

REGULAR COUNCIL MEETING MINUTES
JULY 11, 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

Jim Smith wanted to commend the staff in charge of care for the Lewistown fountain.

Gloria Runk, Grand Parkway North resident, discussed the sidewalk repairs notice that was sent out due to the Street Paving Project. She felt that the residents should not have to pay for a permit to repair the affected residents' sidewalk and curbs as this is being requested by the Borough. Ms. Runk also felt that the time frame given was not adequate.

Mr. Felmler stated that Borough residents affected by the Street Paving Project need to be aware that if they want to put utilities, such as new gas service, in to their homes that they should do it prior to the streets being paved. The fees for the street occupancy permits are to be looked into by the Law and Ordinance Committee, which was discussed at the prior Council meeting.

Kathy Knarr, 22 Sunset Road, and Toby Fisher, 116 Sunset Road, also stated that the timeframe was not adequate. Mike Reeder, 101 Sunset Road, agreed with Ms. Knarr and Mr. Fisher. Mr. Fink stated that he had spoken to most residents on Sunset Road. He felt that everyone has been kept up-to-date on any current information. Mr. Fink also stated that he would need to inspect the subbase before the concrete is poured to make sure all specifications are being met. Mr. Welham recommended to Council to give the residents until July 1, 2017 to repair the sidewalks and curbs.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved to extend the timeframe for repairing sidewalks and curbs on Grand Parkway North until July 1, 2017.

On a motion by Mr. Rager and seconded by Mr. Moore, Council by unanimous vote approved to extend the timeframe for repairing sidewalks and curbs on Sunset Road until July 1, 2017.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote approved to extend the timeframe for repairing sidewalks and curbs for other residents affected until July 1, 2017.

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Bill Gomes, Mifflin County Planning Office, reviewed the proposed River Walk Plan. Mr. Gomes stated that a feasibility study had been performed. An application was submitted at the end of June 2015. Mifflin County received notice that the grant was awarded last week. The grant would be an eighty-five (85) percent to fifteen (15) percent matching grant. The Borough would need to match approximately \$40,000. Mayor Bargo stated that many younger people look for these types of recreation areas. Mr. Felmlee stated the issue is that the prior Borough Manager sent the letter to Mr. Gomes stating that the Borough would match; however, it was not approved through prior Council. Granville Township has stated that it is not interested in participating with the River Trail at this time. Mr. Felmlee believed that other areas of the Borough should be addressed prior to this project being accepted. Mr. Gomes was operating under good faith that the prior Borough Manager had the support of Council.

Mr. Welham read one of several letters that the prior Borough Manager, Mr. White, sent to Mr. Gomes stating that the Borough would allocate money to this project. Mr. Welham stated that the Borough does have the funds that it could reallocate from the CDBG. Mr. Felmlee stated he had talked to some of the residents, and the residents felt that the streets need to be addressed before other projects. Mr. Gomes stated that if the Borough were to return the money to DCED that it would look unfavorably on the Borough as well as the County. Granville Township was not interested in the River Walk trail due to the financial concerns about maintenance. There is a study that needs to be done to determine who owns the property that the path would sit on. The Lewistown Borough Police would need to patrol the area. Mr. Welham stated from Mr. White's letter that \$25,000 would come from CDBG and another \$17,000 from either CDBG or General Borough funds.

Further discussion was moved to the Law and Ordinance Committee meeting on July 28, 2016.

Roll call was as follows:

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

On a motion by Mr. Searer and seconded by Mr. Moore, Council by 4-3 vote approved tabling approval for the River Trail until the August 8, 2016, Council meeting.

