

**COUNCIL MEETING**  
**March 8th, 2021 AT 5:30 P.M.**  
**LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS**

The Council meeting opened at 5:30 p.m. with Borough Council President Venus Shade presiding. The Pledge of Allegiance was recited by all present.

**ROLL CALL**

Ms. Shade (President), Mr. Campbell (Vice-President), Cassandra Goss (Councilperson), Larry Searer (Councilperson), Mr. Terry (Councilperson), Mr. A Wilson (Councilperson), and Mr. B Wilson (Councilperson) were present.

**HEARING OF PERSONS PRESENT**

**\*\*CONSENT AGENDA**

The following are routine, procedural, and informational non-controversial items and do not appear to require discussion or explanation prior to Council's action. These items will be acted upon by one motion unless any member of Council desires to move an item to the Regular Agenda for further discussion.

- A. \*\*Approval of Minutes:
  - 1. Council Meeting-February 8, 2021
  - 2. Finance – February 25, 2021
  - 3. Streets – February 11, 2021
- B. \*\*Approval of Treasurer's Report
- C. \*\*Approval of Schedule of Bills
  - 1. General Borough/Speciality/Refuse/Wastewater Coll & Treatment/State Liquid Fuels
- D. \*\*Facility Use Request:
  - 1. Mifflin County Girls Youth Softball (pending insurance certification)
- E. Acknowledge receipt of Fame Meeting Minutes & Stats
- F. Acknowledge receipt of Codes Enforcement Office Monthly Report
- G. Acknowledge receipt of Brooklyn Hose Company List of Expenses
- H. Acknowledge receipt of Brooklyn Hose Company Form 990
- I. Acknowledge receipt of Borough of Juniata Terrace Letter
- J. Acknowledge receipt of Borough of Granville Township Letter
- K. Acknowledge receipt of Borough of Burnham Borough Letter
- L. Acknowledge receipt of 2020 Annual Recycling Report

**On a motion by Larry Searer and seconded by Mr. Terry, Council unanimously agrees to approve the consent agenda.**

## Regular Agenda

### Reports

#### Borough Solicitor

##### **313 North Grand Street Lot Consolidation Plan**

Mr. Tavich states that he is here to represent Mr. Dan Markley. Mr. Markley owns two adjacent properties at 313 North Grand Street and would like to eliminate the internal lot line and consolidate the two lots. The combined acreage of the two lots would be 9000 square feet. Ms. Shade questions if the plan was taken to the planning commission. Mr. Tavich states that it was presented before both the Borough Planning Commission as well as the County Planning Commission. Mr. Remy states that the County items were presented before the Planning Commission and voted on to approve without conditions.

***On a motion by Larry Searer and seconded by Mr. Campbell, Council Unanimously agreed to approve the lot consolidation at 313 North Grand Street.***

##### **20 Depot Street Lot Consolidation Plan**

Mr. Sarge presents a consolidation for Crider Mitchell Construction at the corner of Depot Street and Montgomery Avenue. Mr. Sarge states that similar to the 313 N Grand Consolidation, there are no alterations suggested, simply a plan to combine the 3 different tax parcels into 1 1.338-acre lot. Larry Searer inquires as to whether this plan has also been taken before the Planning Commission. Mr. Sarge confirms that it has.

***On a motion by Larry Searer and seconded by Ms. Goss, Council unanimously agreed to approve the 20 Depot Street lot consolidation.***

### UNFINISHED AND NEW BUSINESS

#### **Approval of Ordinance 2021-03 Authorizing New Bonds**

Mr. Damgaard states that he was previously involved in discussions involving the refinancing of bonds that mainly pertained to sewer. Mr. Damgaard's firm was acting as bond council along with PFM Financial Advisors and an Underwriter. The Borough has bonds that were issued in 2016 that are eligible for refinancing. There have been discussions with the Water Authority and they also have bonds that can be refinanced for savings.

Mr. Williard states that there are two main sections of the refinancing plan. The 2016 bonds held by the Borough have reached their call date and already have fairly low interest rates, but in the current market the rates could be made better. The second portion of the plan is the potential to turn the Water Authorities current debt into general obligation debt of the Borough.

