

**Watson town Borough  
Council Meeting  
November 3, 2014**

**OPENING:** The November 3, 2014 Watson town Borough Council Meeting was called to order by President Miller at 7:30 PM. The meeting was held in Council Chambers. Pastor James Ritter gave the opening prayer and the Pledge to the American Flag.

**MEMBERS PRESENT:** President Harriet Miller, Vice President Ralph Young, Jack Marshall, Janet Rump, Dan Folk, Solicitor Ryan Tira, Mayor Dave Hontz, Borough Manager Edie Moser, Acting Police Chief Richard Faux and Secretary/Treasurer Brendi Brooke. Harry Hefty was absent.

**OTHERS PRESENT:** Mary Phillips, Pat Yeager, Jim Ritter, Buzz Reynolds, Terry Kirchner, Amy Pitou, Angela Salvatori, Aaron Salvatori, Ken Hollenbach, Kevin Mertz, Gary Harmon, Jesse Sperl, Liz Folk, Bob Frey, Cindy Crozier, Sandy Hendricks, Deb Wolfe, Brent Frey and Thomas Raup.

**QUESTIONS CONCERNING THE MINUTES:** The Mayor questioned Page 7 of the October 6<sup>th</sup> minutes regarding the amount of his late charge. He said it was \$15.76, not \$15.06 as stated in the minutes. He said if he stated \$15.06, he was in error. It was noted and checked; the late charge was \$15.76, per the Mayor's statement.

**COMMENTS FROM THE LAST MEETING:** Mary Phillips spoke regarding comments made by the Mayor at the last meeting. Though she wasn't there, she referred to the Mayor's comments concerning former Chief of Police Dennis Derr on Page 4 of the October 26<sup>th</sup> minutes. She read "if you knew what I knew, you wouldn't have given him a nickel". Mary said she didn't like it and stated it was very disrespectful. President Miller thanked Mary and noted her comment; the Mayor noted it as well.

**APPROVAL OF MINUTES:** Janet Rump made a motion, seconded by Jack Marshall to approve the minutes from the October 6, 2014 Council Meeting and the minutes from the October 27, 2014 Committee Meeting. A roll call vote was taken as follows:

Rump	- yes	Folk	- yes
Marshall	- yes	Young	- yes
Miller	- yes		

All in favor. Motion carried.

**GEISINGER  
HEALTH PLAN:**

President Miller asked if we paid Geisinger Health Plan for October and June this month, as stated on the bills & transfers. Edie said the report was correct; a June invoice was never received from Geisinger Health Plan.

**BILLS &  
TRANSFERS:**

Dan Folk made a motion, seconded by Ralph Young to approve the bills and transfers for October 2014 in the amount of \$620,724.31. A roll call vote was taken as follows:

Marshall	- yes	Young	- yes
Miller	- yes	Rump	- yes
Folk	- yes		

All in favor. Motion carried.

**AMY PITOU –  
GREENWAY  
COMMITTEE -  
PLAN FOR  
2015:**

Amy Pitou spoke on behalf of the Greenway Committee and their plans for next year. The committee has defined the street scape area along West Brimmer Avenue as their focus for next year. They will use the design scheme as presented by Tom Grbenick in September 2013. She spoke of her first impression of Watsontown as well as Tom Grbenick's credentials. She said West Brimmer Avenue is Watsontown's Gateway Street, a main thoroughfare and highly visible, as described in the design by Tom Grbenick. The areas the committee would like to focus on will be the grassy areas in front of Family Dollar and Lingle's Bi-Lo. She continued to discuss the committees' intentions including meeting with Tom Grbenick, meeting with the business owners and actively pursuing grants. She is taking a grant writing class on December 12<sup>th</sup>. Amy said before and after photos will be taken along each step of the way to mark improvements and completions to the Greenway project. She introduced Nancy Mitchell, a local talented photographer, who will be photographing for the Greenway Committee. President Miller thanked Amy and said it was good to know what direction the committee is headed; it is budget time.

