

**SANDY TOWNSHIP SUPERVISORS
SANDY TOWNSHIP MUNICIPAL BUILDING
1094 CHESTNUT AVENUE, PO BOX 267
DUBOIS, PA 15801**

MONDAY, JANUARY 15, 2024 @ 7:00 P.M.

AGENDA

MEETING CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

**APPROVAL OF THE MINUTES OF THE JANUARY 02, 2024
REORGANIZATIONAL MEETING**

- **Public Hearing- Wineman Lot Consolidation Minutes 01-02-2024**
- **Board of Supervisors Reorganizational Meeting Minutes 01-02-2024**

TABLED BUSINESS

UNFINISHED BUSINESS

NEW BUSINESS

1. Consolidation Discussion
2. Fire Chief Appointment
3. Assistant Fire Chief Appointment
4. Joint Board Reorganization Meeting – January 24, 2024 at 6 PM
5. 2024 Road Program – Permission to advertise paving and tar and chip program for bids
6. Kiwanis Estates waivers request
7. Kiwanis Estates Preliminary Land Development Plan

CORRESPONDENCE RECEIVED

CORRESPONDENCE SENT

ADMINISTRATIVE REPORTS

1. **Tax Collector Report**
2. **Pennsafe Permit & Fee Report**
3. **Zoning Report**
4. **Public Works Department Report**
5. **Police Department Report**



6. Fire Department Report
7. AmServ Report
8. Manager's Report

SUPERVISORS COMMENTS

OPEN MEETING TO THE FLOOR

CLOSE MEETING TO THE FLOOR

PAYING OF BILLS

Checks written from December 5– December 18, 2023

General Fund	\$	46,769.66
Payroll # 1	\$	112,102.70
		<u>\$158,872.36</u>

ADJOURN



Supervisor Meeting Minutes 01-15-24

**SANDY TOWNSHIP SUPERVISORS
SANDY TOWNSHIP MUNICIPAL BUILDING
1094 CHESTNUT AVENUE, PO BOX 267
DUBOIS, PA 15801
(Held at the Oklahoma Fire Hall)**

MONDAY, JANUARY 15, 2024 @ 7:00 P.M.

REGULAR MEETING MINUTES

MEETING CALL TO ORDER

ROLL CALL

Board Present:

William Beers

Barry Abbott

Mark Sullivan

Samuel Mollica

Richard Whitaker

Staff Present:

Shawn Arbaugh, Manager

Theresa Bracken, Secretary-Treasurer

Patrick Green-Zoning Officer

Others: See sign in sheet.

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENTS ON AGENDA ITEMS ONLY

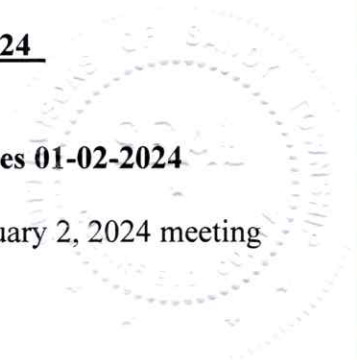
Charles Gunderman: I'm here primarily to find out what you're doing with consolidation and the fire department situation. You only have comments at this time, so I would like to reserve the ability to ask comments after you complete that item part of your agenda. Thank you.

Chairman Sullivan: Let me interject here. In new business, our first item is going to be consolidation discussion. At that time, the public will have the opportunity to comment and ask questions. So you can hold your consolidation agenda item questions until that time.

**APPROVAL OF THE MINUTES OF THE JANUARY 02, 2024
REORGANIZATIONAL MEETING**

- **Board of Supervisors Reorganizational Meeting Minutes 01-02-2024**

A Motion was made by Supervisor Abbott to approve the January 2, 2024 meeting minutes. The motion was seconded by Supervisor Whitaker.



A roll call vote was taken.

Barry Abbott – aye

William Beers – aye

Samuel Mollica – aye

Motion carried.

Richard Whitaker – aye

Mark Sullivan – aye

• **Public Hearing Minutes- Wineman Lot Consolidation 01-02-2024**

A Motion was made by Supervisor Abbott to approve the January 2, 2024 Wineman Lot Consolidation Public Hearing minutes. The motion was seconded by Supervisor Whitaker.

A roll call vote was taken.

Barry Abbott – aye

William Beers – aye

Samuel Mollica – aye

Motion carried.

Richard Whitaker – aye

Mark Sullivan – aye

TABLED BUSINESS

UNFINISHED BUSINESS

NEW BUSINESS

1. Consolidation Discussion

Chairman Sullivan: We're going to start this evening with a staff presentation. Shawn will do that for us, our Township manager. If anyone has any questions after the presentation, we can ask questions that pertain to that presentation and then we'll open the floor for public comment. I'm going to ask that you hold your comments to two minutes. At two minutes, I'll remind you that your time is up and give you time to close with your final remarks. If there is additional time after everyone's spoken and somebody feels that they need more time, we will allow you to speak further then. But in fairness to everyone, we'd like to limit that to two minutes.

SEE APPENDIX I: MANAGER ARBAUGH'S PRESENTATION - PAGE 8

SEE APPENDIX II: CONSOLIDATION DISCUSSION – PAGE 10

2. Fire Chief Appointment

A Motion was made by Supervisor Abbott to appoint Jason Runyan as Fire Chief. The motion was seconded by Supervisor Whitaker.

A roll call vote was taken.