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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 – June 13th, 2016
 - 2. Special Council Meeting – June 20th, 2016
 - 3. Finance Committee Minutes – July 7th, 2016
 - 4. EG Channel Committee Minutes – June 15, 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 Zoning Hearing Board Decision with Jarid Breon
- E. Acknowledge Receipt of DLI Annual Meeting Information from June 15, 2016
- F. Acknowledge Receipt of Letter from Ed Lewis
- G. Acknowledge Receipt of FAME EMS Meeting Minutes from June 8, 2016
- H. Acknowledge Receipt of FAME EMS Financials for years ending 2014/2015
- I. Acknowledge Receipt of Bid from Hawbaker and Fulkroad for Streets Paving Project & awards opened at prior meeting
- J. Acknowledge Receipt of Green Light Go Letter
- K. Acknowledge Receipt of MiffCo Information for May 2016 & Check for 2012 and 2013
- L. Acknowledge Receipt of Mifflin County Historical Society Letter of Appreciation
- M. Acknowledge Receipt of the Municipal Authority Minutes from May 18, 2016
- N. Acknowledge Receipt of PA DEP letter regarding CVS and Intent to Remediate
- O. Acknowledge Receipt of Petition for Relief-Grand Parkway North Residents
- P. Acknowledge Receipt of Letter for Return to Work for WWTP employee
- Q. Acknowledge Receipt of Zoning Hearing Board on July 25, 2016 for Alison/Robert Starr
- R. Acknowledge Receipt of United States Environmental Protection Agency Discharge Monitoring Reports
- S. Acknowledge Receipt of Parking Lot Collections for Various Lots
- T. Acknowledge Receipt of Parking Authority Minutes from May 16, 2016
- U. Acknowledge Receipt of Ticket Information Breakdown
- V. Acknowledge Receipt of Juniata River Trail Feasibility Study

Mr. Moore noted that the EG Channel information for July was passed out due to Mr. Herto being on vacation and a member was unavailable for the meeting.

On a motion by Mr. Rager and seconded by Mr. Moore, Council by 6-1 (Searer) vote to approve the Consent Agenda.

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REGULAR AGENDA

REPORTS

A. Borough Treasurer

Ms. Walter stated that with the current Schedule of Bills, the Borough has refunded a total of \$28,332 out of the \$53,541 budgeted for the rental license fees which represent a total of approximately 53% of total refunds budgetted.

1. Ms. Walter stated that the Borough received a letter from the Tax Claim Bureau to notify the Borough that an offer was placed for 22 Locust Street in the amount of \$200.00. This property was currently placed in the repository for unsold properties, which means that a judicial sale was conducted, and it was unsold at the judicial sale.

On a motion by Mr. Moore and seconded by Mr. Rager, Council by unanimous vote to accept the offer for 22 Locust Street.

2. Ms. Walter stated that the Borough received a list of exonerations from the Board of Assessment Appeals for per capita exonerations. These exonerations represent persons who were double assessed; moved from the county; deceased; students; or were placed in nursing homes. Mr. Berrier wanted Mr. Remy to review the criteria stated in the Ordinance regarding the exonerations, and if these exonerations meet this criteria.

On a motion by Mr. Felmlee and seconded by Mr. Searer, Council by unanimous vote to approve the exonerations contingent upon meeting the criteria.

B. Codes Enforcement Officer

1. Mr. Fink stated that there were a total of one hundred thirty-eight (138) violations. Fifty-six (56) violations were for duties and responsibilities of the owner/occupant, sixty-two (62) were for noncompliance with the property maintenance code, six (6) were for accumulation of refuse, six (6) were for a property unfit for occupancy, two (2) were for work done without a valid permit, and six (6) were multiple violations found. There were fifty-two (52) permits issued. The total revenue for June was \$3,096.82. The estimated improvements for the month of June were \$185,474.50. There were two LOMA letters also received.

Mr. Moore questioned if the Embassy Theatre had any current permits for the work that was being done. Mr. Moore stated that it needs to be checked out to see if the Embassy is doing work without a permit.

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Dave Campbell (33 Chestnut Street Ext.) stated that there is no work being done to his knowledge, and that they were replacing old fixtures that were previously hung in the wall. Mr. Fink stated that he would check the Embassy to confirm that no work is being done without a permit.

C. Fire Chief

1. Chief Barlett reported that for the month of June the fire department has fourteen (14) alarms plus each station had calls in their own area. On July 4, the department responded to a water rescue for a capsized boat in Derry Township. He stated that the department did an excellent job at the rescue.
2. The department also practiced fire safety at Mount Rock Commons. They are also planning on doing additional drills this year. The department organized a fire prevention program at the daycare center located at 3 West Monument Square. City Fire Department has revamped their rescue equipment and replaced old air bags. There is no outstanding amount for this as grant money was used; \$14,900 came out of the state grant for these purchases. The remaining amount came from department fundraisers.
3. Larry Carter, Brooklyn Fire Company, stated that the 990's are done and sent in to the IRS. Four years of 990's needed to be completed. Several people have been replaced. Brooklyn is working on getting their Small Games of Chance license back.

