

## City Council Meeting Minutes – March 11, 2024

City Council Chambers, City Building, 16 West Scribner Avenue, DuBois, Pennsylvania on Monday, March 11, 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; Code Enforcement Officer, Zac Lawhead; Redevelopment Authority Director, Joe Mitchell; Finance Officer, DeLean Shepherd; 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.

### Public Comments on Agenda Items Only

Before opening the floor, Reasinger thanked Deb Mechling for taking the time to do some research. "It's very easy to second guess people. You did what was right. You went and talked with the person. You looked and you came back and said, 'I've changed my mind' so thank you very much. I really appreciate it."

### Ron Tryzna – South Avenue

"Regarding Item #11 (Resolution No. 2024-0378), I hope that Council is looking at the fact that if you do terminate him, is he eligible to start receiving his pension at that time. I want to make sure you're very concerned on that because that was one of the big issues when that was brought up the last time. That, basically, it was my understanding that if he was terminated, he could actually file for his pension, so I want to make sure you're aware of that.

"I'm part of the Downtown DuBois Association and I want to say it's a good group of people here and we really need the support of Council and everyone going forward so we can establish certain things and set certain activities in the City of DuBois. We really need your help and support."

### Deb Mechling – Monroe Street

"In response to what you (Reasinger) just said to me, I did enjoy going in and checking it out. I do wish the process of picking who bought it would be a little bit different. I would have liked to have seen, from what I understand there were four people interested in that property, I would like to have seen what each of the proposals were and to have based who got it on as to what they were going to do with the building and how long it was going to take them to do it to the building." Reasinger said, "I will address that at the end of the meeting."

Mechling then read a statement in reference to #11 on the agenda. "Spotlight PA, an investigative group who put together a panel on January 25, 2024, by ZOOM meeting to discuss the corruption case involving our former City Manager. Min Xian and Angela Columbus are the reporters who've been following our story. They were on the panel and acted as hosts. During the discussion one of the items mentioned was the dollar amount of the bonuses paid out by our former manager from the years 2014 to 2022. These bonuses were paid out to key staffers which included City Manager, Chief of Police, Finance Director, Deputy Treasurer, City Engineer, and Redevelopment Director. The amount spent on bonuses from the years 2014 to 2022 was \$561,000.00. I know most of Council were not seated when this happened. Since new Council has taken their oaths of office, I do wonder if this figure is accurate. I'm hoping there are avenues that we will be able to utilize to recoup some of these monies and is that possible to recoup some of that from the money that is owed the former City Manager? I would also like to thank Councilwoman Jennifer Jackson for sitting in on the panel and explaining the structure of our City management that enabled this perfect storm to happen to our City."

### Approval of Minutes

#### City Council Minutes – March 4, 2024

The motion was made by Jackson and seconded by Aughenbaugh that Council approve the City Council Meeting Minutes of March 4, 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 Dietz and seconded by Jackson to pay the Auto Draft Check Register by Check ID dated March 8, 2024, in the amount of \$43,713.48. 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 Gelfand to pay the General Fund Purchase Order Listing by Vendor Name dated March 8, 2024, in the amount of \$305,273.53.

## City Council Meeting Minutes – March 11, 2024 (continued)

Treasurer LaBrasca Becker had a question on the motion. After reviewing the detailed bills from Dillon, McCandless, King, Coulter & Graham, she and Controller Volpe asked for clarification on what Solicitor work falls under the monthly \$3,200.00 fee and what is considered 'special projects'. Breth explained, "There is the engagement letter with respect to the day-to-day Solicitor services which are \$3,200.00 a month. There is an engagement letter for the Sandy Township Consolidation. The Suplizio/Shaffer matter has a separate engagement letter and I think there is a separate engagement letter for the Chief of Police matter." Reasinger added, "And the agreement is, anything that falls outside of the normal Solicitor, he gives us a letter and usually gives us an estimated cost." LaBrasca Becker said, "This is serious. There's an \$8,000.00 bill for just January." Breth explained, "Just for the public's information, all of those things are discussed with Council in advance of us issuing an engagement letter. To the extent that Council does not receive the detailed invoices for each month, you should see them and review them. Not just the total amounts. I don't have a problem if you want to post those publicly. I'm more than happy to answer any questions privately before a meeting or publicly at a meeting."

