

City Council Meeting Minutes – March 4, 2024

City Council Chambers, City Building, 16 West Scribner Avenue, DuBois, Pennsylvania on Monday, March 4, 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 City Solicitor, Thomas Breth; Interim Police Chief Shawn McCleary; Treasurer Lisa LaBrasca Becker; City Controller David Volpe; 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 personnel issues.

Before opening the floor for comments, Solicitor Breth explained the legal procedure for the public comments during a council meeting. "This is a time for the public to express your concerns, opinions, whatever you'd like to express to Council. It's not a question-and-answer session. If you have questions, that's fine. Council wanted to set the expectations that you may not get an answer to your questions. Questions can be submitted in a number of ways: email Council members, email the City Clerk, you can come to the public comments and ask questions. Traditionally, Council will take those down or I'll take them down. That gives Council an opportunity to follow up, investigate and provide you with detailed answers. It also protects Council so they're not in a situation where they feel like they have to respond not having all the information that's necessary. It also helps the meeting flow a little bit better. I'll apologize in advance if Council says or I need to say, 'I'm sorry, they can't answer that. We'll get back to you.' That's one of the reasons you give your name and address."

Reasinger added, "I'll stick around after the meeting if you have a detailed question. I'm more than happy to talk with you. Sometimes this isn't the right place."

Public Comments on Agenda Items Only

Deb Mechling – Monroe Street

"In regard to Old Business, I would like to amend my comment from the information meeting of February 26 in regard to 19 Brady Street, otherwise known as the beauty school property. Earlier today, I was given a tour of the property by the owner Dave Chirico who bought the property for a dollar. After touring the building, I believe he is owed some change. Dave and I spoke of the rumors of skill games having a home there and his intent, at this time, is to stabilize the building and, in time, to have small shops in the main floor of the building. This will be a tremendous undertaking and he's already taken 10 tons of garbage out of the building. Good luck to him because there will be much work involved to make 19 Brady Street habitable."

Karen Parlor – Olive Avenue

"I want to know what's up with Chief Clark. Just because Jen Jackson don't like him? She's all for Assistant Chief Roy. If anyone should be investigated, it should be him. He don't know how to leave the barracks and when he does, he lies to people."

Kristine Indre – Green Glen Drive

"I posed a question and comment last week about two of the City Council members being left out of the opportunity to help heal the relationship in the City that some of you claim is an issue. I was met with, and many others from the City believe, disrespect, combative and disgrace toward Council members, citizens and myself. You, Miss Jackson, in your own words indicated you are not willing to work with two of your fellow Council members for the good of this community. I stand here today as a City taxpayer and citizen and ask that you step down so we can have a City Council member that will move forward in a positive manner and work for the whole City."

Bob Swope - DuBois

"I have a question about the DuBois Days. Is the City giving DuBois Days money?" Reasinger said, "We'll answer that."

Approval of Minutes

City Council Minutes – February 12, 2024

The motion was made by Aughenbaugh and seconded by Jackson that Council approve the City Council Meeting Minutes of February 12, 2024, as presented. Roll call was as follows: Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Jackson, yea; Reasinger, yea. Motion passed 5-0.

City Council Meeting Minutes – March 4, 2024 (continued)

City Council Meeting Minutes – February 26, 2024

The motion was made by Gelfand and seconded by Dietz that Council approve the City Council Meeting Minutes of February 26, 2024, as presented. Roll call was as follows: Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Jackson, yea; Reasinger, yea. Motion passed 5-0.

Registry of Invoices

The motion was made by Aughenbaugh and seconded by Gelfand to pay the Auto Draft Check Register by Check ID dated February 22, 2024, in the amount of \$3,130.16. Roll call was as follows: Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Jackson, yea; Reasinger, yea. Motion passed 5-0.

The motion was made by Jackson and seconded by Dietz to pay the General Fund Purchase Order Listing by Vendor Name dated February 22, 2024, in the amount of \$326,356.57. Roll call was as follows: Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Jackson, yea; Reasinger, yea. Motion passed 5-0.