Barry Abbott – aye	Richard Whitaker – aye
William Beers– No	Mark Sullivan – aye
Samuel Mollica – aye	

Motion carried.

3. Assistant Fire Chief Appointment

SEE APPENDIX III: ASSISTANT FIRE CHIEF DISCUSSION- PAGE 20

A Motion was made by Supervisor Abbott to appoint John Uren as Assistant Fire Chief. The motion was seconded by Supervisor Whitaker.

Discussion:

Supervisor Mollica: I know he'd be a great assistant chief. I'm just surprised I didn't know that he was being nominated and that was other people that wanted it so that's my only objection. That I wish I would have had more to make a decision. You know maybe have a resume for both of them. So, I guess that's what my feelings are.

A roll call vote was taken.

Barry Abbott – aye	Richard Whitaker – aye
William Beers– No	Mark Sullivan – aye
Samuel Mollica – No	

Motion carried.

4. Joint Board Reorganization Meeting – January 24, 2024, at 6 PM

A Motion was made by Supervisor Abbott to approve holding a Joint Board Reorganization Meeting on January 24, 2024 at 6 PM. The motion was seconded by Supervisor Whitaker.

A roll call vote was taken.

Barry Abbott – aye	Richard Whitaker – aye
William Beers– No	Mark Sullivan – aye
Samuel Mollica – aye	

Motion carried.

5. 2024 Road Program – Permission to advertise paving and tar and chip program for bids.

We did approve in the budget the monetary values of \$700,000 for paving and \$300,000 for tar and chip and I could just go over those roads for paving, Lundgren Rd., Cherokee Dr., Greenwood Cemetery Rd., Campbell Rd., Deer run Dr. and then

alternates Murtland Ave. and Industrial Drive.

With the tar and chip program, we have Ice Plant Rd. Cane Rd., No.2 Shaft Rd., Dunlap Rd., David Reed Rd., Sergeant Reed Lane, Hurst Ave., Little Lane, Sunset Dr., Cook Rd., Murray Rd. ,Kessler Rd. ,Joe Bender Rd., Flowing Well Rd., Hubler Rd, Showers Road and Old Bliss Rd. and additionally, we reserved \$300,000 for a grant match for Platt Rd. if we were to get a grant that would include the addition of widening there for a bike lane.

A Motion was made by Supervisor Abbott to advertise the paving and tar and chip program for bids. The motion was seconded by Supervisor Whitaker.

A roll call vote was taken.

Barry Abbott – aye	Richard Whitaker – aye
William Beers– aye	Mark Sullivan – aye
Samuel Mollica – aye	

Motion carried.

6. **Kiwanis Estates waivers request**

Supervisor Abbott made a motion to approve the requested land development waivers for cul-de-sac street lengths, lot depth to width ratios, and roof drain discharge points. Supervisor Whitaker seconded the motion.

A roll call vote was taken.

Barry Abbott – aye	Richard Whitaker – aye
William Beers– aye	Mark Sullivan – aye
Samuel Mollica – aye	

Motion carried.

7. **Kiwanis Estates Preliminary Land Development Plan**

Manager Arbaugh: Before we get started on the Kiwanis Estates. You do have the land development plans in front of you. We are up against the 90 day deadline. Today is the 90th day to either approve or disapprove the Kiwanis preliminary plan. There was some initial confusion on whether this was a preliminary or final plan and the Planning Commission voted to table it due to some concerns with environmental features primarily. We do have some conditions in there that they would get these environmental permits beforehand, so this plan is in front of you tonight with the waiver requests and then suggesting conditions from the staff.

**SEE APPENDIX IV: ZONING OFFICER GREEN'S KIWANIS ESTATES
PRELIMINARY LAND DEVELOPMENT PLAN PRESENTATION -PAGE**

Supervisor Abbott made a motion to conditionally approve the Kiwanis Estates Preliminary Land Development Plan conditioned upon receiving PA DEP, sewer planning, and NPDES permit approvals, execution of a professional service contract and land developer's agreement with Sandy Township, and a note on the plan specifying that the sanitary sewers depicted are conceptual only and the Township is not obligated to install any sewer systems.

The motion was seconded by Supervisor Whitaker.

A roll call vote was taken.

Barry Abbott – aye

Richard Whitaker – aye

William Beers – aye

Mark Sullivan – aye

Samuel Mollica – aye

Motion carried.

CORRESPONDENCE RECEIVED

CORRESPONDENCE SENT

ADMINISTRATIVE REPORTS

1. **Tax Collector Report**
2. **Pennsafe Permit & Fee Report**
3. **Zoning Report**
4. **Public Works Department Report**
5. **Police Department Report**
6. **Fire Department Report**
7. **AmServ Report**
8. **Manager's Report**

Manager Arbaugh: Yeah, just a few quick items to add Mr. Chairman, as you said, Mr. Ron Rich passed away. He was a Township Manager for Sandy Township. I believe the first township manager. He was here for 14 years and I just wanted to say thanks for all he had done and additionally thanks to his Stepdaughter Tonya who asked if she could set up a memorial fund for Mr. Rich. The township would accept monies and put it towards a memorial of some type up at our Sandy Township Recreational Park, so we agreed to that and we appreciate her seeking us out and looking for that. So, any monies collected in memory of Mr. Rich will be used, depending on how much you get, potentially playground equipment or another bench up there.

