

REGULAR COUNCIL MEETING MINUTES
JUNE 13, 2016 AT 5:30 P.M.
LEWISTOWN MUNICIPAL BUILDING COUNCIL CHAMBERS

The meeting opened at 5:30 PM with Borough Council President Frank Berrier presiding. The Pledge of Allegiance was recited by all present.

ROLL CALL

Mr. Berrier, Mr. Searer, Mr. Felmler, Mr. Eddinger, Mr. Rager, Mr. Wilson, Mr. Moore, and Mayor Bargo were present.

HEARING OF PERSONS PRESENT

Tom Wert thanked Council for the anticipated street paving project for this summer. Mr. Fink, Codes Officer sent out letters to Borough residents whose sidewalks are in need of repair for the anticipated street paving project; and Mr. Wert stated that he had a problem with the cost of sidewalk permits since he didn't initiate the project. Mr. Felmler stated that repairing the sidewalks is part of a requirement under our ordinances. Mr. Wert said that he would like to see the council change this requirement. Further discussion was held, and Mr. Welham stated that these notices should have been sent out over a year prior. Mr. Berrier also explained that there are various things that need to be done prior to a permit being issued. Council decided to send the issue to the Law and Ordinance Committee for their review.

Neil Purcell also stated that he felt the streets should be built properly prior to the streets being paved.

Peg Yetter from 23 Winding Way, Lewistown addressed the council about her babysitter under the age of fifteen (15) years old taking her children to the Rec Park Pool. Ms. Yetter stated that her babysitter was not allowed admittance to the pool because she is under the age of eighteen (18) years old. Ms. Yetter mentioned that her babysitter has all necessary clearances. The council stated that this was due to issues with liability. The Council decided to send the issue to Law and Ordinance.

Mary Ann Johnson, 16 W Burkes Alley, had a complaint concerning the Woodlawn playground. Kids have been caught throwing knives into the gazebo that the Eagle Scouts had built. Ms. Johnson inquired whether it was possible to have the police monitor the playground further.

Kelly Fultz, 27 W Third St, Apt A, also addressed the Council concerning the Woodlawn playground. Ms. Fultz stated that kids around ten (10) to twelve (12) years old have been caught throwing knives in the playground. Ms. Fultz stated that the Borough could possibly install cameras to monitor the playground. Mr. Sheaffer, Acting Police Chief, stated that he would check with several of the County agencies to see if they have access to a camera. If the agencies do not have access, Mr. Sheaffer stated that he would check into having a camera mounted.

Deb Peffer, 325 S Main St, asked if the police can check and patrol the alley near South Main Street.

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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. Regular Council Meeting Minutes – May 9, 2016
- 2. Finance Committee Minutes – June 2, 2016
- B. Acceptance & Approval of the Treasurer's Report
- C. Approval of Schedule of Bills:
 - 1. General Borough, Specialty Tax, Refuse, Wastewater Collection, Wastewater Treatment Plant, State Liquid Fuels
- D. Acknowledge Receipt of the Parking Authority Minutes from April 18, 2016
- E. Acknowledge Receipt of Pema Letter for the NPDES Permit for the Fire Academy
- F. Approval of Tax Collector's Report
- G. Acknowledge Receipt of K-9 Escrow Funds
- H. Acknowledge Receipt of 990 Form for United Fire Company
- I. Acknowledge Receipt of Miffco Letter and Tax Information Received on May 18, 2016
- J. Acknowledge Receipt of Comcast Channel Changes & Change of Contact
- K. Acknowledge Receipt of State Police Fines Revenue
- L. Acknowledge Receipt of Winter Equipment Co now participating in CoStars
- M. Acknowledge Receipt of Update from WCS/WWT Superintendent on Distribution Tank Leaking
- N. Acknowledge Receipt of Fame EMS Minutes and Statistics Info
- O. Acknowledge Receipt of DLI Nominating Committee Info
- P. Acknowledge Receipt of DLI Minutes
- Q. Acknowledge Receipt of Parking Lot/Streets Analysis
- R. Acknowledge Receipt County Aid/Streets Paving Bid Advertisement and Project
- S. Acknowledge Receipt of PA Rural Hearing on Drugs and Info relative to this

On a motion by Mr. Moore and seconded by Mr. Felmlee, Council by unanimous vote approved the Consent Agenda.

Mr. Berrier called attention to letter I of the Consent Agenda. The Borough received a refund of \$433 for overcharges from 2014 to 2016 commissions. Year 2012 to 2013 is still under reconciliation, and the Borough should receive another refund check.