The motion was made by Gelfand and seconded by Aughenbaugh to pay the PennVEST Check Register by Check ID dated February 16, 2024, in the amount of \$2,044,060.98. Roll call was as follows: Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Jackson, yea; Reasinger, yea. Motion passed 5-0.

OLD BUSINESS

Response to Public Comments

2022 Audit – The 2022 Audit has been signed and submitted to the appropriate State agency, so that one is behind us.

Ordinances – “The question was, ‘What happens to Ordinances if they were improperly written or are no longer valid or may be in conflict with the ones we are writing now?’ When adopting new Ordinances, we will review the existing Ordinances to ensure there are no conflicting codes.” Reasinger added, “Once we merge, once the Consolidation is, all those Ordinances will be re-written.”

Financial Records Subpoena – There was a request from the January 8, 2024, meeting regarding the subpoena to access the City’s financial records. Breth responded, “We’ve been in contact, we’ve received a limited response from MidPenn Bank. They provided just a couple of years of records so, if necessary, we’ll file a motion to compel. We’ve been going back and forth with S&T Bank’s legal counsel. We received last week confirmation that they are gathering and will provide a detailed response to all of the subpoenaed records. I hope to have those within the next week.”

Skill Games – This will be addressed later this evening.

Abduction Attempt – Interim Chief McCleary reported, “On Friday, February 23 at approximately 3:30 p.m. a 25-year-old female arrived at our station and reported she escaped an abduction attempt on South Franklin Street. At that time, school police were contacted – both Penn State and DuBois Area school police. Also, a Be-On-The-Lookout was put out to all law enforcement agencies within 100 miles. While investigating that incident during that day, our investigation provided evidence that the public was not in any danger. The incident is still currently under investigation. I also want to ensure the public that if our department ever receives any credible information that there is any threat to the public that information will be released immediately and make everyone aware.”

Water Bills – “There was a question on whether the water bills are in the name of the renter or property owner. Per our City Ordinance, the water bill is to be in the name of the property owner.”

Healthcare for Public Officials – “We did remove access to health insurance from public officials.” Breth added, “The correct procedure wasn’t followed to provide that healthcare. It had to be through Ordinance. It could not occur during the term of any of the individuals. After researching that with Chris’s assistance, that determination was made. I provided Council with my legal opinion and without objection Council agreed that healthcare be immediately stopped. It was stopped February 1, 2024.”

City Manager

Breth explained, “Council will have a Resolution next Monday for its consideration which moves the process farther along and provides Council with the opportunity to formally terminate the employment of the former City Manager. We have what we call a Loudermill hearing scheduled for next week with legal counsel for the former City Manager. That’s a prerequisite to moving forward towards Council deciding on terminating the employment of the former City Manager. So, there’s two steps – the Resolution and the Loudermill hearing then ultimately once the Resolution is passed the former City Manager will have an opportunity to request a hearing if he wants to challenge the elimination of his employment.”

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Forest Management Plan Recommendations

After reviewing the information presented in February by Generations Forestry, it is recommended that Council proceed with four projects in the watershed which include: overstory removal harvest in Compartment 1, the herbicide spray in Compartment 5, overstory removal harvest in Compartment 9, and the herbicide spray in Compartment 9. The projects can be approved as one plan. Gelfand asked if the work gets bid out. Nasuti replied, "It's a public bid. We'll put the specifications together, have it advertised, we'll get the bids in and go with the highest bidder in this case since it's purchasing, not doing work for us."

The motion was made by Dietz and seconded by Aughenbaugh to approve and proceed with the recommendation from Generations Forestry. Roll call was as follows: Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Jackson, yea; Reasinger, yea. Motion passed 5-0.

