a balance from Community Days money last year?" Mitchell responded, "We gave a final report to Council at the end of last year of all the expenses, income, deposits and what's in the account. Furthermore, the Financial Officer of the City has access to view that account on a real-time basis." Mechling then asked, "Can those monies be used to start off this year's celebration?" Nasuti replied, "We'll have to look into that. I can't answer that. I don't know how those monies were raised, if they were donated funds for a specific event. We'll have to talk to the attorney and find out." Mechling asked, "Since they were taxpayer dollars that were to go toward..." Nasuti said, "I don't know that they were taxpayer dollars. We'll check into that." Brooks said, "We raise all our money through donations and through corporate sponsors." Bob Swope added, "That's the part people don't understand. A lot of that money was donated, was fundraisers. The City didn't pay us to do that. Some of it was. Not all of the fire department's money is City money. It's fundraisers, donations. We raise boots during Community Days. That's how we get the money to pay for that. The City doesn't give us the money to do it." Mechling responded, "I know there's normally money that's gathered passing the boot and there was a mailing that people sent money in." Swope replied, "That's donations. That's not taxpayer money." Mechling responded, "Donations. It came from the taxpayers is what I'm saying."

One other question to Council... the \$15,000.00 per quarter from Advanced Garbage which amounts to \$60,000.00 a year. At one time, that was earmarked for Community Days. Is it still?" Reasinger replied, "It goes in the General Fund." Mechling inquired, "Even though when they started doing the donations it was earmarked that way? We can change it?" Nasuti explained, "All the checks we received are to the



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### Deb Mechling – Monroe Street

City of DuBois.” Mechling continued, “At one time, different businesses sponsored the different events, the different musical groups. Did all of that go away?” Reasinger replied, “The new group doing it can certainly ask any business to donate to their cause. Absolutely. I would expect the business community to support that.”

Dahrouge said, “I just want to sort of defend the fire department on what everybody is doing with the donations. People made those donations towards the DuBois Volunteer Fire Department event. Just as we are now putting on this event. I know personally I would hate to see come next year the Fire Department say, ‘We want whatever you profited’ to go towards what they put on. Therefore, we aren’t entitled to say, ‘Since you’re not going to hold this this year that money should be passed over to us. We’re putting on our own new event for the year. It’s not Community Days. It’s a new event. That is specifically for them. Those fundraisers were specifically for that event and for that organization. So, I personally feel it would be wrong to even pursue pulling what they worked hard for all these years.” Mechling said, “I didn’t know what would happen with that money with the consolidation.” Gillaugh added, “When you solicit donations under the guise of holding an event the following year and that’s the reason behind your donation, is it actually legal to spend the money on something else or withhold it and not use it for that event? We have TurnAbout Boxing, a non-profit. If I say, ‘Oh, I’m going to solicit funds from the entire community of DuBois for this event and I decide I’m not going to do it’, can I do whatever I want with that money at that point? Or do I defraud the public? I know that wasn’t the intent of it. That money must be used for something related to the purpose it was solicited for from the public. We dealt with this with the Pennsylvania State Golden Boxing. The IRS suspended their non-profit and that’s for five years.”

### Council Comments

#### Councilman Aughenbaugh

“Just on the skills of chance games, as far as regulating that you’ve got to look at the zoning and everything else. Restricting businesses is a slippery slope, I would say, as far as what you can and cannot do. That is something that’s going to be looked at on what we can and do legally, from that perspective.”

#### Councilwoman Jackson

“First, I would like to see more openness between the fire department and the Council going forward. It’s a new set of rules that we’re starting. It’s just learning everything. There’s no ill will. It’s just maybe a change in how things are done. I’m glad someone is taking on Community Days. I’m sad that they’re not having it, but it is what it is and you move forward.”

#### Councilman Gelfand

“If anyone has any event they want to notify City Council about, they want the Mayor to come or any of us to come attend or want us to publish for the public to come, let us know. Reach out to me or any of these guys. I’d be happy to promote it or attend, if possible.”

### Adjourn

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

ATTEST:

Korbi Slocum

APPROVED:



