

BOROUGH OF CONWAY COUNCIL
REGULAR MEETING MINUTES
Council Chambers, 801 First Avenue, Conway, Pennsylvania
May 15, 2024

MEETING was called to order at 7:01 p.m. with Mr. Scott Levenson presiding. The following members of Council and officials of the Borough were present: Mr. Scott Levenson, Mr. John Antoline, Mr. Joe Bohach, Mrs. Jocelyn Hertneky, Mr. Mark Hertneky, Mrs. Patty Then, Borough Secretary Margie Nelko, representing the Borough Solicitor Mr. Richard Monti and Borough Engineer Emile Ketterer

ABSENT: Mr. Tim Antoline, Mayor Debbie Rose

PLEDGE OF ALLEGIANCE

RECOGNITION OF VISITORS:

Dan Byrne of 1201 15th Street

PUBLIC COMMENT (Agenda Items-5 Minute Limit): None

MINUTES of the Regular Meeting held on January 17, 2024, were presented to Council. **After some review, the motion of Mrs. Then, seconded by Mrs. Hertneky to approve the Regular Meeting Minutes of January 17, 2024, as presented was unanimously carried.**

MINUTES of the Workshop Meeting held on February 07, 2024, were presented to Council. **After some review, the motion of Mrs. Then, seconded by Mrs. Hertneky to approve the Workshop Meeting Minutes of February 07, 2024, as presented was unanimously carried.**

MAINTENANCE SUPERVISOR'S REPORT: The Public Works Supervisor was not in attendance. This report was ordered received and filed.

There was discussion regarding the ballfield sewer line/sink hole being replaced and/or repaired. An update regarding the playground drain was also discussed.

FIRE CHIEF'S REPORT: The Fire Chief was in attendance. This report was ordered received and filed.

There was discussion regarding a boot collection for funding. The Fire Chief stated that this is no longer done.

EMA COORDINATOR'S REPORT: No Report.

2024 PA Municipal Clerk Honor Roll – Nelson, A.: Council officially congratulated Ms. Nelson on receiving the 2024 PA Municipal Clerk Honor Roll Award. Ms. Nelson has done a phenomenal job bringing the Water/Sewer Billing and Refuse Billing up to date.

FINANCE & ADMINISTRATION COMMITTEE REPORT: Mrs. Then, Chairperson of the Finance & Administration Committee, presented Council with updates regarding the following issue(s).

1. **2019 Police Pension MMO Overpayment Reimbursement** – The Borough Secretary reviewed the background of an overpayment to the Police Pension MMO as per the January 1, 2028 to December 31, 2021 Audit. The previous secretary included two (2) officers on the MMO that should not have been added which resulted in an overpayment to the Borough. The reimbursement payment of \$14,146.00 includes interest until May 17, 2024. This payment is included on the List of Bills for approval.

2. List of Bills - A list of expenditures for the time period of April 18, 2024, through May 15, 2024, in the amount of \$83,289.30 from the General Fund, expenditures in the amount of \$4,052.45 from the Liquid Fuels Fund and expenditures in the amount of \$66,060.49 from the Water & Sewer Fund were presented to Council for review. **After some review, the motion of Mrs. Then, seconded by Mr. Hertneky to approve the List of Bills as presented was unanimously carried.**
3. Budget Reports – These reports were ordered received and filed.
4. Treasurer Report – This report was ordered received and filed.
5. 6 Month CD Rates – The Borough Secretary stated that the current 6 Month CD with First National Bank will mature on May 22, 2024. **After some review and discussion, the motion of Mrs. Then, seconded by Mrs. Hertneky to approve reinvesting the maturing amount for another six (6) months at a rate of 4.75% was unanimously carried.**
6. CVFD Rehab Diesel Fuel – There was discussion regarding a diesel fuel request for the CVFD Rehab Truck. In the past, when the rehab response system was presented to Council, it was agreed that the Borough would not have anything to do with the truck(s), any required equipment and would not be liable for any expenses incurred. **After some review, the motion of Mr. Bohach, seconded by Mr. J. Antoline to pay fuel receipts until the fuel budgeted amount is depleted was made.** A roll call vote was taken of the members of Council present. **The motion passed after receiving five (5) affirmative votes and one (1) negative vote of all members of Council present.** Mr. T. Antoline was not in attendance.

