

AGENDA
CONWAY BOROUGH COUNCIL
Regular Meeting of July 21, 2021

- I. Call to Order, Pledge of Allegiance, Roll Call
- II. Minutes – (Not at this time)
- III. Public Comment (Agenda Items only)
- IV. Committee Reports
 - a. Communications, Public Relations, Grants & Website
 - 1. MuniLink Update
 - b. Finance & Administration
 - 1. Approval of List of Bills – General Fund, Water Deposit Fund and Water & Sewage Fund
 - 2. Covid ARP Funding Update
 - c. Parks and Recreation
 - d. Planning, Zoning & Ordinances
 - 1. Naugle Lot Consolidation Plan Update
 - e. Public Safety
 - f. Public Works
 - 1. Public Works Agreement Negotiation Update
 - 2. 11th Street Water Line
 - 3. Old Pump House Air Valves
 - 4. Sewage Treatment Plant Pump
- V. Mayors Report
 - a. June 2021 Police Report
 - b. Police Regionalization Update
- VI. Engineer's Report
 - a. Conway/Baden Municipal Authority Sanitary Sewage Interconnect Update
- VII. Solicitor's Report
 - a. Vacating 6th Alley and a portion of Dewey Street Update
 - b. Drone Regulations
- VIII. Correspondence
 - a. CEC - PennEnergy Proposed B46 Well Pad (Economy Borough) – Dated 07/09/2021
 - b. Norfolk Southern Railyard Sample Analysis Report – Dated 07/02/2021
 - c. Pool Filling and Billing Procedure

IX. Old Business

- a. Ground Lease with The Church of the Redeemed
- b. Refuse Service Bidding Process Update - (Nothing at this time)
- c. Ground Lease w/Conway Volunteer Fire Department Update
- d. Park Tables/Bench Update
- e. Fire Department Alarm System Update
- f. Curb Line Painting Update
- g. Tree Issue (5th & 11th) Update
- h. Dirt Pile and Equipment (Porter St)

X. New Business

- a. Local Health Officer Resignation as of 12/31/2021
- b. Doug Hansen Resignation as of 07/29/2021
- c. Act 65 of 2021 – Sunshine Agenda Requirement Changes effective 08/30/2021
- d. House Bill 1621 – (Act 50 of 2021) Expansion of 5G Technology Changes effective 08/30/2021

