

**Watsonstown Borough
Council Meeting
November 2, 2015**

OPENING: The November 2, 2015 Watsonstown Borough Council Meeting was called to order by President Harriet Miller at 7:30 PM. The meeting was held at the First Lutheran Church, 400 Main Street. Brendi Brooke gave the opening prayer, followed by the Pledge of Allegiance to the American Flag.

MEMBERS PRESENT: President Harriet Miller, Vice President Ralph Young, Harry Hefty, Janet Rump, Jack Marshall, Dan Folk, Mayor David Hontz, Solicitor Ryan Tira, Chief of Police Rodney Witherite and Secretary/Treasurer Brendi Brooke.

OTHERS PRESENT: Mary Phillips, Becky Hontz, Gary Harmon, Jen Knobloch, Josh Barry, Connie Criswell, Sherry Dyer, Ken Hollenbach, Luke Garverick, Crystal Moyer, Earl Sheatler, Vera Young, Angela Salvatori, Aaron Salvatori, Gladys Klapp, Stephanie Kilgus, Gloria Buhl, Sarah Laubach, Cory Laubach, Gene Kilgus, Marty Sowers (Light-Heigel), Judy Marshall, Kevin Mertz, Bill Fisher, Robert Brown, David Plotts, Barb Pick, John Pick, Ronald Miller, Chuck Beck, Jeff Rachau, Bob Frey, Amy Pitou, Terry Kirchner, Mike Hontz, Lisa Davis, Brent Frey, Erica Frey, Dennis Confer, Buddy Strawser, Liz Folk, Virginia Wirth, Hal Crozier, Cindy Crozier, Joe Sylvester (The Daily Item), Bucky Allis.

APPROVAL OF MINUTES: Brendi wanted to call to everyone's attention (even though they received corrected minutes) on page 6 from October 26th the paragraph about the salt storage shed; it had originally said it has been taken and should have said it has not been; so, that page was inserted in your minutes and what was handed out to the public is correct. A motion was made by Janet Rump, seconded by Dan Folk to approve the minutes from the October 5, 2015 Council Meeting and the October 26, 2015 Committee Meeting. A roll call vote was taken as follows:

| | | | |
|----------|-------|--------|-------|
| Rump | - yes | Hefty | - yes |
| Marshall | - yes | Miller | - yes |
| Folk | - yes | Young | - yes |

All in favor. Motion carried

BILLS & TRANSFERS A motion was made by Harry Hefty, seconded by Ralph Young to approve the bills and transfers in the amount of \$304,392.07 along with an invoice for Chuck Beck's service in the amount of \$950.00. A roll call was taken as follows:

| | | | |
|--------|-------|----------|-------|
| Hefty | - yes | Marshall | - yes |
| Miller | - yes | Folk | - yes |
| Young | - yes | Rump | - yes |

All in favor. Motion carried.

MARTY SOWERS: Marty is the manager of the zoning and code department for Light-
LIGHT-HEIGEL Heigel and Associates. After reading some of our minutes, he thought it was necessary to stop by. He spoke with Chief Witherite last week and discussed things Jeff was having issues with and how we can improve. In the past when there have been issues, the Borough has called Marty and worked things out. Marty wants to extend those services to Chief Witherite. He wants to figure out what “the service” needs to be, modify it, and move forward. Marty plans on inserting himself until he gets Jeff acclimated and if Jeff does not get acclimated, then they will find somebody else. Marty does believe that Jeff can do the job but is not opposed to putting a new person in here. One thing Jeff did indicate to Marty was in the past, Edie was always the liaison and now it seems that Chief Witherite has taken that position. Chief Witherite confirmed that with code enforcement. In the past when Jeff had to get a hold of our solicitor, he had to go through Edie. Marty wanted to know if there was a way to contact the solicitor directly. Information was exchanged between Marty and Solicitor Tira. As a company Light-Heigel has a policy that they do not enter properties without permission, as it is generally a bad idea. With Chief Witherite and his people available at their disposal, Marty has no problem with doing what it takes to get the job done. Chief Witherite asked about Jeff simply walking up and knocking on the front door; Marty has addressed that with Jeff. Harry asked how hearings are handled with the District Justice because we have had issues in the past; Chief Witherite said that was just a misunderstanding. Marty said they had a problem having a citation served and Jeff’s shortcoming was failure to contact the Borough to push it through. President Miller mentioned the properties that need attention; she mentioned a letter that was sent to a property owner back in July and nothing has been done yet. Marty and Chief Witherite have talked about this property; the Chief suggested that Jeff drive around Watsonstown and look at properties. Marty said in the past it has always been complaint driven, complaints from Council to them. The Chief suggested before contacting the Solicitor, Jeff Kanezo should notify the police department and maybe they could help him. Marty has no problem with the chain of command. Brendi Brooke asked “if the new borough manager is going to be in charge and control the budget, along with controlling expenses, shouldn’t everything go back to going through the borough manager?”. It was confirmed that once a new borough manager is hired, it will go back to that chain of command; right now this is to bridge the gap. Marty said he will get together with the Chief to discuss the properties that are not being dealt with the way he