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REGULAR AGENDA

REPORTS

A. Borough Treasurer

1. Ms. Walter stated that the RFP's went out for the Borough's bank accounts with minimal activity. Ms. Walter stated the interest rates were 0.45 percent for First National Bank, 0.53 percent for Juniata Valley Bank, and .40 percent for Kish Bank. MCS Bank did submit RFP's but did not submit an interest rate. First National Bank carries fees on almost every transaction while Juniata Valley Bank and Kish Bank were competitive with almost no costs for any of the services. In reviewing, Ms. Walter stated that it would be in the Borough's best interest to award the accounts to Juniata Valley Bank and continue to utilize them for the Borough's accounts.

On a motion by Mr. Searer and seconded by Mr. Moore, Council by unanimous vote approved to award and continue utilizing Juniata Valley Bank for the Borough's accounts.

2. Ms. Walter stated that she received information relative to the Worker's Comp Audit. The additional amount due reflects the actual amount of wages that were paid out in the prior year. Factors that increased the premium were the additional employees hired for the Rental Ordinance. The additional amount due represent \$8,385. The premium is also increasing in the amount of \$10,614 due to the previously mentioned changes. The Borough is going to send over a new estimate of payroll wages for the current year due to the changes in staffing, and this will hopefully cut some costs for the Borough.
3. Ms. Walter reviewed the letter pertaining to a Real Estate Tax Exemption for the property of Richard Williams at 326 South Main Street. The Mifflin County Board of Assessment Appeals is exonerating Mr. Richard Williams's from collecting the County's tax due to the Veteran's Affairs approval the tax exempt status. Mr. Williams is partly disabled as a result of service connected to a period of war or armed conflict. It is requested that the Lewistown Borough exonerate Mr. Williams's real estate taxes. Mr. Remy reviewed the information and he recommends approving the exemption.

On a motion by Mr. Searer and seconded by Mr. Moore, Council by unanimous vote approved exonerating the collection of Mr. William's real estate taxes.

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B. Codes Enforcement Officer

1. Mr. Fink stated that there were a total of seventy-three (73) violations. Fifty-one (51) of the violations were for high grass and/or weeds, seven (7) violations were for noncompliance with the Property Maintenance Code, ten (10) violations were for accumulation of refuse or other solid waste, one (1) violation was for a property that was unfit for occupancy or use because of no power, two (2) violations were for work done without a valid permit, and two (2) violations were for multiple issues. There were 40 permits issued in May. The estimated cost of improvements was \$269,265. There was one LOMA letter received in May. There was also a zoning hearing for a special exemption for 233 North Walnut Street in which the exemption was approved. Mr. Fink stated he is starting to verify that people are receiving their permits for painting, siding, etc.

C. Fire Chief

1. Chief Barlett reported that the department responded to 9 calls of service in May. Brooklyn Fire Department rescued a cat out of the storm sewer
2. It was reported last meeting that United and City Fire Departments received their state grants. Both Fire Departments have since received the checks totaling around \$15,000 each. United dedicated their grant to pagers and debt reduction. City dedicated their allocation to pagers and updating their water rescue equipment.

D. Mayor

1. Mayor Bargo had the opportunity to attend the PSAB Conference. Mayor Bargo stated that one of the most important topics discussed related to storm water issues.

E. Police Chief

1. Sergeant Sheaffer reported that in the month of May that the Lewistown Police Department responded to 369 calls of service. Juvenile complaints have continued to increase, which is to be expected as school is out. The department is working on decreasing this issue by doing extra patrols of problem areas.
2. Sergeant Sheaffer stated that Officer Bishop has submitted a letter of resignation with his last day of employment being June 15. Officer Bishop has been offered the opportunity to work of the PA State Police.
3. Sergeant Sheaffer stated that Officer Shearer will also be leaving the Lewistown Borough Police to work for Montgomery Township Police Department in Montgomery County.

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4. Sergeant Sheaffer discussed possible replacements for the two Officers leaving the Lewistown Police Department. Sheaffer stated that he would like Courtney Terry to become full-time starting on June 15. He also stated that he would like Luke Celeni, a part-time officer near Pittsburg who's moving to the Mifflin County area, to fill the second vacancy contingent upon receiving Officer Shearer's resignation. A third candidate would be Paul Butler who has been a part-time officer on and off with the Borough. The Council decided to send the issue to the Personnel Committee. Council also decided to discuss this in more detail in Executive Session.
5. Sergeant Sheaffer mentioned that there are several issues regarding some of the police vehicles. The department has gotten several estimates to fix vehicle 42. Further discussion was also referred to the Executive Session.