Mr. J. Antoline – Yes Mr. Bohach – Yes Mrs. Hertneky – Yes
 Mr. Hertneky – Yes Mr. Levenson – Yes Mrs. Then – No

There was discussion regarding the need to draft a document that outlines what is paid by the Borough, what is paid by the CVFD and a spreadsheet of 2024 gas purchases over the budget would be submitted for the 2025 Budget.

There was discussion regarding how a fire tax is established and how it works for both the Borough and the fire department. The Borough Solicitor stated that the issue regarding ownership of the trucks needs to be researched.

COMMUNITY DEVELOPMENT COMMITTEE REPORT: Mrs. Hertneky, Chairperson of the Community Development Committee, presented Council with updates regarding the following issue(s).

1. Rental Ordinance No. 569 – An Ordinance regulating residential rental unit occupancy and providing inspections and penalties for noncompliance was presented to Council for review. The Borough Secretary verified that Ordinance No. 569 was adequately advertised under the Borough Code. **After some review and discussion, a motion of Mrs. Hertneky, seconded by Mrs. Then to adopt Ordinance No. 569 was unanimously carried.**
2. Fee Schedule Resolution No. 2024-04 - A Resolution adopting a schedule of rental registration and inspection fees was presented to Council for review. **After some review and discussion, a motion of Mrs. Hertneky, seconded by Mrs. Then to adopt Resolution No. 2024-04 was unanimously carried.**
3. Comcast Franchise Agreement Renewal – The Borough Secretary presented Council with an overview of the submitted franchise agreement renewal from Comcast. There was discussion regarding the percentage difference between what is being offered to what other municipalities are receiving and the updates needed to the last page. **It was the consensus of Council to reply to Comcast with request for 5% interest and free internet for the building.**
4. Refuse Service Bid Preparations – The Borough Secretary discussed the expiration of the current agreement and information that was received from a meeting with Waste Management that will be helpful. The Borough Secretary requested a member of Council to review the proposed draft of the bid specs.

5. Information on Infrastructure Informational and RCAP Solution, Inc. Meetings – Mrs. Hertneky presented Council with an overview of the meetings she attended.

There was some discussion regarding a grant writer who would find grants, gather the information, filing and lobbying of the grant(s) for the Borough.

PARKS & RECREATION COMMITTEE REPORT: Mrs. Hertneky, a member of Parks & Recreation Committee, presented Council with an update regarding the following issue(s).

1. Penn State Extension and Tree Replacement (Various Locations) Discussion – The sweet gum trees were removed from the ballfield area due to their invasiveness, the messy prickly balls and numerous complaints received. A meeting with the PA Conservation Department has been scheduled for May 17, 2024, to help with picking the right replacement trees and grant opportunities for planting trees throughout the Borough. Mr. J. Antoline expressed his displeasure on removing healthy trees when the mess could have been cleaned up, and that it was another bad decision on Council's part. There was discussion regarding mulch being put in the parks and the cost of mats for under the swings at the parks. **After some disagreements, a motion was made by Mr. Bohach to adjourn the meeting. The motion failed due to the lack of a second.** It was requested that the minutes note that Mr. J. Antoline approved new trees throughout the Borough.

Mr. Bohach inquired if it was permissible for an organization to donate funding for a new slide at Gratty Park. It was determined that it is permissible subject to the organization not expecting anything in return.

PUBLIC SAFETY & CODE ENFORCEMENT COMMITTEE REPORT: Mr. J. Antoline, Chairperson of the Public Works Committee, presented Council with updates regarding the following issue(s).

1. Engine 492 Repairs – A service invoice to address the check engine light, one gallon of antifreeze and diagnostics of antifreeze and transmission fluid cross contamination was presented to Council for review. It was noted that Engine 491 will be inspected at the end of May and Engine 492 will be inspected in August.
2. CVFD Storage Containers – As requested at the April 17, 2024, meeting, a sketch of the proposed location for the storage containers was presented to Council for review. The Borough Secretary reviewed information received from the Code Enforcement Department for an R1 Zoning District. There are too many caveats with the codes and a Zoning Application would be needed to consider an approval. Using the containers for smoke training purposes will result in more restrictions and/or requirements. There was some discussion on this type of training being available at other locations. There was discussion regarding the CVFD Burning Training in a residential area and the Burning Ordinance was reviewed. The Fire Chief withdrew the request for the storage containers.
3. Property Maintenance and High Grass Discussion – There was discussion regarding this topic coming up every year, past practices and that each property should be managed the same way unless there is a good reason. The Borough Secretary reviewed the process for complaint forms, violation letters and the lien of property(s) regardless of whether the work is done in house or by a 3rd party contractor.