2024 City Pool

Because we had a significant increase in the 2023 rates from 2022, in looking at our budget and the rates it is Nasuti's recommendation to keep the 2024 rates the same as they were in 2023. The motion was made by Jackson and seconded by Gelfand to keep the 2023 rates for 2024. Roll call was as follows: Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Jackson, yea; Reasinger, yea. Motion passed 5-0.

Nasuti added, "We are looking at trying to provide additional equipment, amenities such as chairs, umbrellas, benches, so I may be bringing that back to you. I don't know if we'll get all of it done this year. I'm working with Mike Ressler down at the pool. It may be a plan for next year." Reasinger said, "To get a good chair is kind of expensive and not in the budget so we might need to get the prices together and do it for next year." Nasuti added, "I'll bring it back here before we do anything."

DuBois Days

Shawn Lesky gave an update on the planning for DuBois Days 2024. "We've had a few meetings so far and have made progression. In the time since last week's meeting, after consulting with some attorneys that double as Solicitors, we want to amend what it is that we would ask of the City. It wouldn't be appropriate to ask the City for a donation to a non-profit..." Reasinger interjected, "We were allowed to give to the Fire Department because they are a division of the City. We can't give the money to a third party." Lesky continued, "That said, it is a party for the City. What we would amend is, think of it as a potluck where the City is invited as the host by definition of geography, so, as a participant, we hope the City will contribute the same way that any business or individual to add to the party amenities. There are items up for grabs that you could help with that would merit your participation." Reasinger replied, "I'm not sure we're able to do that." Lesky said, "We could give you a list and exchange things like that. As far as planning and logistics, the organizational groups are making good progress with everything so far."

Solicitor Breth said, "The City's not able to just give. I understand the importance of the activities and am not in any way speaking negatively about your efforts. Taxpayer money can only be spent in certain manners, so to give taxpayer money to a third-party non-profit organization – no matter how worthy the organization – is not one of the permissible ways. There are things the city can do and I'm happy to work with Mayor and Council. Shawn, if you have a suggestion on some things, I can certainly talk with them on ways they can assist the organization. It's a big event and a lot of services that are needed throughout that event." Reasinger said, "We're going to look at what we can do. I do have a few things just to remind you." They discussed the applications, insurances and permits required for the event. "The City is going to provide the set-up of the electric, we'll do clean-up assistance for the electric and garbage, and we'll have police on patrol. We want to make sure none of the organizers are making money off of the event. When it comes to the non-profits who sell food, you're probably going to need food trucks. If one of the non-profits is selling hot dogs, we would like not to have a food truck selling hot dogs. We don't want the food trucks to compete with the non-profits. Come in and talk with Chris or me any time."

Jessica, a representative from DuBoisLIVE, asked about the fireworks permit. "How soon before the event will we need to do that?" Nasuti will do some research and get back to Shawn.

Consideration of Council Bills

The first bill is Registration of Residential Rental Units. Jackson said, "I think we need to do more research before we move forward at all." Nasuti replied, "I wanted to get confirmation that you want Zac and I to tackle these three again." Reasinger said, "Tom will probably help us with those." Council directed Nasuti and Lawhead to move forward.

RFP for Financial Services

"This is going to be the same," Nasuti began. "We wanted to get direction from Council to move forward. Tom and I can put together the RFP. We've had people contact us. I want to make sure Council is OK with us doing that." Council gave the direction to move forward.

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Sandy Township Section 108 Loan

The Consolidation Joint Council approved the Section 108 Loan Guaranteed Cooperation Agreement on March 7, 2022. I believe it is the State requesting this. They would like each municipality at their own meetings to do that, so we need to do that here at this meeting. It is a Township loan that is going to go beyond 2025 so we have to approve it. We did it at the Joint Board but never did it here at our own meeting.” The motion was made by Aughenbaugh and seconded by Jackson that Council approve the Sandy Township Section 108 Loan. Roll call was as follows: Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Jackson, yea; Reasinger, yea. Motion passed 5-0.