feels they need to be dealt with, Marty would be happy to meet with the Chief and take a tour. Marty confirmed Jeff Kanezo will drive around to maintain his list of violators. Angela Salvatori, a landlord, wanted to personally thank Marty for acknowledging problems. Angela's biggest issue is Jeff knowing there is a problem and he needs to abide and follow up. Discussion came up about different properties with multiple people talking; it was noted that knocking on front doors and posting something on front doors is not a problem for Jeff. David Plotts, 114 E. 3rd Street, also discussed the property in question. Harriet said we need someone we can depend on to do this job and follow up. Marty mentioned that we get reports from Jeff Kanezo but he doesn't see Jeff's reports. Discussion took place about Marty looking at Jeff's reports. The Mayor mentioned that the report that Jeff issues should include a column for the issue; at some point along the line maybe you can't get the resolution in the same month but carry that forward until there is a resolution. Janet Rump mentioned about code enforcement being complaint driven and vehicles that have not been inspected or licensed. Marty said generally "complaint driven" is what has been done; residents come in or email their complaint in writing; if Council doesn't want that, then that is fine. When complaints come in, names must be signed. Marty gave his contact information to everyone. It was concluded that we have Light- Heigel's attention and Light-Heigel has our attention.

VISITORS: President Miller reminded our speakers to stay on borough business and keep within 5 minutes.

ROBERT BROWN: Robert Brown of 11 East 10th Street was the first to speak. He wanted to take a few minutes to thank the Watsontown Police Department, Chief Witherite and District Attorney Ann Targonski, for the work they were able to accomplish in front of the Elementary School. The safety of children should never be a question regardless of what's going on with politics. He wanted everyone to know how much he and his family appreciate what they have done. He said anyone that would like to sign the E-petition should see him after the meeting. The first, second, and third reasons for the petition have been addressed at previous meetings. 1. The mistreatment of a great man, Chief Derr. 2. Unacceptable pattern of behavior by the Mayor. 3. The Mayor not understanding his role as it relates to his responsibility in the Pennsylvania Borough Code. 4. The Mayor sharing confidential information about a borough employee with the public. People wanted clarification on why we are here and tonight you are going to hear it. The 5th reason the petition is the Mayor, in his opinion, has created a mistrusting, contentious environment from the time he took office in 2013 to present, which has resulted in higher legal fees than the Borough would have otherwise incurred. Again in his opinion, referring to people as despicable is not the best way to make friends. Legal fees were budgeted for \$34,000 in 2013 and 2014 but the Borough

spent \$65,089 and \$71,784 respectively in those years. In 2015, we budgeted \$66,000; it had to be raised. As of today, we have incurred a total of \$30,407 with two months left in 2015, he is quite concerned and he thinks the public should also be concerned where our legal fees are going. The Mayor's attitude as a self-named watchdog of Borough Council has required the presence of a Solicitor at both Committee and Council Meetings to keep things from getting out of control. He said legal fees in Hughesville run about \$12,000 a year. Hughesville is about the same size, the Solicitor does not have to attend the regular committee meetings therefore their legal fees are much lower than ours. They also do not have the amount of litigation that we do; other surrounding Boroughs in this area spend about half of what we do in legal fees and we should be concerned about this. The Mayor is entitled to a \$4,000 a year stipend that is indisputable as state law. That \$4,000 stipend so far August 2014-2015 the Borough has paid \$3255 for his legal representation. So far from August 2015 to present he has incurred \$1410 of the \$4,000 stipend that he is allowed by law; there is no dispute about that. We have nine months to go until August for that \$4000 to be incurred. There is a thing called moral hazard regarding insurance; if you use your insurance all the time, it can get cancelled. If we rack up all of the legal fees that we can talk about tonight, Mayor Hontz' attorney fees total \$4665, the deductible paid for Chief Derr's lawsuit is \$2500, the conservative cost for the Solicitor, who is needed at Committee Meetings, is \$135 an hour based on three hour meetings, that runs \$9720 for the last two years; that is a total of \$16,885. None of this cost includes the fees charged for legal research and everything related to the Mayor and questions that have to be clarified; the legal fees are out of control. He said to get out to the e-petition and read it and read the reasons; it is about legal fees, it is not a personal vendetta against the Mayor, as some have said it is, it is not. He is concluded with his concern about the way the Borough is going; we need to stop all the litigation and law suits. President Miller moved the meeting along.

