

## MINUTES OF THE 09/02/2020 SPECIAL MEETING

A special meeting of The Municipal Authority of the Borough of Lewistown was held at 70 Chestnut St., Lewistown, PA and by teleconference due to social distancing guidelines. The meeting was called to order by Chairman Laite at 3:00 p.m.

Berrier asked Laite who called this meeting. Searer advised the potential for a special meeting was discussed at the previous Board meeting. This meeting was recommended by all Authority legal counsel and requested to be scheduled by Searer. Berrier voiced his opinion the meeting has to be called by the Board and the meeting was not legal. Berrier left the meeting at 3:03 p.m. Rager left the meeting at 3:03 p.m.

The group recited the pledge of allegiance.

**BOARD MEMBERS PRESENT:** Bargo, Berrier, Laite, Rager, Rocco

**BOARD MEMBERS ABSENT:** Berrier 3:03 p.m. & Rager 3:03 p.m.

**BOARD MEMBERS LATE:** None

**OTHERS PRESENT:** Bubb, Hassinger, Searer, Ward, White

**OTHERS ABSENT:** None

**OTHERS LATE:** None

**PUBLIC PRESENT:** Kay Semler, William Gomes

**PUBLIC COMMENT:** As noted in minutes

### **SOLICITOR**

Searer provided the events that lead to the special meeting. The date and time were very sensitive due to advertising notices and newspaper deadlines. Searer and Bubb, as well as the Board members present, Laite, Bargo and Rocco, were in agreement the possibility of a special meeting was discussed at the previous meeting during litigation discussions. The upcoming special meeting of the Lewistown Borough on September 3, 2020 was important since the Memorandum of Understanding (MOU) was not voted on at the last Lewistown Borough special meeting. Legal counsel wanted to show a strong commitment to the MOU and have the Authority execute in good faith to the Lewistown Borough and Mifflin County as a favorable step to move forward to resolve the litigation.

Searer provided an explanation of Robert's Rule related to a point of order, "call for the question". He clarified that this point of order cannot stop discussion and bully the body into a vote. The request needs to be made in a form of a motion with a second. Everything stops and the motion is voted upon. The motion needs a 2/3 majority vote to pass. In the case of the Authority, four (4) votes would be needed to pass the motion.

The public attendees were given the opportunity to voice any questions or concerns they had. Ms. Semler noted she was a resident of Brown township and a water customer; she had no questions. Mr. Gomes' interest was as a Borough resident and public official. There were no additional questions.

The meeting moved to executive session to discuss litigation matters at 3:10 p.m.

The special meeting reconvened at 3:56 p.m.

The MOU between the Authority, Lewistown Borough and Mifflin County is a legal transfer that would end litigation and allow for a lawful purchase of the Authority's assets versus the lease back operation initially presented by the Lewistown Borough. The MOU outlines a 9-million-dollar payment to Lewistown Borough. The debt will be paid off in thirty (30) years. The legal committee is confident Mifflin County will sign. A Bargo/Rocco motion, to approve the execution of the Memorandum of Understanding between the Authority, Lewistown Borough and Mifflin County, was made. Discussion followed related to legal recommendations by the Authority legal team as well as the Lewistown Borough legal team related to the MOU. Rocco voiced his

option related to the eleven (11) member board. He thought it seemed like a high number. Searer provided details on how the number was formulated. The Authority serves eight different municipalities. The consumption as well as the number of customers served was evaluated and a normalized combination of both factors was used to arrive at the final number of board member seats. A roll call vote was taken: Bargo-Yes, Rocco-Yes, Laite-Yes. The motion carried.

The meeting adjourned at 4:07 p.m. on a Rocco/Bargo motion.

Attested by:

Barry Bargo  
Secretary