F. Board of Recreation

1. Authorization of keeping pool admittance fees same as last year for various Day Cares at \$1.00 per person-Daycares come to the pool on 2-3 hour increments. No motion was made, however the fees are to remain the same.
2. There was discussion on whether or not to change the Rec Park pool membership fees. Mr. Berrier suggested raising the fees for next year; however the suggestion died for a lack of a motion. Several Council members felt that the rate should not be changed after memberships have already been sold for the year. It was discussed that this issue could be brought up at the beginning of next year.

On a motion by Mr. Searer and seconded by Mr. Moore, Council by unanimous vote approved to not raise pool membership fees for the current year.

Mr. Berrier stated that there are three (3) vacancies on the Rec Board. Mr. Berrier spoke to the pool manager, Brett Leister, and Mr. Leister would be interested in serving on the Rec Board.

On a motion by Mr. Rager and seconded by Mr. Moore, Council by unanimous vote approved to appoint Brett Leister to the Rec Board.

3. ***On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved the following:***
 - ***Ratification of Approval for Fac Use Form for Pavilion-Latisha Long for use of a birthday party on 6-11-16***
 - ***Ratification of Approval for Fac Use Form for Pavilion-Lauren Devita for use of a baby shower on 5-22-16***

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- *Ratification of Approval for Fac Use Form for Pavilion-Danielle Stimely for use on June 4, 2016*
 - *Ratification of Approval for Fac Use Form for Pavilion-Stephanie Freed for use on May 28, 2016*
 - *Fac Use Approval for Lewistown First United Meth Church on August 8 to August 12 For Mission Work*
 - *Fac Use Approval for Friends of the Embassy on July 1 and July 2*
 - *Fac Use Approval for Pavilion-Angel Lane for Birthday Party on June 25, 2016*
 - *Ratification of Fac Use Approval for Tri-Valley Farmer's Market from June 2 thru September*
4. *On a motion by Mr. Felmlee and seconded by Mr. Moore, Council by unanimous vote approved the Facility Use Form for the Lumina Center for June 16, 2016. Ms. Walter stated that payment was received prior to the start of the meeting.*
5. *On a motion by Mr. Moore and seconded by Mr. Felmlee, Council by unanimous vote approved the following:*
- *Facility Use Form for the Lewistown Panther Football and Cheer contingent upon receiving Certificate of Liability Insurance.*
 - *Fac Use Approval for Summer Lunch Box Concert (Marsha Ettinger) for June 16, July 14 , and August 18 contingent upon receiving Certificate of Liability Insurance.*
 - *Fac Use Approval for Lewistown Presbyterian Church on July 18-21 contingent upon receiving Certificate of Liability Insurance.*
6. *On a motion by Mr. Felmlee and seconded by Mr. Moore, Council by 6-1 (Searer) vote approved the use of the Community Center for Fame with the use of alcohol on August 27 with no fees required due to an agreement the Fame has with the Borough.*
7. *On a motion by Mr. Moore and seconded by Mr. Rager, Council by 6-1 (Searer) vote approved the use of the Community Center for the Desirae Forry Wedding with alcohol for September 24, 2016.*
8. *On a motion by Mr. Moore and seconded by Mr. Felmlee, Council by 6-1 (Searer) vote approved the use of the Community Center for the Narehood and Zimmerman Wedding with alcohol for September 10, 2016.*
- On a motion by Mr. Rager and seconded by Mr. Moore, Council by unanimous vote approved the use of the Community Center for the Municipal Authority of the Borough of Lewistown to use Community Center Conference Room on June 21, 2016 from 8 to 1 at no cost and in return our 2 employees would attend the Operator Security Training (Homeland Security Training) at no cost.*

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G. Borough Solicitor

1. Mr. Remy addressed the Council regarding CDBG agreement with the County. Mr. Remy stated that this is a one year agreement. Mr. Berrier elaborated that the Borough selects the project and the County would take it from there. The County's fee would be fifteen (15) percent of the grant.

Mr. Lettiere addressed the Council as to whether the prevision of the delivery costs would be included; this is in addition to the fifteen (15) percent fee. These extra costs are associated with advertising for environmental review. The total advertising cost would be \$2,115 and an hourly rate of procurement for fifty two and a half (52.5) hours at \$30.34 an hour for a total delivery cost of \$3,707.85.

Roll call for acceptance of the CDBG agreement with the county was as follows:

<i>Larry Searer</i>	<i>Nay</i>
<i>Larry Eddinger</i>	<i>Yea</i>
<i>Matt Moore</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>
<i>James Felmlie</i>	<i>Yea</i>
<i>Frank Berrier</i>	<i>Yea</i>

On a motion by Mr. Felmlie and seconded by Mr. Moore, Council by 6-1 (Searer) vote approved acceptance of the CDBG agreement with the county.