D. Mayor

1. Mayor Bargo had nothing to report; however she did pass out her second quarter of 2016 marriage fee report prior to the meeting.

E. Police Chief

1. Sergeant Sheaffer stated that in the month of June the department responded to 323 calls for service. There was an issue with the gazebo at the library. Officers Roberts and Hardin identified the three individuals. The individual that was noted for causing the damage was arrested. The individual was on probation from another county and was turned over to that county for a violation of his parole. Mr. Welham stated that the gazebo was fixed by the Streets Department. Sergeant Sheaffer stated that he is still looking into the options for having a camera installed for the gazebo. Neal Purcell stated that he would cover the cost of a camera for the gazebo if need be.

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2. Sergeant Sheaffer stated that there was a fight at Rec Park. Officers were able to handle the situation. The people that were involved were told that they were no longer allowed at Rec Park. The National Night Out is set for August 2. Mr. Felmlee stated that he feels that the officers need to have more positive interactions with the community. Sergeant Sheaffer stated that he has discussed this with the officers.
3. Discussion was held on if police vehicle repairs should be done within the Borough. Neal Purcell felt that street sweeper tickets were not being issued for violations. He stated that he has seen a large amount of vehicles without tickets that were parked in restricted parking areas for street sweeping.

F. Board of Recreation

1. Mr. Webb reviewed the Recreation Board minutes. Two pavilion rentals were received. Mr. Moore questioned why the Recreation Board was receiving all the facility use forms. The Recreation Board would like the facility use forms that pertain to the streets and mall areas to go through the Municipal building. The Recreation Board would like the facility use forms that pertain to Rec Park, Victory Park, and Woodlawn to continue going to the Recreation Board.

On a motion by Mr. Moore and seconded by Mr. Felmlee, Council by unanimous vote approved the Board of Recreation minutes.

2. ***On a motion by Mr. Rager and seconded by Mr. Searer, Council by unanimous vote approved the following:***

- **Approval of Facility Use Pavilion Rental for Nathan Mitchell on August 6, 2016**
- **Approval of Facility Use Pavilion Rental for Brianna Kibler on July 16, 2016**

Discussion was held on if the Borough should receive a Certificate of Liability Insurance for the pavilions; and at this time the Borough feels that it is not needed.

G. Additional Facility Use Forms

1. ***On a motion by Mr. Rager and seconded by Mr. Moore, Council by unanimous vote approved the following:***

- **Approval of Facility Use for National Night Out-No fees paid**
- **Approval of Facility Use for Friends of the Embassy on August 5, 2016**
- **Approval of Facility Use for MC Soccer Club for 8-1-16 to 11-30-16 contingent upon payment of fees**

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H. Borough Solicitor

1. *In regards to the CDBG agreement with Mifflin County to administer the CDBG grant, roll call was as follows:*

<i>Larry Searer</i>	<i>Nay</i>
<i>Larry Eddinger</i>	<i>Yea</i>
<i>Mr. Moore</i>	<i>Nay</i>
<i>Bill Wilson</i>	<i>Nay</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. Rager and seconded by Mr. Felmlee, Council by 4-3 vote approved to accept the CDBG agreement with Mifflin County to administer the CDBG grant.

2. Reviewing the Buses Ordinance has been discussed in prior years; however, no action has been taken. The ordinance still states that Grand Parkway and Grand Parkway North are not to have school busses on the road. In 2011, this was discussed at the Law and Ordinance meeting but no action was taken. In 2012 there was discussion of a 90 day trial to allow busses on Fleming Avenue, but Mr. Remy could not locate if any action was ever taken. Mr. Moore stated that he felt a motion was taken; however, it was not written in the minutes. Mayor Bargo stated that the school has a problem in the morning and afternoon with the amount of traffic the busses and vehicles cause on Kishacoquillas Street. Some busses are going on streets that are prohibited by the Borough Ordinance. Mr. Berrier stated that the Borough should notify the school district and busing companies of the streets that busses may not travel per the Borough Ordinance.