XI. Other Business

XII. Public Comment

XIII. Executive Session

XIV. Adjournment

ACCOUNTS PAYABLE - CHECK REGISTER

CONWAY BOROUGH

Time: 12:47 pm
Date: 07/21/2021
Page: 1

By Check#
Payables **General Checkbook**

Types: C thru C

Dates: **07/08/2021 thru 07/21/2021**

Check#	Date	Description	Name	G Ledger	Recon.Date	Deposits	Charges Ty
26596	07/21/2021	Inv 257243-801 1st Ave 05/26-6	APPROVED TOILET	-420.00	454.247	N	-140.00 C
* 26596	07/21/2021	Inv 257244-900 S Gross St 05/2	APPROVED TOILET	-420.00	454.247	N	-140.00 C
* 26596	07/21/2021	Inv 257245-1600 Gross St 05/26	APPROVED TOILET	-420.00	454.247	N	-140.00 C
26597	07/21/2021	Inv. 2194-PW Tire Rpr Svce-200	CERONE SALES & SERVICE	433.374	N		-25.50 C
26598	07/21/2021	Inv 4089723666	CINTAS	409.140	N		-39.87 C
26599	07/21/2021	Inv1208281-Acct490032 MS4 Rnw1	COMMONWEALTH OF PA CLEAN	436.370	N		-500.00 C
26600	07/21/2021	Inv 1466178-PW Cold Patch 06/2	CRANBERRY SUPPLY CO., INC	430.370	N		-198.00 C
26601	07/21/2021	Inv 1153-Misc Rpr Supplies-801	ECONOMY PLUMBING	-90.56	430.245	N	-58.48 C
* 26601	07/21/2021	Inv 1253-Misc Rpr Supplies-Equ	ECONOMY PLUMBING	-90.56	430.245	N	-4.50 C
* 26601	07/21/2021	Inv 1298-MiscRprSupplies-Catch	ECONOMY PLUMBING	-90.56	430.370	N	-9.50 C
* 26601	07/21/2021	Inv 947-(3) Keys 06/28/2021	ECONOMY PLUMBING	-90.56	430.245	N	-4.50 C
* 26601	07/21/2021	Inv 944-wire 7/1/21	ECONOMY PLUMBING	-90.56	430.245	N	-3.99 C
* 26601	07/21/2021	Inv 999-Misc Rpr Supplies-Blea	ECONOMY PLUMBING	-90.56	454.247	N	-9.59 C
26602	07/21/2021	Inv 21060016-Per Capita Billin	H.A. BERKHEIMER, INC.	403.115	N		-3.03 C
26603	07/21/2021	Inv 71921-Cleaning Service 6/2	KATE HOGELAND	409.140	N		-300.00 C
26604	07/21/2021	Inv 225504-Emp1 Dental/Life/AD	MUNICIPAL EMPLOYERS INSUR	487.150	N		-1,498.40 C
26605	07/21/2021	Inv 43287-MuniLink Asst-RAS 0	MGSOFT-NET	-212.50	407.310	N	-85.00 C
* 26605	07/21/2021	Inv 43324-MuniLink-RAS DataTrn	MGSOFT-NET	-212.50	407.310	N	-42.50 C
* 26605	07/21/2021	Inv 43370-SrvrMaint Boro/Pol	MGSOFT-NET	-212.50	407.310	N	-85.00 C
26606	07/21/2021	Inv 285387-MunRcrdsMgmt Webina	PA STATE ASSOCIATION OF B	405.460	N		-45.00 C
26607	07/21/2021	Inv 3313891459-Postage Meter L	PITNEY BOWES	405.384	N		-233.13 C
26608	07/21/2021	Inv 10586-Accutrak-Enrad Certs	S & D CALIBRATION	410.452	N		-74.00 C
26609	07/21/2021	Policy 05965409-FireWC Ins 8/2	STATE WORKERS INSURANCE F	411.352	N		-4,409.00 C
26610	07/21/2021	Inv 281982-Water Cooler Svce 0	TRI-STATE WATERS	409.220	N		-57.00 C
26611	07/21/2021	Inv EB0000494506-Emp1 Health I	UPMC HEALTH PLAN	487.150	N		-5,812.75 C
26612	07/21/2021	Cust No. 14-0014000-9 Refuse S	VALLEY WASTE SERVICE	427.450	N		-15,127.20 C
26613	07/21/2021	Inv 1608912-Emp1 Vision Ins 08	VISION BENEFITS OF AMERIC	487.150	N		-210.56 C
26614	07/21/2021	Inv 9883051098-Pol Mthly Lapto	VERIZON	410.327	N		-80.02 C
26615	07/21/2021	BSec-2021 PAMA Conference 8/8-	PA ASSOC. OF MUNICIPAL AD	405.460	N		-325.00 C
26616	07/21/2021	Inv74400 13-01-79 Engin Retain	NIRA CONSULTING	-2308.40	400.313	N	-200.00 C
* 26616	07/21/2021	Inv74405 13-196-79 ADA Curb Ra	NIRA CONSULTING	-2308.40	400.313	N	-1,738.80 C
* 26616	07/21/2021	Inv74406 13-199-79 ColGasStOpe	NIRA CONSULTING	-2308.40	400.313	N	-184.80 C
* 26616	07/21/2021	Inv74407 13-199-79 2021 Roadwa	NIRA CONSULTING	-2308.40	430.600	N	-184.80 C