Additionally, I really want to thank Mike Armanini, our solicitor and the Genesee and Wyoming Railroad, we finally were able to get a lease agreement for property needed near Lezzer Lumber to extend a sidewalk trail project that will extend all the way down Maple Ave. and connect the rails to trails down to the city's rails to trails project, so we're excited about that. We appreciate the work on that.

I did want to let everybody know that we do have a meeting scheduled tomorrow with DCED to talk about the grant fundings that are out there for consolidation. We want to see what's still available and what we can do to tap into those funds. Also, the staff is working hard on year-end audits and getting that information together. So I just wanted to thank everybody for their hard work getting all that information together.

Supervisor Beers made a motion to receive and file Administrative Reports. Supervisor Abbott seconded the motion.

A roll call vote was taken.

Barry Abbott – aye

Richard Whitaker – aye

William Beers – aye

Mark Sullivan – aye

Samuel Mollica – aye

Motion carried.

SUPERVISORS COMMENTS

Supervisor Beers: I would just like to thank everybody for coming out tonight. I'd like to ask that our chairman put it on the agenda for next meeting to make a vote to go up or down on this, we need our fiduciary here to see if we're going to move forward with this court case or shut it down. I want them to make the motion in public. I'm tired of listening to the all the back biting all the time and all this, you know. So, I'm asking the chairman of our board put on the next meeting.

Supervisor Abbott: I'm looking forward to the January reorganization meeting for consolidation. I think we're up against the time frame and I'm very excited to work with the city and I think our board is excited as well. I'm not saying there isn't hurdles, but I think we can get over those. So, I'm looking forward to that and the cooperation between both boards.

OPEN MEETING TO THE FLOOR

01:06 Unknown Fireman: I'd like to make a comment. The whole purpose of the assistant chief was if the chief was busy or on another call they could also help with the chain of command. But you guys just put both the Sandy Chiefs, just appointed tonight from one side of the township, to run all their calls for together on one box alarm. Therefore, both your teams are going to be tied up on the same calls. Leaving the whole other side of the township wide open.

Chairman Sullivan: I'm not sure, but I believe you have company officers that run the calls now.

Unknown Fireman: That's Correct but I thought that was the whole point was for our station chief to be acting as his assistant to take over for that. So that means the newly appointed Assistant Chief is irrelevant then because that is our station chief's job what

you just said right there, correct?

Chairman Sullivan: I would think in the absence of any chief, your station would still continue to function.

Unknown Fireman: I think your backtracking, Mark. My comment is that you just appointed two Chiefs tonight on one side of the township instead of one on each side of the township.

Chairman Sullivan: We've had chiefs at one end the township before and we've done OK.

CLOSE MEETING TO THE FLOOR

PAYING OF BILLS

Checks written from December 5– December 18, 2023

General Fund	\$	46,769.66
Payroll # 1	\$	112,102.70
		\$158,872.36

Supervisor Abbott made a Motion to pay bills for general fund in the of \$46,769.66 and payroll #1 in the amount of \$112,102.70. Supervisor Whitaker seconded the motion.

A roll call vote was taken.

Barry Abbott – aye	Richard Whitaker – aye
William Beers– aye	Mark Sullivan – aye
Samuel Mollica – aye	
Motion carried.	

ADJOURN

Supervisor Abbott made a motion to adjourn: Supervisor Whitaker seconded the motion.

A roll call vote was taken.

Barry Abbott – aye	Richard Whitaker – aye
William Beers– aye	Mark Sullivan – aye
Samuel Mollica – aye	
Motion carried.	

Meeting adjourned at 8:08.

Respectfully Submitted,

 Theresa Bracken Secretary Treasurer



APPENDIX I

MANAGER ARBAUGH'S PRESENTATION

Thank you again for coming here tonight to provide your input on the consolidation between Sandy Township and DuBois. It is wonderful to see such a great turnout. We look forward to hearing your comments and questions regarding this pivotal topic whether you are for consolidation, against consolidation, or just here to listen.

I'm just going to start by giving a brief background of how we got to this point today.

On November 2, 2021, voters of both Municipalities voted to consolidate DuBois and Sandy Township. The statute provided us four years or until Jan. 5, 2026, to complete a consolidation of the two municipalities. This kicked off a study by PA Economy League to provide recommendations on consolidating. This also kicked off a Joint Board between DuBois City Council and Sandy Township Supervisors and numerous other subordinate subcommittee meetings.

In late March 2023, the PA attorney general's office announced an investigation and criminal charges against the DuBois City Manager for mismanagement of public funds. As a result of these allegations, the Sandy Township Supervisors called for a detailed forensic audit of the City's financials and voted to seek court approval to pause the consolidation efforts until this audit was completed. Additionally, the Supervisors put a halt on all consolidation meetings and efforts.

The Township's primary concern with the allegations which led to seeking court assistance to pause consolidation was that the City was going to have to pay back money for alleged financial mismanagement of public funds and if consolidation would go through, Sandy Township residents would also be responsible for paying for any wrongdoing.

Throughout August and September 2023, Township residents circulated petitions to support the Township's efforts to seek a pause in consolidation from the court system. The Township received over 1200 signatures on petitions and filed additional paperwork with the court system adding these petitions to the original court filing.

The City completed its own review of the financial records and hired a firm to complete a forensic audit with assistance from the PA Dept. of Community and Economic Development or DCED. The City's internal investigation found that no funds were missing. Unfortunately, a complete forensic audit cannot be completed as some of the records needed to complete the audit are being held by investigators and cannot be released until the criminal proceedings are completed.