Dedication of Waterlines

Nasuti explained, “Throughout 2023, we had three representatives request to dedicate waterlines to the City of DuBois. One on Chestnut Avenue, one on Oklahoma-Salem Road and another serving the Pfingstler Fieldhouse on DuBois-Rockton Road. We’d like to ask Council to turn this over to our Solicitor to assist me in finalizing the paperwork and set those dedications.” The motion was made by Jackson and seconded by Gelfand to have Solicitor Breth work with Nasuti on the waterline dedications. Roll call was as follows: Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Jackson, yea; Reasinger, yea. Motion passed 5-0.

NEW BUSINESS

Application for DCED Fire Study

Last month, the Joint Consolidation Board voted to apply to DCED for a fire study that DCED will complete at their cost. This will study the fire department as it relates to consolidating the nine into the new City of DuBois in 2026. The motion was made by Gelfand and seconded by Dietz to approve the DCED fire study. Roll call was as follows: Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Jackson, yea; Reasinger, yea. Motion passed 5-0.

Approve Amended Consolidation Agreement

The Joint Consolidation Board approved the Amended Consolidation Agreement. The amendments include removing the Joint Transition Committee, updating the Solicitor language, and adding a provision that Capital Purchases more than \$100,000.00 must be approved separately by the governing bodies. They must be approved individually. It’s a simple amendment. The motion was made by Aughenbaugh and seconded by Jackson to approve the Amended Consolidation Agreement. Roll call was as follows: Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Jackson, yea; Reasinger, yea. Motion passed 5-0.

Police Chief

Last week, Sergeant Shawn McCleary was introduced as Interim Police Chief. Nasuti is requesting Council approve the appointment. The motion was made by Dietz and seconded by Jackson to approve the appointment of McLeary as Interim Police Chief. Roll call was as follows: Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Jackson, yea; Reasinger, yea. Motion passed 5-0.

Second Reading of Council Bill No. 1981 – Robinson Street Parking

This is removing parking restrictions on Robinson Street from W. Long Avenue to Howard Avenue. The motion was made by Aughenbaugh and seconded by Gelfand to approve the second and final reading of Council Bill No. 1981. Roll call was as follows: Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Jackson, yea; Reasinger, yea. Motion passed 5-0.

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

The first reading was on December 11, 2023. It was properly advertised in the paper. This is a short section of Paper Alley that is of no use to the City of DuBois so we’re turning it over. The motion was made by Gelfand and seconded by Dietz to approve the second and final reading of Council Bill No. 1979. Roll call was as follows: Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Jackson, yea; Reasinger, yea. Motion passed 5-0.

Amend the Industrial Sewer Use Ordinance

Every five years, we get a new permit for our Sewer Plant. That comes with an evaluation of our industrial users, what contaminants they can put into our system so our treatment plant can handle that. They’ve updated that list of contaminants, so we have to update our Ordinance. Sandy Township and Falls Creek will have to follow this. It’s in your packet for review.

Recommendation to Appoint Josh Benton to the Redevelopment Authority

The letter of recommendation is in your packet. The motion was made by Aughenbaugh and seconded by Jackson to appoint Josh Benton to the Redevelopment Authority. Roll call was as follows: Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Jackson, yea; Reasinger, yea. Motion passed 5-0.

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Neighborhood Fund

We have opened a new fund, the Neighborhood Fund, for miscellaneous use. We'd like your authorization to open that. The signatures of the account will be Treasurer Lisa LaBrasca Becker, Deputy Treasurer Tom Nowak, Controller David Volpe and myself as the Manager – all bonded. The motion was made by Jackson and seconded by Gelfand to open the Neighborhood Fund account at S&T Bank. Roll call was as follows: Gelfand, nay; Dietz, nay; Aughenbaugh, yea; Jackson, yea; Reasinger, yea. Motion passed 3-2.