**CANAL BOAT  
AREA -  
CREATIVE  
PLANTSCAPES:**

The Mayor asked if "we" are going to finish the plan around the Canal Boat; it was the beginning of a grass roots effort and he applauds the committee but he's not sure where they stand with the \$5,000.00. Janet said as of today the money is spent. Creative Plantscapes came, pictures were taken before and after; they weeded around the shrubbery and hedges; they put the hedge lining around. Tomorrow they will lay the landscape fabric and hand trim the hedges; the fabric has been put around the trees that have been planted and 3A stone was used. Janet encouraged people to drive by to see them working tomorrow. She said Edie has the underground electric estimate back; trees are to be planted along the parking lot which includes two more concolor trees. Janet said "as of now, our money is going to be spent until this landscaping is done

for this year”. Jack Marshall asked if the plan in front of Lingle’s Bi-Lo and the Dollar Store has the support of the merchants. Amy Pitou said they haven’t approached the merchants because they need a commitment on funding from Council first. It will be a joint effort from everyone and without knowing what they have to work with they didn’t approach them yet. Because we are going into budget time, Jack also asked if they had a figure for Council that would be ballpark in order to set aside matching funds. Jack said Council needs to know for the budget meetings; the first meeting is this Thursday; we need a figure. Amy said they have a general guideline from Tom Grbenick, having a savings account just for grants and a goal of \$10,000.00 to be saved every year.

**MAYOR’S  
MEMBERSHIP  
DUES:**

The Mayor submitted correspondence from Diane Smith of the Pennsylvania Association of Mayors for payment of his membership dues.

**GEORGE B.  
STEVENSON  
DAM:**

The Mayor received correspondence regarding the George B. Stevenson Dam, Austin, PA. He read concerning the dam’s potential to flood our area should the dam fail. After much discussion, it was determined the dam is located in the Sinnemahoning State Park. He is going to contact DCNR for further information.

**AUDIT  
QUESTIONS:**

The Mayor said he was in receipt of President Miller’s letter to Peg, the auditor. He had contacted the auditor in hopes of getting a copy of their letter that prompted the \$250.00/\$260.00 response from Glen Davis. The letter from President Miller states the Mayor can make an appointment with the auditor only if he has President Miller and the Borough Solicitor present. The Mayor asked President Miller to explain; she said it was the recommendation of the Borough Solicitor. Solicitor Tira stated the prelude to the letter was the auditor sent a letter to the Borough because they were contacted by you and you identified yourself as the Mayor; their concern - were they supposed to speak with you or not. The Mayor asked if the auditor provided Solicitor Tira a copy of his written request; it was relative to the audit reports from the last three years. President Miller said she thought the auditor’s concern was exactly “what” she could release. The Mayor asked if Solicitor Tira could possibly answer his questions:

- 2012 posting weaknesses – help was offered by the auditor’s firm to the Borough. The Mayor asked if the Borough had taken advantage of their training offer.
  - Edie said Rachael was to come last year in November or December but she left the firm; they were shorthanded so unfortunately, it didn’t happen.

- 2013 material weaknesses – a letter from 2014 states the Borough staff continues to have difficulties posting transfers and other transactions. The Mayor asked if the Borough staff has taken any steps to correct these material deficiencies.
  - Edie said yes, they sat with Peg and John; she and Brendi have recently talked of the audit. Edie also confirmed it was the 2013 audit, 2014 has not yet been audited.
- 2013 limited segregation of duties – per the letter dated 2014 – there has been limited segregation of duties. The Mayor asked if there is evidence that cross training has been done.
  - Edie said yes; two people know each program; President Miller said they “switch off” as well so no one is away from it for any length of time.

The Mayor said should he feel he needs to contact the auditor, he will contact the Solicitor and set up an appointment.