TOTALS: Net: -31969.92

Chks: -31969.92

ACCOUNTS PAYABLE - CHECK REGISTER

CONWAY BOROUGH

Time: 2:26 pm
Date: 07/20/2021
Page: 1

By Check#
Payables General Checkbook

Types: W thru W

Dates: 07/08/2021 thru 07/21/2021

Check#	Date	Description	Name	G Ledger	Recon.Date	Deposits	Charges Ty
07/11/2021	Loan 47575970-Pol Vehicle 07/2	FIRST NATIONAL BANK OF PE	410.336	N		-742.95	W
07/13/2021	8993-0114379-1stUnitBus2 07/01	COMCAST	407.310	N		-227.91	W
07/14/2021	0450750000-1102 3rd 05/18-06	DUQUESNE LIGHT COMPANY	454.361	N		-70.10	W
07/14/2021	2837520000-1208 3rd 05/19-0	DUQUESNE LIGHT COMPANY	409.361	N		-119.78	W
07/16/2021	6856560000-Gratty Park 05/22	DUQUESNE LIGHT COMPANY	454.361	N		-45.73	W
07/21/2021	10192606-2 Boro Building 06/2	COLUMBIA GAS	409.363	N		-57.73	W
07/21/2021	10192606-3 Old Boro Building 0	COLUMBIA GAS	409.362	N		-31.66	W
07/21/2021	13924704-Fire Dept 06/2021	COLUMBIA GAS	411.362	N		-100.27	W
07/21/2021	4907-1&1-Splashtop 07/2021 (30	FNB COMMERCIAL CREDIT CAR	407.310	N		-20.44	W
07/21/2021	4907-PW Misc Tractor Parts (wa	FNB COMMERCIAL CREDIT CAR	454.374	N		-115.05	W
07/21/2021	4907-Pol Staples Connect Maili	FNB COMMERCIAL CREDIT CAR	410.220	N		-46.46	W
07/21/2021	4907-Mayor Toner/Ink (Staples-	FNB COMMERCIAL CREDIT CAR	480.000	N		-125.01	W
07/21/2021	7957-PW Mthly Gasoline Chrgs 0	FNB COMMERCIAL CREDIT CAR	430.231	N		-552.35	W
07/21/2021	7965-Pol Mthly Gasoline Chrgs	FNB COMMERCIAL CREDIT CAR	410.231	N		-255.02	W
07/21/2021	9342-Pol Mthly Gasoline Chrgs	FNB COMMERCIAL CREDIT CAR	410.231	N		-318.48	W
07/21/2021	9359-Pol Mthly Gasoline Chrgs	FNB COMMERCIAL CREDIT CAR	410.231	N		-39.71	W
07/21/2021	9367-Pol Mthly Gasoline Chrgs	FNB COMMERCIAL CREDIT CAR	410.231	N		-391.46	W
07/21/2021	9375-Pol Mthly Gasoline Chrgs	FNB COMMERCIAL CREDIT CAR	410.231	N		-262.32	W
07/21/2021	9383-Pol Mthly Gasoline Chrgs	FNB COMMERCIAL CREDIT CAR	410.231	N		-502.32	W

TOTALS: Net: -4024.75

withdrwl: -4024.75

ACCOUNTS PAYABLE - CHECK REGISTER

CONWAY BOROUGH

Time: 4:35 pm

By Check#

Date: 07/20/2021

Payables **water Deposit Checkbook**

Page: 1

Dates: **07/08/2021 thru 07/21/2021**

Check#	Date	Description	Name	G Ledger	Recon.Date	Deposits	Charges Ty
1437	07/21/2021	Wate Dep Ref-1198 2nd PinkFauc	HERB WRIGHT	495.060	N		-150.00 C

