

Lewistown, PA

November 10, 2020

The Board of Mifflin County Commissioners met for a Special Meeting on Tuesday, November 10, 2020 at 9:00 a.m. In attendance were Commissioners Mark Sunderland, Robert Postal and Kevin Kodish; Chief Clerk Cathy Romig and Assistant Chief Clerk Angela Shuey. Solicitor Stephen Snook, BMZ Law was absent.

There were no representative present from the news media.

Guests present: Treasurer Deb Civitts; Housing Rehabilitation Specialist Doug Marks; Physical Plant Director Lonnie Griffith; Director of Fiscal Affairs Mike Baker and Craig Bubb, MABL

The meeting was called to order at 9:00 a.m. by Chairman Sunderland.

**I. Invocation:** The Invocation was given by Commissioner Kodish.

**II. Pledge of Allegiance:** The Pledge of Allegiance was said by all present.

**III. Public Comment:**

None to report.

**IV. New Business:**

A. Resolution No. 63 of 2020 stating the County's intent and authorization to organize a County Authority

#### **MIFFLIN COUNTY BOARD OF COMMISSIONERS RESOLUTION**

Resolution No. 63 of 2020 – November 10, 2020

**PURSUANT TO § 5603 OF THE MUNICIPALITY AUTHORITIES ACT (“ACT”),  
RESOLUTION OF THE MIFFLIN COUNTY BOARD OF COMMISSIONERS (“COUNTY”),  
OF THE COUNTY'S INTENT AND AUTHORIZATION TO ORGANIZE A COUNTY  
AUTHORITY PURSUANT TO THE ACT**

**WHEREAS**, the County, the Borough of Lewistown (“Borough”), and the Municipal Authority of the Borough of Lewistown (“MABL”) entered into a Memorandum of Understanding (“MOU”) dated September 14, 2020, a copy of which is annexed hereto and incorporated herein as Exhibit “A”; and

**WHEREAS**, paragraph 3(i) of the jointly executed and jointly approved MOU provides that the County “shall promptly form a county-wide municipal authority with any and all powers under the Act, including, but not limited to, owning and operating a water system”; and

**WHEREAS**, paragraph 4(ii) of the jointly executed and jointly approved MOU provides that all parties “shall work together as follows:...[f[orm the C[ounty] A[uthority]”; and

**WHEREAS**, each party duly approved the MOU at properly convened meetings and upon proper vote of their respective members, thereby evidencing a desire for the County to form said county-wide authority as said formation is in the best interests of all parties and stakeholders involved.

**NOW, THEREFORE, BE IT RESOLVED** by the County as follows:

1. The County intends to create, and hereby authorizes the creation of, a county authority pursuant to the Act and pursuant to the terms and conditions outlined in the MOU.

2. *The County shall file, pursuant to the Act, Articles of Incorporation, as set forth in Exhibit “A” attached hereto and incorporated herein, with the Secretary of the Commonwealth of Pennsylvania.*

*The County authorizes the Chairman of the Board of Commissioners to execute, on behalf of the County, any and all documents necessary to effectuate the formation of said authority.*

*Commissioner Postal explained that this special meeting is being held for the specific purpose of addressing this Resolution with the intent to file Articles of Incorporation with the Department of State and form the County Municipal Authority. After negotiations, all parties including the Municipal Authority, Lewistown Borough and the County voted on and agreed to a Memorandum of Understanding (MOU) dated September 14, 2020 forming a county-wide water authority. This county authority would have representation on their Board from all municipalities served by the Water Authority. Between then and October 28, 2020, all of said municipalities have provided board member nominees except for the Borough of Lewistown. The County was prepared to pass the Resolution at our last meeting, but could not do so without the nominees from the Borough of Lewistown, so that motion was tabled. It was hoped that the Borough of Lewistown would nominate a slate of individuals at their meeting yesterday, and we spent the time and money to advertise this special meeting in order to make those appointments as well as appointing the nominees from the other municipalities. The Borough of Lewistown did not approve or disapprove any nominations at their meeting yesterday. This puts the County in a tough position because we agreed under the MOU to promptly form a Countywide Municipal Authority to keep the process moving. We made a promise to the Water Authority and the Borough of Lewistown to ensure that the Authority is formed in a timely manner to keep the transaction going in line with the proposed timetable of completion by year-end. In order to fulfill the promise to both sides, we have to try to keep this process moving while preserving the ability of the Borough of Lewistown to name its three nominees. So, Commissioner Postal is suggesting that the three Commissioners appoint themselves as place-holder board members on the County Authority for the time being. As soon as the Borough of Lewistown approves three nominees and presents them to the Commissioners for approval, the Commissioners will resign their positions and appoint the Borough of Lewistown’s appointed members to the Board. This seems to be the best approach to fulfill the promise we made in the MOU to diligently and in good faith pursue formation of a county-wide authority.*

*Motion was made by Commissioner Postal to approve Resolution No. 63 of 2020 stating the County’s intent and authorization to organize a County Authority with the below listed slate of beginning Board Members. Commissioner Kodish seconded the motion. The motion was unanimously approved.*

*Commissioner Postal listed the slate of appointed Board Members in conjunction with the Resolution as follows:*

*Brown Township – Scott Pecht  
Armagh Township – Ralph Eckley  
Lewistown Borough – Commissioners Sunderland, Postal and Kodish (place holders until Lewistown Borough provides nominees)  
Granville Township/Juniata Terrace – Mary Herto  
Derry Township – William Gomes  
Burnham Borough – Thomas Garver  
Union Township – Michelle Shirey*

*Motion was made by Commissioner Kodish to authorize the Chairman of the Board of Commissioners to sign any and all documents necessary to effectuate the terms and conditions of the Memorandum of Understanding. Commissioner Postal seconded the motion. The motion was unanimously approved.*

- B. *Professional Services Agreement with the EADS Group, Inc. for Granville Township CDBG Engineer for the period November 10, 2020 through November 10, 2023*

*Mr. Marks stated this is a three-year agreement. Requests for qualifications (RFQs) were sent out and roughly six applications were received. They were then ranked with the EADS Group ranking high on the list. The Township selected the EADS Group with the stipulation they would work with the Johnstown Office instead of the Lewistown Office. Each project will be contracted on its own basis, so there may or may not be projects that come out of the agreement.*

*Motion was made by Commissioner Postal to approve the Professional Services Agreement with the EADS Group, Inc. for Granville Township CDBG Engineer for the period November 10, 2020 through November 10, 2023. Commissioner Kodish seconded the motion. The motion was unanimously approved.*

- C. Amend the resignation date of Voter Registration/Veterans Affairs Clerk Emily Price from November 6, 2020 to November 10, 2020*

*Motion was made by Commissioner Postal to amend the resignation date of Voter Registration/Veterans Affairs Clerk Emily Price from November 6, 2020 to November 10, 2020. Commissioner Kodish seconded the motion. The motion was unanimously approved.*

**V. Adjournment:**

*With no other business on the agenda, Chairman Sunderland adjourned the meeting at 9:11 a.m.*

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*Secretary*

**ATTEST:**

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*Chief Clerk*