**SHIFT FROM  
ELECTRIC TO  
REAL ESTATE  
MILLAGE:**

Brent Frey read from the October 27<sup>th</sup> minutes “Harry made a motion that Council work to obtain the calculations related to reducing the electric rate by an increase of 5 mils in real estate taxes; Janet Rump gave a second, a roll call vote was taken and everybody agreed to this”. Brent asked what is the objective in raising real estate taxes and lowering electric rates; what are we going to get out of this? President Miller said Harry has talked of this for a long time, we agreed to get the information but we are not doing anything. She said the information being gathered is how much taxes would need raised to lower electric rates and also what can be done to help the businesses. She said “we’ve not raised taxes”; we cannot do that. Brent said he feels Council is wasting their time, as Harry said, it is a wash. Someone from the audience said it is not a wash to the individuals. Brent stated a big percentage of the electric money comes from the renters; the renters pay absolutely no school taxes which is based on property taxes so by doing “this” you are not helping the property owners or the businesses, you are helping the renter. President Miller stated electric is spread over renters and homeowners whereas taxes only on the homeowners; she said they are looking at several ideas; “that” is Harry’s, it doesn’t mean it’s going to happen. Janet said Council has been asked by residents to look into this option to lower electric. Janet said her home is total electric and also under the new assessment; either way she is going to pay. It was confirmed that Jim Harvilla is looking into what it will take in taxes to lower electric rates and make it revenue neutral. Solicitor Tira said Jim Harvilla is checking into taking 5 mils worth of tax from the current electric rate; how much the rate would be reduced. Per the

Solicitor, Jim Harvilla knows the usage, average flows, etc. After further discussion and comments from the audience, President Miller said nothing has been decided, Council is trying to help businesses. In conclusion, Brent said he just doesn't see where it does anything. President Miller said the money has to come from somewhere; we have to support our police force, we've got bills to pay; "either way we've got to have the money so it's either on your taxes and the homeowners pay it or we leave it on the electric and everybody pays it". It's all in who comes and makes the most noise. Buzz Reynolds said he has been making more noise than anybody else; to him it's a simple solution; "you have to cut something in this Borough to lower the budget and just cut the electric rate". President Miller advised that's why we have budget meetings. Buzz asked what the Borough will do regarding the lost revenue from the school, Short Stop, Legion and possibly his business. President Miller said we will have to cut something, the bills must be paid. Jack Marshall said we've just talked about the Greenway Project, whether it's the storm water system, etc.; whatever it is at that time who wants to pay for it, who wants to pay the taxes, who wants to authorize it, who wants to stand here and holler about everything else; how about hollering about that. Who is going to raise the taxes; you say you want the Greenway; ok that's going to cost "X" amount of taxes, ok then you have to support it. He said draw the line, as Harry has said, we are going to have no new expenses; anyone who wants a new program, it will cost "X" amount and we have to raise the taxes to pay for it; who wants it? Jack said he bet you'd see "dead silence". He finished with "there ain't no free lunches". President Miller proceeded to read over some items on this month's bills and transfers; including amounts for uniform (\$61,359.00) and non-uniform (\$95,001.00) pensions and the firemen's relief fund (\$12,037.15). Brent Frey asked if the Borough was going to be at a budget deficit; he was answered with "no". He said what Council is considering will not improve anything; it's a wash; the person who gripes the most is Buzz but there hasn't been a solution to "fix" his problem. President Miller said that's what budget time is for; Council is going to try to do something to help the business owners. Janet Rump stated Council's first budget meeting is this Thursday night at 6:30, it will be advertised. President Miller said Council hopes to have numbers from Jim Harvilla; it's just the beginning of many meetings.

**DEMAND METERS:**

Brent asked how many demand meters there are in town; Edie said she didn't know. He said there really isn't any business in town; it's dying. Let's try and keep businesses here in town; he said if he has to pay an additional 1 mill in taxes to get Buzz off a demand meter, he's ok with that. President Miller said "that's what we're going to look at"; to which Brent said you've been looking at it for the past year; at least talking about it. Brent asked Council to come up with a solution; President Miller said Council hopes to. It was confirmed that Thursday's budget meeting was open to the public.