On November 14, 2023, the PA attorney general's office dropped the charges and federal investigators filed new charges against the City Manager and City Secretary. These new allegations focused on intercepting money that was supposed to go into the City's bank accounts and using this money for non-governmental purposes. Instead of the original assumption that the City may have to pay back funds, it now appears that the City is owed money that was allegedly stolen from them.

We've also reviewed the potential of grant funds being misallocated and found that the grants the City received were reimbursement grants. The City spent the money and then had to turn in receipts and bank statements showing the expenditures to get the reimbursement. Any grants over \$100,000 were also audited by a third-party auditing firm through the State.

Later this evening, after public input, the Supervisors will consider whether to resume the consolidation efforts by scheduling a Joint Board meeting with DuBois City Council. Timing is crucial as citizens of the communities will run for Council of a new City in about 13 months.

We also have the existing lawsuit still filed. It is in dormant status until the Supervisors file additional paperwork. This could be reactivated at any point if the circumstances change.



APPENDIX II

CONSOLIDATION DISCUSSION

Kevin Salandra, Township Resident. Shawn, One of the things you mentioned was repayment of funds and there is allegations of money being taken out of the water fund and used for other things in the city that were not water related and I'm not familiar with the details, but I am a CPA and I actually a former Auditor of the city back in the 90's and understand governmental accounting, Those are proprietary type funds which means it's supposed to be run as a business, so if there's money missing from there that was used for the general fund, it is my understanding and the understanding of a lot of other accountants that I've spoken with that that money would need to be repaid. Do you have anything to elaborate on what the city's plans are with that or what the forensic auditors or anybody thinks of that?

Manager Arbaugh: Kevin, I can address a little bit of that. One of our main concerns with the water monies and what Kevin is speaking to is the city of Dubois sold water to oil and gas companies for fracking at a higher rate than what they would charge a typical resident of the city or the township starting in 2014. So our concern was can an oil and gas company come back and say hey, I paid too much for water service.

Kevin Salandra: Excuse me, that wasn't my concern. My concern is that money was put into the water fund and the General Fund. I'm not concerned with whether they could come back after that money. I'm concerned with all the ratepayers of the water system are paying a higher rate, most likely because that money wasn't deposited into the water system. Could that money be repaid by the by the general fund, which would be. I think a previous council person made the comment that it was used for fire police and a baseball field. And again, that's alleged, does that money need paid back, not the money that was overcharged.

Manager Arbaugh: I don't have a confirmation detailed statement on that Kevin. But I will say that we did talk to the solicitor about that specific issue and there wasn't any hard and fast law and I know more research would need to be done, but there wasn't a hard and fast law for the water side as there is for the sewer side, the sewer rental act would dictate that the money needs to be placed in the account although it's looked unfavorably upon, there doesn't seem to be any specific law pointing that that money would need to go be repaid to that water fund.

Melissa Keen, Sandy Township: Shawn you had said there are certain earmarks that need to be met by 2025 and I think some need to be met this year. Could you tell us what they are and what ramifications would happen if they are not.

Manager Arbaugh: Yes, there are certain earmarks we have to met and we entered into a consolidation agreement with the City of DuBois to outline that process for consolidation and move forward. A couple of things that take effect this year. I'll just talk about 2024 right now. So one of the things we need is joint board approval to hire

any full time employee. So, if an employee is hired, they would need to be approved by both the Board of Supervisors and City Council. One of the things we have to do is also align our accounting systems. That is something we are working on, but that is a requirement that has to be done in 2024. So, what that looks like on our end is looking at software programs. We're actually in the process of switching some of our software over that would basically be billing for sewer and water would come out of the city building, so we are working on that accounting system. Additionally, the city is taking steps to separate their funds into a general fund, a sewer fund and a water fund to further that goal. We also by June 1st of this year have to recommend a plan for consolidating administrative staff. What that means is we have to have a pretty good organizational chart prepared and approved by that June 1st time frame. So that is something that would need to be completed. A lot of the other stuff is in 2025. But it's stuff we have to do now. Some of those things include that we have some contracts that expire for our police at the end of this year. That's one thing that we see really needs to be taken care of to make sure we get to an agreement with those individuals. Additionally, we have to start working on the joint budget and 13 months from now individuals are going to be able to file petitions to run for the new city government. So we're pretty close to that deadline. So 13 months from now people are going to be filing petitions who want to run for the seven open positions that would be available.

Harry Yale. 77 years old and lived in Sandy Township all my life. I helped gather signatures. And most of the people that I gathered signatures from want to see a permanent halt to consolidation. They want it back on the ballot, not because of what's happening in DuBois and the questions there, but the propaganda that was spread to get the vote. In the first place there aren't trucks lined up all over the interstate bringing in these hundreds of good paying jobs. We're not going to get better ambulance service. We're not going to get better police protection. We're not going to get better Fire Protection. If you think you're going to get better roads and streets, take a ride around Sandy Township, then go down Beaver Drive or across the Boulevard. The streets in the city of DuBois. And the main thing is your taxes sure as hell ain't going down.

Charles Gunderman: Will you address the question dealing with the consolidation of the Fire Department for me? Before we move on or is this going to be a part of further agenda.

Chairman Sullivan: I guess I could. The way that the procedure started when before we paused consolidation, there was a fire subcommittee appointed. That committee was meeting on a monthly basis. They were working to take the number of fire stations down from 9 to I think they agreed on five stations.