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

### Downtown DuBois

Director Shirley Dahrouge said, "I am here today on behalf of Downtown DuBois as you have received a packet of information to discuss reinstating our funding with the City for the sustainability of the Downtown DuBois, Inc. organization. With me today I do have members of our board. I also have Bill Arrowood with the PDC, the Pennsylvania Downtown Center. Unfortunately, Christi Martone with DCED was unable to attend but she wanted me to extend to you that DCED supports and recommends the funding support to downtown organizations. I do know there have been questions that have come up, so I'm going to let Bill take over to address any questions about the program and what all it entails."

Arrowood handed out packets to Council containing letters of support from other municipalities that have benefitted from the Main Street program. "The Pennsylvania Downtown Center is not the governing body but we're certainly the larger network body of all of the Main Streets and downtown communities across the Commonwealth. We're a network of over 100 communities from all over the state ranging in size from about 500 to 50,000. We are a member-based non-profit. We are not the state. We are not DCED. We help people through the Main Street approach and help people do redevelopment in their own town. We provide resources and opportunities and provide training to get the City where it wants to be." Arrowood, who had done a strategic session with Downtown DuBois last fall, explained why a municipality should support the organization. Reasinger asked about the amounts the other communities provide. Arrowood responded, "There's a full range of amounts. It varies based on what the City can provide and what the return is." He described the improvements in some of the supporting municipalities. "These organizations thrive best when they are supported by the City – in kind, in trade, in finance." Arrowood also explained Designation, a state program through DCED in which DuBois has participated in the past.

Reasinger asked what state funds are available. "Operational funds under Keystone Communities have gone away. For that purpose, we rely on partnerships with the municipality and the county." Local businesses can support the efforts through partnerships. A variety of funding sources are available to Downtown DuBois through the Main Street program. Reasinger asked, "What kind of permanent changes can we expect? I'd like to see something physical, not just an event." Arrowood replied, "That's up to the municipality and the organization." Reasinger noted Downtown DuBois' budget and corporate buy-in seem low. Arrowood said, "Finding a balance of what you can fund and what you can afford, I can tell you the investment is worth it. The return on investment is going to be much higher than anything else and you will get a long-term benefit."

### Resolution of Condolence – John (Jack) Dugan Jr.

Reasinger read the Resolution of Condolence which was signed by Council and given to the family. (A copy of the signed Resolution follows on the next page.)

The motion was made by Jackson and seconded by Gelfand to adopt the Resolution of Condolence. Roll call was as follows: Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Jackson, yea; Reasinger, yea. Motion passed 5-0.

**City Council Meeting Minutes – March 11, 2024 (continued)**

**RESOLUTION**

WHEREAS, the City of DuBois was saddened to learn of the death of our former Councilman and exemplary citizen, John E. (Jack) Dugan, Jr., on February 23, 2024; and

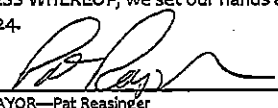

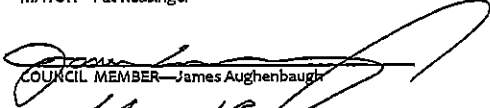
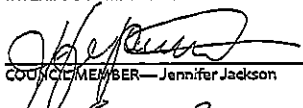
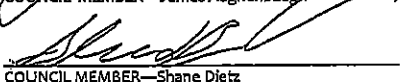
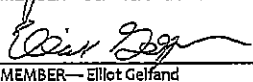
WHEREAS, John E. (Jack) Dugan, Jr. served as Councilman in 1995 and as a member of the Watershed Committee for 25 years from May 11, 1998, until the time of his death; filling these important positions with distinction and advantage to the taxpayers of the City of DuBois; always conscientious to the highest degree in these positions of trust and moved only by the best interests of his fellow citizens.