**PROPERTY  
DAMAGE  
at 197 EAST 8<sup>TH</sup>  
STREET:**

Jesse Sperl of 197 East 8<sup>th</sup> Street spoke regarding damage to his property by trucks using the Moran Warehouse across the street. He was advised to put up barriers and today he watched as the barriers were moved another 6 inches by trucks. Acting Chief Faux asked if Jesse called the police department today; Jesse said he did not, he feels the department is tired of hearing from him. Faux said they have talked to people to try and identify the trucks and the drivers and unfortunately these tactics often lead the police department to dead ends. The police department does understand Jesse's position. Jack Marshall asked about placing a large boulder on his property; Faux said then you're dealing with right of way issues, etc. Faux said it is a terrible spot that Jesse is in; the police department has tried to do as much as they can. Jesse said Moran was supposed to put poles onto Jesse's property; PA One Call came and marked the property in the fall of last year; it's never gone any further. Faux encouraged Jesse to call "911" when it happens and an officer will respond; it will be investigated the best the department can. Faux confirmed when there is property damage; trucks are cited as part of restitution. Jesse said he pays taxes to the town as well; he thinks something more could be done. He said when the new road was put in, his curbing became flush with the street; if he had curbing it might help. The problem is that he was told it was Penn Dot but they said it's the Borough's problem. Once the location of the curbing was confirmed, Council agreed it's the Borough's. Acting Chief Faux said the department has to be able to identify someone to be able to send a ticket; it doesn't matter whose property is destroyed and it's not that they don't want to take care of the homeowner. President Miller advised as Acting Chief Faux said "just keep calling". A resident said it is unbelievable that this property is abused this way; she asked if someone from Council and the Borough police meet with John Moran on behalf of Jesse. Our town shouldn't have to continue trying to come up with solutions to these problems; it's not our problem; it is John Moran's. She said the damage his trucks are causing is practically destroying this Borough. It appears to be a vicious cycle; someone needs to meet with John Moran not to blame him for everything but say "we have to find a solution; our citizens don't deserve this". She asked "why can't John Moran be brought into this"? Acting Chief Faux said the warehouse currently in question is leased from Moran by another completely different company. He said when the police department gets complaints, the department talks to the managers at that building and they do provide information; sometime they get enough info. to act on and sometimes they don't. Faux said he'd gladly be a part of the solution and have a "sit down" with someone. Jesse mentioned reducing the size of trucks to 48 feet, no sleeper cabs and force them to have spotters for their trucks. President Miller encouraged someone from Council or the Streets Committee, along with Acting Chief Faux to meet with Moran and come up with a solution to help Jesse Sperl and the other residents in town. Faux said he will have a report for the next meeting.

**INT'L  
PROPERTY  
CODE:**

Jack said it was his understanding that Council didn't have to adopt the entire International Property Code, he also understood that the Solicitor would review it. Solicitor Tira said he was waiting for direction from the Protection to Persons/Property Committee. Edie thought each member of Council was to review it and come back with suggestions. The Mayor said the group should give it some attention and possibly review it together one section at a time. Jack agreed and said Council could use those sections that are applicable to the Borough of Watsontown.

**THIRD STREET  
PAVING:**

Solicitor Tira said he, Edie and Dan Folk are meeting this week to look at the paving issue on Third Street.

**EXACTOR  
REPORT:**

Edie handed the Exactor Report to members. She said the field engineer came in August and met with Greg Brouse and Mike Messinger and took them to various locations in town. There were no emergencies; the electric will need taken down in areas; the electricians have not gotten to this yet; we are short of help as it has been a busy summer. She did send the report to Jim Harvilla for review but hasn't heard back from him yet. The electricians need to know if Jim wants wiring changed out or transformers replaced at some locations. She said the report and improvements have not been forgotten.