Charles Gunderman: I'm aware of what happened in the past. I want to know what's going forward. You're going for five. I've heard four, a variety of other things. You have a number of people from the fire department here that have their own agendas, etcetera. I just want to know where we are going with five, we go into four. How's it working out? What are our costs going to be?

Chairman Sullivan: That fire subcommittee will be reappointed because some of the people that were on it will no longer be available to attend those meetings, so that's probably all I could tell you right now. There is no concrete plan in place for how that's going to happen.

Joel Keen: I want to ask the supervisors and Shawn. What your feelings are without that forensic audit being done. You feel comfortable merging with the city without knowing the financial situation with the city. I'm just saying, just listening to all the city meetings and stuff there seems to be a lot of money that's questioned. Just want to know your thoughts. Do you feel comfortable merging and not having that forensic audit done?

Supervisor Beers: I don't feel comfortable. Still unknowns. I still feel like when our board was doing this in June, we put this pause on, we wanted to get clarification. I feel there needs to be clarification. Like you said, Sir. There are unknowns. We don't know yet. And I just read the paper. I know the mayor is here tonight. I'd like to ask, the \$20 million debt that you're going to refinance Pat. What's that all include, can you discuss?

Pat Resinger, Mayor of DuBois: A lot of that is water projects, past water projects that have been done.

Supervisor Beers: So that just adds on top of the 90 million that was already taken out. Why didn't they refinance it then?

Pat Resinger, Mayor of DuBois: I wasn't on. I don't know why.

Supervisor Beers: I didn't know if you got clarification.

Pat Resinger, Mayor of DuBois: Well, 83 million is the amount. That's going to be created by user fees, so not too worried about that. You know that wasn't a choice of DuBois, DEP pretty much came in and said, yeah, here's what you're doing. Here's your Pennvest loan. We didn't have a choice.

Chairman Sullivan: I want to comment on Mr. Keen. When we first paused in June. I will agree there was a lot of unknowns. Since then. I believe that's come down to more of the city is a victim here as well. It's going to be money that's owed the city. There is no money owed to Sandy Township. Money is owed to the city. The alleged wrongdoers have had assets frozen so they're able to make restitution and pay the city back. So I think a lot of the unknowns have gone away. At least that's how I feel.

Supervisor Mollica: My feelings are that I'm uncomfortable not knowing what might be out there, but the problem is the consolidation law states that we have to continue on with consolidation. There's no choice for us. If we don't do it someone else will be appointed by the Common Pleas Judge to. And I'd rather it be us to do it. And someone had mentioned about revoting on this, there is no revote. There's nothing in the law that says you can vote. I mean, the law that was used to put it on the ballot can only be used

to put consolidation on the ballot but not to eliminate consolidation. So, there is no dissolution with that law. So, consolidation basically has to happen.

Supervisor Abbott: I feel very comfortable with consolidation. I'm listening to our Township Manager give our reports. I'm listening to what is occurring in the city and personally I'm very comfortable moving forward with consolidation.

Supervisor Whitaker: Yeah, I want to echo that too, I think Shawn and Christ Nasuti, the city manager, have been working with the new city board trying to root out every bill out there and every debt, and I think they're getting a pretty good handle on that. From what I'm hearing and reading, and I don't know that there's going to be a lot of big surprises that we're not going to know about but I'm like Sam said, we don't really have a choice. We will either do it by 2026 or they'll do it for us, and I'd rather do it than let them do it. That being the government.

Gloria Winslow, from Sandy Township. Why can't we put it back on the ballot? And what would be the deadline? I think it needs to be redone because there's so much corruption.

Supervisor Mollica: Well, it's already been on the ballot. You can't put it back on the ballot because it's already done. I mean, it's only because the process used to consolidate the law that was used, it's not to deconsolidate.

Gloria Winslow: I heard it was really close. The people that wanted it and the people that didn't like 5 votes? Yeah, that seems kind of, I don't know, maybe that's corrupt too. Just saying so much going on, but I like the city of DuBois, but I want to stay Sandy. I like what Sandy does for us. So, I think a lot of people feel that way. I know I've talked to a lot of people and that's the way they feel. Because it's uncertain what's going to happen going down the road. It's our children that's going to have to grow up with whatever happens. We may end up in debt more. I don't read the paper that much, but I just hear a lot of people talk. But that's my opinion.

Brittany Neiswonger: So you said we cannot do a referendum on that.

Supervisor Mollica: You'd have to find a different law, which I haven't been able to find.

Brittany Neiswonger: And the other question I have is back with the PEL, I was at the original meeting and everything we looked at the consolidation, basically because of the financial condition of both municipalities. Which has come into question since then, nothing. The consolidation is what I say. However, also the PEL also stated that consolidation itself is a very unusual way to go. Most municipalities in Pennsylvania at the same point did not go with consolidation they would with other constructive forms of merging their communities together. Were those sought out and if not, why were they not?

Supervisor Mollica: Well, originally when we started consolidation. It was going to be a different form of consolidation, using a Home Rule charter type and failed. That failed. In the law there was a way that if you got a petition signed by 5% of the previous year's voters you could actually put it on the ballot and that was what was done. DuBois had a petition and Sandy had a petition and then the vote was taken and it successfully passed. And there haven't been too many consolidations or mergers. It's more likely that a school district would merge rather than a municipality, so it was a rare case that DuBois and Sandy did. They did vote to pass it .