NOW, THEREFORE, BE IT RESOLVED, by the Governing Body in Council assembled this 11th day of March 2024, that it express its deepest regret and sorrow at the loss of, John E. (Jack) Dugan, Jr., and hereby officially extend an expression of profound sympathy to his family for their personal loss.

FURTHERMORE, BE IT RESOLVED, that this Resolution be spread upon the minutes of this meeting and that a copy thereof be forwarded to the family of John E. (Jack) Dugan Jr.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of DuBois, Pennsylvania, hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by a majority vote of the DuBois City Council at a regular meeting held on March 11, 2024, and said Resolution has been recorded in the Minutes of the City Council and remains in effect as of this date.

IN WITNESS WHEREOF, we set our hands and cause the Official seal of the City of DuBois, Pennsylvania, to be affixed this 11th day of March 2024.

 _____ MAYOR—Pat Reasinger	 _____ INTERIM CITY MANAGER—Chris Nasuti
 _____ COUNCIL MEMBER—James Aughenbaugh	 _____ COUNCIL MEMBER—Jennifer Jackson
 _____ COUNCIL MEMBER—Shane Dietz	 _____ COUNCIL MEMBER—Elliot Gelfand

ATTEST:  
  
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 ADMINISTRATIVE SECRETARY—Korb Slocum

Reasinger reminded everyone that the first meeting of the month will be mostly for discussion to give citizens time to ask questions. “There will be important things we will have to vote on, like bills.” The second meeting of the month will be mostly for voting.

**OLD BUSINESS**

**Consideration of Council Bills**

In the packet for review is a revised Council Bill No. 1975 – Registration of Residential Rental Units. It will also be posted on the website. There were no comments on Council Bill No. 1976 – Automobile Repair Facility. That was primarily to fill in some voids that were left when the original Ordinance was enacted. Council Bill No. 1977 – Mechanical Amusement Devices also has been updated and will be posted to the website. Breth explained, “I shared an initial re-write of the Amusement Tax Ordinance. There are still some revisions that need to occur, but that will be on (the agenda) two weeks from now for a first reading. A lot of it has to do with the ‘games of skill.’”

**First Reading of Council Bill No. 1982 – Amend Industrial Sewer Use Ordinance**

This is an Ordinance of the City of DuBois amending Chapter 340, Article V, Section 340-43.2 of the Code of the City of DuBois to update the Maximum Allowable Loading Limits of the Industrial Sewer Use regulations. We update our loading limits every five years for our permit and we need to adopt those updated limits in our Ordinances.

The motion was made by Aughenbaugh and seconded by Dietz to accept the first reading of Council Bill No. 1982 – Amend Industrial Sewer Use Ordinance. Roll call was as follows: Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Jackson, yea; Reasinger, yea. Motion passed 5-0.

**NEW BUSINESS**

**Resolution No. 2024-0378 to Remove John Suplizio from All Positions of Employment**

Breth explained, “This is the step in the process Council needs to go through. This is not terminating the former City Manager’s employment. This Resolution puts him on notice. After 30 days, Council can consider the termination of his employment. It gives him an opportunity to request a hearing in front of Council if he wishes to so request. With respect to the pension, that issue we’re taking a look at. Although there have been criminal charges filed, there has been no resolution of those criminal charges. The resolution of those criminal charges will either impact or not impact his entitlement to his pension.

## City Council Meeting Minutes – March 11, 2024 (continued)

### Resolution No. 2024-0378 to Remove John Suplizio from All Positions of Employment

There is still in place a permanent injunction prohibiting the City from making any further payments, including pension payments, to the former City Manager. That order will stay in place regardless of any action with respect to his employment from the City. The court would have to entertain some kind of action to amend or rescind that order.”