TOTALS: Net: -150.00

Chks: -150.00

ACCOUNTS PAYABLE - CHECK REGISTER

CONWAY BOROUGH

Time: 1:05 pm

By Check#

Date: 07/21/2021

Payables **water & Sewer Checkbook**

Page: 1

Types: C thru C

Dates: **07/08/2021 thru 07/21/2021**

Check#	Date	Description	Name	G Ledger	Recon.Date	Deposits	Charges Ty
14226	07/21/2021	Inv 2102770-S Mthly Sample Tes	CWM ENVIRONMENT	-1296.00	429.450	N	-988.50 C
* 14226	07/21/2021	Inv 2102770-W Mthly Sample Tes	CWM ENVIRONMENT	-1296.00	448.450	N	-307.50 C
14227	07/21/2021	Inv2102832-S Sludge,Effluent,I	CWM ENVIRONMENTAL		429.310	N	-7,837.10 C
14228	07/21/2021	WS-Flow Monitoring Study Site	DRNACH ENVIRONMENTAL, INC		429.452	N	-1,040.00 C
14229	07/21/2021	Inv 1910-WS Sludge Removal (7)	ECONOMY SEPTIC SERVICE LL		429.300	N	-4,200.00 C
14230	07/21/2021	Inv 76035-STP Ref Dumpster 2yd	JOSEPH J. BRUNNER, INC.		429.480	N	-35.00 C
14231	07/21/2021	Inv 659823-Strike Pellets (22)	USABBLUEBOOK		448.246	N	-776.06 C
14232	07/21/2021	Inv74401 13-02-79G Misc Eng Sv	NIRA CONSULTING	-2481.36	448.313	N	-641.20 C
* 14232	07/21/2021	Inv74402 13-02-79S MiscSwr Eng	NIRA CONSULTING	-2481.36	429.313	N	-246.40 C
* 14232	07/21/2021	Inv74403 13-101-79NS NFS PreTr	NIRA CONSULTING	-2481.36	448.313	N	-1,232.00 C
* 14232	07/21/2021	Inv74404 13-112-79 EPAPhseIIST	NIRA CONSULTING	-2481.36	429.313	N	-28.56 C
* 14232	07/21/2021	Inv74408 13-97-79 2021Consumer	NIRA CONSULTING	-2481.36	448.313	N	-333.20 C

TOTALS: Net: -17665.52

Chks: -17665.52

ACCOUNTS PAYABLE - CHECK REGISTER

CONWAY BOROUGH

Time: 3:03 pm

By Check#

Date: 07/19/2021

Payables **water & Sewer Checkbook**

Page: 1

Types: W thru W

Dates: **07/08/2021 thru 07/21/2021**

Check#	Date	Description	Name	G Ledger	Recon.Date	Deposits	Charges Ty
	07/13/2021	0700210000-WS 16th/1st	06/20 DUQUESNE LIGHT COMPANY	448.361	N		-17.86 W
	07/13/2021	4011670000-WS 13th/15th	06/20 DUQUESNE LIGHT COMPANY	448.361	N		-76.15 W
	07/13/2021	4193930000-WS 4th Alley	06/20 DUQUESNE LIGHT COMPANY	448.361	N		-258.90 W
	07/16/2021	0432830000-WS 1500 Hiland	06/2 DUQUESNE LIGHT COMPANY	448.361	N		-24.56 W
	07/16/2021	2924000000-WS Grandview/Foote	0 DUQUESNE LIGHT COMPANY	448.361	N		-152.59 W
	07/21/2021	10192474-WS Gas Svce Pump Stat	COLUMBIA GAS	448.362	N		-31.66 W
	07/21/2021	4051872662-WS Rt 65	05/26-06/ DUQUESNE LIGHT COMPANY	429.361	N		-870.10 W
	07/21/2021	9961-WS Gasoline Purchase	06/2 FNB COMMERCIAL CREDIT CAR	429.231	N		-148.00 W
	07/21/2021	4507745170001-WS BusLandline	7 VERIZON	429.320	N		-60.56 W
	07/21/2021	7504858990001-SewerPlant	5/28- VERIZON	429.320	N		-35.88 W

TOTALS: Net: -1676.26

wthdrwl: -1676.26

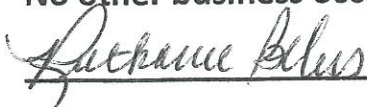
CONWAY BOROUGH
CONWAY PLANNING COMMISSION
801 First Avenue, Conway, Pa. 15027

The above Commission met for a regular meeting on **Tuesday, April 27, 2021** with the following members present: Ruthanne Belus, Bill Callahan, John Gudzan, Chris Then. Council members present were: Patty Then and Kris Hall. Community member: Ed Naugle.