Brittany Neiswonger: That's why I wonder. Historically, it's unusual, so historically, possibly it could be, but as a referendum on that. But anyway, the other questions are; The committees were put into subcommittees. Is it a nine person to 10 person? Are those subcommittees still going to go forward? Are they going to be differentiated the same way that they were? Are the same people going to be on them and is there still in place, or going to be in place the Transitional committee? One more question and then I'll sit down. If we go forward with the consolidation and I know this is way down the road but are we still looking at a City Manager-Council type form of government and are we still looking at the same kind of contract that the previous city manager had?

Supervisor Mollica: The manager. We'd have to do the same government that was on the petition.

Chairman Sullivan: So we would most likely move forward with a new city manager. All that would be determined going forward after the Joint Board meets, if we would choose to do so a lot of these committees would have to be reappointed.

Harry Yale. You're telling me there's no way we can get something on the ballot against consolidation.

Supervisor Mollica: Not that I found and I've researched that.

Harry Yale: Kind of one way and communistic to me that pro consolidation and get more chances and then they spread a bunch of BS to get the vote. And because now that this with Herm and other stuff. That we don't have the chance to stop consolidation. All we need is 14 votes.

Supervisor Mollica: The only way that it could be done is if it would have failed then.

Harry Yale: That's not right. That's not the American way. I don't care who wrote the law. That's not the American way. If they get four chances and we only get one, why don't we get another one?

Supervisor Beers: Actually, Harry, there's not a case law where the two that are consolidated, what I'm saying is that you should be able to go back to the court system and see, like Sam said, there's a law, but this has never been challenged how this went on to the ballot and what we found that the criminality going on, this never happened in

the state of Pennsylvania. So the best thing to do is go in front of a judge, have him determine if they could go back. He's the only one he or she in the court system.

Harry Yale: They get more chances. They keep picking away, picking away, telling more BS more propaganda. And then they vote and we don't have a leg to stand on.

Supervisor Beers: I still think you have a way. If you look at the court system.

Harry Yale: Well, I think you have to get the solicitor and check into it. See what we can do.

Randy Beers: All right, now you're saying basically it was frivolous to even file that suit initially because we're just going to go with consolidation because that's what the law states. I believe you're wrong, Sam. When you say that, I know it states that. But it hasn't happened anywhere in this state of crisis we're in. We've been fooled. They found \$20 million more in debt. Where was the state when they found that out? The people that did the research said they were financially sound. Where were they? Have you consulted them yet? And ask them. Where's their guy? Are they here tonight? No. So I mean, what are we going to do? These people are going to pay a lot of taxes. I'm probably going to move away because I'm not going to put up with the BS. Because that's what's going to happen. Going to have a failed community. DuBois is going to be a failed community.

Supervisor Mollica: We still have the lawsuit. It's still there and if what you say is true.

Randy Beers: OK. Then why isn't that on hold. Why isn't it on hold? Right. It's in the courts right now. It should be on hold at the state. Did you ask the state people that? We have litigation right now. It should be pending that litigation to hold that, and that's when to start. You should check into that. If you already haven't. That should be done. So people need to look into this a little bit further, I know the minds are made up of three people up there. They want to continue with consolidation and we're going to get the shaft.

Mr. Gunderman: A couple of comments here. It's not three people. The city and the township voted. They voted for consolidated, yes it was close. But it was the people's choice. And we've got to go through with that. There is no other way. And so after it's done then I believe you might be able to go back and split but not go back and forth. Two other questions that I'd like Shawn to address where are we with zoning and taxation? Sandy Township is a huge area. We've got a, let's call it, metropolitan area in the center. But we have a lot of farms and farmland out there and if taxation doesn't take into consideration farm assessments etc. I think we're going to be in trouble. What can you tell me?

Manager Arbaugh: I can't really tell you anything on the tax side of the house. We haven't really got into looking at what a tax rate would be until we create a budget and then kind of determine what the tax millage would be based on that budget. As far as

zoning goes, a lot of work was done by the subcommittee, including Pat Green and Zach Lawhead from the city to simplify the zoning, to keep the Agricultural and Residential districts, but to reduce overall some of the number of districts we have to simplify it.

Mr. Gunderman: I believe those concerns are being properly addressed by the zoning people, and I believe there's also a committee doing that. Correct?

Manager Arbaugh: Correct. Yes. Yeah, I think couple committee members are here today.

Steve Irwin: I'm from Treasure Lake Sandy Township. This is the flyer that was handed out in 2021. I don't know if a lot of people understand this, but the Home Rule Charter allows the assessment rate to be raised to 30 mils. Currently, the Township is only allowed to go to 14. I hope that people realize this. And they could also impose an income tax with this type of government.

Chairman Sullivan: Sir, you're thinking about the Home Rule Charter?

Steve Irwin: Yeah, that's what we were given. That's what was distributed.

Chairman Sullivan: But we did not move forward with that.

Steve Irwin: OK, so it's a completely different type of government. You can't raise above that tax rate?

Chairman Sullivan: In the city I do not know what the maximum is.

Manager Arbaugh: I believe it is 30 mils still, Steve, that you could raise taxes up to. You cannot change their earned income tax rate, though, in home rule you can change that.

Steve Irwin: It can only go up to 30. And then as a Treasure Lake resident, I'd like to ask any of the supervisors who are in favor of fast tracking the consolidation, What benefit does consolidation provide for Treasure Lake?

Supervisor Abbott: One of the things I'd like to see is I'd like to see a police substation out at Treasure Lake. I would like to see that occur.