2. Mr. Remy reviewed that the ordinance regarding parking at the Community Center parking lot that was discussed at the last meeting. The ordinance is ready for adoption. This ordinance would establish the lot as an official Borough parking lot and give the Lewistown Police Department authority to enforce parking issues. This ordinance also gives the Borough the authority to chain or gate of the parking lot.

Roll call for acceptance of the Community Center Parking lot as an official Borough parking lot was as follows:

<i>Larry Searer</i>	<i>Yea</i>
<i>Larry Eddinger</i>	<i>Yea</i>
<i>Matt Moore</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>
<i>James Felmlie</i>	<i>Yea</i>
<i>Frank Berrier</i>	<i>Yea</i>

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On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous vote approved adoption of the Ordinance concerning the Community Center parking lot.

H. Borough Manager/Secretary

1. ***On a motion by Mr. Rager and seconded by Mr. Moore, Council by unanimous vote approved authorization to have Manager/Secretary and/or Assistant sign Permits in absence of Codes Officer.***
2. ***On a motion by Mr. Searer and seconded by Mr. Felmlee, Council by unanimous vote approved to rescind prior motion for payment to Borough Manager for use of his cell phone.***
3. Mr. Welham informed the Council that today, June 13, 2016, was the first day of the newly hired Ron Aurand to fill the position of Mason on the Streets crew. Two summer workers started their positions on the Streets crew as well.
4. Mr. Welham stated that there was an issue with the Mifflin County Community Church, which is located at the old Wilson's Tire and Auto building at 200 South Wayne Street. For as long as the building has been there, there has been a direct pipeline from the building's sewer to Kish Creek. The Borough is addressing the issue and is not charging a tapping fee due to the fact that they have always paid a quarterly sewer bill. This issue is anticipated to be corrected within the week.
5. ***On a motion by Mr. Felmlee and seconded by Mr. Moore, Council by unanimous vote approved authorization to permit Nittany Media to run an optic fiber cable to the building located at S. Brown Street.***
6. Mr. Welham informed the Council that Ben Rager, Refuse Superintendent was able to locate where the Centre County landfill was disposing of their glass. The company that had picked it up from the Centre County Landfill after it was dropped off by the Borough is now picking it up at the Borough's warehouse. Instead of the Borough paying to get rid of the glass, the Borough is now being paid for the glass.
7. Mr. Welham reported that on June 8 the Borough had its first safety meeting. Next April the Borough should see a five (5) percent reduction in the premium.
8. Mr. Welham recommended that anyone who has not taken a tour of the WasteWater Treatment Plant take a tour. The Borough's Treatment Plant is putting 1.6 mg per liter of

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fecal matter back into Kish Creek. To compare, upstream it is 68 mg per liter of fecal matter.

9. The Borough is receiving ten (10) percent of the gross sales from the Lewistown Creamery's ice cream truck that is parked at Rec Park Pool.

On a motion by Mr. Searer and seconded by Mr. Rager, Council by unanimous vote approved the contract with the Lewistown Creamery.

UNFINISHED BUSINESS

- A. *Roll call for Resolution 2016-29 was as follows:*

<i>Larry Searer</i>	<i>Yea</i>
<i>Larry Eddinger</i>	<i>Yea</i>
<i>Mr. Moore</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>
<i>James Felmlee</i>	<i>Yea</i>
<i>Frank Berrier</i>	<i>Yea</i>

On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved the adoption of Resolution 2016-29, Appointment of Travis Sheaffer as Acting Chief of Police.

- B. *Roll call for Resolution 2016-30 was as follows:*

<i>Larry Searer</i>	<i>Yea</i>
<i>Larry Eddinger</i>	<i>Yea</i>
<i>Mr. Moore</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>
<i>James Felmlee</i>	<i>Yea</i>
<i>Frank Berrier</i>	<i>Yea</i>

On a motion by Mr. Moore and seconded by Mr. Felmlee, Council by unanimous vote approved the adoption of Resolution 2016-30, Appointment of Rebecca Dippery as Administrative Assistant for the Police Department and setting her wage.