Mr. Williard presents the 10-year Municipal interest rate historical data. Due to Covid, many markets have been acting strange including the unusually low interest rates that allow this refinancing opportunity. Mr. Williard states that although rates have seen a slight increase likely due to the released stimulus program; there are still savings to be gained by refinancing. Mr. Williard presents a summary of the various objects of existing debt belonging to both the Borough of Lewistown and the Municipal Authority of the Borough of Lewistown.

Mr. Williard states that in January 2021 PFM were contacted and instructed to create a refinancing plan that would convert the Authority's revenue debt into a general obligation of the Borough, utilizing the taxing power of the Borough as a security for the debt service although the debt will still be paid with Water Service revenues. The authority has an existing reserve fund that would be liquidated in order to pay down the debt service in 28 and 29 maturities.

The total payments made by the Authority on new water bonds would not exceed total payments on the three refunded series bonds. The goal is to have the debt service be the same or less than current, in order to benefit the ratepayers. The savings resulting from the refinancing of the water bonds would be used to borrow approximately \$600k of additional funds in order to fund street improvements and other capital projects of the Borough. The Water Authority related bonds, including the capital project portion, would be shown on separate debt schedules from the Boroughs sewer debt in order to be properly tracked.

Mr. Williard displays a summary page detailing the refinancing of the 2016 bonds that are general fund and sewer related. The bonds are already at low fixed rates but the market being at a historic low allow opportunity for savings. The projected savings of this refinance has fluctuated from \$35k to \$85k of net savings after the allocated costs due to economies of scale. Most of these savings would be routed back to the sewer fund.

Mr. Williard displays a summary page detailing the refinancing of the Water Authority debts. Assuming nothing is done, current yearly debt payments are  $\approx$  \$1.88m. It is common practice to apply the previously mentioned reserve fund to the long-dated bonds. Using the reserve fund, \$1m would be applied to the maturity in 2028 and \$689k would be applied in 2029 in order to pay off the debt service. Following the refinancing  $\approx$  \$600k of new money would be issued. The payments will remain  $\approx$  1.88m and the total maturity date would be reduced by 7 years from 2036 to 2029.

Mr. Williard states that the "blended yield" of the debts would be  $\approx$  1.3% estimated based upon current rates. Mr. Campbell inquires about the yield of our current debts without refinance. Mr. Williard states that the blended yield of the current 2016 debts would be  $\approx$  2.3%.

Mr. Damgaard states that assuming the ordinance were to be passed, it would allow the related parties to begin the paperwork and processes in making the refinance occur. Mr. Campbell inquires if the ordinance were to be passed, would the current proposed rates be locked in or would market fluctuations be a concerning factor. Mr. Damgaard clarifies that no presented rates are locked in, the ordinance would allow the processes to begin with final rates determined at a later time. Mr. Campbell asks for a clarification regarding the timeline of the events, how far out would the Borough be from locking in rates assuming the Ordinance is approved. Mr. Williard states that assuming the prospectus is completed in the next week or so, the interest rates could be locked around the second week of April. Mr. Campbell inquires if there is any measure in place protecting the Borough from an unexpected increase in ratings. Mr. Damgaard states that there are potential savings and benefits that arise from a municipality taking on the debt as opposed to a separate authority. The Borough would have to eat the cost of the rating fee assuming that something goes wrong after that point in the process, but this fee would not occur until weeks into the process.

Mr. Damgaard states that Ordinance 2021-03 authorizes a series of bonds that will be segregated by schedule for proper allocation. The law that is being utilized for this process is the Local Government Unit Debt Act. The LGUDA provides procedures for Pennsylvania's local government units as well as providing borrowing limits for these units. Under this act, the

structure of a municipality borrowing from an authority is recognized and a credit is provided. The agreement cannot result in a net payment increase to the customers. Mr. Damgaard states that following the procedure, due to the type of loan held by the Water Authority, the debt will be shortened.