Steve Irwin: Because I know that there was banter about, you know, maybe getting road maintenance and stuff, but Treasure Lake is never going to deed those roadways over to Sandy Township and legally you can't belong. I'm just curious what good is it going to do for Treasure Lake?

Supervisor Whitaker: I'm not so sure about that because the police come out on a regular basis.

Steve Irwin: No. The police. They're supposed to patrol once a day or once a shift. I did read that. But as far as roadway maintenance, that can never happen.

Supervisor Whitaker: I don't know that anybody's requested that. I served on the Treasure Lake Board for six years and I don't think we ever made a request to Sandy Township for anything. There's always a lot of talk. It wasn't coming from the TLPOA Board. I also want to state the TLPOA board in the six years I was on there, never requested Sandy Township to come plow our roads. We never asked. We were accused of demanding it and all that kind of stuff. The rumor mill is just as strong out there as it is here, you know and you would be amazed at what people said we were doing or are going to do or demand which never entered our plate. You know, it never was on our agendas or anything. So I don't know the last two years because I haven't been on there.

Steve Irwin: My other thought is why would it be beneficial to Sandy Township to hang on all the new debt with the water system updates and the sewage system, why would it be beneficial for us to tie onto that? Onto that debt?

Supervisor Mollica: It will be mostly the rate payers. The ones that are on the sewage system now that would be in charge of that debt and right now the sewage rates are quite high for Sandy Township compared to DuBois. I think eventually, well they would with the new debt, it would equalize the rates. I'm not saying that our rates would be cheaper than they are now because of the new sewer plant. If we didn't consolidate our rates would be just as high as they are now compared to DuBois.

Charlie Reynolds: Actually, it started when I was on the Treasury Board to consolidate and the question I had back then when we did consolidate was why we still don't have the answers to questions. It's been going on for 30 years. We don't have any answers. I have a question. First of all, Treasure Lake. You can elect these guys. That's an advantage. You can control the government. The question I have is have the pension issues been addressed, right? The city has a defined benefit, and the township doesn't. It's going to be expensive. We didn't know that when we voted, I guess. That's something we didn't know when we voted.

Manager Arbaugh: Yeah, that's still an unknown from our end, Charlie. Yeah. We're not sure what the pension status is at this point. I know the new City Council is looking into that to see what can be done. I do know the uniform plan, the police plan with the city is in pretty good shape. But yeah, as for the non-uniform side I'm not sure with some of the changes going on right now where that stands.

Supervisor Beers: Pat, aren't you guys doing an actuary study? Or did you have a look into it?

Mayor Pat Reasinger: Yeah, we've done a couple actuary studies.

Supervisor Beers: Have they come back yet or do they look more favorable or?

Mayor Pat Reasinger: Our MMO was about, don't hold me the exact numbers, but it was like \$600,000. We're going to put about a million three into the pension fund this year. It was rated at 8% as an average return. We are going to pay it as if it was done with the Actuary at seven and a half percent. Hoping to move to seven next year depends on what that turns out to be. We had a pretty good year in the market last year, that's going to help our pension plan also. We have plans to shore that up. OK. And as to that, I can't believe that the city hid anything from you that \$20 million that's been there since like 2016, some was added in like 2020. So I mean it's been out there and it hasn't been hidden, you know. Same thing with the pension, it's always been available.

Supervisor Beers: But with the refinancing, don't you think it's going to be more interest now? Then what you already have.

Mayor Pat Reasinger: Right now it's maybe 5 1/2%. OK. It was done. It was a poor decision back when it was when interest rates were low, they show up in 2 percent, 2 1/2 percent they didn't. I think they did that to look like to make the same payment get a little more money out and now the interest rates have climbed. That's why we're looking at a bond to try to lower those interest rates.

Kevin Salandra: Sandy Township Resident. I guess I am a little bit out here on an island. A couple people in the room said some things that I agree with, but I still think consolidation is the best thing for the community, I've said that from the beginning. I just don't think we have all the facts. I feel that if the five would vote to move forward, that you're neglecting your fiduciary responsibilities to the people that elected you because we didn't have all the facts and I do agree with some of the people said I don't think and whether it was intentional or unintentional, I don't think the company that did the initial study had all the facts. I know for certain they didn't have all the assets in the city because when I was on the Finance Committee and on the 10-member Committee we asked for certain assets, fire department assets, that were not put in that study. Maybe things are better than they appear to be. Maybe things are worse than they appear to be. We don't know the answer. That's like trying to buy a house without knowing how much your car payment is and how much your side-by-side payment is. And without knowing how much the house cost and without knowing how much your Income is. We don't have any of the facts and I'm not sure how you can move forward and a couple of you said you were very comfortable going forward, I don't understand how you can be comfortable when you don't have the facts and I think that's what in general what a lot of people are asking for is let's get the facts. I agree with Mr. Mollica. You know there is no position for a way to put this back on the ballot, but where I disagree with what a couple of you said, you know, when I was a supervisor which was just a few short weeks ago, we have been talking about what you can do to stop this process? And it does sound like there could be, as Mr. Beers said, some remedy in the court system. There's been no case on it. We don't know if it will work, but we have discussed that in depth and I think that at least four of you know that we've discussed that in depth and that there may be remedies to at least stop this until we have the information. Because once you get the information, it may be the perfect time to do this. Once we get the information that several people here have said, maybe the people were duped when they voted and there

can be something done about that. Without that information we don't know if the city might be in a better financial position because I know for a fact that there were assets not included in that study. So, I think we really just need to see what the financial position is and how that is going to effect the residents of not only Sandy Township but the city of DuBois. That way we can move forward and do so in a well thought out manner that allows us to build what we need to build; create the jobs we need to create and hopefully get some industry into the area to create more jobs.