**TREE AT  
SOUTH END  
OF TOWN:**

Edie called Ettinger's twice to come and spray a tree at the south end of town for Anthracnose but they never came. Last week she called Creative Landscapes who advised for best results, the spraying should be done in the spring when it can be fertilized and sprayed correctly. She said if that's ok with everyone, they will spray it in the spring. Edie said it has been put on the list so it doesn't get missed.

**ELECTRICAL  
APPRAISAL:**

The Mayor asked for the status of the electrical appraisal. Edie said Jim Harvilla spoke with Harry Hefty and her; he asked for a mountain of information from the utility clerk and the electricians, including looking at transformers and measuring electrical lines. Edie was asked to get the information for Jim Harvilla together by the Electric Committee. The Mayor claimed that information was compiled last year by Scott Winters, and asked who's on the Electric Committee. He said there was a very exhaustive inventory done by Mr. Winters. He asked if we are going to duplicate Mr. Winters work; he said "we've already spent \$4,000.00 for a report that wasn't asked for; this disturbs me when we have to crowd in and have people standing in the hall when we can't afford \$50.00 to go across the street and have a decent meeting". Mayor Hontz said he's complaining and Council gave the Borough Manager directives and she didn't do it; "her directive was to get an appraisal, an electrical appraisal, do you want me to go through the minutes, to which President Miller replied "no sir"; the Mayor said "but I want to". President Miller asked Mayor Hontz to please speak in a normal tone of voice to which someone

called out from the audience “that is his normal tone of voice; that is normal”. President Miller proceeded to clarify; Edie said she did what she was asked to do and provided all information to Jim Harvilla. Dan Folk spoke regarding Scott Winters electric inventory that the Mayor gave him. He asked if the entire inventory was on the one sheet he was given; the two further discussed the list and the possibility it wasn’t the complete or correct list. President Miller started to say “the insurance company would like to have that” when the Mayor interrupted with “the insurance company didn’t ask for the appraisal, the Borough did and there seems to be smoke in mirrors around here”; to which President Miller said “don’t make accusations Dave”; the Mayor responded with “I will make accusations, I already have”. President Miller stated that the appraisal is being addressed, Council has worked on it, the insurance company has asked for additional information to increase the insurance. The Mayor agreed and said that was the directive a year ago; he proceeded to read from December 2013 and January 2014 minutes regarding insurance and the electric appraisal. He said the electrical appraisal did not happen as stated in the January 6, 2014 minutes; he offered to give “his” list. Edie said we use the same appraisers as we did when Paul Kreckel was here. Edie and President Miller agreed that the appraisal was updated and now we need to go back and add the insurance coverage. Someone called from the audience “that’s not what the minutes say”. The Mayor said “they don’t want to hear what they say”; “they don’t want the truth”; “we’re blowing smoke and we are all out here buying it”. He continued with “that’s the end of my questions”; “I’ll submit my questions to the newspaper”.

**MAYOR:**

The Mayor said he has a written 3 page report this time and for the last two months he’s worked with the police department to try and determine what happened and why it happened in relationship to the former Chief’s resignation or retirement. The Mayor said the former Chief’s submission of retirement on August 25th was clearly out of the chain of command. He said for the month of August, Chief Derr was on vacation and August 31st was his last day. According to conversation with President Miller, on or about that time he brought “the letter” to President Miller and returned no equipment to President Miller. “Being his boss, as I am” said the Mayor when President Miller interrupted with “I wouldn’t have accepted any equipment anyway; it would have had to have been returned to either you or the police department”. President Miller said “he (Chief Derr) brought the letter to me and had me bring it to Council and read it and that’s exactly what I did”. The Mayor said it was totally out of the chain of command, a big surprise and read into the public record; the Mayor said “I want my report tonight read into the public record”. President Miller said “that’s fine”.