***Roll call vote was taken: Approval of Ordinance 2021-03***

<i>Dave Campbell</i>	<i>Yea</i>
<i>Cassandra Goss</i>	<i>Yea</i>
<i>Larry Searer</i>	<i>Nay</i>
<i>Venus Shade</i>	<i>Yea</i>
<i>Marc Terry</i>	<i>Yea</i>
<i>Aaron Wilson</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Nay</i>

***On a roll call vote motioned by Mr. Campbell and seconded by Mr. Terry, Council agreed to approve Ordinance 2021-03, Mr. B Wilson and Larry Searer opposed.***

**Approval of Resolution 2021-03**

Mr. Damgaard states that resolution 2021-03 would repeal the Municipal Authority Projects and Assets resolution approved in February of 2020. Mr. Terry inquires as to whether the litigation resulting from this resolution has reached a point where this can safely be done. Mr. Damgaard states that the litigation is currently at a posture where the authority is seeking to terminate but there are remaining actions that are pending resolution. Mr. Damgaard states that regardless of the current litigation environment, the approval of this resolution would be a step towards conflict resolution.

***Roll call vote was taken: Approval of Resolution 2021-03***

<i>Dave Campbell</i>	<i>Yea</i>
<i>Cassandra Goss</i>	<i>Yea</i>
<i>Larry Searer</i>	<i>Nay</i>
<i>Venus Shade</i>	<i>Yea</i>
<i>Marc Terry</i>	<i>Yea</i>
<i>Aaron Wilson</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Nay</i>

***On a roll call vote motioned by Mr. Campbell and seconded by Mr. A Wilson, Council agreed to approve Resolution 2021-03, Mr. B Wilson and Larry Searer opposed.***

**Borough Manager**

**River Property Survey**

Mr. Zimmerman states that the surveys were completed and received today. Mr. Zimmerman has gone to look at the property in question but does not have the specific

information and knowledge provided by the survey. Mr. Parkes of the EADS group is present to discuss the survey of this property. Mr. Parkes states that the survey is complete, and the corner pins have been placed on the property. Council agrees that the current state of the property poses a liability. Ms. Shade states that the completion of the survey allows the Borough to contact Mr. Seller and his attorney in order to reach a resolution.

### **Treasurer/Secretary**

#### **Covid Relief Grant**

Ms. Miller states that we have received the check for the Covid Relief Grant for \$4,233.37.

#### **Fire Chief**

Chief Barlett states that in the month of February there were 29 incidents. There were 3 building fires, 1 cooking fire, 2 brush fires, 6 medical assists, 3 vehicle accidents with injury, 1 extrication from a vehicle, 1 high angle rescue, 1 vehicle trapped by power lines, 5 gas leaks, 1 cover assignment, 1 smoke scare, 1 detector activation, and 3 alarm system activations. Chief Barlett states that there was a fire at 1 Ridge Avenue at the end of February. Because there were previous incidents at the address Chief Barlett notified the State Fire Marshall for an investigation. The investigation is still active. As the Law and Ordinance meeting was postponed this month due to inclement weather, Chief Barlett will gather information to discuss the burning ordinance at the next Law and Ordinance meeting.

#### **Mayor**

Major Bargo states that every year Pennsylvania Boroughs have an opportunity to submit a resolution regarding a specific issue a Borough may be experiencing. That will be taken a PSAB committee. If the PSAB feels as though the Borough is in need or warrants further discussion, it will be pushed further by PSAB lobbyist. Major Bargo states that now would be a good time to provide her with ideas and concerns that can be taken to the committee.

#### **Police Chief**

Chief Clemens states that the month of February had 386 calls for service including 27 traffic citations, 3 non-traffic citations, 34 written warnings, and 4 DUI arrests. Chief Clemens would like to thank the Borough for providing the Community Center in order to host the most recent training. There were 14 participating officers from surrounding regions and departments that were given guidance for standard field sobriety testing.

Chief Clemens states that the mental health co-responder program began in late December 2020. One of the program goals was to receive 100 referrals for the program by September, there have already been 67 referrals for the program. The program is showing results and allows assistance to be given to people that the officers may not be aware of or knowledgeable in, such as linking a homeless veteran with medical and living services available for them.

An estimate for the Police building renovations was received, the estimate indicates renovations totaling \$6225. Ms. Shade inquires as to whether additional estimates are required before moving forward. Mr. Remy states that the value of the estimate is below the threshold for

requiring multiple quotes. Mr. Campbell states that although the normal process is to receive multiple quotes to ensure a wise purchase, with the security concerns the Chief has in this case it would be best to move forward.