Discussion was made for Albert Sobolosky to purchase additional lots to his business and have portions of Dewey Street and 6th Alley to be vacated. Any costs incurred in the vacating of a small portion of Dewey and 6th Alley is at the expense of Mr. Sobolosky. This includes both advertising and attorney's fees. Motion to approve the vacation of the mentioned streets was made by Chris Then and Seconded by Bill Callahan. Motion unanimously approved.

Discussion was made by Mr. Naugle to have nine previous lots combined into two new parcels so that he may build a house and garage on the combined lots. Revised plans were submitted by his surveyor. **Motion to approve the consolidation of said lots was made by Chris Then, seconded by Bill Callahan.** Discussion was also made to have portions of 6th Alley and a small portion of Dewey Street vacated. Costs of all vacating on the streets for advertising and attorneys fees are the responsibility of the proposed buyer Mr. Naugle. Motion to approve the vacation of these two small areas of the previously mentioned streets was made by Chris Then and seconded by Bill Callahan. **Motions unanimously approved.**

No other business occurred and motion to adjourn was made.

 Sec'y

Ruthanne Belus



Kappe Associates Inc
100 Wormans Mill Court
Frederick, MD 21701
Phone# 301-846-0200
Fax# 301-846-0808

Quote

Date	Rep	Quote#
7/13/21	AS	21071302

Name / Billing Address	Ship To
Borough of Conway 01 First Avenue Conway, PA 15027 Contact Chad McCray Phone 724-869-5550 Fax 724-869-9959	Borough of Conway 1208 3rd Avenue Conway, PA 15027

Model	SO#	Approximate Schedule
SS-4410	61-25100	See Below

Qty	Description	Sell Each	Total
1	Lead Time 16-18 Weeks Direct Replacement for the above Chicago Submersible pump with another Chicago model SS-4410.	42,120.00	42,120.00
1	Lead Time 10-12 Weeks Parts and Labor to supply and install an replacement Keen Base Elbow with a Keen Pump Model K4VB. To install the new Keen equipment the Borough of Conway would be responsible for pumping all the water out of the pump station and diverting the flow while we install the new elbow at the bottom of the pit.	16,950.00	16,950.00

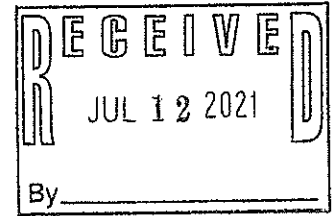
right is prepaid and added to invoice as a seperate line item.
 eturned parts are subject to a 35% restocking charge.
 rices do not include tax.
 erms net 30 days upon approved credit.
 uote good for 30 days.

Thank you for giving Kappe Associates the opportunity to quote on above items.

*****Do not pay, this is not an invoice.*****

July 9, 2021

Conway Borough
Attention: Margie Nelko
801 First Avenue
Conway, PA 15027



Subject: Adjacent Municipal Notification
PennEnergy Resources, LLC
PER B46 Well Pad
Economy Borough, Beaver County, Pennsylvania
CEC Project 171-967

This notice, under the requirements of the 2012 Oil and Gas Act is to inform you that PennEnergy Resources, LLC is applying for coverage for a Permit to Drill and Operate an Unconventional Well from the Pennsylvania Department of Environmental Protection (DEP) for four (4) gas wells. All adjacent municipalities must be notified of the permit application.

Applicant Contact: Richard Watson
PennEnergy Resources, LLC
1000 Commerce Drive
Park Place One, Suite 400
Pittsburgh, PA 15275
Phone: (412) 935-5027

Project Location: The proposed wells (1H, 2H, 5H, & 6H) will be drilled on an existing well pad that is located off of Ridge Road Ext. in Economy Borough, Beaver County. A copy of the Well Location Plats is enclosed.