Solicitor Breth gave an update on the status of Police Chief Blaine Clark. "As you are aware, Council took action this evening to formally appoint Sergeant McCleary as the Interim Police Chief. Chief Clark has been placed on administrative leave with pay. The Assistant Chief is remaining in his current position at this time. Council received a complaint with respect to Chief Clark last month. That matter has been referred to the District Attorney's office. There is an internal investigation. I was scheduled to meet with the Chief this past Friday. He has retained legal counsel, so that meeting has been pushed until next week."

Public Comments

Kristin Vida – Chestnut Avenue

"I have several statements I wanted to make and then I have two questions I'm hoping Mr. Breth can answer at the end. The first is what Mr. Breth just spoke about. I want to thank Council for doing the right thing and following the process in regard to the Police Chief. I am an HR professional. I know how delicate these situations can be. You are protecting the City. You are protecting all of the employees, including the Chief. I think you're doing the right thing and restoring the integrity here at the City. I know that is something you did campaign upon. Integrity is about strong principles, being honest, doing the right thing. When I look at Council, Jennifer, I applaud you. You are a strong person. I know you take a lot of criticism. And I know last week's comments might have come as a surprise for some people; some people were offended by them. That you have a difficult time, at times, working with Shane and Jim. I've known you a long time. You are a straight shooter. You say what you mean, and you mean what you say. And, like it or not, you always tell the truth and that makes people uncomfortable. Kudos to you for acknowledging that you have that difficulty at times working with members of Council. Not many people will admit that and do it publicly. But you did it, and you don't owe anyone an apology. I feel that we are owed an apology as citizens. Remember that the former Council voted to not remove the manager. They would not put him on paid leave when his home and the City was raided. We did not receive an apology or an explanation when they wouldn't buy out his contract. And we certainly did not receive an apology when Council was fighting the injunction to stop his payout. So, thank you for fighting for our City, Jennifer. You should not be condemned but applauded.

I will say in regard to last week's meeting, I was frustrated. I was a little bit angry, disappointed. I felt it was somewhat a waste of time knowing we had to rehash everything here this evening. Just remember you were elected by mandate. And it was a mandate of change, to do things different than the previous Council. I kind of felt like we were somewhat on a rewind button, and I was really disappointed. But, I will say it's a breath of fresh air, no pun intended, Tom, that you are here. You did a good job of explaining things regarding the Public Comment portion. Moving forward, I hope that Council we will hear more from you, especially Shane and Jim and all of you about how you feel about things. I hope the atmosphere is more conversation-like, allowing us to ask questions, even if they're impromptu. I think that's important.

In light of the actions regarding the Police Chief, I do have two questions and it actually regards the Fire Department. Although the Fire Chiefs are elected, City Code states they report to Council. So, does City Council have the authority to discipline or remove a Fire Chief from their post? Does City Council have the authority to discipline any firefighter if the department fails to do so?"

Breth replied, "Just so I'm consistent in my previous comments, I wrote down those questions and will be happy to add them to the list the next time we get together next Monday evening. Hopefully we can have public answers for everyone." Reasinger added, "You're going to get more thorough answers from us instead of something quick. I think it's going to be better for both of us if we do it the way that we should."

Kathleen Clement – Chestnut Avenue

"Attorney Breth, you had mentioned tonight that Chief Clark obtained counsel. Can you say who he retained?" Breth replied, "I could but quite honestly, I decline. I think that's a question he would be better suited to answer."

Clement continued, "I do have a comment. Really? S&T Bank, guys? Come on."

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Melissa Keen – Sandy Township

“All of our same members on Council are to be commended for taking a step to run for office. It’s my understanding – and correct me if I’m wrong – that as part of the Consolidation process each member elected, even the new ones, their positions will be open. So, if you like what they’re doing you can vote them back in. If you do not like what they’re doing, you can vote them out. Or you are welcome to run yourself.

I also have a question sort of related to the alleged abduction. Do we have Neighborhood Watches? Is that something we could look at? Maybe it’s a possibility to look into.