The motion was made by Jackson and seconded by Gelfand to adopt Resolution No. 2024-0378 to remove John Suplizio from All Positions of Employment. Roll call was as follows: Gelfand, yea; Dietz, nay; Aughenbaugh, nay; Jackson, yea; Reasinger, yea. Motion passed 3-2.

### Redevelopment Authority Cooperation Agreement

In your packet for you to review for approval at the next meeting is the annual agreement we have cooperation with the Redevelopment Authority.

### Request Authorization to Bid 2024 Pavement Markings

The formal recommendation request will be available at the next meeting. This is our annual street pavement marking. We're going to do this in cooperation with Sandy Township.

### Request Authorization to Bid 2024 Chemicals

At the next meeting we'll request authorization. This is our chemicals for our water plant, sewer plant and swimming pool. It sets the annual price for us.

### Recommendation to Award W. Washington Avenue Waterline Construction Contract

We had a public bid opening on Friday for the new replacement waterline from Brady Street to Jared Street and on High Street from Washington to Weber. We'll have a recommendation at the next meeting after doing all the proper research on the bid and documents.

### Recommendation to Award 2023 Audit to Wessel & Company - \$36,500.00

This is a new company; one we have not used before. The motion was made by Jackson and seconded by Gelfand to award the 2023 Audit to Wessel & Company in the amount of \$36,500.00. Roll call was as follows: Gelfand, yea; Dietz, yea; Aughenbaugh, yea; Jackson, yea; Reasinger, yea. Motion passed 5-0.

### Zoning Committee

This is to let you know that we are going to re-commission the Zoning Committee. Attorney Breth will go through and find out what we need to do to update our Ordinances to reactivate that committee. Then we will be asking for volunteers to serve on that committee. All of the committees, boards and commissions are listed on the website. If you want to volunteer for any of them, [info@duboispva.gov](mailto:info@duboispva.gov). We will make a special announcement as we reactivate some of these committees.

Breth added, “Just for clarification, that's the Zoning Hearing Board. We will revise the Ordinances to the extent that they've been revised to remove the Zoning Hearing Board. The Zoning Hearing Board will be an independent board with its own legal counsel.”

### Resolution No. 2024-0379 Authorizing and Approving the Issuance of Debt with Sandy Township in the Form of the Section 108 Loan

We have discussed this at the last couple of meetings and at the Joint Consolidation Board meeting. This is Sandy Township's commitment to use their CDBG funds. It was authorized by the Joint Board in March of 2022. It needs to be authorized at Sandy Township, which they've done, and by this board as well. We've given you a draft Resolution for you to review. It will be presented for approval at the next meeting. This is for the Platt Road sewer project. Breth clarified, “This item was on the agenda at your last meeting. You approved an agreement. Since then, they've sent a Resolution they would also like to have approved. I sent Council a revised Resolution for your consideration.”

### Public Comments

#### Deb Mechling – Monroe Street

“I find it appalling that we did not have a unanimous vote to start the process of terminating our former City Manager. Mr. Aughenbaugh and Mr. Dietz sat here on the old Council. If they did not know what was going on during the Council meetings, they should have. I think this is a slap in the face to the taxpayers of our City that it was not a unanimous vote. It should have been unanimous to start the process.”

#### Bob Swope – DuBois

“Did I hear Mr. Breth say correctly that he didn't know if the pension was part of this or not? We don't know if we have to pay him out or not? Did I hear that part right?” Breth replied, “No. I believe my

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### Bob Swope – DuBois (continued)

comments were the outcome of the criminal charges against the former Manager would be determined...” Swope asked, “So, right now we don’t know if we have to pay him or not? Is that correct?” Breth continued, “No. There’s a court order in place right now that prohibits the City from paying out his pension.” Swope then asked, “So, if we terminate him, we don’t have to pay his pension then?” Breth replied, “Unless the judge lifts that court order he’s not entitled to his pension.”