If you wish to submit comments to the DEP, you must respond within 15 days to the Department of Environmental Protection, Office of Oil and Gas Management, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. If you do not submit comments by the end of the comment period, the DEP will assume that there are no substantive conflicts and proceed with the normal application review process.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

A handwritten signature in cursive script, appearing to read "Kelly Kusevich".

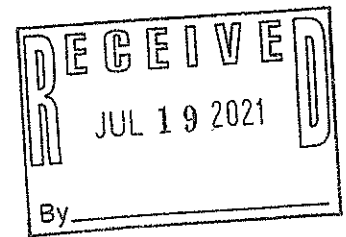
Kelly Kusevich, E.I.T.
Assistant Project Manager

A handwritten signature in cursive script, appearing to read "Vincent J. Scicchitano".

Vincent J. Scicchitano, P.E.
Project Manager

Enclosures

171-967-L-Drill Permit Municipal Notification-Conway Borough-7.9.21



Norfolk Southern Corporation

1100 1st Avenue

Conway, PA 15027

Phone (412) 445-4456

Christopher.Hunsicker@NS.com

Christopher Hunsicker

Regional Mgr - Environmental Operations

July 2, 2021

Ms. Margie Nelko

Borough of Conway

801 First Avenue,

Conway, PA 15027

Re: Conway Railyard Sample Analysis Report
Norfolk Southern Railway Company, Conway, Pennsylvania

Dear Ms. Nelko:

In accordance with §6.8 of the Borough of Conway's pretreatment ordinances, enclosed is the sampling data collected from the Conway Yard on June 10, 2021, collected in accordance with the wastewater permit issued by the Borough of Conway.

If you should have any questions regarding this information, please contact me at 412-445-4456.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "CH".

Christopher Hunsicker
Regional Manager - Environmental Operations

Attachments

(724-417-1347)

FIRE DEPARTMENT POOL WATER REPORT

ADDRESS 1325 3rd Avenue

OWNER NAME Arthur Clear

DATE FILLED 6/15/2021 TIME _____

POOL SIZE: 12 ft R by 30 in high W; 12 ft L; 12 ft D 30"

APPROXIMATE DEPTH FILLED: 28 inches (1,718 gallons)

FIRE DEPARTMENT MEMBER NA

PLEASE FILL OUT THIS FORM COMPLETELY AND RETURN IT TO
THE CONWAY BOROUGH SECRETARY'S OFFICE,
801 FIRST AVENUE, FOR EACH POOL THAT THE FIRE
DEPARTMENT FILLS FROM A FIRE HYDRANT.

KVL

Arthur Clear filled his 12 ft round,
30 in. tall inflatable pool on June
15th, 2021 without notifying the borough.
He called today to ask if his bill
could be adjusted to reflect pool
filling rates (1,718 gal. pool, 28 inches
filled.)
Thank You, Kate

Nicholas Sheleheda
91 Valleyview Dr
Ambridge, PA 15003
724-624-0903

July 5, 2021

Dear Honorable Council Members & Mayor:

I wish to express my gratitude for the opportunity that you entrusted me with as Conway's Local Health Officer. It has been my pleasure to work for Conway for the past few years. I am so grateful that I was able to still hold this position and perform my duties as Conway's Local Health Officer after my heart attack and stroke in 2017.

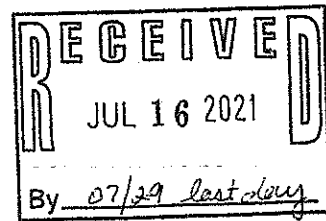
After man months of thinking and praying over this, I have decided to retire from this position as of December 31, 2021. I will continue to do whatever is necessary in the way of complaints or additional inspections until then.

You will be contacted by my supervisor from the Department of Agriculture in the next few months to talk about my suggestions as a replacement.

As always, I remain,
Sincerely yours,

A handwritten signature in black ink that reads "Nicholas M. Sheleheda LHO". The signature is written in a cursive style with a large, stylized 'N' and 'S'.