It was questioned if the school district had looked into putting a red light in before the new elementary school was built. Mr. Berrier stated that prior to the building; the Borough's engineer studied the intersection and felt that it would warrant a traffic signal. The Borough sent a letter to the school district stating that the Borough supported installing a traffic signal; however, no action was taken by the school district.

3. Mr. Remy stated that the Borough Manager should be the person to decide if a transient business license should be issued after a background check has been completed, not Borough Council. The Borough Manager is to issue the license if there is no pertinent reasons the license should not be issued. The only time the Borough

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Council is to be involved is if the individual applying for a transient business license were to appeal the Manager's decision in which Council could overrule the Borough Manager. Mr. Wilson had questioned the selling of Schwan's products inside the Borough. At this time, Schwan's does not have a transient business license; and Borough staff will contact them and let them know that a license is required. Another topic of discussion was the fees in regards to the transient business licenses and what the Ordinance states versus the Cost and Fee Schedule.

On a motion by Mr. Searer and seconded by Mr. Felmlee, Council by unanimous vote approved sending the fee schedule for transient business licenses to the Law and Ordinance Committee.

On a motion by Mr. Rager and seconded by Mr. Eddinger, Council by unanimous vote approved to rescind the previous motion denying Integrity Construction and Southwestern Advantage's transient business licenses.

4. Mr. Searer criticized the amount of the fines for the proposed change to the ordinance to no longer allow animals into Rec Park. Mr. Searer felt that the fines should be brought up-to-date with other cities. The Council sent this to Law and Ordinance for review.
5. Discussion was held on the proposed Student Parking Ordinance. The ordinance would create a special class of parking for students. The ordinance would also allow the Borough Manager to designate spaces and the fee would be per the Fee and Cost Schedule. Mr. Searer felt that the Borough Council should designate what parking lots are to have these spaces.

On a motion by Mr. Searer and seconded by Mr. Moore, Council by unanimous vote approved to have Mr. Remy modify the proposed amendment and present it at the next Council meeting.

6. Mr. Welham addressed the Council about the proposed change to the ordinance regarding street sweeping. The month's trial of having the street sweeper sweep on Monday morning instead of Saturday morning is completed. It would cost \$210 to change the current signs. The ordinance would need to be changed from Friday night to Sunday night.

On a motion by Mr. Moore and seconded by Mr. Felmlee, Council by unanimous vote approved to advertise the proposed change to the Code of Ordinances, Chapter 233.

Mr. Remy stated that the Borough won an appeal before the Office of Open Records for a citizen seeking records that did not exist regarding the cable franchise.

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I. Borough Manager/Secretary

1. Mr. Welham stated three bids were received to replace the roof on the lean-to and the salt roof at the Warehouse. Both items were in the budget for Fiscal Year 2016. The budgeted amount was \$20,000 and the estimate came in at \$18,000 from Freed Construction.

On a motion by Mr. Searer and seconded by Mr. Moore, Council by unanimous vote approved to accept the bid from Freed Construction in the amount of \$18,000.

2. The ram on the Police Department's computers was upgraded from 16 GB to 64 GB. The cost of the upgrade was approximately \$3,400. The former service company utilized was based out of Altoona. The current company, GME Communications, is based out of Lewistown. The company has all the needed credentials. The Borough of Lewistown Municipal Building currently uses Link for their computers.

On a motion by Mr. Rager and seconded by Mr. Eddinger, Council by 6-1 (Mr. Moore) vote approved to utilize GME Communication as IT support by contract for the Lewistown Police Department.

3. Mr. Welham stated that the first check from the company that is buying the glass from the Borough was \$474.89. Also, the Mifflin County Community Church is now hooked up to the Borough's sewer. The Historical Society wanted to again thank the Borough for the time capsule. Father Weary also wanted to thank the Borough in regards to the Faith Festival and the Borough's involvement.

UNFINISHED BUSINESS

- A. Mr. Berrier stated that he is still dealing with compliance issues with TCC and Miffco. To date in the last three months, Miffco has refunded \$23,500 in overcharges to the various municipalities and the school district.