The Mayor read:

- On September 3rd, we met and I asked you (President Miller) about items returned and you said there were none. The Mayor and President Miller cleared no items returned to “her”.
- Also on September 3rd, he had various conversations with members of the police department. The Mayor was told in the week’s prior to the Chief’s retirement announcement, former Chief Derr had actively cleaned out his office and carried multiple bags to the dumpster at the Borough Building. At this time, the Mayor became concerned as to files missing because the Chief was the subject of a civil suit.
- The Mayor said he contacted Northumberland County District Attorney Targonski and issued a memo to all members of the police department saying “I want a written account of any and all material returned by the Chief”; the Mayor wanted it done by Friday of that week, the 5th.
- On September 6th, he (the Mayor) emptied his mailbox and had letters from Danley, Faux, Drollinger and Dreisbach; two letters from Corporal Danley, one preceding the other. In the memo the Mayor issued to the police department members, he said there may be a pending criminal investigation.
- On the date of Chief Derr’s retirement, he had returned his keys, two automatic pistols, magazines, ammunition, cell phone and charger went into the evidence department; his keys, badge and pager were on his desk. Those items were returned prior to September, on August 30th.
- After issuing the memo, Corporal Danley received 37 additional items that were returned by the former Chief of Police; the Mayor submitted those items to be written into the public record.
- Per the Mayor, two of the leading items on this list were two unregistered revolvers and the last item was a ring of keys that’s still under scrutiny.

“That is my report for November 3rd; thank you” stated the Mayor.

**SOLICITOR  
TIRA:**

Solicitor Tira stated “just to be clear, there is no ongoing criminal investigation”; “the District Attorney’s office, to my understanding from discussion, is not recommending an investigation”. The Mayor said that was his understanding. Solicitor Tira said the District Attorney does not see it necessary. The Mayor said at that point as of September the 3rd;

“we are still trying to locate files and other items; so what her (the District Attorney) wishes are; who knows”.

**MARRIAGE  
FEES &  
CEREMONIES:**

Janet Rump spoke regarding mayor’s officiating over weddings; she said marriages need to be filed in 2 or 3 different places or they are not official. She also asked the Mayor what his fee was for the marriage. The Mayor said it’s a set fee; he’s allowed to charge as much as \$150.00 and that is the fee. Janet said Council is to be informed of the fee. The Mayor thought he didn’t have to report it. Janet asked if it could be checked into so Council has record. After further discussion, Janet just wanted to be sure what the fee was so Council and the office is informed should someone ask. Someone from the audience said “you contact him”. The Mayor said he’s not obligated to do any.

**MAYOR:**

written

**POLICE  
DEPARTMENT:**

written

**FIRE &  
AMBULANCE:**

none

**EMERGENCY  
MANAGEMENT:**

nothing additional

**BOROUGH  
SOLICITOR:**

Solicitor Tira said a brief Executive Session would follow tonight’s meeting for personnel.

**BOROUGH  
MANAGER:**

written

**BOROUGH  
SECRETARY:**

none

**RETURN TO  
PUBLIC  
SESSION:**

When asked, President Miller said she didn’t anticipate reopening to a public meeting but it was possible.

**BRENT FREY:**

Brent Frey said he listened to the Mayor’s report regarding the Chief. Brent said he’s lived in this town most of his life and to him as a kid growing up in town he felt the Chief did an excellent job as a police officer in this town. Brent asked it be known for the record. He also said he hated to put “Dave” on the spot but “your relationship seems to be sour with the Chief”; the Mayor asked “have you ever been sued by someone”. Brent asked, “prior to Scott Winters, how would you say your relationship was with the Chief?” The Mayor said “that” was above and beyond his

duty to answer. Brent stated he thought he'd at least ask. Brent said he feels the Chief did an excellent job; though he said he doesn't know the circumstance.

**ADJOURNMENT:** There being no further business to come before Council, a motion was made by Ralph Young and seconded by Dan Folk to adjourn to Executive Session at 8:35 p.m.

Respectfully submitted,

Brendi L. Brooke  
Secretary/Treasurer