Bobbi Mauthe – Pifer Street

“We have an Assistant Chief. Why isn’t he the Chief? Isn’t that how ranks go up? With the abduction, before we didn’t have to ask for updates. Why are we having to come forward and ask for updates now? Why are we now having to ask to be informed about who is safe in the community?”

Richard Phillips – Tozier Avenue

“Blaine Clark is a fair and honest man, in my opinion. You can prove me wrong. That’s fine. His dad was an outstanding officer and Chief. The comment on the rentals. Anyone here on Council have rentals?” Both Jackson and Reasinger raised their hands. “Are your water bills and sewer bills in your names?” Reasinger replied, “They’re in my wife’s name.” Phillips asked, “Can you verify that for us?” Reasinger said, “Follow me out to my truck. I just paid them today. I have the receipts in my truck.” Phillips said, “The merger with the Township. I still want the City to stay out of the rentals. If you have rentals, I’m sure you’ll understand.”

Melissa Keen – Sandy Township

“I just want to comment on the rentals. Our case is kind of different. They own the property; we own the land and they rent the land from us. The reason for having Registration of Rentals is we are required because of 911 and Megan’s Law... these things are to protect the community. They’re already in place. I just wanted to state there are good reasons for knowing who is living in the community, who comes and who goes as far as residents moving out and residents moving in.”

Bob Swope - DuBois

“I’m not taking anything away from the DuBois Days thing. Is the City in any way overseeing anything or kind of keeping an eye on people?” Nasuti clarified, “Will we have police there that day?” “Is there anyone keeping them in line, making sure the money goes to the right place or are you just trusting them? What’s the difference if you supply the City workers or supply the Fire Department for the fireworks? To me, that’s the same thing. Everybody in this room at one point or another has said something about taxpayer money. I wanted you to keep that in the back of your mind as well. Not trying to take away from anything they’re trying to do, but this is not the City of DuBois [planning the event].”

Council Member and Staff Comments

Treasurer Lisa LaBrasca Becker

Mentioned the police needing to be called up to the front desk because someone was upset about their water bill. “When we stir it up a little in here, we take abuse. We do take a bit of a hit up here. We’re employees of the City. We do our best to serve you. If we can’t answer questions, we’d appreciate it if you be a little kind to everybody. And taxes are coming in, so we appreciate that.”

Councilman Jim Aughenbaugh

“On the water bills... is that something you can comment on now about how we’re trying to align things with the Township?” Nasuti replied, “We are moving the water bills. Right now, they go out mid-month. We’re going to move them to the end of the month to be consistent with Sandy Township. Rather than making the change in one big step, we will move it one week at a time. So, your bill will look a little bit bigger because it will be for five weeks instead of four. You’re paying the same rate. It will take two months and then you’ll be on a regular schedule.” It was noted that the updated plan does not match the letter that went out in recent water bills.

Councilwoman Jennifer Jackson

“With the RFP for financial services, can we include the Neighborhood Fund?” Nasuti responded, “All financial services will be included. We’ll bring it back to Council before we send it out.”

“Last week we, I went to Friendship along with Jim, Pat and Shane and it was a nice meeting.” Reasinger said he and Shane also went to Third Ward on Wednesday.

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Interim Solicitor Thomas Breth

“One of the things we’re working on and taking a look at is the games of skill. Philadelphia is getting aggressive on games of skill. It’s a state-wide issue. Hopefully we’ll have something for Council’s consideration next week.”

Pat Reasinger

Thanked everyone in the audience. “It was one of the best meetings that I’ve attended. We’ll continue to answer your questions as you ask them. Remember, we have so much up on the website.

Elliot Gelfand

“I’ve had a lot of people email me. I appreciate the questions and the care for and concerns for the City so please continue to reach out.”

Shane Dietz

“I appreciate everyone coming tonight even though it was so beautiful outside. Thank you.”

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: Aughenbaugh, yea; Jackson, yea; Gelfand, yea; Dietz, yea; Reasinger, yea. Motion passed 5-0.

ATTEST: Korbi Sleam APPROVED: 