- C. *On a motion by Mr. Felmlee and seconded by Mr. Moore, Council by unanimous vote approved the exoneration of seventy-five (75) percent of the sewer for 745 West Sixth Street.*

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NEW BUSINESS

- A. ***On a motion by Mr. Felmlee and seconded by Mr. Moore, Council by unanimous vote approved the authorization to advertise for a special Council meeting on June 20, 2016 at 5:00 P.M. to open bids for the Streets Paving Project.***
- B. Mr. Rager, Finance Committee Chairman reviewed the Finance Committee minutes.
1. Two bids were received, one from Cricket and one from Verizon. With either contract the Borough will save over \$5,000 a year. The Finance Committee recommends the Borough continue to utilize Verizon for its phones.
 2. ***On a motion by Mr. Moore and seconded by Mr. Felmlee, Council by unanimous vote approved the authorization to continue forward with Ridge Road sewer project.***
 3. ***On a motion by Mr. Moore and seconded by Mr. Searer, Council by 6-1 (Searer) vote approved the authorization to continue forward with the Kish Street project which will include various funding which include CDBG.***
- C. Larry Searer, Personnel Committee Member
1. ***On a motion by Mr. Felmlee and seconded by Mr. Rager, Council by unanimous vote approved ratification of staffs action of the hiring of the additional summer help maintenance worker.***
 2. Discussion was held on the hiring of the new Police Chief. Mr. Felmlee stated he will not be able to be involved in the interviews due to a conflict of interest; therefore Mr. Eddinger will take his place. ***On a motion by Mr. Moore and seconded by Mr. Searer, Council by unanimous vote approved bringing in a consultant at \$35.00 per hour to help with the hiring of a new Police Chief.***
- D. Larry Searer, Streets Chairman
1. ***Roll call for Resolution 2016-31 was as follows:***

<i>Larry Searer</i>	<i>Yea</i>
<i>Larry Eddinger</i>	<i>Yea</i>
<i>Mr. Moore</i>	<i>Yea</i>
<i>Bill Wilson</i>	<i>Yea</i>
<i>Russell Rager</i>	<i>Yea</i>

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James Felmlie *Yea*
Frank Berrier *Yea*

On a motion by Mr. Rager and seconded by Mr. Felmlie, Council by unanimous vote approved the adoption of Resolution 2016-31, Handicap Parking Space Removal at 400 South Wayne Street.

2. Roll call for Resolution 2016-32 was as follows:

Larry Searer *Yea*
Larry Eddinger *Yea*
Mr. Moore *Yea*
Bill Wilson *Yea*
Russell Rager *Yea*
James Felmlie *Yea*
Frank Berrier *Yea*

On a motion by Mr. Moore and seconded by Mr. Felmlie, Council by unanimous vote approved the adoption of Resolution 2016-32, approval of Handicap Parking Space at 509 Valley Street.

- E. Discussion was held on the Transient Business License received from Southwestern Advantage. They would like to sell books. Mr. Felmlie stated he has no problem with approving the license, provided they wear proper Identification and solicit between the hours from 9 to 5. Mr. Remy stated that under the Ordinance if a Transient Business License is denied there should be an adequate reason; and it states such reason in the Ordinance.

Roll call for approval of the Transient Business License for Southwestern Advantage was as follows:

Larry Searer *Nay*
Larry Eddinger *Nay*
Matt Moore *Nay*
Bill Wilson *Nay*
Russell Rager *Nay*
James Felmlie *Yea*
Frank Berrier *Yea*

On a motion by Mr. Felmlie and seconded by Mr. Rager, Council by 2-5 vote the motion was defeated.

Council went into an executive session at 7:18 p.m. to discuss personnel and litigation issues.

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Council came out of executive session at 8:52 p.m.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved offering Courtney Terry full-time employment with the Lewistown Police Department.

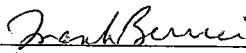
On a motion by Mr. Rager and seconded by Mr. Moore, Council by unanimous vote approved the authorization to sign forms to Action of Equity.

On a motion by Mr. Rager and seconded by Mr. Eddinger, Council by unanimous vote approved ratifying the Vice President of Council action to sign forms in the case of a conflict of interest in regards to the Borough Solicitor and the Tax Collection Committee.

On a motion by Mr. Searer and seconded by Mr. Felmlee, Council by unanimous vote approved the Borough Manager and Council President to meet with Mark Remy for possible litigation against Miffco Tax Service.


On a motion by Mr. Rager and seconded by Mr. Searer, Council by unanimous vote approved appointment of Jim Felmlee as the Borough's representative to the Mifflin-Juniata Association with Frank Berrier as an alternate. Staff will need to send a letter to PSAB and the Association advising them of the appointment.

On a motion by Mr. Moore and seconded by Mr. Searer, Council unanimously voted to adjourn at 9:00 P.M.


~~(Vice)~~ President, Lewistown Borough Council

(Seal)

ATTEST:



(Asst) Borough Secretary