Nicholas M. Sheleheda
Local Health Officer



Friday 7-16-21

I, Douglas Hansen, am currently formally putting in my 2 week notice to the boro of Conway. I have accepted a full time position with another employer. Thank you for the past 6 years. It was a great experience.

Sincerely,

Douglas Hansen
Douglas Hansen

Margie Nelko

From: PA State Association of Boroughs <rgrutza@boroughs.org>
Sent: Tuesday, July 13, 2021 8:40 AM
To: mnelko@conwaypa.org
Subject: Laws Affecting Local Governments Become Effective on Aug. 30, 2021



Laws Affecting Local Governments Become Effective on Aug. 30, 2021

The PA State Association of Boroughs (PSAB) has a membership update on two important pieces of legislation that were signed into law and become effective on Aug. 30, 2021.

Sunshine Act Agenda Requirements

Act 65 of 2021 amends the Sunshine Act to require political subdivisions to make available in advance to the public the proposed agenda for any governmental meeting. The law is effective on Aug. 30, 2021.

It amends Section 709 of the Sunshine Act (relating to the giving of public notice) to require every political subdivision to do all of the following:

- Post the meeting agenda on the political subdivision's website at least 24 hours prior to a meeting, and the agenda must include a list of each matter that may be considered at the meeting. *This only applies if the municipality has a "publicly accessible internet website" and does not mandate a borough create one.*
- Physically post the agenda at the meeting location as well as at the principal office of the political subdivision; and
- Distribute copies of the agenda to all members of the public in attendance
- These new rules would not apply for conference, work, or executive sessions.

PSAB worked with other municipal associations to successfully amend the intent of the original bill which would have imposed unreasonable unfunded mandates on our membership. PSAB believes the final version of the bill is exceedingly improved compared to the original version.

[Click here](#) to read an article from the August *Borough News* magazine.

Expansion of 5G Technology

Gov. Tom Wolf signed **House Bill 1621** into law as **Act 50 of 2021** which creates the Small Wireless Facilities Deployment Act. It establishes standards for deploying small cell infrastructure while preserving local authority over rights-of-way.

Due to the strong opposition of borough officials, PSAB opposed prior bills due to provisions which would preempt local authority. However, PSAB and other local government associations were able to negotiate a plan which is much closer to the FCC Order with more protections for municipalities.

In accordance with the FCC's 2018 Small Cell Order, municipalities would have the right to charge an annual right-to-way management fee not to exceed \$270 per small wireless facility. Municipalities would have the ability to make their case for higher fees. This would be accomplished by demonstrating that the higher fee is a reasonable approximation of costs to manage the right-of-way and that the fee is reasonable and non-discriminatory.

Under the legislation, small cell wireless facilities would be a permitted use in all areas except underground districts and would be reviewed by municipal staff in accordance with applicable codes. The definition of applicable codes in the legislation would include local zoning, land use, streets and sidewalks, rights-of-way and permitting ordinances.

Wireless providers would have the right to either collocate small cell facilities on existing poles; replace an existing utility pole with added small cell infrastructure; or install a new utility pole with added small cell infrastructure.

Municipalities will have the option to deny a permit if it creates a hazard for motorists or pedestrians, or it violates provisions within the Americans with Disabilities Act. Local governments can also create guidelines for the small wireless facilities if it does not prohibit installation.

The law is effective on Aug. 30, 2021 which means municipalities have until Oct. 29, 2021 to enact or amend their ordinances to comply with Act 50. If municipalities do not amend or enact a new ordinance, wireless providers can use the provisions put forth in Act 50.

Questions? Contact Ed Troxell, PSAB Director of Government Affairs, at etroxell@boroughs.org or Ron Grutza, PSAB Senior Directory of Regulatory Affairs & Assistant Director of Government Affairs, at rgrutza@boroughs.org.

PA State Association of Boroughs | 2941 North Front Street, Harrisburg, PA 17110

[Unsubscribe mnelko@conwaypa.org](mailto:mnelko@conwaypa.org)

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Sent by rgrutza@boroughs.org powered by