AMY PITOU:

Amy Pitou of 500 Main Street gave the 6th reason for the petition; the Mayor is unable to work well with the Council and the Solicitor. She quoted statements made by the Mayor from a November 16, 2013 newspaper article in the Standard Journal newspaper. She asked "2 years later, what unethical issues have the Mayor been able to point out with Council"? She said ½ the Council has signed the petition and the Mayor has threatened to sue them and this violates their 1st Amendment Rights. The 7th reason is the Mayor's public statements and actions regarding the firing of the former public works supervisor are against the best interest of the Borough. A confidential, personnel report, prepared by Latsha, Davis and McKenna that cost over \$15,000.00 was given to Mr. Winter's lawyer by the Mayor. She asked why would the Mayor help Mr. Winters build a lawsuit against Watsonstown with the confidential report that "we" paid for. Mr. Winters is seeking \$50,000.00 plus court cost. She went on to

say there shouldn't have been a "conflict of interest" which necessitated the use of a \$4,000.00 stipend; the Mayor did not have a vote in the dismissal of the public works supervisor, so "why should he have needed independent counsel to represent him; the Mayor's role is only to oversee the police." Dennis Derr's settlement cost \$23,875.00; Chief Derr won a lawsuit in federal court; his right to free speech and freedom of association was violated by the Mayor and the Mayor retaliated against him by suspending him. Amy said they have 413 residents and 12 non-residents who have signed the petition. She continued "for the reasons state above, the undersigned citizens of the Borough of Watsonstown respectfully request the voluntary resignation of the Mayor, David Hontz; we have lost confidence in his ability to lead and are not satisfied with a community divided; we believe the Mayor's role should be one of leadership and working with all people and with the Watsonstown Borough Council for the betterment of the Borough and its citizens; we desire new leadership in the role of the Mayor of Watsonstown. A round of applause followed.

**DENNIS
CONFER:**

Dennis Confer of 115 Murray Street. Dennis addressed Borough Council, Mr. Mayor, Chief, Mr. Beck, residents of Watsonstown, and guests. He first wanted to thank Brendi and Lisa, the secretaries at the Borough office for going beyond the call of duty in the absence of the Borough Manager. They are doing an excellent job in greeting every customer with a smile. He asked for a round of applause. Dennis is representing the 1800 residents of Watsonstown who did not sign the petition for the Mayor to resign. He is fed up with the bullying by immature adults of this community that keep adding fuel to the fire week in and week out in the newspapers, on social media, and at Borough meetings. Dennis said it is time to leave it go and move on like responsible adults; "you get more with sugar than with vinegar if you would only try". Dennis knows this first hand because last Friday he reacted just like people have done with the public works director and Council President Miller over the leaf pick up schedule or lack thereof and we as residents have to second guess if they will or won't pick up leaves on any given day. A reminder to the Borough Secretary: a simple schedule in the October newsletter will suffice the cause. Dennis has talked to Mr. Derr and Mr. Derr is very happy working as the Public Safety Officer for Milton School District and has no regrets that he resigned when he did. After 33 years, it was time to move on and that is what we all need to do here in Watsonstown, is to move on. We have become the laughing stock of Northumberland County. The signs have gotten out of hand especially at the residence of Amy Pitou, where there are signs all over the place; he claims she wouldn't know if one was stolen or damaged. He said Amy has been faithful with her cause; her determination is overwhelming; he invited her to join the Sesquicentennial Committee; their next meeting is Tuesday, 11/17/15 at 7:00 pm in Council Chambers. He continued to state the

length she's lived in Watsonstown and questioned her knowledge of the history of Watsonstown and the path it has taken over the last years. At a point, the crowd became loud over a statement made by Mr. Confer. He spoke regarding Watsonstown's swimming pool, its lack of upkeep and the decision by Borough Council to close, rip out and fill in the Watsonstown pool. Somehow Watsonstown was able to move forward without negative rallying or signs and no political outbursts. President Miller told Dennis that his time was up. A round of applause followed.