- B. ***Roll call for Resolution 2016-34 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 Felmler</i>	<i>Yea</i>
<i>Frank Berrier</i>	<i>Yea</i>

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On a motion by Mr. Searer and seconded by Mr. Moore, Council by unanimous vote approved the adoption of Resolution 2016-34, Appointment of Brett Leister to the Board of Recreation.

NEW BUSINESS

A. Mr. Rager, Finance Committee Chairman reviewed the Finance Committee minutes. The cost of running the Community Center and Rec Park Pool were down for the year thanks to some suggestions by the Borough Manager.

1. There have been several problems with the Police Department's 2005 Ford Explorer. The vehicle will no longer pass inspection and needs around \$5,000 in work. The Finance Committee recommends that the Borough advertise to accept bids for this vehicle.

On a motion by Mr. Felmler and seconded by Mr. Eddinger, Council by unanimous vote approved to advertise to accept bids for the 2005 Ford Explorer.

2. Mr. Rager reviewed the proposed contract with EADS for the Arle Grant. The initial amount was for \$6,500. Mr. Welham was able to negotiate the cost down to \$5,000.

On a motion by Mr. Felmler and seconded by Mr. Moore, Council by unanimous vote approved the hire of EADS for the ARLE traffic signal upgrade.

B. Larry Searer, Personnel Committee Member

1. Mr. Searer stated that the interviews for Chief of Police would be on Wednesday and Thursday. Mr. Searer would have an update at the next Council meeting.

C. Larry Searer, Streets Chairman

1. Mr. Welham reviewed the issue with Lion Country Auto. All the debris is still at the location and Fisher Auto has sent a letter to have him remove the debris within twenty-four (24) hours. Mr. Rager stated that at this time there were sixteen (16) vehicles without current inspections. Mr. Welham inquired about reinstalling the no parking signs; however, Mr. Searer felt that the parking does not affect the site line. It was suggested that the Codes Officer go to the site and review if any ordinances are being violated.

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2. Roll call for Resolution 2016-35 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 Felmler</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 2016-35, Handicap Parking Space Removal at 231-233 South Main Street.

Mr. Felmler stated Brooklyn Fire Company had a problem in the past exiting their building when a car was parked in that spot. Mr. Felmler suggested that lines be painted so that this issue doesn't continue. Larry Carter stated that they had tried to get lines painted a few years ago but were told that it wasn't feasible. If the company has an engine in the middle bay, it is unable to make the turn. Mr. Berrier stated that the Streets Department would be sent down to inspect the area to see what could be done.

- 3. *On a motion by Mr. Searer and seconded by Mr. Felmler, Council by unanimous vote approved the application for a handicap parking space for 42 Shaw Avenue.***
- 4. *On a motion by Mr. Searer and seconded by Mr. Felmler, Council by unanimous vote approved the application for a handicap parking space for 355 West Fifth Street.***

Mr. Moore stated that on the minutes from the Council meeting on December 8, 2014, there was a roll call vote to let school buses on to Grand Parkway and Grand Parkway North but the ordinance was never changed. The motion does not discuss Fleming Avenue. Mr. Remy will look into the issue to see if the ordinance needs to be amended.

Council went into an executive session at 7:40 p.m. to discuss legal matters regarding Miffco.

Council came out of executive session at 8:17 p.m.

On a motion by Mr. Moore and seconded by Mr. Searer, Council by unanimous vote approved the agreement between Fame EMS and the police department to administer Naloxone for drug overdoses.

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On a motion by Mr. Searer and seconded by Mr. Eddinger, Council by 6-1 (Mr. Moore) vote approved the Borough to send a claim to Miffco for the money that is owed to the Borough.

Roll call was as follows:

Larry Searer	Yea
Larry Eddinger	Yea
Mr. Moore	Nay
Bill Wilson	Yea
Russell Rager	Yea
James Felmlee	Yea
Frank Berrier	Yea

On a motion by Mr. Felmlee and seconded by Mr. Searer, Council by 6-1 (Mr. Moore) vote approved to instruct a delegate to pursue action against Miffco for May's reports submission.


On a motion by Mr. Moore and seconded by Mr. Rager, Council unanimously voted to adjourn at 8:20 P.M.



(Vice) President, Lewistown Borough Council

(Seal)

ATTEST:



(Asst) Borough Secretary