PUBLIC WORKS COMMITTEE REPORT: Mr. Hertneky, Chairperson of the Public Works Committee, presented Council with updates regarding the following issue(s).

1. Public Works Office Space Quotes (Gym Kitchen) – Quotes were received from Conserve Communications & Electronics, Inc. and MGSoftnet totaling \$845.80 to install internet connectivity in the old gym kitchen for the purpose of possibly moving the Public Works Offices to this location.
2. Public Works Shirt Discussion – Mrs. Then reviewed the color options and pricing for work shirts for the Public Works Department. **After some review and discussion, the motion of Mrs. Then, seconded by**

Mrs. Hertneky to approve purchasing five (5) shirts, one (1) hoodie for each of the three (3) labor employees subject to their approval and agreement to wear as part of their mandated uniform was unanimously carried. Employees are permitted to purchase additional shirts at their own expense.

3. **Public Works Laborer obtaining a Sewer Certificate Discussion** – There was some discussion regarding the possibility of having a Public Works employee obtain a Sewer Certificate. The Borough Engineer explained that a certification is not required to cover duties for the Sewer Plant Operator. A Sewer Collection System Certification would permit the employee to conduct normal business with the exception of making decisions on chemical balances changes, etc.

The Fire Chief inquired about the request to level out dirt at the fire department. A work order has been submitted and it has been placed on the schedule to be completed when there is time. There was discussion regarding the dirt being on site before the availability to level it and the reasons why the dirt should not be sitting there waiting.

Mr. J. Antoline presented Council with information he received regarding the Sewer Plant Operator stating he was receiving push-back for requesting help with dangerous work at the plant. There was discussion regarding this matter being discussed at the previous meeting, and that he was instructed to reach out the Public Works Chairperson when he needed help. The previous request was for four (4) days of help and the help including mowing grass. It was explained, again, that these situations would be managed on a case-by-case basis and that it could not interfere with the Public Works schedule unless it is a critical need.

Mr. J. Antoline expressed concerns regarding whether the process of work being done has changed. The resident at 920 3rd Avenue and their contractor had reached out to Mr. J. Antoline regarding work performed for the Borough and no payment has been made. There was discussion regarding the steps taken at the time of the agreement to do the work, which was deemed an emergency, so no quote was given and that the invoiced amount was questioned. The Borough Secretary reviewed her conversation with the contractor's billing department regarding the invoice received and the counter invoice that was mailed for these services.

Mr. J. Antoline abruptly left the meeting at this time. (8:37 p.m.) There was no indication of leaving the meeting made by Mr. J. Antoline.

After Mr. J. Antoline's departure, the Borough Engineer reviewed the Borough's responsibility with this type of sewer line repairs.

SEWER PROJECT MANAGEMENT COMMITTEE REPORT – Council was provided updates regarding the following issue(s).

1. **Sewer Plant Operator Vacation Coverage** – There was discussion on an email dated May 10, 2024, regarding the items that need completed while the Sewer Plant Operator is on vacation. There are two (2) options for this, one is to have our employee cover the duties or the second is to authorize the 3rd party company we use for other sewer services to cover the dates. **After some review, it was the consensus to have our employee cover the Sewer Plant Operator's vacation and perform the duties outlined in the email received.**
2. **Conway-Baden Municipal Authority Sanitary Interconnect** – No update at this time.

There was some discussion regarding information received during the RCAP Meeting about possible fees for running the sewage line(s) from Norfolk Southern. It was determined that there are always charges/fees. There is already an agreement on this matter in place.

MAYOR'S REPORT: No Report.

BVRPD REPORTS: Mr. Levenson, Chairperson of the BVRPD, presented Council with an update regarding the Chief of Police being out with an injury and that the BVRPD is acquiring a K9 Unit.

ENGINEER'S REPORT:

1. 11th Street Waterline Replacement Update – An update was presented to Council regarding the connections, moving over of service and the need to set up a time frame with the Public Works Supervisor to shut off the water for connections. There was discussion regarding the need for the contractor's employees to pick up their trash, to keep the actions and volume of their arguments to a minimum.
2. 5th Avenue Drainage ARLE Grant – The scoping form was submitted at the end of April 2024. Once the cash results are received, it will be included in the next submission step. The work proposed is for two (2) catch basins on 5th Avenue to connect to 11th Street.