GEORGE E. STEVENSON DAM:

The Mayor said he received correspondence regarding the George E. Stevenson Dam located in the Sinnemahoning State Park. He said the Borough is required to post this notification annually in the event the dam should fail.

8th STREET LAMPOST:

President Miller said she talked with Greg Brouse and the crew will be replacing the lamppost and repair the damaged one to keep as a spare.

CRACKSEALING:

Dan Folk said the Street Committee has a list and Mid-State will be coming to do the work this week or next week.

NORTHERN NEIGHBORS:

The Mayor gave an update on the sewer project paving. He was unclear how much was still left to do. Council had nothing to add.

SPEED ENFORCEMENT AGREEMENT:

Solicitor Tira said there is no agreement; the police have been authorized by the District Attorney to patrol the area. Per the Solicitor and the Chief, it is complete.

SESQUI-CENTENNIAL MEETING:

Janet Rump said this month's Sesquicentennial Meeting is being held on November 17, 2015 at 7 pm in Borough Chambers. They are progressing along.

LISA DAVIS - DEMAND RATES:

Lisa spoke regarding previous electric questions. Jim Harvilla said the demand is based on a 15 minute window; an outage can increase demand with a post outage startup. He also said some of the new electronic meters have a programmed setting that will consider an outage event and delay the start of the demand window immediately after an outage. She concluded that an outage can affect the demand. The Mayor asked for a copy of this information to be put in his mailbox.

ELECTRIC RATES ON BILLS:

Lisa said she was in contact with Diversified about the display of rates on the bills; she was asked to email a copy of our bill and our rates. She called Mifflinburg Borough, they also work with Diversified and they have tried putting their rates on their bills though it didn't work. Mifflinburg has since put their rates on their website; their residents can use the website for rates along with the PPA on their electric bill thus

enabling them the ability to calculate their bill and call if they have any questions. Lisa asked if it's possible to put our rates on our website; Solicitor Tira said nothing legally prohibits the Borough from doing it. She said Mifflinburg plans to convert to "smart meters" and she will get more information about them as well. She will continue to work with Diversified; they suggested preprinting rates on the back of our electric bills. Lisa also said she compared a commercial demand reading versus a residential rate and the business was \$134.56 higher even though business rates were lowered.

CANAL BOAT LIGHTING:

Janet said Greg has ordered the fixtures, lights and poles. Once we have them, the job will be put out for bid.

GENERATORS:

Brendi said Jeff Kline of AMK Electric was in to look at quoting generators for the Borough Building and the garage. He was recommended by Chuck Beck of the Milton Borough. We haven't received his quote yet. Also, Zimmerman Electric returned a call to Greg Brouse today as well. S&K Electric will not bidding as they are busy with other business. Brendi clarified that Council is looking for numbers for the 2016 budget with regards to the generators.

REFUSE BID:

President Miller opened the refuse bids as follows:

1. Bob Frey Disposal – Watsonstown
Alternate Bid #1 - \$126,635.04 for 2016, 2017 & 2018 –
Total = \$379,905.12 (1 can twice a week)
Alternate Bid #2 – \$109,310.04 for 2016, 2017 & 2018 –
Total = \$327,930.12 (2 cans once a week)
Both bids = \$1.00 for each extra bag.
2. Hometown Disposal – Sunbury
Alternate Bid #1 - \$150,294.96 for 2016, 2017 & 2018 –
Total = \$450,884.88
Alternate Bid #2 - \$132,392.52 for 2016, 2017 & 2018 –
Total = \$397,177.56
3. B&W Disposal – Dewart
Alternate Bid #1 - \$144,759.96 for 2016 & 2017
\$147,647.40 for 2018 – Total = \$437,167.32
Alternate Bid #2 - \$115,884.96 for 2016 & 2017
\$118,772.52 for 2018 – Total = \$350,542.44

Janet Rump made a motion, seconded by Dan Folk, to accept Bob Frey Disposal's refuse alternate bid#1 as the low bidder, contingent upon the execution of the agreement and confirmation of the figures. A roll call vote was taken as follows:

| | | | |
|----------|-------|-------|-------|
| Marshall | - yes | Young | - yes |
| Miller | - yes | Rump | - yes |
| Folk | - yes | Hefty | - yes |

All in favor. Motion carried. A round of applause followed.