### Kristen Vida – Chestnut Avenue

“Shane and Jim, why did you vote ‘no?’” Reasinger reminded the audience that this is a comments section.

### Bill Arrowood – Pennsylvania Downtown Center

“You said you were discussing games of skill. It’s one of the topics we’re tackling on a statewide level. Next week we’re having an open session with all our managers. We’re probably going to invite a handful of municipalities that are asking those questions about how to resolve that. It’s one of values that the network of Main Street provides. Your problems and concerns about having skill games in your town are universal across the state. I would invite anyone from Council and will make sure Shirley has information. We’ve invited a couple of legislators who are working on it. It’s a listening session.” Reasinger added, “It’s on the state’s mind, also. When they get back in two weeks they’ll do the budget, so games of skill will probably be after that from what I understand.” Arrowood continued, “It’s how they’re going to regulate it. In some places it’s perfectly fine and in other places it’s totally unregulated. We’re finding it’s going to be up to the municipalities to do the hands-on regulation about how to be running the town.”

### Ron Tryzna – South Avenue

“I think you need to review to see if any employees – I know we’ve terminated the healthcare insurance of City officials – but is there any case that people who have retired from the City of DuBois, are they getting some healthcare insurance coverage where other ones are not? I think there’s a thing you need to really look at. There are certain people that are possibly getting healthcare insurance that have retired from the City of DuBois. Was that an agreement with just Herm Suplizio? Shouldn’t that be given to everyone or no one?” Breth said, “if individuals know of folks that are receiving them and we’re not speaking ill of them out of course, there are collective bargaining agreements and other agreements that may provide for post-employment healthcare. I don’t want anybody to think that if their neighbor is getting...” Tryzna said, “I know in the past there was never given healthcare coverage to people that retired.” Breth continued, “I appreciate. There may be an appropriate mechanism under which former employees, retirees could receive. I don’t know if that’s the case here, but we’ll certainly take a look at it.”

### **Council Member and Staff Comments**

#### Interim Police Chief McCleary

“I just want to comment on the recent comments about the attempted abduction that happened on February 23<sup>rd</sup>. Just to let everybody know, the female that reported that to our station has been arrested for false reports to law enforcement. Every victim is believed. When you come in you are believed. The only way it comes to this point is when during our investigation we actually find proof and are able to prove that you gave a false report.”

#### Treasurer Lisa LaBrasca Becker

“Taxes are going well. The Treasury Department has been very busy. Everybody’s been really great. We’re doing well.”

#### Councilwoman Jennifer Jackson

“It was a great Executive Session. I think we’re getting a lot of things accomplished. It’s a work in progress. Thank you, Tom, and everyone up here. Better days are ahead.”

#### Mayor Pat Reasinger

“I have one on Redevelopment. Redevelopment is a public meeting. It’s open. It’s easy to second guess. Go to the meetings. That’s the way you find out what’s going on there. On your agenda is a list of all the City meetings. They’re all open. If you’re serious about finding out what those people are doing, rather than just asking questions after the decision’s made, be there when the decision is made. They’ll listen to you. You can put some input in at the time.”

#### Elliot Gelfand

“Redevelopment is an authority which is kind of autonomous from the Council. They operate on their own and have their own director and solicitor. Like Pat said, if you want to know what they’re doing you’re going to have to ask them.” Reasinger added, “There were several people that were interested in that building. You showed it 20 times, Zac? And, nineteen people went in and said, ‘What? Are you

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Elliot Gelfand (continued)

crazy?’ and one person stood up and said, ‘OK’. Everybody had a chance. They didn’t pick. They took the best deal they had. That’s just how it works.”

**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: Kerbi Slocum

APPROVED: 