APPENDIX III

ASSISTANT FIRE CHIEF DISCUSSION

Supervisor Beers: Question Mr Chairman. Who came up with the names? I didn't see nothing in my packet today. That's why I am asking. I didn't see any names.

Chairman Sullivan: I think it was just members of the board talking to some firefighters.

Supervisor Mollica: I didn't see any names either. I had no clue who we were voting on.

Supervisor Beers: So how can you move forward?

Supervisor Abbott: Well, Jason was our past Fire Chief and I'm just going out on his past performance. He never got a chance to fulfill his complete term. I'm comfortable Jason being our Fire Chief.

Supervisor Beers: That wasn't the question, Barry. The question was how did we come up with the name for the assistant? When I called in today to ask Shawn where's the names for this? There was nothing in the packet. He said there was a name brought already.

Chairman Sullivan: I did bring forth John Uren's name.

Supervisor Beers: Why wasn't that in our packet? At least these gentlemen down here with no experience with the fire service could have done some research. Found out what the qualifications are. How can you make a determination?

Chairman Sullivan: I am the one who threw out John Uren's name.

Supervisor Beers: So did you solicit it or did John come forward?

Chairman Sullivan: I asked several individuals if they would be interested.

Jeff Roy: Can I ask a question on that? Did anyone come forward and ask for the position? Did anyone talk to anyone and say they would want to do the position for the good of the community or was it just that no one came forward?

Manager Arbaugh: I'll state that Jeff Roy did come to me and mentioned his interest in the position.

Jeff Roy: So, I am the only one that came forward and stated my case that I would like to do it? Did anyone come forward to anyone else?

Chairman Sullivan: That was passed along to me and that is when I started asking other people if they would be interested.

Jeff Roy: So there was one name that came forward? Well, I came forward trying to do what I think is a better good. I spoke to someone else on the board. If you already picked. I mean, obviously I am not the choice, but I was never told either or. That's my question. I came forward to two individuals that I thought was doing the better good for the community moving forward, but I just thought I at least would have got an answer prior to hearing it here.

Supervisor Beers: My question is if there were two people, how did you make the determination down to one?

Chairman Sullivan: I didn't make any determination. That's why we are voting here tonight.

Supervisor Beers: But there were no names until you just brought it up.

Unknown Fireman: My question is for Mark Sullivan. You say you talked to other firefighters. Did you talk to anyone on that side of the township or was it just this side? I was never asked. Several other members were never asked.

Chairman Sullivan: It was your (*assistant*) deputy that came forward and mentioned to Shawn that he would be interested in the position.

Supervisor Beers: Did you ask Steve, who has done it for years? (*Assistant Chief at Adrian*)

Unknown Speaker: Sounds like you need to table it until next time and do your work.



APPENDIX IV

**ZONING OFFICER GREEN'S KIWANIS ESTATES PRELIMINARY
LAND DEVELOPMENT PLAN PRESENTATION**

Attached for your review is a request for a preliminary major subdivision plan submitted by LSSE Civil Engineers and Surveyors on behalf of the Kohlhepp Corporation. This project proposes to extend additional housing lots off the end of Beechtree Road, Red Oak Drive, Black Walnut Road, Wild Chery Road, and White Pine Road within the current Kiwanis Trail Development area. The Kohlhepp Corporation is proposing to extend 29 lots off Beechtree Road, 25 lots off Red Oak Drive, 19 lots off Black Walnut Road, 1 lot at the end of Wild Cherry Road, and 1 lot at the end of White Pine Road. This project will be served by Township water and sewer. Grant applications have been submitted for sanitary sewer and increase sewer capacity for this project and existing Kiwanis Trail Homes. Sandy Township is actively pursuing grant funding options for this project.

Our engineer Mike Haynes has noted to add additional language to Note 14 on page 1 of the Subdivision Plan relating to the roof sump and that the sump size would be based on the size of the house in relation to the chart on Sheet 6 of the PCSM plan. Language will also be added to the number, design and location of the sumps could be adjusted to meet the conditions of each individual lot as it pertains to the proposed house location and natural resources found on each lot.

Several Land Development Waiver Requests are being presented for this project. See attached document.

- 1) § 22-607. Cul-De-Sac Streets. [Ord. 1997-3, 5/2/1997, § 607]
- 2) § 22-611. Lots and Lot Sizes. [Ord. 1997-3, 5/2/1997, § 611]
- 3) § 302.A.3 Stormwater Management Performance Standards. [Ord. 1996-1, 1/2/1996, § 302]

Currently this plan is in the preliminary phase and will need the following clearances before final plan approval. This plan should be given conditional approval given the following conditions are met before the final plan submission:

- 1) PADEP review and permit approvals.
- 2) NPDES review and permit approvals.
- 3) Finalized Sewer Planning and funding.
- 4) A note on the plan that states sanitary sewers depicted are conceptual only and the Township is not obligated to install any sewer systems.
- 5) The Kohlhepp Corporation will enter a professional service contract with Sandy Township.
- 6) The Kohlhepp Corporation will enter into a developer's agreement with Sandy Township.