The Borough Engineer stated that the 10th Street and 3rd Avenue Waterline Replacement Project will be going out for bids.

There was some discussion regarding a GIS Mapping App. The Borough Engineer stated that they have a program for this and that a quote for access costs will be forwarded to Council for review.

SOLICITOR'S REPORT: The Borough Solicitor presented Council with updates regarding the following issue(s):

1. New Overtime Rules and Pay Thresholds – On July 1, 2024, any executive, administrative, or professional employee making less than \$43,888.00 annually, or \$844.00 per week, must be paid overtime for all work done in excess of forty (40) hours per week. On January 1, 2025, that threshold will rise to \$58,656.00 or \$1,128.00 per week.

CORRESPONDENCE:

1. 11th Street Fire Hydrant Email (Patrick, A.-Dated 04/23/2024 – The email received was formally requesting permission to acquire the old fire hydrant that is being replaced during the waterline repairs. It was determined that the fire hydrant is part of the contract with the company performing the work.
2. Sidewalk Replacement Request-308 11th Street (Hatton, W.)-Dated 05/06/2024 – An email was received regarding the background of damage(s) to the sidewalk at this location and requested consideration of repairing this sidewalk while the 11th Street Waterline Project is being done. It was determined that sidewalks are the owner's responsibility with the exception of damages being a result of a 3rd party contractor of the Borough. The Borough Secretary was asked to respond to Mr. Hatton.
3. 2024 Conway Community Day Yard Sale – The community yard sale is scheduled for June 22, 2024, from 8 a.m. to 1 p.m.
4. Harshman CE Group, LLC – Monthly Report - This document was ordered received and filed.
5. Norfolk Southern Railyard Co. Sample Analysis Report-Dated 05/07/2024 – This document was ordered received and filed.

OLD BUSINESS:

1. Road Paving Plan List – The list of roads was reviewed and discussed by Council. There was discussion regarding Columbia Gas proposing more gas line work in the near future which may help with paving work that needs done. The Borough Engineer will reach out to the contractor performing the waterline repairs for consideration of extending their contract to include road paving for 2024.
2. Crows Run Traffic Light billing matter with Duquesne Light – There was discussion regarding a virtual meeting on May 24, 2024, with Duquesne Light, PennDOT Representatives and Representative Matzie's

office. The Borough Secretary reviewed the most recent offer from Duquesne Light for the back usage charges. A new account was set up with Duquesne Light to pay for current usage charges only at this time.

3. Replace EMA Coordinator – This matter is still being worked on and should be done by June 2024.
4. Conway Water System Consolidation – The Beaver Falls Municipal Authority’s Engineer reached out with more questions and would like to set up a meeting for further discussions.
5. 11th Street Waterline Replacement Loan Discussion – No update at this time.

NEW BUSINESS:

1. MRM Worker’ Comp Medical Panel (Revision 04/26/2024) – The Borough Secretary reviewed the amendments to the workers’ compensation medical panel list. **After some discussion, the motion of Mrs. Hertneky, seconded by Mr. Hertneky to approve the amended MRM Workers’ Comp Medical Panel was unanimously carried.**
2. Columbia Gas Distribution Pipeline Replacement Permit-Map(s) – There was some discussion regarding the Municipal Notification of Planned Land Development for Chapter 102 Permits received from DEP and the proposed map(s) received from Columbia Gas for pipeline replacement(s).

OTHER BUSINESS: None

PUBLIC COMMENT:

There was some review of where/when a resident could discuss items with Council that are not on the agenda.

There being no further business, the motion of Mr. Hertneky, seconded by Mrs. Then to adjourn the meeting at 9:34 p.m. was unanimously carried.

Margie L. Nelko
Borough Secretary

Scott Levenson
President of Council

Motion(s) made and/or Council consensus decision(s):

1. Approve Minutes of January 17, 2024 and February 07, 2024
2. Approve the List of Bills
3. Approval to reinvest a maturing CD for another 6 Months
4. Motion to pay CVFD Fuel Receipts until the 2024 Budget is depleted (included a roll call vote)
5. Adopt Ordinance No. 569
6. Adopt Resolution No. 2024-04
7. Consensus to reply to Comcast regarding the Franchise Renewal Requests
8. Motion to Adjourn Meeting – Failed due to lack of second
9. Approve the purchase of Borough shirts/hoodies for laborers
10. Consensus for our employee to cover plant duties
11. Approval of the Revised MRM Workers’ Comp Medical Panel