**MEETING
PROCEDURES:**

After a brief discussion, Solicitor Tira said the meeting procedures as presented to Council were a combination of many things; a similar but shortened version of Roberts Rules of Order. Dan Folk made a motion, seconded by Ralph Young, to approve the Borough of Watsontown Meeting Procedures. A roll call vote was taken as follows:

| | | | |
|--------|-------|----------|-------|
| Miller | - yes | Rump | - yes |
| Folk | - yes | Hefty | - yes |
| Young | - yes | Marshall | - yes |

All in favor. Motion carried.

Solicitor Tira said the new meeting procedures are to be posted at the entrance of our meeting place and in the Borough office and they cannot be strictly enforced until the December 7th meeting, which gives people a chance to review them. They can also be placed onto the Borough's website. Brent Frey asked if the new Council can change the rules; Solicitor Tira said "yes".

**ELECTRIC
LATE FEE
REQUEST:**

After a brief discussion, it was decided residents can continue to request late fees to be waived but Council has a policy to not waive late fees.

**PURCHASING
& FRAUD
POLICIES:**

Brendi requested Chuck Beck speak regarding the policies. Chuck said Watsontown has no internal controls in place. He feels we need a purchasing policy, it needs to be followed and it follows Borough Code. We cannot have someone responsible for the budget but have 5 people spending the budget. This is the only way to maintain control and to be responsible. He said the fraud policy is a similar scenario. These policies should positively affect our personal liability insurance premium; he said he's surprised our auditor hasn't asked about such policies in the past. Chief Witherite suggested the fraud policy should include a list of fraudulent practices. Solicitor Tira requested time to review the policies and President Miller said they would be on the agenda for the next meeting.

**FIREWORKS
CONTRACT:**

Solicitor Tira said the contract included in Council's packet is not the correct contract. He has provided Council a corrected contract. There was a short discussion about the dollar amount for the fireworks. Harry Hefty made a motion, seconded by Ralph Young to approve up to \$8,000.00 for the fireworks on the 4th of July. A roll call vote was taken as follows:

| | | | |
|-------|-------|----------|-------|
| Folk | - yes | Hefty | - yes |
| Young | - yes | Marshall | - yes |
| Rump | - yes | Miller | - yes |

All in favor. Motion carried.

**DEER
ARRIVING:**

Brendi said the Christmas "deer" will be arriving on November 25, 2015.

**BOROUGH
OFFICIALS:**

Brendi asked for permission to post names only of the boards, committees and commissions for the Borough on the Borough's website. Solicitor Tira stated it is public information.

THANK YOU:

Brendi publicly thanked the use of the Warrior Run Fire Department and for Mark Burrows and Ken Hollenbach's help in arranging it. The Borough crew was able to have a "ground hands" training as presented by AMP-Ohio.

She also thanked D&D Restaurant for providing the food for their lunch.

SEMINARS:

She reminded Dan, Janet & Harry that information regarding upcoming seminars was provided in their packets.

**EXECUTIVE
SESSION:**

President Miller stated they would be having an Executive Session following tonight's meeting for labor and personnel matters.

**MAYOR'S
REPORT:**

written

**HALLOWEEN
PARADE:**

The Mayor thanked WABA, the fire department, the police department and the community for their involvement in Watsontown's Halloween Parade and festivities.

**POLICE
REPORT:**

written (Brendi said she has them for Council)

**FIRE &
AMBULANCE:**

written

**EMA
OPERATING
BUDGET:** The Mayor said he would be in to see Brendi for an update on his EMA operating budget. He would like to put in an order for upgraded sandbags before the end of the year.

**CODE
ENFORCEMENT:** written

**BOROUGH
SOLICITOR:** nothing

**BOROUGH
SECRETARY:** nothing additional

**JACK
MARSHALL:** President Miller said she was very happy to see Jack back. A round of applause followed.

**ADJOURN TO
EXECUTIVE
SESSION:** There being no further business to come before Council, the meeting was adjourned to Executive Session at 8:47 pm.

Respectfully submitted,

Brendi L. Brooke
Secretary/Treasurer

Lisa K. Davis
Asst. Secretary/Treasurer