**On a motion by Larry Searer and seconded by Ms. Goss, Council unanimously agrees to approve the Police Station renovations.**

**Recreation Board – No Quorum**

**Vacancy**

Ms. Shade states that as Ms. Goss is now a member of Council, there is a vacancy that needs filled on the Rec Board as well as alternatives. The Rec Board meets the first Tuesday of each month at 6pm. Those interested may receive an informational application from Borough Hall.

**Concession Stand**

Mr. Zimmerman states that there was concern regarding how the concession stand is going to be run in the coming season. We have inspected the facilities as well as observed inventory in the hopes of deciding of what needs to be done in order to be operational for the season. Ms. Shade asked for an update regarding the water feasibility study. Mr. Parkes states that the feasibility study is continuing but it will likely be a few months before actionable progress is made. The operations over the summer will also allow the feasibility study to continue with consumer and use information.

**Solicitor**

**445 South Juniata Street**

Mr. Remy states that there is a request for a special occupation exception requiring a public hearing and requests permission to advertise the meeting for 5pm.

**Adoption of Roof & Trash Ordinance Amendments**

Mr. Remy states that the ordinance does two things. Firstly, it allows for residents to place their refuse on the street at 1pm on the designated refuse night as opposed to the previously designated 5pm. Secondly it clears up a previously vague definition of what a roof is while clarifying verbiage and materials.

***Roll call vote was taken: Adoption of Ordinance 2021-04***

<i>Dave Campbell</i>	<i>Yea</i>
<i>Cassandra Goss</i>	<i>Yea</i>
<i>Larry Searer</i>	<i>Yea</i>
<i>Venus Shade</i>	<i>Yea</i>
<i>Marc Terry</i>	<i>Yea</i>
<i>Aaron Wilson</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Yea</i>

***On a roll call vote motioned by Mr. Terry and seconded by Larry Searer, Council unanimously agreed to adopt Ordinance 2021-04.***

**UNFINISHED AND NEW BUSINESS**

**Approval to Release 4<sup>th</sup> Quarter 2020 Salary Reimbursement**

Ms. Miller states the reimbursement amounts to \$3,156.76 and she seeks approval to release it.

***On a motion by Larry Searer and seconded by Mr. Terry Council unanimously agrees to release the 4<sup>th</sup> quarter 2020 salary reimbursement.***

**Approval of the bid for \$1,500 for 1 North Grand Street**

***On a motion by Larry Searer and seconded by Mr. Terry Council unanimously agrees to approve the bid of \$1,500 for 1 North Grand Street.***

Larry Searer states that as he is not in favor of spending tax dollars for wages not occurring, he would like to make a motion that Jennifer Miller's and Benjamin Rager's salaries be decreased to match the time spent attending MABL meetings while on Borough time. Mr. Campbell and Mr. Terry state that both Ms. Miller and Mr. Rager are salaried employees and as such it is not as simple as reducing wages for time lost as could be done for hourly employees. Ms. Shade states that disregarding time spent at MABL meetings, Ms. Miller still likely contributes more hours working on Borough tasks than a work schedule would indicate.

***On a motion by Larry Searer and seconded by Mr. B Wilson, Council failed to approve the reduction of Ms. Miller's and Mr. Rager's salaries for time rendered at MABL meetings, Mr. Campbell, Ms. Goss, Ms. Shade, Mr. Terry, and Mr. A Wilson dissent.***

***Council entered executive session at 6:47pm to discuss personnel issues.***

***Council exited executive session at 7:15pm.***

***On a motion by Mr. Terry and seconded by Larry Searer, Council unanimously agreed to approve the advertisement for the CC Coordinator position.***

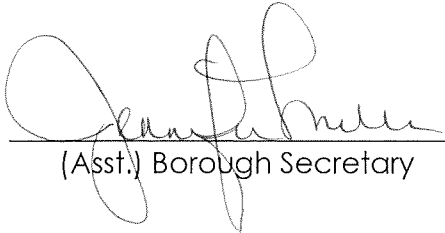
***On a motion by Mr. Campbell and seconded by Ms. Goss, Council unanimously agreed to allow Chief Clemens to move forward with disciplinary actions discussed.***

***On a motion by Larry Searer and seconded by Mr. Terry, Council adjourned at 7:16pm.***

  
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(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:

  
\_\_\_\_\_  
(Asst.) Borough Secretary